



**OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS**



**Situation of human rights in Myanmar**

**Commission on Human Rights resolution 1999/17**

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Gravely concerned at the increasingly severe and systematic violations of human rights in Myanmar and the failure of the Government of Myanmar to cooperate with the Special Rapporteur,

Aware that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government and therefore gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Recalling the observation made by the Special Rapporteur that the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar,

Mindful that Myanmar is a party to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Geneva Conventions of 12 August 1949 on the protection of war victims, the International Labour Organization's Forced Labour Convention, 1930 (No. 29) and the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87),

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently Assembly resolution 53/162 of 9 December 1998 and Commission resolution 1998/63 of 21 April 1998,

1. Welcomes:

(a) The report of the Special Rapporteur (E/CN.4/1999/35) on the situation of human rights in Myanmar and the report of the Secretary-General (E/CN.4/1999/29);

(b) The accession by the Government of Myanmar to the Convention on the Elimination of All Forms of Discrimination against Women and earlier to the Convention on the Rights of the Child;

(c) The pardoning and release on humanitarian grounds on 20 January of U Ohn Myint and on 11 February of Ma Thida, but notes at the same time a significant increase in the number of political prisoners during 1998;

(d) The efforts currently being undertaken by the Special Envoy of the Secretary-General for a visit to Myanmar;

2. Reaffirms the need to provide adequate protection and assistance for persons fleeing from Myanmar and, in this context, takes note with appreciation of the efforts of the Government of Thailand in providing assistance and the expanded role played by the Office of the United Nations High Commissioner for Refugees;

3. Expresses its grave concern:

(a) At the continued closure of many institutions of higher education for political reasons for over two years;

(b) That the composition and working procedures of the National Convention do not permit either members of Parliament-elect or representatives of the ethnic minorities to express their views freely, and is concerned that the National Convention is not working towards national reconciliation;

(c) At the widespread and systematic use of forced labour, as indicated in the report of the Commission of Inquiry set up under article 26 of the Constitution of the International Labour Organization and the failure of the Government so far to implement the Commission's recommendation that it ensure the cessation by the authorities, and in particular the military, of such practices;

(d) That the Government of Myanmar refuses to cooperate with, and has not yet agreed to a visit by, the Special Rapporteur;

4. Deplores:

(a) The continuing violations of human rights in Myanmar, as reported by the Special Rapporteur, including extrajudicial, summary or arbitrary executions (particularly in areas of ethnic tension) and enforced disappearances, torture, abuse of women and children by government agents, arbitrary seizures of land and property, and the imposition of oppressive measures directed in particular at ethnic and religious minorities, including systematic programmes of forced relocation, destruction of crops and fields, and the widespread use of forced labour, including for work on infrastructure projects and as porters for the army;

(b) The wide disrespect of the rule of law, including increasing numbers of arbitrary and politically motivated arrests and detentions, detentions without trial, sometimes without the knowledge of the families of detainees, and the abuse of the judicial process, including trial of detainees in secrecy without proper legal representation, and the inhuman treatment of prisoners, leading to illness and deaths in custody, as reported by the Special Rapporteur;

(c) The violations of the rights of persons belonging to minorities, including the systematic programmes of forced relocations directed against ethnic minorities, notably in Karen, Karenni, Rakhine and Shan States and in Tennasserim Division, resulting in displaced persons and flows of refugees to neighbouring countries, thus creating problems for the countries concerned, and particularly the condition of statelessness, the confiscation of land and the restrictions on movement faced by returning Rohingya refugees, which have contributed to movements out of the country;

(d) The continuing violations of the rights of women, especially women who are refugees, internally displaced women and women belonging to ethnic minorities or the political opposition, in particular forced labour, sexual violence and exploitation, including rape, as reported by the Special Rapporteur;

(e) The continuing violations of the rights of children, in particular through the lack of conformity of the existing legal framework with the Convention on the Rights of the Child, through conscription of children into forced labour programmes, through their military and sexual exploitation and through discrimination against children belonging to ethnic and religious minority groups;

(f) The escalation in the persecution of the democratic opposition, particularly members and supporters of the National League for Democracy, as well as threats of deportation, arrest and physical violence against Aung San Suu Kyi, and the continued harassment, arrest and detention of National League for Democracy and other democratic group activists, including elected representatives to the Parliament, students, trade unionists and members of religious orders, for peacefully exercising their rights to freedom of movement, expression, assembly and association, the harsh long-term prison sentences imposed on National League for Democracy supporters and at the Government's use of intimidatory methods to force elected representatives and National League for Democracy members to resign from their positions and to dissolve their party offices;

(g) The severe restrictions on the freedoms of opinion, expression, assembly and association, the restrictions on citizens' access to information, including censorship controls on all forms of domestic media and many international publications, and the restrictions imposed on citizens wishing to travel within the country and abroad, including the denial of passports on political grounds, and gross interference in private life, family, home or correspondence;

5. Calls upon the Government of Myanmar:

(a) To establish a constructive dialogue with the United Nations system, including the human rights mechanisms, for the effective promotion and protection of human rights in the country;

(b) To continue to cooperate with the Secretary-General or his representative and to broaden this dialogue, including through providing access to any person deemed appropriate by them, and to implement their recommendations;

(c) To consider becoming a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention relating to the Status of Refugees and its Protocol;

6. Urges the Government of Myanmar to cooperate fully, and without further delay, with the Special Rapporteur, to allow him, without preconditions, to conduct a field mission and to establish direct contacts with the Government and all other relevant sectors of society, and thus to enable him fully to discharge his mandate;

7. Strongly urges the Government of Myanmar:

(a) To implement fully the recommendations made by the Special Rapporteur;

(b) To ensure full respect for human rights and fundamental freedoms, including freedoms of expression, association, movement and assembly, the right to a fair trial by an independent and impartial judiciary and the protection of the rights of persons belonging to ethnic and religious minorities, and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations and to enforced disappearances and summary executions;

(c) To take urgent and meaningful measures to ensure the establishment of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end, to engage immediately and unconditionally in a genuine and substantive dialogue with the leaders of political parties, including Aung San Suu Kyi, and of ethnic minorities with the aim of achieving national reconciliation and the restoration of democracy, and to ensure that political parties and non-governmental organizations can function freely, and in this context notes that the National League for Democracy has established a committee to represent temporarily members of Parliament elected in 1990 who are prevented by the authorities from exercising their democratic mandate conferred on them by the people of Myanmar;

(d) To take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to democratically elected representatives;

(e) To release immediately and unconditionally those detained for political reasons, including those in “government guest houses”, and to ensure their physical integrity and to permit them to participate in a meaningful process of national reconciliation;

(f) Urgently to improve conditions of detention and to allow the competent international humanitarian organization to communicate freely and confidentially with prisoners;

(g) To ensure the safety and well-being of all political leaders, including Aung San Suu Kyi, and to permit unrestricted communication with and physical access to Aung San Suu Kyi and other political leaders;

(h) To fulfil its obligations under the Convention on the Rights of the Child and under the Convention on the Elimination of All Forms of Discrimination against Women by bringing national legislation and practice into conformity with these conventions;

(i) And all other parties to the hostilities in Myanmar to respect fully their obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, to halt the use of weapons against the civilian population, to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law and to avail themselves of services offered by impartial humanitarian bodies;

(j) To fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29) and to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization and to cooperate with the International Labour Organization, in particular by implementing the conclusions of the Commission of Inquiry;

(k) To cease the laying of landmines, in particular as a means of ensuring forced relocation, and to desist from the forced conscription of civilians to serve as human minesweepers, as indicated in the report of the Commission of Inquiry;

(l) To end the enforced displacement of persons and other causes of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and full reintegration in safety and dignity, including returnees who have not been granted rights of full citizenship, in close cooperation with the international community, through the United Nations system and its specialized agencies, governmental and intergovernmental organizations, as well as non-governmental organizations;

(m) To fulfil its obligations to end impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

8. Decides:

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fourth session and to report to the Commission at its fifty-sixth session, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to pursue all efforts to ensure that the Special Rapporteur is authorized to visit Myanmar;

(c) To request the Secretary-General to continue his discussions with the Government on the situation of human rights and the restoration of democracy and with anyone he may consider appropriate in order to assist in the implementation of General Assembly resolution 53/162 and of the present resolution;

(d) To request the United Nations High Commissioner for Human Rights to cooperate with the Director-General of the International Labour Office with a view to identifying ways in which their offices might usefully collaborate for the improvement of the human rights situation in Myanmar;

(e) To request the Secretary-General to bring the present resolution to the attention of all relevant parts of the United Nations system;

(f) To continue its consideration of this question at its fifty-sixth session.

52nd meeting  
23 April 1999

[Adopted without a vote. See chap. IX.]