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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.