

UPR

English

Reports

2011



Human Rights Education Institute of Burma
G.P.O Box 485, Chiang Mai 50000, Thailand.

© 2011

Content

Introduction	3
Burma Forum on Universal Periodic Review (BF—UPR)	5
National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1*	17
Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1	39
Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1	55
Report of the Working Group on the Universal Periodic Review - March	69
Report of the Working Group on the Universal Periodic Review - May	95
Oral Statement Delivered by Mr. Aung Myo Min on Behalf of Asian Forum for Human Rights and Development (FORUM-ASIA) at UPR Plenary on Burma	98
News	99



Stakeholders Engagement with the Universal Periodic Review

The Burma Forum on UPR

October 2009-December 2011

The Human Rights Council is the primary body within the United Nations system to address human rights. The Council was established on 15 March 2006 and is made up of 47 states, each elected by the General Assembly to serve a four year term. On 18 June 2007, the Council adopted an ‘institution building package’ which included a new mechanism for reviewing the human rights obligations and commitments of all UN member states every four years—this new mechanism is the Universal Periodic Review (UPR). The UPR is a unique process in which a variety of stakeholders, including the state under review, international agencies and national civil society organizations have the opportunity to submit information about the human rights situation in a given country. Since all UN member states are reviewed, the UPR ensures an equal playing field. Nongovernmental organizations are integral to the process and are invited to submit individual and joint reports to the Office of the High Commissioner for Human Rights; these reports are summarized and compiled into a single stakeholder report. NGOs can also attend the UPR Working Group sessions and can make statements at the regular session of the Human Rights Council when the outcome of the state review is considered.

The Human Rights Education Institute of Burma (HREIB) is a nongovernmental organization that facilitates a broad range of human rights training and advocacy programs for grassroots organizations and community leaders. HREIB initiated this project to raise awareness about the UPR process with civil society groups from Burma and to coordinate advocacy efforts with those groups to ensure the government of Burma fulfils its human rights obligations.

In collaboration with the Asian Forum for Human Rights and Development (Forum Asia), HREIB organized a National Consultation Workshop on the UPR with representatives from 13 civil society organizations. During this workshop participants established the Burma Forum on the Universal Period Review (BF – UPR). The BF-UPR decided to submit a joint stakeholders’ report to the Office of the High Commissioner for Human Rights.

The BF-UPR stakeholder submission emphasized nine critical human rights issues identified by member organizations and included first-hand accounts of human rights violations related to each of these issues. Fourteen recommendations and concerns from the BF-UPR joint submission were included in the OHCHR compilation report.

After the BF-UPR completed its joint submission the group identified an advocacy team to facilitate a series of closed-door diplomatic briefings in Bangkok, New York and Geneva. The BF-UPR also sent a delegation to Geneva to attend Burma’s review on 21 January 2011. Simultaneously, HREIB hosted web-cast screenings of Burma’s UPR in three locations along the Thai-Burma border and the India-Burma border. All those who attended the screenings discussed the UPR process. In June 2011 the delegation returned to Geneva and HREIB’s director delivered an oral statement before the adoption of the Human Rights Council’s outcome document for Burma.

The Government of Burma rejected 70 recommendations made by UN member states and accepted 64. Despite the fact that the Government of Burma rejected most of the recommendations, it is important that many Human Rights Council members raised key concerns shared by the BF-UPR.

The BF-UPR would like to express its appreciation to all of those individuals and organizations who contributed to the stakeholders’ report. The BF-UPR is especially grateful for those who risked their lives to document human rights violations in Burma. The BF-UPR would also like to thank the members of the drafting team, the editing team and the advocacy team for sharing their time, thoughtful suggestions and experience—without their contributions this project would not have been possible.

This report represents the culmination of a lot of hard work and collaboration, but also marks the beginning of a new phase of the BF-UPR project. Members of the forum will monitor the implementation of the recommendations made by the members of the Human Rights Council. We will continue to engage with each of the UN human rights bodies and utilize all available mechanisms to end human rights violations in Burma.

With gratitude,

The BF-UPR
Dec 10, 2011



**10th Session of the Universal Periodic Review Working Group of the
UN Human Rights Council - Burma/Myanmar
(24 January - 4 February 2011)**

Joint Submission

**Burma Forum on Universal Periodic Review
(BF-UPR)**

5 July 2010

Burma Forum on Universal Periodic Review (BF-UPR)

Assistance Association for Political Prisoners Burma (AAPP-B), Arakan Rivers Network (ARN), Burma Fund UN Office, Burma Lawyers' Council (BLC), Chin Human Rights Organization (CHRO), Emergency Act Team vs Backpack Health Worker Team, Federation of Trade Unions Burma (FTUB), Foundation for Education and Development (FED), Human Rights Education Institute of Burma (HREIB), Human Rights Foundation of Mon Land (HURFOM), Kachin Women's Organization Thailand (KWAT), Kaladan Press (Bangladesh), Shwe Gas Movement, Women and Child Rights Project (WCRP)



Executive Summary

Burma's human rights record is characterized by a pervasive culture of impunity, enabling the State Peace and Development Council (SPDC) to violate a host of civil, political, economic, social and cultural rights. After nearly 50 years of successive military rule, there is a lack of adherence to human rights principles and a lack of rule of law and judicial independence, which has led to the creation of policies and measures by State authorities that are at complete odds with international human rights standards. There are no statutory or constitutional bodies to promote and protect human rights. Formal and informal human rights education is strictly repressed. Independent civil society organizations (CSOs) who promote human rights and document rights abuses inside the country are harassed by the State, and individuals subject to arrest. As a result, hundreds of CSOs are operating in exile, implementing training programs, publishing reports, and lobbying the international community and media, while working alongside those who are inside Burma.

In light of the transition from the UN Commission on Human Rights to the UN Human Rights Council, Burma's CSOs identified new ways to engage with UN human rights mechanisms. The Universal Periodic Review (UPR) is one such way. The UPR process presents a unique opportunity for CSOs to work together to highlight the full picture of Burma's human rights record. For this reason, the Human Rights Education Institute of Burma (HREIB) and partner organizations initiated a process, beginning in October 2009, to facilitate the efforts of the CSOs working on human rights issues in Burma, and raised awareness about the UPR amongst its networks. The Burma Forum on Universal Periodic Review (BF-UPR) was formed at the training and consultation workshop in Chiang Mai in April 2010, and this joint submission is an outcome of these efforts.

In this submission, BF-UPR provides information for Section C as stipulated in the General Guidelines for the Preparation of Information under the Universal Periodic Review. Drawing on research from its member organizations, BF-UPR's submission highlights concerns regarding Burma's compliance with its international human rights obligations in the following areas: crimes against humanity; administration of justice, impunity and the rule of law; freedom of expression and assembly, prisoners of conscience and political rights; housing, land and property rights and development; poverty and access to humanitarian services; the rights of ethnic and religious minorities and indigenous peoples; human trafficking; and labour rights.

(a) Crimes against humanity: violations of humanitarian law, forced labor, sexual violence, refugees, internally displaced persons, children and civilians in conflict

Human rights violations including the use of child soldiers, sexual violence, forced labor, forced relocation, and other crimes are not isolated incidents. These crimes occur systematically and are widespread throughout Burma, occurring with a level of impunity that indicates the perpetrators have institutional support for these practices¹ and are most severe in rural ethnic areas where there is ongoing armed conflict. These acts constitute crimes against humanity and war crimes as defined under the Rome Statute of the International Criminal Court. Crimes against humanity and war crimes are not being prosecuted in Burma under its current legal system. Article 445 of the *2008 Constitution* grants blanket amnesty for all government officials for all crimes, past and future, including war crimes or crimes against humanity. Such impunity violates *jus cogens* norms of international law as well as UN Security



Council Resolutions 1325 and 1820, which prohibit amnesty for crimes of sexual violence in conflict.

The SPDC troops use rape against women as a weapon of war, victimizing ethnic communities. Ethnic women are common targets for violence in Burma including gruesome killings, arbitrary executions, beatings, torture, gang rape, and slave labour.² Through its crimes of sexual and gender-based violence, the SPDC attempts to control ethnic minorities. Burma women's organizations have documented over 1,000 cases of rape in Karen, Shan, Mon, Chin, and Kachin States from 1988 to 2009 but this number is a mere fraction of the total number due to the SPDC's tight control and the fear and stigma that prevents women from reporting rape. This indicates that sexual violence by military soldiers is widespread and systematic. Victims of state-sanctioned rape are forced into silence, causing severe physical and psychological damage and leaving many perpetrators immune to investigation and prosecution.³

Thousands of children serve in the armed forces in Burma,⁴ in violation of the UN Convention on the Rights of the Child (CRC), Burmese domestic law, and the Rome Statute.⁵ Most of these children are recruited by force or intimidation and suffer beatings, torture, sexual violence, and other crimes. Battalions recruit children in order to meet a quota and receive financial incentives. There is evidence of children as young as eleven being forcibly recruited into the army. These children are used as human mine-sweepers, frontline combatants, porters, sentries and camp cleaners.⁶

The SPDC commonly subjects its citizens to forced labor, a form of slavery.⁷ Despite having ratified the International Labor Organization (ILO) Convention 29 Concerning Forced Labour and subsequent Supplementary Understanding for a complaints mechanism, the SPDC systematically commits abuses of forced labour. Up to two million men, women, children are forced to work for the armed forces, development projects or infrastructure expansion without compensation. For example, in Chin State alone, more than seventy incidents of forced labour have been documented since 2006, some involving orders to multiple villages.⁸ There are cases where those who use the ILO complaints mechanism were punished and face intimidation, arrest and imprisonment.

The SPDC utilizes forced relocation with shocking regularity, especially in Eastern Burma. There is an estimated one million internally displaced persons (IDPs) in Burma, including an estimated 470,000 people in Eastern Burma alone.⁹ The increased militarization across Northern Karen State over the last two years has generated a shoot-on-sight policy for persons found in their villages after the expiry of the notice period for relocation.¹⁰ In July 2009 government troops operating in Shan State burned ten villages and forcibly relocated an additional thirty, affecting 2,000 to 2,500 individuals.¹¹

Since 2005, the SPDC forces have targeted civilians in rural areas, confiscating land and destroying housing and property. Landmines are planted to ensure it is unsafe to return home. The SPDC continues to plant landmines throughout Karen State. IDPs in the area have been severely affected by these landmines, with several civilians gravely injured or killed. SPDC forces rarely, if ever, inform civilians when or where they plant landmines.¹²

Recommendations to the SPDC:

- Remove article 445 in the *2008 Constitution* that provides immunity for perpetrators of - human rights abuses and crimes against humanity.
- Allow an independent international body that is fully accountable to all stakeholders to investigate possible war crimes and crimes against humanity and prosecute the perpetrators responsible for such crimes.
- Ban the use of anti-personnel landmines and ratify the Convention on the Prohibition of



the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, regardless of whether the non-state armed groups use landmines.

- Develop effective mechanisms, in consultation with independent groups representing women's interests, to prevent violence against women and girls, to facilitate prosecution of perpetrators and to provide full reparation for victims and survivors, in line with UN Security Council resolutions 1325 and 1820.
- Develop effective mechanisms to identify, release and ensure disarmament, demobilization, and reintegration of all child soldiers, to prevent further recruitment and to address all other grave violations against children in line with UN Security Council resolutions 1612 and 1882.

(b) Administration of justice, impunity and the rule of law

In Burma, there is no rule of law. The judicial system is controlled by the SPDC without judicial oversight, transparency nor independence. Courts and other legal institutions exist to protect and promote the SPDC, not to provide justice to victims nor fairly arbitrate disputes. One of the many examples is Bo Min Yu Ko, sentenced to 104 years imprisonment at the age of twenty one, while denied the right to any legal representation¹³. Such harsh and cruel sentencing and the lack of due process is illustrative of the unlawful nature of the judicial system in Burma.

Basic rights of due process, including the right to a public trial and to be represented by a defense lawyer, are denied in political cases. In many cases, the accused are kept in ignorance of the section of law under which they are charged. There are reported instances where Military Intelligence has passed sentences orally at the time of arrest, before any trial had taken place. Prior to being charged, political detainees rarely have access to legal counsel or their families, and no opportunity to obtain release on bail. In most cases, trials are held in camera in courtrooms on prison compounds¹⁴.

In many instances, the SPDC authorities intimidate and harass lawyers, including arresting, imprisoning, and revoking their licenses for defending political and human rights cases. There are currently 12 lawyers in prison.¹⁵ Phoe Phyu, a lawyer who represented 50 farmers and who lodged a complaint with the ILO, was sentenced to four years, accused of attempting to form an unlawful association. After his release in March 2010 his licence was revoked.¹⁶

The SPDC has made no effort to punish officials responsible for state-sponsored violence and mass killings. In the peaceful demonstrations in August and September 2007, the military used excessive force, including beating and killing monks and other unarmed civilians. On 26 and 27 September alone, at least thirty-one people were killed.¹⁷ No one has been held accountable for these deaths and the SPDC has not launched an investigation into the matter. The military and security forces and their associates such as the Union Solidarity and Development Association (USDA) and Shwan-aa-shin often act above the law, as evidenced in the brutal attack on two Human Rights Defenders and Promoters (HRDP) members, Myint Hlaing and Maung Maung Lay, by USDA members, as they conducted human rights trainings for villagers in rural areas on 18 April 2007.¹⁸

Recommendations to the SPDC:

- Seek technical assistance from the UN to reform the judiciary, in order to restore full independence and impartiality under the rule of law; guarantee due process of law, including public hearings, in trials against political prisoners and ensure independence of the judiciary under the Constitution.
- Sections of the *2008 Constitution* that do not meet international democratic norms or re-



flect international human rights and humanitarian laws must be repealed and redrafted.

(c) Freedom of expression and assembly, prisoners of conscience and political rights

In Burma, there is a well-established pattern of persecution, assault, arbitrary arrest, torture and wrongful imprisonment of human rights and democracy activists. There has been a dramatic increase in prisoners of conscience in the past four years, from 1,185 in 2006, to over 2,170 in 2010. Rights defenders are imprisoned for simply distributing copies of the Universal Declaration of Human Rights (UDHR), for having in their possession a copy of the UN Special Rapporteur's report on the human rights situation in Burma, and for reporting cases of forced labour to the ILO.

The *Unlawful Association Act* is used to suppress freedom of association and prosecute persons on the grounds of them being members or having contact with 'unlawful' organizations. The *Burmese Penal Code* is used to repress and punish those taking part in peaceful demonstrations, forming organizations, or expressing opinion unfavorable to the regime. In Burma, meetings of more than five people are prohibited by law under Order 2/88.

Journalists, bloggers and writers face strict censorship. Currently, forty-one media professionals are in prison.¹⁹ The print and broadcast media are tightly controlled and restrictions on internet use and content severe. The *2004 Electronic Transaction Law* bans Burmese citizens from using the internet to disseminate information deemed critical of the SPDC. Twenty-two members of the *88 Generation Students* were sentenced to a total of sixty years each under this law.²⁰

Citizens are systematically denied the right to change their government. The *2008 Constitution* was adopted in a referendum, amidst serious election irregularities including voter intimidation and ballot stuffing.²¹ The draft constitution was not made available to the public, particularly to ethnic minority nationalities as it was published only in the Burmese language. The *2008 Constitution* guarantees military control over the fundamental rights of its citizens and allows for all fundamental rights to be suspended during 'emergencies'. In addition, ethnic cease-fire groups have been threatened with military action to come under control of the Burma Army through its Border Guard Force and support the 2010 elections.

The 2010 Election Commission (EC), appointed by the SPDC, can deny the registration of political parties and ban if they do not show allegiance to the Constitution and electoral laws. The EC is entitled to suspend the election in a constituency, or part of a constituency, where election preparation is "not possible due to lack of security," which may justify the suspension of basic human rights under the guise of "security," particularly in areas of armed conflict. The laws disenfranchise "persons serving a prison sentence," and "persons prohibited in accordance with the Electoral Laws" - categories so broad in their potential definitions, as to make exclusion from voting highly subjective. The exclusion of those serving a prison term affects more than 2,170 political prisoners, including Aung San Suu Kyi.

Recommendations to the SPDC:

- Officially recognize anyone detained and imprisoned for peacefully exercising their rights to freedom of expression, association and assembly as prisoners of conscience, unconditionally release them and erase their criminal records.
- Abolish all articles of the *Penal Code* that criminalize peaceful acts and forms of association and expression, including articles 143-146, and 505(B), the *1950 Emergency Provisions Act*, the *1975 State Protection Law* and the *1908 Unlawful Association Act*, and Order 2/88 which prohibits any activity by five persons or more.



- Fully cooperate with UN human rights special procedures, specifically by issuing standing invitations to the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and the Special Rapporteur on the Situation of Human Rights Defenders.
- Reform the *2004 Electronic Transactions Law*, the *1996 Television and Video Law*, and the *1962 Printers and Publishers Act* to allow a free exchange of information and to ensure censorship does not adversely affect the freedom of political opinion and expression.
- Remove the provisions of the *2008 Constitution* that give the military absolute power during ‘states of emergency’, including the right to strip individuals of constitutionally guaranteed protections in the Constitution.

(d) Housing, land and property rights and development

The armed forces of Burma commit human rights violations in connection with state sanctioned development projects, including forced labour, arbitrary killings, beatings, illegal and arbitrary confiscation of land and property, forced farming and restrictions on movement. In many cases state sanctioned development and infrastructure projects are completed through the use of forced labour and through the extraction of arbitrary taxes from the local population. The SPDC deploys more troops in ethnic areas where such development projects take place which lead to more exploitation of natural resources and forced eviction of villages, disempowering local communities.

The SPDC exerts authoritarian control over the entire housing, land and property (HLP) sector and in many cases uses the domestic legal framework to maintain this control and to justify and perpetuate HLP rights abuses. The legal guarantee of ownership and control over virtually all land and natural resources in the country by the State, first prescribed in the *Land Nationalization Act* and recently reaffirmed in the *2008 Constitution*,²² has been used by the SPDC to wield extraordinary degrees of power over the population and the entire HLP sector.²³

The SPDC has appropriated resource-rich land traditionally belonging to the ethnic communities. For example, in Chin State in September 2008, a total of 45,502 acres of land belonging to Chin people measuring seventy-one miles in length and one mile in breadth was annexed to neighbouring Magwe Division. The area is abundant in teakwood, and widespread logging activity by companies linked to the SPDC has reportedly taken place since February 2009.²⁴ Also in Chin State over 15,000 acres of land have been transformed into tea plantations, since 2009, the majority of which have been confiscated from local communities which relied on the land to cultivate staple foods, such as corn, bean and potatoes.²⁵ The SPDC has exploited gas and oil reserves in Andaman Sea (western Mon State) and Arakan Sea of Arakan State, Western Burma. State authorities have confiscated land without compensation in relation to the Shwe gas project in Arakan State and have targeted villagers suspected of opposing the project.

In 2000, the SPDC began building an internal pipeline across Yebyu Township (Northern Tenasserim Division), Mon State and into Pa-an Township of Karen State, to supply energy to cement factories operated by the SPDC. In order to provide security for the pipeline project, the Burmese Army have deployed twenty military battalions, since 2000. These battalions have forced civilians to work on barracks, roads and sentry huts. In the years since 2003, pipeline battalions have seized over 6,000 acres, of paddies, plantations and homesteads confiscated to make way for the bases and agricultural projects of pipeline battalions.²⁶



Recommendations to the SPDC:

- Immediately cease violations of housing, land and property rights, including the illegal appropriation of land and property, and the forcible eviction and displacement of civilians.
- Seek technical assistance from the UN to establish fair, equitable and accessible judicial remedies to effectively prevent forced evictions and land confiscation, resolve land disputes, clarify land rights, enforce landlord tenant laws, and provide restitution and return rights.
- Seek technical assistance from the UN to establish community participation mechanisms; environmental, social and human rights impact assessments of development projects; complaints mechanisms in the case of abuses; and a provision of adequate compensation in rural areas.

(e) Poverty and access to humanitarian services

The SPDC fails to provide people with the basic needs of survival and fails to prevent and alleviate extreme poverty. A large proportion of the population does not enjoy basic economic, social and cultural rights, due to the state policies, and as a consequence, it is reported that at least 32.7% of the population lives below the poverty line. Burma is the only country in the region to spend more on the military than education and health combined. The SPDC spent 0.5% of GDP on health, and 0.9% of GDP on education, while the military and State-owned enterprises together account for 80% of total spending.²⁷ Medical workers estimate there are between five and ten million malaria patients per year in Burma, but only a small proportion receive effective treatment.²⁸ About 15% of the population faces “food insecurity”.²⁹ More than 30% of children are chronically malnourished.³⁰ IDPs and refugees are most vulnerable to food insecurity and poverty related diseases. Pregnancy related deaths kill one in seventy-five women, reflecting the lack of access to reproductive services. It is estimated that the consequences of unsafe abortion account for around 50% of maternal deaths.³¹

The SPDC has systematically eroded education by limiting resources, reducing expenditures and strictly censoring curriculum. It fails to make any genuine attempt to implement or uphold its own child protection law, as well as meet its obligations under the CRC. The *Child Law* articulates the right to education stating: “every child shall have opportunities of acquiring education; [and] have the right to free basic (primary level) education at schools opened by the state”. However, according to UNICEF, 35% of children do not complete more than five years of schooling, and only 25% complete primary school.

The reality, for IDP children is far worse. Few ever attend school, due restrictions on movement, security concerns, prohibitive costs, as well as limited school facilities.³² In large parts of Burma's ethnic States, the State provides very little or no education services whatsoever. In areas where services are provided, the military regime commonly uses forced labour for the construction of new schools and extorts building supplies. Local villagers are forced to cover many of the costs, such as teacher salaries.

At least 70% of Burma's population lives in rural areas relying on agricultural sectors and subsistence living, without sustainable services provided by the SPDC. Despite an increase in agricultural exports in the past five years, food shortages are reported in Northern Rakhine State, Karen State, North and East Shan State, and Chin State due to armed conflict, administrative mismanagement and natural disaster.³³ Chin State is one of the most underdeveloped and isolated regions, with little in the way of road infrastructure, communication systems,



healthcare facilities,³⁴ electricity or running water. 70% of the Chin people live below the poverty line and 40% are without adequate food sources.³⁵ Since 2007, more than one-fifth of the population in Chin State has been severely affected by an ongoing food crisis, triggered by the flowering of the *Melocanna baccifera* bamboo, which produces a fruit, attracting forest rats. The rats decimated crops and food supplies. The SPDC has provided no assistance, and instead issued an order barring foreign aid.³⁶ To date more than fifty-four people have reportedly died in Chin State due to disease, illness, and complications related to severe malnutrition, and the majority of them were children.³⁷

Cyclone Nargis hit Irrawaddy Delta on May 2, 2008, killing over 138,000 and affecting at least 2.4 million people. The SPDC blocked international aid to cyclone victims, forcing community-based organizations such as the Emergency Assistance Teams Burma (EAT) to fill the void, helping with cyclone relief, and long-term reconstruction. Yet, over one year after the cyclone, the situation has only worsened for the delta people who report still struggling to survive because of lack of access to food and potable water.³⁸ Under customary international law, the right to be free from hunger is an obligation of all states.³⁹ The SPDC not only has failed to mobilize resources to provide the majority of the Delta people food or potable water, but also allowed and potentially participated in the diversion and misappropriation of food and aid supplies to the needy for the profit of village heads, other authorities and local businesses. As a result, large numbers of people in the Delta area are unable to meet baseline nutritional needs and are resorting to sustenance from eating rats, frogs, and crabs. This vulnerable population has faced further exploitation by a wide range of actors forcing them to lose their assets and fall deeper into debt. Such exploitation includes: loan providers charging exorbitant interest rates for farming and fishing inputs; village heads renting confiscated aid materials for unaffordable prices; businesses imposing rules to sell catches below market prices; the government fining families who do not provide quota of dead rats; and the army charging taxes or permit charges to fish in areas that were previously open to the public. Abuses, including authorities' restrictions on aid, harassment of relief workers, land confiscation and tight control over communication and information exchange have also been reported during reconstruction.⁴⁰ Towards the end of 2009, while the SPDC spent over \$570 million on advanced fighter jets from Russia, the Tripartite Core Group appealed for \$103 million for priority reconstruction initiatives in cyclone damaged areas, of which, only \$88 million was pledged by the international community.

Recommendations to the SPDC:

- Remove the restrictions imposed upon local volunteers and community based groups, UN agencies and international non-governmental organizations, providing humanitarian assistance and review procedures of procurement of medical and other supplies.
- Immediately increase investments in health and education to assure that the needs of all people in Burma are met.
- Provide women with sexual and reproductive healthcare services in order to decrease mortality and morbidity related to pregnancy and child birth.

(f) Rights of Ethnic and Religious Minorities and Indigenous Peoples

Ethnic minority nationalities constitute approximately 35-40% of the country's population, and form the majority in the seven States.⁴¹ The ethnic nationalities have demanded equal rights and autonomy in a Federal Union of Burma; however, the SPDC has systematically denied these



demands by oppressing through violence and force. The SPDC targets ethnic activists for their work on human rights, political, environmental, and/or religious issues, and for their real or alleged support of ethnic political and armed groups. Systematic human rights violations against civilians, such as summary executions, arbitrary arrests, forced relocation, forced labour, and destruction of food and crops, and torture have been well documented.

Since 1962, successive ruling military juntas have practiced a policy of assimilation against all ethnic minorities by restricting the preservation of their national identity, history, language, and culture. Using ethnic language in schools and workplaces is banned. Many ethnic people such as Mon, Karen, Shan, Chin, Karenni, Arakan, and Kachin have set up their own 'national schools' in order to preserve their language and culture through informal education. These schools are constantly disrupted by local authorities.

The policies and practices of the SPDC violate the collective rights of all indigenous people, in contradiction to the UN Declaration on the Rights of the Indigenous Peoples, which the SPDC voted in favour of in 2007.⁴² In Chin State, comprised of more than sixty different sub-tribal groups, 90% of the population is Christian. Widespread State-sanctioned destruction of Christian infrastructure has taken place, and there are restrictions on freedom of religious assembly.⁴³

The Rohingyas, a group of people with a distinct culture, language and religion living in Arakan State, are subjected to severe persecution, discrimination and human rights abuses. The *1982 Burma Citizenship Law* violates several fundamental principles of international common law, declaring Rohingya non-citizens, rendering them stateless. According to the *1982 Burma Citizenship Law*, citizenship is only granted to those who belong to one of 135 'national races' defined in the Law, from which the Rohingya are excluded. According to the United Nations High Commissioner for Refugees (UNHCR), there are approximately 730,000 legally stateless persons, mostly Rohingya, residing in Northern Rakhine State near the border with Bangladesh.⁴⁴ A consequence of their statelessness is the denial of the rights of citizenship and severe restrictions on movement. They are deprived of the right to an identity and religious practice as Muslims. The SPDC requires them to receive prior approval for travel outside their village tract of residence, and travel outside of Rakhine State is severely restricted. In contrast, citizens do not need approval to travel within the country; they need only be in possession of a citizenship card. Rohingyas have extremely limited access to higher education and cannot work as civil servants, including as doctors, nurses, or teachers. Access to medical care is extremely limited. Authorities require Rohingyas to obtain official permission for marriages.⁴⁵

Recommendations to the SPDC:

- Abandon its policy and practice of religious persecution, discrimination and forced assimilation against ethnic and religious minorities and unconditionally lift all restrictive and discriminatory measures and practices.
- In line with Article 38 of the UN Declaration on the Rights of Indigenous Peoples, request technical assistance from the UN to develop and implement a transparent legal framework to ensure the collective rights of indigenous peoples are protected, in particular the rights concerning self-determination; the practice of religious traditions, natural resources and conservation of the environment.
- Amend the *1982 Burma Citizenship Law* to ensure compliance with the country's international human rights obligations and end discriminatory practices against the Rohingya people in North Arakan State, including restrictions on freedom of movement.



(g) Human Trafficking

As party to CRC, CEDAW and the Human Trafficking Protocol, the SPDC fails to undertake preventative, protective, legislative, and administrative measures to ensure that adults and minors are not subject to exploitation and forced migration. Burma enacted *the Combating of Trafficking in Persons Act*, created an Inter-Agency Task Force and developed a National Plan of Action to combat trafficking. However, the State legislation does not address the root causes of trafficking. Instead, it has led to increased punitive action, which, given corruption and the absence of rule of law, has resulted in the punishment of innocent people.⁴⁶ The ongoing publicizing of arrests and rescues of victims of trafficking rings false in the face of increased trafficking and reports of complicity by law enforcement agents.

As political and economic conditions continue to deteriorate, and as adequate educational and employment opportunities are absent, increasing numbers of people are forced to migrate to urban areas or to other countries, particularly Thailand and China.⁴⁷ Failure by the State to provide legal opportunities for migration, combined with discriminatory directives forbidding women under the age of twenty-five from traveling without a legal guardian, and a lack of accessible information on living and working conditions in destination countries, means that most Burmese need help from third parties to facilitate their travel and find employment. Many are exploited either in the process of migration or at work places, and some find themselves trafficked. Assistance programmes for trafficked persons are undertaken by government organised organisations while the work of independent community-based organizations or NGOs is severely restricted. Additionally, there are reports of these government organized organizations accepting bribes to help traffickers get around anti-trafficking law.

Recommendations to the SPDC:

- Create more opportunities for legal migration, including ensuring that national identity cards are easily available to all citizens.
- Eliminate all forms of discrimination of women in migration measures, including the directive forbidding women under the age of twenty-five from travelling without a legal guardian.
- Allow independent community-based organizations, particularly women's organizations, to work without restriction to assist trafficked women and girls; to improve social services; and to develop and widely distribute accessible information on safe migration.

(h) Labour rights

A survey by the United Nations Development Programme (UNDP) and Burma's Central Statistical Organization reported at least 30% of the population had incomes insufficient to provide for basic food and needs, a ratio that rises to over 50% in ethnic states.⁴⁸ According to the U.S. State Department, the average annual wage for Burmese citizens is less than \$200. For the most part civil servants in Burma are paid well below a livable wage, and the extraction of bribes for tasks that are ostensibly part of their employment is routine. In the private sector, urban laborers performing unskilled work earned \$0.50 to \$1.00 per day, while rural agricultural workers earned approximately half that rate.⁴⁹

An abundance of labour and the failure of the State to protect workers have led to substandard and dangerous working conditions. The SPDC fails to recognize the working conditions set forth in the *1964 Law on Fundamental Workers' Rights* and the *1951 Factories Act*, which provide for overtime pay and just compensation. In the public sector industries, the State sets the wages and benefits. The joint sector companies are discouraged from paying their employees



more than their counterparts in the public sector. The law prescribes a five-day, thirty-five hour workweek for employees in the public sector and a six-day, forty-four hour workweek for private and state enterprise employees, and workers are permitted twenty-one days paid holidays per year; however, in practice factory workers, work on average 7a.m. to 11p.m. seven days a week with no overtime or holiday.⁵⁰

Despite having ratified the ILO Convention 87 on Freedom of Association, workers are not allowed to organize unions and bargain collectively. Any workers organisation has to function underground, and its members face constant threats of repression and reprisal, including imprisonment and torture. There are currently thirty-one labour activists in prison.⁵¹ In addition, trade union activities are seriously limited by Order 2/88. The peaceful strikes of workers in Rangoon in 2010 were shut down by security forces and their claims never heard.

Recommendations to the SPDC:

- Allow workers the right to form and join independent trade unions of their own choice.
- Immediately and unconditionally release all persons detained for peaceful activities to promote the rights of workers to freely associate; to peacefully assemble to protect and advance their rights; and to exercise their right to freedom of expression on behalf of workers and their concerns.
- Cooperate fully with the ILO to end the practice of forced labour. With the ILO, produce leaflets on the individual complaints mechanism against forced labour in all ethnic languages, and disseminate nationwide; and hold awareness raising seminars with the ILO on the complaints mechanism in all States and Divisions.

End Notes

- 1 International Center for Transitional Justice, *Impunity Prolonged*, September 2009
- 2 Karen Women Organization, *Walking Amongst Sharp Knives: The Unsung Courage of Karen Women Village Chiefs in Conflict Areas of Eastern Burma*, 2010
- 3 See reports *License to Rape*, *Shattering the Silence*, *Unsafe State*, *Driven Away*, *Catwalk to the Barrack*
- 4 Human Rights Watch, *Sold to Be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, 2007
- 5 Art 38. Burma's "Regulation for the Persons Subject to the Defense Services" sets 18 as the minimum age for military recruitment, Human Rights Watch, *Sold to be Soldiers* 130, 2007; Rome Statute, art. 8, §2(e)(vii)
- 6 Human Rights Education Institute of Burma (HREIB), *Forgotten Futures*
- 7 International Labour Organization, *Forced Labour in Myanmar, Report of the Commission of Inquiry Appointed Under Article 26 of the Constitution of the International Labour Organization to Examine the Observance by Myanmar of the Forced Labour Convention 1930 (No. 29)*, Geneva, 2 July 1998
- 8 Chin Human Rights Organization (CHRO), *40 Villages Ordered to Perform Forced Labour*, Rhododendron News, Volume XII, No. V, September-October 2009. These violations have been carried out by LIB 99, 140, 266, 268, 269, 289, and 538. See individual submission by the CHRO for more information
- 9 Internal Displacement Monitoring Center, *Estimates of Internally Displaced Persons in Myanmar*, November 2009
- 10 Amnesty International, *Crimes against humanity in eastern Myanmar*, 2008, and Karen Human Rights Group, *Cycles of Displacement*, 2009 and *Attacks on cardamom plantations, detention and forced labour in Toungoo District*, 2010
- 11 U.S. State Department, *2009 Human Rights: Burma Report*, 2010
- 12 Karen Human Rights Group, *Insecurity amidst the DKBA - KNLA conflict in Dooplaya and Pa'an district*, 2009
- 13 Assistance Association for Political Prisoners Burma (AAPP-B), media release, *ABFSU member sentenced to 104 years in jail*, 14 January 2009
- 14 Burma Lawyers' Council (BLC), *An Analysis of the Elections in Burma in 2010*, March 2010; also see AAPP-B's individual submission for more information on political prisoners in the justice system
- 15 AAPP-B, *Monthly Chronology*, June 2010



- 16 Asian Human Rights Commission, Urgent Appeal Case: AHRC-UAC-032-2010, 26 March 2010
- 17 Report of the UN Special Rapporteur on the situation of human rights in Myanmar (A/HRC/10/19)
- 18 AAPP-B, media release, Case of Two Attacked Human Rights Defenders Submitted to UN, 27 April 2007
- 19 AAPP-B, *Monthly Chronology*, June 2010
- 20 AAPP-B, *Silent Killing Fields: Burma's Prisons and Labour Camps*, 2009
- 21 Human Rights Watch, *Vote to Nowhere: The May 2008 Constitutional Referendum in Burma*, 2008
- 22 Article 37 provides: "The Union is the ultimate owner of all lands, and all natural resources above and below the ground, above and beneath the water and in the atmosphere."
- 23 Leckie S. and Simperingham E., *Housing, Land and Property Rights in Burma: The Current Legal Framework*, 2010
- 24 CHRO, Rhododendron News, Jan-Feb and May-Jun 2009
- 25 CHRO, *On the Edge of Survival: the continuing rat infestation and food crisis in Chin State, Burma*, September 2009
- 26 HRFOM, Laid Waste: Human Rights along the Kanbaw to Myaing Kalay gas pipeline, May 18, 2009
- 27 Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/10/19)
- 28 IRIN Humanitarian News and Analysis, *Myanmar waiting for development aid*, 2009
- 29 World Food Programme
- 30 UNICEF, *State of the World's Children*
- 31 Women's League of Burma, *In the Shadow of the Junta: CEDAW Shadow Report*, 2008
- 32 Partners Relief & Development and Free Burma Ranger, *Displaced Childhoods*, April 2010
- 33 Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/10/19)
- 34 CHRO, *On the Edge of Survival: the Continuing Rat Infestation and Food Crisis in Chin State, Burma*, September 2009. There are only eight permanent clinics to serve a population of 500,000.
- 35 Office of the UN Humanitarian Coordinator for Myanmar, *Humanitarian Situation Update April 2007*
- 36 CHRO, *Chairman of Chin State Bars Foreign Aid*, Rhododendron News, Volume XII, No IV, July- August 2009
- 37 See individual submission by the CHRO for more details
- 38 From May-October 2009, Foundation for Education and Development (FED) surveyed a total of 64 villages in seven Nargis-affected townships, conducting interviews with 511 survivors. Publication of the findings and further analysis is forthcoming.
- 39 Smita Narula, *The Right to Food: Holding Global Actors Accountable Under International Law*, 44 Columbia Journal of Transnational Law, 691, 764-66, 2006
- 40 Voravit Suwanvanichkij et. Al., *Community-based assessment of human rights in a complex humanitarian emergency: The Emergency Assistance Teams-Burma and Cyclone Nargis*, Conflict and Health, 2010.
- 41 Amnesty International, *The Repression of Ethnic Minority Activists in Myanmar*, 2010
- 42 See individual submission by the CHRO for further details.
- 43 Ibid.
- 44 U.S. State Department, *2009 Human Rights: Burma Report*, 2010
- 45 Ibid.
- 46 U.S. State Department, *Trafficking in Persons Report*, 2010
- 47 Kachin Women's Association-Thailand (KWAT), *Eastward Bound*, 2008
- 48 United Nations Development Programme, *Impact of the UNDP Human Development Initiative in Myanmar, 1994-2006*, Yangon; 2006
- 49 U.S. State Department, *2009 Human Rights: Burma Report*, 2010
- 50 Ibid.
- 51 According to the Federation of Trade Unions-Burma, <http://www.dvb.no/news/labour-union-work-punishable/10421>



General Assembly

Distr.: General
10 November 2010

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Tenth session
Geneva, 24 January – 4 February 2011

**National report submitted in accordance with paragraph
15 (a) of the annex to Human Rights Council resolution 5/1***

Myanmar

* The present document was not edited before being sent to the United Nations translation services.



I. Methodology and consultation process

1. Myanmar's National Report on Human Rights has been prepared in accordance with the general guidelines for the preparation of information for the Universal Periodic Review outlined in Document A/HRC/6/L.24.
2. With a view to drafting a comprehensive and balanced national report, a Steering Committee comprising Government Ministers, Deputy Ministers and other high-ranking officials played a supervisory role in the drafting process.
3. Under the guidance of the Steering Committee, this report was drafted under the auspices of the work committee through close cooperation and coordination among concerned government agencies. In addition, broad consultations were conducted with civil societies¹ and UN Agencies² in Myanmar. Close cooperation with the Office of the High Commissioner for Human Rights Regional Office for South-East Asia in Bangkok was also carried out in preparing the report.
4. The Liaison Sub-Committee, which deals with stakeholders in the drafting process of the report, held its coordination meeting led by the Sub-Committee's chairman on 5 April 2010. The total number of workshops conducted with the assistance of the United Nations agencies and with the Office of the High Commissioner for Human Rights Regional Office stood at 35³, with 1150 participants. Based upon facts collected by the liaison Sub-Committee, the Drafting Sub-Committee drafted of the report. It was drafted and submitted to the Work Committee for comprehensive assessment and further instructions. Subsequently, it was submitted to the Steering Committee. The methodology of the Report was performed in line with system, articulation and valid factual substance.
5. The Workshop on the Universal Periodic Review Preparation for the National Report was successfully held in Nay Pyi Taw on 10–11 of May 2010. The workshop was a very significant step which represented the first ever joint initiative between the Government of Myanmar and the OHCHR regarding the UPR process. The Government of Myanmar is very keen of this process. The representatives who participated in the workshop enthusiastically learned from the experiences of other ASEAN representatives. Participants from other ASEAN countries duly took note of the consultation process on the National Report with civil society and other organizations.

II. Country background

A. Basic facts

6. The Union of Myanmar is located in Southeast Asia between North Latitude 9° 32' and 28° 31' and East Longitude 92° 10' and 101° 11'. She is bounded on the east by the Lao PDR, on the east and southeast by Thailand, on the south by the Andaman Sea, on the west and northwest by India and Bangladesh, on the southwest by the Bay of Bengal, and on the north and northeast by People's Republic of China, respectively. The total land area of Myanmar is about 261,228 square miles.
7. The country's total population is about 59 million, with over 100 national races including major ethnic groups such as Kachin, Ka Yah, Ka Yin, Chin, Mon, Bamar, Rakhine and Shan living together harmoniously. Concerning religious faith, Bud-



dhism is professed by 89.38 percent of the total population, Christian by 4.98 percent, Islam by 3.81 percent, Hindu by 0.51 percent, traditional and spiritual faith by 1 percent and others by 0.32 percent.

8. Agriculture is the mainstay of the national economy. Businesses and industries based on the natural resources are playing a major role in the national economy.

B. The constitution

9. In accordance with the people's desire, the State Peace and Development Council has laid a foundation to establish multi-party democracy and market-oriented economy that are suitable for the country. As a firm and enduring constitution is vital for the future State, the State Peace and Development Council held sessions of the National Convention since 1993.
10. The National Convention successfully concluded on 3 September 2007. It adopted basic principles and detailed basic principles for the emergence of a strong state constitution. The State Constitution of the Republic of the Union of Myanmar was adopted in a referendum held on 29 May 2008.
11. The Constitution, contains sufficient provisions on human rights, namely, the provisions on individual freedom, mutual respect and assistance to each other among the national races, promotion of literature and culture, promotion of socio-economy of least-developed national races' areas, promotion and protection of workers' and peasants' rights. In addition, provisions guaranteeing religious freedom and prohibiting penalty that violates human dignity are also included in the Constitution.

C. Legislature

12. Myanmar enacts the new laws to be in line with situation of the State and national resources considering the existing law to run the judiciary framework effectively and to implement promotion and protection of Human Rights to build of a new modern developed nation.
13. Chapter IV of the Constitution of the Republic of the Union of Myanmar stipulates the distribution of legislation of powers among the Pyidaungsu Hluttaws, Region or State Hluttaw and Self-Administered Division and Self-Administered Zone Leading Bodies. Pyidaungsu Hluttaw comprises Pyithu Hluttaw and Amyotha Hluttaw.

D. Executive

14. The Executive Head of the Union is the President. The Executive Power of the Union is distributed among the Union, Regions and States. Self-Administered power is distributed among Self-Administered areas as prescribed by the Constitution.
15. The Union Government is composed of (a) the President, (b) the Vice-Presidents, (c) the Ministers of the Union and (d) the Attorney General of the Union. The Executive Power of the Union extends to administrative matters over which the Pyidaungsu Hluttaw has power to promulgate laws.
16. Subject to the provisions of the Constitution, the Executive Power of the Region or State Government extends to administrative matters over which the Region or State Hluttaw has power to promulgate laws. Besides, it also extends to the matters



over which the Region or State Government is permitted to perform in accord with any Union law.

16. Subject to provisions of the Constitution, the Self-Administrative power of the leading bodies of the Self-Administered Divisions or Self-Administered Zones extends to the following matters:
 - (a) on which the leading bodies of the Self-Administered Divisions or Self-Administered Zones have powers to promulgate laws;
 - (b) on which the leading bodies of the Self-Administered Divisions or Self-Administered Zones have powers to implement in accord with any law enacted by the Pyidaungsu Hluttaw;
 - (c) on which the leading bodies of the Self-Administered Divisions or Self-Administered Zones have powers to implement in accord with any law enacted by the Region or State Hluttaw concerned. Nay Pyi Taw is the Union Territory.

E. Judiciary

18. In Myanmar, in accordance with the Union Judiciary Law (2000), the Supreme Court, State and Divisional Courts, District Courts, Township Courts and other courts subjected to law were formed. The courts are empowered the power to adjudicate criminal and civil cases and Supreme Court, State or Divisional Courts and District Courts are conferred jurisdiction of appeals and revisions on the decisions, judgments and orders of the lower courts. The courts exercising the judiciary power of the Union of Myanmar are handling the cases before the public independently and impartially according to the prescribed laws and by-laws. According to the Section 293, Chapter 6 of the Constitution, Supreme Court of the Union, High Courts of Region, High Courts of the State, Courts of Self-Administered Division, Courts of Self-Administered Zone, District Courts, Township Courts and the other Courts constituted by law, Courts-Martial and Constitutional Tribunal of the Union will be established.
19. The Supreme Court is the highest organ of judiciary as well as the final court of appeal. The decision of the Supreme Court is ultimate and final. Judiciary principles have been laid down and judiciary tasks are being carried out accordingly. Criminal Procedure Code, Civil Procedure Code and Evidence Act were enacted in Myanmar long time ago. Courts have been adjudicating on criminal and civil cases under these provisions.

F. Myanmar human rights body

20. The Myanmar Human Rights Committee led by the Minister for Home Affairs was initially formed on 26 April 2000. On 14 November 2007, the Committee was reconstituted as the Myanmar Human Rights Body.
21. The Body's main obligations are as follows;
 - to review and submit United Nations' and international human rights activities.
 - to study and recommend the situation on establishing a National Human Rights Commission.
 - to establish necessary working groups.



22. The Body has been carrying out activities relating to home affairs, legal affairs, social, labour, health, educational and international affairs, and affairs relating to religious rights, right to development, and women and child rights.
23. In addition, the Minister for Home Affairs, in his capacity as the Chairman of Myanmar Human Rights Body, is accepting complaints and communications from those whose human rights are reportedly being violated, and carrying out necessary investigations and taking proper actions although they are not included in the mandate of the Body.
23. The current Human Rights Body for protection and promotion of human rights in Myanmar is an initial body which is hoped to emerge eventually as the Human Rights Commission in accord with the Paris Principles.

G. Democratization process

25. Myanmar is a nation in which all the national races have been living together through weal and woe throughout the history. In 1885, the whole country was colonized after three wars with the British. Due to the divide-and-rule policy of the British Colonist, Myanmar had to struggle with internal insurgencies for over four decades since regaining her independence in 1948. The Government of Myanmar has long been making great efforts for national unity by adopting national objectives such as non-disintegration of the Union, non-disintegration of national solidarity, and perpetuation of sovereignty.
26. As the national consolidation is vital for political, economic and social development in a country, the government is bringing about national unity. So far, 17⁴ out of 18 armed groups have already exchanged their arms for peace. These groups have been carrying out respective local area development programmes hand in hand with the Government.
27. Myanmar has been implementing a Seven-step Roadmap to democracy. A total of 8 groups comprising representatives of former armed groups, together with the representatives of political parties, ethnic nationalities and other representatives from different social strata, took an active part in the National Convention process, the first crucial step of the roadmap, to draft a new Constitution.
28. The whole process of National Convention had been successfully completed on 3rd September 2007, and this Convention adopted the basic principles and detailed basic principles for drafting the new constitution that will bring about the rights of entire national races.
29. The draft State Constitution adopted by the National Convention was adopted through a free and fair referendum by 92.48 percent of total votes throughout the country on 29 May 2008. There were 27,288,827 eligible voters of which 26,776,675 cast their ballots. Members of the diplomatic corps and military attaches in Myanmar observed the referendum first hand at polling stations in various parts of the country.
30. With the aim of realizing the aspirations of its people, the Government of Myanmar is currently in the process of implementing the fifth crucial step of the Seven-step Road Map, holding of free and fair multiparty democratic elections. The Union Election Commission issued Declaration No. 89/2010 on 13 August 2010 to set date for the Multi-party Democracy Election on 7 November 2010. The Order establishing Union Election Commission and Electoral Laws were promulgated on 8 March 2010. In accordance with the Political Party Registration Act, all Myanmar citizens will enjoy their rights to form political parties and to campaign and contest in the elections. Therefore, now is the crucial time in Myanmar for transition to a democratic system.



III. Protection and promotion of human rights

A. Implementation of international human rights obligations

1. Economic, social and cultural rights

31. Every citizen has, in accord with the law, the right to conduct business freely in the Union, for national economic development. The Union guarantees the rights to ownership and the rights to private invention and patent and copy rights in conducting of business if it is not contrary to the provisions of this Constitution and the existing laws.
32. Citizens shall enjoy equal opportunity in carrying out economic and social activities such as public service, employment, entrepreneurship, commercial activities, business, technology and vocational trade, art, science and innovation of technical know-how.
33. Every citizen has the right to devote to language, literature, culture, religion, and customs they cherish without prejudice to other national races and faiths.
34. Every citizen shall, in accord with the law, have the rights to freely develop literature, culture, arts, customs and tradition they cherish.
35. Equal economic and social rights described in the above-mentioned paragraphs 31,32, 33 and 34 are granted to every citizen even before the adoption of the 2008 State Constitution. After the enactment of the Constitution, citizens will continue to enjoy the essence of those rights.
36. Social security laws such as the law relating to social security rights, the law relating to special protection of post-and prenatal mothers, the law relating to the rights of the working mothers and child have also been promulgated.

2. Civil and political rights

37. Myanmar provided legal provisions concerning guaranteeing of non-discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, poverty, birth or other status.⁵ Death penalty is prescribed under the law to be imposed for the most serious crime in accordance with the law in force at the time of the commission of the crime. This penalty can only be carried out pursuant to a final Judgment rendered by a competent court.⁶ Myanmar notes that this practice is in line with International standard including article 6(2) of the International Covenant on Civil and Political Rights (ICCPR). Although the death penalty is imposed in accordance with the law, Myanmar never carries out the death penalty since 1988. Persons below the age of 16 years and youth at the time of the commission of the crime for which death penalty was prescribed shall not be sentenced with the death penalty.⁷
38. Prohibition of torture or cruel, inhuman or degrading treatment or punishment⁸ and the prohibition of slavery, the slave trade, forced or compulsory labour are also provided in Constitution and Penal Code.⁹ Everyone has the right to liberty or security. The prohibition of arbitrary arrest or detention is provided. Any one arrested or detained on the criminal charge shall be arrested or detained in accordance with procedure established by Law.¹⁰ To be treated with humanity there is a provision in Child Law that a child or youth who has been sentenced to imprisonment shall not be kept together with adult prisoners.¹¹ Laws concerning Equality of rights of persons before the courts and tribunals are provided in Laws¹². These are right to be presumed innocent until prove guilty according to



law.¹³

39. In the case of Juvenile person, the procedure is established to take account of their age and desirability of promoting their rehabilitation.¹⁴ Everyone convicted of the crime has the right to his conviction and sentence being reviewed by the higher tribunal according to law.¹⁵ And also there is a provision that person once convicted or acquitted shall not be tried for the same offence.¹⁶
40. For the prohibition on retroactive criminal legislation, there is a provision in the Constitution that any person, who committed the crime, shall be convicted only in accord with the relevant law then in legal effect. Moreover, he shall not be penalized to a penalty greater than that is applicable under that law.¹⁷ Protection of privacy, family, home or correspondence, and unlawful attacks on his or her honour and reputation is provided.¹⁸
41. The rights of freedom of thought, conscience and religion are provided.¹⁹ There is also prohibition of any propaganda for war and any advocacy of national, racial or religious hatred that constitutes an incitement to discrimination, hostility or violence.²⁰
42. Myanmar also recognizes the right of peaceful assembly²¹ and freedom of association.²²
43. The rights of men and women of marriageable age to marry and found a family,²³ the rights to register the birth of the child²⁴ and to citizenship in accordance with law²⁵ are provided.
44. Moreover, the right to vote and right to be elected is provided.²⁶ The legal provision to be tried the presence of the accused and defend himself a person or through legal assistance of his own choosing to be informed if he does not have legal assistance assigned to him in any case where the interest of justice so require and without payment by him in any such case if he does not have sufficient means to pay for it.²⁷

3. Child rights

45. Myanmar acceded to the Convention on the Rights of the Child (CRC) on 16 July 1991. On 15 August 1991, Myanmar became a State Party to the CRC. To implement provisions of the Convention, "The Child Law" was enacted on 14 July 1993. It was followed by the promulgation of rules of procedure on 21 December 2001. Juvenile courts were also established to hear juvenile cases. Myanmar has been collaborating with UNICEF in connection with the administration of justice in juvenile cases. The National Committee on the Rights of the Child was formed on 30 March 1993 and its working committee was established on 17 June 1997.
46. Moreover, State, Regions, District and Township level committees were also set up for the same purpose. Voluntary social welfare officers were assigned in 10 States and Regions. The initial report on the Rights of the Child was submitted to the UNCRC in August 1995, the second report in March 2002 and the 3rd and 4th National Report on the Rights of the Child were submitted to the UNCRC in April 2009.
47. The Ministry of Social Welfare, Relief and Resettlement with the collaboration of UNICEF has been carrying out 264 awareness programmes on CRC and child protection in the country from 2002 to 2010.
48. The Committee for the Prevention against Recruitment of Minors for Military Service was formed on 5 January 2004. In 2007, Ms. Radhika Coomaraswamy, Under



Secretary-General of the United Nations and Special Representative of the Secretary-General (SRSG) for Children and Armed Conflict, visited Myanmar. She discussed with the Acting Prime Minister and senior officials on the prevention of recruitment of under-age children. Consequently, the Work Committee, the Monitoring and Reporting Task Force and the Reintegration and Rehabilitation Task Force were formed in 2007. Active collaboration is going on in these areas.

49. The Committee has arranged observation visits by ambassadors, military attaches and resident representatives of UN agencies 10 times to Military Recruitment Centres and Military Training Camps. Furthermore, a Plan of Action has been developed; efforts are being made to sign the plan of Action with the United Nations.
50. Sub-Committee for Taking Action and Information on complaints through International Labour Organization (ILO) was formed in 2005 and programmes on disarmament, demobilization and reintegration (DDR) has been carried out since 2002. A total of 75 minors were allowed to resign due to information provided by ILO, 18 minors by ICRC and 281 ineligibles by the Committee totaling (374) minors were allowed to resign and handed over to respective parents/guardians. Actions have been taken against 108 military personals as perpetrators of ineligible recruitments. In the area of rehabilitation, the Ministry of Social Welfare, Relief and Resettlement provides vocational trainings for 96 children, follow-up programme for 106 children, 224 under-age children who resigned from army are being assisted by UNICEF and INGOs such as Save the Children (Myanmar) and World Vision (Myanmar). From 2004 to May 2010, 10787 education talks on national law and international law related to the prevention against recruitment of minors for military service are being provided to regiments. The Committee in collaboration with ILO, International Committee of the Red Cross (ICRC), United Nations International Children's Emergency Fund (UNICEF), and INGOs conducted awareness raising on prevention of under-age military recruitment training 12 times at the Social Welfare Training School, Military Recruitment Unit (Yangon) and (Mandalay) from 22 November 2007 to 30 June 2010. For public awareness, pamphlets on child rights are also distributed. In collaboration with ILO, UNICEF, Save the Children and World Vision, workshop on prevention of under-age military recruitment was held on 20 May 2010 in Nay Pyi Taw. High-level officials from the Ministry of Defence and ministries concerned attended this workshop. On 27 February 2009, the Directive stipulating that all regiments shall not recruit under-age children and the perpetration of ineligible recruitments shall be taken actions, was issued by the Secretary of the Committee.

4. Women's rights

51. After acceding to the Convention on the Elimination of All Forms of Discrimination against Women on 22 July 1997, Myanmar is bringing about the right and liberty of all Myanmar women.
52. Myanmar National Committee for Women's Affairs and Myanmar National Working Committee for Women's Affairs have been formed as the National Mechanism to implement the 12 tasks laid down by the Fourth World Conference for the advancement of women. Myanmar National Committee for Women's Affairs has been cooperating with the regional countries, UN Organizations, concerned Ministries and INGOs for the development of Myanmar Women.
53. The Myanmar Women's Affairs Federation has been formed since 20 December 2003. The Federation has set up women's affairs organizations down to the grassroots level. The



Federation has been carrying out awareness-raising programmes to protect women from violence and trafficking in persons, opening counseling centers, receiving complaint letters and referring them to the authorities concerned for taking action, disseminating knowledge about the laws that protect women through media to all Myanmar women.

54. In Myanmar, women constitute 50 per cent of the whole population. Out of this, 63.99 per cent in health sector, 76.46 per cent in education sector, and 50.99 per cent in administrative sector are women staff in 2008–2009. Ministry of Social Welfare, Relief and Resettlement has been drawing up the National Plan of Action for the Advancement of Women (Draft) 2011–2015 in collaboration with concerned Ministries, UNFPA and INGOs. In this National Plan of Action for the Advancement of Women (Draft) 2011–2015, there are twelve areas such as women and livelihoods, women and education and training, women and health, violence against women, women and emergencies, women and the economy, women and decision making, institutional mechanisms for the advancement of women, women and human rights, women and the media, women and the environment and the girl-child.
55. To support the poverty reduction goal which is one of the Millennium Development Goals, Myanmar Women's Affairs Federation has been carrying out the micro credit loan for the poor women at the respective State/Division. Moreover, Myanmar Women's Affairs Federation lent the micro credit loan for women in Nargis affected area to carry out income generating. Myanmar Women's Affairs Federation provided the trainings to its members in collaboration with INGOs to give the psychosocial support for vulnerable women.
56. As special Law for the combating of trafficking in persons, Myanmar enacted the Anti-trafficking in persons Law in line with the United Nations' provisions. Myanmar five-year National Plan of Action (2007–2011) to combating human trafficking was adopted and the working groups at the State, Division, District and Townships levels have been formed.
57. According to the Constitution of the Republic of the Union of Myanmar (2008), women are entitled to be elected as a Pyithu Hluttaw representative. Myanmar educational policy provides equal opportunities to both sexes without any discrimination. The objectives for pre-school, primary, secondary and tertiary level education also stipulate equal rights for all citizens without any discrimination of sex.
58. Activities on the equal rights with men in job opportunity, the benefits of social security, the safety of workplace, and the benefits of the rights in legal are being provided in line with the relevant Labour Law.

5. Workers' rights

59. In line with international labour laws and the national ones, the Government of Myanmar has been promoting and protecting rights and privileges of workers. Myanmar has spared no effort to eradicating forced labour in Myanmar with a strong political will. As the requisition of force labour is an illegal and also constitutes an offence under law, the Ministry of Home Affairs issued Order No. (1/99) prohibiting the exaction of forced labour. The Ministry also issued the Order Supplementing Order No. (1/99) on 27 October 2000 requiring that those who contravene Order No. (1/99) shall have action taken against them under Section 374 of the Criminal Law or any other existing laws. These Orders were issued under the directive of the State Peace and Development Council and in light of this, they are also Ordinances. Regarding practice the ILO Convention No. 29, on the elimination of the exaction of forced labour, an agreement to appoint an ILO Liaison Officer to assist the Government of Myanmar was signed in 2002. In this connection,



a Supplementary Understanding (SU) was signed on February 2007 on a trial basis for the period of one year. Subsequently, the trial period has been renewed annually for 2008, 2009 and 2010 respectively. The Mechanism of the SU is currently in full operation.

60. The Ministry of Labour and ILO have jointly conducted awareness-raising workshops on the elimination of forced labour. The Ministry of Labour in cooperation with ILO, has widely circulated the Myanmar translation of the Supplementary Understanding and simply-worded brochure on the elimination of forced labour.
61. Myanmar has ratified two major conventions out of the eight core ILO conventions that relate to human rights. Appropriate measures are being taken in conformity with these two conventions. Relevant provisions from these conventions are reflected in Chapter 8 “Citizenship, Fundamental Rights and Duties of Citizens” of the new State Constitution.
62. The Ministry of Labour has been not only reviewing and redrafting the existing labour laws but also drafting new ones. In order that trade unions emerge in accordance with the ILO Convention No. 87, a Trade Unions Law is being drafted based on the 2008 State Constitution and international labour standards and also incorporating appropriate suggestions from ILO experts.
63. The Ministry of Labour has been actively working to ensure that workers enjoy their rights in accordance with existing labour laws. Workers may demand for their rights individually or collectively. Although no trade unions exist for the time being, the practice of signing an employment contract is followed in order to prevent disputes between the employer and the employee and arbitrate in trade disputes when they arise. When a trade dispute arises, it is settled as urgently as possible in accordance with the existing laws. Trade disputes are usually settled by a tripartite mechanism comprising the Township Workers’ Supervisory Committee with an official from the Ministry of Labour as its secretary, the employer or his or her manager and the employee.
64. Moreover, for Myanmar workers to meet ASEAN skills standards, National Skills Standard Authority (NSSA) was established in October 2007. The NSSA comprises the Deputy Minister for Labour as its Chairman and the Directors-General from the concerned Ministries and the Chairmen from the concerned organizations/associations of the private sector as members. In 2008–2009, skills standards for 44 occupations were formulated and another 100 occupations in 2009–2010. At present, 14 skills standards formulating committees have been established section-wise for the purpose of promoting necessary skills in respective sectors to be on a par with international skills standards.
65. As for the social security protection for workers, the Ministry of Labour has been implementing the social security scheme under the 1954 Social Security Act.
66. While 77 Labour Exchange Offices have been carrying out the necessary measures for the domestic employments, it has been arranged for sending Myanmar workers who wish to work abroad through more than 100 licensed Overseas Employment Agencies since 1999. Moreover, regarding the rights of Myanmar workers abroad, in order to be fully enjoyed the rights of workers granted by the laws of their residing countries, the respective Myanmar embassies, the concerned Ministries and institutions have settled these matters in co-operation manners.

6. The rights of the person with disabilities

67. Section 32(a) of the Constitution stipulates that the Union shall care for mothers and children, orphans, fallen Defence Services personnel, the aged and the disables. Section 18



(a) of the Child Law (1993) specifically states that the State shall adopt measures in order that mentally-retarded or physically disabled children have the right to acquire basic education (primary level) at special schools or vocational education, and the right to obtain special care and support from the State and the right to participate with dignity in the society.

67. The Myanmar National Plan of Action for Persons with Disabilities (PWDs) (2010– 2012) has been implemented to fulfill the rights of PWDs. The Plan of Action envisages to carry out awareness raising programmes, to develop policy and techniques, to ensure the PWDs of the right to full social inclusion and the right to shape their own future. In this connection, the Ministry of Social Welfare, Relief and Resettlement is playing a leading role and broadly collaborating with the concerned Ministries, INGOs, NGOs, and other social organizations.
69. In the aftermath of the Cyclone Nargis, an emergency action plan was drawn up for the disabled in the affected areas. Under the action plan, PWDs were provided with the assistive mobility devices, livelihood supports, repair and restoration of houses, physiotherapy treatments, referral to respective hospitals for further treatment, barrier-free environment and training for caregivers for PWDs. A total of 15,000 disabled persons have benefited from the plan of action.
70. The Department of Social Welfare and the Ministry of Education are jointly carrying out activities under the “Education of All” Programme. As per the programme, 801 disabled children are enrolled at Basic Education Schools, 1450 children at 14 Special Schools for the disabled, 31 disabled students at the colleges and universities and 6 disabled persons at post graduate schools respectively. 71. The Ministry of Social Welfare, Relief and Resettlement is the focal Ministry for matters relating to PWDs. The Ministry implements programmes for the disabled such as vocational training, special education techniques, training for daily physical mobility, physiotherapy for the physically handicapped, establishment of income generating enterprises, creation of barrier free environment, capacity building for the disabled to ensure social inclusion and the awareness raising activities. The aforesaid activities are being carried out by the Ministry in 17 schools for the disabled and the 22 Disability Resource Centres and 120 villages located in 15 townships throughout the country in closed cooperation.
72. With regard to job opportunity for PWDs, the Disabled Employment Act was enacted in 1958. Measures for creating job opportunities for PWDs are being taken in accordance with the said Act.
73. To enable PWDs to fully enjoy their rights, concerted efforts are being made in collaboration with government organizations, INGOs, NGOs and disabled organizations in line with UN Standard Rules, Biwako Millennium Framework for Action, Biwako Millennium Framework for Action plus Five and the UN Convention on the Rights of PWDs.

7. Freedom of religion

74. Both the Constitution of 1947 and the Constitution of 1974 stated that any citizen of Myanmar regardless of race, religion and sex has the rights to the freedom of faith. Similarly, the Constitution of the Republic of the Union of Myanmar (2008), which was adopted through a nation-wide referendum, guarantees the freedom of religion. In Myanmar, Buddhism is the faith professed by the majority of the population. There are also other religions professed by the minority. Section 362 of the aforesaid Constitution states: "The Union also recognizes Christianity, Islam, Hinduism and Animism as the religions



existing in the Union at the day of the coming into operation of this constitution". Every religion professes by the national races is equally recognized and respected. In the heart of Yangon City, religious monuments, such as the Sule Pagoda of Buddhism, the Bengali Mosque of Islam, the Immanuel Church of Christianity, the Ganish of Hinduism stand side by side as a clear evidence of freedom of religion in the country. Madame Sadako Ogata, Independent Expert of the Commission on Human Rights, who came to Myanmar in 1990, remarked that "Myanmar is a model society with regard to the freedom of faith".

75. The freedom of faith is also reflected in the annual Haj pilgrimage being arranged by the Ministry of Religious Affairs of the Union of Myanmar. Under its auspices, from 1986 to 2010, 15740 Haj pilgrims from Myanmar have been sent to Saudi Arabia on pilgrimage.

8. Right to development

76. The Government has been carrying out urban and rural development tasks with great momentum. Since 1988, peace and tranquility has prevailed in the country, paving the way for enhancing regional development tasks. Realizing the Government's goodwill, 17 out of 18 major armed insurgent groups have returned to the legal fold and exchanged arms for peace. They are now working hand in hand with the Government to bring about the economic and social development of their regions.
77. The Central Committee for Development of Border Areas and National Races was established with the Head of State as its Chairman. The Working Committee and sub-committees were also formed.
78. To effectively implement development of border areas and national races, the Ministry for the Development of Border Areas and National Races was established on 24 September 1992. Later, the Ministry was reorganized as the Ministry for the Progress of Border Areas and National Races and Development Affairs on 30 January 1994.
79. With a view to narrowing the development gap between urban and rural areas, bringing about balanced development the Government has been implementing the National Races Development Plan, the Rural Development Plan and the 24 Special Development Zone Project. To enable the national races to enjoy the benefit of development sooner, local people are not only joining hands with respective government agencies, international organizations, non-governmental organizations and civil society, but also participating voluntarily in the development tasks of their regions.
80. The 13 Year Master Plan for the Development of Border Areas and National Races was implemented from the fiscal year 1993–1994 to 2005–2006. In addition, the 30 Year Long-Term Plan for the Development of Border Areas and National Races realized from (2001–2002) to (2030–2031) is being implemented for the betterment of the national races in the border areas.
81. As of 31 May 2010, the State has spent Kyats 119.131 billion from the Border Areas Development Funds and Kyats 197.904 billion from the funds of various ministries which amounted to Kyats 317.035 billion.

9. Right to health

82. The Government of Myanmar recognized that everyone has the right to have a standard of living adequate for the health and well-being of himself and his family. The right to health is also closely related to, and dependent upon, the realization of other human rights. With the advent of the People's Health Plan in 1978, Myanmar has adopted



Health for All (HFA) as a social goal to be achieved by using **Primary Health Care** as the key approach. Health for All is a fundamental human right to attain peaceful and modern developed nation.

83. In this context, the objectives of the Ministry of Health are “**to enable every citizen to attain full life expectancy and enjoy longevity**” and “**to ensure that every citizen is free from diseases**”. National Health Plans have been developed and currently (12) health programmes with (65) projects are being implemented with emphasis for the attainment of health related **Millennium Development Goals (MDGs)**.
84. To fulfill the country's prevailing health requirements, the following are set as priority areas:
 - (a) Maternal and child health, prenatal cares, nutrition, water and sanitation, wide spread use of fly proof toilets,
 - (b) Prevention and eradication newly emerged and recurring communicable diseases,
 - (c) Prevention and eradication Non-communicable diseases- cardiovascular disease, diabetes, cancer, mental health, substance abuse, alcohol abuse, tobacco use, accidents,
 - (d) Environmental sustainability,
 - (e) Protecting poor people from financial catastrophic injury during illness and
 - (f) Developing effective health systems.
85. In Myanmar, AIDS is one of the priority diseases and also a disease of national concern. National Strategic Plan and its operational plan for 2006–2010 were formulated with multi-sectoral and multi-agency participation. Myanmar is practicing a human rights approach to HIV with emphasis on the principle of the participation of affected people and non-discrimination in planning and implementing policies and programs.
86. Ministry of Health, WHO and UNAIDS Headquarters, Geneva jointly estimated that number of people living with HIV/ AIDS in Myanmar among the 15 to 49 years was 240,000 in 2009. In addition, HIV/AIDS projection and demographic impact analysis workshop conducted in September 2007 had noted that HIV prevalence in Myanmar has reduced from 1.5 per cent in 2000 to 0.61 per cent in 2009. It has also observed that HIV in Myanmar has had its peak in 2000, and then leveling off.
87. Myanmar is striving to lower down the maternal mortality ratio, neonatal mortality rate, infant mortality as well as under-five mortality rates with a momentous effort. All efforts are geared towards maternal, newborn and child health care activities from both the public as well as private sector aim towards reducing maternal deaths, newborn deaths, infant deaths and under five deaths. Maximum utilization of available resources for Maternal Newborn and Child Health activities is one of the strategic directions in Myanmar.
88. Government has increased health spending on both current and capital yearly. Total government health expenditure has increased for twelve times within the last decade. As of 2008–2009 budget year, the expenditures incurred by the State for health services was 51.675 billion kyats. Myanmar provides health services at the primary health care facilities at minimum or no cost. In order to provide financial protection for the poor, pro-poor health care approach and exemption mechanism is in place.
89. The State has invested in public sector health by upgrading, expanding and developing hospitals and since 1988 total number of hospitals has increased from 631 to 889



including 23 specialist hospitals to take care of health of people in the country. Similarly during the same period Rural Health Centers were increased in 168 numbers and Sub Rural Health Centers were increased in 721 numbers as of July 2010.

10. Right to education

90. With the realization that education is a key element for development in all spheres, Myanmar is placing special emphasis on it. Ministry of Education is striving to improve access to education for all children and promote the quality of education in both the Basic Education and the Higher Education Sectors. Since the 2001–2002 Academic Year, the Thirty-Year Long-Term Education Development Plan encompassing programmes for both basic and higher education has been implemented in six phases each consisting of a five- year plan.
91. According to All School-Age Children in School Project, the concerted activities have been undertaken to enhance enrollment of all children in school and to promote retention rate. In accordance with the Jomtien declaration, the All School-Age Children in School Project has been implemented since 1996 and household survey on literacy was conducted up to 1999 annually. Since 1999–2000 Academic Year, School Enrollment Week has been held yearly and observed in every township with the coordination and involvement of regional authorities, educational personnel, NGOs, School Board of Trustees, well-wishers, parents and local communities. Due to this nationwide effort, the primary school intake rate in grade 1 is increased to 98.37 per cent in 2010–11 Academic Year. This ensures creating opportunities and access to primary education of all school-age children including those in difficult circumstances and those belonging to ethnic minorities.
92. The Continuous Assessment and Progression System-CAPS was introduced in Myanmar in 1991 and was initiated in the schools of project townships with collaboration of UNICEF and then CAPS has been implemented in the whole nation since 1998. In order to promote children’s creativity, analytical skills, critical thinking, and problem-solving skills, the Child Centered Approach have been expanded to use in the schools.
93. In accord with Myanmar EFA National Action Plan (EFA-NAP) (2003–2015), developing and expanding child friendly schools based on the Convention on the Right of the Child (CRC) is carried out. In Myanmar, right-based child friendly schools are based on 3 basic principles which are **“in the best interest of the child, non-discrimination and respect to the opinion of the child”**. Therefore, all school children in Myanmar have their rights in the school, in their families and in community as stated in the CRC.
94. Human Rights Education lessons are prescribed in basic education curriculum and taught in all basic education schools. For the Basic Education Primary Level, the concept of Human Rights is integrated in moral and civics as well as in other subjects such as Myanmar Language and Social Studies. For the secondary level, Human Rights Education lessons are prescribed and taught as a co-curricular subject.
95. As research is regarded as the lifeblood of higher education institutions, one of the key activities is carrying out researches concerned with major subjects as well as researches which are beneficial for the nation. Through the implementation of the long-term education development plan, higher education institutions are carrying out not only academic researches but also the applied researches based on the local resources to fulfill local needs of the region in which the higher education institutions are located. The PhD courses have been offered in the respective universities since 1994–95 Academic Year.
96. At least 1 Arts and Science University, 1 Computer University and 1 Technical Univer-



sity are established in 14 states/divisions as well as 24 special development zones and totally 160 universities and colleges have been opened in the whole nation. Therefore, access to higher education has been gained fully and equally for all in Myanmar.

97. Higher education students have obtained a sound foundation in human rights education since their basic education students' lives. Departments such as the Law Department and International Relations Department at higher education institutions offer more advanced Human Rights Education courses.
98. Education expenditure is significantly increased yearly. In 2009–2010 Academic Year, total education budget was 248.39 billion Kyats. According to new constitution, by highly encouraging private education sector, education expenditure will be significantly increased in the near future.

11. Fulfillment of prisoners' rights

99. At present, the Prisons Department of Ministry of Home Affairs is trying its utmost efforts in order to be in line with the Standard Minimum Rules for the Treatment of Prisoners according to the entitlement issued by the United Nations in 1988.
100. In fact, in the prisons, the arriving prisoners (Male/Female) are being systematically registered with Jail Form(21) and divided into two categories so as to keep them separate in custody. Concerning the accommodation for prisoners, cells and wards are being constructed systematically. Accommodation for a single prisoner is at least 36 square-feet wide. The better ventilation systems for wards and cells are being ensured. The education, health and physical fitness activities and diet for prisoners are also systematically being undertaken. In addition, the prisoners are being looked after in accord with the existing rules and regulations.
101. During 2006 and 2010, 1074 convicted youth prisoners have been given education classes ranging from kindergarten to Grade 9. The total number of prisoners who are being taught in the three "Rs" literature classes opened during 2008–2010 academic years also amounted to 1156. In the prisons, meditation centres are being opened for prisoners with the intention of avoiding personal involvement in next criminal cases and becoming softened-hearted persons. The prisoners have the opportunity to attend these meditation centres by their own free will. From 2004 to 2010, the total numbers of 20,170 prisoners of male and female have participated in the meditation practice.
102. The vocational training courses are being opened inside prisons from 2004 to 2010, and total prisoners of 14554 were taught. Regarding medical care for prisoners, 33 physicians, 28 health supervisors, and 69 health personnel are also being appointed at prisons and labour camps. Moreover, specialists and physicians from outside of the prisons are being sent in to tend to the prisoners, and if necessary, these inmates are allowed to have medical treatments at public hospitals. During 2009–2010 fiscal year, 71.93 million Kyats worth of medicines and medical supplies have also been supported to prisons and labour camps. In different prisons and labour camps, 25 water purification plants have been installed with the aim of providing the inmates with sufficient clean water. The water purification plants and related facilities are worth about 307.59 million Kyats.
103. The prisoners who have good behaviour and character and obey the rules and regulations of prison while serving their terms have been granted amnesty in accord with the Code of Criminal Procedure 401(1). As a result, amnesty has been granted for fifteen times, and to date, 114,803 prisoners in total have been released since 1989.



12. Fair and impartial justice

104. Section 2 of the Union Judiciary Law 2000 and Section 19 of the Constitution of the Union of Myanmar provide the judicial principles of administering justice independently according to law, dispensing justice in open court before public unless otherwise prohibited by laws and guaranteeing in all cases the right of defence and right of appeal under the law. Myanmar courts have been implementing these principles.
105. In Myanmar, judges at different levels of courts have been handling cases in accordance with law. The respective court shall sentence with punishment, serious or lenient, depending on the degree of the offence to any person who breaches the existing laws. The courts render the legal rights to the accused to give the right of cross-examination in accordance with the Evidence Act, the right to produce witnesses, right of appeal to defend through legal assistance at government expense on behalf of poor person accused of offences punishable with death. The court may not convict the accused without sufficient evidence.
106. In Myanmar, the district courts have the jurisdiction to pass death penalty to the person who committed a serious crime subjected to the existing laws. District Courts are the courts of origin to pass the death penalty. However, it is necessary to take judicial approval of the Supreme Court. Moreover, Supreme Court shall make the decision to approve such order or not. Although death penalties have been approved in cases, there is no execution of death penalty since 1988. Executions for death penalty are pending.
107. In order to support legal rights and fundamental rights of Myanmar citizens for fair trial, Myanmar courts have been practicing the judicial functions in line with the judicial principles of administering justice independently, dispensing in open court and guaranteeing in all cases the right of defence and right of appeal as well as Supreme Court. In cases where necessary, the Supreme Court shall issue the Writs of Habeas Corpus, Writs of Mandamus, Writs of Prohibition, Writs of Quo Warranto and Writs of Certiorari on the application of any citizen under Section 378 of the Constitution of the Union of Myanmar.

B. Public awareness

108. Myanmar Human Rights Committee with internal and external human rights partners already held a number of workshops and seminars on human rights and opened training courses since 2000, so as to prevail public awareness on human rights protection and promotion. Myanmar Human Rights Committee was reorganized as Myanmar Human Rights Body in 2007 and it is continuing the aforementioned tasks. Until now, the workshops as well as seminars and the training courses on human rights and prevention of trafficking in person, discussions on women rights, child rights, labour rights and migrant workers rights, and workshops on Gender Equality, human rights and officials-level prevention had been held for 35 times and there were about 1,200 participants. Also Myanmar delegations were sent to international and regional workshops and seminars on human rights.
109. Moreover, dialogues on human rights and prevention of trafficking in person, discussions on women rights, Child rights, labour rights and migrant workers rights, and workshops on Gender Equality, human rights and officials-level dialogues on prevention and suppression of trafficking in person are still under way.
110. Curriculums on child's rights, women's rights, trafficked person's rights and migrant work-



ers' rights have been drafted with the assistance of foreign experts. Under these curriculums, the respective experts are lecturing Myanmar Police officers at the Police Training Center. Additionally, mobile educational team including police officers, respective authorities and responsible persons, has been roaming and lecturing.

111. In order to extend the awareness on human rights subject for students, human rights subject curriculums for primary, middle and high school level and university level have been promulgated and lectured.

C. Cooperation with human rights mechanisms

112. In 1992, UN Human Rights Commission had decided to appoint a Special Rapporteur on the situation of human rights in Myanmar. Since then, the under-mentioned Special Rapporteurs had been admitted to visit Myanmar. Special Rapporteur Mr. Yozo Yokota visited Four times²⁸, Mr. Pinheiro visited Seven times²⁹ and Mr. Quintana has visited three times³⁰ respectively. During their visits to Myanmar, the government has managed as much as possible for the Special Rapporteurs to meet the persons they requested.
113. Myanmar delegation led by the Minister for Foreign Affairs attended the Human Rights Council's first session held in Geneva in 2006. The Minister revealed that the nation will cooperate with the Human Rights Council in protection and promotion of human rights in Myanmar during the first session. The delegation has already attended the sessions held by the Human Rights Council.
114. For promotion and protection of human rights, cooperation with UN agencies, submission of national reports on CRC and CEDAW to the respective Committees, clarification to the questions on the national reports and implementation of the recommendations on the reports are being conducted.
115. The Initial National Report of CEDAW was submitted in July 1999 and the Second and Third Combined National Report was submitted in July 2007 respectively.
116. Besides, the Government of Myanmar collaborated with the previous UN Human Rights Commission, and has been collaborating with the current Human Rights Council's special Rapporteurs and working groups by giving clarifications to the questions relating to Myanmar human rights situation.
117. Myanmar participated actively with other members of ASEAN to formulate the terms of reference of AICHR in accordance with ASEAN Charter as a regional cooperating process.

IV. Achievements, best practices, challenges and restrictions

A. Achievements and best practices

118. Myanmar has been carrying out seminars, training courses, workshops, and educational activities on human rights in cooperation with international organizations.
119. Clarification on human rights activities in Myanmar to Special Rapporteur on the situation of human rights in Myanmar Professor Paulo Sergio Pinheiro was held two times. Moreover, a workshop on international treaty was hosted relating to social and cultural affairs and Mr. Razali Ismail, Special Representative of the UN Secretary General also attended and observed the workshop.
120. Mr. Tomas Ojea Quintana, Special Rapporteur on the situation of human rights in Myanmar



mar was granted permissions to meet with 40 requested prisoners without hindrance during his visits to Myanmar.

121. The National Disaster Preparedness Central Committee headed by the Prime Minister was established in 2005 and Working Committee and 10 Sub-committees were formed to carry out the Central Committee's tasks effectively.
122. Myanmar had signed "the ASEAN Agreement on Disaster Management and Emergency Response – AADMER" in December 2006.
123. The Cyclone Nargis hits Myanmar and 16 townships in Ayeyarwaddy Division and Yangon Division were seriously destroyed. Under the guidance of National Disaster Preparedness Central Committee, Cabinet Ministers were assigned for the close supervision of the relief projects in the respective areas. Furthermore, the Tripartite Core Group (TCG) was formed on 31 May 2008 to facilitate international cooperation.
124. Beside, in order to carry out rehabilitation and reconstruction tasks, the reconstruction groups for villages had been established.
125. The Government had constructed 10,117 low cost houses for the Nargis victims. Furthermore, donations were made by the INGOs, international donors, NGOs and local well-wishers. The priority was given to women headed families, old ages headed families and disable headed families. In order to avoid disasters in future, a total of 20 Cyclone Shelters and 17 Hill locks were constructed in Ayeyawady and Yangon Divisions. 8 more Cyclone Shelters are projected to be constructed in the near future.
126. The government had constructed 10 main roads which link townships and villages in Ayeyawady Division for the development of communication network in the Ayeyawady delta area. A total of 81 large and medium bridges were built and 46 are under construction. New systematic modern townships are being built in 3 miles camp in Labutta Township, Ngaputaw Township, Chaung Wa and Aung Khaing Villages.

B. Challenges and constraints

127. Unilaterally imposed sanctions against Myanmar by some powerful countries have led unnecessary impact on Myanmar people. Nevertheless, the Government of Myanmar has been continuously striving for the development of the State by utilizing its own domestic strength. Unless international co-operations were received instead of these unilateral sanctions, Myanmar would be able to carry out the national development processes more than that of current level.
128. Moreover, the existence of political pressure by some powerful countries upon the developing countries through exercising the United Nation's mechanism has created some difficulties with regard to protection and promotion of human rights for a developing country such as Myanmar.

V. National priorities and initiatives

Undertaking of studying and signing international conventions on human rights

129. Myanmar is observing the under-mentioned international conventions on human rights:
 - (a) Conventions on the Rights of Persons with Disabilities (CRPD);



- (b) Optional Protocol to the Convention in the rights of the Child on the sale of Children, Child Prostitution and Child Pornography;
 - (c) International Covenant on Economic, Social and Cultural Rights (ICESCR);
 - (d) International Covenant on Civil and Political Rights (ICCPR);
 - (e) International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
 - (f) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).
130. Myanmar will be implementing a National Plan of Action to further promote and protection human rights.
131. Myanmar is striving to transform the present Myanmar Human Rights Body into National Human Rights Commission in accordance with Paris Principles.
132. Myanmar will continue to increase the number of workshops relating on human rights. So as to conduct workshops effectively, Myanmar will cooperate with Human Rights Council and OHCHR. Additionally, Myanmar will cooperate with country specific Special Rapporteurs and Thematic Rapporteurs under Human Rights Council (HRC).
133. In order to conduct future workshops, seminars and training sessions in Myanmar on promoting and protection of Human Rights, Myanmar will seek technical assistance from United Nations agencies, OHCHR and Regional OHCHR.

Notes

- 1 The Liaison Sub-committee which has to deal with the groups relating to compilation of Myanmar National Report on Human Rights, Border Area Development Association (BDA), Parami Foundation, Myitta Development Foundation, Nyein Foundation, Shwe Foundation, Aye Mya Soe Foundation, Ka Naung Association (Yangon), Myanmar Architect Association, Myanmar Engineering Association, Myanmar Nurses and Midwives Association, Myanmar Veterinary Association, Myanmar Doctors Association(Central Council), Myanmar Health Association, Myanmar Banks Association, Myanmar Anti-Narcotic Drug Association, ASEAN Women's Friendship Association of Myanmar, Social Development Association, ADRA (Myanmar), World Vision (Myanmar), The Association of Medical Doctors of Asia (AMDA), Pacific Congress Marine Science Technology (PACON) International, Japanese Organization for International Co-operation Family Planning (JOICFP), World Concern, Community and Family Services International (CFSI), PACD (Myanmar), Marlin Myanmar, Myanmar Business Coalition on AIDS.
- 2 Mr. Bishaw B-Parajuli (United Nations Development Programme-UNDP), Mr. Ramesh M.Shrestha (United Nations Children's Fund -UNICEF), Ms. Toni Yama (UNICEF), Mr. Phairaja Panday (United Nations High Commissioner for Refugees -UNHCR), Mr. Steve Marshall (International Labour Organization-ILO), Ms. Mariko Tomiyama International Organization for Migration (IOM).
- 3 (a) Human Rights and Responsibilities (Yangon, Mandalay, Taunggyi, Myitkyina, Tawei) (14 Times).
 (b) Human Rights of Law Enforcement (Yangon, Pegu, Patheingyi, May Myo) (7 Times).
 (c) International Seminar on the Rights of the Child (Yangon, Myitkyina, Mawlamyine) (4 Times).\$ (d) Land Mine Awareness Workshop (Yangon, Mawlamyine) (2 Times).
 (e) Women's Rights (Yangon) (1 Time)
 (f) Workshop on International Covenant on Economic, Social and Cultural Rights (Yangon) (1 Time).
 (g) International Human Rights Law and Refugee Law (Yangon, Mawlamyine,Tawei, Phaung) (5 Times)
 (h) Workshop on the Universal Periodic Review Preparation for the National Report (Nay Pyi Taw) (1 Time).
- 4 17 Armed Groups, who have already exchanged the arms for the peace, are as follows:
 (a) Myanmar National Democratic Alliance (MNDA)(exchange on 31-3-89)
 (b) United Wa State Army (UWSA) (exchange on 9-5-89)
 (c) Shan State Army (SSA) (exchange on 24-9-89)
 (d) Palaung State Liberation Army (PSLA) (exchange on 21-4-91)



- (e) National Democratic Alliance Army (NDAA) (exchange on 30-6-89)
- (f) Shan Nationalities People's Liberation Organization (SNPLO) (exchange on 9-10-94) (g) Kayan National Guard (KNG) (exchange on 27-2-92)
- (h) Karenni Nationalities People's Liberation Front (KNPLF) (exchange on 24-2-94) (i) Kayan New Land Party (KNLP) (exchange on 26-7-94)
- (j) New Democratic Army-Kachin (NDAK) (exchange on 15-12-89) (k) Burma Communist Party (Ra Khine) (BCP) (exchange on 6-4-97) (l) Kachin Defence Army (KDA) (exchange on 11-1-91)
- (m) "Pa-o" National Organization (PNO) (exchange on 18-2-91)
- (n) Kachin Independence Organization (KIO) (exchange on 24-2-94) (o) Karenni National Progressive Party (KNPP) (exchange on 21-3-95) (p) New Mon State Party (NMSP) (exchange on 29-6-95)
- (q) Mong Tai Army (MTA) (exchange on 5-1-96)
- 5 Constitution of the Republic of the Union of Myanmar Section 348 (The Union shall not discriminate any citizen of the Republic of the Union of Myanmar based on race, birth, religion, official position, status, culture, sex, wealth.).
- 6 Code of Criminal Procedure section 374 (Sentence of death to be submitted by Court of Session.).
- 7 Child Law Section 45 (Notwithstanding anything contained in any existing law, a death sentence, transportation for life or a sentence of whipping shall not be passed on any child.), Section 71(Notwithstanding anything contained in any existing law; (a) a sentence of death or transportation for life shall not be passed on the youth; (b) if a sentence of imprisonment is passed on the youth, the maximum term of imprisonment shall not exceed ten years).
- 8 Constitution of the Republic of the Union of Myanmar Section 44 (No penalty shall be prescribed that violates human dignity.).
- 9 Constitution of the Republic of the Union of Myanmar Section 358 (The Union prohibits the enslaving and trafficking in persons), Penal Code section 370 (Buying or disposing of any person as a slave), section 371 (Habitual dealing in as a slaves), section 374(Unlawful compulsory labour).
- 10 Constitution of the Republic of the Union of Myanmar Section 21(b) (No citizen shall be placed in custody for more than 24 hours without the permission of a Court.), section 376 (No person shall, except matters on precautionary measures taken for the security of the Union of prevalence of law and order, peace and tranquility in accord with the law in the interest of the public, or the matter permitted according to an existing law be held in custody for more than 24 hours without the remand of a competent magistrate.), Code of Criminal Procedure section 167 (Procedure when investigation can not be completed in twenty-four hours.).
- 11 Child Law section 52(A) (the Officer in charge of a prison shall, in respect of a child or youth who has been sentenced to imprisonment: - (a) not keep him together with adult prisoners until he attains the age of 18 years.).
- 12 Constitution of the Republic of the Union of Myanmar, Section 347 (the Union shall guarantee any person to enjoy equal rights before the law and shall equally provide legal protection.).
- 13 Evidence Act Section 101 (When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.).
- 14 Child Law Section 3(f) (to enable a separate trial of a juvenile offence and to carry out measures with the objective of reforming the character of the child who has committed an offence.).
- 15 Code of Criminal Procedure section 423(1)(b) (Powers of Appellate Court in disposing of appeal).
- 16 Code of Criminal Procedure section 403(Person once convicted or acquitted not to be tried for same offence), Constitution of the Republic of the Union of Myanmar Section 374 (Any person convicted or acquitted by a competent court for an offence shall not be retried unless a superior court annuls the judgment and orders the retrial).
- 17 Constitution of the Republic of the Union of Myanmar Section 373 (Any person who committed a crime, shall be convicted only in accord with the relevant law then in operation. Moreover, he shall not be penalized to a penalty greater than that is applicable under that law). Constitution of the Republic of the Union of Myanmar Section 43 (No penal law shall be enacted to provide retrospective effect.).
- 18 Constitution of the Republic of the Union of Myanmar Section 357(The Union shall protect the privacy and security of home, property, correspondence and other communications of citizens under the law subject to the provisions of this Constitution).
- 19 Constitution of the Republic of the Union of Myanmar Section 362, (The Union also recognizes Christianity, Islam, Hinduism and Animism as the religions existing in the Union at the day of the coming into operation of this Constitution. penal code section).
- 20 Constitution of the Republic of the Union of Myanmar Section 364(b) (every citizen shall be at liberty in the exercise of the right , if not contrary to the laws , enacted for Union security , prevalence of law and order, community peace and tranquility or public order and morality; to assemble peacefully without arms and holding procession).
- 21 Constitution of the Republic of the Union of Myanmar Section 354 (b), (to assemble peacefully without arms).
- 22 Constitution of the Republic of the Union of Myanmar Section 354 (c), (to form associations and organization).
- 23 Myanmar Customary Law.
- 24 Child Law Section 9(b) (The parents of guardian shall register the birth of the child in accordance with law.).



- 25 Child Law Section 10(Every child shall have the right to citizenship in accordance with the provisions of the existing law.).
- 26 Constitution of the Republic of the Union of Myanmar Section 369 (Subject to this Constitution and relevant laws , every citizen has the right to elect and right to be elected to the Pyithu Hluttaw, the Amyotha Hluttaw, and the Region or State Hluttaw .).
- 27 Constitution of the Republic of the Union of Myanmar Section 375, (An accused shall have right of defence in accord with the law) Code of Criminal Procedure section 340(1), (Right of person against whom proceedings are instituted to be defended and his competency to be a witness. Section 353 (Evidence to be taken in presence of accused.).
- 28 Mr.Yozo Yokota's visit to Myanmar (4) times-
(a) First Time (from 7-12-92 to 14-12-92)
(b) Second Time (from 9-11-93 to 16-11-93) (c) Third Time (from 7-11-94 to 16-11-94) (d) Fourth Time (from 8-10-95 to 17-10-95)
- 29 Mr. Pinheiro's visit to Myanmar (7) times-
(a) First Time (from 3-4-2001 to 5-4-2001)
(b) Second Time (from 12-10-2001 to 14-10-2001) (c) Third Time (from 12-2-2002 to 19-2-2002)
(d) Fourth Time (from 17-10-2002 to 28-10-2002) (e) Fifth Time (from 19-3-2003 to 24-3-2003)
(f) Sixth Time (from 3-11-2003 to 8-11-2003)
(g) Seventh Time (from 11-9-2007 to 15-9-2007)
- 30 Mr.Quintana's visit to Myanmar (3) times-
(a) First Time (from 3-8-2008 to 7-8-2008))
(b) Second Time (from 14-2-2009 to 19-2-2009)
(c) Third Time (from 15-2-2010 to 19-2-2010)





General Assembly

Distr.: General
15 November 2010

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Tenth session
Geneva, 24 January – 4 February 2011

Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1

Myanmar

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.



I. Background and framework

A. Scope of international obligations¹

<i>Universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
CEDAW	22 July 1997	Reservation (art. 29)	–
CRC	15 July 1991	None	–

Treaties to which Myanmar is not a party: ICERD, ICESCR, OP-ICESCR³, ICCPR, ICCPR-OP 1, ICCPR-OP 2, OP-CEDAW, CAT, OP-CAT, OP-CRC-AC, OP-CRC-SC, ICRMW, CRPD, CRPD- OP, and CED.

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	No
Palermo Protocol ⁴	Yes
Refugees and stateless persons ⁵	No
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶	Yes, except Additional Protocols I,II and III
ILO fundamental conventions ⁷	Yes, except Nos. 98, 100, 105, 111, 138 and 182
UNESCO Convention against Discrimination in Education	No

1. In 2009, the Committee on Elimination of Discrimination against Women (CEDAW) called upon Myanmar to ratify the Optional Protocol to the Convention⁸. CEDAW encouraged Myanmar to consider ratifying ICESCR, ICCPR, CERD, CAT, ICRMW, CED and CRPD⁹. The General Assembly¹⁰ and the Special Rapporteur on the situation of human rights in Myanmar¹¹ made similar recommendations. The Special Rapporteur also urged Myanmar to ratify the 1997 Mine Ban Treaty.¹²
2. In 2009, The Secretary-General encouraged Myanmar to ratify the OP-CRC-AC and to align national legislation and practice with that commitment.¹³
3. In 2004, the Committee on the Rights of the Child (CRC) encouraged Myanmar to ratify ICESCR, ICCPR, ICERD, CAT, ICRMW¹⁴, and the 1951 Convention relating to the Status of Refugees, its 1967 Protocol and the 1954 Convention relating to the Status of Stateless Persons¹⁵, the Optional Protocols to the Convention¹⁶ and ILO Conventions Nos. 138 and 182¹⁷.

B. Constitutional and legislative framework

4. The Special Adviser to the Secretary-General on Myanmar was concerned about the cir-



cumstances in which the constitutional referendum was held in May 2008, amid the national tragedy caused by cyclone Nargis, insufficient civic education and public information, the absence of free and open debate, and instances of voter intimidation.¹⁸

5. In 2010, the United Nations Country Team (UNCT) indicated that Myanmar's domestic courts cannot directly invoke the provisions of global or regional human rights instruments to interpret national norms unless such norms are incorporated into national legislation. Furthermore, the Constitution does not make clear the legal rights and protection available to non-citizens.¹⁹ The Special Rapporteur on the situation of human rights in Myanmar noted that the provisions in the Constitution were confined to citizens, and that the restricted requirement for citizenship would render some people stateless.²⁰ The General Assembly called upon Myanmar to undertake a transparent and comprehensive review of compliance of the Constitution and national legislation with international human rights law.²¹
6. UNCT also noted that the Constitution will come into force after the elections in November 2010. Noting that Myanmar had a military government, UNCT indicated that a quarter of the seats in the bicameral legislatures are reserved for military personnel appointed by the Commander-in-Chief and that the Supreme Court does not have jurisdiction over military justice or constitutional matters.²² According to the Special Rapporteur, the Constitution contained one article, which could be seen as enshrining impunity for crimes committed by military and civilian personnel.²³
7. CEDAW was concerned that the new Constitution does not include a provision concerning the applicability of international treaties, including the Convention, and that it does not include an effective constitutional guarantee of substantive equality and that the definition of discrimination is not in accordance with article 1 of the Convention.²⁴ It commended Myanmar for the enactment of the 2005 Law to combat trafficking in persons.²⁵
8. CRC welcomed, *inter alia*, the accession to ILO Forced Labour Convention No. 29, but remained concerned at the existence of the Citizenship Act and the Whipping Act.²⁶
9. CRC was concerned that children between 16 and 18 years are treated as adults under the penal law. It recommended that Myanmar recognize that all persons below the age of 18 are entitled to special protection and specific rights as enshrined in the Convention.²⁷ UNCT advised that to conform with the commitments of Myanmar to the CRC, a number of child laws need to be reformed.²⁸

C. Institutional and human rights infrastructure

10. As of 24 August 2010, Myanmar does not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).²⁹ UNCT noted that the Government established the Myanmar Human Rights Body in November 2007,³⁰ which did not meet the Paris Principles.³¹
11. CEDAW encouraged Myanmar to accelerate the process of establishing a national human rights institution in accordance with the Paris Principles and urged it to strengthen its legal complaints system to ensure that women, especially women of ethnic groups, have effective access to justice.³² CRC gave similar encouragement and recommended that the institution's mandate include the ability to investigate complaints of violations of child rights. It suggested establishing within this institution a special division for children's rights.³³
12. In 2009, Myanmar appointed a Representative of the Union of Myanmar to the ASEAN Intergovernmental Commission on Human Rights.³⁴



13. CRC welcomed the establishment of an interdisciplinary National Committee on the Rights of the Child whose main mandate was the coordination of governmental bodies involved in the implementation of the Child Law.³⁵
14. CEDAW welcomed the establishment of organizations on women's rights, including the Myanmar National Committee for Women's Affairs (MNCWA)³⁶ and recommended that Myanmar strengthen its national machinery to ensure gender equality.³⁷

D. Policy measures

15. CEDAW commended Myanmar for the adoption of the Myanmar Five-Year National Plan of Action to combat Human Trafficking (2007–2011), the establishment of the central body to combat trafficking in persons, and its accession, in 2004, to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.³⁸ It urged the effective implementation of the National Action Plan, including the prevention of trafficking and the prosecution of traffickers.³⁹
16. CRC welcomed the adoption of the National AIDS Programme and the development of the Joint Programme for HIV/AIDS 2003–2005; the adoption of the “Education for All” National Action Plan, and the adoption with ILO of the joint Plan of Action for the Elimination of Forced Labour⁴⁰. It recommended that Myanmar adopt a new plan of action for children, which will include the Millennium Development Goals.⁴¹

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

17. The Security Council reaffirmed its support for the Secretary-General's good offices mission and encouraged the Government and all parties concerned to cooperate with the United Nations.⁴² The Government sent a letter to the President of the Security Council on this matter.⁴³

<i>Treaty body⁴⁶</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CEDAW	2007	Nov. 2008	Response received in 2009	Fourth and fifth reports due in
CRC	2002	June 2004	–	Third and fourth reports received 2009

18. On 2 October 2007, the Human Right Council convened a special session on the situation of human rights in Myanmar.⁴⁴

1. Cooperation with treaty bodies

19. The General Assembly welcomed the dialogue between Myanmar and CEDAW and encouraged the Government to work to fulfil the recommendations of the Committee.⁴⁵

2. Cooperation with special procedures

20. The Special Rapporteur on the situation of human rights in Myanmar noted, in March



<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on the situation of human rights in Myanmar (1–15 November 2007); ⁵⁰ (3–7 August 2008); ⁵¹ (14 to 19 February 2009) ⁵² ; (15–19 February 2010); ⁵³ (3–11 August 2010) ⁵⁴
<i>Visits agreed upon in principle</i>	–
<i>Visits requested and not yet agreed upon</i>	Representative of the Secretary-General on the human rights of internally displaced persons; Special Rapporteurs on the right to food (requested in 2003); on freedom of religion or belief (requested in 2007); on extra-judicial, summary or arbitrary executions (requested in 2007); and on the independence of judges and lawyers (requested 11 March 2009)
<i>Facilitation/cooperation during missions</i>	During his visits in August 2008 and February 2009, the Special Rapporteur on the situation of human rights in Myanmar welcomed the establishment of a cooperative relationship with the Government and other stakeholders. ⁵⁵
<i>Follow-up to visits</i>	–
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 57 communications were sent. The Government replied to 25 communications.
<i>Responses to questionnaires on thematic issues</i>	Myanmar responded to 2 of the 23 questionnaires sent by special procedures mandate holders ⁵⁶

2010, that the Government had postponed planned visits several times.⁴⁷ In March 2008, he regretted that he had not been permitted to travel to Myanmar to assess the situation after the demonstrations in September 2007.⁴⁸ The General Assembly welcomed the favourable response for granting the Special Rapporteur's requests to visit the country and urged Myanmar to cooperate with him.⁴⁹

3. Cooperation with the Office of the High Commissioner for Human Rights

21. The General Assembly called upon the Government to engage in a dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to ensuring respect for human rights and fundamental freedoms.⁵⁷

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

22. CEDAW was concerned at the persistence of adverse cultural norms, practices and traditions regarding the roles of women and men in all spheres of life, especially within some ethnic groups.⁵⁸ It noted that legislation and customary laws that discriminate against women remain in force.⁵⁹ It also expressed concern at the disadvantaged position of women in rural and remote areas — who form the majority of women in Myanmar — which is characterized by poverty, illiteracy, difficulties in access to health care, education and social services.⁶⁰ UNCT noted that discrimination against women and girls, who in some areas are confined to the home, not allowed in public for education, economic activities or the most basic community participation, must be removed to ensure in compliance with CEDAW.⁶¹
23. CRC was concerned about discrimination against children with disabilities, children from



remote and border areas, children belonging to religious minorities and children with low status citizenship⁶². It urged Myanmar to ensure that all children are registered at birth without discriminatory conditions, and recommended abolishing the statement on the national identity card of the religion and ethnic origin of citizens, including children⁶³.

24. The Special Rapporteur on the situation of human rights in Myanmar was concerned about the systematic discrimination faced by the Muslim community, known as the Rohingya. Measures taken against this population included restriction of movement, limitations on permission to marry and forced labour.⁶⁴ CEDAW expressed concern at reports that Muslim women and girls in Northern Rakhine State endure multiple restrictions and forms of discrimination⁶⁵. Myanmar provided the Committee with information on the activities carried out in Rakhine State⁶⁶.

2. Right to life, liberty and security of the person

25. While commending the Government for the effective moratorium on the use of death penalty, the Special Rapporteur regretted that lower courts continued to hand down death sentences.⁶⁷
26. On 28 September 2007, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteurs on extrajudicial, summary or arbitrary executions; on freedom of religion or belief; on the question of torture, and on the situation of human rights in Myanmar and the Special Representative of the Secretary-General on the situation of human rights defenders drew the attention of the Government to reports indicating that the military had dispersed demonstrations, peacefully initiated by Buddhist monks, firing indiscriminately into the crowds, killing and injuring a significant number of persons.⁶⁸ The Special Rapporteur on the situation of human rights in Myanmar condemned the use of deadly force by the security forces and called upon the Government to desist from such brutal measures.⁶⁹
27. The General Assembly expressed its concern in 2008, 2009, and 2010, at the continuing practice of arbitrary detentions, enforced disappearances, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment and called upon the Government to allow a full and independent investigation into all reports of human rights violations and to bring to justice those responsible.⁷⁰ The Human Rights Council called upon the Government to address, as a matter of urgency, consistent reports of torture and ill-treatment of prisoners of conscience; improve conditions in prisons and other detention facilities.⁷¹
28. In 2007, following a series of peaceful demonstrations, the United Nations High Commissioner for Human Rights expressed grave concerns about the well-being and safety of the demonstrators, those who had been detained and the welfare of the opposition leader, Daw Aung San Suu Kyi.⁷² The Special Rapporteur on the situation of human rights in Myanmar stated that organized groups such as associations of monks, students and human rights defenders have been harshly suppressed.⁷³
29. The Secretary-General,⁷⁴ the High Commissioner for Human Rights,⁷⁵ the Security Council,⁷⁶ the General Assembly,⁷⁷ the Human Rights Council⁷⁸ and the Special Rapporteur on the situation of human rights in Myanmar⁷⁹ called for the immediate release of Daw Aung San Suu Kyi, and of all remaining political prisoners.
30. CEDAW expressed concern at the high prevalence of violence against women and girls, such as widespread domestic violence and sexual violence. Such violence appeared to be socially legitimized and accompanied by a culture of silence and impunity⁸⁰.
31. The Special Rapporteur expressed serious concern at reports that prisoners of con-



science were subject to torture during the interrogation period and in detention.⁸¹

32. CEDAW expressed concern at sexual and other forms of violence perpetrated by members of the armed forces against rural ethnic women, and at the apparent impunity of the perpetrators of such violence.⁸²
33. CRC was concerned that corporal punishment continues to be regarded as acceptable in society, that Myanmar has not repealed the Whipping Act and that the orders prohibiting corporal punishment in schools do not seem to be effective⁸³. It recommended, inter alia, that Myanmar duly investigate cases of domestic violence and violence in schools.⁸⁴
34. The Secretary-General urged the Government to put into place a tighter mechanism to prevent the recruitment of children and to demobilize unconditionally all children⁸⁵. The Government should cease the arrest and harassment of children for desertion and/or attempting to leave the army.⁸⁶ CRC recommended that Myanmar prioritize the demobilization and reintegration of all combatants under 18 and take effective measures to ensure that children can be reintegrated into the education system.⁸⁷
35. In 2010, the ILO Committee of Experts recalled that the ILO Commission of Inquiry had concluded that the obligation under Convention No. 29 was being violated in national laws as well as in actual practice in a widespread manner.⁸⁸ The Special Rapporteur noted that the number of cases of allegation of forced labour imposed on the Muslim community had considerably increased in 2009.⁸⁹ He recommended that the Government review its policy on forced labour used by the military, and on prison labour, and requested ILO to provide technical assistance.⁹⁰
36. CRC recommended that Myanmar carry out a national study to assess the scope, nature and causes of the phenomenon of street children and provide street children with recovery and rehabilitation services, adequate nutrition, health care and educational opportunities⁹¹.

3. Administration of justice, including impunity and the rule of law

37. The Special Rapporteur on the situation of human rights in Myanmar pointed out the prevalence of a culture of impunity in the country, as well as a lack of independence of the judiciary and a weak rule of law.⁹² He noted that the recommendations made by the international community remain largely outstanding.⁹³ Many trials were conducted behind closed doors within prison compounds, without legal representation, without the presence or knowledge of prisoners' family members, without proof of evidence or with defective evidence, and pursuant to arbitrary decisions of the judges.⁹⁴ He recommended establishing effective judicial mechanisms to investigate human rights abuses in order to fight impunity.⁹⁵ The General Assembly, which was gravely concerned with the climate of impunity⁹⁶, and the Human Rights Council urged the Government to ensure the independence and impartiality of the judiciary and to guarantee due process of law.⁹⁷
38. CRC was concerned at the absence of juvenile courts and juvenile judges; poor conditions of detention; the lengthy periods before juvenile cases are heard and the minimum age for criminal responsibility (age 7).⁹⁸

4. Right to privacy, marriage and family life

39. According to the Special Rapporteur on the situation of human rights in Myanmar, based on a local order issued in the late 1990s in Rakhine State, Muslims are required to obtain an authorization from the local authorities to get married.⁹⁹ He urged the Government to issue birth certificates to Muslim children, who face discrimination with regard to education,



health care and employment as a consequence of their statelessness.¹⁰⁰

40. CRC recommended that Myanmar refrain from activities that may lead to the disintegration or displacement of families,¹⁰¹ expedite the assessment on the situation of children placed in institutions,¹⁰² and amend its current domestic legislation and practice regarding adoption.¹⁰³
41. CEDAW expressed its concern at the multiple marital systems that apply in Myanmar. It was particularly concerned that, although polygamy is discouraged, it is not prohibited. It was further concerned that marital rape is not recognized as a criminal offence.¹⁰⁴

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

42. The Special Rapporteur on the situation of human rights in Myanmar noted information regarding the closure of churches in Chin State and called upon the Government to ensure that ethnic minorities are granted fundamental rights.¹⁰⁵
43. The General Assembly called upon the Government to lift restrictions on the freedom of assembly, association, movement and expression, including for free and independent media, and ending the use of censorship.¹⁰⁶ The Special Rapporteur encouraged the Government to complete the process of reviewing domestic laws for the enjoyment of freedom of expression, association and assembly, including assuring a free and independent media.¹⁰⁷
44. The General Assembly called upon the Government to take immediate measures to undertake a genuine dialogue with Daw Aung San Suu Kyi and all other concerned parties and ethnic groups,¹⁰⁸ and to allow human rights defenders to pursue their activities unhindered and to ensure their safety and freedom of movement.¹⁰⁹ The Secretary-General reiterated that the democratic transition of Myanmar could not be completed without genuine national reconciliation.¹¹⁰ The General Assembly urged Myanmar to ensure that necessary steps be taken towards a free and transparent electoral process.¹¹¹
45. CEDAW was concerned at the very low rate of participation of women in all areas of public, political and professional life, including in the National Assembly.¹¹² It urged Myanmar to ensure that the civil society and women's groups can conduct programmes and activities without restrictions. In addition, it urged Myanmar to review its regulations for registration of and support for NGOs.¹¹³

6. Right to work and to just and favourable conditions of work

46. The ILO Committee of Experts reiterated that the authorities should not interfere with legitimate trade union activities through arbitrary arrest or detention and allegations of criminal conduct should not be used to harass trade unionists.¹¹⁴ The Special Rapporteur on the situation of human rights in Myanmar noted reports that several individuals have been sentenced to long terms in prison for their association with trade unions, including the banned Federation of Trade Unions of Burma (FTUB).¹¹⁵
47. CEDAW requested Myanmar to ensure equal opportunities for women in the labour market. It also called upon Myanmar to provide a regulatory framework for the informal sector, with a view to providing access to social protection.¹¹⁶

7. Right to social security and to an adequate standard of living

48. The World Food Programme (WFP) indicated that humanitarian operations face constraints such as travel restrictions, the need for permits to transport food and other goods,



and import restrictions on equipment.¹¹⁷ It also indicated that there were severe problems with access to food, particularly for vulnerable groups such as landless labourers, small-scale farmers, households headed by women and marginal households.¹¹⁸

49. The Special Rapporteur on the situation of human rights in Myanmar stated that infant mortality remained high, with an estimated 10 per cent. More than 30 per cent of Myanmar's children were chronically malnourished. The national prevalence of underweight and stunting among children under five years is 32 per cent. More than 25 per cent of the population lacked access to safe drinking water. Approximately half of the malaria deaths in South-East Asia occurred in Myanmar.¹¹⁹ CRC was concerned at the high infant and under-five mortality rates and the low life expectancy; that health services in the remote areas are often inaccessible, and that the survival and development of children in Myanmar continue to be threatened by early childhood diseases¹²⁰. It recommended that Myanmar ensure access by all children, in particular those in remote and rural areas, to safe drinking water and adequate sanitation systems.¹²¹
50. CEDAW called upon Myanmar to strengthen its efforts in the area of health and to reduce, as a matter of priority, the incidence of maternal and infant mortality, as well as deaths caused by infectious diseases, malnutrition and maternal complications. It urged Myanmar to make every effort to increase women's access to health-care facilities and medical assistance, especially in rural and remote areas.¹²²
51. While noting the adoption of the five-year national strategic plan 2006-2010 in the area of HIV/AIDS, CEDAW was concerned that women and girls may be particularly susceptible to infection owing to gender-specific norms.¹²³ CRC expressed similar concerns.¹²⁴ UNAIDS noted in its 2007 report that the response to the HIV epidemic is slowly but consistently expanding, with an estimated 70 000 Myanmar people in need of antiretroviral treatment.¹²⁵

8. Right to education

52. The Special Rapporteur on the situation of human rights in Myanmar noted that only 43 per cent of children enrolled at school completed five years of primary education.¹²⁶ UNCT considered that an increase in the education budget was a prerequisite to the establishment of special schools and the integration of children with special needs and disabilities.¹²⁷
53. CRC recommended that Myanmar improve the quality of the education system; ensure that primary education is free in practice; extend compulsory education to at least the sixth grade; ensure that girls and boys, from urban, rural and remote areas, and children belonging to minority groups all have equal access to educational opportunities; improve the quality of education.¹²⁸
54. CEDAW encouraged Myanmar to overcome traditional attitudes that in some rural areas constitute obstacles to girls and women's education. It recommended that Myanmar implement measures to ensure equal access of girls and women to all levels of education and retain girls in school.¹²⁹

9. Minorities and indigenous peoples

55. The Special Rapporteur on the situation of human rights in Myanmar called upon the Government to ensure that ethnic minorities are granted fundamental rights, enjoy their own culture, profess and practice their own religion, and use their own language freely and without any form of discrimination.¹³⁰
56. The General Assembly¹³¹ and the Human Rights Council¹³² expressed concern at the continuing human rights violations affecting numerous ethnic minorities, including, but not limited to,



the Rohingya ethnic minority and called upon the Government to take immediate action to bring about an improvement in their respective situations, and to grant citizenship to the Rohingya minority. The Special Advisor on the Prevention of Genocide expressed similar concerns.¹³³

57. CEDAW was concerned that, under the 1982 citizenship law, the members of Muslim minority in Northern Rakhine State, including returnees, have been denied Myanmar citizenship.¹³⁴
58. CRC was deeply concerned about the situation of the children of the Bengali people residing in Northern Rakhine State, and of children belonging to other ethnic, indigenous or religious minorities¹³⁵. It recommended that Myanmar continue and strengthen its awareness-raising activities among the people of the Padaung and the Kareni tribes, in particular women and girl children, on the potential risks of their traditional practice for their physical well-being¹³⁶.
59. A 2008 Permanent Forum on Indigenous Issues desk review on MDG Reports and Indigenous Peoples notes that poverty poses the greatest challenge in the remote and border regions, which is where the vast majority of indigenous peoples live.¹³⁷

10. Migrants, refugees and asylum-seekers

60. According to the Special Rapporteur on the situation of human rights in Myanmar, Muslim residents from Northern Rakhine State of Myanmar continue to seek asylum in neighboring countries and beyond.¹³⁸
61. CRC was concerned at the very high number of children and their families who were internally displaced in Myanmar and that many were forced to seek asylum in neighbouring countries. It recommended that Myanmar allow children and their families who have returned to Myanmar and who are stateless to acquire Myanmar citizenship; provide adequate assistance to internally displaced children; and work closely in this regard with UNHCR and UNICEF.¹³⁹

11. Internally displaced persons

62. The Special Rapporteur on the situation of human rights in Myanmar noted that since 1996, up to one million people, half of them in the eastern part of the country, had been displaced and that entire communities had been forced to relocate and their houses and food supplies burned to prevent their return.¹⁴⁰
63. The General Assembly called upon the Government to end the systematic forced displacement of large numbers of persons within their country and the violence contributing to refugee flows into neighbouring countries, and to respect ceasefire agreements.¹⁴¹ In 2006, the Secretary-General reported that displacement on a substantial scale has occurred because of the continuing conflicts in certain parts of the country despite the ceasefires negotiated in recent years.¹⁴² UNCT encouraged new legislatures to integrate the Guiding Principles on Internal Displacement and the standards contained therein into national policies and legislation.¹⁴³

12. Right to development

64. The Special Rapporteur on the situation of human rights in Myanmar noted reports of human rights abuses - land confiscation, forced labour, right to a healthy environment and the right to water - associated with large-scale development projects, in relation to oil and gas industries, mining and the building of large-scale dams.¹⁴⁴



13. Human rights and counter-terrorism

65. The ILO Committee of Experts deplored the fact that the Government referred to the FTUB as a terrorist organization and stated that they had been arrested for breach of existing laws and attempted terrorist acts. The Committee stated that Myanmar had no legal basis for the respect for, and realization of, freedom of association and that article 354 of the Constitution subjects the exercise of this right “to the laws enacted for State security, prevalence of law and order, community peace and tranquillity or public order and morality.”¹⁴⁵

14. Situation in or in relation to specific regions or territories

66. According to the Special Rapporteur on the situation of human rights in Myanmar, military operations have placed a particularly heavy burden on rural populations, affecting their ability to sustain livelihoods. Cases of rape and sexual violence have been reported by human rights organizations over the past years as committed by military personnel.¹⁴⁶
67. The Secretary-General noted that it was imperative for the Government and those armed ethnic groups still actively fighting to engage in substantive talks leading to the cessation of hostilities, particularly in Kayin and Kayah States in which human rights abuses and humanitarian problems remained of concern to the United Nations.¹⁴⁷
68. The Special Rapporteur noted that battles between Government forces and ethnic groups in Shan State in August 2009 have raised serious concerns about security inside Myanmar and its spillover effects in neighboring countries.¹⁴⁸ He also expressed concern about the continuing armed conflict in Kayin State, which severely affects the civilian population.¹⁴⁹ He was concerned that previously laid mines remain largely in place. Civilian casualties continued to constitute the majority of reported mine victims, particularly along border zones where displaced people have been returned. He encouraged the Government to work with the UNCT and humanitarian partners to carry out mine risk education, provide victims assistance and improve the mapping of mine-affected areas.¹⁵⁰
69. According to the Special Rapporteur, scarcity of food is reported in Northern Rakhine State, Kyanin State, North and East Shan State and the cyclone-affected areas.¹⁵¹

III. Achievements, best practices, challenges and constraints

70. WFP stated that Myanmar, which has been subject to economic sanctions since July 2003,¹⁵² is prone to cyclones, landslides, earthquakes and drought. In May 2008, cyclone Nargis struck the southern delta region causing widespread destruction and the loss of 140,000 lives.¹⁵³
71. UNCT noted that low-intensity armed conflicts between government forces and armed groups continue to affect the population and to impede development at various levels in some areas.¹⁵⁴ The Secretary-General noted that moving from ceasefire agreements to durable peace was essential for the future stability of Myanmar and that equally important to the prospects of durable peace and democracy was the need to address the pressing humanitarian and socio-economic challenges facing the people.¹⁵⁵
72. The Secretary-General commended the Government for the progress made in the relief and recovery efforts following Cyclone Nargis, including through the cooperation with the United Nations and ASEAN in the Tripartite Core Group. He stressed the need to build on such cooperation, including by ensuring the timely issuance of humanitarian visas and by expanding humanitarian access so that all vulnerable groups throughout the country could be reached without restriction.¹⁵⁶



73. The General Assembly called upon the Government to ensure full and safe access to all parts of Myanmar, including conflict and borders areas, for the United Nations and international humanitarian organizations.¹⁵⁷ The Human Rights Council urged the Government to cooperate fully with humanitarian organizations, including by ensuring full, safe and unhindered access of humanitarian assistance to all persons in need throughout the country.¹⁵⁸ UNCT added that in order for the United Nations agencies to further address human rights issues through their activities, the removal of formal and informal access constraints is necessary.¹⁵⁹
74. The Special Rapporteur on the situation of human rights in Myanmar commended the Government on its agreement to extend and strengthen the presence of the Office of the United Nations High Commissioner for Refugees in Northern Rakhine State.¹⁶⁰
75. While welcoming the Government's policy of opening up to outside trade and investment and its efforts to achieve the MDGs, control HIV, combat human trafficking and curtail opium production, the Secretary-General noted that millions continued to live in poverty, and standards of living in Myanmar remained among the lowest in Asia.¹⁶¹
76. CRC was deeply concerned at the dramatic decrease of resources allocated to social sectors, notably health and education over the past decade, while the budget allocated to defence has increased dramatically over the same period¹⁶².

IV. Key national priorities, initiatives and commitments

Specific recommendations for follow-up

77. In 2008, CEDAW requested Myanmar to provide, within one year, written information on the steps undertaken to implement the recommendations contained in paragraphs 29 (participation in political and public life) and 43 (women in Northern Rakhine State).¹⁶³

V. Capacity-building and technical assistance

78. The General Assembly urged Myanmar to provide, in cooperation with the Office of the United Nations High Commissioner for Human Rights, adequate human rights and international humanitarian law training for its armed forces, police and prison personnel.¹⁶⁴ The Special Rapporteur on the situation of human rights in Myanmar made a similar recommendation.¹⁶⁵
79. CRC recommended that Myanmar seek technical cooperation for the training of professional staff working with and for children with disabilities from, inter alia, UNICEF and WHO¹⁶⁶; on violence against children, and on child soldiers, from, inter alia, UNICEF¹⁶⁷, and on child labour, from ILO.¹⁶⁸ It also recommended that it continue to seek assistance on trafficking, on street children, and on adoptions, from, inter alia, UNICEF¹⁶⁹, and on education from UNICEF and UNESCO.¹⁷⁰
80. The Special Rapporteur called upon Myanmar to cooperate with international organizations by facilitating necessary visas and allowing access for effective delivery of aid.¹⁷¹ CEDAW recommended that Myanmar continue to seek financial and technical support from the international community and civil society in order to implement measures to improve women's health.¹⁷²



Notes

- 1 Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>
- 2 The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty CEDAW
	Convention on the Elimination of All Forms of Discrimination against Women OP-CEDAW
	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance.
- 3 Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.
- 4 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- 5 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- 6 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- 7 International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- 8 Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/MMR/CO/3), para. 50.
- 9 Ibid., para. 55.
- 10 A/RES/64/238, para. 17.
- 11 A/HRC/10/19, para. 88 (a).
- 12 A/65/368, para. 79.
- 13 S/2009/278, para. 72.
- 14 Concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.237), para. 10.
- 15 Ibid., para. 65.
- 16 Ibid., para. 81.
- 17 Ibid., para. 69.



- 18 Report of the Secretary-General on the situation of human rights in Myanmar (A/63/356), para. 27.
- 19 UNCT submission to the UPR on Myanmar, p.3.
- 20 Progress report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/13/48), para. 59.
- 21 A/RES/64/238, para. 8.
- 22 UNCT submission to the UPR on Myanmar, p. 2.
- 23 A/HRC/13/48, para. 57.
- 24 CEDAW/C/MMR/CO/3, para. 8
- 25 Ibid., para. 5
- 26 CRC/C/15/Add.237, para. 7.
- 27 Ibid., paras. 25–26.
- 28 UNCT submission to the UPR on Myanmar, p. 6.
- 29 For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/13/45, annex I.
- 30 UNCT submission to the UPR on Myanmar, p. 5.
- 31 Adopted by the United Nations General Assembly resolution 48/134 of 20 December 1993 [http: www.un.org documents/ga/res/48/a48r134.htm](http://www.un.org/documents/ga/res/48/a48r134.htm).
- 32 CEDAW/C/MMR/CO/3, para. 15.
- 33 CRC/C/15/Add.237, para. 16.
- 34 UNCT submission to the UPR on Myanmar, p. 5.
- 35 CRC/C/15/Add.237, para. 11.
- 36 CEDAW/C/MMR/CO/3, para. 4.
- 37 Ibid., para. 17.
- 38 Ibid., para. 5.
- 39 Ibid., para. 27.
- 40 CRC/C/15/Add.237, para. 3.
- 41 Ibid., para. 14.
- 42 See S/PRST/2008/13. See also S/PRST/2007/37; A/RES/64/238, paragraph 25 and A/HRC/RES/13/25, paragraph 25.
- 43 See S/2008/289.
- 44 See A/HRC/S-5/2.
- 45 A/RES/64/238, para.16.
- 46 The following abbreviations have been used for this document: CEDAW Committee on the Elimination of Discrimination against Women CRC Committee on the Rights of the Child
- 47 A/HRC/13/48, paras. 8–9.
- 48 A/HRC/7/24, para. 5.
- 49 A/RES/64/238, para. 28. See also A/HRC/RES/13/25, paragraph 25.
- 50 A/HRC/7/24.
- 51 See press release, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=8794&LangID=E>.
- 52 Ibid.
- 53 A/HRC/13/48.
- 54 A/65/368.
- 55 A/HRC/10/19 paras. 7–9.
- 56 The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 30 June 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para.120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para.2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2 .
- 57 A/RES/64/238, para. 29.
- 58 CEDAW/C/MMR/CO/3, para. 20.
- 59 Ibid., para. 10.
- 60 Ibid., para. 44.
- 61 UNCT submission to the UPR on Myanmar, p.7.
- 62 CRC/C/15/Add.237 para. 27.
- 63 Ibid., paras. 34 and 35.
- 64 A/HRC/13/48, para. 86. See also A/HRC/10/19, paragraph 66.
- 65 CEDAW/C/MMR/CO/3, para. 42.
- 66 See CEDAW/C/MMR/CO/3/Add.1.
- 67 A/HRC/13/48, para. 40.



- 68 A/HRC/7/10/Add.1, paras. 183–185.
- 69 Statement of the Special Rapporteur to the fifth Special Session of the Human Rights Council on the Human Rights Situation in Myanmar, 2 October 2007. See also statements of 13 September 2007, 31 August 2007, 24 August 2007, and statement of the High Commissioner for Human Rights dated 26 August 2007. See also A/63/356, Introduction, paragraph 4.
- 70 A/RES/64/238, para. 7. See also A/HRC/RES/13/25, paragraph 9.
- 71 A/HRC/RES/13/25, para. 10.
- 72 Statement of the High Commissioner for Human Rights, 28 September 2007. See also statements of 7 September 2007, and 26 August 2007; A/RES/63/245, paragraph 3; A/RES/62/222, paragraphs 1 and 4 (c); S/PRST/2007/37.
- 73 A/HRC/13/48, para. 55.
- 74 A/64/334, para. 35.
- 75 Statement by the High Commissioner for Human Rights on Aung San Suu Kyi's sentence, 12 August 2009. See also statements on Aung San Suu Kyi, 15 May 2009 and 28 May 2008.
- 76 Security Council statement, 13 August 2009, <http://www.un.org/apps/news/story.asp?NewsID=31758&Cr=myanmar&Cr1>.
- 77 A/RES/64/238, paras. 2–3.
- 78 A/HRC/RES/13/25, para. 5.
- 79 A/64/318, para. 7.
- 80 CEDAW/C/MMR/CO/3, para. 22.
- 81 A/HRC/13/48, para. 33. See also A/HRC/10/19, paragraph 32.
- 82 CEDAW/C/MMR/CO/3, para. 24.
- 83 CRC/C/15/Add.237, para. 38.
- 84 Ibid., para. 49.
- 85 S/2009/278, para. 66. See also A/HRC/RES/13/25, paragraph 15.
- 86 S/2009/278, para. 71. See also S/AC.51/2009/4, paragraphs 6(d)(iv) and 7 (a)(vi); OSRSG-CAAC submission to the UPR on Myanmar, paras. 3 and 5.
- 87 CRC/C/15/Add.237, para. 67.
- 88 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Forced Labour Convention, 1930 (No. 29), 2010, Geneva, doc. No. (ILOLEX) 062010MMR029, paras. 1–2.
- 89 A/64/318, paras. 79–80.
- 90 A/HRC/10/19, para. 82.
- 91 CRC/C/15/Add.237, para. 75.
- 92 A/HRC/13/48, para. 13. See also A/HRC/10/19, paragraph 99.
- 93 A/HRC/13/48, para. 14.
- 94 Ibid., para. 36.
- 95 A/HRC/10/19, para. 99(d).
- 96 A/RES/63/245, para. 2 (g).
- 97 A/RES/64/238, para. 9; A/HRC/RES/13/25, para. 8.
- 98 CRC/C/15/Add.237, para. 76.
- 99 A/64/318, para. 73.
- 100 A/HRC/13/48, paras 87 and 88.
- 101 CRC/C/15/Add.237, para. 43.
- 102 Ibid., para. 45 (a).
- 103 Ibid., para. 47.
- 104 CEDAW/C/MMR/CO/3, para. 46.
- 105 A/64/318, para. 81.
- 106 A/RES/64/238, para. 6. See also A/HRC/RES/13/25, paragraph 6.
- 107 A/HRC/10/19, para. 51.
- 108 A/RES/64/238, para. 4. See also A/64/334, paragraph 35; S/PRST/2007/37 and A/HRC/RES/13/25, paragraph 3.
- 109 A/RES/64/238, para. 18. See also A/HRC/RES/13/25, paragraph 19.
- 110 A/64/334, para. 35.
- 111 A/RES/64/238, para. 5.
- 112 CEDAW/C/MMR/CO/3, para. 28.
- 113 Ibid., para. 19.
- 114 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Freedom of Association Convention, 1948 (No. 87), 2010, Geneva, doc. No. (ILOLEX) 062010MMR087, second, sixth, tenth, seventeenth and twenty-first paragraphs.
- 115 A/HRC/13/48, para. 52. See also A/HRC/10/19, paragraph 48.
- 116 CEDAW/C/MMR/CO/3, para. 37.
- 117 WFP, Projected Relief and Recovery Operations—Myanmar 200032, 14 October 2009, para. 4, available at http://one.wfp.org/operations/current_operations/project_docs/200032.pdf.
- 118 Ibid., para. 8.



- 119 A/HRC/13/48, para. 97.
120 CRC/C/15/Add.237, para. 52.
121 Ibid., para. 55.
122 CEDAW/C/MMR/CO/3, para. 39.
123 Ibid., para. 40.
124 CRC/C/15/Add.237, para. 56.
125 UNAIDS Country Report, Myanmar 2008, pp. 1–4 available at: http://data.unaids.org/pub/ExternalDocument/2008/sa08_mmr_en.pdf.
126 A/HRC/10/19, para. 72.
127 UNCT submission to the UPR on Myanmar, para. 5.
128 CRC/C/15/Add.237, para. 63.
129 CEDAW/C/MMR/CO/3, para. 35.
130 A/HRC/13/48, para. 84.
131 A/RES/64/238, para. 14.
132 A/HRC/RES/13/25, para. 12.
133 OSAPG, Bulletin March-June, 2010, p. 2, available at <http://intranet.ohchr.org/Offices/GenevaFieldOperationsandTechnicalCooperationDivision/PMSRRS/Documents/OSAPG%20Bulletin%20-%202010%20March-June.pdf>.
134 CEDAW/C/MMR/CO/3, para. 32.
135 CRC/C/15/Add.237, para. 79.
136 Ibid., paras. 58–59.
137 PFII, MDG Reports and Indigenous Peoples: A Desk Review. No. 3, New York, 2008, p. 10, available at http://www.un.org/esa/socdev/unpfii/documents/MDG_Reports_and_IPs_2008.pdf.
138 A/HRC/13/48, para. 62.
139 CRC/C/15/Add.237, paras. 64–65.
140 A/HRC/13/48, para. 61.
141 A/RES/63/245, para. 4(l).
142 Report of the Secretary-General on the situation of human rights in Myanmar, (E/CN.4/2006/117), para. 3.
143 UNCT submission to the UPR on Myanmar, 2010, p. 8.
144 A/HRC/13/48, para. 111.
145 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Freedom of Association Convention, 1948 (No. 87), 2010, Geneva, doc. No. (ILOLEX) 062010MMR087, second, sixth, tenth, seventeenth and twenty-seventh paragraphs.
146 A/HRC/13/48, para. 63.
147 A/64/334, para. 53. See also A/63/356, paragraph 42 and S/PRST/2007/37.
148 A/HRC/13/48, para. 66.
149 A/HRC/13/48, para. 67. See also A/HRC/10/19, paragraph 97(d)).
150 A/65/368, para. 60.
151 A/HRC/10/19, para. 75.
152 WFP, Projected Relief and Recovery Operations—Myanmar 200032, 14 October 2009, para. 15, available at http://one.wfp.org/operations/current_operations/project_docs/200032.pdf.
153 Ibid., para. 1.
154 UNCT submission to the UPR on Myanmar, p. 2.
155 A/64/334, paras. 53–54.
156 A/64/334, para. 33. See also A/63/356, paragraph 40.
157 A/RES/64/238, para. 22.
158 A/HRC/S-5/2, p. 4. See also S/2009/278, paragraph 75 and S/AC.51/2009/4, paragraphs. 6(d)(vi) and 7(c)(ii).
159 UNCT submission to the UPR on Myanmar, p. 4.
160 A/HRC/13/48, para. 94.
161 Remarks on Myanmar to Diplomatic Missions, United Nations Agencies and Non-Governmental Organizations, Yangon (Myanmar), 4 July 2009. See also CRC/C/15/Add.237, paragraph 4.
162 CRC/C/15/Add.237, para. 19.
163 CEDAW/C/MMR/CO/3, para. 56.
164 A/RES/64/238, para. 15. See also A/HRC/RES/13/25, paragraph 16.
165 A/HRC/13/48, para. 34. See also A/HRC/10/19, paragraph 97(g).
166 CRC/C/15/Add.237, para. 51.
167 Ibid., paras. 49 and 66–67.
168 Ibid., para. 69.
169 Ibid., paras. 73, 75 and 47.
170 Ibid., para. 63.
171 A/HRC/13/48, para. 114. See also Statement of the Secretary-General to the media on the high-level meeting of the Group of Friends on Myanmar dated 23 September 2009.
172 CEDAW/C/MMR/CO/3, paras. 39 and 56.



General Assembly

Distr.: General
18 October 2010

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Tenth session
Geneva, 24 January – 4 February 2011

**Summary prepared by the Office of the High Commissioner for
Human Rights in accordance with paragraph 15 (c) of the annex to
Human Rights Council resolution 5/1**

Myanmar

The present report is a summary of 24 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgment or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.



I. Background and framework

A. Scope of international obligations

1. The Australian Council for International Development (ACFID) recommended that Myanmar ratify and implement all core human rights treaties, and ratify all core labour standards under the ILO Declaration on Fundamental Principles and Rights at Work.² The Assistance Association for Political Prisoners (AAPP) called on the Government to immediately ratify the CAT.³ Unrepresented Nations and People's Organization (UNPO) recommended that Myanmar ratify and honour the ILO Convention 169, the UN Declaration on the Rights of Indigenous Peoples, the ICCPR and the ICESCR.⁴
2. Human Rights Watch (HRW) recommended that Myanmar ban the use of anti-personnel landmines and ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction.⁵
3. Christian Solidarity Worldwide (CSW) urged Myanmar to ensure that state legislation, policy and practice is in accordance with international norms and standards.⁶
4. Earthrights International (ERI) noted that since the early 1990s, the areas around oil and gas development projects in Myanmar had been heavily militarized in order to protect the projects and the interests of companies who finance them. ERI made the following recommendations, among others, that Myanmar abide by obligations under international law to respect fundamental freedoms in relation to development projects and cease committing human rights abuses against the people in the Yadana and Yetagun pipeline region and throughout Myanmar; require independent human rights monitoring of existing development projects; and require companies to conduct environmental impact assessments and social impact assessment before the initiation of any oil and gas projects.⁷

B. Constitutional and legislative framework

5. UNPO noted that Myanmar's New Constitution was adopted on May 29th 2008 and came into effect through a National Referendum, which was deemed neither transparent, nor democratic.⁸
6. Amnesty International (AI) expressed concern regarding a number of elements in the Constitution that undermine international human rights standards and enable impunity for perpetrators of human rights violations, as well as the broad powers given to the President.⁹ Joint Submission 3 (JS3) noted that the 2008 Constitution guaranteed military control over fundamental rights.¹⁰ Joint Submission 4 (JS4) stated that the Constitution effectively provided the Government with blanket immunity for the gross violations of human rights, including crimes against humanity and war crimes that it had committed over the past decades.¹¹ HRW expressed similar concerns about the 2008 Constitution.¹²
7. Asian Legal Resource Centre (ALRC) stated that Myanmar had practically no domestic normative framework for the protection of human rights through the rule of law. ALRC further noted that since 1988, all laws had been passed executive decrees, not through legislative process.¹³
8. The Assistance Association for Political Prisoners (AAPP) noted that the Penal Code prohibited '*hurt and grievous hurt*' during interrogation and outlawed the injury of anyone by a public servant. Though such provisions indicate a prohibition of torture, the failure to explicitly define and designate torture as a grave crime, in law, allowed torture to take place more easily.¹⁴



9. AI noted that in March 2010, the Government promulgated five electoral laws and four bylaws for the first elections in 20 years expected to take place by the end of 2010. Provisions of these laws are in clear violation of the rights to freedom of expression, peaceful assembly and association.¹⁵ HRW also expressed similar concerns recommending that Myanmar modify the election laws to permit full and unfettered participation by all citizens.¹⁶ Reporters Without Borders (RWB) recommended that for the 2010 general elections, all Myanmar and foreign journalists should have unrestricted access to information, polling stations, participating parties, the Electoral Commission and the Government.¹⁷
10. ACFID noted that Myanmar had made progress in addressing trafficking, including through the enactment of the *Law on Anti-Trafficking in Persons 2005*. However, the anti-trafficking law is used to restrict the movement of women and girls resulting in unjust arrests and extortion.¹⁸
11. ACFID noted that the Child Law 1993 reflected an attempt to promote and protect the rights of children, especially through the establishment of national, divisional/state and township child rights committees. The Child Law 1993 did not protect all the rights of children especially with regard to the use of corporal punishment, which violates article 37 of the CRC.¹⁹
12. JS3 stated that crimes against humanity and war crimes were not being prosecuted in Myanmar under its current legal system, noting that Article 445 of the 2008 Constitution grants blanket amnesty for government officials for all crimes, past and future, including war crimes or crimes against humanity.²⁰

C. Institutional and human rights infrastructure

13. According to HRW, the human rights body of Myanmar lacks real independence and has done little to investigate human rights violations or promote Myanmar's compliance with international law beyond perfunctory cooperation with UN agencies.²¹
14. Joint Submission 1 (JS1) noted that a number of Government-sponsored organizations established to address women's issues had been criticized for not understanding the concerns of average women in Myanmar.²²
15. ACFID noted that in 2004, the Myanmar government established a Committee for the Prevention of Military Recruitment of Underage Children to investigate several specific cases of child soldier recruitment.²³ ACFID recommended that Myanmar ensure that the Committee has adequate mandate and resources.²⁴

D. Policy measures

16. ACFID recommended that Myanmar ensure that all professionals who come into contact with children, especially judges, attorney, police, teachers and committee members receive minimum training on Child Law and the CRC.²⁵

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

17. ACFID recommended that Myanmar engage more consistently with human rights bodies and mechanisms at the international and regional level.²⁶ INDIG recommended that Myanmar immediately issue a standing invitation to the Special Procedures, and allow



for a joint visit of various mandate holders to complete a thorough study with recommendations.²⁷ Similarly, JS3 recommended that Myanmar fully cooperate with UN human rights special procedures, specifically by issuing standing invitations to the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and the Special Rapporteur on the Situation of Human Rights Defenders.²⁸

18. ECLJ noted that the Government continued to ignore the four core human rights elements proposed by the Special Rapporteur on the situation of human rights in Myanmar: the release of all prisoners of conscience; review and reform of specific national legislation in compliance with international human rights standards; reform of the judiciary to assure independence and impartiality; and specific measures for the military and police.²⁹

B. Implementation of international human rights obligations

1. Equality and non-discrimination

19. HRW recommended that Myanmar immediately end discrimination against ethnic minorities, especially the Rohingya Muslim population and grant full citizenship rights to all stateless persons living in Myanmar.³⁰
20. The Becket Fund (BF) recommended that all discriminatory policies that infringe on basic religious freedoms must be removed.³¹

2. Right to life, liberty and security of the person

21. AI considered Myanmar as abolitionist in practice although the death penalty remains mandatory for certain crimes.³²
22. AI noted that in the wake of monk-led protests, “Saffron Revolution,” in September 2007, more than 100 people were believed to have been killed in the crackdown, and there were at least 72 confirmed cases of enforced disappearance.³³ AAPP claimed that there was no accountability for the killings, by soldiers and riot police, of at least 36 inmates at Insein Prison, in May 2008, during Cyclone Nargis.³⁴ AAPP called on the Government to, inter alia, allow an independent investigation into the deaths of those in custody; allow individual monitoring, by the ICRC, of detainees and prisoners; and safeguard the physical and psychological health of prisoners.³⁵ CHRO alleged that since 2006, it had documented the deaths of seven Chin men, extra-judicially killed on suspicion of support for or involvement with rebel group the Chin National Army.³⁶
23. AAPP also noted that political prisoners were often held incommunicado, denied access to legal representation and it was sometimes several months before they appeared before a judge or their family was informed. Several secret interrogation centres existed. Many political prisoners are kept in government ‘guest houses’ or on military bases.³⁷ Joint Submission 5 (JS5) noted that political dissidents had been transferred to isolated regional prisons with poor medical care and limited food. Many families of these prisoners had reportedly been prevented from visiting.³⁸ CSW recommended that Myanmar protect against arbitrary arrest, detention or exile and immediately release all of its prisoners of conscience, invite the ICRC to visit its prisons and allow humanitarian organizations unimpeded access.³⁹ FN recommended the immediate release of Ms. Suu Kyi and other political prisoners to participate in a free and fair political process of national reconciliation and a restoration of democracy to Myanmar.⁴⁰
24. AI stated that those who criticize the Government were at risk of harassment, ar-



bitrary arrest, torture and other ill-treatment, imprisonment and even extrajudicial execution.⁴¹ Ethnic minority activists had faced extensive surveillance, harassment, religious discrimination, arbitrary arrest, torture and other ill-treatment, imprisonment and extrajudicial execution.⁴² AAPP called on the Government to erase the criminal records of all political prisoners and unconditionally release them under a genuine amnesty.⁴³

25. According to AAPP, torture is endemic in interrogation centres and prisons. AAPP alleged hundreds of cases of torture experienced by political prisoners, dating back to 1988 and as recent as 2010.⁴⁴ Victims of torture had no effective mechanism to seek redress and the Government denied human rights monitors and the ICRC access to prisons.⁴⁵
26. AAPP called on the Government to designate and define torture as a specific crime of the utmost gravity in the Penal Code, in accordance with the definition in the CAT.⁴⁶
27. AAPP noted that medical supplies in prisons were inadequate and that malnutrition, poor sanitation and unclean water were a serious problem throughout the prison system.⁴⁷ AAPP further called on the Government to develop gender-specific and culturally appropriate detention standards to meet the medical and mental health needs of women and refrain from detaining women who are pregnant or nursing infants.⁴⁸
28. CHRO alleged that at least four Chin women had been raped and sexually assaulted by soldiers serving in the Myanmar army.⁴⁹ HRW also expressed concern on sexual violence committed by the Myanmar army against women and girls in ethnic conflict areas.⁵⁰ ACFID and JS3 expressed similar concerns.⁵¹ JS4 recommended that Myanmar establish and enforce strict legislation criminalizing rape in every context, including by the military; and put an end to the impunity of the perpetrators of sexual violence.⁵² INDIG noted that the systematic and widespread scale to commit rape against Shan women was a tool of terror and torture.⁵³ CSW recommended that Myanmar end its policy and practice of widespread and systematic use of rape, and that the culture of impunity be addressed.⁵⁴
29. International Center for Transitional Justice (ICTJ) noted that the military had provided some monetary compensation to victims of sexual violence and their families. Although these payments were not the most appropriate means of redress, they were steps in the right direction and suggested that the military may recognize that sexual violence is wrong and should be redressed.⁵⁵
30. ACFID recommended that Myanmar include a provision in the Child Law 1993 which prohibits all form of corporal and humiliating punishment of children and conduct training of teachers on the prohibition and positive discipline techniques.⁵⁶

3. Administration of justice, including impunity and the rule of law

31. HRW stated that the culture of impunity in Myanmar for government officials and military personnel for serious abuses was supported by a judicial system that is neither impartial nor independent. There had been little accountability for serious crimes committed by government security forces. Some non-state armed groups had also been implicated in serious abuses, including forced labour and the use of child soldiers.⁵⁷ CHRO stated that the State army continued to commit human rights violations with impunity in the Chin State.⁵⁸
32. ICTJ stated that the new Constitution perpetuated the existing culture of impunity through a blanket amnesty for serious human rights crimes committed by junta members. The Constitution also aided impunity by denying victims the right to an effective remedy for such violations by giving the military disproportionate influence in the Govern-



ment and preventing crimes against civilians from being tried in civilian courts.⁵⁹

33. ICTJ further stated that the authorities maintained a culture of impunity not only by restricting access to complaints mechanisms, but also by harassing and taking legal action against those who bring complaints against the military.⁶⁰
34. According to ALRC, the courts are subordinate to the executive and they can neither function in accordance with the laws that they purport to uphold, nor in a manner that can defend human rights.⁶¹ JS1 stated that there was no independent judiciary and laws were applied arbitrarily and no avenue for a free and fair trial.⁶² ARTICLE19 stated that the judicial system lacked independence and operated as an enforcer of government policy.⁶³ ICTJ and JS3 noted similar concerns.⁶⁴
35. AAPP noted that the State Protection Law allowed for detention without charge or trial for up to five years and that Daw Aung San Suu Kyi had been held under this Law.⁶⁵ Freedom Now noted that on 11 August 2009, three months after Ms. Suu Kyi was due to be freed from house arrest, she was sentenced to an additional 18 months of house arrest for breaching the terms of her house arrest.⁶⁶
36. ACFID recommended that Myanmar ensure that no child is kept in detention with adults and also ensure adequacy of prisons and police cell standards. ACFID recommended establishment of a child protection unit in every police station.⁶⁷ AAPP called on the Government to ensure that prisoners or detainees under the age of 18 years are kept in separate facilities from adults.⁶⁸

4. Right to privacy, marriage and family life

37. The Arakan Project (AP) noted that since 1994, local orders had been issued, applied exclusively to the Muslim population in North Rakhine State, stipulating that couples intending to marry must obtain official permission from the local authorities. Consequently, Rohingya women who become pregnant without official marriage authorisation often resort to repeated backstreet abortions, an illegal practice in Myanmar, which has resulted in maternal deaths. Others have registered their newborn child with another legally married couple, sometimes as the child of their own parents.⁶⁹
38. ACFID recommended that Myanmar ensure that all children born in Myanmar are issued a birth certificate. Costs for access and registration in remote and rural areas should be removed.⁷⁰ ACFID recommended that Myanmar ensure that all children born in Myanmar, and who reach their tenth birthday receive citizenship and an identity card.⁷¹
39. Joint Submission 2 noted that Myanmar maintained criminal sanctions against sexual activity between consenting adults recommending that the Human Rights Council urge Myanmar to bring its legislation into conformity with its commitment to equality and non-discrimination by repealing all provisions, which may be applied to criminalize sexual activity between consenting adults of the same sex.⁷²

5. Freedom of movement

40. JS1 stated that restrictions on movement, also applied to humanitarian workers, had resulted in increased impoverishment of vulnerability to human rights abuses of communities.⁷³
41. The Arakan Project (AP) stated that the Rohingyas were virtually confined to their village tracts. They must apply for a travel pass even to visit a neighbouring village, and travel was strictly restricted within North Rakhine State. Their lack of mobility had dev-



astating consequences, limiting their access to markets, employment opportunities, health facilities and higher education.⁷⁴

6. Freedom of religion or belief, expression, association and peaceful assembly and right to participate in public and political life

42. Jubilee Campaign (JC) stated that despite provisions of the Constitution indicating otherwise, in practice, the Government controlled and restricted religious practices of minority religions in Myanmar.⁷⁵ JC called for an end to the discrimination against individuals who associate themselves with minority religions and for the protection of religious freedom.⁷⁶ UNPO stated that Christians faced persecution; pastors were forced to close Churches and sign documents stating they will refrain from their religious activities.⁷⁷
43. BF recommended that the Government and its affiliates stop persecuting Buddhists and religious minorities, including the release of several thousand political prisoners; and allow religious minorities to migrate and establish religious forums. The Government must allow religious minorities to exercise their religious convictions in private and public forums.⁷⁸ CHRO expressed similar concerns in relation to Chin Christians.⁷⁹ CHRO recommended that Myanmar end religious persecution, discrimination and forced assimilation against Chin Christians, other religious and ethnic groups.⁸⁰
44. ARTICLE19 expressed concerns on: failure of the legal framework to guarantee the right to freedom of expression and the right to freedom of information; absence of freedom of expression in electoral processes; censorship of the media and detention, arbitrary arrests and harassment of journalists and media workers; prosecution and imprisonment of Daw Aung San Suu Kyi and others; and complete control and censorship of the internet.⁸¹ Freedom Now (FN) noted the arbitrary detention of Ms. Suu Kyi and stated that the Government censored private periodicals, impeded the importation of foreign news sources, and cracked down on Internet cafés.⁸² According to RWB, at least 12 journalists and two netizens are currently imprisoned, some of them serving jail terms of more than 20 years.⁸³
45. ARTICLE19 stated that the press was entirely controlled by the Government via the Press Scrutiny Board, which clear all content before publication, sometimes taking more than six months. While there are many newspapers and journals in Myanmar, all conduct pre-publication self-censorship, as they are reluctant to cover political issues.⁸⁴ ARTICLE19 further stated that the Government entirely controlled broadcast media and that the Internet was severely restricted.⁸⁵ JS5 recommended that Myanmar revoke all laws that allow for the arrest and imprisonment of writers, journalists and opposition activists solely for peacefully practising his or her right to freedom of expression; and abolish laws that allow for censorship and restrictions on publications, broadcast media and the Internet.⁸⁶ European Centre for Law and Justice (ECLJ) also expressed similar concerns in relation to freedom of religion.⁸⁷
46. FN stated that Myanmar denied particularly members of pro-democracy oriented political parties such as the NLD and many ethnic groups of the right to freedom of peaceful assembly and association.⁸⁸
47. According to AI, the authorities have for many years justified the imprisonment of thousands of people on the basis that they were seeking to cause "unrest" or that they posed "threats" to or committed acts deemed to disrupt "law and order", "peace" and "tranquillity". These terms are found in security laws, including the 1962 Printers and Publishers Registration Act, the Unlawful Associations Act, Section 505(B) of the



Penal Code, the Electronic transactions Law, and the 1950 Emergency Provisions Act.⁸⁹

48. AI noted that several thousands of monks were detained in deplorable conditions. Monasteries were raided and closed down, property was destroyed or confiscated and monks were beaten and detained. Protesters' homes and hiding places were raided and authorities took friends or relatives as hostages to put pressure on wanted persons and to discourage further dissent. Leading activists of the 88 Generation Students group and the All Burma Monks Alliance became the main targets.⁹⁰
49. According to ACFID, bloggers and journalists have been arrested under the Electronic Transactions Law 2004 and nongovernment media providers are routinely censored.⁹¹ ACFID recommended that Myanmar protect the ability of media providers to provide information that is not subject to censoring and repeal provisions which allow for criticism of government to be considered harmful to state interests.⁹²
50. According to ACFID, there are no clear regulations for international NGOs and that the operation of trade unions is severely restricted and governed by inconsistent legislation.⁹³ ACFID recommended that Myanmar protect the independence of NGOs in law and discontinue any policies or practice, which limits the independence and effectiveness of NGOs.⁹⁴
51. FN further claimed that the Government maintained tight control on the people's participation in government and rejected any notion of national reconciliation by refusing to hold elections for the past 20 years.⁹⁵ According to JS5, the NLD has decided to boycott the election due to stringent election laws which prevent many of its members, including NLD leader Daw Aung San Suu Kyi, from participating.⁹⁶ JC also noted that a new election law was passed in Myanmar in March 2010, barring any citizen who had served time in prison from running in the polls and voting in the election. In anticipation of this year's elections, the Government imprisoned political activists under the pretext of minor offenses. Therefore, approximately 2,100 political prisoners of conscience would be precluded from the election process.⁹⁷
52. ERI noted that the people of Myanmar had no formal ability to participate in development decisions that affect them, nor any legal right to benefit from the income from development projects. The indigenous communities in Myanmar were not given the right of free, prior, and informed consent.⁹⁸

7. Right to work and to just and favourable conditions of work

53. JS3 stated that the failure of the State to protect workers had led to substandard and dangerous working conditions. The Government failed to recognize the working conditions set forth in the 1964 Law on Fundamental Workers' Rights and the 1951 Factories Act, which provide for overtime pay and just compensation.⁹⁹
54. According to JS4, while every Myanmar citizen is at risk of being subjected to forced labour, the Government has particularly targeted civilian populations in ethnic minority areas. Civilians are forced to serve as military porters, act as land-mine detectors/sweepers, and work on the construction of roads, railroads, bridges, fences, and military barracks with little or no pay.¹⁰⁰ AP, CHRO, CSW, HRW, and JS3 expressed similar concerns.¹⁰¹
55. HRW stated that despite Myanmar having ratified ILO Convention No. 87 on freedom of association, the Government continued to refuse to register independent trade unions in the country.¹⁰²



56. ACFID recommended that Myanmar endorse and implement the UNICEF Minimum Standards for the Protection of Working Children. A code of conduct protecting working children should be developed for all employers and monitored by government Labour Law Inspectors.¹⁰³

8. Right to social security and to an adequate standard of living

57. JS3 stated that the Government failed to provide people with the basic needs of survival and fails to prevent and alleviate extreme poverty. It noted reports that at least 32.7 per cent of the population lives below the poverty line. Myanmar is the only country in the region to spend more on the military than education and health combined.¹⁰⁴
58. ACFID recommended that Myanmar, through the Ministry of Health, allocate more public funds to health, especially community-based programs targeting maternal and infant nutrition.¹⁰⁵
59. CHRO stated that one fifth of the population in the Chin State were estimated to have been affected by the food crisis with a large number of people in southern Chin State still in need of food aid.¹⁰⁶

9. Right to education and to participate in the cultural life of the community

60. ACFID stated that public education in Myanmar was characterized by low enrolment, poor attendance, rote learning, high dropout rates and use of corporal punishment and humiliating punishment. ACFID recommended that the Ministry of Education develop and implement pilot initiatives such as free school meals, provision of uniforms, stationery and incentives for trained teachers in remote areas.¹⁰⁷
61. JS3 stated that using ethnic language in schools and workplaces was banned. Many ethnic people such as Mon, Karen, Shan, Chin, Karenni, Arakan, and Kachin had set up their own 'national schools' in order to preserve their language and culture through informal education. These schools were constantly disrupted by local authorities.¹⁰⁸ JS1 claimed that the Government imposed restrictions that prohibit ethnic languages being taught in public schools, even as a second language and had denied ethnic communities permission to hold cultural celebrations.¹⁰⁹
62. According to JC, Rohingya Muslims in Rakhine State are not eligible for government-issued National Registration Cards (NRCs), which denies them access to education in state-run schools.¹¹⁰

10. Minorities and indigenous peoples

63. CSW stated that non-Buddhist minorities faced serious restrictions, discrimination and persecution. Christians, particularly among the Chin, Kachin, Karen and Karenni, sometimes faced physical persecution with religious symbols torn down and replaced with Buddhist signs.¹¹¹
64. AP claimed that as a direct outcome of their lack of legal status, the Rohingya were subject to severe restrictions of movement and banned from employment in the civil service, including the education and health sectors. In addition, Rohingyas in North Rakhine State were the only group required to obtain official authorisation to marry and to sign a declaration limiting pregnancy to two children.¹¹²
65. JS3 noted that the Government had appropriated resource-rich land traditionally belonging to the ethnic communities.¹¹³ CHRO recommended that Myanmar amend the



2008 Constitution to recognize indigenous peoples and their collective rights; cooperate with the United Nations Country Team to ensure that all infrastructure and development projects are developed and implemented according to the 2008 UNDG Guidelines on Indigenous Peoples' Issues.¹¹⁴

66. UNPO also stated that the Chin, Karenni, Mon and Nagalim were struggling to preserve their traditional languages, practice their customs and celebrate their traditions.¹¹⁵

11. Migrants, refugees and asylum seekers

67. HRW claimed that one result of the nearly six-decades-long civil war and continued militarization of border regions in Myanmar had been major flows of refugees in neighbouring countries. Routine abuses and lack of livelihoods also compelled millions of Myanmar citizens to leave the country and work in neighbouring countries.¹¹⁶

12. Internally displaced persons

68. ACFID noted that safety and livelihood of civilians in Myanmar's eastern states was dire with continuing displacement. Over 130,000 people continued to live in refugee camps along the country's eastern borders and over 500,000 were internally displaced, at risk of ongoing systemic abuse and without adequate standards of living.¹¹⁷ Similarly, JS4 stated that the Government did not recognize the existence of internally displaced persons (IDPs) and the authorities had consistently refused to grant international aid organizations access to IDP in conflict areas. Displaced persons faced a heightened vulnerability to disease and ill-health, violence, trafficking, forced labour, and reduced access to health services, education, and employment.¹¹⁸
69. JS3 also noted that in the wake of Cyclone Nargis, the Government not only had failed to mobilize resources to provide the majority of the Irrawaddy Delta people food or potable water, but also allowed and potentially participated in the diversion and misappropriation of food and aid supplies for the profit of village heads, other authorities and local businesses.¹¹⁹
70. Moreover, according to JS4, exploitation of natural resources and the implementation of hydro-power projects have also contributed to the forced displacement of civilians in ethnic areas. Dam projects have already displaced tens of thousands villagers in Myanmar's Kachin, Shan, Karenni, and Karen States. In most cases, displaced villagers have received little or no compensation.¹²⁰
71. While noting that humanitarian access to the communities most in need of assistance is very limited, and difficulties of NGOs accessing displaced populations in south-east regions of the country, ACFID recommended that Myanmar enable NGOs to assist displaced populations.¹²¹ HRW also expressed concerns on restrictions on access by humanitarian organizations to vulnerable populations.¹²²

13. Situation in or in relation to specific regions or territories

72. HRW noted that serious human rights violations continued in conflict zones in eastern Myanmar and parts of western Myanmar, including extrajudicial executions, sexual violence against women and girls, forced displacement and torture. Civilians in conflict areas faced abuses by government and non-state armed groups.¹²³ Karen Human Rights Group (KHRG) recommended that Myanmar halt the targeting of civilians, forced relocation and the destruction of civilian settlements, agricultural land and food supplies. KHRG further recommended halting the arbitrary arrest, detention, torture and



summary execution of civilians, halting the curfews and movement restrictions, including restrictions on access to humanitarian materials, such as food and medicine.¹²⁴ CSW urged Myanmar to provide necessary access for international human rights monitors and humanitarian organizations throughout its territory in line with its human rights obligations.¹²⁵

73. According to CHRO, Chin State in Myanmar is one of the most underdeveloped and isolated regions with little road infrastructure, communication systems, healthcare facilities, electricity or running water. 40 per cent are without adequate food sources and malnutrition and child mortality rates are among the highest in the country.¹²⁶ CHRO further noted that since 1998, rapid militarization in Chin State, combined with widespread ethnic and religious discrimination, had resulted in a litany of human rights violations perpetrated by the army.¹²⁷
74. ACFID stated that recruitment of child soldiers by the Army and ethnic forces continued to be routine.¹²⁸ JS4 recommended that Myanmar release immediately all children present in its military ranks and criminally prosecute those responsible for their recruitment.¹²⁹ ICTJ also noted that the Myanmar armed forces constituted the only army in Asia to continue recruiting child soldiers.¹³⁰
75. International Campaign to Ban Landmines (ICBL) recommended that the authorities in Myanmar order an immediate halt to the use of antipersonnel mines by the armed forces and proxies under its control; order an immediate halt to the use of forced labour by the armed forces and proxies under its control, particularly for the purposes of mine clearance and portering in mined areas; and accede to the Mine Ban Treaty.¹³¹

III. Achievements, best practices, challenges and constraints

76. ACFID noted NGO reports that children's rights are, after many years of advocacy, an accepted concept in some government departments. Government officials have received training on child rights. Trafficking is also now an accepted issue and the Government participates in regional efforts such as the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT).¹³²
77. ALRC stated that two major obstacles to the implementation of human rights were the political perception that the rule of law is an executive function, and the profound level of corruption throughout the entire State apparatus.¹³³

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

78. According to ACFID, Myanmar has committed itself to the elimination of forced labour and to cooperate with the ILO for this purpose.¹³⁴ CHRO recommended that Myanmar fully cooperate with the ILO to end the practice of forced labour: by reproducing leaflets about the individual complaints mechanism against forced labour in ethnic Chin languages; distributing them throughout Chin State; and holding awareness-raising seminars about such a complaint mechanism.¹³⁵ ICTJ expressed concerns that attacks in the press were used on people or organizations involved in the forced labour



complaints mechanisms of the ILO.¹³⁶

79. JS3 recommended that Myanmar seek technical assistance from the UN to reform the judiciary, to establish fair and accessible judicial remedies to prevent forced evictions and land confiscation, resolve land disputes, and provide restitution and return rights.¹³⁷ JS3 further recommended that Myanmar seek technical assistance from the UN.¹³⁸

Notes

- 1 The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

AAPP	The Assistance Association for Political Prisoners, Mae Sot, Thailand	ACFID	The Australian Council for International Development, Deakin, Australia	AI	Amnesty International*, London (UK)
ALRC	Asian Legal Resource Centre*, Hong Kong (China)	ARTICLE19	ARTICLE 19*, London (UK)		
BF	The Becket Fund*, Washington D.C. (USA)				
CHRO	Chin Human Rights Organization, Nepean, Ontario (Canada)	CSW	Christian Solidarity Worldwide, Surrey (UK)		
ECLJ	European Centre for Law and Justice, Strasbourg, France				
ERI	Earthrights International,				
FN	Freedom Now, Washington D.C. (USA)	HRW	Human Rights Watch*, New York (USA)		
ICBL	International Campaign to Ban Landmines*, Geneva (Switzerland)	ICTJ	International Center for Transitional Justice*, New York (USA)	INDIG	INDIG, Hawaii, (USA)
JC	Jubilee Campaign USA, Inc.*, Fairfax (USA)				
JS1	Joint Submission submitted by: Burma Campaign Australia (a national network comprising of Democracy for Burma Action Group, Australia Burma Network, Canberra Network for Democracy in Burma, Burma Solidarity Group and Burma Campaign Sydney); Union Aid Abroad APHEDA; Burma Economic Watch (Macquarie University); Australian Karen Organisation; Burmese Rohingya Community in Australia; the Burma Office (Australia); and the Australian Council of Trade Unions.				
JS2	Joint Submission submitted by: ARC International, ILGA, and ILGA-Europe*				
JS3	Joint Submission submitted by: Assistance Association for Political Prisoners Burma (AAPP-B), Arakan Rivers Network (ARN), Burma Fund UN Office, Burma Lawyers' Council (BLC), Chin Human Rights Organization (CHRO), Emergency Act Team vs Backpack Health Worker Team, Federation of Trade Unions Burma (FTUB), Foundation for Education and Development (FED), Human Rights Education Institute of Burma (HREIB), Human Rights Foundation of Mon Land (HURFOM), Kachin Women's Organization Thailand (KWAT), Kaladan Press (Bangladesh), Shwe Gas Movement, and Women and Child Rights Project (WCRP)				
JS4	Joint Submission submitted by: International Federation for Human Rights (fidh) and the Alternative Asean Network on Burma (ALTSEAN-Burma)				
JS5	Joint Submission submitted by: International PEN (IPEN)*, London (UK) and Index on Censorship, London (UK). KHRG Karen Human Rights Group, Myanmar RWB Reporters Without Borders*, Paris (France)				
UNPO	Unrepresented Nations and People's Organization, The Hague (The Netherlands).				

- 2 ACFID, paras. 2 and 4.

- 3 AAPP, p. 3.

- 4 UNPO, p. 5.

- 5 HRW, p. 6.

- 6 CSW, para. 6.

- 7 ERI, paras. 2–3, and 11–14. See also JS3, p. 4.

- 8 UNPO, p. 1.

- 9 AI, p. 1. See also ALRC, para. 10, JS4 para. 2, and ARTICLE 19, para. 5.

- 10 JS3, p. 4.

- 11 JS4, para. 3.

- 12 HRW, p. 2.

- 13 ALRC, paras. 7 and 9. See also ARTICLE 19, para. 4, ERI, para. 4, and JS1, paras. 2–3.

- 14 AAPP, p. 2.

- 15 AI, pp. 1–2. See also RWB, p. 3.



- 16 HRW, pp. 2 and 5.
- 17 RWB, p. 4.
- 18 ACFID, para. 30. See also JS3, p. 9.
- 19 ACFID, paras. 10 and 12.
- 20 JS3, p. 1.
- 21 HRW, p. 3.
- 22 JS1, para. 14.
- 23 ACFID, para. 26. See also JS4, para. 15, CHRO, paras. 14–15, HRW, p. 4.
- 24 ACFID, para. 27.
- 25 ACFID, para. 15.
- 26 ACFID, para. 19.
- 27 INDIG, para. 3.
- 28 JS3, p. 5.
- 29 ECLJ, p. 4.
- 30 HRW, p. 6.
- 31 BF, para. 4.3.
- 32 AI, p. 3.
- 33 AI, p. 3. See also ICTJ, para. 3.
- 34 AAPP, p. 3.
- 35 AAPP, p. 4.
- 36 CHRO, paras. 7–8.
- 37 AAPP, p. 4. See also CSW, paras. 21–23.
- 38 JS5, p. 3.
- 39 CSW, para. 23. See also JS5, p. 4.
- 40 FN, p. 5. See also JC, p. 5.
- 41 AI, pp. 3–4.
- 42 AI, p. 3. See also ALRC, para. 12.
- 43 AAPP, p. 5.
- 44 AAPP, p. 2. See also CHRO, paras. 9–10, CSW, paras. 16–20, HRW, p. 1.
- 45 AAPP, p. 3.
- 46 AAPP, p. 3.
- 47 AAPP, pp. 5–6. See also AI, p. 4.
- 48 AAPP, p. 6.
- 49 CHRO, paras. 7–8.
- 50 HRW, pp. 3–4.
- 51 ACFID, para. 24, JS3, p. 2.
- 52 JS4, para. 29.
- 53 INDIG, para. 2.
- 54 CSW, para. 12. See also JC, p. 4.
- 55 ICTJ, para. 13.
- 56 ACFID, para. 40.
- 57 HRW, p. 1.
- 58 CHRO, para. 4.
- 59 ICTJ, p. 1.
- 60 ICTJ, para. 7.
- 61 ALRC, para. 13.
- 62 JC, para. 4.
- 63 ARTICLE 19, para. 7. See also HRW, p. 3.
- 64 ICTJ, para. 11, JS3, p. 3.
- 65 AAPP, p. 4. See also AP, paras. 17–18, and ARTICLE19, paras. 14–15, FN, para. 6.
- 66 FN, para. 13.
- 67 ACFID, para. 34.
- 68 AAPP, p. 5.
- 69 AP, paras. 19–20.
- 70 ACFID, para. 44.
- 71 ACFID, para. 46.
- 72 JS2, pp. 1–2.
- 73 JS1, para. 4.
- 74 AP, para. 16. See also JS1, para. 5.
- 75 JC, para. 1.
- 76 JC, para. 8.
- 77 UNPO, p. 4.
- 78 BF, paras. 4.1–4.2.
- 79 CHRO, paras. 16–18.



- 80 CHRO, para. 26.
- 81 ARTICLE 19, para. 2.
- 82 FN, para. 6. See also RWB, pp. 1–3.
- 83 RWB, p. 1.
- 84 ARTICLE 19, para. 9.
- 85 ARTICLE 19, paras. 10 and 16.
- 86 JS5, p. 5.
- 87 ECLJ, pp. 1–3.
- 88 FN, para. 7.
- 89 AI, p. 2. See also ARTICLE 19, para. 6.
- 90 AI, p. 3. See also ICTJ, para. 3.
- 91 ACFID, para. 49. See also JS5, p. 2.
- 92 ACFID, para. 50.
- 93 ACFID, para. 7.
- 94 ACFID, para. 21.
- 95 FN, para. 8.
- 96 JS5, p. 1.
- 97 JS4, p. 4.
- 98 ERI, para. 16.
- 99 JS3, p. 10.
- 100 JS4, para. 7.
- 101 AP, para. 24 and CHRO, paras. 5 and 11–13, CSW, paras. 13–15, HRW, p. 4, JS3, p. 2.
- 102 HRW, p. 1. See also JS3, p. 10.
- 103 ACFID, para. 37.
- 104 JS3, p. 6.
- 105 ACFID, para. 48.
- 106 CHRO, paras. 22–23.
- 107 ACFID, paras. 38–39. See also JS3, pp. 6–7.
- 108 JS3, p. 8. (see also ACFID, para. 41).
- 109 JS1, para. 9.
- 110 JC, para. 4.
- 111 CSW, paras. 25–28.
- 112 AP, paras. 14 and 24–27. See also CSW, paras. 29 and 31, HRW, pp. 4–5, and JS3, pp. 8–9.
- 113 JS3, pp. 5–6.
- 114 CHRO, para. 27.
- 115 UNPO, p. 4.
- 116 HRW, p. 4. See also JS3, p. 9.
- 117 ACFID, para. 30. See also AI, pp. 4–5.
- 118 JS4, para. 20. See also JC, p. 23.
- 119 JS3, p. 7.
- 120 JS4, para. 22.
- 121 ACFID, paras. 22–23.
- 122 HRW, p. 4.
- 123 HRW, p. 3. See also UNPO, p. 4.
- 124 KHRG, p. 6.
- 125 CSW, para. 8.
- 126 CHRO, para. 2.
- 127 CHRO, para. 3.
- 128 ACFID, para. 26.
- 129 JS4, para. 18. See also ICTJ, para. 18.
- 130 ICTJ, para. 6. See also JS3, p. 2, KHRG, p. 4.
- 131 ICBL, pp. 2–3. See also KHRG, p. 4.
- 132 ACFID, para. 9.
- 133 ALRC, para. 14.
- 134 ACFID, para. 31.
- 135 CHRO, para. 25. See also JS3, p. 10.
- 136 ICTJ, paras. 7–8. See also JS3, p. 2.
- 137 JS3, pp. 4 and 6.



General Assembly

Distr.: General
24 March 2011

Original: English

Human Rights Council
Seventeenth session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Myanmar

* The annex to the present report is circulated as received.



Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its tenth session from 24 January to 4 February 2011. The review of Myanmar was held at the 7th meeting on 27 January 2011. The delegation of Myanmar was headed by Tun Shin, Deputy Attorney General, Office of the Attorney General. At its eleventh meeting, held on 31 January 2011, the Working Group adopted the report on Myanmar.
2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Myanmar: the Libyan Arab Jamahiriya, the Republic of Korea and the United States of America.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Myanmar:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/10/MMR/1);
 - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/10/MMR/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/MMR/3).
4. A list of questions prepared in advance by Belgium, Canada, the Czech Republic, Denmark, France, Germany, Ireland, Japan, Latvia, Netherlands, New Zealand, Norway, Slovenia, Sweden, Switzerland, and the United Kingdom of Great Britain and Northern Ireland was transmitted to Myanmar through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. Myanmar has little opportunity to present how it implements human rights from alpha to omega. This is the reason why Myanmar takes great interest in the UPR process. The Myanmar delegation consists of high-level members and various members who have expertise on the subject, with a blend of different races, genders, religion and positions, and comes here with pride and enthusiasm to take part in the interactive dialogue.
6. The Myanmar Constitution of 2008 is committed to the promotion and protection of human rights and the whole of Chapter VIII deals with fundamental rights and principles, equivalent to the rights given by constitutions in other countries. The legal remedies for the breach of human rights enshrined in this chapter are given through five Writs which can be found in the same Chapter.
7. Myanmar's National Report on Human Rights has been prepared in accordance with the general guidelines given for the drafting of national reports for the UPR. Before drafting the national report, a workshop was held in Myanmar, with the assistance of OHCHR. The draft report was made after discussion with the civil society groups.
8. Myanmar has now reached the final stages of its transition to democracy.



9. In implementing the Fifth Step of the Seven-Step Roadmap, the multi-party general elections were held on 7 November 2010 throughout the country in a free, fair and peaceful manner. The Sixth Step of the Roadmap, which is to convene the Hluttaw, will be implemented on 31 January 2011. The new Government will be formed during this session of the Hluttaw.
10. The results of the elections have shown that it was free from vote-rigging and violence or any kind of intimidation. The people have exercised their democratic right to transform the country to the elected government system. On the day of the election, foreign diplomats and news agencies witnessed the casting and counting of the ballots.

B. Interactive dialogue and responses by the State under review

11. During the interactive dialogue, 57 delegations made statements. Additional statements which could not be delivered during the interactive dialogue owing to time constraints are posted on the extranet of the universal periodic review when available.¹ Recommendations made during the dialogue are to be found in section II of the present report.
12. The Lao People's Democratic Republic supported Myanmar's national reconciliation and peaceful settlement of its internal problems. It welcomed the Seven-Step Roadmap, the election in 2010 and the establishment of a National Human Rights Commission. It made recommendations.
13. Singapore appreciated Myanmar's commitment to collaborate with the United Nations to improve its human rights situation. It noted Myanmar's political transformation after its 2010 elections. Singapore recognized the difficulties and challenges faced by Myanmar. It made recommendations.
14. Sri Lanka commended the establishment of the Myanmar Human Rights Body and the recent elections. It welcomed the convening of Parliament and Myanmar's collaboration with the United Nations. It recognized efforts to ensure the right to health and to increase the minimum age required for recruitment. It made a recommendation.
15. Algeria noted Myanmar's measures to consolidate democracy in the framework of the Seven-Step Roadmap, the new Constitution and 2010 elections. It also noted that the international community should support Myanmar. It welcomed the establishment of the National Human Rights Commission and it asked about discrimination against the Muslim community, known as the Rohingya. It made a recommendation.
16. China valued Myanmar's cooperation with the international community, including receiving the Special Rapporteur on the situation of human rights in Myanmar, the Secretary-General's Special Adviser on Myanmar and International Labour Organization (ILO) officials. China noted Myanmar's efforts to promote national reconciliation and democracy. It stated that constructive assistance should be provided. It made a recommendation.
17. Brunei Darussalam noted Myanmar's close work with the Association of Southeast Asian Nations (ASEAN) and the ASEAN Intergovernmental Commission on Human Rights. It made a recommendation.
18. Malaysia welcomed Myanmar's democratization efforts, 2010 elections and Aung San Suu Kyi's release. It noted need for improvement in women and children's rights, personal security, education, health, justice and humanitarian assistance, particularly for indigenous and minor-

¹ Zimbabwe, Spain, Nigeria, Bolivia, Mexico, Slovakia, Netherlands, Honduras, Libyan Arab Jamahiriya, Egypt, Australia, Chile, Latvia, Iraq



ity groups. It noted that since the mid-1990s Malaysia has received a number of persons from Northern Rakhine or Arakan States. It made recommendations.

19. Sweden was alarmed about widespread violations of human rights and humanitarian law. It expressed concern about impunity for crimes committed by the police, security forces and military. Sweden noted that there were reportedly at least 2,000 political prisoners. It made recommendations.
20. The Czech Republic expressed disappointment that the Government has not seriously engaged in tackling its human rights situation and acts contrarily to human rights standards. The Czech Republic expressed its support for a serious and in-depth debate on Mr. Quintana's recommendations, including the establishment of a Commission of Inquiry, in relevant United Nations forums. It made recommendations.
21. Japan welcomed Aung San Suu Kyi's release, but regretted that November's elections were not free. It hoped for the release of prisoners of conscience and for dialogue with the pro-democracy movement. Japan expressed concern over civil and political rights. It asked Myanmar to explain how Constitutional and Penal Code provisions relate to the United Nations concerns on arbitrary detention, torture and ill-treatment. It made recommendations.
22. The Democratic People's Republic of Korea highlighted Myanmar's efforts to ensure stability and human rights protection. It appreciated achievements in the areas of health, education and measures to further improve living conditions. It made recommendations.
23. Viet Nam noted Myanmar's achievements on protecting human rights and its cooperation with human rights mechanisms. Viet Nam welcomed the elections and the referendum on the Constitution as Myanmar progresses towards democracy, national reconciliation, reconstruction and development. It made recommendations.
24. Thailand supported Myanmar's democratization and national reconciliation processes. It welcomed the 2010 elections and Aung San Suu Kyi's release. It appreciated Myanmar's participation in the new ASEAN Intergovernmental Commission on Human Rights. It urged Myanmar to consolidate the gains achieved. It made recommendations.
25. Indonesia welcomed Myanmar's elections and Aung San Suu Kyi's release. Indonesia wished to see progress towards inclusive national reconciliation and in developing democratic institutions. It made recommendations.
26. The United Kingdom of Great Britain and Northern Ireland called for the release of 2,200 political prisoners. It expressed concern about human rights violations, including arbitrary detentions, forced displacement, child soldiers, forced labour, torture, discrimination based on ethnicity and sexual violence. It made recommendations.
27. Cambodia welcomed the elections, a step towards democracy in accordance with the Seven-Step Roadmap and the process of reconciliation. It noted Myanmar's efforts towards socio-economic development. It welcomed Myanmar's accession to the Palermo Protocol and the Joint Government of the Union of Myanmar-ILO Plan of Action for the Elimination of Forced Labour Practices in Myanmar. It made a recommendation.
28. Nepal recognized Myanmar's challenges in socio-economic development. It welcomed the release of Aung San Suu Kyi. At this time of transformation towards a democratic society, Nepal urged the international community to cooperate with Myanmar to build human rights and institutional capacity.
29. Bhutan commended Myanmar's engagement with human rights mechanisms and the interna-



tional community. Bhutan asked for information about the “Health for All” programme and the “Thirty-Year Long-Term Education Development Plan”. It made recommendations.

30. The Islamic Republic of Iran welcomed the Committee on the Rights of the Child and the Plan of Action to Combat Human Trafficking. Noting that Myanmar was a multi-ethnic and multi-religious country, facing complex challenges, it hoped the international community would lift the unilateral coercive economic sanctions causing negative consequences. It made recommendations.
31. The Philippines welcomed the Constitution, the elections and Aung San Suu Kyi’s release. The Philippines welcomed the National Human Rights Commission; the measures taken to promote women’s and children’s rights and the efforts to improve education and health. Philippines requested the international community to support Myanmar’s efforts to eradicate poverty. It made recommendations.
32. Pakistan hoped that Myanmar would continue to strengthen the democratization process. It expressed concern that the international community had not lifted sanctions against Myanmar, which affected the people, and should consider doing so. Pakistan was concerned that some minority groups were discriminated against on the basis of religion and race. It made recommendations.
33. Hungary expressed concern over impunity and called for investigations into human rights violations, including enforced disappearances, arbitrary detention, political imprisonment, sexual violence, torture and ill-treatment and bringing perpetrators to justice. It welcomed efforts for child protection. It was concerned over child recruitment and discrimination against women. It welcomed Aung San Suu Kyi’s release. It made recommendations.
34. Canada expressed concern about the human rights situation and requested answers to its advance questions, especially on the legislation planned by the new Parliament to address human rights gaps and the lack of participation in international human rights instruments. It made recommendations.
35. Slovenia welcomed the interdisciplinary National Committee on the Rights of the Child and the National Committee for Women’s Affairs and encouraged Myanmar to provide them with sufficient resources. It expressed concern over freedom of expression, religion, assembly and association. Slovenia inquired about access to safe drinking water. It made recommendations.
36. The Bolivarian Republic of Venezuela noted Myanmar’s implementation of the Seven-Step Roadmap to achieve democratization. It highlighted the Constitution’s approval with a 92 per cent majority. It noted that the international community’s support would be essential to national unity and that the unilateral sanctions imposed on Myanmar had not created the expected results. It made a recommendation.
37. Brazil noted the elections and the fact that Myanmar was considering signing several human rights instruments. Brazil was concerned about allegations of sexual violence involving members of the armed forces. Brazil hoped that Myanmar would protect fundamental freedoms, engage in a national reconciliation process and release prisoners of conscience. It made recommendations.
38. The Russian Federation noted Myanmar’s intention to continue the dialogue with the international community on human rights. It observed the formation of a new political system model and Myanmar’s democratization process. It acknowledged the challenges Myanmar



faced as a least developed country. It made a recommendation.

39. India noted Myanmar's efforts towards the political reform process, national unity and reconciliation. It welcomed the new Constitution, the elections and Aung San Suu Kyi's release. India noted Myanmar's cooperation with human rights instruments and the steps taken on human trafficking, children's rights and forced labour. India offered its cooperation. It made a recommendation.
40. France expressed concern about freedom of expression, information, the situation of human rights defenders and ethnic minorities. It noted that ILO condemned Myanmar's use of forced labour. It indicated that according to the Special Rapporteur some cases of enforced disappearances, extrajudicial executions, arbitrary detention and torture could constitute war crimes and crimes against humanity. It asked Myanmar about bringing those responsible to justice. It made recommendations.
41. Bangladesh stated that international cooperation was important for Myanmar. It commended Myanmar for the Plan of Action to combat Human Trafficking. Bangladesh referred to the concerns of the Committee on the Elimination of Discrimination against Women about restrictions and discrimination against Muslim women and the Muslim minority in Northern Rakhine State. It noted the concerns of the Committee on the Rights of the Child about the situation of children belonging to minorities. It made recommendations.
42. The delegation of Myanmar stated that the Electoral Law and by-laws permit full participation of all citizens, regardless of their race, religion, region, gender and the right to form political parties as well as to be an independent candidate for election.
43. All registered political parties were allowed to express their policies through various media. All parties were allowed peaceful assembly and association for electoral campaigning. The full results of the election, including information on the eligible votes, advance votes, and the percentage of voter turnout for each candidate were declared in the newspapers.
44. Out of 42 registered parties, 37 parties contested in the election. Altogether 1,148 candidates from 22 different parties, and 6 independent candidates won the seats. Sixteen parties of different national races are among them.
45. Any person has the right to object to the elected candidates. Tribunals for election offences and malpractices have been formed and are functioning.
46. Regarding the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the delegation stated that in addition to legal provisions Myanmar's tradition and culture provide protection from abuse for women and girls. The drafting of the National Plan of Action for the Advancement of Women 2011- 2015 is in progress in collaboration with the ministries concerned, the United Nations Population Fund and international non-governmental organizations (INGOs).
47. Women enjoy full and equal participation in public life and occupy high-ranking positions: 63.99 per cent in the health sector, 76.46 per cent in the education sector and 50.99 per cent in the administrative sector.
48. The Government is implementing maternal, newborn, adolescent and child health-care activities through the Reproductive Health Care Programme and Woman and Child Health Development Programme. It is improving human resources for health in quantity and quality and strengthening infrastructure to encourage institutional delivery in rural areas.
49. The Government has opened schools for the handicapped and mentally retarded children.



Currently, the National Plan of Action for Persons with Disability (2010-2012) has been developed and will have a nationwide focus on persons with disability.

50. The delegation stated that no death sentence has been carried out since 1988.
51. Those referred to as "political prisoners" and "prisoners of conscience" are in prison because they had breached the prevailing laws and not because of their political beliefs.
52. Torture is a grave crime and the Constitution prohibits torture or cruel, inhumane or degrading treatment.
53. Myanmar is implementing the United Nations Standard Minimum Rules for the Treatment of Prisoners. Physicians and nurses are stationed in prisons and specialists from general hospitals are available. Family visits are also allowed.
54. Although there is no memorandum of understanding between the International Committee of the Red Cross (ICRC) and the Government, from 1999 to 2005, ICRC made 406 visits to prisons and camps. Thereafter, it stopped prison visits of its own volition. However, after Cyclone Nargis in 2008, ICRC made 16 visits.
55. Myanmar has an established practice of granting amnesty. Since 1989, 114,803 prisoners were granted amnesty including those requested by the United Nations, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and ILO.
56. The Ministry of Information takes preventive action with regard to the media only if they report, print or publish contents inciting hatred among individuals, communities, ethnic or religious groups, or seriously impair the intellectual, mental, moral or physical development of minors. The Constitution guarantees that all citizens shall enjoy fundamental rights.
57. Since the Government adopted a Thirty-Year Long-Term Education Development Plan in 2001-2002, there has been a significant improvement in enrolment and attendance. The dropout rate has also been reduced.
58. Corporal punishment and humiliating punishment are strictly prohibited in schools in Myanmar. The Myanmar language is the medium of teaching in all schools. However, the use of ethnic languages in school and work place is freely allowed. Teachers in various ethnic nationality areas are allowed to supplement teaching in their own language.
59. Ireland expressed concern about reports of widespread and systematic human rights violations by the military, the police and the Nasaka border force; the denial of ethnic minorities' fundamental human rights, particularly with regard to the Rohingya; and serious issues regarding prisoners' welfare. It expressed concern over the lack of an independent judiciary, weak rule of law and impunity. It called for the immediate halting of human rights violations, ending of impunity, ending of discrimination against ethnic minorities and immediate release of political prisoners. It made recommendations.
60. Austria referred to the concerns of various United Nations human rights bodies, including excessive use of force by security forces, enforced disappearances, torture, the persecution of political activists and discrimination against ethnic minorities. It expressed concern about Aung San Suu Kyi's exclusion from the elections. It made recommendations.
61. Belgium regretted that, despite the de facto moratorium, courts continue to impose the death penalty and requested information about its abolition. Belgium welcomed Aung San Suu Kyi's release but remained concerned about the 2,200 prisoners detained without trial and subject to violence. Belgium mentioned that it was impossible for the Rohingyas to claim citizenship. It made recommendations.



62. Cuba noted Myanmar's colonial past and rich ethnic diversity and highlighted its work in favour of reconciliation and national unity. It noted advancements in the field of human rights such as urban and rural development plans, an increase in spending in the health sector, and programmes and projects to reach the Millennium Development Goals (MDGs). It made recommendations.
63. Switzerland expressed concern about the detention of more than 2,000 political prisoners. It was also concerned at the overall situation of ethnic minorities, more specifically the Muslim population of Northern Rakhine State and at reports of excessive use of force and torture. It made recommendations.
64. Germany asked what steps Myanmar was taking to eradicate the practice of using child soldiers and about minority rights. It asked about the legal status of the Muslim minority and their protection from forced labour, about lifting restrictions to freedom of assembly, association, movement and expression, and ending censorship. It made recommendations.
65. Turkey appreciated progress made in addressing trafficking in persons and in investigating cases of child recruitment. It took note of the abolition of the death penalty in practice. It requested more information about the harmonization between domestic law and human rights law. It made recommendations.
66. The Republic of Korea recognized Myanmar's efforts to implement the Seven-Step Roadmap to Democracy, including the November 2010 elections, but it was concerned that they fell short of the expectation that they would be free and fair. It expressed concern about prisoners of conscience, reports of human rights violations and restrictions on fundamental freedoms. It made recommendations.
67. Nicaragua noted Myanmar's challenges of reconciliation, peace and development, and recognized its efforts to achieve national unity and implement the roadmap towards democratization. It highlighted the importance of the international community's support. Nicaragua did not support unilaterally imposed measures since they threaten self-determination and impede the implementation of the roadmap. It made a recommendation.
68. Azerbaijan noted the establishment of a human rights body and applauded the abolition of the practice of the death penalty since 1988 and welcomed the establishment of women's rights organizations. It made recommendations.
69. Maldives noted Myanmar's willingness to work with the international community on human rights issues. It welcomed Myanmar's commitment to making the transition to democracy and concluded that such democratic reforms must proceed in an open and inclusive manner. It made recommendations.
70. Sudan commended Myanmar's efforts to protect children's rights, particularly the establishment of juvenile justice courts and disarmament, demobilization and reintegration programmes for child soldiers. It also applauded Myanmar's efforts to reach national reconciliation. Sudan called for the lifting of unilateral sanctions imposed on Myanmar. It made recommendations.
71. The Democratic Republic of Timor-Leste noted with appreciation Myanmar's efforts to protect the rights of the child. It appreciated the peaceful conduct of the 2010 general elections and the fact that a number of armed groups had exchanged their arms for peace. It inquired about plans for disarming the remaining armed groups and for engaging in a dialogue with other political groups. It made recommendations.
72. The United States of America welcomed the release of Aung San Suu Kyi and condemned



systematic human rights violations. It expressed concern over the detention of 2,100 prisoners and disappointment over the 2010 elections, which had been neither free nor fair. It noted that Government critics were at risk of harassment, arbitrary arrest, torture and ill-treatment, even extrajudicial killings. It expressed concern over the situation of ethnic minorities. It made recommendations.

73. Jordan hoped for further progress to improve human rights and expressed concern about the human rights situation of Muslim minorities, particularly women and girls. It made recommendations.
74. New Zealand hoped that Myanmar would address the humanitarian needs of its people and engage constructively with its international human rights obligations. It also hoped for the release of all political prisoners. It remained concerned for the well-being of children, especially those recruited as child soldiers. It made recommendations.
75. Poland expressed regret that, despite constitutional provisions, the Government continued to control and restrict the practices of minority religions. It asked about allowing ethnic and religious minorities to exercise their rights. It made recommendations.
76. Bahrain welcomed Myanmar's efforts to promote human rights. It requested information about the national plans to promote children's rights and to achieve the MDGs and about measures established to implement the recommendations of the Committee on the Elimination of Discrimination against Women.
77. Greece appreciated that Myanmar valued the importance of the UPR mechanism in the promotion of human rights. It encouraged Myanmar to allow for an inclusive dialogue and a full participation of all democratic actors in the political process. It made recommendations.
78. Uruguay wished that Myanmar could take a path of dialogue and welcomed Aung San Suu Kyi's release. Uruguay hoped that the elections were the beginning of a national dialogue. It made recommendations.
79. Portugal requested information on Myanmar's plans to unconditionally release political prisoners and to restore their political rights. Portugal asked about measures taken to tackle the situation of torture and ill-treatment in detention. Portugal raised concerns about the fact that marital rape is not recognized as a criminal offence. It made recommendations.
80. The Syrian Arab Republic highlighted Myanmar's Seven-Step Roadmap towards democratization. It welcomed the 2010 elections and Myanmar's efforts to promote health, education, protection of children, women's rights and the rights of persons with disabilities. It urged for support from the international community, pointing out obstacles related to the unilateral coercive measures imposed on Myanmar.
81. Ukraine expressed its hope that the new Government would place human rights protection among its key priorities. It asked for information about the National Plan of Action. It made recommendations.
82. Denmark noted that several articles of the Constitution undermine international human rights standards, specifically freedom of expression, association and assembly; and detained persons' rights. Denmark was concerned about the use of torture, ill-treatment and arbitrary detention of peaceful dissenters and ethnic minorities, and called for their release. It made recommendations.
83. Argentina welcomed the release of Aung San Suu Kyi as a step towards the liberation of other political prisoners and the strengthening of political participation in Myanmar. It asked



about the judicial mechanisms used to investigate human rights violations. It made recommendations.

84. Norway noted Myanmar's challenges in human rights protection, democratization and national reconciliation. Norway noted Myanmar's cooperation with the United Nations regarding protection of child's rights. It appreciated measures carried out to combat human trafficking, reintegrate child soldiers and combat forced labour. It made recommendations.
85. Italy welcomed Aung San Suu Kyi's liberation and took note of the elections. It was concerned about human rights violations and impunity, specifically regarding the death penalty, child soldiers, torture, forced labour, sexual violence, restrictions on freedom of expression, ethnic minorities' and detainees' rights. It made recommendations.
86. The delegation of Myanmar stated that, during their visits, Special Rapporteurs were allowed to go to the places they wanted to visit and meet the persons they requested to see.
87. The Myanmar Human Rights Body is still in its initial stages and its goal is to emerge eventually as National Human Rights Commission in line with the Paris Principles.
88. Since 2006, the Government had issued a public notice in the press for complaints against human rights violations to the ministries concerned. From January to August 2010, the Ministry of Home Affairs received 503 submissions and action had been taken on 199 complaints, 203 complaints were under investigation and 101 complaints had been found to be false.
89. The delegation stated that the Government had strengthened its legislation and enhanced enforcement action. Some of the measures taken include the establishment of the Myanmar National Committee for Women's Affairs in 1996; becoming a State Party to the United Nations Convention against Transnational Organized Crime and its Protocol in 2004 and promulgation of the Anti-Trafficking in Persons Law in 2005.
90. Due to the economic sanctions imposed on Myanmar, over 160 garment factories had closed, 162 foreign companies had withdrawn and over 70,000 workers, mainly women, became jobless. Sanctions have become a major push factor in the trafficking arena.
91. Regarding the issue of child soldiers, the delegation stated that under the Myanmar Defense Services Act and War Office Council Instructions, the minimum age requirement to enlist in the armed forces is eighteen. Forced conscription in any form is strictly prohibited. A Child Soldier Prevention Committee was established in 2004, with the task of preventing recruitment of underage children.
92. Punitive actions are taken against military personnel who violate the military recruitment laws and regulations. A total of 440 underage recruits have been returned to their parents or guardians since 2002. For the process of demobilization, rehabilitation and reintegration and on awareness-raising, the Government is working in close cooperation with the United Nations Children's Fund (UNICEF), INGOs and non-governmental organizations. In drafting a plan of action, the Government cooperates with the United Nations Country Team.
93. According to Special Rapporteur Mr. Quintana: "International partners have acknowledged the Government's increased commitment to addressing the issue of recruitment of child soldiers."
94. Rape is regarded by Myanmar people and Government as the most dastardly crime. Perpetrators are brought to justice and prosecuted and, on conviction, heavy sentences from 7 to 20 years' imprisonment are imposed. The allegations of sexual violence against ethnic women and children are baseless and merely aimed at discrediting the Myanmar Armed Forces.



95. Internal insurgencies and terrorism have endangered national security and hampered the livelihood of the people. The Government has given priority to national reconsolidation through peaceful negotiations and eventually reached ceasefire agreements with 17 out of 18 major ethnic armed groups and people are now enjoying unprecedented peace and development since regaining independence. It is important to note that the insurgent groups never represent any of the ethnic national races or people.
96. The insurgency is now confined to a few localities in the border areas. Counter- insurgency activities are conducted only against those remnant insurgents. Military operations are carried out in accordance with the rules of engagement and strict instructions are also given to avoid civilian casualties. The Government is committed to investigate any allegations of human rights violations and takes action against any perpetrator in accordance with the law.
97. The delegation stated that the Constitution guarantees all citizens freedom of religion regardless of race, religion and sex. Authorities routinely approve requests for religious gatherings and celebrations. Religious teachings are also permitted.
98. There is no closure of religious building in the country. Moreover, authorities allow renovation and construction of religious buildings.
99. The Land Acquisition Act protects Myanmar citizens from forced eviction or confiscation of land. To sustain the livelihood and development of the local community in project site areas, the Government provides land for resettlement. The social infrastructures are developed by means of State budget allocations and project partners' contributions.
100. The delegation stated that the Government is committed to enhance the well-being and livelihood of its ethnic nationalities. Training of ethnic youth to be teachers, establishing the Ministry of Progress of Border Areas and National Races and Development Affairs and preservation of ethnic languages and literature are also undertaken by the Government.
101. The allegation regarding the discrimination and harassment against the local population of Northern Rakhine State is contrary to the facts. Historically and culturally those people do not constitute any national race and are illegal immigrants residing along the border areas of Northern Rakhine State. Myanmar endeavours to solve this cross-border movement of people bilaterally and amicably with its neighbouring country and in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR). Since 1992, over 230,000 returnees have been accepted by the Myanmar side under the voluntary repatriation programme. The Government has issued about 700,000 temporary registration cards to eligible people. The Government is also implementing development programmes in Northern Rakhine State.
102. The delegation stated that peace and stability, democracy and human rights are mutually interdependent. By rebuilding national unity with the return to the legal fold of 17 former insurgent groups, the Government is able to bring about peace and stability to almost all corners of Myanmar. With the new Constitution, concerning which the people of Myanmar have expressed their will through a referendum and successful holding of nationwide elections, a democratic era has been ushered in. This greatly enhances the enjoyment of human rights by the people of Myanmar.
103. The Delegation Leader's conclusion is as follows:
 - (a) Some questions can only be answered when the new Government is formed by the Hluttaw.
 - (b) Myanmar laws are promulgated in accordance with the Basic Principles on the Independence of the Judiciary as laid down by the Seventh United Nations Congress on Crime Pre-



vention and Criminal Justice. An example is Judiciary Law section 2 and section 19 of the Constitution. The judiciary is to hear both parties. The aggrieved party is always discontented. Thus, hearing only the aggrieved party amounts to a miscarriage of justice. Myanmar has an impartial and fair judiciary that hears both parties. An alleged crime should also be heard from both sides.

- (c) An independent investigation in international law requires the exhaustion of local remedies. The Ministry of Home Affairs exercises his function with the Minister for Home Affairs acting in his ministerial capacity. Complaints are submitted, dismissed or investigated as a continuous process. This has been commended by the Special Rapporteur in his report to the 65th General Assembly.
- (d) Law review has been made by all ministries with a view to submission to the Hluttaw either to amend, repeal or promulgate new laws. They review whether existing laws are compatible with the Constitution and international norms. Redress is made through five writs in the Constitution. If a law is incompatible with the Constitution, the redress is made by the Constitutional Tribunal.
- (e) ILO Convention No. 87 on Freedom of Association has been ratified. A new domestic law compatible with this Convention is presently under drafting by the Labour Ministry with the cooperation of ILO. There is also cooperation between Myanmar and ILO on Convention No. 29 on Forced Labour. Myanmar has made dormant certain offending provisions on some laws. Through the Supplementary Understanding with ILO, Myanmar has created a complaint mechanism. The Supplementary Understanding has been extended three times.
- (f) Ratification of the remaining core Human Rights Treaties is under study and consideration. After it has been studied, it will go through Hluttaw in accordance with parliamentary practice. Myanmar has the political will to observe human rights.
- (g) There is no impunity in Myanmar. No one is above the law. The legal maxim *nemo est supra leges* is the accepted principle. Citizens, military and police personnel are not above the law and action will be taken against them when the law is breached. Trafficking is the outcome of sanctions in many cases. Foreign companies have withdrawn their investment, factories were closed down and 70,000 workers, mainly women, became jobless.
- (h) Due to the positive developments including successful holding of elections, the ASEAN Ministers' Retreat on 16 January 2011 called for the lifting of sanctions on Myanmar.
- (i) Myanmar has reached a new milestone, opened a new chapter and turned a new page with positive developments. Cannot the international community respond with encouragement, support and understanding?

II. Conclusions and/or recommendations

- 104. The recommendations formulated during the interactive dialogue listed below have been examined by Myanmar and enjoy the support of Myanmar:
 - 104.1. Consider becoming a party to the remaining core human rights treaties as well (Pakistan);
 - 104.2. Ratify and fully implement, step by step, all universal core human rights treaties (Slovenia);
 - 104.3. Consider acceding to core human rights instruments (Jordan);



- 104.4. Consider acceding to the remaining international human rights treaties (Ukraine);
- 104.5. Ensure the effective implementation of the Convention on the Rights of the Child (CRC), especially the rights to education and health (New Zealand);
- 104.6. Consider the possibility of signing or ratifying the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);
- 104.7. Consider accession to ICCPR and ICESCR (Philippines);
- 104.8. Consider incorporating its international human rights obligations into domestic law (Jordan);
- 104.9. Continue to improve its domestic legislation and judiciary system to be in line with international human rights standards and obligations including intensifying human rights education and training, especially for its military and law enforcement officers, in order to enhance their awareness and promote greater accountability (Thailand);
- 104.10. Take steps to review domestic laws with a view to guaranteeing the right to freedom of expression, association and assembly, including assuring a free and independent media (Indonesia);
- 104.11. Establish and enforce strict legislation criminalizing rape in every context, including marital rape (Portugal);
- 104.12. Do and act in light of its national reality in order to guarantee unity, peace, stability in Myanmar and in the region (Lao People's Democratic Republic);
- 104.13. Initiate as possible, with the assistance of the international community, the programmes of investment needed in the health, education and social security sectors (Algeria);
- 104.14. Continue implementing the Government's reform policy and action plans to address socio-economic inequality in order to achieve further progress to improve the situation of human rights in the country especially in an effort to achieve most of the targets of the MDGs, including poverty reduction, the control of HIV and the fight against human trafficking (Cambodia);
- 104.15. Stay on the path of consolidation of political stability in the country, under the principles of free self-determination and sovereignty, for which it is very important to rely on international cooperation and assistance (Venezuela);
- 104.16. Continue implementing the strategies and plans for the socio-economic development of the country (Cuba);
- 104.17. Continue implementing the programmes and measures to improve the enjoyment of the right to education and the right to health of all its population (Cuba);
- 104.18. Continue with its efforts to promote and protect human rights and freedoms (Sri Lanka);
- 104.19. Continue its efforts to promote and protect human rights for its people and hold



- workshops and seminars to increase public awareness on human rights matters (Brunei Darussalam);
- 104.20. Strengthen policies and measures to ensure better respect and protection of all human rights, especially in the fields of fundamental economic, social and cultural rights and the right to development (Viet Nam);
- 104.21. Accelerate the effective implementation of the National Plan 2010-2012 on persons with disabilities including providing them with employment opportunities (Sudan);
- 104.22. Engage more consistently with human rights bodies and mechanisms at the international level (Turkey);
- 104.23. A participatory and inclusive process in the follow-up to the UPR, including the full range of civil society, as well as the United Nations Human Rights system (Norway);
- 104.24. Continue to cooperate with human rights mechanisms and the international community in promoting and safeguarding the rights of multi- ethnic people in Myanmar (Lao People's Democratic Republic);
- 104.25. Cooperate with Human Rights Council special procedures and mechanisms, as well as engage in a dialogue with OHCHR with a view to ensuring respect for human rights and fundamental freedoms (Poland);
- 104.26. Cooperate effectively with the Human Rights Council and its special procedures with a view to addressing the many pressing human rights issues besetting the country (Austria);
- 104.27. Fully cooperate with the Special Rapporteur on the situation of human rights in Myanmar (Ukraine);
- 104.28. Continue to engage with OHCHR (Singapore);
- 104.29. Ensure that ethnic and religious minorities are granted fundamental rights and end discrimination against persons belonging to these minorities (Slovenia);
- 104.30. End and prohibit torture (Slovenia);
- 104.31. Improve conditions in all prisons and detentions to be brought into compliance with international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (Denmark);
- 104.32. Ensure that violence against women and girls, including domestic violence and all forms of sexual abuse, constitutes a criminal offence, and that perpetrators are prosecuted and punished (Norway);
- 104.33. End forced labour and child labour (Slovenia);
- 104.34. Undertake further efforts to prevent the use of child soldiers and to demobilize and reintegrate child soldiers (Norway);
- 104.35. Strengthen its efforts to enhance the enforcement of the minimum age of recruitment into the military and to draft a new National Plan of Action for children based on the MDGs (Iran);
- 104.36. Adopt strict legislation which criminalizes rape in every context and which ensures legal punishment of the perpetrators including those from the police, military and other authorities (Hungary);



- 104.37. Ensure the independence and impartiality of the judiciary and guarantee due process of law (Italy);
- 104.38. Ensure that law enforcement officials receive necessary training, including on human rights standards, domestic legal protections, and the appropriate use of force (Canada);
- 104.39. Conduct an investigation, bring perpetrators to justice and provide reparation to the victims of sexual violence involving members of the armed forces (Brazil);
- 104.40. Promote interreligious dialogue and cooperation at the key local and national levels (Philippines);
- 104.41. Fully cooperate with ILO and implement the recommendations of the ILO Inquiry Commission (France);
- 104.42. Take appropriate measures and develop an action plan while continuing the cooperation with the international community to implement the MDGs, in particular poverty reduction, the right to food and food security (Viet Nam);
- 104.43. Enhance measures and international cooperation aimed at reducing poverty, fulfilling the MDGs, and strengthening capacity to respond effectively to natural disasters (Philippines);
- 104.44. Pursue its efforts for balanced development that bridges the gap between the rural and urban areas, with special attention to the realization of MDGs on health (Sudan);
- 104.45. Continue providing health-care services at primary health-care facilities at minimum or no cost (Bhutan);
- 104.46. Adopt a school feeding programme and integrate it with the local agricultural production (Brazil);
- 104.47. Continue its efforts to further improve the quality of education and health services (Democratic People's Republic of Korea);
- 104.48. Continue its efforts to develop and expand child-friendly schools based on CRC (Bhutan);
- 104.49. Further strengthen the promotion and protection of the human rights of the Myanmar people and the ethnic groups in Northern Rakhine State (Bangladesh);
- 104.50. Continue its development activities in Northern Rakhine State (Bangladesh);
- 104.51. Continue its efforts to engage with various ethnic groups and address their humanitarian and socio-economic needs as an integral part of its democratization and reconciliation process (Thailand);
- 104.52. Ensure that ethnic minorities are granted fundamental rights and are enabled to enjoy their culture, religion and their language freely and without any form of discrimination (Poland);
- 104.53. Solve long-standing conflicts between the Government and ethnic groups in a peaceful manner (Czech Republic);
- 104.54. Rehabilitate Myanmar returnees in cooperation with the relevant United Nations agencies (Bangladesh);



- 104.55. Continue to collaborate closely with the donor community, United Nations agencies, international financial institutions and civil society organizations to develop stronger institutional capacity and align national policies and priorities with international norms and Myanmar's treaty obligations (Singapore);
- 104.56. Enhance cooperation with the United Nations and other specialized agencies with a view to fully implementing national action plans and programmes in the field of human rights, workers' rights, human resource development, education and health, inter alia (Malaysia);
- 104.57. Seek to engage with the international community, with the aim of integrating with the global system and supporting the gradual democratization of its system (Singapore);
- 104.58. Hold, with the help of the relevant United Nations agencies, more seminars and training courses on human rights issues (China);
- 104.59. Enhance its engagement with the ASEAN Intergovernmental Commission on Human Rights (Indonesia);
- 104.60. Continue its cooperation with ILO and other relevant mechanisms to ensure full respect for the rights of the child consistent with international law, particularly human rights law (Jordan);
- 104.61. Cooperate with the international community in order to achieve progress with regard to promotion and protection of human rights and fundamental freedoms in the country (Ukraine);
- 104.62. Identify a priority list of areas in which assistance and aid are most crucially needed and approach bilateral, regional and international partners and stakeholders, as appropriate (Malaysia);
- 104.63. Open further its engagement with the international community in order to strengthen its capacity to ensure the enjoyment of economic, social and cultural rights by its people (Indonesia);
- 104.64. Seek the assistance of the international community to achieve comprehensive national development (Sudan);
105. The following recommendations enjoy the support of Myanmar, which considers that they have already been implemented or are in the process of implementation:
 - 105.1. Take legislative and practical steps to ensure a political process and elections that are free and democratic (Austria);
 - 105.2. Repeal the provisions of the Towns Act and Villages Act of 1907, under which forced labour for the military is currently codified (New Zealand);
 - 105.3. Further strengthen its national machinery to ensure gender equality (Azerbaijan);
 - 105.4. Continue its efforts to eradicate negative impacts inflicted by external coercive economic sanctions (Democratic People's Republic of Korea);
 - 105.5. Remain constructively engaged with the international community on the issue of lifting sanctions (Pakistan);
 - 105.6. Continue the efforts to combat poverty and ensure sustainable development, and fully implement projected reform programmes and the roadmap for political transforma-



- tion (Russian Federation);
- 105.7. Enhance efforts to achieving the Seven-Step Roadmap as the Government of Myanmar has promised toward building a democratic and ruled-by-law State (Viet Nam);
 - 105.8. Adopt effective measures to fight violence against women (Slovenia);
 - 105.9. Prohibit the recruitment of child soldiers and take measures against all violators (Sudan);
 - 105.10. Increase its efforts to prevent and combat violence against women and human trafficking and adopt a National Plan of Action for the advancement of the human rights of women (Iran);
106. The following recommendations will be examined by Myanmar, which will provide responses in due course. The responses of Myanmar to these recommendations will be included in the outcome report adopted by the Human Rights Council at its seventeenth session.
- 106.1. Accede to the universal human rights core treaties (Brazil);
 - 106.2. Ensure that legislation, policy and practice are in accordance with international human rights norms and standards (Slovenia);
 - 106.3. Ratify the International Covenants, CAT, the Convention on the Rights of Persons with Disabilities, ICERD, as well as the Rome Statute of the International Criminal Court (Austria);
 - 106.4. Sign and ratify CAT and ICCPR (Switzerland);
 - 106.5. Ratify and effectively implement core international human rights treaties, inter alia, ICCPR, ICESCR and CAT, and fulfil the obligations under the treaties to which Myanmar is a party by bringing domestic legislation, policies and practices into harmony with the provisions therein (Republic of Korea);
 - 106.6. Sign and ratify CAT and its Optional Protocol, and establish a national preventive mechanism (Maldives);
 - 106.7. Ratify the Optional Protocol to CRC on the involvement of children in armed conflict (OP-CRC-AC) (Timor-Leste);
 - 106.8. Accede to ICCPR, ICESCR and CAT (New Zealand);
 - 106.9. Make plans to sign and ratify the core human rights treaties and the Optional Protocols thereto, as well as to abolish the death penalty since the effective moratorium does not seem to discourage lower courts from handing down sentences (Greece);
 - 106.10. Reach a timely decision to sign ICESCR, ICCPR, ICERD and the Optional Protocol to CRC on the sale of children (Japan);
 - 106.11. Give due consideration to becoming a signatory to OP-CRC-AC (Japan);
 - 106.12. Accede to the remaining core human rights treaties and core labour standards it has yet to become a party to, and continue to cooperate with international and regional human rights mechanisms in implementing its obligations (Thailand);
 - 106.13. Ratify the remaining core human rights treaties, such as ICCPR, CERD and CAT as well as the Convention relating to the Status of Stateless Persons and the



Convention on the Reduction of Statelessness (Hungary);

- 106.14. Ratify all core human rights conventions, especially ICCPR, ICESCR and CAT (Germany);
- 106.15. Accede to ICCPR and ICESCR in the near future and ensure their effective implementation (Czech Republic);
- 106.16. Accession to the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Canada);
- 106.17. Join CAT and adapt its national legislation accordingly (Belgium);
- 106.18. Ratify CAT (Portugal);
- 106.19. Ratify and implement CAT (Denmark);
- 106.20. Ratify and effectively implement international human rights treaties, including ICCPR and its Optional Protocols; ICESCR; CAT; and the Optional Protocols to the CRC (Italy);
- 106.21. Amend its domestic laws to ensure that all people in the country are able to enjoy their fundamental human rights (Ireland);
- 106.22. Repeal or amend laws used to suppress peaceful political dissent and freedom of expression, association and assembly, including by granting those fundamental rights to the new members of Parliament (Italy);
- 106.23. That the new Commission be equipped with all the necessary safeguards to ensure its true independence in accordance with the Paris Principles (Timor-Leste);
- 106.24. Establish a National Human Rights Commission in line with the Paris Principles to provide for effective promotion and protection of human rights at the national level (Thailand);
- 106.25. Continue strengthening its system of promotion and protection of human rights in accordance with international human rights instruments, ensure the creation of a national human rights institution that complies with the Paris Principles and continue cooperating with the United Nations system mechanisms (Nicaragua);
- 106.26. Upgrade its human rights body into an independent and credible National Human Rights Institution in accordance with the Paris Principles (Indonesia);
- 106.27. Expedite the establishment of a national human rights institution that is fully compliant with the Paris Principles (India);
- 106.28. Further enhance the mandate of the Myanmar Human Rights Body so that it can discharge its duties in accordance with the Paris Principles (Jordan);
- 106.29. Take necessary steps for the reformation of the Myanmar Human Rights Body as the Human Rights Commission in accordance with the Paris Principles (Azerbaijan);
- 106.30. Establish an independent human rights institution in conformity with the Paris Principles (Portugal);
- 106.31. Take immediate steps to ensure full protection of civilians in conflict areas and to prevent such conflicts in the future by the creation of a democratic environment with



full respect for human rights and fundamental freedoms to all members of society, including members of ethnic minorities (Czech Republic);

- 106.32. Continue with its efforts to cooperate fully with the United Nations Special Rapporteur on the situation of human rights in Myanmar and with special procedures mandate-holders that have requested access to the country to observe the situation of human rights and implement their recommendations (Argentina);
- 106.33. Cooperate with the United Nations Special Rapporteur on the situation of human rights in the country by providing unimpeded access to visit and report on the human rights situation throughout the country (Canada);
- 106.34. Increase cooperation with OHCHR and the special procedures of the Human Rights Council (Greece);
- 106.35. Incorporate the rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples into domestic law and ratify ICERD (Denmark);
- 106.36. Abolish the death penalty as soon as possible (Belgium);
- 106.37. Abolish capital punishment in national legislation (Italy);
- 106.38. Allegations of excessive use of force and torture should be subject to effective and independent investigation in a timely manner in order to bring to justice those responsible for those acts (Switzerland);
- 106.39. Guarantee without delay to all detainees appropriate detention conditions and access to medical care and engage in substantive dialogue with ICRC on these issues (Switzerland);
- 106.40. Cooperate fully with ILO to end forced and child labour including in the military, in particular through implementation of a Joint Action Plan and awareness-raising activities (United Kingdom);
- 106.41. Put an end to recruitment and use of child soldiers, especially on border areas, not consider them as deserters, and consider ratifying the Optional Protocol to CRC on the involvement of children in armed conflict (Uruguay);
- 106.42. Prioritize its work with the International Labour Organization on a Joint Action Plan on child soldiers to progress the implementation of Security Council resolution 1612 (2005) (New Zealand);
- 106.43. Cooperate with the United Nations to end the recruitment of child soldiers, and facilitate effective monitoring in addition to reporting violations against children in armed conflict by the United Nations country team (Hungary);
- 106.44. Exert more efforts to promote and protect the rights of Muslim minorities (Jordan);
- 106.45. The abolition of the Press Scrutiny Board and the Broadcasting Censorship Board and take concrete steps to ensure that the press and broadcasting media can operate freely (Norway);
- 106.46. Intensify cooperation particularly at the regional and bilateral level with neighboring States in the effort to find a lasting solution to the issue of the Myanmar refugees (Malaysia);
107. The recommendations below do not enjoy the support of Myanmar:



- 107.1. Take immediate steps to end continuing violations of international human rights law (United States of America);
- 107.2. Amend the Constitution accordingly and in compliance with international human rights treaties and humanitarian laws (Denmark);
- 107.3. Modify the Citizenship Law of 1982 to ensure all minorities equal rights as citizens and remove all restrictions imposed on the Muslim minority in Rakhine State (Switzerland);
- 107.4. Begin a transparent and inclusive dialogue with all national stakeholders, including opposition parties and civil society, aimed at reviewing and reforming all relevant national legislation to ensure that it is consistent with international human rights law (Maldives);
- 107.5. Repeal laws that are not in compliance with international human rights law and review its legal system to ensure compliance with the rights to due process and a fair trial and respect for the rule of law (New Zealand);
- 107.6. Repeal Article 445 of the 2008 Constitution, which effectively grants total immunity to State and military personnel to act with impunity, even for criminal offences (New Zealand);
- 107.7. Pursue dialogue and cooperation among all stakeholders, including with a view to ensuring that the Constitution provisions are in line with international standards related to democracy and human rights (Norway);
- 107.8. Promptly bring its domestic legislation and Constitution in line with international standards and remove restrictions on fundamental freedoms, including freedom of expression, freedom of peaceful assembly and association, freedom of the press and religious freedom (Canada);
- 107.9. Review domestic legislation that criminalizes peaceful political dissent and review arrest warrants issued on the basis of such legislation (Brazil);
- 107.10. Adapt the Citizenship Act of 1982 in order to put an end to the statelessness of the Rohingya population (Belgium);
- 107.11. Establish a national consultative body to provide a platform for all national stakeholders to be consulted on and involved in the implementation of the democratic reform process (Maldives);
- 107.12. With regard to children, take necessary measures to improve the birth registry system, following the recommendation of the CRC in not identifying any ethnic or religious group in official documents which could allow discriminatory treatment; to avoid statelessness; to ban corporal punishment in families and schools and other institutions, by organizing educational campaigns; and start reforms in the juvenile justice system, following the Convention and the international standards by increasing the age of criminal responsibility (Uruguay);
- 107.13. Renew the agreement with ICRC to allow visits to places of detention (Maldives);
- 107.14. Renewed cooperation with ICRC, including allowing it access to all places of detention (Norway);
- 107.15. Cooperate with the international human rights mechanisms and humanitarian agencies, specifically by issuing a standing invitation to the special procedures



- of the Human Rights Council and allowing full and unhindered access to all persons in need of humanitarian assistance (Republic of Korea);
- 107.16. Allow unimpeded access to all regions to ICRC, the Special Rapporteur on the situation of human rights in Myanmar, other United Nations envoys and humanitarian organizations (New Zealand);
 - 107.17. Extend a standing invitation to all human rights special procedures (Maldives);
 - 107.18. Issue a favourable response to the request for visits to Myanmar of the representatives of the Secretary-General and Special Rapporteurs, in particular, on the human rights of displaced persons, the right to food (since 2003), freedom of religion and belief (since 2007), extrajudicial, summary or arbitrary executions (since 2007), and on the independence of judges and lawyers (Ukraine);
 - 107.19. Invite the Special Rapporteurs on the independence of judges and lawyers, on the promotion and protection of the right to freedom of opinion and expression, and on torture and other cruel, inhuman or degrading treatment or punishment to visit the country (Maldives);
 - 107.20. Invite the new Special Rapporteur on the rights to freedom of peaceful assembly and of association to visit the country (Maldives);
 - 107.21. Issue a standing invitation to the special procedures mandate holders (Greece);
 - 107.22. Accept the visits of the Country Rapporteur and thematic Rapporteurs on the independence of judges and lawyers and on freedom of religion as well as the Representative of the Secretary-General on internally displaced persons (Uruguay);
 - 107.23. Improve its cooperation with the United Nations Special Rapporteur on the situation of human rights in Myanmar and guarantee the mandate holder regular and unrestrained access to the country (Portugal);
 - 107.24. Take appropriate measures to end de facto and de jure discrimination against all minority groups (Pakistan);
 - 107.25. Take immediate steps to end violence and discrimination against ethnic minorities (Austria);
 - 107.26. Put an end to racial discrimination against the Rohingya and join ICERD (Belgium)
 - 107.27. Abandon the policy and practice of discrimination, forced assimilation and persecution against ethnic and religious minorities (Italy);
 - 107.28. Immediately take all necessary measures to end the situation whereby ethnic minorities continue to be persecuted and are the object of serious discrimination, and not impede the access to humanitarian aid in the regions where these ethnic minorities live (France);
 - 107.29. Immediately halt all violations of international human rights and humanitarian law by the security forces (Sweden);
 - 107.30. Investigate and punish all cases of intimidation, harassment, persecution, torture and forced disappearances, especially against political dissidents, journalists, ethnic and religious minorities and human rights defenders (Uruguay)
 - 107.31. Take steps to effectively end the practice of torture by the security forces and in



- places of detention and vigorously prosecute the perpetrators of such acts (Austria);
- 107.32. Independent human rights monitors be allowed unrestricted access to all detention facilities and that such facilities are appropriately funded and comply with international standards of care and treatment of prisoners (Ireland);
- 107.33. Allow ICRC unimpeded access to the 2,200 political prisoners (Greece);
- 107.34. Allow visits of ICRC to address issues regarding humanitarian assistance, internally displaced persons and persons deprived of their freedom (Uruguay);
- 107.35. Allow ICRC full and unrestricted access to places of detention (Portugal);
- 107.36. Review the legislation and practices in accordance with ILO Convention 29 on forced labour, and extend the ILO mandate to the overall territory of Myanmar (Uruguay);
- 107.37. Thorough reform of the judiciary to ensure compliance with due process and fair trial standards, including independence and impartiality (Canada)
- 107.38. Initiate a review and reform of the judiciary to assure its independence and impartiality, and that specific measures are taken to ensure that military and police personnel respect international human rights and humanitarian law (Ireland);
- 107.39. Ensure that all acts violating international human rights and humanitarian law are subject to prompt, independent and impartial investigation, and that suspected perpetrators, including those suspected of ordering these acts, regardless of rank, are brought to justice in proceedings which meet international standards of fairness, and without the imposition of the death penalty (Sweden);
- 107.40. Repeal or amend all domestic legislation which is in breach of international human rights law (Sweden);
- 107.41. Immediately and unconditionally release all political prisoners and ensure that all trial proceedings conform to international fair trial standards, including the right to a fair and public trial by a competent, independent and impartial tribunal, access to legal counsel of one's choosing, the presumption of innocence, and the opportunity to appeal through a process of judicial review (Sweden);
- 107.42. End impunity for human rights violations, taking forward the recommendations of the Special Rapporteur, by investigating, prosecuting and punishing those responsible with the assistance of the United Nations (United Kingdom);
- 107.43. Allow a full and independent investigation into all reports of human rights violations, including crimes against humanity and war crimes and hold accountable those found responsible for these crimes (Italy);
- 107.44. Urgently take all necessary measures to end impunity, if need be with the assistance of the United Nations (France);
- 107.45. Continue its efforts to throw light on the violations of the right to life, personal integrity and freedom perpetrated under its jurisdiction, in accordance with what has been requested in successive United Nations General Assembly resolutions (Argentina);
- 107.46. Promptly investigate all allegations that military personnel and other officials have committed serious crimes and violations of human rights including extrajudicial killings, recruitment of child soldiers, torture, sexual violence and forced labour



(Canada);

- 107.47. Withdraw the restrictions placed upon the freedoms of opinion, expression and information and immediately release the estimated 2,100 political prisoners and prisoners of conscience (France);
- 107.48. Urgently release all remaining political prisoners (Germany);
- 107.49. Immediately and unconditionally release all political prisoners and allow ICRC unrestricted access to the remaining prisoners (United States of America);
- 107.50. Adopt the necessary measures to ensure the release of the people deprived of their liberty for motives of conscience (Argentina);
- 107.51. Release immediately all persons who are detained solely on the basis of their peaceful political activity, ethnicity or religion (Canada);
- 107.52. Free without delay all persons detained for political reasons (Belgium);
- 107.53. Release immediately and unconditionally all those imprisoned for peacefully exercising their rights to freedom of expression, association and assembly (UK);
- 107.54. Immediately release all political prisoners (Austria);
- 107.55. Immediately and unconditionally release the estimated 2,200 political prisoners (Greece);
- 107.56. The immediate and unconditional release of all human rights defenders, democracy activists and other political prisoners (Norway);
- 107.57. Release immediately and unconditionally all persons currently detained for their peaceful political activities, and guarantee them unrestricted freedom of movement and expression and freedom to participate in political activities (Switzerland);
- 107.58. Respond positively to the calls of the international community for the release of prisoners of conscience and engage in a meaningful and inclusive dialogue with all political parties and ethnic groups and other relevant stakeholders towards democratization and national reconciliation (Republic of Korea);
- 107.59. Respond to the constant calls of the international community for the immediate and unconditional release of all prisoners of conscience, currently estimated at more than 2,100, and a full restoration of their political rights (Czech Republic);
- 107.60. Erase the criminal records of all political prisoners and unconditionally release them under a genuine amnesty (Italy);
- 107.61. Recognize the pre-election registration status of the National League for Democracy (NLD) and to begin a dialogue of national reconciliation with the NLD and other ethnic and democratic actors in the country (United States of America);
- 107.62. Remove all restrictions of freedom of association and assembly, including by refraining from penalizing peaceful political opposition activities, remove restrictions on independent media, including international journalists, and end harassment, religious discrimination, arbitrary arrest, torture, and imprisonment of peaceful political activities by ethnic minorities (Sweden);
- 107.63. Allow full participation by all ethnic and democratic groups, including the National League for Democracy and Aung San Suu Kyi, in the political life of the country, allowing the start of a genuine process of national reconciliation (United Kingdom);



- 107.64. Ensure the free participation of representatives of all political parties, including the National League of Democracy as well as other non-parliamentary political parties, representatives of ethnic groups and other relevant stakeholders across society in an inclusive political process (Czech Republic);
- 107.65. Remove all restrictions on freedom of expression, association and assembly in law and in practice and that legal and legitimate political opposition parties and civil society be able to voice their political opinions (Norway);
- 107.66. Take immediate steps to end the persecution of human rights defenders (Austria);
- 107.67. Immediately end violence and discrimination against members of ethnic and religious minorities, grant full citizenship rights to Rohingyas and end sexual violence committed against ethnic minority women (United States of America);
- 107.68. Allow access for international organizations to ethnic minority areas (Norway);
- 107.69. Implement and enforce the right not to be arbitrarily displaced and the Guiding Principles on Internal Displacement (New Zealand);
- 107.70. Seek technical assistance from the United Nations to reform the judiciary, to establish accessible judicial remedies as well as to alleviate poverty (Turkey);
108. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of Myanmar was headed by H.E. Dr. Tun Shin, Deputy Attorney General, Office of the Attorney General and composed of the following members:

- H.E. Mr. Wunna Maung Lwin, Alternate Leader, Permanent Representative and Ambassador, Permanent Mission of the Union of Myanmar, Geneva
- Dr. Myint Kyi (Ms), member of the Union Election Commission
- Mr. Kyaw Myo Htut, Deputy Permanent Representative and Ambassador Permanent Mission of the Union of Myanmar, Geneva
- Mr. Ye Htut, Director General, Ministry of Information
- Mr. Kyaw Tint Swe, Ambassador (retired)
- Mr. Zaw Win, Director General Prisons Department, Ministry of Home Affairs
- Ms. Nandar Hmun, Director General, Ministry of Culture
- Mr. Bo Win, Director General, Ministry of Education
- Pol. Col. Sit Aye (Mr), Myanmar Police Force, Ministry of Home Affairs
- Mr. Nyunt Swe, Deputy Director General (retired), Ministry of Foreign Affairs
- Mr. Win Myint, Principle Officer, Ministry of Labour
- Mr. Myint Thein, Director, Supreme Court
- Dr. Nilar Tin (Ms.), Director, Ministry of Health



- Mr. Oo Kyaw Zan, Director, Ministry of Home Affairs
- Mr. Nyan Naing Win, Director, Office of the Attorney General
- Lt-Col. Thaung Naing (Mr.), Office of the Judge Advocate General, Ministry of Defence
- Mr. Htin Lynn, Minister Counsellor, Permanent Mission of the Union of Myanmar, Geneva
- Ms. Khin Saw Oo, Director, Ministry of Finance and Revenue
- Mr. Chan Aye, Counsellor, Permanent Mission of the Union of Myanmar, Geneva
- Mr. Thant Sin, Deputy Director, International Organisations and Economic Department, Ministry of Foreign Affairs
- Mr. Soe Myint Aung, Counsellor, Permanent Mission of the Union Myanmar, Geneva
- Ms. Khin Thida Aye, First Secretary, Permanent Mission of the Union Myanmar, Geneva
- Mr. Htoo Maung, First Secretary, Permanent Mission of the Union Myanmar, Geneva
- Ms. Su Lay Nyo, Second Secretary, Permanent Mission of the Union Myanmar, Geneva
- Mr. Nay Soe Than, Attaché, Permanent Mission of the Union Myanmar, Geneva
- Mr. Myo Zaw Lin, Attaché, Permanent Mission of the Union Myanmar, Geneva
- Ms. Nyein Nyein Wint, Attaché, Permanent Mission of the Union Myanmar, Geneva





General Assembly

Distr.: General

27 May 2011

Original: English

Human Rights Council
Seventeenth session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Myanmar

Addendum

**Views on conclusions and/or recommendations, voluntary commitments and
replies presented by the State under review**

* The present document was not edited before being sent to the United Nations translation services.



Addendum of the Republic of the Union of Myanmar to the Report of the Working Group on the Universal Periodic Review, Myanmar (A/HRC/17/9)

Introduction

1. As a United Nations Member State, Myanmar seriously prepared its National Report to UPR and took an active part in the 10th session of the Human Rights Council Working Group on the Universal Periodic Review. Myanmar also gave extremely serious consideration to the recommendations made by many countries at the Working Group.
2. The Government of the Republic of the Union of Myanmar has examined the recommendations under paragraph 106 of the Report of the Working Group on the UPR and hereby provides to the 17th session of the Human Rights Council further information on them as follows:

Recommendations 106.1, 106.2, 106.3, 106.4, 106.5, 106.6, 106.7, 106.8, 106.9, 106.10, 106.11, 106.12, 106.13, 106.14, 106.15, 106.17, 106.18, 106.19, 106.20, 106.41

3. Although Myanmar has acceded to the two International Human Rights Instruments, it is observing all the core international human rights treaties. Myanmar is also considering to become party to the Human Rights instruments that it has not yet acceded to, depending on its resources and capacity to fully implement the obligations as a developing country.
4. According to the principles of International Law, Constitutional Law and Treaties, accession to or ratifying treaties in international constitutional practice is to first consider it by the executive. After consideration by the executive, the administrative ministry concerned with the treaty in question has to submit the matter to the legislature. It is the legislature which consists of representatives of the people that final decision is made. In the case of Myanmar it is the Pyidaungsu Hluttaw (Parliament) which is the legislature for accession and ratification of treaties.

Recommendations 106.23, 106.24, 106.25, 106.26, 106.27, 106.28, 106.29, 106.30

5. The existing human rights body was reconstituted in April 2011. Myanmar is endeavoring that the body will be commissioned in the future in accordance with Paris Principles.

Recommendations 106.32, 106.33, 106.34

6. Since cooperation with the United Nations is a cornerstone of Myanmar's Foreign Policy and in accordance with its Independent, Active and Non-aligned Foreign Policy, Myanmar has participated in all major activities of the United Nations and its specialized agencies in various fields, including human rights. Myanmar provides necessary information to United Nations bodies and submits reports to relevant United Nations treaty bodies.
7. Special Advisor, Special Envoys of the Secretary-General and Special Rapporteurs on the situation of human rights in Myanmar have visited Myanmar numerous times. The Special Adviser to the UN Secretary General Mr. Vijay Namabiar visited Myanmar in May 2011. He met with Union Ministers and high-level officials. He also met with representatives of political parties, civil society organizations and United Nations Representatives in Myanmar.



Recommendations 106.40, 106.41, 106.42, 106.43

8. The Myanmar Armed Forces is an all-volunteer army. Under Myanmar Defence Services and War Office Council instructions, individuals are not permitted to enlist in the armed forces until he has attained the age of 18. For the process of demobilization, rehabilitation and reintegration, the Myanmar Government is working in close cooperation with the UNICEF and the NGOs. The Myanmar Government continues to cooperate with the UN Country Team in drafting the joint plan of action on the prevention of recruitment of under-age children.

Recommendations 106.36, 106.37

9. Although the death penalty has not yet been abolished, Myanmar has never carried out the death penalty since 1988. The Myanmar practice is in line with the international law. By Order No. 28/2011 of 16 May 2011, death sentences were commuted to life sentences in accordance with Section 204(b) of the State Constitution.

Recommendations 106.21, 106.22, 106.35, 106.45

10. In his first inaugural address, the President of the Republic of the Union of Myanmar stated to review laws to be in line with the State Constitution. The ministries concerned are in the process of reviewing the laws they executed to be in line with the State Constitution and the international norms. In addition, the President has formed the legal advisory committee and advisory group to facilitate the review of legal matters including domestic legislature.

Recommendation 106.44

11. Religious intolerance or discrimination is non-existent in Myanmar. The majority of the population are Buddhists. Nonetheless, other religions such as Christianity, Islam and Hinduism coexist and flourish in Myanmar. Religious tolerance and freedom of worship is guaranteed by law and practised throughout the country.
12. **The recommendations 106.16, 106.31, 106.38, 106.39 and 106.46** are noted and will be studied further.

Conclusion

13. As the 6th step of the Political Roadmap for Democracy, the first- ever session of the Pyidaungsu Hluttaw (Parliament) and State/Region Hluttaws have been convened. Subsequently, as the 7th and the last step of the Roadmap, the Union Government and State/Regional Governments have already been formed. Thus the Legislative, Executive and Judiciary are functioning. At the different levels of Hluttaw, the elected representatives enjoy the right to freedom of speech and the ministries concerned are accountable to those representatives regarding their respective functions. The proceedings of these Hluttaws are openly publicized.
14. With the convening of the Hluttaws and formation of the Union and State/Regional Governments, Myanmar is still in the initial stage of multi-party democratization process which will be enhanced and strengthened. As this process develops, Myanmar is convinced that it will be able to further promote and protect the human rights of its citizens.



Oral Statement Delivered by Mr. Aung Myo Min on Behalf of Asian Forum for Human Rights and Development (FORUM-ASIA) at UPR Plenary on Burma

By Forum-Asia | June 8, 2011

Thank you, Mr. President. FORUM-ASIA and its member organization HREIB make this statement on behalf of the Burma Forum on the Universal Periodic Review (BF-UPR)[1].

Mr. President, despite the November 2010 elections' illusory promise of a democratic transition in the country, "systematic militarization contributes to widespread abuses of human rights which remain essentially unaddressed by the authorities", as noted by the Special Rapporteur Tomas Ojea Quintana in his recent mission to Thailand. In particular, we are extremely disturbed that the situation in ethnic nationality areas continues to deteriorate as the armed conflict is ongoing, leading to extrajudicial executions, sexual violence and mass displacement of civilians. Clashes on the Election Day between the State armed forces and a breakaway faction of the Democratic Karen Buddhist Army has led to a humanitarian crisis that in need of urgent attention with the single largest refugee influx in two decades of more than 27,000 civilians seeking shelter in Thailand. In this light, it is our deep regret that the State has rejected or has not provided any concrete responses to the UPR recommendations calling for protection of civilians in conflict areas and the rights of internally displaced persons.

Furthermore, we remain concerned that child soldiers continue to be recruited by the State armed forces in order to meet a quota and seek financial incentives. Often recruited by force or intimidation, they suffer torture and other cruel, inhuman and degrading treatment and are used as human mine-sweepers, frontline combatants, porters, sentries and camp cleaners. We urge the State to ensure that all those involved in the recruitment of child soldiers are immediately prosecuted.

Mr. President, the practice of forced labour continues as up to two million men, women and children are forced to work for the armed forces, on development projects or in infrastructure expansion without compensation. In some cases, those using the ILO complaints mechanism face intimidation, arrest and imprisonment. Given that the practice of forced labour continues, it is significantly regrettable that the State chose to reject the UPR recommendation to "review the legislation and practices in accordance with ILO Convention No. 29 and extend the ILO mandate to the overall territory of Myanmar".

Finally, Mr. President, as emphasized by the High Commissioner for Human Rights during her opening statement to this Council session, "sustainable transition requires an end to impunity and ensuring accountability". With no domestic mechanism available inside the country to effectively and impartially establish justice and accountability, failure to independently investigate those widespread and systematic violations of human rights will only make further abuses inevitable. Therefore, we strongly urge this Council to act swiftly to establish an UN-mandated Commission of Inquiry to look into the violations of international humanitarian and human rights law in the country. Thank you, Mr. President.

[1] Assistance Association for Political Prisoners Burma (AAPP-B), Arakan Rivers Network (ARN), Burma Fund UN Office, Burma Lawyers' Council (BLC), Chin Human Rights Organization (CHRO), Emergency Act Team vs Backpack Health Worker Team, Federation of Trade Unions of Burma (FTUB), Foundation for Education and Development (FED), Human Rights Education Institute of Burma (HREIB), Human Rights Foundation of Mon Land (HURFOM), Kachin Women's Organization Thailand (KWAT), Kaladan Press Bangladesh, Shwe Gas Movement, Women and Child Rights Project (WCRP)



စစ်အစိုးရ လူ့အခွင့်အရေး ကိုယ်စားလှယ်များ ဂျနီဗာတွင် ရပ်ဆိုင်း

ကိုဗိုင်း | ကြာသပတေးနေ့၊ ဇန်နဝါရီလ ၂၇ ရက် ၂၀၁၁ ခုနှစ် ၂၀ နာရီ ၁၄ မိနစ်

ချင်းမိုင် (မန္တလေး) ။ ။ မြန်မာနိုင်ငံ လူ့အခွင့်အရေး အခြေအနေ အစီရင်ခံ ကြားနာပွဲ တခု ဆွစ်ဇာလန်နိုင်ငံ ဂျနီဗာမြို့၊ ကုလ လူ့အခွင့်အရေးကောင်စီတွင် ယနေ့မနက်က ကျင်းပခဲ့သည်။

ကုလ လူ့အခွင့်အရေး ကောင်စီ၏ လေးနှစ်တကြိမ် ကုလအဖွဲ့ဝင်နိုင်ငံများ၏ လူ့အခွင့်အရေး အခြေအနေကို ပုံမှန်သုံးသပ် သည့် Universal Periodic Review- UPR အစည်းအဝေးတွင် မြန်မာနိုင်ငံအတွက် ပထမဆုံးအကြိမ် ၃ နာရီကြာ အပြန်အ လှန်မေးမြန်း ဖြေကြားခဲ့ကြသည်။

ကုလ လူ့အခွင့်အရေး ကောင်စီ၏ အင်တာနက် စာမျက်နှာမှလည်း တိုက်ရိုက် လွှင့်ထုတ်ပြသခဲ့သည်။ စစ်အစိုးရ ကိုယ်စား လှယ် မြန်မာနိုင်ငံ လူ့အခွင့်အရေးအဖွဲ့ဝင် ရွေးကောက်ပွဲ ကော်မရှင်မှ ပါမောက္ခဟောင်း ဒေါက်တာဒေါ်မြင့်ကြည်၊ သတင်း နှင့် ပြန်ကြားရေးမှ ဦးရဲထွဋ်၊ ပညာရေးဝန်ကြီးဌာန ညွှန်ကြားရေးမှူး ဦးဘိုဝင်း၊ အကျဉ်းဦးစီးမှ ဦးဇော်ဝင်းတို့ ပါဝင်သော အဖွဲ့ တို့က ပြင်သစ်၊ ဂျာမနီ၊ ဘင်္ဂလားဒေ့ရှ်၊ ရုရှ၊ ဘရာဇီး အပါအဝင် ကုလအဖွဲ့ဝင် ကိုယ်စားလှယ်များ၏ မေးမြန်း အကြံပြုချက် များကို တာဝန်ခံ ဖြေကြားသွားသည်။

ကုလ ကိုယ်စားလှယ်များက မကြာမီက နှစ်ပေါင်း ၂၀ အတွင်း ပထမဆုံးအနေဖြင့် ရွေးကောက်ပွဲ ကျင်းပသွားသည်ကို ကြိုဆိုကြသော်လည်း ကလေးစစ်သားကိစ္စ၊ စစ်တပ်က အမျိုးသမီးများကို အဓမ္မပြုကျင့်သည့်ကိစ္စ၊ လွတ်လပ်စွာ အသင်း အပင်း ဖွဲ့စည်းနိုင်ခွင့်နှင့် ဟောပြောစည်းရုံးခွင့်၊ သတင်းနှင့် စာနယ်ဇင်းလွတ်လပ်ခွင့်၊ ကလေးစစ်သားအမှုတို့နှင့် ပတ်သက် ၍ မေးခွန်းထုတ်ကြသည်။

ဗြိတိန်၊ ပြင်သစ်၊ အမေရိကန်နှင့် ဂျာမနီ ကိုယ်စားလှယ်များက မြန်မာ့ဒီမိုကရေစီ ခေါင်းဆောင် ဒေါ်အောင်ဆန်းစုကြည်ကို နေအိမ် အကျယ်ချုပ် ရက်စွဲသဖြင့် ပြန်လွှတ်ပေးခဲ့သည်ကို ကြိုဆိုသော်လည်း ကျန်နေသေးသည့် နိုင်ငံရေး အကျဉ်းသား ၂၁၀၀ ကျော်ကိုလည်း လွှတ်ပေးရန် တောင်းဆိုသွားသည်။

ဦးဇော်ဝင်းက မြန်မာနိုင်ငံတွင် နိုင်ငံရေး အကျဉ်းသားမရှိပဲ တည်ဆဲဥပဒေများ ချိုးဖောက်သဖြင့် ပြစ်ဒဏ် ကျခံနေရသူများ သာ ဖြစ်သည်ဟု ပြောသည်။ ပြည်တွင်း ပြည်ပက ဝေဖန်နေသည့် ထောင်တွင်း ကျန်းမာရေး ဂရုစိုက်မှု ညံ့ဖျင်းသည့် ကိစ္စကို လည်း မဟုတ်မှန်ကြောင်း ကာကွယ် ပြောဆိုသွားသည်။

သူက ထောင်တွင်း ကျန်းမာရေး ဂရုစိုက်မှုများသည် ကုလ စံချိန်စံညွှန်းများနှင့် အညီဆောင်ရွက်နေကြောင်း၊ ထောင်တွင်း ကုသ၍ မရလျှင် ပြင်ပဆေးရုံများသို့လည်း ပို့ဆောင်ကုသပေးသည်ဟု ဆိုသည်။

ဒေါက်တာဒေါ်မြင့်ကြည်က ရွေးကောက်ပွဲတွင် တိုင်းရင်းသားများ အပါအဝင် ပါတီ ၃၀ ကျော် ဝင်ရောက် ယှဉ်ပြိုင်ခဲ့ပြီး လွတ် လပ်စွာ စည်း ရုံး ဟောပြောခွင့်ပေးခဲ့သည်ဟု ဆိုသည်။ ထို့ပြင် မဲပေးသည်ကို ပြည်တွင်းအခြေစိုက် နိုင်ငံခြား သတင်း ထောက်များနှင့် ဂျာနယ်များကို သွားရောက် လေ့လာခွင့် ပြုခဲ့သည်ဟုလည်း ဆိုသည်။

သတင်းနှင့် ပြန်ကြားရေးမှ ဦးရဲထွဋ်ကမူ ၂၀၀၈ မှစ၍ ပုဂ္ဂလိက စာနယ်ဇင်းများကို ခွင့်ပြုခဲ့ကြောင်း၊ ဂျာနယ် ၁၆၀ စောင် ကျော်၊ မဂ္ဂဇင်း ၁၈၀ ကျော်နှင့် ပုံနှိပ်ဌာန ၁၇၀ ကျော် ရှိနေပြီဟု ထောက်ပြပြီး သတင်းနှင့် စာနယ်ဇင်း လွတ်လပ်ခွင့် ပေးထား သည်ဟု ချေပခဲ့သည်။

စာနယ်ဇင်း လုပ်ငန်းများ အဆင်ပြေ ချောမွေ့စေရန် ရည်ရွယ်၍ ဂျာနယ် ကိုယ်စားပြုကော်မတီ CPC ကိုလည်း မကြာမီက ဖွဲ့စည်းပေးခဲ့ကြောင်း၊ ယင်းကော်မတီတွင် ပြန်ကြားရေးဌာနမှ အင်အားအနည်းငယ်သာ ပါသည်ဟုလည်း ဆိုသည်။ သို့ သော် CPC ဖွဲ့ပြီး နောက်တရက်မှာပင် ရန်ကုန်အခြေစိုက် အလဲဗင်း မီဒီယာအုပ်စုက စာနယ်ဇင်း လွတ်လပ်ခွင့်ကို အကာ



အကွယ်ပေး နိုင်မည် မဟုတ်ဆိုကာ အဖွဲ့ဝင်အဖြစ်မှ နုတ်ထွက်ကြောင်း ကြေညာခဲ့သည်။

CPC ၏ အတွင်းရေးမှူးမှာ စာပေကင်ပေတိုင်ဟု လူသိများသည့် ပြန်ကြားရေးဝန်ကြီးဌာန စာပေစိစစ်ရေးမှ ညွှန်ကြားရေးမှူး ဦးမျိုးမြင့်မောင် ဖြစ်သည်။ ယနေ့ပြုလုပ်သည့် UPR အစည်းအဝေးအပြီးတွင် ဂျနီဗာ၌ပင် လူ့အခွင့်အရေးအဖွဲ့ ၁၄ ဖွဲ့ပါသည့် Burma Forum on the Universal Periodic Review (BF-UPR) ညွှန့်ပေါင်းအဖွဲ့မှ ကိုယ်စားလှယ်များက လူထုအစည်း အဝေးပွဲတခု ကျင်းပသွားမည်ဖြစ်ကြောင်း သိရသည်။

စစ်အစိုးရက ကုလသိုတင်သွင်းသည့် လူ့အခွင့်အရေး အစီရင်ခံစာနှင့် ပတ်သက်၍ လက်ခံမခံကို ယခုလ ၃၁ ရက် တွင် ဆွေးနွေးကြမည်ဖြစ်သည်။

မြန်မာနိုင်ငံ လူ့အခွင့်အရေး အဖွဲ့ကို ၂၀၀၀ ပြည့် ဧပြီ ၂၆ ရက်က ဖွဲ့စည်းခဲ့ပြီး ဥက္ကဋ္ဌမှာ ပြည်ထဲရေး ဝန်ကြီး ဦးမောင်ဦး (ဗိုလ်ချုပ်-ငြိမ်း) ဖြစ်ပြီး အဖွဲ့အောက်၌ ပြည်ထဲရေး၊ ဥပဒေရေး၊ လူမှုရေး၊ အလုပ်သမားရေး၊ ကျန်းမာရေး၊ ပညာရေး၊ နိုင်ငံ တကာရေး၊ သာသနာရေးနှင့် အမျိုးသမီးရေး ဆပ်ကော်မတီ ၉ ခု ပါဝင် ဖွဲ့စည်းထားသည်။

လူ့အခွင့်အရေးကောင်စီနှင့် နအဖ

ကိုဗိုင်း | ဗုဒ္ဓဟူးနေ့၊ ဖေဖော်ဝါရီလ ၀၂ ရက် ၂၀၁၁ ခုနှစ် ၁၉ နာရီ ၂၆ မိနစ်

ချင်းမိုင် (မဇ္ဈိမ)။ ။ မြန်မာနိုင်ငံလူ့အခွင့်အရေးအခြေအနေ ပထမဆုံးအကြိမ် ကြားနာပွဲတွင် ကုလအဖွဲ့ဝင် နိုင်ငံပေါင်း ၇၀ ကျော်မှ တင် သွင်းသည့် အကြံပြုချက် ၁၇၀ ကျော်ကို စုစည်းပြီး အမေရိကန်၊ တောင်ကိုရီးယားနှင့် လစ်ဗျားနိုင်ငံတို့က ကြီးကြပ်၍ ဇန်နဝါရီ ၃၁ ရက်က တင်သွင်းခဲ့ရာ အများစုကို နအဖ ကိုယ်စားလှယ်များက လက်မခံကြောင်း အစည်းအဝေး တက်ရောက်ခဲ့သူ ထိုင်းအခြေစိုက် လူ့အခွင့်အရေးပညာပေးဌာန (မြန်မာနိုင်ငံ) မှ ဒါရိုက်တာ ဦးအောင်မျိုးမင်း ကပြောသည်။

ကုလအဖွဲ့ဝင်နိုင်ငံများ၏ လူ့အခွင့်အရေးအခြေအနေကို ကုလလူ့အခွင့်အရေးကောင်စီက လေးနှစ် တကြိမ် ပုံမှန်သုံးသပ် သည့် Universal Periodic Review- UPR အစည်းအဝေးကို ဆွစ်ဇာလန်နိုင်ငံ ဂျနီဗာမြို့ ကုလလူ့အခွင့်အရေးကောင်စီ၌ အရင်လ ၂၇ နှင့် ၃၁ ရက်တို့က ကျင်းပ ပြီးစီးခဲ့သည်။ လူ့အခွင့်အရေးကောင်စီ၌ မည်သည့်နိုင်ငံများက မည်သို့ အကြံပြု သည်။ လက်ခံသည့် အကြောင်းအရာများ၊ လက်မခံ သည့် အကြောင်းအရာများကို အသေးစိတ်သိနိုင်ရန် မဇ္ဈိမက ဦးအောင်မျိုးမင်း ကိုမေးမြန်းထားသည်။

အကြံပြုချက် ဘယ်နှစ်ရရှိပါလဲ။ နအဖ ကိုယ်စားလှယ်က ဘာတွေကို လက်ခံပြီး ဘာတွေကို လက်မခံနိုင်တာလဲ။

အကြံပြုချက် ၆၄ ခုကို သူတို့ လက်ခံတယ်။ ၄၆ ခုကိုတော့ ဒီဇွန်လမတိုင်ခင်မှာ စုံစမ်းပြီးတော့ အကြောင်းပြန်မယ်။ အချက်ပေါင်း ၇၀ ကိုတော့ သူတို့ လက်မခံဘူး။ အဲဒီတော့ ၁၇၀ ကျော်။ တချို့ဟာက သူတို့ ထည့်တောင် မပြောဘူး။ ဥပမာ ဒေါ်စုနဲ့ တွေ့ဖို့ပြောတဲ့ဟာမျိုးတွေ။ နောက်ပြီး စုံစမ်းစစ်ဆေးရေးဖွဲ့ပြီး အရေးယူဖို့။ ကျူးလွန်တဲ့သူတွေကို ချက်ချင်းအရေးယူဖို့ကိစ္စ။ အမေရိကန် က ပြောသွားတဲ့ NLD ပါတီကို အရင်ရွေးကောက်ပွဲမတိုင်ခင်က အဆင့်အတန်း အတိုင်းပဲ ပြန်ပြီး နိုင်ငံရေးပါတီအဖြစ် ရပ်တည်ခွင့်ပြုဖို့ အဲဒီအချက်တွေ သူတို့က လုံးဝ ထည့်ပြီးတော့ မစဉ်းစားဘူး။

မြန်မာပြည်က ရွေးကောက်ပွဲက ကောင်းလွန်းလို့ အာရှမှာ စံနမူနာအဖြစ်တောင် တင်ပါတယ်လို့ ပြောတဲ့အချိန်မှာ လူတွေ အကုန်လုံး ဝါးကနဲ အသံထွက်လာတယ်။

အဲဒီအချက်တွေက ကုလသမဂ္ဂရဲ့ မူဝါဒဖြစ်တဲ့ တခြားပြည်တွင်းရေး ဝင်ရောက် မစွက်ဖက်ရဘူး ဆိုတာနဲ့ ကွဲလွဲတဲ့အတွက် ဒါတွေကိုလဲ ဆန့်ကျင်ပါတယ်ဆိုပြီးတော့ ပြောသွားတယ်။



သူတို့ကို သိပ်ပြီး ပြင်းပြင်းထန်ထန်မပြောတဲ့ အာဆီယံနိုင်ငံတို့၊ တရုတ်တို့၊ တခြားနိုင်ငံလေးတွေ ကပြောတဲ့ဟာကို လက်ခံပုံ၊ မယ် ဆို ပြီး ပြောတယ်။ ဒါပေမဲ့ ပြင်းပြင်းထန်ထန်ဝေဖန်ပြီးတော့ လူ့အခွင့်အရေးကိစ္စ လုပ်ဆောင်ဖို့ လိုတယ်ပြောတဲ့ အမေရိကန်၊ ချက်၊ နယ်သာလန်၊ ဂျာမနီတို့ပြောတဲ့ဟာတွေကတော့ သူတို့ လိုက်နာဖို့မရှိဘူး။ လက်မခံနိုင်ဘူးလို့ ပြောတယ်။

ဥပမာ အမေရိကန်က တင်ပြတဲ့အချက်ထဲမှာဆိုရင် ဖွဲ့စည်းပုံအခြေခံဥပဒေထဲမှာ လူ့အခွင့်အရေးနဲ့ မကိုက်ညီတာတွေ ရှိတယ်။ အထူးသဖြင့် အပိုဒ် ၄၄၅ ဆိုရင် လွတ်ငြိမ်းချမ်းသာခွင့်ပေးတာ ဖြစ်နေတဲ့အတွက် ဒါကို ပြန်ပြီးပြင်ဆင်ဖို့လိုတယ်။ ဒေါ်အောင်ဆန်းစုကြည်အပါအဝင် တိုင်းရင်းသားအဖွဲ့ အစည်းတွေနဲ့ သုံးပွင့်ဆိုင် ဆွေးနွေးဖို့လိုတယ်။ အဲဒါတွေကို နိုင်ငံရေး ရှုထောင့်က ပြောတယ်ဆိုပြီး တော့ မလုပ်နိုင်ဘူး လို့ ပြောတယ်။

အာဆီယံနိုင်ငံတွေနဲ့ တရုတ်က ဘာတွေ ပြောတာလဲ ခင်ဗျ။

အာဆီယံက ၉ နိုင်ငံစလုံး ပြောတာပဲ။ မြန်မာနိုင်ငံက သူတို့ရဲ့ လမ်းပြမြေပုံအတိုင်း သွားနေတာ တွေ့ရတယ်။ အခုဆိုရင် UPR မှာ ပါဝင်လာတာ တွေ့ရတယ်။ နာဂစ်တုန်းက ကူညီမှုတွေကို ခွင့်ပြုတယ် ဆိုတာတွေကိုပဲ ကောင်းတယ်ဆိုတာမျိုး ပြောတာများတယ်။ ထူးထူးခြားခြား စင်္ကာပူနဲ့ မလေးရှားကတော့ ဒုက္ခသည်ကိစ္စဖြေရှင်းဖို့၊ နိုင်ငံမဲ့ကိစ္စတွေဖြေရှင်းဖို့ ဆိုတာ ထည့်ပြောသွားတယ်။ ကျန်တာကတော့ နအဖကို လူ့အခွင့်အရေးတိုးတက်နေပါပြီ။ ပူးပေါင်း ဆောင်ရွက်ဖို့ လုပ်ဆောင်သင့် ပါတယ်ဆိုတဲ့ သဘောပြောသွားတာတွေရတယ်။ တရုတ်ကတော့ ထုံးစံအတိုင်းပဲ ဒီလိုမျိုး ဝိုင်းဝန်းဖိအားပေးတာ မလုပ်သင့်ဘူး။ ဖွံ့ဖြိုးတိုးတက်မှုတွေ လုပ်ဆောင်နေ တဲ့နေရာတွေ ရှိနေပြီဆိုပြီးတော့ စီးပွားရေး၊ လူမှုရေး ရှုထောင့်ကနေ မြန်မာနိုင်ငံကို ကာကွယ်ပြီး ပြောဆိုသွားတယ်။

နအဖ ကိုယ်စားလှယ်တွေထဲက မနေ့က ငြင်းဆိုတာက ဘယ်သူပါလဲ။ သူတို့အဖွဲ့ စုစုပေါင်း ဘယ်နှစ်ယောက်ရှိလဲခင်ဗျ။

ဒေါက်တာထွန်းရှင်ပဲပေါ့။ လက်ရှိ ဒုတိယရှေ့နေချုပ်။ သူကခေါင်းဆောင်ပြီးလာတာ။ စုစုပေါင်း ၂၇ ယောက်။ ၂၇ ရက်နေ့ကတော့ လူ ၁၂ ယောက်လောက်ပဲ အဓိကပြောသွားတယ်။ မနေ့ကတော့ အနှစ်ချုပ်ပေါ့။ ဘယ်အချက်တွေကို ဒီမှာ မေးခွန်း ထုတ်မယ်ဆိုတာကြိုတင်ပြင်ဆင်ထားတဲ့ အစီရင်ခံစာကို စင်ပေါ်တက်ပြီး ဖတ်ပြသွားတဲ့ သဘောမျိုးပဲရှိတယ်။ ဥပမာ ရွေးကောက်ပွဲနဲ့ ပတ်သက်ရင် ကော်မရှင်မှာပါတဲ့ အမျိုးသမီး (ပါမောက္ခဒေါက်တာမြင့်ကြည်)က ပြောတယ်။ အမျိုးသမီးကိစ္စဆို အမျိုးသမီးရေးရာကပြောတယ်။ နိုင်ငံရေးအကျဉ်းသားဆိုရင် အကျဉ်းဦးစီးဌာနကပြောတယ်။ လာကထဲက စာရွက်တွေကို ငြိမ်း တာဝန်ပေးထားတဲ့ သဘောမျိုး။

အဲဒီထဲမှာ ဦးကျော်တင့်ဆွေပါတယ်။ သူက အာဆီယံ လူ့အခွင့်အရေးကော်မရှင်မှာ မြန်မာနိုင်ငံ ကိုယ်စားပြုတဲ့လူဖြစ်တယ်။ အဲဒါကို ကုလမှာ ကျတော့ သူ့ကိုယ်သူ ကော်မရှင်နာလို့မပြောဘူး။ မြန်မာပြည်မှာရှိတဲ့ လူမှုအဖွဲ့အစည်းတွေကို အကြံပေးတဲ့ သူဆိုပြီးတော့ ပြော သွားတယ်။ အာဆီယံ မှာ လူ့အခွင့်အရေးကော်မရှင်တွေက အစိုးရနဲ့ ပတ်သက်မှုမရှိပဲနဲ့ လွတ်လပ်တဲ့ လူတွေဖြစ်ဖို့ အတွက်ကျနော်တို့ ပြောနေတယ်။ ဒီမှာကျတော့ လူ့အခွင့်အရေးကိစ္စကို အမှန်အတိုင်း မတင်ပြပဲနဲ့ အစိုးရ ဘက်ကနေ ကာကွယ်ပြီး ပြောတယ်။ သူ့ကိုယ်သူ ကော်မရှင်နာလို့တောင် မကြေညာရဲတဲ့ ပုံစံဖြစ်နေတယ်။

တခြားထူးထူးခြားခြား မှတ်သားလောက်စရာ ပြောဆို တုန့်ပြန်မှုတွေရှိရင် ရှင်းပြပါအုံး။

မြန်မာပြည်မှာ စစ်တပ်အနေနဲ့ လူ့အခွင့်အရေးချိုးဖောက်မှုတွေ၊ အမျိုးသမီးတွေအပေါ် လိင်ပိုင်းဆိုင်ရာ စော်ကားမှုတွေကို သူတို့ လုံးဝ သည်းညည်းမခံတဲ့ ပေါ်လစီ ရှိပါတယ်လို့ ပြောတာတွေ၊ နိုင်ငံရေး အကျဉ်းသားလုံးဝမရှိဘူး၊ နောက် မြန်မာနိုင်ငံ က ဘယ်တော့မှ လက်နက်ကိုင် တိုက်တဲ့ အခြေအနေမျိုး မရောက်ခဲ့ဖူးဘူး၊ ပညာရေးကလဲ ကျောင်းတိုင်းမှာ ကွန်ပျူတာ တလုံးစီ ထားနိုင်ပြီဆိုတဲ့ ဟာတွေက ပြောရဲတဲ့လူကို ကျနော် အံ့သြတယ်။ နောက်တခါ မြန်မာပြည်က ရွေးကောက်ပွဲက ကောင်းလွန်းလို့ အာရှမှာ စံနမူနာအဖြစ်တောင် တင်ပါတယ်လို့ ပြောတဲ့အချိန်မှာ လူတွေ အကုန်လုံး ဝါးကနဲ အသံထွက် လာတယ်။



ကုလရဲ့ တခြားပြည်တွင်းရေး ဝင်မစွက်ရဘူးဆိုတဲ့ မူဝါဒကို အမြဲတမ်း အကာကွယ် ယူမသွားနိုင်ဘူးလား။
အဲဒါပဲ အမြဲတမ်း အကာအကွယ် လုပ်နေတာပဲလေ။ ဒါပေမဲ့ ဒီ လူ့အခွင့်အရေးနဲ့ပတ်သက်တဲ့
အချက်တွေကတော့ သူတို့ ငြင်းလို့မရတဲ့ ဟာမျိုး။

အကြံပြုချက် ၆၄ ချက်ကို လက်ခံတယ်ဆိုတာက ဘယ်လိုဟာမျိုးတွေလဲခင်ဗျ။ အကြမ်းဖျင်းပေါ့။

ယေဘုယျ အရမ်းဆန်တဲ့အရာတွေ။ တိတိကျကျ ချက်ချင်းလုပ်လို့ မရနိုင်တဲ့အရာ
မျိုး။ ဥပမာ နိုင်ငံတကာစာချုပ်တွေကို လက်မှတ်ထိုးဖို့အတွက် လေ့လာပါမယ်
ဆိုတာမျိုး။ မြန်မာပြည်က ဥပဒေတွေ ပြန်ပြီးတော့ စောင့်ကြည့်ပါမယ်။ ပြန်သုံးသပ်ပါမယ်ဆိုတာမျိုး။ နောက်တခါ စီးပွားရေး
ဖွံ့ဖြိုးတိုးတက်မှုအတွက် လုပ်ဆောင်ပါမယ်ဆိုတာမျိုး။ နိုင်ငံတကာနဲ့ ပူးပေါင်းဆောင်ရွက်ပါမယ်။ ကုလသမဂ္ဂမှာရှိတဲ့ လူ့
အခွင့်အရေးကောင်စီလုပ်ငန်းတွေနဲ့ ပူးပေါင်းဆောင်ရွက်ပါမယ်။ ကလေးစစ်သားပပျောက်ဖို့အတွက် ကြိုးစားလုပ်ဆောင်
ပါမယ်ဆိုတာမျိုးပဲရှိတယ်။ တကယ့်ကို တိတိကျကျနဲ့ ချက်ချင်းလက်ငင်း လုပ်ရမယ့်အရာမျိုးကို သူတို့က လက်မခံဘူးဆိုတဲ့
ပုံစံပြတယ်။

အပေါ်ပိုင်းက ဟန်ပြတော့ ခွင့်ပြု
တယ်။ တကယ်တမ်း တိတိ
ကျကျ တောင်းဆိုတဲ့အရာတွေကျ
တော့ လက်မခံနိုင်ဘူးပြောတယ်။

နိုင်ငံတကာနဲ့ ပူးပေါင်းဆောင်ရွက်မယ်လို့ ပြောတော့ တကယ် ဖြစ်နိုင်မယ် ထင်ပါလား။

ကျနော်တို့ တွေ့ရတဲ့အချက်က သူတို့လက်ခံမယ်ဆိုတဲ့ထဲမှာ နိုင်ငံတကာနဲ့ ပူးပေါင်းမယ်ပြောတယ် ဗျာ။ ဒါပေမဲ့ နိုင်ငံတကာနဲ့
ပူးပေါင်းမယ်ဆိုရင် လာတဲ့ ကုလသမဂ္ဂရဲ့ အထူးစုံစမ်းစစ်ဆေးရေး အရာရှိတို့၊ ICRC နိုင်ငံတကာကြက်ခြေနီအဖွဲ့၊ ILO ကမ္ဘာ့
အလုပ်သမားအဖွဲ့ချုပ် ဝန်ထမ်းတွေကို နိုင်ငံအတွင်းမှာ လွတ်လွတ်လပ်လပ် သွားပိုင်ခွင့်ရှိမယ် ဒါကိုတော့ သူတို့ခွင့်မပြုဘူး။
အဲဒီတော့ အပေါ်ပိုင်းက ဟန်ပြတော့ ခွင့်ပြုတယ်။ တကယ်တမ်း တိတိကျကျ တောင်းဆိုတဲ့အရာတွေကျတော့ လက်မခံနိုင်
ဘူးပြောတယ်။ အရှေ့နဲ့ အနောက်နဲ့က တော်တော်လွဲနေတယ်။

ICRC တို့ ILO ရုံးတွေ ပြည်တွင်းမှာ ဖွင့်ခွင့်ပြုပြီး ပူးတွဲလုပ်ဆောင်နေတာပဲ မဟုတ်ဘူးလား။

အဲဒီလိုမျိုး ပူးပေါင်းလုပ်ဆောင်တယ် ပုံစံမျိုးပြောတယ်။ ICRC ကို သူတို့သိပ်မပြောဘူး။ အဓမ္မ လုပ်အားစေခိုင်းမှုတွေကို ILO
နဲ့ ပူးပေါင်း ပြီးတော့ လုပ်မယ်ဆိုတာ ဘယ်လောက်အချိန်မှာ ဘယ်လိုပြီးအောင် လုပ်မလဲ။ တိကျတဲ့ အရာတွေကျတော့
သူတို့လက်မခံဘူး။

ကလေးစစ်သားနဲ့ပတ်သက်တာကို နည်းနည်းထပ်ပြောပြပါအုံး။ မြန်မာစစ်တပ်မှာ ကလေးစစ်သား အရေအတွက် ဘယ်လောက်ရှိတယ်လို့ လူ့အခွင့်အရေးအဖွဲ့တွေက ခန့်မှန်း ပြောဆိုကြပါလဲ။

ကလေးစစ်သားနဲ့ ပတ်သက်လို့ကတော့ သူတို့က အစောကြီးထဲက ဒါတွေက
လုပ်ပြီးပါပြီ။ ၂၀၀၄ က စပြီးတော့ အရွယ်မရောက်သေးသူ စစ်မှုထမ်းခြင်း တား
ဆီးရေး ကော်မတီလဲ ဖွဲ့ပြီးပါပြီ။ ချိုးဖောက်တဲ့ စစ်အမှုထမ်းတွေကိုလဲ အရေးယူ
တယ်။ ၂၀၀၂ ကစပြီး ကလေးစစ်သား ၄၄၀ ကို အိမ်ကို ပြန်ပို့နိုင်ခဲ့တယ်။ ဒါကို
ဆက်လုပ်မယ် ပြောတယ်။ တပ်တွေကို လွတ်လွတ် လပ်လပ် သွားပြီးတော့
စစ်ဆေးခွင့်တွေ၊ ထွက်ပြေးလာတဲ့ ကလေးတွေကို ပြန်ပြီး တပ်ပြေးမှုနဲ့ မဖမ်းဖို့
ကိစ္စတွေကျတော့ သူတို့မပြောဘူး။ အရေအတွက်က အရင် ၆၀,၀၀၀ ပဲ သုံးနေ
တုန်းပဲ။ ဒီထက်လျော့ဖို့တော့ မရှိဘူး။ နောက်ပိုင်း ထပ်တိုးတာတွေ ရှိနေတာကိုး။ အဲဒါက နအဖ တခုပဲ။ ကျန်တဲ့ အင်အား
စုတွေက ၆၀၀၀ လောက်ပဲရှိတယ်။

အခု အမြင့်ဆုံးပြောနေတဲ့ လူ့အခွင့်
အရေးအရ စုံစမ်းစစ်ဆေးမှု
ကော်မရှင်တွေ ဖွဲ့မယ်ဆိုတာက
နောက်ထပ်တဆင့် ကုလသမဂ္ဂက
လုပ်ဆောင်နိုင်တဲ့ ခြေလှမ်းတိုးတဲ့
တချက်ပဲ။

နိုင်ငံရေးအကျဉ်းသားတွေနဲ့ပတ်သက်တာ၊ နောက်ပြီး လွတ်လပ်တဲ့ စုံစမ်းရေးကော်မရှင်ဖွဲ့ဖို့ဆိုတာ တွေရော ဘယ်လို တုန့်ပြန်ပါသလဲ။

အဲဒါကို တောင်းတဲ့နိုင်ငံတွေက ချက်၊ အမေရိက၊ ဂျာမနီ၊ ဩစတြေးလျ၊ ကနေဒါ တွေ။ ပူးပေါင်းဆောင်ရွက်မယ့် ပုံစံတော့
မရှိဘူး။ အပြစ်ပေးအရေးယူ တဲ့ဟာတွေ စုံစမ်းစစ်ဆေးတာတွေ လက်မခံတဲ့စာရင်းထဲမှာ ထည့်ထားတယ်။



အခု UPR အစည်းအဝေးရဲ့ နောက်ဆက်တွဲက ဘာတွေ ရှိအုံးမလဲ။ ဘယ်တော့လဲဗျ။

အခု သူတို့တွေက ဒါတွေကို လက်ခံတယ်၊ လက်မခံဘူးဆိုတာ ပြောတယ်။ ဒီအပေါ်မှာ သူတို့ရဲ့ တုန့်ပြန်မှုပေါ်မှာ မူတည်ပြီးတော့ လူ့အခွင့် အရေးကောင်စီကနေ နအဖ အနေနဲ့ ဘာတွေလုပ်သင့် သလဲဆိုတဲ့ နောက်ထပ်တောင်းဆိုချက်က ဖွန်မှာ ပြန်ထွက်မယ်။ နအဖ အနေနဲ့ ဘာတွေခွင့်ပြု သင့်တယ်။ ဒါမှမဟုတ် ကုလအေဂျင်စီတွေနဲ့ ဘာလုပ်သင့်တယ်။ နိုင်ငံတကာအနေနဲ့ ဘာလုပ်သင့်တယ်ဆိုတဲ့ ဆုံးဖြတ်ချက်တွေတော့ ထွက်လာမှာပဲ။

ကုလက မြန်မာနိုင်ငံ စစ်အစိုးရ အဆက်ဆက်အပေါ် ဆုံးဖြတ်ချက်တွေ ချလာတာ အခုဆို အနည်းဆုံး နှစ်ပေါင်း ၂၀ ကျော်ပြီ။ ထိထိရောက်ရောက် ပြောင်းလဲတာ မတွေ့ရပါဘူး ဆိုတော့ ကုလရဲ့ သဘောသဘာဝက ဘယ်လို ရှိတာလဲခင်ဗျ။

ကုလသမဂ္ဂကတော့ မြန်မာနိုင်ငံအရေးနဲ့ပတ်သက်လို့ အချိန်တွေကြာပြီ။ အစိုးရကလဲ ပူးပေါင်းဆောင်ရွက်မှု မရှိဘူးဆိုတော့ ချက်ချင်းလက်ငင်းကြီး ရှင်းနိုင်တဲ့သဘောမျိုး မရှိဘူး။ ဒါပေမဲ့ အခု အမြင့်ဆုံးပြောနေတဲ့ လူ့အခွင့်အရေးအရ စုံစမ်းစစ်ဆေးမှု ကော်မရှင်တွေဖွဲ့မယ် ဆိုတာက နောက်ထပ်တစ်ဆင့် ကုလသမဂ္ဂက လုပ်ဆောင်နိုင်တဲ့ ခြေလှမ်းတိုးတဲ့တချက်ပဲ။

လူ့အခွင့်အရေးကောင်စီမှာ မြန်မာ့အရေးနဲ့ ပတ်သက်လို့ သဘောထား ကွဲနေကြတဲ့ အနေအထား ကိုရော သိထားသလောက် ရှင်းပြပေးပါလား။

သူ့မှာ အဖွဲ့ဝင်နိုင်ငံ ၅၄ နိုင်ငံ။ ဒီနှစ်ထဲမှာ ဥက္ကဋ္ဌက ထိုင်းနိုင်ငံဖြစ်တယ်။ ကျန်တဲ့နိုင်ငံတွေကတော့ ဒေသအလိုက် ခွဲတမ်းကျထားတဲ့နိုင်ငံတွေရှိတယ်။ အမေရိကန်လဲ ဒီထဲမှာပါတယ်။ စုံစမ်းမှုကော်မရှင်ဖွဲ့ဖို့က လက်မခံတဲ့ နိုင်ငံတွေလဲ ရှိတယ်။ တဝက်ဆီလောက်တော့ ရှိတယ်။ လက်မခံနိုင်တာက အထူးသဖြင့် အာဆီယံနိုင်ငံတွေက ဘယ်သူမှ လက်ခံမှာ မဟုတ်ဘူး။ နောက် တော်တော်များများ အာဖရိကဘက်မှာ ရှိတဲ့ တချို့ လူ့အခွင့်အရေး ချိုးဖောက်မှုမှတ်တမ်းတွေရှိတဲ့ နိုင်ငံတွေက လက်ခံနိုင်မှာ မဟုတ်ဘူး။ ကိုယ့်ဘက်က အဓိကထားပြီး စည်းရုံးနေရတာက အနောက်နိုင်ငံနဲ့ ဥရောပနိုင်ငံတွေ၊ လက်တင်အမေရိကနိုင်ငံတွေ။

လူ့အခွင့်အရေးဆိုင်ရာအဖွဲ့ ၁၄ ဖွဲ့ပေါင်းထားတဲ့ Burma Forum on the Universal Periodic Review (BF-UPR) ကလဲ စည်းရုံးလှုပ်ရှားမှုတွေ ရှိခဲ့တယ်ဆို။ ရှင်းပြပေးပါလား။

ဒီအဆင့်အထိက ကျနော်တို့ သူတို့နဲ့ တိုက်ရိုက်ပြောလို့မရဘူး။ ဖွန်လကျရင် မျက်နှာချင်းဆိုင် ပြောလို့ရပြီ။ သူတို့ပြောတဲ့ဟာကို သီးသန့်နောက်ထပ် အစီအစဉ်တခု လုပ်တယ်။ အဲဒီမှာ တချို့ အမေရိက၊ ဘရာဇီး၊ မလေးရှား၊ ချက် အစိုးရမစ်ရှင်တွေ လာတယ်။ ဂျနီဗာမှာရှိတဲ့ အန်ဂျီအိုတွေ၊ မီဒီယာတွေတက်တယ်။ ကုလ ဝန်ထမ်းတွေ။ သူတို့တွေက ပြန်ပြီး သိချင်တဲ့ အချက်တွေမေးတယ်။ နအဖတွေပြောသွားတာနဲ့ လွဲနေတာဘာတွေရှိလဲ ဆိုတာတွေ ကျနော်တို့ကိုမေးတယ်။

BF-UPR က အရင်လ ၂၇ ရက် UPR မစခင်ကထဲက ရှင်းလင်းပြောဆိုတာတွေ လုပ်နေတာ မှတ်လား။

ဟုတ်တယ်။ ကျနော်တို့အနေနဲ့က အစီရင်ခံစာတင်တယ်။ ပြီးတော့ နအဖကို ဘယ်လိုမေးခွန်း မေးသင့်တယ်၊ ဘယ်လိုဖြစ်သင့်တယ်ဆိုတာ ကြိုပြီးတော့ အစိုးရမစ်ရှင်တွေကို စည်းရုံးရတာ။ ကျနော်တို့ တိုက်ရိုက်ပြောခွင့်မရှိဘူး။ အရင်က မြန်မာနိုင်ငံအကြောင်း မပြောတဲ့ ပါကစ္စတန်တို့ အယ်ဂျီးရီးယားတို့က ရခိုင်ပြည်နယ်မှာရှိတဲ့ ရိုဟင်ဂျာကိစ္စ၊ အဲဒါကို ထောက်ပြပြောတယ်။ မလေးရှားဆိုရင် သူတိုင်းပြည်မှာ ဒုက္ခသည်ပြဿနာတွေ ထောက်ပြသင့်တယ်ဆိုတာ သူတို့ အဲဒီအတိုင်းပဲ ပြောသွားတယ်။

၄ နှစ် တကြိမ် စိစစ်သုံးသပ်တဲ့ UPR ဆွေးနွေးပွဲရဲ့ မြန်မာနိုင်ငံဆိုင်ရာ မူကြမ်းဆုံးဖြတ်ချက်ကို ဇန်နဝါရီ ၃၁ ရက် ဒီကနေ့ ဆွစ်ဇာလန်နိုင်ငံ ဂျီနီဗာ ကုလသမဂ္ဂ လူ့အခွင့်အရေးကောင်စီမှာ ဒေသစံတော်ချိန် ၁၂ နာရီက ကျင်းပခဲ့ပါတယ်။

ဒီဆုံးဖြတ်ချက် မူကြမ်းချမှတ်ရေး ဆွေးနွေးပွဲမှာ ပြီးခဲ့တဲ့ ၂၇ ရက်နေ့က နိုင်ငံနဲ့ အဖွဲ့အစည်းတွေက ထောက်ပြတောင်းဆိုခဲ့တဲ့ အချက် ၇၀ ကျော်ကို မြန်မာစစ်အစိုးရ ကိုယ်စားလှယ် ဒုတိယ တရားသူကြီးချုပ် ဒေါက်တာထွန်းရှင်က တုံ့ပြန်ပြောကြားခဲ့ပါတယ်။



ဒီနေ့ မူကြမ်း ဆုံးဖြတ်ချက်ချတဲ့ ဆွေးနွေးပွဲကို ထိုင်းနဲ့ တောင်ကိုရီးယားနိုင်ငံတွေက သဘာပတိအဖြစ် ကြားနာခဲ့ပြီး မြန်မာစစ်အစိုးရ ကိုယ်စားလှယ်တဦးထဲကပဲ ဝေဖန်တာတွေကို တုံ့ပြန် ပြောကြားခဲ့တာပါ။

ဒီနေ့ မူကြမ်းကို ဆုံးဖြတ်ပေးမဲ့ နောက်ဆုံး ဆုံးဖြတ်ချက် အစီရင်ခံစာကိုတော့ လာမဲ့ ဇွန်လမှာ ထုတ်ပြန်ပါမယ်။ မြန်မာစစ်အစိုးရဖက်က တုံ့ပြန်တာတွေနဲ့ ပတ်သက်လို့ Burma Forum UPR အဖွဲ့ က ဦးအောင်မျိုးမင်းက အခုလို သုံးသပ်ပါတယ်။

“သူတို့တွေက မြန်မာနိုင်ငံရဲ့ လူ့အခွင့်အရေးနဲ့ ပတ်သက်ပြီးတော့ နိုင်ငံတကာနဲ့ ပူးပေါင်း ဆောင်ရွက်ဖို့ လုပ်ဆောင်မှု ရှိတယ်။ မြန်မာနိုင်ငံမှာ လူ့အခွင့်အရေး ထွန်းကားရေးနဲ့ ကာကွယ်ရေးကို သူတို့ အပတ်တကုတ် ကြိုးစားဆောင်ရွက်မယ်လို့ ပြောသွားပါတယ်။ ဒါပေမဲ့ သူတို့ ဒီမှာ လက်မခံနိုင်တဲ့ အချက်တွေ ကြည့်တဲ့ အချက်ထဲမှာ ကြည့်မယ်ဆိုလို့ရှိရင်တော့ အမှန်တကယ်၊ လူ့အခွင့်အရေးကို လေးစားပါ တယ်၊ ကာကွယ်ပေးပါတယ်လို့ ပြနိုင်တဲ့ အချက်တွေ တခုမှ မရှိဘူး။ သူတို့ ပြောနေတဲ့ လူ့အခွင့်အရေးအရ ပူးပေါင်းဆောင်ရွက်နေပါတယ် ဆိုတဲ့ အချက်ကို သူတို့ ပြန်လည်ပြီးတော့ ဆန့်ကျင်ဖက် ဖြစ်ရာ ရောက်သွားတယ်။”

Burma Forum UPR ဟာ အဝေးရောက် အမျိုးသား ညွှန်ပေါင်းအစိုးရအဖွဲ့က Burma Fund အပါအဝင် မြန်မာနိုင်ငံ လူ့အခွင့်အရေးအတွက် ဆောင်ရွက်နေတဲ့ နိုင်ငံတကာနဲ့ တိုင်းရင်းသား အဖွဲ့အစည်း ၁၄ ဖွဲ့နဲ့ ဖွဲ့စည်းထားတဲ့ အဖွဲ့ ဖြစ်ပါတယ်။

ဒီဆုံးဖြတ်ချက် မူကြမ်းချမှတ်ရေး ဆွေးနွေးပွဲမှာ ဆွေးနွေးခဲ့တာတွေနဲ့ ပတ်သက်လို့ ကိုယ်တိုင် တက်ရောက်ခဲ့တဲ့ Burma Forum UPR အဖွဲ့က ဦးအောင်မျိုးမင်းကို RFA က ကိုကျော်မင်းထွန်းက ဆက်သွယ် မေးမြန်းထားပါတယ်။

ကိုအောင်မျိုးမင်းရေး။ အခုဒီနေ့ ဂျန်နီဟာ မြန်မာနိုင်ငံလူ့အခွင့်အရေးနဲ့ ပတ်သက်လို့ မူကြမ်း ဆုံးဖြတ်ချက်ချတယ်လို့ သိရပါတယ်။ အဲဒီမှာရောက်နေတယ်ဆိုတော့ ဘာတွေကိုများ ဆုံးဖြတ်ချက် ချလဲ။ ဘာတွေကို အဆိုပြုခဲ့ကြသလဲ။ နည်းနည်းလောက် ပြောပြပေးပါအုံး ခင်ဗျား။

ဟုတ်ကဲ့။ ဒီကနေ့ မူကြမ်းချမှတ်တဲ့အထဲမှာ သုံးပိုင်းပါတာကို တွေ့ရပါတယ်။ တခုကတော့ ပြီးခဲ့တဲ့ ၂၇ ရက်နေ့က လုပ်ခဲ့တဲ့ ဒီ သုံးသပ်မှု ကြားနားမှုထဲမှာ ဝေဖန်ထောက်ပြတဲ့အချက်ထဲက နအဖ အနေနဲ့ လက်ခံနိုင်တဲ့ အချက်ရယ်၊ နောက်တခုက သူတို့အနေနဲ့ ပြန် လည်တင်ပြပြီးတော့ လုပ်သင့် တာကို လုပ်ဆောင်ပါမယ်ဆိုပြီး ပြောတဲ့အချက်ရယ်၊ လက်မခံနိုင်ပါဘူးဆိုပြီး ငြင်းဆိုတဲ့အချက်တွေ အဲဒီ အဆင့်သုံးပိုင်းပါပြီးတော့ သူတို့ထုတ်ဖော်ပြောဆိုသွားတာကို တွေ့ရပါတယ်။

လက်ခံနိုင်တဲ့ကိစ္စတွေမှာ ကျနော်တို့ ကြည့်မယ်ဆိုလို့ရှိရင်တော့ ဒီနိုင်ငံတကာစာချုပ်တွေကို လက်မှတ်ထိုးပြီးတော့ လူ့အခွင့် အရေးတိုးတက်အောင် လုပ်ဆောင်မယ်ဆိုတဲ့ဟာတွေရယ်၊ နောက်တခါမှာ နိုင်ငံတကာနဲ့ ပူးပေါင်းဆောင်ရွက်မယ်၊ မြန်မာနိုင်ငံမှာရှိနေတဲ့ လူ့အခွင့်အရေးကော်မတီကနေ လူ့အခွင့်အရေးကောင်စီအထိ လုပ်ဆောင်မယ်ဆိုတဲ့ အကြောင်းတွေရယ်၊ နောက်တခါ ပြည်သူလူထုနဲ့ လက်တွဲပြီးတော့ ကုလသမဂ္ဂမှာ လူ့အခွင့်အရေးအစီရင်ခံစာတွေကို ပူးပေါင်း လုပ်ဆောင်သွားမယ်ဆိုတဲ့ ရေရာတိကျမှုမရှိတဲ့အရာတွေကို သူတို့ပထမဦးဆုံး လက်ခံမယ်လို့ ပြောသွားတယ်။

နောက်တခုကတော့ သူတို့တွေအနေနဲ့ ပြန်လည်စဉ်းစားပါမယ်ဆိုတဲ့ အချက်တွေကတော့ မြန်မာနိုင်ငံမှာ ဒီလိုမျိုး ကိစ္စတွေ ပူးပေါင်းဆောင်ရွက်မှုလုပ်မယ်ဆို နောက်တခါမှာ ဒီလိုမျိုး ဥပဒေတွေ ကို ရေးဆွဲတဲ့အခါမှာ အတည်ပြုရရှိအောင် လုပ်ဆောင်မယ်ဆိုတဲ့ အချက်တွေ၊ အထူးသဖြင့် ဒီမိုကရေစီ ခင်က ကျင်းပနေတဲ့ လွှတ်တော်မှာ အစိုးရသစ်ကနေ ဒါတွေကို ထည့်သွင်းလုပ်ဆောင်သွားဖို့ တင်ပြ မယ်ဆိုပြီးတော့ အချိန်ဆွဲတဲ့သဘောမျိုး တွေ့ရတယ်။

နောက်ပိုင်းအရေးကြီးတဲ့ အချက်တွေကတော့ သူတို့လုံးဝလက်မခံနိုင်ဘူးဆိုပြီး ပြော သွားတဲ့ အချက်တွေ ရှိပါတယ်။ အဲဒါကတော့ အန်အယ်ဒီအပါအဝင် တိုင်းရင်းသားအဖွဲ့တွေနဲ့ ပူးပေါင်းပြီးတော့ နိုင်ငံရေးပြဿနာတွေကို အဖြေရှာဖို့ ကို သူတို့တွေအနေနဲ့ လုံးဝမစဉ်းစားနိုင်ပါဘူး။ နိုင်ငံရေးအကျဉ်းသားတွေ မရှိတဲ့အတွက် နိုင်ငံရေးအကျဉ်းသားတွေကို ပြန်



လည်လွှတ်မြောက်ဖို့အတွက် လုပ်ဆောင်ဖို့ ဆိုတာ မဖြစ်နိုင်ဘူး။ နောက်တစ်ခုကတော့ အခုလောလောဆယ် ဒီလိုမျိုးဖြစ်နေတဲ့ လူ့အခွင့်အရေး ကိစ္စတွေကို စုံစမ်းစစ်ဆေးဖို့၊ နောက်တစ်ခု အပြစ်ရှိတဲ့သူတွေကို အရေးယူဖို့ တောင်းဆိုတဲ့အချက်တွေကိုတော့ သူတို့လုံးဝလက်မခံ နိုင်ဘူးလို့ ပွင့်ပွင့်လင်းလင်း ပြောကြားသွားပါတယ်။

Crimes Against Humanity ဆိုတဲ့စကားကို တိတိကျကျသုံးတာကတော့ ချက်ရီပတ်ဗလစ် ဖြစ်ပါတယ်။ ကျန်တဲ့ အမေရိကန်၊ ယူကရိန်း ဆွီဒင်စတဲ့နိုင်ငံတွေကတော့ နိုင်ငံတကာ လွတ်လပ်တဲ့ စုံစမ်းစစ်ဆေးရေးအဖွဲ့ကို ခွင့်ပြုဘို့ ဒါဘဲပြောပါတယ်။ အဲဒါနဲ့ ပတ်သက်လို့ ကတော့ သူတို့အနေနဲ့ ဒါကို လုံးဝလက်မခံနိုင်ဘူး။ ဒီဟာက အခြေအမြစ်မရှိတဲ့ အကြောင်းအရာတွေသာ ဖြစ်တယ်ဆိုပြီး သူတို့ ငြင်းပယ် ခဲ့တာကို တွေ့ရပါတယ်။

ဟုတ်ကဲ့ခင်ဗျား။ ဒီပြောတဲ့အထဲမှာ နိုင်ငံတော်တော်များများက ထောက်ပြတဲ့အချက်တွေထဲမှာ လည်း ကုလသမဂ္ဂက ကိုယ်စားလှယ်တွေနဲ့ ပူးပေါင်းဆောင်ရွက်ဖို့၊ Coordination လုပ်ဖို့၊ သူတို့သွား ရေး၊ လာရေး ဗမာပြည်ခရီးစဉ်တွေနဲ့ ပတ်သက်ပြီး လွတ်လွတ် လပ် လပ် လုပ်ခွင့်ပေးဖို့ဆိုတဲ့ အချက် တွေ ပါတယ်ခင်ဗျား။ ဒီအချက်တွေနဲ့ ပတ်သက်ပြီးတော့ကော ဘာတွေပြောတာကို တွေ့ရပါသလဲ ခင်ဗျား။

သူတို့ အဲဒီနေရာမှာ နှစ်ခုကွဲနေတာကို တွေ့ရပါတယ်။ ပထမဦးဆုံး လက်ခံတဲ့အချက်တွေထဲ မှာ နိုင်ငံတကာနဲ့ ပူးပေါင်းဆောင်ရွက်မယ်လို့ သူတို့ တဖက်က ပြောထားတယ်။ ဒါပေမယ့် သူတို့ လက်မခံနိုင်ဘူးလို့ဆိုပြီး ပြောထားတဲ့ အချက်တွေထဲမှာ ဒီလိုမျိုးကိစ္စတွေကို အိုင်စီအာစီကနေ ထောင်တိုင်းကို သွားရောက်စုံစမ်းဖို့၊ နောက်တစ်ခု လွတ်လပ်တဲ့ စုံစမ်းစစ်ဆေးရေးအဖွဲ့ကနေ နေရာဒေသ မရွေးသွားရောက်ပြီးတော့ စုံစမ်းစစ်ဆေးပေးဖို့ ဒါကိုတော့ လက်မခံနိုင်ဘူးပြောတယ်။ အဲတော့ ဒီဟာကို ကြည့်မယ်ဆိုလို့ရှိရင် သူတို့ ပြောတဲ့အချက်တွေက ရှေ့နောက်မညီဘူးဆိုတာကို တွေ့ရတယ်။ ဒီလိုမျိုး နိုင်ငံတကာကနေ စုံစမ်းစစ်ဆေးရေးကိစ္စတွေ၊ နောက်တစ်ခု ဒီလိုမျိုး သွားရောက် လေ့လာတာကို ခွင့်မပြုလို့ရှိရင် ဒါကို နိုင်ငံတကာပူးပေါင်းဆောင်ရွက်မှုလို့ ကျနော်တို့ ပြောဆိုနိုင်မ လား။ အဲတော့ သူတို့ပြောနေတဲ့ အရှေ့ကတော့ နိုင်ငံတကာပူးပေါင်းဆောင်ရွက်မှုလို့ ပြောပြီးတော့ တကယ်တမ်း ပူးပေါင်းဆောင်ရွက်နိုင်မယ့် တိတိကျကျဖြစ်တဲ့ လုပ်ငန်းစဉ်ကိုတော့ သူတို့လက်မခံနိုင် ဘူးလို့ ပြောတဲ့ဟာက တကယ်ကို ပြောထားတဲ့ ရှေ့ကအချက်နဲ့ နောက်ကအချက်မှာ ကွာခြားချက် ဖြစ်နေတာပါ။

ဟုတ်ကဲ့ခင်ဗျား။ အချုပ်အားဖြင့် ပြောရမယ်ဆိုရင် ဒီကနေ့ မူကြမ်းဆုံးဖြတ်ချက်ချတဲ့အခါမှာ ကုလသမဂ္ဂက ဘာတွေကိုများ ရှေ့ဆက်လုပ်ဆောင်ဖို့ ရှိပါသလဲ။ ဘယ်ကိစ္စတွေမှာ နောက်ဆက်တွဲ အရေးယူဆောင်ရွက်မှုတွေက ဘာတွေ ရှိပါသလဲခင်ဗျား။

အခုဒီဟာကတော့ သူတို့တင်ပြတဲ့ အချက်တွေကို ပြန်လည်တင်ပြပြီးတော့ ခြုံငုံပြီးတော့တင်ပြတဲ့ဟာမျိုး ဖြစ်တယ်။ အဲတော့ ဒီလိုမျိုး သူတို့လက်ခံမှု၊ လက်မခံမှုကိစ္စက လာမယ့်ဖွဲ့မှာ ကျင်းပမယ့် လူ့အခွင့်အရေးကောင်စီရဲ့ ဆွေးနွေးပွဲမှာ နောက်တစ်ခု ထပ်ပြီးတော့ ပေါ်ပေါက်လာမှာ ဖြစ်ပါတယ်။ အခုလိုမျိုး နိုင်ငံတကာကနေ ဖြစ်စေချင်တဲ့ အကြံပြုချက်တွေ တော်တော်များများကို လက်မခံဘူး။ အခု ဒီ အထဲမှာ ကျနော်တို့ ကြည့် မယ်ဆိုလို့ရှိရင် သူတို့လက်မခံနိုင်တဲ့ နိုင်ငံတကာရဲ့ အကြံပြုချက်အားလုံးက ဂျပန် ကျော်ရှိတယ်။ အဲတော့ နအဖ ပြောနေသလို မြန်မာနိုင်ငံက လူ့အခွင့် အရေးလမ်းကြောင်းနဲ့ နိုင်ငံတကာပူးပေါင်းဆောင်ရွက်မှု လမ်းကြောင်းကို မရောက်ဘူးဆိုတာကို ဖော်ပြနေတယ်။ အဲတော့ လာမယ့်ဖွဲ့မှာ ကျင်းပမယ့် လူ့အခွင့်အရေးကောင်စီမှာ အခုလိုမျိုး အခြေအနေတွေနဲ့ ပတ်သက်လို့ နိုင်ငံတ ကာက အထူးသဖြင့် လူ့အခွင့်အရေး ကောင်စီက ဘယ်လိုမျိုး အရေးယူဆောင်ရွက်သင့်တယ်၊ ဘယ်လိုမျိုး သဘောထားသင့်တယ်ဆိုတာ ထွက်ပေါ်လာမှာ ဖြစ်ပါတယ်။

