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## **Report of the Working Group on the Universal Periodic Review\***

### **Myanmar**

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

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## 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.<sup>1</sup> 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

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

indigenous and minority 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 international 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 Prevention 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 transformation (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 neighbouring 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. Thaug 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
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