



# General Assembly

Distr.: General  
29 March 2011

Original: English

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## Human Rights Council

Sixteenth session

Agenda item 4

**Human rights situations that require the Council's attention**

### **Note verbale dated 11 March 2011 from the Permanent Mission of Myanmar addressed to the secretariat of the Human Rights Council**

The Permanent Mission of the Union of Myanmar to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Human Rights Council and, with reference to the report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/16/59), has the honour to forward the comments of the Government of Myanmar\*\* thereto, to be annexed to the said report in accordance with the provisions described in the annex to Council resolution 5/2.

In this regard, the Permanent Mission of Myanmar would like to request the Special Rapporteur to make reference to the annexed document during the presentation of his report, and that the secretariat kindly circulate the comments as a document of the sixteenth session of the Human Rights Council at its earliest opportunity.

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\* Re-issued for technical reasons on 29 March 2011.

\*\* Annexed to the present note, as received and in the language of submission only.

## **Annex**

### **Myanmar's initial comments on Special Rapporteur's report (A/HRC/16/59)**

#### **Request for a visit to Myanmar**

Regarding the invitation for Special Rapporteur to visit Myanmar, the government had already replied that due to the preoccupation of convening of Hluttaw sessions in accordance with 2008 Constitution, the authorities concerned are not in position to reply his request for a visit. Today, Hluttaw sessions have been under process in Myanmar and when the new government is emerged, the authorities concerned will duly take consideration of his request of visit to Myanmar.

#### **Elections**

The Union Election Commission had laid down necessary laws, rules and regulations to tackle any malpractice in the elections such as granting the permission for casting advance ballots according to the procedures and regulations. The eligible voters can only exercise this voting right. The public including the candidates and their representatives can observe the vote casting as well as vote counting at every polling station. If Commission has received a complaint which is lodged in accord with the law, it has formed a tribunal to investigate the malpractices. So far the Commission has received a total of 29 complaints and is undertaking necessary investigations and appropriate actions.

All registered political parties were allowed to exercise the freedom of expression and peaceful assembly and association as long as their activities did not violate on public order. The political parties were permitted to express their policies and stance through news media, journals as well as radio and television broadcasting in order to conduct electoral campaigns in line with laws. There is no restriction on elected representatives.

#### **Myanmar Human Rights Body**

Despite the mandate of Myanmar Human Rights Body did not include any task to tackle individual complaint and undertake investigation, the Minister for Home Affairs, in his capacity as the Chairman of the Body receives complaints of human rights violations and carries out investigations and takes necessary punitive actions. Whenever the allegations of human rights violations emerge the authorities concerned have established the domestic investigative teams to conduct independent investigations.

#### **Prisoners of conscience**

The government has repeatedly expressed that there is no prisoner of conscience in Myanmar. The authorities concerned have taken action against only those who violated the existing laws and those who are in prisons not because of their political belief. The government is ensuring its utmost to improve the prisons' condition in line with the United Nations Standard Minimum Rules for the treatment of prisoners.

## **Condition of prisoners**

Regarding the health of prisoners the government has provided adequate medical staffs and assistants who are stationed in prisons and labour camps. The Specialists from civil hospital regularly visit to give treatment to prisoners. The prisoners who require specialist medical treatment are allowed to transfer to specialized medical and civil hospitals. The government has increased its budget allocation to spend on medicines and to provide clean water facility for prisoners.

The prisoners who have good behavior and character and obey the rules and regulations of prison while serving their terms have been granted amnesty in accord with the Code of Criminal procedure 401 (1). As a result, amnesty has been granted for fifteenth times, and to date, 114,803 prisoners in total have been released since 1989. The ICRC has terminated the prison visits at their own will and the Prisons Department has been trying to provide food, medicine, water and sanitation in accordance with the basic procedures of ICRC.

Regarding the condition of female prisoners, the arriving prisoners (Male/Female) are being systematically registered with and divided into two categories so as to keep them separate in custody. Concerning the accommodation for prisoners, cells and wards are being constructed systematically. Accommodation for a single prisoner is at least 36 square-feet wide. The better ventilation systems for wards and cells are being ensured. The education, health and physical fitness activities and diet for prisoners are also systematically being undertaken. In addition, the prisoners are being looked after in accord with the existing rules and regulations.

## **Discrimination**

Myanmar is a country where more than 100 ethnic nationalities live together. So-called Rohingya did not comprise none of Myanmar indigenous national races and historically, politically, or legally they are not related to Myanmar. The government did not practice racial and religious discriminatory policies against Muslim living in Northern Rakhine State.

## **Economic, social, cultural rights**

Education expenditure is significantly increased yearly. In 2009-2010 Academic Year, total education budget was 248.39 billion Kyats. The new Constitution also encourages private education sector and education expenditure will be significantly increased in the near future.

The government is trying to narrow development gap between urban and rural areas. Since, peace and stability has been prevailed almost all parts of the country, the government is able to carry out regional development tasks in remote and border areas for the benefits of national races. So far the government has spent Kyats 119.131 billion from the Border Areas Development Funds and Kyats 197.904 billion from the funds of various ministries which amounted to Kyats 317.035 billion. The revenue received from the selling of natural gas is included in the national budget of Myanmar and the government has annually increased its budget allocation for educational sectors. The current sessions of Hluttaw will discuss establishment of budget committee to regulate the government's expenditures as well as reviewing domestic laws including censorship laws to be inline with the new Constitution.

### **Internally Displaced Persons**

In order to deal with the question of internally displaced persons, the government has encouraged people to live in safe and secure places, suitable for cultivation and accessible to health and education services. Those who are deliberately residing in the jungles are under the influence of insurgent groups and people who are closely associated with those groups as well as people who want to cross the border, for economic reason, to stay as refugees in neighbouring country.

### **Use of forced labour by military**

The authorities concerned have only sought prison labour on their own volition. Prisoners in return can enjoy benefits such as reducing certain period of their prison terms, receiving daily allowance including food rations and reparation in case of injuries.

### **Acquisition of lands**

The government is serving the interests of peasants in accordance with existing Laws of the Land. The government has nationalized the lands of peasants when project sites are being developed for national interests. In those cases, coordinated arrangements are made under the supervision of relevant authorities for compensations to peasants with grievances. Sometime the government provides lands for resettlement in which social infrastructures such as education, health and sanitation facilities are being installed. The Land Acquisition Act protects the citizens from forced eviction and confiscation of land and the government works in line with the laws and procedures to ensure reasonable compensation to avoid grievances of peasants.

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