



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



Situation of human rights in Myanmar

Commission on Human Rights resolution 2000/23

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 systematic and increasingly severe violations of civil, political, economic, social and cultural rights in Myanmar,

Recognizing that these severe violations of human rights by the Government of Myanmar have had a significant adverse effect on the health and welfare of the people of Myanmar,

Deeply regretting the failure of the Government of Myanmar to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur, while noting the recent increased contacts between the Government of Myanmar and the international community,

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 victims of war and the Forced Labour Convention, 1930 (No. 29) and the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization,

Recalling the concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/2000/I/CRP.3/Add.2/Rev.1) on the initial report submitted by Myanmar to that treaty monitoring body in which, *inter alia*, it expresses its concern at violations of the human rights of women, in particular by military personnel,

Noting the resolution adopted by the International Labour Conference at its 87th Session on the widespread use of forced labour in Myanmar, and also of the recommendation of the Governing Body of the International Labour Organization of 27 March 2000,

Recalling previous resolutions of the General Assembly and the Commission on the subject, most recently Assembly resolution 54/186 of 17 December 1999 and Commission resolution 1999/17 of 23 April 1999,

1. *Welcomes:*

(a) The report of the Special Rapporteur (E/CN.4/2000/38) on the situation of human rights in Myanmar and the report of the Secretary-General (E/CN.4/2000/29), and expresses its appreciation and support for the work of the Special Rapporteur;

(b) The resumption of cooperation with the International Committee of the Red Cross, allowing the Committee to communicate with and visit prisoners in accordance with its standard working rules, and encourages continued cooperation in that regard;

2. *Notes* the constructive dialogue between the Committee on the Elimination of Discrimination against Women and the Government of Myanmar at the recent session of that Committee;

3. *Notes* the visit to Myanmar by the Special Envoy of the Secretary-General in October 1999 for the purpose of holding discussions with the Government and with political leaders, including Aung San Suu Kyi and representatives of some ethnic minority groups, while regretting that two senior members of the latter were arrested shortly after having met with the Special Envoy, and calls upon the Government of Myanmar to enter into a constructive dialogue with the Secretary-General in order to make better use of his good offices;

4. *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;

5. *Expresses its grave concern:*

(a) At the increased repression of any form of public political activity, the arbitrary detention, the imprisonment and the systematic surveillance of those exercising their rights to freedom of thought, expression, assembly and association, as well as the harassment of their families;

(b) That, despite the partial reopening of some courses, most institutions of higher education have remained closed for political reasons for over three years;

(c) 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 has not been convened since 1996 and thus is not in a position to further the restoration of democracy and national reconciliation;

(d) That the Government of Myanmar has failed to review its legislation, to cease its widespread use of forced labour of its own people and to punish those exacting forced labour, which has forced the International Labour Organization to exclude further cooperation with the Government until such time as it has implemented the recommendations of the Commission of Inquiry of the International Labour Organization regarding the implementation of its 1930 Convention (No. 29) on Forced or Involuntary Labour, except for the purpose of implementing those recommendations;

6. *Deplores:*

(a) The continuing pattern of gross and systematic violations of human rights in Myanmar, including extrajudicial, summary or arbitrary executions, particularly in areas of ethnic tension, and enforced disappearances, torture, harsh prison conditions, 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, the continued widespread use of forced labour, including for work on infrastructure projects, production of food for the military and as porters for the army;

(b) The lack of independence of the judiciary from the executive and the wide disrespect of the rule of law, including of the basic guarantees of due process, especially in cases involving exercise of political and civil rights and freedoms, resulting in arbitrary arrests and detentions, non-existence of judicial control over detentions, sentences passed without trial, keeping the accused in ignorance of the legal basis of the charge brought against them, trials held in secrecy and without proper legal representation, want of knowledge by the family and counsel of the accused about the sentence and detentions beyond the end of prison sentences;

(c) The continued violations of the human rights of, and widespread discriminatory practices against, persons belonging to minorities, including extrajudicial executions, rape, torture, ill-treatment and the

systematic programmes of forced relocation directed against ethnic minorities, notably in Karen, Karenni, Rakhine and Shan States and in Tennasserim Division, resulting in the large-scale displacement of 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 prevented the establishment of stable conditions for their voluntary return in safety and dignity and for their reintegration and have contributed to movements out of the country;

(d) The continuing violations of the human rights of women, in particular forced labour, trafficking, sexual violence and exploitation, often committed by military personnel, and especially directed towards women who are returning refugees, internally displaced or belong to ethnic minorities or the political opposition;

(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 sexual exploitation and exploitation by the military, through discrimination against children belonging to ethnic and religious minority groups and elevated rates of infant and maternal mortality and malnutrition;

(f) The escalation in the persecution of 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, and the Government's use of intimidatory measures to force elected representatives and National League for Democracy members to resign from their positions and to close 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;

7. *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;

8. *Urges* the Government of Myanmar to cooperate fully, and without further delay, with all United Nations representatives, in particular the Special Rapporteur, to allow him urgently, 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, and, in this context, regrets that, notwithstanding the recent indications that serious consideration would be given to a visit by the Special Rapporteur, he has not so far been given permission to visit the country;

9. *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 the 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, the prevention of intimidation and repression of political opponents and enabling the building up of a pluralistic civil society with the active participation of its members;

(e) To release immediately and unconditionally those detained or imprisoned 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) To improve conditions of detention, in particular in the field of health protection, and to eliminate unnecessary restrictions imposed on the detainees;

(g) To ensure the safety and well-being and freedom of movement 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, and to consider signing and ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

(i) To implement fully the recommendations made by the Committee on the Elimination of Discrimination against Women, in particular the request to prosecute and punish those who violate the human rights of women and to carry out human rights education and gender-sensitization training, in particular for military personnel;

(j) 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, to end the use of children as soldiers and to avail themselves of services offered by impartial humanitarian bodies;

(k) To cease the widespread and systematic use of forced labour and use of exploitative child labour, and to implement the recommendations of the Commission of Inquiry, while noting the order by the Government of Myanmar issued in May 1999 directing that the power to requisition forced labour under the Towns Act and the Village Act not be exercised, as well as the invitation to visit, addressed to the International Labour Organization in October 1999;

(l) To adopt, as a matter of urgency, appropriate measures to fulfil its obligations as a State party to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization and to implement the conclusions of the Commission of Inquiry;

(m) 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;

(n) 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;

(o) 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;

10. *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-fifth session and to report to the Commission at its fifty-seventh 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 54/186 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-seventh session.

56th meeting

18 April 2000

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