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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement* submitted by the International Centre for Human Rights and Democratic
Development (Rights & Democracy), a non-governmental organization in special
consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[31 January 2003]

*This written statement is issued, unedited, in the language(s) received from these
submitting non-governmental organization(s).

The Situation in Myanmar

1. The absence of respect for rights pertaining to democratic governance is at the root of all major violations of human rights in Myanmar (A/RES/C3./54/L.76). The key to progress toward democracy and respect for human rights is direct negotiations on the political future of the country between the State Peace and Development Council (SPDC), the National League for Democracy (NLD), and the ethnic minorities.
2. Since October 2000 under the auspice of the UN Secretary-General Special Envoy for Myanmar, Mr. Ismail Razali, a series of confidence-building talks between the Secretary-General of the NLD, Daw Aung San Suu Kyi, and the military rulers in Myanmar, have been taking place.
3. The talks have progressed very slowly and have been kept confidential. They never move beyond confidence-building to a substantive dialogue and never called for the participation of ethnic representatives. Despite the hopes raised by the talks and by the release of Daw Aung San Suu Kyi from house arrest on May 6, 2002, no fundamental changes took place in the country in 2002. Daw Aung San Suu Kyi and the NLD continue to call for “genuine talks” (4 January 2003, Statement of NLD on the 55th Anniversary of Independence Day).
4. Rights & Democracy fears that SPDC is not really serious in engaging in meaningful talks with the NLD and ethnic representatives. It seems that SPDC’s main motive in engaging with the NLD is to gain time and to ease international pressure and economic sanctions in order to remain in power as long as it can.
5. The hope to have all political prisoners released has not materialized. The majority of the political prisoners who were released have not been officially charged and those who were serving a prison term were in fact already due to be released. Often, following their release, ex-political prisoners are under close surveillance and must report any travel to military intelligence personnel. Some are asked to sign a statement promising not to engage in any political activity. In addition, there is no assurance from the authorities that political prisoners will not be re-arrested after their release.
6. Over 1,500 political prisoners remain in prison, including Min Ko Naing (Paw U Tun), the leader of the student movement of 1988 and winner of the 1999 John Humphrey Freedom Award. Min Ko Naing has already served the maximum term of his sentence, but is kept in jail, under the commonly used Article 10 (a) of the 1975 State Protection Act.
7. According to the Asian Development Bank report on Myanmar, the economy is in need of a thorough reform in order to reduce the widespread poverty. SPDC expenditure on education and health is amongst the lowest in the world. In contrast and despite an absence of external enemies, military spending represents at least 40% of Burma’s estimated public sector spending.

8. The SPDC continues to commit a wide range of human rights violations and widespread discriminatory practices in the context of its counter-insurgency activities directed against ethnic and religious minorities. These include: arbitrary, summary and extra-judicial executions, rape, forced labour, forced portering, torture, ill-treatment and forced relocation.

9. The well-documented report “License to Rape” released in May 2002 by the Shan Human Rights Foundation (SHRF) and the Shan Women’s Action Network (SWAN), reveals that the Burmese military regime is allowing its troops, systematically and on a widespread scale, to commit rape with impunity in Shan State. Eighty-three percent of the rape documented were committed by military officers, usually in front of their own troops, from 52 Burmese army battalions. In 25% of the cases, the girls or women were killed following the rape, either shot, suffocated, beaten, stabbed or burned to death; 61% of the cases involved gang-rape; and in some cases women were detained and raped repeatedly for a period of up to four months. In the vast majority of these cases (85%) the officers were on duty with other troops, and made no attempt to hide their crimes. “License to rape” makes a strong case that war crimes and crimes against humanity, in the form of sexual violence, are being committed by the Burmese army.

10. The military government of Myanmar continues to violate the right to food (UDHR, article 25(1); ICESCR, article 11). Reports in 2002 identify four underlying problems for the current rice shortage in Myanmar: 1) State Control: Farmers are subject to a compulsory below market price paddy-purchase programme imposed by the SPDC. In addition, SPDC’s monopoly of rice mills, domestic distribution as well as foreign export serve as disincentives for the farmers to grow rice; 2) Militarization and Human Rights Violations: Direct harassment of farmers such as forced labour, forced relocation and looting disrupt production; 3) Rent-seeking and Crony Capitalism: Large pieces of land are confiscated for collective farms of the military’s holding companies; and 4) Misguided Investment: Higher priority is given to large-scale investments such as construction of large dams.

11. The country is facing a humanitarian crisis. Over half a million refugees from Burma are living in neighbouring countries: Bangladesh, China, India and Thailand. Before seeking asylum in neighbouring countries, people have often lived for some time as internally displaced persons (IDPs). Estimated at one million, people become IDPs either when they are forced by the army to relocate to SPDC relocation sites, or when they flee from gross human rights violations.

RECOMMENDATIONS

The UNCHR resolution on Myanmar should:

1. Deplore the slow pace of the progress of national reconciliation and democratization and conclude, as the Special Rapporteur on Myanmar, that it is time for the Government of Myanmar to start a substantive dialogue with the leaders of the NLD and all other political parties and ethnic nationalities, since only through the building of an all-inclusive, accountable and

transparent process will it be possible to preserve and consolidate peace and national reconciliation and to restore democracy (E/CN.4/2002/45);

2. Call SPDC to declare a nationwide humanitarian cease-fire;
3. Urge SPDC to release unconditionally all political prisoners under a general amnesty;
4. Express its grave concern at recent report of rapes committed by the Burmese Army against women in Shan State and urge the SPDC to accept the visit of an independent international inquiry mission to investigate the situation including the visit of the Special Rapporteur on Violence Against Women, its Causes and Consequences;
5. Express concern about the SPDC's policy to dedicate scarce resources to military expenditures instead of providing essential services to the people of Burma;
6. Express concern about food security crisis in Myanmar and call both the Special Rapporteur on the right to food and the Special Rapporteur on the situation of human rights in Myanmar to investigate the situation;
7. Call SPDC to address the humanitarian situation more adequately, with the commitment of the Government and with the involvement of the National League for Democracy (NLD) in the planning and managing of international humanitarian assistance.
