



OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



Situation of human rights in Myanmar

Commission on Human Rights resolution 1996/80

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,

Aware that, in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

Noting with particular concern in this regard that the electoral process initiated in Myanmar by the general elections of 27 May 1990 has not yet reached its conclusion and that the Government still has not implemented its commitments to take all necessary steps towards democracy in the light of those elections,

Deploring the continued detention of many political prisoners, in particular elected representatives, and the recent arrests and harassment of other supporters of democratic groups in Myanmar, while welcoming the release of Daw Aung San Suu Kyi on 10 July 1995,

Gravely concerned at the violations of human rights in Myanmar, which remain extremely serious, in particular the practice of torture, summary and arbitrary executions, forced labour, including forced portering for the military, abuse of women, politically motivated arrests and detention, forced displacement of the population, the existence of important restrictions on the exercise of fundamental freedoms, including the freedom of expression and association, and the imposition of oppressive measures directed, in particular, at ethnic and religious minority groups,

Noting the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 12 August 1949 for the protection of war victims, the concluding of some cease-fire agreements with ethnic groups, the withdrawal of several reservations it had entered concerning the Convention on the Rights of the Child and the freeing of a certain number of political prisoners, in response to the concerns repeatedly expressed by the international community,

Gravely concerned at the continuing fighting with ethnic and other political groups, despite the conclusion of cease-fire agreements, and noting that this, together with continued violations of human rights, has resulted in flows of refugees to neighbouring countries,

Sharing the concern expressed by the International Labour Organization, in June 1995, at the practice of forced labour in Myanmar, Noting that many violations directly affect women, in particular women belonging to minorities, who have suffered ill-treatment, especially at the hands of the military, as stated by the Special Rapporteur,

Having examined the reports of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1996/88), and on the situation of human rights in Myanmar, submitted pursuant to General Assembly resolution 50/194 (E/CN.4/1996/157) and of the Special Rapporteur on the question of torture (E/CN.4/1995/35 and Add.1),

Recalling its resolution 1992/58 of 3 March 1992, in which it decided to nominate a special rapporteur to establish direct contacts with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar

and following any progress made towards the transfer of power to a civilian government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Recalling also its resolution 1995/72 of 8 March 1995, and taking note of General Assembly resolution 50/194 of 22 December 1995,

1. Notes that the Special Rapporteur visited Myanmar in October 1995, commends him for his report (E/CN.4/1996/65), and welcomes the conclusions and recommendations contained therein;
2. Deplores the continuing serious violations of human rights in Myanmar and, in particular, the fact that a number of political leaders, including leaders and elected representatives of the National League for Democracy, remain deprived of their liberty;
3. Strongly urges the Government of Myanmar to release immediately and unconditionally all detained political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;
4. Deplores the recent harsh sentences meted out to members of political parties and other individuals, including persons voicing dissent in regard to the procedures of the National Convention and persons condemned in particular for seeking to meet the Special Rapporteur and for having peacefully exercised their right to freedom of expression, movement and association;
5. Deeply regrets that, while a certain number of political prisoners were released in the past year, many political leaders continue to be deprived of their freedom and their fundamental rights;
6. Welcomes the release of Nobel Peace Prize winner Daw Aung San Suu Kyi on 10 July 1995, and urges the Government of Myanmar to allow her freedom of movement and to open immediately a substantial political dialogue with her and with other political leaders, including representatives of ethnic groups, as the best means to arrive at national reconciliation and the complete and rapid installation of democracy;
7. Again urges the Government of Myanmar to take, in conformity with the assurances given at various times, all necessary measures to guarantee democracy in full accordance with the will of the people as expressed in the democratic elections held in 1990, and to ensure that all political parties may freely exercise their activities;
8. Notes with concern that most of the representatives democratically elected in 1990 have been excluded from participating in the meetings of the National Convention, that severe restrictions have been imposed on delegates, including members of the National League for Democracy, who have withdrawn and subsequently were excluded, at the end of 1995, from the sessions of the Convention and who are unable to meet or distribute their literature, and that one of the objectives of the Convention is to maintain the participation of the armed forces (Tatmadaw) in a leading role in the future political life of the State, and concludes that the National Convention does not appear to constitute the necessary steps towards the restoration of democracy;
9. Strongly urges the Government of Myanmar 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 the democratically elected representatives, lifting restraining orders placed on a number of political leaders, releasing those who are detained and ensuring that all political parties can function freely;
10. Also strongly urges the Government of Myanmar to guarantee full respect for human rights and fundamental freedoms, in particular the freedom of expression and opinion and the right of association and of assembly, to restore protection of persons belonging to minority groups, in particular against discrimination, especially in the framework of the citizenship laws, and to put an end to violations of the right to life and the integrity of the human being, to arbitrary detentions, to the practice of torture, abuse of women and forced labour and in particular to forced recruiting of porters for the army, to enforced displacements of the population and to enforced disappearances and summary executions;

11. Expresses grave concern at the recent fighting with the Karenni National Progressive Party, other ethnic groups, Burmese students and political activists, and in some parts of the country at the resulting flow of refugees towards neighbouring countries;
12. Reminds yet again the Government of Myanmar of its obligations to put an end to the impunity of perpetrators of violations of human rights, including members of the military, and its responsibility to investigate alleged cases of human rights violations committed by its agents on its territory, to bring them to justice, prosecute them and punish those found guilty, in all circumstances;
13. Calls upon the Government of Myanmar to become a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
14. Appeals to the Government of Myanmar to fulfil its obligations as a State party to 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;
15. Encourages the Government of Myanmar to continue to lift the remaining emergency measures;
16. Requests the Government of Myanmar to ensure that all persons, without discrimination, are afforded the minimum guarantees for a fair trial according to due process of law and in conformity with applicable international standards, that laws are given due publicity and that the principle of non-retroactivity of laws is respected;
17. Encourages the Government of Myanmar to continue to create the necessary conditions to facilitate the voluntary repatriation of refugees and their reintegration, in conditions of safety and dignity, in close cooperation with the Office of the United Nations High Commissioner for Refugees;
18. Invites the Government of Myanmar to respect fully its obligations under the Geneva Conventions of 12 August 1949, and to avail itself of such services as may be offered by impartial humanitarian bodies;
19. Stresses that it is important for the Government of Myanmar to give particular attention to prison conditions in the country's prisons and to take steps to allow international humanitarian organizations to communicate freely and confidentially with prisoners;
20. Welcomes the first measures taken by the Government of Myanmar to provide for the training of military personnel in international humanitarian law, and requests it to intensify its efforts in that regard and to extend them to police and prison personnel;
21. Decides to extend for one year the mandate of the Special Rapporteur to establish or continue direct contacts with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, and requests him to report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session;
22. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;
23. Urges the Government of Myanmar to cooperate fully and unreservedly with the Commission and the Special Rapporteur and, to that end, to ensure that the Special Rapporteur effectively has free access to any person in Myanmar whom he may deem it appropriate to meet in the performance of his mandate, including Daw Aung San Suu Kyi;
24. Encourages the Secretary-General, in the discharge of his good offices mandate, to continue his discussions with the Government of Myanmar in order to assist in the implementation of General Assembly resolution 50/194, including in the efforts deployed for national reconciliation and towards the resumption of democracy, notes with concern the decision of the Government of Myanmar to postpone discussion in Yangon with representatives of the Secretary-General, and in this respect calls upon the Government of Myanmar to reinstate this visit as soon as possible and to extend full cooperation to the Secretary-General or his representatives, including through access to any person as deemed appropriate by the Secretary-General;

25. Decides to keep the matter under review at its fifty-third session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories";

26. Recommends the following draft decision to the Economic and Social Council for adoption:

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/80 of 23 April 1996, approves the Commission's decision to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar to establish or continue direct contacts with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, and its request to him to report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session. The Council also approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

60th meeting, 23 April 1996

[Adopted without a vote]