

UNIVERSAL PERIODIC REVIEW

Basis of the Review of Myanmar

(Links to relevant texts assembled by the Burma Peace Foundation - Online Burma/ Myanmar Library)

“1. The basis of the review is:

(a) The Charter of the United Nations;

(b) The Universal Declaration of Human Rights;

(c) Human rights instruments to which a State is party;

(d) Voluntary pledges and commitments made by States, including those undertaken when presenting their candidatures for election to the Human Rights Council (hereinafter “the Council”).

2. In addition to the above and given the complementary and mutually interrelated nature of international human rights law and international humanitarian law, the review shall take into account applicable international humanitarian law. ...”

[Source: HRC Resolution 5/1 - Institution-building of the United Nations Human Rights Council]

The documents and links below are not necessarily exhaustive

The UN Charter and The Universal Declaration of Human Rights

The UN Charter

http://www.burmalibrary.org/docs08/un_charter.pdf

This searchable version can be used to find “human rights” etc.. See, especially, Articles 55 and 56 and the Charter's strong focus on the rights of peoples. On the latter, see the UNESCO documents at <http://www.burmalibrary.org/show.php?cat=2569&lo=d&sl=0>

The Universal Declaration of Human Rights (UDHR)

Those aware of the human rights situation in Burma will have little difficulty identifying articles in the UDHR which are violated in Burma. N. B. Article 21 refers to “periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free

voting procedures” There is a useful UN handbook called Human Rights and Elections - *A Handbook on the Legal, Technical and Human Rights Aspects of Elections* at http://www.burmalibrary.org/docs08/UN-Election_handbook.pdf which is a good resource for those preparing submissions on human rights and elections – inevitably one of the most popular themes for the Myanmar UPR, given that this is election year in the country.

Burmese text

http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/bms.pdf

Chin (Falam) text

http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/fal.pdf

Chin (Hakha) text

http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/hak.pdf

Chin (Tiddim) text

http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/tid.pdf

English text

http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf

Karen (Pwo) text

http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/pwo.pdf

Karen (S'gaw) text

http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/ksw.pdf

Shan text

http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/sjn.pdf

Standards contained in human rights treaties to which Myanmar is a party

Convention on the Rights of the Child (CRC)

<http://www2.ohchr.org/english/law/crc.htm>

See the documents from the 1997 and 2004 sessions when Myanmar's reports were examined by the Committee on the Rights of the Child at <http://www.burmalibrary.org/show.php?cat=712&lo=d&sl=0>

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

<http://www2.ohchr.org/english/law/cedaw.htm>

See the documents from the 1999 and 2008 sessions when Myanmar's reports were examined by the CEDAW Committee at <http://www.burmalibrary.org/show.php?cat=713&lo=d&sl=0>

ILO Convention 29 (Forced or Compulsory Labour)

<http://www2.ohchr.org/english/law/forcedlabour.htm>

See <http://www.burmalibrary.org/show.php?cat=827&lo=d&sl=0> for ILO reports on Myanmar, especially the Observations of the Committee of Experts on the Application of Conventions and Recommendations (CEACR) on Myanmar's (non) compliance with Convention 29 at

<http://www.burmalibrary.org/show.php?cat=860&lo=d&sl=0> and *Forced Labour in Myanmar (Burma) Report of the ILO Commission of Inquiry* at <http://www.burmalibrary.org/show.php?cat=1164&lo=d&sl=0>

ILO Convention 87 (Freedom of Association and Protection of the Right to Organize)

<http://www2.ohchr.org/english/law/association.htm>

See <http://www.burmalibrary.org/show.php?cat=827&lo=d&sl=0> for ILO reports on Myanmar, especially the Observations of the Committee of Experts on the Application of Conventions and Recommendations (CEACR) on Myanmar's (non) compliance with Convention 87 which can be found at <http://www.burmalibrary.org/show.php?cat=862&lo=d&sl=0>

Convention on the Prevention and Punishment of the Crime of Genocide

<http://www2.ohchr.org/english/law/genocide.htm>

Geneva Conventions of 12 August 1949 (especially Common Article 3):

Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949

<http://www2.ohchr.org/english/law/prisonerwar.htm>

Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. Geneva, 12 August 1949.

<http://www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e636b/44072487ec4c2131c125641e004a9977>

Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949.

<http://www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e636b/6fef854a3517b75ac125641e004a9e68>

Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.

<http://www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e636b/6756482d86146898c125641e004aa3c5>

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

<http://www1.umn.edu/humanrts/instree/trafficking.html>

N.B. Myanmar's Reservation:

“The Government of the Union of Myanmar wishes to express reservation on Article 15 and does not consider itself bound by obligations to refer disputes relating to the interpretation or application of this Protocol to the International Court of Justice.” [This is the correct version of the reservation. An incorrect version referred to Article 20. This will be corrected shortly by the UN Treaty Collection following BPF's correspondence with UNTC]

Standards contained in voluntary pledges and commitments made by Myanmar

Millennium Development Goals

<http://www.un.org/millenniumgoals/statements.shtml>

Vienna Declaration and Programme of Action

Adopted by consensus by all UN members. Also endorsed by ASEAN in 1993

<http://www.unhcr.ch/huridocda/huridoca.nsf/%28symbol%29/A.CONF.157.23.En?OpenDocument>

The ASEAN Charter

This document, ratified by all ASEAN members, has language on respect for human rights standards and a future ASEAN human rights body. It entered into force in December 2008

<http://www.aseansec.org/publications/ASEAN-Charter.pdf>

ASEAN Socio-Cultural Community (ASCC) Blueprint

Several references to human rights: "...The ASCC is characterised by a culture of regional resilience, adherence to agreed principles, spirit of cooperation, collective responsibility, to promote human and social development, respect for fundamental freedoms, gender equality, the promotion and protection of human rights and the promotion of social justice..."

<http://www.aseansec.org/5187-19.pdf>

ASEAN Political Security Community (APSC) Blueprint

Several references to human rights, e.g. "...ASEAN's cooperation in political development aims to strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms, with due regard to the rights and responsibilities of the Member States of ASEAN, so as to ultimately create a Rules-based Community of shared values and norms...The APSC shall promote political development in adherence to the principles of democracy, the rule of law and good governance, respect for and promotion and protection of human rights and fundamental freedoms as inscribed in the ASEAN Charter..."

<http://www.aseansec.org/5187-18.pdf>

THERE MAY BE MORE SUCH VOLUNTARY PLEDGES AND COMMITMENTS MADE BY MYANMAR

Applicable International Humanitarian Law

The Geneva Conventions and Genocide Convention cited above (plus other IHL standards?)