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COMISIÓN DE DERECHOS HUMANOS  
59º período de sesiones  
Tema 9 del programa

**CUESTIÓN DE LA VIOLACIÓN DE LOS DERECHOS HUMANOS  
Y LAS LIBERTADES FUNDAMENTALES EN CUALQUIER  
PARTE DEL MUNDO**

**Nota verbal de fecha 18 de marzo de 2003 dirigida a la Secretaría  
de la Comisión de Derechos Humanos por la Misión Permanente  
de Myanmar ante la Oficina de las Naciones Unidas en Ginebra**

La Misión Permanente de la Unión de Myanmar ante la Oficina de las Naciones Unidas y demás organizaciones internacionales en Ginebra saluda atentamente a la Secretaría de la Comisión de Derechos Humanos en su 59º período de sesiones y tiene el honor de adjuntar a la presente un memorando relativo a la situación de los derechos humanos en Myanmar.

La Misión Permanente agradecería que dicho memorando\* se distribuyera como documento de la Comisión de Derechos Humanos en su 59º período de sesiones.

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\* Reproducido en el anexo como se presentó, en el idioma original solamente.

Annex**Myanmar today in a nutshell**

*A good understanding of 5 fundamental phenomena--3 specific characteristics, a vision and one political process in Myanmar--- is essential to a full and proper appreciation of the current situation in Myanmar.*

**The first characteristic specific to Myanmar** is that Myanmar is a multi-racial society with 135 national races.

**The second specific characteristic** is its strategic geopolitical position, forming a link between South Asia and South-East Asia and situated alongside the biggest and most powerful Asian neighbouring countries.

**The third specific characteristic** is that the problem of insurgency and that of maintaining peace and tranquillity have bedevilled the country since its independence in 1948 until recently.

**A vision** shared by all the Myanmar people is to establish a peaceful, modern and developed democratic state.

**The most important current political process**, taking place in Myanmar, is the constitution-making process through the National Convention that will lead to the emergence of a strong and enduring state constitution and the subsequent election of a democratic government in accordance with the new constitution.

*Because of these characteristics specific to Myanmar, the following are the foremost national tasks,*

- **to safeguard and consolidate unity and solidarity among the national races;**
- **to maintain peace and tranquillity throughout the country;**
- **to safeguard non-disintegration of the Union and sovereignty and to pursue an independent and active foreign policy.**

*The concrete achievements, accomplished by the State Peace and Development Council since its advent in 1988, include, among other things,*

- **the prevalence of peace and tranquillity throughout the country;**
- **an unprecedented degree of national unity and reconsolidation;**  
*17 armed groups, except one faction, have returned to the legal fold and joined hands with the Government. Only one faction of the KNU remains outside the legal fold.*
- **the significant economic progress, and the social and cultural uplift and the improvement of the living standards of the people;**  
*Myanmar's economy has registered a healthy average growth rate of around 8.4 percent in second five-year plan for 1996-1997 to 2000-2001.*
- **the infrastructure-building on an unprecedented scale throughout the whole country;**  
*The Government has completed to-date 155 major bridges including 10 new major river-crossing bridges, 141 new dams, 120 new hospitals, 6223 new basic education schools, 150 new universities and colleges, 16 new medical colleges and 4360 miles of road, to mention just a few statistics; and*
- **the border area development on an unprecedented scale for national races living in frontier areas.**

*Inspired by the aforementioned vision, the Myanmar Government and the people are laying down a firm foundation to establish a peaceful, modern and developed democratic state through the process of the National Convention. They are also striving with verve and vigour to develop the country and to improve the well-being and political, economic and social life of the entire nation. In so doing, they are, indeed, most effectively protecting and promoting fundamental human rights and advancing the right to development.*

*The following memorandum offers a fairly comprehensive and yet concise overview of the positive developments in Myanmar.*

## **Memorandum on the situation of human rights in Myanmar**

The present memorandum has been prepared for the ready reference of the members of the Commission on Human Rights and observer delegations in order to enable them to better understand the real situation prevailing in the Union of Myanmar.

It is hoped that the participants in the fifty-ninth session of the Commission on Human Rights will take into account the specific characteristics of Myanmar and the recent positive developments in the country and will view this question from a more objective and balanced perspective.

### **Introduction**

1. The fifty-eighth session of the Commission on Human Rights adopted on 25 April 2002, resolution 2002/67 on the situation of human rights in Myanmar. Resolution 2002/67 decides to continue its consideration of the situation of human rights in Myanmar at the fifty-ninth session of the Commission on Human Rights.
2. The resolution, *inter alia*, urges the Government of the Union of Myanmar to take certain measures in some areas of concern to the international community.
3. Following the adoption of the draft resolution, the Permanent Representative of the Union of Myanmar H. E. U Mya Than contended that the draft resolution was thoroughly flawed because of its highly politicized nature and was aimed at belittling and downgrading the concrete achievements of the Myanmar Government.
4. He said that the purpose of the human rights machinery, in general, and this draft resolution, in particular, is to promote cooperation between the Commission on Human Rights and the country concerned, and to encourage the country concerned to improve conditions in the country. Instead, the resolution on the situation of human rights in Myanmar is biased, imbalanced and unfair. Its negative tone and thrust are in a sharp contrast to the significant positive developments in Myanmar in the past one year, which are more substantive and numerous than at any other time before and to the fairly good reports by the Special Rapporteur Professor Pinheiro.
5. The Permanent Representative stressed that the National reconciliation is an internal political question and cannot accept any attempt by outsiders to influence events in Myanmar to move in the direction and at the pace they want by using pressure tactics under the pretext of promoting the cause of human rights.
6. He also stressed that using pressure tactics under the pretext of promoting the cause of human rights is alien, and contradictory to the vision and value of human rights, enshrined in the Universal Declaration of Human Rights and other international instruments on human rights. Such tactics have not worked and will not work, as far as Myanmar is concerned. They can only be counter-productive and self-defeating and will not serve any useful purpose.
7. He said that political transition in Myanmar has to be a subtle and step-by-step process. It is being carried out on the basis of political, economic and social conditions of the country.

8. As such, the Permanent Representative stated that Myanmar delegation dissociated itself from those negative elements in the draft resolution as well as from the draft resolution as a whole.

9. The draft resolution drew strong objections not only from the delegation of Myanmar but also from the delegations of ASEAN and other Asian countries.

10. This, however, does not alter Myanmar's consistent policy of cooperating with the United Nations to the fullest extent possible. It also continues to demonstrate its sensitivity to and the understanding of the concern of the international community.

### **Significant positive developments during the period under review**

11. During the period under review by the fifty-eighth session of the Commission on Human Rights, Myanmar has indeed, witnessed a number of significant positive developments such as consolidation of national unity and peace and stability in the country; developing economic infrastructures; generating the economic growth; developing the human resources of the nation; uplifting the social sector; and extending the regional and international cooperation, which are outlined below for favour of careful consideration by the member and observer delegations.

#### ***Efforts for prevalence of peace and stability***

12. Peace and development are inseparable and mutually reinforcing. Development is not achievable in any country without first establishing peace and stability.

13. Drawing lessons from the post-independence history of the country replete with the armed insurrections by the ethnic groups, the Government strongly believes that lasting peace can be achieved only through the strengthening of the unity among the national races. As a result of the Government's efforts for national reconciliation, 17 out of 18 major armed groups have now returned to the legal fold. This is the first time in many decades that peace and stability can be maintained for so many years on end.

14. In fact, efforts are also under way to persuade the sole remaining armed group—one faction of the Karen National Union (KNU)—to follow the example of other groups and return to the legal fold. This faction of the KNU is at present, still engaged in a futile armed struggle against the Government and still remains intransigent to the overtures for peace. However, the fighting strength of the KNU has considerably declined, and are now limited to skirmishes by small mobile units in certain areas across the border.

15. The family members, sympathizers and supporters of the KNU are still based in what are termed as refugee camps established across the border since the 1980s to elicit the support and sympathy of the international community. These camps are used by the KNU as a safe haven as they store their weapons there and launch attacks on the Government and the local populace of Myanmar.

16. It must be pointed out that unfounded allegations and accusations against the Government such as child soldiers, violence against ethnic women, emanate from these camps and also from the pocket areas in the frontier areas of the country where

KNU remnants are still hiding. These allegations were quoted by those who bear ill-will against the Government as "credible sources" of news regarding Myanmar and thus deliberately misleading the world community.

17. However, the Government, with sincerity and patience still extends an olive branch to the remaining faction of KNU and is ready to welcome them back, including those living in the places, referred to as refugee camps.

### ***Economic development of the country***

18. After accomplishing the restoration of peace and stability, the Government is now able to concentrate on nation-building tasks, modernization of the country and the development of its economic, social and culture.

19. The market-oriented economic policy of the Government and its full encouragement of the private sector has led to the achievement of sustained economic growth over the past years.

20. Myanmar achieved an average annual growth rate of 8.4 percent against the original target of 6 percent in its five-year plan from 1996-1997 to 2000-2001. During the plan period, total investment also increased by an annual growth rate of 31.6 percent.

21. This achievement was attained through reliance almost entirely on the country's own resources and foreign direct investment and also without the benefit of official development assistance (ODA) and concessional loans. In fact, the Government inherited a rapidly deteriorating economy in 1988 with very low monetary reserves. The political turmoil in that year left in its wake a completely devastated country in material terms. This situation left very little room to revitalize the country's economy. In spite of these constraints, the economy continues to grow considerably.

22. The sustained economic growth over the recent years contributed to a better quality of life for the majority of the population. While unjustified criticism to the Government continues, the Government has been able to make perceptible progress in its efforts for the all-round development of the country. The fact that, since 1999, Myanmar has been upgraded from the category of "countries enjoying low development" to the "medium human development" category in the human development index of the United Nations Development Programme reflects this progress.

23. As adequate infrastructure is a precondition for the sustained development of the country, the Government is focusing its efforts on infrastructure development. The Government has completed to-date 155 major bridges, 141 dams, 120 hospitals, 150 universities and colleges, 16 new medical colleges and institutions, 6223 new basic education schools, 4360 miles of road, 998 miles of new railroads, and 6 new airports to mention just a few statistics.

24. The Government is paying particular attention to the agriculture sector, the mainstay of the country's economy.

25. Accordingly, the agricultural sector of Myanmar accounts for 38 percent of GDP, 40 percent of total exports and employs 63 percent of total labour force.

26. In order to promote productivity in agriculture sector, the Government has laid down five strategic measures under which it is carrying out an extensive programme of land reclamation in wet land and virgin land. As a result, there are 4.9 million irrigated acres up from 2.52 million acres in 1988-89. In addition, the Government has instituted a substantial programme for the construction of new reservoirs and dams, and has constructed 141 dams up to now.

27. At present, the third five-year short-term national economic plan from 2001-2002 to 2005-2006 is being implemented for continued progress of the national economy. The aims of the plans are: to extend agro-based industries; to develop the power sector in accord with the growing demand of the industrial sector; to extend the agricultural and livestock breeding sectors to ensure domestic sufficiency and to boost exports; to develop other sectors; to extend health and education tasks and to develop the rural areas for progress of human resources.

### ***Border area development***

28. The border areas of the Union of Myanmar have lagged behind other parts of the country in development owing to inadequate infrastructure and internal insurgency problems in the past. It is in these areas that most of the country's 135 national races reside. As the terrain is rough and mountainous, most areas are hard to reach.

29. The Ministry of Development of Border Areas and National Races was instituted on 24 September 1992 and the Law on Development of Border Areas and the National Races was promulgated on 13 August 1993, aiming at the creation of economic activities for the local populace.

30. The Government has also launched a comprehensive plan for the development of border areas and national races. In education sector, 366 primary schools, 48 middle schools, 19 high schools, 17 youth training schools and 12 domestic science training schools for women have been opened. With respect to the health care for the national races in border areas, 46 hospitals, one township health centre, 74 clinics, 18 rural health centres and 30 sub-rural health centres have been opened since 1988.

### ***Progress in the health sector***

31. The Government is committed to strengthening the country's health system in order to meet the needs of the people. It is making every effort with its available resources to ensure equitable access to primary health services, even in the remote areas.

32. The Government is seriously committed to fighting the spread of HIV/AIDS and is addressing the issue as a matter of priority. HIV/AIDS has been designated as a disease of national concern. A high-level multisectoral National AIDS Committee, chaired by the Minister for Health, was formed in 1989 to oversee the National AIDS Programme in Myanmar. The National Health Committee, the highest policy-making

body, provides policy guidance and necessary assistance to enhance HIV/AIDS prevention and control activities in the country.

33. Despite limited international assistance, Myanmar has adopted a comprehensive HIV/AIDS prevention and control programme. In early 2001, the National AIDS Programme and the Joint United Nations Programme on HIV/AIDS (UNAIDS) drafted a joint plan of action for the prevention and control of HIV/AIDS in the country. It is a comprehensive plan, covering all aspects: education, prevention, cure and rehabilitation. Myanmar stands ready to cooperate with international donors both bilaterally and multilaterally to combat this global menace.

34. Myanmar has been elected to serve on the UNAIDS Coordination Programme Board beginning January 2003, thereby enabling Myanmar to address the issue on both the national and international level.

### ***Progress in the education sector***

35. The Government has consistently given priority to the education sector since its assumption of State responsibilities. As a matter of priority, the Government concentrated on the building of educational infrastructure to create equal opportunity for children to fulfil the right to education. Over 5,000 primary schools, 425 middle schools, 240 high schools and 150 universities and colleges have been newly established since 1988. In May 2002, as a result of the nationwide school enrollment campaign, a total of 1.23 million children registered in kindergarten classes thereby reaching 93.7 per cent enrollment of the nation's school age children. In the overall basic education sector, the total enrollment has reached over 7.48 million students.

### ***Suppression of narcotic drugs***

36. It must be pointed out that the poppy cultivation was introduced into the country by the colonialists as it is not indigenous to Myanmar. In the early 1950s the Kumintang (KMT) troops which were forced out of the southern Yunan Province of China established base camps in Myanmar territory. They were supported and financed by a western power with the aim of blocking further communist expansion in Asia. In the aftermath of the Second World War, the CIA encouraged the production of opium in the region to help finance its own activities and its KMT allies. The remnants of two divisions of the KMT remained active in those areas until 1996. They encouraged not only poppy cultivation in the golden triangle area as well as on the Myanmar-Yunan (PRC) border, but were also responsible for the refining of opium into heroin and creating heroin markets in the region.

37. The Government regards the suppression of narcotic drugs as a national task and the top priority. It has made all-out efforts for a three-pronged attacks aiming at supply reduction, demand reduction and law enforcement.

38. Myanmar has drawn up and is implementing a 15-year Narcotic Elimination Plan from 1999/2000 to 2013/2014 with its own resources to totally eradicate the opium cultivation in 51 Townships of the Shan State, Kachin State, Kayah State and Chin State and narcotic abuse in the whole country. The Government of Myanmar has invested 5613.569 million of Kyats and 150 million US dollars in its campaign against

drug abuse. From 1998 to 2001 a total of 843047.72 acres of poppy plantation were destroyed by the Government and the local populace. Members of the Diplomatic Corps and journalists are always invited to attend the large-scale destructions of narcotic drugs. The Government has opened 42 additional drug abuse treatment centres at public hospitals across the country.

39. In the year 2002, the Government has implemented the "New Destiny Project" in northern, southern and eastern Shan State where the opium poppy is mainly grown. The Project, which aims to prevent the cultivation of opium poppy, has been achieved through crop-substitution programmes and through administrative and legal means as well. The Government has distributed Kyats 50 million in local currency to cultivators during the monsoon and likewise winter season of 2002 to enable them to plant substitution crops such as rice, wheat, maize and corn.

40. The Government destroyed over 290 tons of opium seeds and more than 26,000 acres of poppy fields. As a result, opium cultivation has declined 40% over the last ten years. The production of opium this year is less than one quarter of that produced six years earlier. According to the survey, the opium poppy production in Myanmar will be 828 metric ton in 2002, compared to estimation of 1097 tons in 2001. Myanmar has aimed at cutting opium production by half next year down to about 400 tons.

41. Myanmar has been continuously working together with United Nations Drug Control Programme (UNDCP). In the International Narcotic Control Board (INCB) report 2000, it was mentioned that illicit opium production in Myanmar has declined in recent years.

42. In 2001 INCB report, the Board notes that the Government of Myanmar has been fully committed to the eradication of illicit opium poppy cultivation in the country but the limited resources and the low level of external assistance provided to Myanmar have had a negative impact on the Government's ability to achieve the goals set out in its eradication programme and to consolidate the gains already made and calls upon the international community to provide the necessary assistance to Myanmar as long as its efforts to fight against drug abuse and illicit trafficking are sustained. The report recognizes that the bilateral efforts are being made by Myanmar with her neighbouring countries.

43. The INCB report 2002, the Board notes that illicit opium poppy cultivation and illicit opium production in Myanmar has followed the downward trend of the previous five years. In Myanmar, eradication efforts alone reduced by about 7 per cent in 2002 and the opium production levels have decreased by some 50 per cent since 1996.

44. Myanmar has been recognized by the United Nations Office of Drug Control and Crime Prevention (UNDCP) that there is no evidence of any relations or links between the Government of Myanmar and narcotics traffickers.

45. At the Fourth International Heroin Conference in Yangon in February 1999, the Secretary General of the INTERPOL, in his message commented that "it is high time the international community becomes acquainted with the excellent work that is being carried out in Myanmar against the illicit production and trafficking of heroin."

46. The Government will continue to cooperate with other ASEAN countries to achieve the vision of a "Drug Free ASEAN" by the year 2015.

47. The United States State Department's annual report on Myanmar mentioned that 60% of opium production in Myanmar had been already decreased and the number of drug related arrests and seizures of various kinds of drugs had positively increased. The annual report also mentioned that the cooperations and initiatives with the neighbouring countries and other anti-narcotic institutions have already positively taken place, in an unprecedented profile.

48. The United States Opium Yield Survey Team is working closely with Myanmar officials annually for eight consecutive years including 2002 in Myanmar.

49. The State Department officials are close to recommending to remove Myanmar from a list of major drug producers, allowing the nation to press for significant counter-narcotics funding.

### ***Process of democratization***

50. The Government of Myanmar is fully committed to the establishment of a multi-party democracy with firm foundations. The Government and the people of Myanmar recall the bitter experience of instability and armed insurrections for over forty years under various political systems and an economy that failed under 25 years of central planning.

51. In 1988 Myanmar experienced and suffered from months of riots, looting, anarchy and even mob-inspired executions before peace and stability could be restored. No one in Myanmar wishes to go through that ordeal again. The Government therefore takes the issue of political instability most seriously as the nation steadily evolves towards the aspired goal of a stable multi-party democratic system.

52. Mindful of the negative consequences of ill-prepared transition, firm foundations are being laid down in orderly continuous measured steps. The transition process is moving forward. The pace of change can only be determined by the people of Myanmar. The international community can best assist by encouraging the process, including a reconciliation that should be "home grown".

53. The persevering efforts of the government are showing positive results. For the first time in over half a century the armed conflicts which had plagued Myanmar ever since independence have now ceased in almost all parts of the country and is now limited to a few border areas.

54. The most important current political process, taking place in Myanmar is the constitutional making process through the National Convention. Myanmar people recognize that a strong and enduring state constitution is a pre-requisite for building a multi-party democratic state. Thus the Government is committed to establish a democratic society in the country according to the aspirations of its countrymen.

55. As the Government is transitional in nature, it does not intend to exercise state power any longer than it is necessary and this stance has been repeated time and again. It will transfer the state power to the people by convening a parliament once a firm and enduring state constitution has been adopted.

56. Myanmar has had two constitutions since her independence from Britain. The first (1947) Constitution was drafted in haste and according to Britain's requirements. Serious flaws were embedded in it, and one of which was the question of secession of the national races after ten years of independence. The insurgency problem which still haunts the country is the legacy of this constitution. In 1962, after the military took over the state power, the 1947 Constitution was abolished and a new one-party socialist constitution came into existence in 1974. Again this constitution was abolished in 1988 for a multiparty democratic system.

57. The country has gone through hard times because of the way some political parties acted in the past and also due to the inherent weakness of the previous constitutions. To keep the country perpetually stable and to have a functioning democracy, it is essential for Myanmar to have a strong and enduring constitution.

58. In Myanmar, where 135 national races have lived together for over a thousand years, the Union Spirit of Myanmar has been rekindled. This has enabled the Government to embark on the next step of the national reconciliation process. Since the contacts and meetings started between leaders of Government and the NLD party, one of the ten political parties that are officially registered in the country, the political climate in Myanmar has steadily improved. Cooperation rather than confrontation has been promoted. In a government news release of 6 May 2002, the authorities stated "we shall recommit ourselves to allowing all our citizens to participate freely in the life of our political process, while giving priority to national unity, peace and stability of the country as well as the region".

59. As a consequence, all restrictions on Daw Aung San Suu Kyi of the NLD were lifted on the same day, 6 May 2002, and she has since been travelling in the country and viewing some of the vast government infrastructure development projects as well as United Nations projects. During the various trips, the government extended all courtesies to her. She is freely interacting with the press, media and civil society as well as with the diplomatic community and United Nations agencies.

60. Nearly 1000 detainees and prisoners have been released on humanitarian grounds and it has been pledged that those who are considered to cause no harm to the community nor threaten the existing peace and stability of the nation shall continue to be released.

61. In fulfilling its responsibility to implement the transition of the country from one political and economic system to another, the Government has to balance the political rights of one person or one political party with the rights of the whole population to live in peace and security. It also has to see the right to development of the entire population. At present, the Government views the right of the whole population to be of greater importance.

62. Attempts from the outside to set the pace and influence direction for Myanmar would not only hinder the process of democratization but also prove to be counterproductive. However, the Government of the Union of Myanmar will continue to be resolute in its commitment to establish a genuine multi-party democracy and will not waver from the political agenda it has laid down.

## **Cooperation with the United Nations**

63. The Government of Myanmar has shown its commitment to improve the cooperation with the United Nations.

### ***Cooperation with the Special Envoy of the Secretary-General***

64. The Government of Myanmar continued its dialogue and cooperation with the United Nations Secretary-General through his Special Envoy, Mr. Razali Ismail. Mr. Razali was appointed Special Envoy in April 2000. Following his eighth visit to Myanmar in August 2002, a statement was issued by the spokesman for the UN Secretary-General, in which Mr. Razali expressed his belief that "the national reconciliation process would continue to evolve positively and in a way that corresponded with the 'Spirit' of the home grown process that had developed thus far". The statement also said that the Special Envoy had been informed by Daw Aung San Suu Kyi that "as a result of her recent travels in the country, she was willing to cooperate with the Government in a way that directly benefit all the people of Myanmar and would contribute to the evolution of a democratic state". Mr. Razali expressed the hope that the international community would "nurture and encourage the national reconciliation process and respond appropriately".

65. Mr. Razali made his ninth visit to Myanmar from 12 to 16 November 2002. During his five-day mission Mr. Razali met with Senior General Than Shwe, the Chairman of the State Peace and Development Council, General Khin Nyunt, Secretary-1 of the State Peace and Development Council, and other Government leaders. Mr. Razali met with leaders of the National League for Democracy including Daw Aung San Suu Kyi. In a statement after his visit, Mr. Razali urged the Government and the NLD to maximize and develop the existing channel of discussion in order to bring such a dialogue about and expressed his commitment to helping to facilitate national reconciliation and democratization in Myanmar.

### ***Invitation extended to the UN High Commissioner for Human Rights***

66. The Government warmly welcomed the appointment of the new United Nations High Commissioner for Human Rights, Mr. Sergio Vieira de Mello. The Government also extended an invitation to the High Commissioner to visit Myanmar at a mutually convenient time to witness the on-going progress of human rights efforts in Myanmar. The High Commissioner has accepted the invitation.

### ***Cooperation with the Special Rapporteur***

67. A significant progress in cooperation with the Human Rights Commission has been made when the Special Rapporteur of the Human Rights Commission, Professor Paulo Sergio Pinheiro visited Myanmar in April 2001. The Government of Myanmar has accepted the visit of the Special Rapporteur for the first time in six years and fully cooperated with him to the extent possible in order to inform the international community the real situation in the country. He submitted a fairly balanced report to the Commission.

68. After his visit to Myanmar for the second time in October 2001, Professor Pinheiro submitted a report to the UNGA. In his report, it was mentioned that he received full and unhindered cooperation on the part of the Myanmar Government during his mission. He commented in his report that since the ongoing confidence-building contacts between the State Peace and Development Council and the leader of the NLD, the Government of Myanmar is trying to address several of the human rights concerns of the Commission on Human Rights and to support several positive initiatives.

69. Professor Paulo Sergio Pinheiro, visited Myanmar, third time in a year, from 10 to 19 February 2002. During his visit, Mr. Pinheiro held meeting with Lt. Gen. Khin Nyunt, Secretary 1 of the State Peace and Development Council and senior officials of the Government, judicial authorities, religious dignitaries and responsible persons from the Human Rights Committee. He also met with Daw Aung San Suu Kyi and other NLD leaders. He visited the Kachin State where he had a chance to meet the local people freely. In the press conference after the visit, Professor Pinheiro said that he was given unfettered access to political prisoners and had impression that there is no abuse against those he interviewed. He said that prison conditions have improved in Myanmar after 150 missions by the International Committee of the Red Cross (ICRC). He also called for the world to forge a "principled" engagement with the Government of Myanmar.

70. In his report to the fifty-eight session of the Human Rights Commission in March 2002, the Special Rapporteur mentioned that he was again able to meet with a wide range of individuals and organizations, including government officials, leaders of various political parties, including the NLD party, leaders of ethnic groups, representatives of UN Agencies and international civil society organizations.

71. Contrary to accusations by dissident groups, the Special Rapporteur confirmed in his report that none of the persons whom he had privately met and interviewed during his missions in Myanmar were subjected to any form of harassment or reprisal.

72. The Special Rapporteur visited Myanmar for the fourth time from 17 to 28 October 2002. During this visit he continued to receive the same level of full and unhindered cooperation on the part of the Myanmar Government, for which he expressed sincere appreciation. He was able to complete his full programme and enjoyed freedom of movement and access to private persons and to others of interest, including security detainees and convicted prisoners.

73. In response to a request by the Special Rapporteur, 401 women prisoners were released on humanitarian grounds.

74. The Special Rapporteur will pay a visit to Myanmar again in March 2003.

### ***Cooperation with the International Labour Organization***

75. Myanmar inherited two labour laws, the Village Act and Towns Act of 1907, when it regained its independence from Britain in 1948. The use of civilian labour under these Acts was alleged to be forced labour and to be in conflict with Convention 29 of the ILO, despite being governed by rules and regulations guaranteeing proper

treatment and adequate payment. This led to the establishment of a Commission of Inquiry by the International Labour Organization in 1997.

76. The Myanmar Government dissociated itself from the Inquiry Commission and its report and recommendations as it viewed these as being inspired by powerful forces with a politically motivated anti-Myanmar agenda.

77. Although Myanmar dissociated itself from the resolution of the 88th Session of the International Labour Conference, it felt obliged as a responsible ILO member to cooperate with the Organization in seeking for a solution to the issue. As a result, an ILO Technical Cooperation Mission visited Myanmar three times during 2001 and 2002, at the invitation of the Government.

78. As a sign of growing confidence and cooperation between Myanmar and the ILO, a high-level team of the ILO, led by a former Governor-General of Australia, Sir Ninian Stephen and eminent persons from the Philippines, Sri Lanka, and Poland as members, paid a successful three-weeks visit to Myanmar in September and October 2001. The Chairman of the State Peace and Development Council, Senior General Than Shwe, himself received Sir Ninian and members of his team.

79. In fulfilment of its commitment to address the issue, Myanmar has taken the necessary legislative, executive and administrative measures to prohibit forced labour including the issuance of two legislative Orders thereby bringing the Towns Act and Village Act in line with Convention 29. The government is also meting out severe penalties to those violating these legislative Orders.

80. On 19 March 2002 an agreement between Myanmar and the ILO on the appointment of a Liaison Officer in Myanmar was signed in Geneva. On 6 August the Director-General of the ILO announced the appointment of Ms. Hong-Trang Perret-Nguyen as ILO Liaison Officer in Myanmar. She has assumed her duties on 7 October 2002 and has called on General Khin Nyunt, Secretary (1) of the State Peace and Development Council, other Ministers, Deputy Ministers and high officials of the Myanmar Government and has discussed substantive matters relating to further cooperation between the ILO and Myanmar.

81. The Government has already drawn up a plan of action and has discussed with ILO Liaison Officer on it in order to eradicate the practice of the forced labour in Myanmar.

82. In accordance with the suggestions made by the ILO TCM, special emphasis was also given on the translation of the Order No. 1/99 and Order Supplementing Order No. 1/99 into the languages of national groups residing in the Union of Myanmar.

83. At the same time, one senior official from the Ministry of Defence was appointed as member of the ILO Convention No. 29 Implementation Committee in order to effectively solve the issue of forced labour. The Implementation Committee met on a regular basis with the ILO Liaison Officer.

84. As of January 2003, the official translation of Order No. 1/99 and Order supplementing Order No. 1/99 into three major languages, such as, Kayin, Mon and Shan were published and distributed to Kayin State, Mon State, Eastern, Northern and

Southern Shan State. Those translations were circulated to 16 Districts, 71 Townships, 75 Towns, 2383 Village Tracts and 18804 Villages under respective States.

85. Necessary arrangements are also being made to translate the Orders into other languages, such as, Kayah, Kachin and Chin for promoting public awareness in those respective States.

86. The Ministry of labour is also publishing Monthly Labour Bulletin in Myanmar language which features articles and news on activities of the Ministry of Labour both in domestic and international fora. These Bulletins are distributed to the Ministries and Departments, Myanmar Embassies and Missions abroad, State and Division Peace and Development Councils and the Public Libraries at the grassroots level.

87. These positive developments as well as the comprehensive measures taken to ensure the elimination of forced labour, should leave no room for doubt about the firm commitment of the Government of Myanmar to resolve this issue.

88. The Government has also invited a High Level Technical Cooperation Mission from the ILO to visit Myanmar in the near future.

### **Activities in the field of promotion of human rights**

89. A 20-member Human Rights Committee, with the Minister for Home Affairs as Chairman, was formed in April 2000. The Committee has since held a series of human rights workshops with the cooperation and assistance of the Australian Government. These workshops disseminate information on human rights standards for public officials. The dissemination process is being widened to benefit a greater range of citizens.

90. In August 2002, the Human Rights Committee held a seminar on the International Covenant on Economic, Social and Cultural Rights, for the benefit of Government officials.

91. The initiative also includes awareness raising activities such as the Mine Awareness Workshop held in February 2002 with support from the Australian Government and the Mine Advisory Group based in the UK. In March 2002 general human rights workshops were held for law enforcement personnel.

### ***The right to development***

92. The most fundamental and essential requirement for a country like Myanmar is to fulfil the basic needs of the people—food, clothing and shelter—and also to raise their standard of living. Other aspects of human rights cannot be effectively implemented without fulfilling these basic rights. Civil and political rights are important but the Myanmar people believe that economic, social and cultural rights are equally important.

93. With this belief, the Government is making efforts for the advancement of economic and social conditions in the country where peace and tranquillity prevail currently. A transition from a socialist economy to an open-market one was made and

the private sector plays the major component of the market system. It has led the achievement of sustained economic growth for the country over the past several years. For the sustained development of the country, the Government is focusing its efforts on infrastructure development.

### ***Rights of the child and the status of women***

94. The Government believes that the rights of women and children must be protected and further promoted as these groups form the most vulnerable groups. Myanmar became State party to the UN Convention on the Rights of the Child in 1991 and in 1997 acceded to the UN Convention on the Elimination of All Forms of Discrimination Against Women. The reports are duly submitted to the respective committees. These measures clearly demonstrate the importance the Government attaches to the welfare of women and children of the nation.

95. The Child Law was promulgated in 1993 and the National Committee on the Rights of the Child was formed to effectively implement the provisions of the Law. Apart from it, Committees on the Rights of the Child were also formed in State, Division and District levels. Juvenile courts were established and township judges were conferred as Juvenile Judges in areas where no such courts were established yet. The departments of health, basic education and social welfare have carried out the programmes of action in collaboration with the UNICEF.

96. Though there are constraints in carrying out the task of implementing the Convention fully, and this fact was mentioned in the National Report of Myanmar to the Committee on the Rights of the Child, the Government of Myanmar is doing its utmost to overcome the difficulties on its own resources.

97. The first international seminar on the Rights of the Child was held in Yangon in November 2001 in cooperation with the Centre for Humanitarian Dialogue and the International Institute for the Rights of the Child of Switzerland.

98. To upgrade the standards of health, education and fitness, the Government has laid down its social objectives accordingly and relevant ministries are working toward the successful realization of these objectives.

99. The Myanmar women have played an important role in many aspects of the country, but the most prominent movement is in social work. In the area of promotion and protection of rights of women, the Government has also assumed a leading role for the advancement of women and the Myanmar National Committee for Women Affairs (MNCWA) was formed in 1996.

100. The Myanmar National Working Committee for Women Affairs (MNWCWA) was subsequently formed to implement the developmental activities for women systematically. This Committee holds meetings every three months and visits various townships throughout the country in order to implement the Plans of Action. The formation of MNWCWA was followed by the formation of State, Division, District and Township (grass-roots level) working committees for women's affairs. The working committee has identified nine critical areas of concern—Education, Health, Violence Against Women, Economy, Culture, Environment, Media, the Girl-Child and International Relations—for the advancement of Myanmar women.

101. Under its auspices, the First and Second Myanmar Women Conferences were held in December 1998 and January 2001 respectively with the aim to develop the life of women in Myanmar. Plans of Action to bring about interests of women in Myanmar was adopted by the Conference.

102. The Regional Consultation on Violence against Women and the Role of Health Sector was held in Yangon in early 1999 as the issue of violence against women is of major concern of the world community.

103. Because of the unique culture, tradition and practice of the society in Myanmar, violence against women is not a major issue in the country. Nevertheless, a national task force for prevention of trafficking in person has been formed under the chairmanship of Deputy Minister of Home Affairs. Surveys and research projects are launched in the country in order to obtain more data on this subject. Discussions and seminars on violence against women are held in various townships and counselling is also made available to the women in need of such service.

104. The training courses of Service Providers for Combating Trafficking in Women and Children, jointly organized by the Myanmar National Working Committee for Women's Affairs and UN-Inter Agency Project in Combating Trafficking (UN-IAP) were held in Bago, Yangon, Magwe, Taninthari Divisions and in Mon, Kayin, Shan (East) States. The officials from Myanmar Police Force, Immigration and National Registration Department, General Administration Department, Judicial and Law Department and NGOs took part in the training.

105. Apart from this National Machinery, the NGOs such as Myanmar Maternal and Child Welfare Association (MMCWA), the Myanmar Women's Sports Federation (MWSF), the Women chapter of the Myanmar Medical Association (WCMMA) and the Myanmar Women Entrepreneurs Association (MWEA) have played a major role in elevating social and economic conditions.

### **Unfounded allegations**

106. Recently some remaining splinter groups of former armed insurgencies and well-funded exile groups, having chosen to remain outside of the mainstream reconciliation process, have started a negative media campaign using fabricated allegations by well orchestrated groups of insurgent families and military deserters to slander and discredit the government and to derail the national reconciliation process.

### ***Allegations of violence against women in the Shan State***

107. The Shan Human Rights Foundation (SHRF) and Shan Women's Action Network, which are fronts for anti-government Shan dissidents, issued a report in May 2002 entitled, "License to Rape" alleging that the Myanmar Government was using sexual violence as a weapon in the Shan State. It cited 173 incidents between 1996 and 2001 of sexual violence, involving 625 women and girls.

108. The culture and traditions of the Myanmar people hold women in high esteem. In fact, the status of women in Myanmar is one of the highest in the world. As such,

violence against women, especially rape which is the worst form of maltreatment, is totally unacceptable to the Myanmar society. Rape cases are comparatively rare in Myanmar. Under the existing Myanmar law, rape is a serious crime, carrying a maximum sentence of life imprisonment under Article 376 of the Myanmar Penal Code. It is the consistent policy and practice of the Myanmar Government to prevent any form of violence against women including rape, and, if there be such a crime committed by a Myanmar citizen, to bring the perpetrator to justice. It has never been the policy of the Myanmar Government to condone such a crime, whether it is committed by a civilian or by a member of the Myanmar Armed Forces.

109. The allegations that the Myanmar Government is allowing the members of its Armed Forces to use rape as a weapon on a systematic and widespread scale against the women of ethnic groups in the Shan State is totally unfounded.

110. Notwithstanding this, the Myanmar Government is not ignoring the allegations, whatever their merits may be, and had sent investigation teams to the areas where the alleged crimes had supposedly taken place, in order to find out the truth.

111. The inquiry found out that in most of the allegations, the names of the military officers and other ranks who were in fact not serving in those battalions are mentioned. In some allegations, the villages are non-existent and the battalions not operating in those areas.

112. Thus, in accordance with the task assigned by the State Peace and Development Council, the National Intelligence Bureau headed by Brig. Gen. Than Tun co-opted Military Intelligence Units of Shan State (East) (South) and (North), the Shan State Police Force and the Special Branch of Myanmar Police Force to form 5 combined teams to carry out necessary investigations. These combined force of 5 investigative teams then organized 24 smaller inquiry groups to carry out detailed investigations in the various regions.

113. It was found that no military servicemen with the same names as the alleged perpetrators had ever served in the said regiments. The names of the alleged victims were also found to be not the given names of individuals, but more or less, customary terms of endearment.

114. The inquiry found out that there are a few cases which have some similarities to those mentioned in the allegations made by the SHRF. The actions have been already taken to all the perpetrators according to the existing laws.

115. The National Intelligence Bureau has also carried out further investigations in other States and Divisions where there are some allegations such as Kayah State, Taninthayi Division and Bago Division. Most of the allegations were found to be groundless as the investigations discovered that the accusations were made, referring to the names of the officers and other ranks who were not actually serving at the respective regiments; and also referring to the regiments which were not even carrying out military operations in the area at the time of the allegations. In some of the allegations, the places mentioned are non-existent and in some of those, there are no such nationals living at the places mentioned in the allegations. For this reason, these allegations were unsubstantiated and were merely based on false fabrications.

116. Nothing can be further from the truth. On the contrary, the Myanmar Government, on its part, has been energetically and effectively implementing a programme of development of the border areas and national races. This has been recognized and appreciated by the national races in the frontier areas who have indeed joined hands with the Government in the development projects in their regions.

### ***Allegation concerning Child Soldiers***

117. A report issued by Human Rights Watch alleges that the Myanmar armed forces has the largest number of child soldiers in the world. The preposterous figure of 70,000 in the report is seen to be derived from the statements of 25 or so military deserters with dubious credibility. The truth of the matter is that the use of child soldiers is strongly prohibited both in law and in practice in Myanmar.

118. Under the Myanmar Defence Services Act of April 1974 and War Office Regulation 13/73, a person cannot be enlisted into the armed forces unless he has attained the age of 18. This regulation is strictly enforced. Moreover, the Myanmar Armed Forces is a purely voluntary army and those entering the military service do so of their own free will. There is neither a system of national military draft nor that of forced conscription in the country.

### ***Religious tolerance***

119. Myanmar is a predominantly Buddhist country as approximately ninety percent of its population of over 51.4 million are Buddhists. Understandably, followers of other faiths may have some concerns about possible persecution or intolerance by the other dominant religion. This concern, which is without reason, has been exploited by some for their own political motivation. Based on this misinformation, allegations on religious intolerance in Myanmar were deliberately made to mislead the public opinion of the international community.

120. As a matter of fact, religious harmony and freedom in Myanmar is well known to the outside world. The Government of the Union of Myanmar fully believes in, and uphold freedom of religion and gives equal treatment to all the religions in the country. Our previous two Constitutions provided for safeguards against religious discrimination and religious intolerance. Similarly, the fundamental principles we have agreed upon in the National Convention process guarantee religious indiscriminate and religious tolerance.

121. As religious harmony and freedom in the country is a tradition shared by all faiths, the Government has taken all necessary steps to encourage this prevailing harmony. This is done by continuous contacts with the respective religious leaderships and providing necessary assistance in both financial and material terms in order that they may be able to promote their faiths effectively.

122. The Government is determined to promote and protect, to the best of its ability, all the religions in the country and help all religious groups in all possible ways to co-exist harmoniously with each other.

## Conclusion

123. The Government of Myanmar is committed to the establishment of a democratic political system and taking steps towards the achievement of that goal. At the same time, the Government is making every effort to improve the overall situation of the country in spite of various constraints and obstacles and undue international political pressures. The fact that peace and stability is now prevailing in areas where insurgencies were wide-spread in the past and the fact that the Government has accomplished many achievements on the political, economic, social and cultural fronts, attest to the measure of success of the Government's endeavours.

124. Consideration of the situation of human rights in Myanmar without fully taking into account all aspects of the difficulties confronted by Myanmar in its transition to a new political system, and the concrete achievements of the Government in many areas, outlined above, will not be fair and balanced by any standards. It is, therefore, hoped that the draft resolution on the situation of human rights in Myanmar this year will faithfully reflect in a fair and balanced manner the real situation in the country and the positive measures taken by the Government.

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