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The Reports in Short

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The Special Rapporteur on the situation of human rights in Myanmar¹

Mandate Holder

Mr. Paulo Sérgio Pinheiro

Mandate

The mandate was established in 1992², in light of the seriousness of the situation of human rights in Myanmar. The Special Rapporteur has been requested 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 monitor 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. The Special Rapporteur has also been asked to include a gender perspective throughout the exercise of the mandate.

Activities

- The Special Rapporteur met with representatives of the Government of Myanmar, consulted with representatives of State Members of the United Nations (UN) and of the Association of South-East Asian Nations (ASEAN), officials from UN agencies, civil society organisations and members of the academic community;
- The Special Rapporteur travelled to Thailand to meet with key local and regional actors in the diplomatic, parliamentary and non-governmental sectors, as well as representatives from UN agencies. He also met with senior officials from the Ministry of Foreign Affairs of the Government of Thailand and travelled to refugee camps along the Thai-Myanmar border.

Annual Report³

Scope

The report presents the main findings and recommendations of the Special Rapporteur on the situation on human rights in Myanmar. Since the last mission to Myanmar in November 2003, the Government has not invited the Special Rapporteur to visit the country, despite repeated requests.

Summary and key conclusions

Overview of the six-year term:

The Special Rapporteur has received continuing reports of grave human rights violations. Despite positive momentum in early years, the present administration is far less inclined towards democratic change. The human rights concerns and recommendations are therefore largely the same as those highlighted at the beginning of the mandate.

¹ Summaries prepared by Cléa Thouin, Intern, ISHR, supervised and edited by Meghna Abraham, Information Program, ISHR.

² Commission on Human Rights *Resolution 1992/58*.

³ E/CN.4/2006/34, 7 February 2006.

The political situation may not be called a transition process as long as fundamental freedoms of assembly, expression, and association are denied; pro-democracy advocates silenced; elected representatives imprisoned; and human rights defenders criminalised.

Recent developments:

- The **National Convention** reconvened in December 2005, but its procedures and principles remain fundamentally anti-democratic. The participation of ethnic political parties and ceasefire groups has been restricted, and increasing militarisation of ceasefire areas has also undermined the legitimacy and desirability of ceasefire agreements;
- The Government of Myanmar did not assume the chairmanship of **ASEAN** in 2006. Positive regional development include the concern expressed by the ASEAN Regional Forum at the pace of democratisation in Myanmar, and the visit by ASEAN representatives to Myanmar in January 2006;
- The Security Council requested a briefing by the Secretariat on the situation of Myanmar during its informal consultations in December 2005;
- In November 2005, the Government began the **relocation** of several ministries **from the capital** to a "command and control centre" currently under construction.

Civil and Political Rights:

The situation regarding the exercise of fundamental human rights and freedoms remains grave: intimidation, arbitrary arrest and imprisonment of civilians for peacefully exercising their civil and political rights continue. Members of registered political parties, human rights defenders and pro-democracy advocates are targets, as reflected by the Government's new executive order prolonging the detention of Daw Aung San Suu Kyi for a further six months. To date, the number of political prisoners is estimated at 1,144, while the number of prisoners released during the reporting period was negligible. Particular concerns include:

- **"Security" legislation**, allowing for the detention of political prisoners, in contravention of international legal standards;
- Sub-standard trial procedures, conditions of detention and treatment of political prisoners, and decreased access by the International Committee of the Red Cross (ICRC) to places of detention;
- Control of the press, difficult access to information and restrictions on access by international journalists.

Economic and social rights:

There is a marked decline in socio-economic conditions, which has led to an increase in poverty countrywide. Issues include:

- State-sponsored practices such as the imposition of arbitrary taxes, extortion, and land confiscation;
- Widespread and systematic **forced labour practices** by State actors, including child labour;
- **Sexual violence against women**, especially in ethnic minority areas;
- Notable progress in several areas of **drug control** over the past four years, calling for income-generating alternatives for citizens involved in poppy-growing in particular.

The humanitarian situation:

The humanitarian situation is not yet at a point of acute crisis but has **deteriorated** over the past year, affecting the population on a wide scale. Concerns include:

- The high rates of **HIV/AIDS**, tuberculosis and malaria;
- **Food security**, in view of impediments placed by the Government to the distribution of food supplies by the World Food Programme and obstacles to the movement of rice within Myanmar in the past year;
- Increased **restrictions on international agencies**, such as the ICRC and ILO, and their **access** to and **activities** in remote areas of conflict, ceasefire areas and ethnic minority areas;
- The ongoing **internal displacement** and **exodus of civilian communities** as a direct result of human rights abuses and the conflict between the military authorities and non-State armed groups;
- The current government's strategy of targeting civilians in its military operations, which represents a wilful abrogation of its responsibility to protect civilians under international humanitarian law.

Key recommendations

- Meaningful **political, economic, legislative** and **judicial reform** is essential and the Government must acknowledge and address the declining socio-economic conditions and mounting public dissatisfaction;
- The Special Rapporteur strongly supports the **Secretary-General's report**⁴ requesting the Government to resume dialogue with all political actors and all representatives of ethnic groups. The **minimum steps** to establish confidence in the transition process are: to release all political prisoners; lift all constraints on political actors; and allow all political representatives to participate in the political transition;

⁴ A/60/422.

- The international community should prevent social capital from being completely exhausted, and should not be deterred by excessive bureaucratic restrictions on their activities;
- The most effective measure would be to **cease human rights abuses** and **resolve the armed conflict** through inclusive dialogue;
- The Government must establish **transparent mechanisms of accountability** to identify and address acute humanitarian problems. It should also engage with international humanitarian agencies, stakeholders and beneficiaries to articulate an effective and coordinated strategy for action in tackling the humanitarian situation;
- The briefing to the Security Council in December should be used as the beginning of a **new momentum internationally** to proactively facilitate the transition process from authoritarian to democratic rule;
- **Human development** and **economic reform** must be prioritised to **defeat poverty**, which is at the root of many of Myanmar's problems. Rational management of the economy and substantially enhanced budgetary allocations for the protection of economic, social and cultural rights continue to be essential priorities in this regard.