



# General Assembly

Distr.: General  
18 October 2010

Original: English

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

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

### **Myanmar**

The present report is a summary of 24 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

## **I. Background and framework**

### **A. Scope of international obligations**

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

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

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

failure to explicitly define and designate torture as a grave crime, in law, allowed torture to take place more easily.<sup>14</sup>

9. AI noted that in March 2010, the Government promulgated five electoral laws and four bylaws for the first elections in 20 years expected to take place by the end of 2010. Provisions of these laws are in clear violation of the rights to freedom of expression, peaceful assembly and association.<sup>15</sup> HRW also expressed similar concerns recommending that Myanmar modify the election laws to permit full and unfettered participation by all citizens.<sup>16</sup> Reporters Without Borders (RWB) recommended that for the 2010 general elections, all Myanmar and foreign journalists should have unrestricted access to information, polling stations, participating parties, the Electoral Commission and the Government.<sup>17</sup>

10. ACFID noted that Myanmar had made progress in addressing trafficking, including through the enactment of the *Law on Anti-Trafficking in Persons 2005*. However, the anti-trafficking law is used to restrict the movement of women and girls resulting in unjust arrests and extortion.<sup>18</sup>

11. ACFID noted that the Child Law 1993 reflected an attempt to promote and protect the rights of children, especially through the establishment of national, divisional/state and township child rights committees. The Child Law 1993 did not protect all the rights of children especially with regard to the use of corporal punishment, which violates article 37 of the CRC.<sup>19</sup>

12. JS3 stated that crimes against humanity and war crimes were not being prosecuted in Myanmar under its current legal system, noting that Article 445 of the 2008 Constitution grants blanket amnesty for government officials for all crimes, past and future, including war crimes or crimes against humanity.<sup>20</sup>

### **C. Institutional and human rights infrastructure**

13. According to HRW, the human rights body of Myanmar lacks real independence and has done little to investigate human rights violations or promote Myanmar's compliance with international law beyond perfunctory cooperation with UN agencies.<sup>21</sup>

14. Joint Submission 1 (JS1) noted that a number of Government-sponsored organizations established to address women's issues had been criticized for not understanding the concerns of average women in Myanmar.<sup>22</sup>

15. ACFID noted that in 2004, the Myanmar government established a Committee for the Prevention of Military Recruitment of Underage Children to investigate several specific cases of child soldier recruitment.<sup>23</sup> ACFID recommended that Myanmar ensure that the Committee has adequate mandate and resources.<sup>24</sup>

### **D. Policy measures**

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

## **II. Promotion and protection of human rights on the ground**

### **A. Cooperation with human rights mechanisms**

17. ACFID recommended that Myanmar engage more consistently with human rights bodies and mechanisms at the international and regional level.<sup>26</sup> INDIG recommended that Myanmar immediately issue a standing invitation to the Special Procedures, and allow for a joint visit of various mandate holders to complete a thorough study with recommendations.<sup>27</sup> Similarly, JS3 recommended that Myanmar fully cooperate with UN human rights special procedures, specifically by issuing standing invitations to the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and the Special Rapporteur on the Situation of Human Rights Defenders.<sup>28</sup>

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

### **B. Implementation of international human rights obligations**

#### **1. Equality and non-discrimination**

19. HRW recommended that Myanmar immediately end discrimination against ethnic minorities, especially the Rohingya Muslim population and grant full citizenship rights to all stateless persons living in Myanmar.<sup>30</sup>

20. The Becket Fund (BF) recommended that all discriminatory policies that infringe on basic religious freedoms must be removed.<sup>31</sup>

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

21. AI considered Myanmar as abolitionist in practice although the death penalty remains mandatory for certain crimes.<sup>32</sup>

22. AI noted that in the wake of monk-led protests, “Saffron Revolution,” in September 2007, more than 100 people were believed to have been killed in the crackdown, and there were at least 72 confirmed cases of enforced disappearance.<sup>33</sup> AAPP claimed that there was no accountability for the killings, by soldiers and riot police, of at least 36 inmates at Insein Prison, in May 2008, during Cyclone Nargis.<sup>34</sup> AAPP called on the Government to, inter alia, allow an independent investigation into the deaths of those in custody; allow individual monitoring, by the ICRC, of detainees and prisoners; and safeguard the physical and psychological health of prisoners.<sup>35</sup> CHRO alleged that since 2006, it had documented the deaths of seven Chin men, extra-judicially killed on suspicion of support for or involvement with rebel group the Chin National Army.<sup>36</sup>

23. AAPP also noted that political prisoners were often held incommunicado, denied access to legal representation and it was sometimes several months before they appeared before a judge or their family was informed. Several secret interrogation centres existed. Many political prisoners are kept in government ‘guest houses’ or on military bases.<sup>37</sup> Joint Submission 5 (JS5) noted that political dissidents had been transferred to isolated regional prisons with poor medical care and limited food. Many families of these prisoners had reportedly been prevented from visiting.<sup>38</sup> CSW recommended that Myanmar protect against arbitrary arrest, detention or exile and immediately release all of its prisoners of conscience, invite the ICRC to visit its prisons and allow humanitarian organizations

unimpeded access.<sup>39</sup> FN recommended the immediate release of Ms. Suu Kyi and other political prisoners to participate in a free and fair political process of national reconciliation and a restoration of democracy to Myanmar.<sup>40</sup>

24. AI stated that those who criticize the Government were at risk of harassment, arbitrary arrest, torture and other ill-treatment, imprisonment and even extrajudicial execution.<sup>41</sup> Ethnic minority activists had faced extensive surveillance, harassment, religious discrimination, arbitrary arrest, torture and other ill-treatment, imprisonment and extrajudicial execution.<sup>42</sup> AAPP called on the Government to erase the criminal records of all political prisoners and unconditionally release them under a genuine amnesty.<sup>43</sup>

25. According to AAPP, torture is endemic in interrogation centres and prisons. AAPP alleged hundreds of cases of torture experienced by political prisoners, dating back to 1988 and as recent as 2010.<sup>44</sup> Victims of torture had no effective mechanism to seek redress and the Government denied human rights monitors and the ICRC access to prisons.<sup>45</sup>

26. AAPP called on the Government to designate and define torture as a specific crime of the utmost gravity in the Penal Code, in accordance with the definition in the CAT.<sup>46</sup>

27. AAPP noted that medical supplies in prisons were inadequate and that malnutrition, poor sanitation and unclean water were a serious problem throughout the prison system.<sup>47</sup> AAPP further called on the Government to develop gender-specific and culturally appropriate detention standards to meet the medical and mental health needs of women and refrain from detaining women who are pregnant or nursing infants.<sup>48</sup>

28. CHRO alleged that at least four Chin women had been raped and sexually assaulted by soldiers serving in the Myanmar army.<sup>49</sup> HRW also expressed concern on sexual violence committed by the Myanmar army against women and girls in ethnic conflict areas.<sup>50</sup> ACFID and JS3 expressed similar concerns.<sup>51</sup> JS4 recommended that Myanmar establish and enforce strict legislation criminalizing rape in every context, including by the military; and put an end to the impunity of the perpetrators of sexual violence.<sup>52</sup> INDIG noted that the systematic and widespread scale to commit rape against Shan women was a tool of terror and torture.<sup>53</sup> CSW recommended that Myanmar end its policy and practice of widespread and systematic use of rape, and that the culture of impunity be addressed.<sup>54</sup>

29. International Center for Transitional Justice (ICTJ) noted that the military had provided some monetary compensation to victims of sexual violence and their families. Although these payments were not the most appropriate means of redress, they were steps in the right direction and suggested that the military may recognize that sexual violence is wrong and should be redressed.<sup>55</sup>

30. ACFID recommended that Myanmar include a provision in the Child Law 1993 which prohibits all form of corporal and humiliating punishment of children and conduct training of teachers on the prohibition and positive discipline techniques.<sup>56</sup>

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

31. HRW stated that the culture of impunity in Myanmar for government officials and military personnel for serious abuses was supported by a judicial system that is neither impartial nor independent. There had been little accountability for serious crimes committed by government security forces. Some non-state armed groups had also been implicated in serious abuses, including forced labour and the use of child soldiers.<sup>57</sup> CHRO stated that the State army continued to commit human rights violations with impunity in the Chin State.<sup>58</sup>

32. ICTJ stated that the new Constitution perpetuated the existing culture of impunity through a blanket amnesty for serious human rights crimes committed by junta members. The Constitution also aided impunity by denying victims the right to an effective remedy

for such violations by giving the military disproportionate influence in the Government and preventing crimes against civilians from being tried in civilian courts.<sup>59</sup>

33. ICTJ further stated that the authorities maintained a culture of impunity not only by restricting access to complaints mechanisms, but also by harassing and taking legal action against those who bring complaints against the military.<sup>60</sup>

34. According to ALRC, the courts are subordinate to the executive and they can neither function in accordance with the laws that they purport to uphold, nor in a manner that can defend human rights.<sup>61</sup> JS1 stated that there was no independent judiciary and laws were applied arbitrarily and no avenue for a free and fair trial.<sup>62</sup> ARTICLE19 stated that the judicial system lacked independence and operated as an enforcer of government policy.<sup>63</sup> ICTJ and JS3 noted similar concerns.<sup>64</sup>

35. AAPP noted that the State Protection Law allowed for detention without charge or trial for up to five years and that Daw Aung San Suu Kyi had been held under this Law.<sup>65</sup> Freedom Now noted that on 11 August 2009, three months after Ms. Suu Kyi was due to be freed from house arrest, she was sentenced to an additional 18 months of house arrest for breaching the terms of her house arrest.<sup>66</sup>

36. ACFID recommended that Myanmar ensure that no child is kept in detention with adults and also ensure adequacy of prisons and police cell standards. ACFID recommended establishment of a child protection unit in every police station.<sup>67</sup> AAPP called on the Government to ensure that prisoners or detainees under the age of 18 years are kept in separate facilities from adults.<sup>68</sup>

#### **4. Right to privacy, marriage and family life**

37. The Arakan Project (AP) noted that since 1994, local orders had been issued, applied exclusively to the Muslim population in North Rakhine State, stipulating that couples intending to marry must obtain official permission from the local authorities. Consequently, Rohingya women who become pregnant without official marriage authorisation often resort to repeated backstreet abortions, an illegal practice in Myanmar, which has resulted in maternal deaths. Others have registered their newborn child with another legally married couple, sometimes as the child of their own parents.<sup>69</sup>

38. ACFID recommended that Myanmar ensure that all children born in Myanmar are issued a birth certificate. Costs for access and registration in remote and rural areas should be removed.<sup>70</sup> ACFID recommended that Myanmar ensure that all children born in Myanmar, and who reach their tenth birthday receive citizenship and an identity card.<sup>71</sup>

39. Joint Submission 2 noted that Myanmar maintained criminal sanctions against sexual activity between consenting adults recommending that the Human Rights Council urge Myanmar to bring its legislation into conformity with its commitment to equality and non-discrimination by repealing all provisions, which may be applied to criminalize sexual activity between consenting adults of the same sex.<sup>72</sup>

#### **5. Freedom of movement**

40. JS1 stated that restrictions on movement, also applied to humanitarian workers, had resulted in increased impoverishment of vulnerability to human rights abuses of communities.<sup>73</sup>

41. The Arakan Project (AP) stated that the Rohingyas were virtually confined to their village tracts. They must apply for a travel pass even to visit a neighbouring village, and travel was strictly restricted within North Rakhine State. Their lack of mobility had devastating consequences, limiting their access to markets, employment opportunities, health facilities and higher education.<sup>74</sup>

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

42. Jubilee Campaign (JC) stated that despite provisions of the Constitution indicating otherwise, in practice, the Government controlled and restricted religious practices of minority religions in Myanmar.<sup>75</sup> JC called for an end to the discrimination against individuals who associate themselves with minority religions and for the protection of religious freedom.<sup>76</sup> UNPO stated that Christians faced persecution; pastors were forced to close Churches and sign documents stating they will refrain from their religious activities.<sup>77</sup>

43. BF recommended that the Government and its affiliates stop persecuting Buddhists and religious minorities, including the release of several thousand political prisoners; and allow religious minorities to migrate and establish religious forums. The Government must allow religious minorities to exercise their religious convictions in private and public forums.<sup>78</sup> CHRO expressed similar concerns in relation to Chin Christians.<sup>79</sup> CHRO recommended that Myanmar end religious persecution, discrimination and forced assimilation against Chin Christians, other religious and ethnic groups.<sup>80</sup>

44. ARTICLE19 expressed concerns on: failure of the legal framework to guarantee the right to freedom of expression and the right to freedom of information; absence of freedom of expression in electoral processes; censorship of the media and detention, arbitrary arrests and harassment of journalists and media workers; prosecution and imprisonment of Daw Aung San Suu Kyi and others; and complete control and censorship of the internet.<sup>81</sup> Freedom Now (FN) noted the arbitrary detention of Ms. Suu Kyi and stated that the Government censored private periodicals, impeded the importation of foreign news sources, and cracked down on Internet cafés.<sup>82</sup> According to RWB, at least 12 journalists and two netizens are currently imprisoned, some of them serving jail terms of more than 20 years.<sup>83</sup>

45. ARTICLE19 stated that the press was entirely controlled by the Government via the Press Scrutiny Board, which clear all content before publication, sometimes taking more than six months. While there are many newspapers and journals in Myanmar, all conduct pre-publication self-censorship, as they are reluctant to cover political issues.<sup>84</sup> ARTICLE19 further stated that the Government entirely controlled broadcast media and that the Internet was severely restricted.<sup>85</sup> JS5 recommended that Myanmar revoke all laws that allow for the arrest and imprisonment of writers, journalists and opposition activists solely for peacefully practising his or her right to freedom of expression; and abolish laws that allow for censorship and restrictions on publications, broadcast media and the Internet.<sup>86</sup> European Centre for Law and Justice (ECLJ) also expressed similar concerns in relation to freedom of religion.<sup>87</sup>

46. FN stated that Myanmar denied particularly members of pro-democracy oriented political parties such as the NLD and many ethnic groups of the right to freedom of peaceful assembly and association.<sup>88</sup>

47. According to AI, the authorities have for many years justified the imprisonment of thousands of people on the basis that they were seeking to cause "unrest" or that they posed "threats" to or committed acts deemed to disrupt "law and order", "peace" and "tranquillity". These terms are found in security laws, including the 1962 Printers and Publishers Registration Act, the Unlawful Associations Act, Section 505(B) of the Penal Code, the Electronic transactions Law, and the 1950 Emergency Provisions Act.<sup>89</sup>

48. AI noted that several thousands of monks were detained in deplorable conditions. Monasteries were raided and closed down, property was destroyed or confiscated and monks were beaten and detained. Protesters' homes and hiding places were raided and authorities took friends or relatives as hostages to put pressure on wanted persons and to discourage further dissent. Leading activists of the 88 Generation Students group and the All Burma Monks Alliance became the main targets.<sup>90</sup>

49. According to ACFID, bloggers and journalists have been arrested under the Electronic Transactions Law 2004 and nongovernment media providers are routinely censored.<sup>91</sup> ACFID recommended that Myanmar protect the ability of media providers to provide information that is not subject to censoring and repeal provisions which allow for criticism of government to be considered harmful to state interests.<sup>92</sup>

50. According to ACFID, there are no clear regulations for international NGOs and that the operation of trade unions is severely restricted and governed by inconsistent legislation.<sup>93</sup> ACFID recommended that Myanmar protect the independence of NGOs in law and discontinue any policies or practice, which limits the independence and effectiveness of NGOs.<sup>94</sup>

51. FN further claimed that the Government maintained tight control on the people's participation in government and rejected any notion of national reconciliation by refusing to hold elections for the past 20 years.<sup>95</sup> According to JS5, the NLD has decided to boycott the election due to stringent election laws which prevent many of its members, including NLD leader Daw Aung San Suu Kyi, from participating.<sup>96</sup> JC also noted that a new election law was passed in Myanmar in March 2010, barring any citizen who had served time in prison from running in the polls and voting in the election. In anticipation of this year's elections, the Government imprisoned political activists under the pretext of minor offenses. Therefore, approximately 2,100 political prisoners of conscience would be precluded from the election process.<sup>97</sup>

52. ERI noted that the people of Myanmar had no formal ability to participate in development decisions that affect them, nor any legal right to benefit from the income from development projects. The indigenous communities in Myanmar were not given the right of free, prior, and informed consent.<sup>98</sup>

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

53. JS3 stated that the failure of the State to protect workers had led to substandard and dangerous working conditions. The Government failed to recognize the working conditions set forth in the 1964 Law on Fundamental Workers' Rights and the 1951 Factories Act, which provide for overtime pay and just compensation.<sup>99</sup>

54. According to JS4, while every Myanmar citizen is at risk of being subjected to forced labour, the Government has particularly targeted civilian populations in ethnic minority areas. Civilians are forced to serve as military porters, act as land-mine detectors/sweepers, and work on the construction of roads, railroads, bridges, fences, and military barracks with little or no pay.<sup>100</sup> AP, CHRO, CSW, HRW, and JS3 expressed similar concerns.<sup>101</sup>

55. HRW stated that despite Myanmar having ratified ILO Convention No. 87 on freedom of association, the Government continued to refuse to register independent trade unions in the country.<sup>102</sup>

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

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

57. JS3 stated that the Government failed to provide people with the basic needs of survival and fails to prevent and alleviate extreme poverty. It noted reports that at least 32.7 per cent of the population lives below the poverty line. Myanmar is the only country in the region to spend more on the military than education and health combined.<sup>104</sup>

58. ACFID recommended that Myanmar, through the Ministry of Health, allocate more public funds to health, especially community-based programs targeting maternal and infant nutrition.<sup>105</sup>

59. CHRO stated that one fifth of the population in the Chin State were estimated to have been affected by the food crisis with a large number of people in southern Chin State still in need of food aid.<sup>106</sup>

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

60. ACFID stated that public education in Myanmar was characterized by low enrolment, poor attendance, rote learning, high dropout rates and use of corporal punishment and humiliating punishment. ACFID recommended that the Ministry of Education develop and implement pilot initiatives such as free school meals, provision of uniforms, stationery and incentives for trained teachers in remote areas.<sup>107</sup>

61. JS3 stated that using ethnic language in schools and workplaces was banned. Many ethnic people such as Mon, Karen, Shan, Chin, Karenni, Arakan, and Kachin had set up their own 'national schools' in order to preserve their language and culture through informal education. These schools were constantly disrupted by local authorities.<sup>108</sup> JS1 claimed that the Government imposed restrictions that prohibit ethnic languages being taught in public schools, even as a second language and had denied ethnic communities permission to hold cultural celebrations.<sup>109</sup>

62. According to JC, Rohingya Muslims in Rakhine State are not eligible for government-issued National Registration Cards (NRCs), which denies them access to education in state-run schools.<sup>110</sup>

## **10. Minorities and indigenous peoples**

63. CSW stated that non-Buddhist minorities faced serious restrictions, discrimination and persecution. Christians, particularly among the Chin, Kachin, Karen and Karenni, sometimes faced physical persecution with religious symbols torn down and replaced with Buddhist signs.<sup>111</sup>

64. AP claimed that as a direct outcome of their lack of legal status, the Rohingya were subject to severe restrictions of movement and banned from employment in the civil service, including the education and health sectors. In addition, Rohingyas in North Rakhine State were the only group required to obtain official authorisation to marry and to sign a declaration limiting pregnancy to two children.<sup>112</sup>

65. JS3 noted that the Government had appropriated resource-rich land traditionally belonging to the ethnic communities.<sup>113</sup> CHRO recommended that Myanmar amend the 2008 Constitution to recognize indigenous peoples and their collective rights; cooperate with the United Nations County Team to ensure that all infrastructure and development projects are developed and implemented according to the 2008 UNDG Guidelines on Indigenous Peoples' Issues.<sup>114</sup>

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

## **11. Migrants, refugees and asylum seekers**

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

## 12. Internally displaced persons

68. ACFID noted that safety and livelihood of civilians in Myanmar's eastern states was dire with continuing displacement. Over 130,000 people continued to live in refugee camps along the country's eastern borders and over 500,000 were internally displaced, at risk of ongoing systemic abuse and without adequate standards of living.<sup>117</sup> Similarly, JS4 stated that the Government did not recognize the existence of internally displaced persons (IDPs) and the authorities had consistently refused to grant international aid organizations access to IDP in conflict areas. Displaced persons faced a heightened vulnerability to disease and ill-health, violence, trafficking, forced labour, and reduced access to health services, education, and employment.<sup>118</sup>

69. JS3 also noted that in the wake of Cyclone Nargis, the Government not only had failed to mobilize resources to provide the majority of the Irrawaddy Delta people food or potable water, but also allowed and potentially participated in the diversion and misappropriation of food and aid supplies for the profit of village heads, other authorities and local businesses.<sup>119</sup>

70. Moreover, according to JS4, exploitation of natural resources and the implementation of hydro-power projects have also contributed to the forced displacement of civilians in ethnic areas. Dam projects have already displaced tens of thousands villagers in Myanmar's Kachin, Shan, Karenni, and Karen States. In most cases, displaced villagers have received little or no compensation.<sup>120</sup>

71. While noting that humanitarian access to the communities most in need of assistance is very limited, and difficulties of NGOs accessing displaced populations in south-east regions of the country, ACFID recommended that Myanmar enable NGOs to assist displaced populations.<sup>121</sup> HRW also expressed concerns on restrictions on access by humanitarian organizations to vulnerable populations.<sup>122</sup>

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

72. HRW noted that serious human rights violations continued in conflict zones in eastern Myanmar and parts of western Myanmar, including extrajudicial executions, sexual violence against women and girls, forced displacement and torture. Civilians in conflict areas faced abuses by government and non-state armed groups.<sup>123</sup> Karen Human Rights Group (KHRG) recommended that Myanmar halt the targeting of civilians, forced relocation and the destruction of civilian settlements, agricultural land and food supplies. KHRG further recommended halting the arbitrary arrest, detention, torture and summary execution of civilians, halting the curfews and movement restrictions, including restrictions on access to humanitarian materials, such as food and medicine.<sup>124</sup> CSW urged Myanmar to provide necessary access for international human rights monitors and humanitarian organizations throughout its territory in line with its human rights obligations.<sup>125</sup>

73. According to CHRO, Chin State in Myanmar is one of the most underdeveloped and isolated regions with little road infrastructure, communication systems, healthcare facilities, electricity or running water. 40 per cent are without adequate food sources and malnutrition and child mortality rates are among the highest in the country.<sup>126</sup> CHRO further noted that since 1998, rapid militarization in Chin State, combined with widespread ethnic and religious discrimination, had resulted in a litany of human rights violations perpetrated by the army.<sup>127</sup>

74. ACFID stated that recruitment of child soldiers by the Army and ethnic forces continued to be routine.<sup>128</sup> JS4 recommended that Myanmar release immediately all children present in its military ranks and criminally prosecute those responsible for their recruitment.<sup>129</sup> ICTJ also noted that the Myanmar armed forces constituted the only army in Asia to continue recruiting child soldiers.<sup>130</sup>

75. International Campaign to Ban Landmines (ICBL) recommended that the authorities in Myanmar order an immediate halt to the use of antipersonnel mines by the armed forces and proxies under its control; order an immediate halt to the use of forced labour by the armed forces and proxies under its control, particularly for the purposes of mine clearance and portering in mined areas; and accede to the Mine Ban Treaty.<sup>131</sup>

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

76. ACFID noted NGO reports that children's rights are, after many years of advocacy, an accepted concept in some government departments. Government officials have received training on child rights. Trafficking is also now an accepted issue and the Government participates in regional efforts such as the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT).<sup>132</sup>

77. ALRC stated that two major obstacles to the implementation of human rights were the political perception that the rule of law is an executive function, and the profound level of corruption throughout the entire State apparatus.<sup>133</sup>

### IV. Key national priorities, initiatives and commitments

N/A

### V. Capacity-building and technical assistance

78. According to ACFID, Myanmar has committed itself to the elimination of forced labour and to cooperate with the ILO for this purpose.<sup>134</sup> CHRO recommended that Myanmar fully cooperate with the ILO to end the practice of forced labour: by reproducing leaflets about the individual complaints mechanism against forced labour in ethnic Chin languages; distributing them throughout Chin State; and holding awareness-raising seminars about such a complaint mechanism.<sup>135</sup> ICTJ expressed concerns that attacks in the press were used on people or organizations involved in the forced labour complaints mechanisms of the ILO.<sup>136</sup>

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

#### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

#### *Civil society*

AAPP	The Assistance Association for Political Prisoners, Mae Sot, Thailand
ACFID	The Australian Council for International Development, Deakin, Australia
AI	Amnesty International*, London (UK)
ALRC	Asian Legal Resource Centre*, Hong Kong (China)
ARTICLE19	ARTICLE 19*, London (UK)
BF	The Becket Fund*, Washington D.C. (USA)
CHRO	Chin Human Rights Organization, Nepean, Ontario (Canada)
CSW	Christian Solidarity Worldwide, Surrey (UK)
ECLJ	European Centre for Law and Justice, Strasbourg, France

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

<sup>2</sup> ACFID, paras. 2 and 4.

<sup>3</sup> AAPP, p. 3.

<sup>4</sup> UNPO, p. 5.

<sup>5</sup> HRW, p. 6.

<sup>6</sup> CSW, para. 6.

<sup>7</sup> ERI, paras. 2–3, and 11–14. See also JS3, p. 4.

<sup>8</sup> UNPO, p. 1.

<sup>9</sup> AI, p. 1. See also ALRC, para. 10, JS4 para. 2, and ARTICLE 19, para. 5.

<sup>10</sup> JS3, p. 4.

<sup>11</sup> JS4, para. 3.

<sup>12</sup> HRW, p. 2.

<sup>13</sup> ALRC, paras. 7 and 9. See also ARTICLE 19, para. 4, ERI, para. 4, and JS1, paras. 2–3.

<sup>14</sup> AAPP, p. 2.

<sup>15</sup> AI, pp. 1–2. See also RWB, p. 3.

<sup>16</sup> HRW, pp. 2 and 5.

<sup>17</sup> RWB, p. 4.

<sup>18</sup> ACFID, para. 30. See also JS3, p. 9.

<sup>19</sup> ACFID, paras. 10 and 12.

<sup>20</sup> JS3, p. 1.

<sup>21</sup> HRW, p. 3.

<sup>22</sup> JS1, para. 14.

<sup>23</sup> ACFID, para. 26. See also JS4, para. 15, CHRO, paras. 14–15, HRW, p. 4.

<sup>24</sup> ACFID, para. 27.

<sup>25</sup> ACFID, para. 15.

<sup>26</sup> ACFID, para. 19.

<sup>27</sup> INDIG, para. 3.

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

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