



STATEMENT BY THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN MYANMAR

Mr. Paulo Sergio Pinheiro

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Mr. Chairperson,
Ladies and Gentlemen,

The Commission on Human Rights invited me in 2000 to take up the mandate of Special Rapporteur on the situation of human rights in Myanmar. I accepted the appointment with optimism and openness to work in the mandate pragmatically, inspired by my dear friend Sergio Vieira de Mello:

"I have not come to teach you lessons. I am not going to tell you what you already know perhaps better than I. But do listen to me, because I come as a friend and I can share with you some experience, which can be useful to you. Perhaps I can help you solve some problems. This will bring you credit in the eyes of the international community and at the same time consolidate the political stability and security inside your frontier."

From the outset, I sought to exercise my mandate with independence, objectivity and impartiality, which have never been contested by the Government of Myanmar. Realizing the challenges, I tried to identify the primary issues of concern. I also looked at possible ways in which I could assist the Government in instituting the reforms necessary to smoothly and expeditiously facilitate the realization of human rights and the transition to democracy, reforms to which the Government has pledged its commitment.

Today, I address the General Assembly for the final time, as my mandate expires in April next year. I stand before you with a sense of frustration for not having been able to fulfill my duty as I wished. Indeed, the Government of Myanmar has not invited me to visit the country since November 2003. Similarly, the Special Envoy of the UN Secretary General has not been granted access since March 2004, which I deeply regret.

Throughout my mandate as Special Rapporteur I have received many reports, documenting violations of the Government's pledge to democratic reform and respect for human rights. I have attempted on many occasions, through different means, to be allowed to visit the country in order to verify those reports. The Government of Myanmar has not given me the opportunity to do so. In this way the Government is renouncing to have its views and policies reflected in my report.

The Government's pledge to democratic reform and respect for human rights was made and has been reiterated since the 1990 elections were cancelled. A first step was the convening of a National Convention, charged with drafting a new Constitution. This National Convention has been in place for over twelve years. In its last session of 17 February-31 March 2005, it was convened, yet again, under a number of same procedural restrictions. Many key political actors, such as the National League for Democracy, have been excluded from the process. Critical voices are not tolerated. Inclusion is dependent upon the participants' acceptance of the six 'objectives' that should serve as the basis for the future Constitution. One such objective is the participation of the military in the national political leadership of the state, with a quarter of seats in the national parliament and one third of the seats in the regional parliaments reserved for the military.

Freedom of assembly and association are still not respected or guaranteed. Almost all of the offices of political parties such as the National League for Democracy have been shut down. Press censorship appears to be worsening. Intimidation and detention of pro-democracy activists continues. Over 1,100 people are currently behind bars for their political beliefs, some with prison sentences of over 47 years. Many of those include MPs elected in the 1990 elections that were

prevented from taking their seats, as well as poets, journalists, monks, students and teachers. Daw Aung San Suu Kyi, the Nobel Peace Prize Laureate remains in a virtual solitary confinement in her house, with no visitors permitted, even without access to the ICRC, which otherwise has full access to all other prisoners in Myanmar. The General Secretary of the NLD has spent a total of 10 years in three separate periods of house-arrest from 1989-1995, 2000-2002 and from May 2003 until today. Elderly political prisoners such as the poet U Win Tin, the Vice-chairman of the National League for Democracy U Tin Oo and the author and lawyer U Shwe Ohn are in their late seventies and early eighties. Many are in urgent need of medical care.

The Government's "roadmap" to democracy has no time frame and no scale. The destinations are hazy, the road-signs keep shifting and the journey time between each place is anybody's guess. The loose mention of a referendum and political elections has not yet been clarified. The political transition process has become a long and winding road with no clear end in sight.

Of grave concern is the level and consistency of abuses committed against Myanmar's ethnic communities. It is reported that some ethnic groups are re-considering ceasefire agreements as they have failed to bring about any improvement in their day-to-day life. In some instances, and despite those agreements, there has been an increase in Government military presence in certain ethnic areas. Moreover, the political concerns of ethnic communities appear to be unaddressed in the deliberations of the National Convention. There is a risk that, should the Government continue to ignore these ethnic concerns, including the alleged gross violations committed against ethnic communities and the duty to arrest and detain of those responsible, these fragile agreements risk to unravel.

I stress in my report the record of widespread and systematic violations of human rights in Myanmar and the consistent failure of the Government to protect the citizens prevail in the country. The Government has shown little interest in examining allegations of serious human rights abuses by its forces against its own citizens. Successive requests for investigations to be conducted into allegations of rape of ethnic women in Shan State and the Depayin killings were met with inertia. The culture of impunity is such that complaints, which are brought to the authorities' attention, are frequently met with threats and reprisals.

The machinery of law, order and justice, far from upholding the rights of citizens, has been employed as an implement of repression and to silence dissent. Calls for reform and offers of technical assistance to train officials in international standards have been met with silence.

I must also mention that non-State armed groups have also committed serious human rights abuses despite their clear obligation to abide to principles of human rights and humanitarian law.

Widespread reports of forced labor are commonplace, where men, women, children and the elderly are obliged by authorities to carry out such duties as road construction, fencing of military barracks, mine-sweeping, portering of military supplies and cultivation of crops on civilian land for military use. Those who are unwilling or unable to carry out such orders are frequently exhorted to pay a fee, in lieu of their 'duties', or face punishment. Anyone found to have made what the Government deems as 'false' complaints to the International Labour Organization, according to a Government spokesman, face prosecution.

Forced relocations of entire villages by Government agents continue, ostensibly to curb the activities of armed opposition groups. Such forced relocations have been described by one of my predecessors as being akin to a 'scorched earth policy'. It was estimated in October 2004 that since the end of 2002, 157, 000 people have been displaced by armed conflict or human rights abuses and around 240 villages have been destroyed or relocated.

The resulting outflow of people fleeing such violations has produced several hundred thousand refugees, as well as a high number of displaced people. Many have become migrant workers in neighboring countries. The number of people originating from Myanmar in Thailand alone is estimated to stand between 700.000-1 million. India, Bangladesh, Malaysia and other countries in the region are also playing host to people leaving Myanmar.

Repeated calls for immediate economic reform have been unsuccessful. The economy continues to spiral downwards as the price of daily commodities rapidly increases beyond the affordability of citizens. Without fundamental economic and political reforms being instituted, there cannot be any improvement in these trends. To postpone the normalization of the political environment means arresting the development of the country and impeding the rich potential of Myanmar.

Trafficking is a pressing problem, which is having a major impact within the borders of Myanmar and its neighboring countries. There is also now serious concern at the very rapidly increasing rate of HIV/Aids infection within Myanmar, which is spreading across its borders to neighboring countries. Unfortunately for the people of Myanmar, increased restrictions on the operations of the Global Fund led the Fund to take the very regrettable decision to withdraw from the country.

Let me stress this point: I believe that the increased scrutiny and excessive bureaucratic restrictions to which humanitarian organizations are being subjected should not deter the international community from its duty to respond to the humanitarian crisis within the country. The ability to provide assistance when and where it is required and to assess the needs is a key humanitarian value that all member States are bound to uphold. The peoples of Myanmar have a right to be supported.

A positive statement made by the "Student Generations since 1988" which calls for cooperation among the Government, UN agencies, independent civil groups and international donors in addressing the critical humanitarian needs of the people of Myanmar must be warmly welcomed. They point out the importance of establishing appropriate mechanisms in the country, which are open and accountable, to coordinate the flow of humanitarian aid to people in distress.

I urge the international community to step up its assistance and not to retreat from supporting the people of Myanmar. We have a duty to the hungry and suffering people to overcome these difficulties.

Mr. Chairperson,

At this point, if you allow me, I feel that I have made clear the reasons for the disappointment I expressed at the beginning of my intervention. There is no doubt that the General Assembly, the Commission on Human Rights, my predecessors and I have been reiterating for years now, our 'grave concern' about systematic human rights abuses and the lack of transition from military to democratic rule. The commitments made by the Government have not materialized.

Many dawns have come and gone, with little sign of an improvement to the suffering of the people of Myanmar. Yet, despite my frustration, despite the fact that the patience of the international community is being tested - the recent report commissioned by Archbishop Desmond Tutu and former President Vaclav Havel is an expression of this sentiment - I believe that we must not give up. It is our duty to direct our best efforts to find a constructive way forward out of the current impasse. We owe that to the people who are striving in Myanmar to improve their own situation.

I am under the impression that the current leadership appears to be driving the country towards further international isolation. The friends and good neighbors of Myanmar should demonstrate that this is a serious mistake, which is causing significant damage internally and is blighting the reputation of the region and its prospects for prosperity and stability. No country in the interdependent world of today can pretend or afford to live in such isolation.

The transition to a full, participatory and democratic system must not be postponed. As my colleagues and I have reiterated several times, the United Nations and the international community stand ready to work in partnership with the Government, the political parties and civil society organizations, to effectively and expeditiously facilitate national reconciliation and the transition to democracy. In strengthening its cooperation with international organizations, the Government can be assured of support for conflict resolution, political and economic reform, institution and capacity building, humanitarian assistance and human development.

In closing, I wish to extend my warm appreciation and thanks to the member States and civil society organizations that supported and facilitated my mandate.

Thank you.