



# 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of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated.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 obligations<sup>1</sup>

<i>Universal human rights treaties<sup>2</sup></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-ICESCR<sup>3</sup>, 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 <sup>4</sup>	Yes
Refugees and stateless persons <sup>5</sup>	No
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>6</sup>	Yes, except Additional Protocols I, II and III
ILO fundamental conventions <sup>7</sup>	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 Convention<sup>8</sup>. CEDAW encouraged Myanmar to consider ratifying ICESCR, ICCPR, CERD, CAT, ICRMW, CED and CRPD<sup>9</sup>. The General Assembly<sup>10</sup> and the Special Rapporteur on the situation of human rights in Myanmar<sup>11</sup> made similar recommendations. The Special Rapporteur also urged Myanmar to ratify the 1997 Mine Ban Treaty.<sup>12</sup>

2. In 2009, The Secretary-General encouraged Myanmar to ratify the OP-CRC-AC and to align national legislation and practice with that commitment.<sup>13</sup>

3. In 2004, the Committee on the Rights of the Child (CRC) encouraged Myanmar to ratify ICESCR, ICCPR, ICERD, CAT, ICRMW<sup>14</sup>, and the 1951 Convention relating to the Status of Refugees, its 1967 Protocol and the 1954 Convention relating to the Status of Stateless Persons<sup>15</sup>, the Optional Protocols to the Convention<sup>16</sup> and ILO Conventions Nos. 138 and 182<sup>17</sup>.

## **B. Constitutional and legislative framework**

4. The Special Adviser to the Secretary-General on Myanmar was concerned about the circumstances 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.<sup>18</sup>

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.<sup>19</sup> 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.<sup>20</sup> 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.<sup>21</sup>

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.<sup>22</sup> 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.<sup>23</sup>

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.<sup>24</sup> It commended Myanmar for the enactment of the 2005 Law to combat trafficking in persons.<sup>25</sup>

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.<sup>26</sup>

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.<sup>27</sup> UNCT advised that to conform with the commitments of Myanmar to the CRC, a number of child laws need to be reformed.<sup>28</sup>

## **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).<sup>29</sup> UNCT noted that the Government established the Myanmar Human Rights Body in November 2007,<sup>30</sup> which did not meet the Paris Principles.<sup>31</sup>

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.<sup>32</sup> 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.<sup>33</sup>

12. In 2009, Myanmar appointed a Representative of the Union of Myanmar to the ASEAN Intergovernmental Commission on Human Rights.<sup>34</sup>

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.<sup>35</sup>

14. CEDAW welcomed the establishment of organizations on women's rights, including the Myanmar National Committee for Women's Affairs (MNCWA)<sup>36</sup> and recommended that Myanmar strengthen its national machinery to ensure gender equality.<sup>37</sup>

#### 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.<sup>38</sup> It urged the effective implementation of the National Action Plan, including the prevention of trafficking and the prosecution of traffickers.<sup>39</sup>

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 Labour<sup>40</sup>. It recommended that Myanmar adopt a new plan of action for children, which will include the Millennium Development Goals.<sup>41</sup>

## 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.<sup>42</sup> The Government sent a letter to the President of the Security Council on this matter.<sup>43</sup>

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

#### 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.<sup>45</sup>

<i>Treaty body<sup>46</sup></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 2014
CRC	2002	June 2004	–	Third and fourth reports received 2009

## 2. Cooperation with special procedures

20. The Special Rapporteur on the situation of human rights in Myanmar noted, in March 2010, that the Government had postponed planned visits several times.<sup>47</sup> 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.<sup>48</sup> 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.<sup>49</sup>

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on the situation of human rights in Myanmar (11–15 November 2007); <sup>50</sup> (3–7 August 2008); <sup>51</sup> (14 to 19 February 2009) <sup>52</sup> ; (15–19 February 2010); <sup>53</sup> (3–11 August 2010) <sup>54</sup>
<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 extrajudicial, 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. <sup>55</sup>
<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 <sup>56</sup>

## 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.<sup>57</sup>

## 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.<sup>58</sup> It noted that legislation and customary laws that discriminate against women remain in force.<sup>59</sup> 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.<sup>60</sup> 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.<sup>61</sup>

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 citizenship<sup>62</sup>. 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 children<sup>63</sup>.

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.<sup>64</sup> CEDAW expressed concern at reports that Muslim women and girls in Northern Rakhine State endure multiple restrictions and forms of discrimination<sup>65</sup>. Myanmar provided the Committee with information on the activities carried out in Rakhine State<sup>66</sup>.

## **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.<sup>67</sup>

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.<sup>68</sup> 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.<sup>69</sup>

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.<sup>70</sup> 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.<sup>71</sup>

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.<sup>72</sup> 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.<sup>73</sup>

29. The Secretary-General,<sup>74</sup> the High Commissioner for Human Rights,<sup>75</sup> the Security Council,<sup>76</sup> the General Assembly,<sup>77</sup> the Human Rights Council<sup>78</sup> and the Special Rapporteur on the situation of human rights in Myanmar<sup>79</sup> 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 impunity<sup>80</sup>.

31. The Special Rapporteur expressed serious concern at reports that prisoners of conscience were subject to torture during the interrogation period and in detention.<sup>81</sup>

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.<sup>82</sup>

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 effective<sup>83</sup>. It recommended, *inter alia*, that Myanmar duly investigate cases of domestic violence and violence in schools.<sup>84</sup>

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 children<sup>85</sup>. The Government should cease the arrest and harassment of children for desertion and/or attempting to leave the army.<sup>86</sup> 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.<sup>87</sup>

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.<sup>88</sup> The Special Rapporteur noted that the number of cases of allegation of forced labour imposed on the Muslim community had considerably increased in 2009.<sup>89</sup> 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.<sup>90</sup>

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 opportunities<sup>91</sup>.

### **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.<sup>92</sup> He noted that the recommendations made by the international community remain largely outstanding.<sup>93</sup> 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.<sup>94</sup> He recommended establishing effective judicial mechanisms to investigate human rights abuses in order to fight impunity.<sup>95</sup> The General Assembly, which was gravely concerned with the climate of impunity<sup>96</sup>, and the Human Rights Council urged the Government to ensure the independence and impartiality of the judiciary and to guarantee due process of law.<sup>97</sup>

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).<sup>98</sup>

### **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.<sup>99</sup> 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.<sup>100</sup>

40. CRC recommended that Myanmar refrain from activities that may lead to the disintegration or displacement of families,<sup>101</sup> expedite the assessment on the situation of children placed in institutions,<sup>102</sup> and amend its current domestic legislation and practice regarding adoption.<sup>103</sup>

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.<sup>104</sup>

**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.<sup>105</sup>

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.<sup>106</sup> 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.<sup>107</sup>

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;<sup>108</sup> and to allow human rights defenders to pursue their activities unhindered and to ensure their safety and freedom of movement.<sup>109</sup> The Secretary-General reiterated that the democratic transition of Myanmar could not be completed without genuine national reconciliation.<sup>110</sup> The General Assembly urged Myanmar to ensure that necessary steps be taken towards a free and transparent electoral process.<sup>111</sup>

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.<sup>112</sup> 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.<sup>113</sup>

**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.<sup>114</sup> 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).<sup>115</sup>

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.<sup>116</sup>

## 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.<sup>117</sup> 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.<sup>118</sup>

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.<sup>119</sup> 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 diseases<sup>120</sup>. 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.<sup>121</sup>

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.<sup>122</sup>

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.<sup>123</sup> CRC expressed similar concerns.<sup>124</sup> 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.<sup>125</sup>

## 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.<sup>126</sup> 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.<sup>127</sup>

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.<sup>128</sup>

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.<sup>129</sup>

## 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.<sup>130</sup>

56. The General Assembly<sup>131</sup> and the Human Rights Council<sup>132</sup> 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.<sup>133</sup>

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.<sup>134</sup>

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 minorities<sup>135</sup>. 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-being<sup>136</sup>.

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.<sup>137</sup>

#### **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.<sup>138</sup>

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.<sup>139</sup>

#### **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.<sup>140</sup>

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.<sup>141</sup> 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.<sup>142</sup> UNCT encouraged new legislatures to integrate the Guiding Principles on Internal Displacement and the standards contained therein into national policies and legislation.<sup>143</sup>

#### **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.<sup>144</sup>

### 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.”<sup>145</sup>

### 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.<sup>146</sup>

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.<sup>147</sup>

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.<sup>148</sup> He also expressed concern about the continuing armed conflict in Kayin State, which severely affects the civilian population.<sup>149</sup> 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.<sup>150</sup>

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.<sup>151</sup>

## III. Achievements, best practices, challenges and constraints

70. WFP stated that Myanmar, which has been subject to economic sanctions since July 2003,<sup>152</sup> 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.<sup>153</sup>

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.<sup>154</sup> 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.<sup>155</sup>

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.<sup>156</sup>

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.<sup>157</sup> 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.<sup>158</sup> 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.<sup>159</sup>

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.<sup>160</sup>

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.<sup>161</sup>

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 period<sup>162</sup>.

#### **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).<sup>163</sup>

#### **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.<sup>164</sup> The Special Rapporteur on the situation of human rights in Myanmar made a similar recommendation.<sup>165</sup>

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 WHO<sup>166</sup>; on violence against children, and on child soldiers, from, inter alia, UNICEF<sup>167</sup>, and on child labour, from ILO.<sup>168</sup> It also recommended that it continue to seek assistance on trafficking, on street children, and on adoptions, from, inter alia, UNICEF<sup>169</sup>, and on education from UNICEF and UNESCO.<sup>170</sup>

80. The Special Rapporteur called upon Myanmar to cooperate with international organizations by facilitating necessary visas and allowing access for effective delivery of aid.<sup>171</sup> 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.<sup>172</sup>

## Notes

- <sup>1</sup> 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/>
- <sup>2</sup> 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.                       |
- <sup>3</sup> 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”.
- <sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- <sup>5</sup> 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.
- <sup>6</sup> 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](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>7</sup> 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.
- <sup>8</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/MMR/CO/3), para. 50.
- <sup>9</sup> Ibid., para. 55.
- <sup>10</sup> A/RES/64/238, para. 17.
- <sup>11</sup> A/HRC/10/19, para. 88 (a).
- <sup>12</sup> A/65/368, para. 79.
- <sup>13</sup> S/2009/278, para. 72.
- <sup>14</sup> Concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.237), para. 10.
- <sup>15</sup> Ibid., para.65.
- <sup>16</sup> Ibid., para. 81.
- <sup>17</sup> Ibid., para. 69.
- <sup>18</sup> Report of the Secretary-General on the situation of human rights in Myanmar (A/63/356), para. 27.
- <sup>19</sup> UNCT submission to the UPR on Myanmar, p.3.
- <sup>20</sup> Progress report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/13/48), para. 59.
- <sup>21</sup> A/RES/64/238, para. 8.
- <sup>22</sup> UNCT submission to the UPR on Myanmar, p. 2.
- <sup>23</sup> A/HRC/13/48, para. 57.
- <sup>24</sup> CEDAW/C/MMR/CO/3, para. 8
- <sup>25</sup> Ibid., para. 5
- <sup>26</sup> CRC/C/15/Add.237, para. 7.
- <sup>27</sup> Ibid., paras. 25–26.
- <sup>28</sup> UNCT submission to the UPR on Myanmar, p. 6.
- <sup>29</sup> 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.
- <sup>30</sup> UNCT submission to the UPR on Myanmar, p. 5.
- <sup>31</sup> Adopted by the United Nations General Assembly resolution 48/134 of 20 December 1993 <http://www.un.org/documents/ga/res/48/a48r134.htm>.
- <sup>32</sup> CEDAW/C/MMR/CO/3, para. 15.
- <sup>33</sup> CRC/C/15/Add.237, para. 16.
- <sup>34</sup> UNCT submission to the UPR on Myanmar, p. 5.
- <sup>35</sup> CRC/C/15/Add.237, para. 11.
- <sup>36</sup> CEDAW/C/MMR/CO/3, para. 4.
- <sup>37</sup> Ibid., para. 17.
- <sup>38</sup> Ibid., para. 5.
- <sup>39</sup> Ibid., para. 27.
- <sup>40</sup> CRC/C/15/Add.237, para. 3.
- <sup>41</sup> Ibid., para. 14.
- <sup>42</sup> 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.
- <sup>43</sup> See S/2008/289.
- <sup>44</sup> See A/HRC/S-5/2.
- <sup>45</sup> A/RES/64/238, para.16.
- <sup>46</sup> 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                         |
- <sup>47</sup> A/HRC/13/48, paras. 8–9.
- <sup>48</sup> A/HRC/7/24, para. 5.
- <sup>49</sup> A/RES/64/238, para. 28. See also A/HRC/RES/13/25, paragraph 25.
- <sup>50</sup> A/HRC/7/24.
- <sup>51</sup> See press release, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=8794&LangID=E>.
- <sup>52</sup> Ibid.
- <sup>53</sup> A/HRC/13/48.

- <sup>54</sup> A/65/368.
- <sup>55</sup> A/HRC/10/19 paras. 7–9.
- <sup>56</sup> 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 .
- <sup>57</sup> A/RES/64/238, para. 29.
- <sup>58</sup> CEDAW/C/MMR/CO/3, para. 20.
- <sup>59</sup> *Ibid.*, para. 10.
- <sup>60</sup> *Ibid.*, para. 44.
- <sup>61</sup> UNCT submission to the UPR on Myanmar, p.7.
- <sup>62</sup> CRC/C/15/Add.237 para. 27.
- <sup>63</sup> *Ibid.*, paras. 34 and 35.
- <sup>64</sup> A/HRC/13/48, para. 86. See also A/HRC/10/19, paragraph 66.
- <sup>65</sup> CEDAW/C/MMR/CO/3, para. 42.
- <sup>66</sup> See CEDAW/C/MMR/CO/3/Add.1.
- <sup>67</sup> A/HRC/13/48, para. 40.
- <sup>68</sup> A/HRC/7/10/Add.1, paras. 183–185.
- <sup>69</sup> 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.
- <sup>70</sup> A/RES/64/238, para. 7. See also A/HRC/RES/13/25, paragraph 9.
- <sup>71</sup> A/HRC/RES/13/25, para. 10.
- <sup>72</sup> 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.
- <sup>73</sup> A/HRC/13/48, para. 55.
- <sup>74</sup> A/64/334, para. 35.
- <sup>75</sup> 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.
- <sup>76</sup> Security Council statement, 13 August 2009,  
<http://www.un.org/apps/news/story.asp?NewsID=31758&Cr=myanmar&Cr1>.
- <sup>77</sup> A/RES/64/238, paras. 2–3.
- <sup>78</sup> A/HRC/RES/13/25, para. 5.
- <sup>79</sup> A/64/318, para. 7.
- <sup>80</sup> CEDAW/C/MMR/CO/3, para. 22.
- <sup>81</sup> A/HRC/13/48, para. 33. See also A/HRC/10/19, paragraph 32.
- <sup>82</sup> CEDAW/C/MMR/CO/3, para. 24.
- <sup>83</sup> CRC/C/15/Add.237, para. 38.
- <sup>84</sup> *Ibid.*, para. 49.
- <sup>85</sup> S/2009/278, para. 66. See also A/HRC/RES/13/25, paragraph 15.
- <sup>86</sup> 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.
- <sup>87</sup> CRC/C/15/Add.237, para.67.
- <sup>88</sup> 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.
- <sup>89</sup> A/64/318, paras. 79–80.

- <sup>90</sup> A/HRC/10/19, para. 82.
- <sup>91</sup> CRC/C/15/Add.237, para. 75.
- <sup>92</sup> A/HRC/13/48, para.13. See also A/HRC/10/19, paragraph 99.
- <sup>93</sup> A/HRC/13/48, para. 14.
- <sup>94</sup> Ibid., para. 36.
- <sup>95</sup> A/HRC/10/19, para. 99(d).
- <sup>96</sup> A/RES/63/245, para. 2 (g).
- <sup>97</sup> A/RES/64/238, para. 9; A/HRC/RES/13/25, para. 8.
- <sup>98</sup> CRC/C/15/Add.237, para. 76.
- <sup>99</sup> A/64/318, para. 73.
- <sup>100</sup> A/HRC/13/48, paras 87 and 88.
- <sup>101</sup> CRC/C/15/Add.237, para. 43.
- <sup>102</sup> Ibid., para. 45 (a).
- <sup>103</sup> Ibid., para. 47.
- <sup>104</sup> CEDAW/C/MMR/CO/3, para. 46.
- <sup>105</sup> A/64/318, para. 81.
- <sup>106</sup> A/RES/64/238 , para. 6. See also A/HRC/RES/13/25, paragraph 6.
- <sup>107</sup> A/HRC/10/19, para. 51.
- <sup>108</sup> 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.
- <sup>109</sup> A/RES/64/238, para. 18. See also A/HRC/RES/13/25, paragraph 19.
- <sup>110</sup> A/64/334, para. 35.
- <sup>111</sup> A/RES/64/238, para.5.
- <sup>112</sup> CEDAW/C/MMR/CO/3, para. 28.
- <sup>113</sup> Ibid., para. 19.
- <sup>114</sup> 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.
- <sup>115</sup> A/HRC/13/48, para. 52. See also A/HRC/10/19, paragraph 48.
- <sup>116</sup> CEDAW/C/MMR/CO/3, para. 37.
- <sup>117</sup> 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](http://one.wfp.org/operations/current_operations/project_docs/200032.pdf).
- <sup>118</sup> Ibid., para. 8.
- <sup>119</sup> A/HRC/13/48, para. 97.
- <sup>120</sup> CRC/C/15/Add.237, para. 52.
- <sup>121</sup> Ibid., para. 55.
- <sup>122</sup> CEDAW/C/MMR/CO/3, para. 39.
- <sup>123</sup> Ibid., para. 40.
- <sup>124</sup> CRC/C/15/Add.237, para. 56.
- <sup>125</sup> UNAIDS Country Report, Myanmar 2008, pp. 1–4 available at; [http://data.unaids.org/pub/ExternalDocument/2008/sa08\\_mmr\\_en.pdf](http://data.unaids.org/pub/ExternalDocument/2008/sa08_mmr_en.pdf) .
- <sup>126</sup> A/HRC/10/19, para. 72.
- <sup>127</sup> UNCT submission to the UPR on Myanmar, para. 5.
- <sup>128</sup> CRC/C/15/Add.237, para. 63.
- <sup>129</sup> CEDAW/C/MMR/CO/3, para. 35.
- <sup>130</sup> A/HRC/13/48, para. 84.
- <sup>131</sup> A/RES/64/238, para. 14.
- <sup>132</sup> A/HRC/RES/13/25, para. 12.
- <sup>133</sup> OSAPG, Bulletin March-June, 2010, p. 2, available at <http://intranet.ohchr.org/Offices/Geneva/FieldOperationsandTechnicalCooperationDivision/PMSRRS/Documents/OSAPG%20Bulletin%20-%202010%20March-June.pdf> .
- <sup>134</sup> CEDAW/C/MMR/CO/3, para. 32.
- <sup>135</sup> CRC/C/15/Add.237, para. 79.
- <sup>136</sup> Ibid., paras. 58–59.
- <sup>137</sup> 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](http://www.un.org/esa/socdev/unpfii/documents/MDG_Reports_and_IPs_2008.pdf) .

- <sup>138</sup> A/HRC/13/48, para. 62.
- <sup>139</sup> CRC/C/15/Add.237, paras. 64–65.
- <sup>140</sup> A/HRC/13/48, para. 61.
- <sup>141</sup> A/RES/63/245, para. 4(l).
- <sup>142</sup> Report of the Secretary-General on the situation of human rights in Myanmar, (E/CN.4/2006/117), para. 3.
- <sup>143</sup> UNCT submission to the UPR on Myanmar, 2010, p. 8.
- <sup>144</sup> A/HRC/13/48, para. 111.
- <sup>145</sup> 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.
- <sup>146</sup> A/HRC/13/48, para. 63.
- <sup>147</sup> A/64/334, para. 53. See also A/63/356, paragraph 42 and S/PRST/2007/37.
- <sup>148</sup> A/HRC/13/48, para. 66.
- <sup>149</sup> A/HRC/13/48, para. 67. See also A/HRC/10/19, paragraph 97(d).
- <sup>150</sup> A/65/368, para. 60.
- <sup>151</sup> A/HRC/10/19, para. 75.
- <sup>152</sup> 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](http://one.wfp.org/operations/current_operations/project_docs/200032.pdf).
- <sup>153</sup> *Ibid.*, para. 1.
- <sup>154</sup> UNCT submission to the UPR on Myanmar, p. 2.
- <sup>155</sup> A/64/334, paras. 53–54.
- <sup>156</sup> A/64/334, para. 33. See also A/63/356, paragraph 40.
- <sup>157</sup> A/RES/64/238, para. 22.
- <sup>158</sup> 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).
- <sup>159</sup> UNCT submission to the UPR on Myanmar, p. 4.
- <sup>160</sup> A/HRC/13/48, para. 94.
- <sup>161</sup> 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.
- <sup>162</sup> CRC/C/15/Add.237, para. 19.
- <sup>163</sup> CEDAW/C/MMR/CO/3, para. 56.
- <sup>164</sup> A/RES/64/238, para. 15. See also A/HRC/RES/13/25, paragraph 16.
- <sup>165</sup> A/HRC/13/48, para. 34. See also A/HRC/10/19, paragraph 97(g).
- <sup>166</sup> CRC/C/15/Add.237, para. 51.
- <sup>167</sup> *Ibid.*, paras. 49 and 66–67.
- <sup>168</sup> *Ibid.*, para. 69.
- <sup>169</sup> *Ibid.*, paras. 73, 75 and 47.
- <sup>170</sup> *Ibid.*, para. 63.
- <sup>171</sup> 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.
- <sup>172</sup> CEDAW/C/MMR/CO/3, paras. 39 and 56.