



# International Service for Human Rights

## The Reports in Short

ISHR's summaries of documents for the Human Rights Council 4th Session

### **Report of the Special Rapporteur on the situation of human rights in Myanmar<sup>1</sup>**

#### **Mandate Holder**

Paulo Sergio Pinheiro

#### **Mandate**

The mandate was established by the Commission on Human Rights resolution 1992/58, and extended by Human Rights Council decision 1/102. The mandate was established in light of the seriousness of the situation of human rights in Myanmar. The Special Rapporteur has been asked to establish contact with the Government and with the people of Myanmar, including political leaders deprived of their liberty, with a view to examining the situation of human rights in Myanmar and monitoring progress made towards the transfer of power to a civilian government, the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar.

#### **Annual Report<sup>2</sup>**

#### **Scope:**

This report constitutes the last submission of the mandate holder. It reiterates the findings contained in his last report on the situation of human rights in Myanmar, where he gives an overview of major developments during his six-year term.

#### **Activities:**

- The Special Rapporteur has been denied access to Myanmar since November 2003. In view of this fact, he visited neighbouring countries in the region where he received the support of all United Nations country teams.
- From 11 to 26 February, the Special Rapporteur visited India, Malaysia, Indonesia and Thailand, where he conducted consultations with representatives of the Ministries of Foreign Affairs, diplomats, parliamentarians (in India), the Inter-Parliamentary Caucus of the Association of Southeast Asian Nations (ASEAN), as well as non-governmental actors.
- The Special Rapporteur presented his previous report<sup>3</sup> to the Human Rights Council in September 2006. He also presented his report to the General Assembly on 21 October 2006.

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<sup>1</sup> Report prepared by Rami Chalabi, Intern, ISHR; edited by Gareth Sweeney, Information Program, ISHR.

<sup>2</sup> A/HRC/4/14.

<sup>3</sup> E/CN.4/2006/34.

## **Summary and key conclusions:**

- In the past two years, the reform process proposed in the ‘seven-point roadmap for national reconciliation and democratic transition’ – whose potential for political transition has been recognized at the outset by the Special Rapporteur, has been strictly limited.
- Persecution and harassment of members of the National League for Democracy (NLD) continues. On 16 December 2006, the number of political prisoners was estimated to be 1,201, a figure that does not include prisoners reportedly detained in remote areas and secret jails. The Special Rapporteur takes note of the decision of the Government on 3 January 2007 to grant amnesty to 2,231 prisoners.
- The Special Rapporteur is gravely concerned about the intention of the Union Solidarity and Development Association (USDA), established by the State Peace and Development Council (SPDC), to become a political party and field candidates in the next election. The Special Rapporteur has received various allegations of involvement of USDA in acts of political and criminal violence.
- The Special Rapporteur hopes that the debate on Myanmar in the UN Security Council will provide an opportunity to facilitate the transition process towards democracy.

## **Impunity:**

- During the course of his mandate, the Special Rapporteur has noted a consistent pattern of impunity. He has received reports of widespread and systematic human rights violations, including summary executions, torture, forced labour practices, sexual violence, and recruitment of child soldiers. These violations have not been investigated and their perpetrators have not been prosecuted. As the Government has not invited the Special Rapporteur to visit Myanmar, he cannot be blamed for not having been able to verify the accuracy of these allegations.
- Myanmar has an obligation to thoroughly investigate grave violations of human rights, to prosecute those responsible and, if their guilt is established, to punish them.
- The Special Rapporteur believes that impunity is one of the main underlying causes of the degrading economic and social conditions of rural farmers, who represent the majority of the population of Myanmar.
- The Special Rapporteur regrets that the lack of independence of the judiciary has provided a ‘legal’ basis for abuses of power.

## **Military operations in ethnic areas:**

- Since 1948, millions of people have been uprooted and thousands have died each year, mostly from preventable diseases, in the country’s conflict areas.
- The Army has reportedly doubled the number of battalions in eastern Myanmar since 1995. Attacks on villages in ethnic areas have led to extensive forced displacements.
- As of November 2006, the number of internally displaced persons (IDPs) who have been forced or obliged to leave their homes and have not been able to reintegrate into society is estimated to be at least 500,000.
- The killing, terrorizing or displacement of civilians is often part of a deliberate strategy to separate ethnic armed groups from the civilian populations.
- A large-scale and effectively arbitrary land confiscation policy prevails throughout the country.

## **Key recommendations**

- The Special Rapporteur’s recommendations made in previous reports remain valid in the view of the prevailing situation in Myanmar.
- The Special Rapporteur appeals to the Government to free all political prisoners.

- Given the magnitude of human rights abuses, the Government of Myanmar should subject all officials who commit these acts to disciplinary control and punishment, and put an end to the culture of impunity that prevails throughout the country.
- The Special Rapporteur calls on the Government of Myanmar to authorize access to the affected areas by the United Nations and associated personnel, as well as personnel of humanitarian organizations, and guarantee their safety, security and freedom of movement.
- The Special Rapporteur urges the Government of Myanmar to end illegal land confiscation and the recruitment of child soldiers.