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COMMISSION ON HUMAN RIGHTS
Fifty-ninth session
Agenda item 9

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

**Albania*, Andorra*, Austria, Belgium, Bulgaria*, Canada, Cyprus*, Czech Republic*,
Denmark*, Estonia*, Finland*, France, Germany, Greece*, Hungary*, Iceland*,
Ireland, Italy*, Latvia*, Liechtenstein*, Lithuania*, Luxembourg*, Malta*, Monaco*,
Netherlands*, Norway*, New Zealand*, Poland, Portugal*, Republic of Korea,
Romania*, San Marino*, Slovakia*, Slovenia*, Spain*, Sweden, Switzerland*,
United Kingdom of Great Britain and Northern Ireland, United States of America:
draft resolution**

2003/... Situation of human rights in Myanmar

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,
the International Covenants on Human Rights and other human rights instruments,

Reaffirming that all Member States of the United Nations have an obligation to promote
and protect human rights and fundamental freedoms and the duty to fulfil the obligations they
have undertaken under the various international instruments in the field,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional
commissions of the Economic and Social Council.

Aware that Myanmar is a party to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions of 12 August 1949 for the protection of the victims of war, as well as the Convention concerning Forced or Compulsory Labour, 1930 (Convention No. 29) and the Convention concerning Freedom of Association and Protection of the Right to Organize, 1948 (Convention No. 87) of the International Labour Organization,

Recalling its previous resolutions on the subject, the most recent of which is resolution 2002/67 of 25 April 2002, and those of the General Assembly, the most recent of which is resolution 57/231 of 18 December 2002,

Bearing in mind the report of the Secretary-General on children and armed conflict (S/2002/1299),

Recalling resolution I adopted by the International Labour Organization at its eighty-eighth session, on 14 June 2000, concerning the practice of forced or compulsory labour in Myanmar,

Affirming that the will of the people is the basis of the authority of government and that the will of the people of Myanmar was clearly expressed in the elections held in 1990,

Affirming also that the establishment of a genuine democratic government in Myanmar is essential for the realization of all human rights and fundamental freedoms,

Recognizing that good governance, democracy, the rule of law and respect for human rights are essential to achieve sustainable development and economic growth, and that good governance includes the idea of transparent, responsible, accountable and participatory government at all levels,

1. *Welcomes:*

(a) The freedom of movement within the country enjoyed by the leader of the National League for Democracy, Aung San Suu Kyi;

(b) The release from prison of a number of persons detained for political activities;

(c) The reports of both the Special Rapporteur on the situation of human rights in Myanmar (E/CN.4/2003/41) and the Special Envoy of the Secretary-General;

(d) The visits to Myanmar by the Special Envoy of the Secretary-General for Myanmar during the past year and the cooperation extended to him by the Government of Myanmar;

(e) The visits to Myanmar by the Special Rapporteur during the past year, but expresses concern over the curtailment of his fact-finding visit in March 2003 owing to the discovery of listening devices during his interviews with prisoners in Insein prison, and expects that the outcome of a thorough investigation into the incident will be communicated to the United Nations High Commissioner for Human Rights;

(f) The continued cooperation with the International Committee of the Red Cross and the slight improvement in the conditions of detention;

(g) The visit by an Amnesty International delegation to Myanmar;

(h) The appointment of the Liaison Officer of the International Labour Organization and her efforts to fulfil her mandate;

(i) The growing awareness of the Government of the need to combat the production of opium in Myanmar;

(j) The growing awareness of the Government of the need to respond effectively to the ever-increasing impact of the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) on the population of Myanmar;

(k) The dissemination of human rights standards for public officials and some non-governmental organizations and ethnic groups through a series of human rights workshops, but stresses that such activities need to lead also to concrete efforts to improve the human rights situation on the ground;

2. *Takes note* of the establishment by the Government of a committee on human rights as a precursor to the establishment of a national human rights commission, which would follow the Principles relating to the status of national institutions on the promotion and protection of human rights annexed to General Assembly resolution 48/134 of 20 December 1993, but also notes that further progress has not been achieved regarding the establishment of an effective and independent national human rights commission;

3. *Expresses its grave concern* at:

(a) The ongoing systematic violation of human rights, including civil, political, economic, social and cultural rights, of the people of Myanmar;

(b) The continued refusal to enter into a genuine political dialogue with Aung San Suu Kyi and other democratic leaders and the harassment and attempted intimidation of Aung San Suu Kyi and opposition activists by the authorities of Myanmar, supported by the Union Solidarity Development Association;

(c) Extrajudicial killings; reports of rape and other forms of sexual violence persistently carried out by members of the armed forces; continuing use of torture; renewed instances of political arrests and continuing detentions, including of prisoners whose sentences have expired; forced relocation; destruction of livelihoods and confiscations of land by the armed forces; forced labour, including child labour; trafficking in persons; denial of freedom of assembly, association, expression and movement; discrimination and persecution on the basis of religious or ethnic background; wide disrespect for the rule of law and lack of independence of the judiciary; unsatisfactory conditions of detention; systematic use of child soldiers; and violations of the rights to an adequate standard of living, such as food, and to medical care and to education;

(d) The violations of human rights suffered in particular by persons belonging to ethnic minorities, women and children, especially in non-ceasefire areas;

(e) The situation of the large number of internally displaced persons and the flow of refugees to neighbouring countries, and recalls in this context the obligations of Myanmar under international law;

(f) The still insufficient response of the Myanmar authorities to the progressively more critical HIV/AIDS situation in Myanmar;

4. *Calls upon* the Government of Myanmar:

(a) To fulfil its obligations to restore the independence of the judiciary and due process of law, and to take further steps to reform the system of the administration of justice;

(b) To take immediate action to implement fully concrete legislative, executive and administrative measures to eradicate the practice of forced labour by all organs of government, including the armed forces, and to implement fully the recommendations of the Commission of Inquiry established to examine the observance by Myanmar of the International Labour Organization Convention concerning Forced or Compulsory Labour, 1930 (Convention No. 29);

(c) To take action to agree modalities and a framework for the position of the Liaison Officer of the International Labour Organization to evolve quickly into a full and effective representation of the organization in Myanmar as envisaged by the High Level Team of the International Labour Organization;

(d) To immediately ensure safe and unhindered access to all parts of Myanmar for the United Nations and international humanitarian organizations and to cooperate fully with all sectors of society, especially with the National League for Democracy and other relevant

political, ethnic and community-based groups through consultation, to ensure the provision of humanitarian assistance and to guarantee that it actually reaches the most vulnerable groups of the population;

(e) To improve cooperation with the Special Envoy of the Secretary-General on Myanmar and the Special Rapporteur on the situation of human rights in Myanmar of the Commission in order to bring Myanmar towards a transition to civilian rule, and to ensure that they are both granted full and free access to Myanmar and that all persons cooperating with the Special Envoy and Special Rapporteur are not subjected to any form of intimidation, harassment or punishment;

(f) To consider as a matter of high priority becoming party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention relating to the Status of Refugees and the Protocol thereto, the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182); the Convention on the Prohibition on the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction; and the Additional Protocols of 1977 to the Geneva Conventions of 12 August 1949;

(g) To pursue through dialogue and peaceful means the immediate suspension and permanent end of conflict with all ethnic groups in Myanmar;

(h) To establish a national human rights commission following the Principles relating to the status of national institutions on the promotion and protection of human rights;

5. *Strongly urges* the Government of Myanmar:

(a) To restore democracy and respect the results of the 1990 elections and to enter immediately into substantive and structured dialogue with Aung San Suu Kyi and other leaders of the National League for Democracy towards democratization and national reconciliation and at an early stage to include other political leaders in these talks, including representatives of the ethnic groups;

(b) To end the systematic violations of human rights in Myanmar, to ensure full respect for all human rights and fundamental freedoms, to end impunity and to investigate and bring to justice any perpetrators of human rights violations, including members of the military and other government agents in all circumstances;

(c) Without further delay to cooperate fully with the Special Rapporteur of the Commission on Human Rights to facilitate an independent international investigation of continuing reports of sexual violence and other abuse of civilians carried out by members of the armed forces in Shan and other States;

(d) To release unconditionally and immediately all political prisoners with particular emphasis on the elderly and the sick;

(e) To put an immediate end to the recruitment and use of child soldiers and to extend full cooperation to relevant international organizations in order to ensure the demobilization of child soldiers, their return home and their rehabilitation in accordance with Security Council resolution 1460 (2003) of 30 January 2003;

(f) To lift all restraints on peaceful political activity of all persons, including former political prisoners, by, inter alia, guaranteeing freedom of association and freedom of expression, including freedom of the media, and to ensure unhindered access to information for the people of Myanmar;

(g) To end the systematic enforced displacement of persons and other causes of refugee flows to neighbouring countries, to provide the necessary protection and assistance to internally displaced persons and to respect the right of refugees to voluntary, safe and dignified return monitored by appropriate international agencies;

(h) To recognize further the mounting gravity of the situation regarding HIV/AIDS and to carry out fully the necessary action against the epidemic, including through the effective implementation in Myanmar of the United Nations joint action plan on HIV/AIDS, in cooperation with all political and ethnic groups and with the cooperation and assistance of all relevant international agencies;

6. *Decides:*

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

7. *Requests* the Secretary-General to bring the present resolution to the attention of all relevant parts of the United Nations system;

8. *Decides* to continue consideration of this question at its sixtieth session;

9. *Recommends* the following decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/... of ... April 2003 endorses the Commission’s decision to extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session.”
