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Myanmar

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I. Methodology and consultation process

1. Myanmar's National Report on Human Rights has been prepared in accordance with the general guidelines for the preparation of information for the Universal Periodic Review outlined in Document A/HRC/6/ L.24.
2. With a view to drafting a comprehensive and balanced national report, a Steering Committee comprising Government Ministers, Deputy Ministers and other high-ranking officials played a supervisory role in the drafting process.
3. Under the guidance of the Steering Committee, this report was drafted under the auspices of the work committee through close cooperation and coordination among concerned government agencies. In addition, broad consultations were conducted with civil societies¹ and UN Agencies² in Myanmar. Close cooperation with the Office of the High Commissioner for Human Rights Regional Office for South-East Asia in Bangkok was also carried out in preparing the report.
4. The Liaison Sub-Committee, which deals with stakeholders in the drafting process of the report, held its coordination meeting led by the Sub-Committee's chairman on 5 April 2010. The total number of workshops conducted with the assistance of the United Nations agencies and with the Office of the High Commissioner for Human Rights Regional Office stood at 35³, with 1150 participants. Based upon facts collected by the liaison Sub-Committee, the Drafting Sub-Committee drafted of the report. It was drafted and submitted to the Work Committee for comprehensive assessment and further instructions. Subsequently, it was submitted to the Steering Committee. The methodology of the Report was performed in line with system, articulation and valid factual substance.
5. The Workshop on the Universal Periodic Review Preparation for the National Report was successfully held in Nay Pyi Taw on 10–11 of May 2010. The workshop was a very significant step which represented the first ever joint initiative between the Government of Myanmar and the OHCHR regarding the UPR process. The Government of Myanmar is very keen of this process. The representatives who participated in the workshop enthusiastically learned from the experiences of other ASEAN representatives. Participants from other ASEAN countries duly took note of the consultation process on the National Report with civil society and other organizations.

II. Country background

A. Basic facts

6. The Union of Myanmar is located in Southeast Asia between North Latitude 9' 32' and 28' 31' and East Longitude 92' 10' and 101' 11'. She is bounded on the east by the Lao PDR, on the east and southeast by Thailand, on the south by the Andaman Sea, on the west and northwest by India and Bangladesh, on the southwest by the Bay of Bengal, and on the north and northeast by People's Republic of China, respectively. The total land area of Myanmar is about 261,228 square miles.
7. The country's total population is about 59 million, with over 100 national races including major ethnic groups such as Kachin, Ka Yah, Ka Yin, Chin, Mon, Bamar, Rakhine and Shan living together harmoniously. Concerning religious faith, Buddhism is professed by 89.38 percent of the total population, Christian by 4.98 percent, Islam by 3.81 percent, Hindu by 0.51 percent, traditional and spiritual faith by 1 percent and others by 0.32 percent.

8. Agriculture is the mainstay of the national economy. Businesses and industries based on the natural resources are playing a major role in the national economy.

B. The constitution

9. In accordance with the people's desire, the State Peace and Development Council has laid a foundation to establish multi-party democracy and market-oriented economy that are suitable for the country. As a firm and enduring constitution is vital for the future State, the State Peace and Development Council held sessions of the National Convention since 1993.

10. The National Convention successfully concluded on 3 September 2007. It adopted basic principles and detailed basic principles for the emergence of a strong state constitution. The State Constitution of the Republic of the Union of Myanmar was adopted in a referendum held on 29 May 2008.

11. The Constitution, contains sufficient provisions on human rights, namely, the provisions on individual freedom, mutual respect and assistance to each other among the national races, promotion of literature and culture, promotion of socio-economy of least-developed national races' areas, promotion and protection of workers' and peasants' rights. In addition, provisions guaranteeing religious freedom and prohibiting penalty that violates human dignity are also included in the Constitution.

C. Legislature

12. Myanmar enacts the new laws to be in line with situation of the State and national resources considering the existing law to run the judiciary framework effectively and to implement promotion and protection of Human Rights to build of a new modern developed nation.

13. Chapter IV of the Constitution of the Republic of the Union of Myanmar stipulates the distribution of legislation of powers among the Pyidaungsu Hluttaws, Region or State Hluttaw and Self-Administered Division and Self-Administered Zone Leading Bodies. Pyidaungsu Hluttaw comprises Pyithu Hluttaw and Amyotha Hluttaw.

D. Executive

14. The Executive Head of the Union is the President. The Executive Power of the Union is distributed among the Union, Regions and States. Self-Administered power is distributed among Self-Administered areas as prescribed by the Constitution.

15. The Union Government is composed of (a) the President, (b) the Vice-Presidents, (c) the Ministers of the Union and (d) the Attorney General of the Union. The Executive Power of the Union extends to administrative matters over which the Pyidaungsu Hluttaw has power to promulgate laws.

16. Subject to the provisions of the Constitution, the Executive Power of the Region or State Government extends to administrative matters over which the Region or State Hluttaw has power to promulgate laws. Besides, it also extends to the matters over which the Region or State Government is permitted to perform in accord with any Union law.

17. Subject to provisions of the Constitution, the Self-Administrative power of the leading bodies of the Self-Administered Divisions or Self-Administered Zones extends to the following matters:

(a) on which the leading bodies of the Self-Administered Divisions or Self-Administered Zones have powers to promulgate laws;

(b) on which the leading bodies of the Self-Administered Divisions or Self-Administered Zones have powers to implement in accord with any law enacted by the Pyidaungsu Hluttaw;

(c) on which the leading bodies of the Self-Administered Divisions or Self-Administered Zones have powers to implement in accord with any law enacted by the Region or State Hluttaw concerned. Nay Pyi Taw is the Union Territory.

E. Judiciary

18. In Myanmar, in accordance with the Union Judiciary Law (2000), the Supreme Court, State and Divisional Courts, District Courts, Township Courts and other courts subjected to law were formed. The courts are empowered the power to adjudicate criminal and civil cases and Supreme Court, State or Divisional Courts and District Courts are conferred jurisdiction of appeals and revisions on the decisions, judgments and orders of the lower courts. The courts exercising the judiciary power of the Union of Myanmar are handling the cases before the public independently and impartially according to the prescribed laws and by-laws. According to the Section 293, Chapter 6 of the Constitution, Supreme Court of the Union, High Courts of Region, High Courts of the State, Courts of Self-Administered Division, Courts of Self-Administered Zone, District Courts, Township Courts and the other Courts constituted by law, Courts-Martial and Constitutional Tribunal of the Union will be established.

19. The Supreme Court is the highest organ of judiciary as well as the final court of appeal. The decision of the Supreme Court is ultimate and final. Judiciary principles have been laid down and judiciary tasks are being carried out accordingly. Criminal Procedure Code, Civil Procedure Code and Evidence Act were enacted in Myanmar long time ago. Courts have been adjudicating on criminal and civil cases under these provisions.

F. Myanmar human rights body

20. The Myanmar Human Rights Committee led by the Minister for Home Affairs was initially formed on 26 April 2000. On 14 November 2007, the Committee was reconstituted as the Myanmar Human Rights Body.

21. The Body's main obligations are as follows;

- to review and submit United Nations' and international human rights activities.
- to study and recommend the situation on establishing a National Human Rights Commission.
- to establish necessary working groups.

22. The Body has been carrying out activities relating to home affairs, legal affairs, social, labour, health, educational and international affairs, and affairs relating to religious rights, right to development, and women and child rights.

23. In addition, the Minister for Home Affairs, in his capacity as the Chairman of Myanmar Human Rights Body, is accepting complaints and communications from those whose human rights are reportedly being violated, and carrying out necessary investigations and taking proper actions although they are not included in the mandate of the Body.

24. The current Human Rights Body for protection and promotion of human rights in Myanmar is an initial body which is hoped to emerge eventually as the Human Rights Commission in accord with the Paris Principles.

G. Democratization process

25. Myanmar is a nation in which all the national races have been living together through weal and woe throughout the history. In 1885, the whole country was colonized after three wars with the British. Due to the divide-and-rule policy of the British Colonist, Myanmar had to struggle with internal insurgencies for over four decades since regaining her independence in 1948. The Government of Myanmar has long been making great efforts for national unity by adopting national objectives such as non-disintegration of the Union, non-disintegration of national solidarity, and perpetuation of sovereignty.

26. As the national consolidation is vital for political, economic and social development in a country, the government is bringing about national unity. So far, 17⁴ out of 18 armed groups have already exchanged their arms for peace. These groups have been carrying out respective local area development programmes hand in hand with the Government.

27. Myanmar has been implementing a Seven-step Roadmap to democracy. A total of 8 groups comprising representatives of former armed groups, together with the representatives of political parties, ethnic nationalities and other representatives from different social strata, took an active part in the National Convention process, the first crucial step of the roadmap, to draft a new Constitution.

28. The whole process of National Convention had been successfully completed on 3rd September 2007, and this Convention adopted the basic principles and detailed basic principles for drafting the new constitution that will bring about the rights of entire national races.

29. The draft State Constitution adopted by the National Convention was adopted through a free and fair referendum by 92.48 percent of total votes throughout the country on 29 May 2008. There were 27,288,827 eligible voters of which 26,776,675 cast their ballots. Members of the diplomatic corps and military attaches in Myanmar observed the referendum first hand at polling stations in various parts of the country.

30. With the aim of realizing the aspirations of its people, the Government of Myanmar is currently in the process of implementing the fifth crucial step of the Seven-step Road Map, holding of free and fair multiparty democratic elections. The Union Election Commission issued Declaration No. 89/2010 on 13 August 2010 to set date for the Multi-party Democracy Election on 7 November 2010. The Order establishing Union Election Commission and Electoral Laws were promulgated on 8 March 2010. In accordance with the Political Party Registration Act, all Myanmar citizens will enjoy their rights to form political parties and to campaign and contest in the elections. Therefore, now is the crucial time in Myanmar for transition to a democratic system.

III. Protection and promotion of human rights

A. Implementation of international human rights obligations

1. Economic, social and cultural rights

31. Every citizen has, in accord with the law, the right to conduct business freely in the Union, for national economic development. The Union guarantees the rights to ownership

and the rights to private invention and patent and copy rights in conducting of business if it is not contrary to the provisions of this Constitution and the existing laws.

32. Citizens shall enjoy equal opportunity in carrying out economic and social activities such as public service, employment, entrepreneurship, commercial activities, business, technology and vocational trade, art, science and innovation of technical know-how.

33. Every citizen has the right to devote to language, literature, culture, religion, and customs they cherish without prejudice to other national races and faiths.

34. Every citizen shall, in accord with the law, have the rights to freely develop literature, culture, arts, customs and tradition they cherish.

35. Equal economic and social rights described in the above-mentioned paragraphs 31, 32, 33 and 34 are granted to every citizen even before the adoption of the 2008 State Constitution. After the enactment of the Constitution, citizens will continue to enjoy the essence of those rights.

36. Social security laws such as the law relating to social security rights, the law relating to special protection of post-and prenatal mothers, the law relating to the rights of the working mothers and child have also been promulgated.

2. Civil and political rights

37. Myanmar provided legal provisions concerning guaranteeing of non-discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, poverty, birth or other status.⁵ Death penalty is prescribed under the law to be imposed for the most serious crime in accordance with the law in force at the time of the commission of the crime. This penalty can only be carried out pursuant to a final Judgment rendered by a competent court.⁶ Myanmar notes that this practice is in line with International standard including article 6(2) of the International Covenant on Civil and Political Rights (ICCPR). Although the death penalty is imposed in accordance with the law, Myanmar never carries out the death penalty since 1988. Persons below the age of 16 years and youth at the time of the commission of the crime for which death penalty was prescribed shall not be sentenced with the death penalty.⁷

38. Prohibition of torture or cruel, inhuman or degrading treatment or punishment⁸ and the prohibition of slavery, the slave trade, forced or compulsory labour are also provided in Constitution and Penal Code.⁹ Everyone has the right to liberty or security. The prohibition of arbitrary arrest or detention is provided. Any one arrested or detained on the criminal charge shall be arrested or detained in accordance with procedure established by Law.¹⁰ To be treated with humanity there is a provision in Child Law that a child or youth who has been sentenced to imprisonment shall not be kept together with adult prisoners.¹¹ Laws concerning Equality of rights of persons before the courts and tribunals are provided in Laws¹². These are right to be presumed innocent until prove guilty according to law.¹³

39. In the case of Juvenile person, the procedure is established to take account of their age and desirability of promoting their rehabilitation.¹⁴ Everyone convicted of the crime has the right to his conviction and sentence being reviewed by the higher tribunal according to law.¹⁵ And also there is a provision that person once convicted or acquitted shall not be tried for the same offence.¹⁶

40. For the prohibition on retroactive criminal legislation, there is a provision in the Constitution that any person, who committed the crime, shall be convicted only in accord with the relevant law then in legal effect. Moreover, he shall not be penalized to a penalty greater than that is applicable under that law.¹⁷ Protection of privacy, family, home or correspondence, and unlawful attacks on his or her honour and reputation is provided.¹⁸

41. The rights of freedom of thought, conscience and religion are provided.¹⁹ There is also prohibition of any propaganda for war and any advocacy of national, racial or religious hatred that constitutes an incitement to discrimination, hostility or violence.²⁰

42. Myanmar also recognizes the right of peaceful assembly²¹ and freedom of association.²²

43. The rights of men and women of marriageable age to marry and found a family,²³ the rights to register the birth of the child²⁴ and to citizenship in accordance with law²⁵ are provided.

44. Moreover, the right to vote and right to be elected is provided.²⁶ The legal provision to be tried the presence of the accused and defend himself a person or through legal assistance of his own choosing to be informed if he does not have legal assistance assigned to him in any case where the interest of justice so require and without payment by him in any such case if he does not have sufficient means to pay for it.²⁷

3. Child rights

45. Myanmar acceded to the Convention on the Rights of the Child (CRC) on 16 July 1991. On 15 August 1991, Myanmar became a State Party to the CRC. To implement provisions of the Convention, "The Child Law" was enacted on 14 July 1993. It was followed by the promulgation of rules of procedure on 21 December 2001. Juvenile courts were also established to hear juvenile cases. Myanmar has been collaborating with UNICEF in connection with the administration of justice in juvenile cases. The National Committee on the Rights of the Child was formed on 30 March 1993 and its working committee was established on 17 June 1997.

46. Moreover, State, Regions, District and Township level committees were also set up for the same purpose. Voluntary social welfare officers were assigned in 10 States and Regions. The initial report on the Rights of the Child was submitted to the UNCRC in August 1995, the second report in March 2002 and the 3rd and 4th National Report on the Rights of the Child were submitted to the UNCRC in April 2009.

47. The Ministry of Social Welfare, Relief and Resettlement with the collaboration of UNICEF has been carrying out 264 awareness programmes on CRC and child protection in the country from 2002 to 2010.

48. The Committee for the Prevention against Recruitment of Minors for Military Service was formed on 5 January 2004. In 2007, Ms. Radhika Coomaraswamy, Under Secretary-General of the United Nations and Special Representative of the Secretary-General (SRSG) for Children and Armed Conflict, visited Myanmar. She discussed with the Acting Prime Minister and senior officials on the prevention of recruitment of under-age children. Consequently, the Work Committee, the Monitoring and Reporting Task Force and the Reintegration and Rehabilitation Task Force were formed in 2007. Active collaboration is going on in these areas.

49. The Committee has arranged observation visits by ambassadors, military attaches and resident representatives of UN agencies 10 times to Military Recruitment Centres and Military Training Camps. Furthermore, a Plan of Action has been developed; efforts are being made to sign the plan of Action with the United Nations.

50. Sub-Committee for Taking Action and Information on complaints through International Labour Organization (ILO) was formed in 2005 and programmes on disarmament, demobilization and reintegration (DDR) has been carried out since 2002. A total of 75 minors were allowed to resign due to information provided by ILO, 18 minors by ICRC and 281 ineligibles by the Committee totaling (374) minors were allowed to resign and handed over to respective parents/guardians. Actions have been taken against

108 military personals as perpetrators of ineligible recruitments. In the area of rehabilitation, the Ministry of Social Welfare, Relief and Resettlement provides vocational trainings for 96 children, follow-up programme for 106 children, 224 under-age children who resigned from army are being assisted by UNICEF and INGOs such as Save the Children (Myanmar) and World Vision (Myanmar). From 2004 to May 2010, 10787 education talks on national law and international law related to the prevention against recruitment of minors for military service are being provided to regiments. The Committee in collaboration with ILO, International Committee of the Red Cross (ICRC), United Nations International Children's Emergency Fund (UNICEF), and INGOs conducted awareness raising on prevention of under-age military recruitment training 12 times at the Social Welfare Training School, Military Recruitment Unit (Yangon) and (Mandalay) from 22 November 2007 to 30 June 2010. For public awareness, pamphlets on child rights are also distributed. In collaboration with ILO, UNICEF, Save the Children and World Vision, workshop on prevention of under-age military recruitment was held on 20 May 2010 in Nay Pyi Taw. High-level officials from the Ministry of Defence and ministries concerned attended this workshop. On 27 February 2009, the Directive stipulating that all regiments shall not recruit under-age children and the perpetration of ineligible recruitments shall be taken actions, was issued by the Secretary of the Committee.

4. Women's rights

51. After acceding to the Convention on the Elimination of All Forms of Discrimination against Women on 22 July 1997, Myanmar is bringing about the right and liberty of all Myanmar women.

52. Myanmar National Committee for Women's Affairs and Myanmar National Working Committee for Women's Affairs have been formed as the National Mechanism to implement the 12 tasks laid down by the Fourth World Conference for the advancement of women. Myanmar National Committee for Women's Affairs has been cooperating with the regional countries, UN Organizations, concerned Ministries and INGOs for the development of Myanmar Women.

53. The Myanmar Women's Affairs Federation has been formed since 20 December 2003. The Federation has set up women's affairs organizations down to the grassroots level. The Federation has been carrying out awareness-raising programmes to protect women from violence and trafficking in persons, opening counseling centers, receiving complaint letters and referring them to the authorities concerned for taking action, disseminating knowledge about the laws that protect women through media to all Myanmar women.

54. In Myanmar, women constitute 50 per cent of the whole population. Out of this, 63.99 per cent in health sector, 76.46 per cent in education sector, and 50.99 per cent in administrative sector are women staff in 2008–2009. Ministry of Social Welfare, Relief and Resettlement has been drawing up the National Plan of Action for the Advancement of Women (Draft) 2011–2015 in collaboration with concerned Ministries, UNFPA and INGOs. In this National Plan of Action for the Advancement of Women (Draft) 2011–2015, there are twelve areas such as women and livelihoods, women and education and training, women and health, violence against women, women and emergencies, women and the economy, women and decision making, institutional mechanisms for the advancement of women, women and human rights, women and the media, women and the environment and the girl-child.

55. To support the poverty reduction goal which is one of the Millennium Development Goals, Myanmar Women's Affairs Federation has been carrying out the micro credit loan for the poor women at the respective State/Division. Moreover, Myanmar Women's Affairs Federation lent the micro credit loan for women in Nargis affected area to carry out income

generating. Myanmar Women's Affairs Federation provided the trainings to its members in collaboration with INGOs to give the psychosocial support for vulnerable women.

56. As special Law for the combating of trafficking in persons, Myanmar enacted the Anti-trafficking in persons Law in line with the United Nations' provisions. Myanmar five-year National Plan of Action (2007–2011) to combating human trafficking was adopted and the working groups at the State, Division, District and Townships levels have been formed.

57. According to the Constitution of the Republic of the Union of Myanmar (2008), women are entitled to be elected as a Pyithu Hluttaw representative. Myanmar educational policy provides equal opportunities to both sexes without any discrimination. The objectives for pre-school, primary, secondary and tertiary level education also stipulate equal rights for all citizens without any discrimination of sex.

58. Activities on the equal rights with men in job opportunity, the benefits of social security, the safety of workplace, and the benefits of the rights in legal are being provided in line with the relevant Labour Law.

5. Workers' rights

59. In line with international labour laws and the national ones, the Government of Myanmar has been promoting and protecting rights and privileges of workers. Myanmar has spared no effort to eradicating forced labour in Myanmar with a strong political will. As the requisition of force labour is an illegal and also constitutes an offence under law, the Ministry of Home Affairs issued Order No. (1/99) prohibiting the exaction of forced labour. The Ministry also issued the Order Supplementing Order No. (1/99) on 27 October 2000 requiring that those who contravene Order No. (1/99) shall have action taken against them under Section 374 of the Criminal Law or any other existing laws. These Orders were issued under the directive of the State Peace and Development Council and in light of this, they are also Ordinances. Regarding practice the ILO Convention No. 29, on the elimination of the exaction of forced labour, an agreement to appoint an ILO Liaison Officer to assist the Government of Myanmar was signed in 2002. In this connection, a Supplementary Understanding (SU) was signed on February 2007 on a trial basis for the period of one year. Subsequently, the trial period has been renewed annually for 2008, 2009 and 2010 respectively. The Mechanism of the SU is currently in full operation.

60. The Ministry of Labour and ILO have jointly conducted awareness-raising workshops on the elimination of forced labour. The Ministry of Labour in cooperation with ILO, has widely circulated the Myanmar translation of the Supplementary Understanding and simply-worded brochure on the elimination of forced labour.

61. Myanmar has ratified two major conventions out of the eight core ILO conventions that relate to human rights. Appropriate measures are being taken in conformity with these two conventions. Relevant provisions from these conventions are reflected in Chapter 8 "Citizenship, Fundamental Rights and Duties of Citizens" of the new State Constitution.

62. The Ministry of Labour has been not only reviewing and redrafting the existing labour laws but also drafting new ones. In order that trade unions emerge in accordance with the ILO Convention No. 87, a Trade Unions Law is being drafted based on the 2008 State Constitution and international labour standards and also incorporating appropriate suggestions from ILO experts.

63. The Ministry of Labour has been actively working to ensure that workers enjoy their rights in accordance with existing labour laws. Workers may demand for their rights individually or collectively. Although no trade unions exist for the time being, the practice of signing an employment contract is followed in order to prevent disputes between the employer and the employee and arbitrate in trade disputes when they arise. When a trade

dispute arises, it is settled as urgently as possible in accordance with the existing laws. Trade disputes are usually settled by a tripartite mechanism comprising the Township Workers' Supervisory Committee with an official from the Ministry of Labour as its secretary, the employer or his or her manager and the employee.

64. Moreover, for Myanmar workers to meet ASEAN skills standards, National Skills Standard Authority (NSSA) was established in October 2007. The NSSA comprises the Deputy Minister for Labour as its Chairman and the Directors-General from the concerned Ministries and the Chairmen from the concerned organizations/associations of the private sector as members. In 2008–2009, skills standards for 44 occupations were formulated and another 100 occupations in 2009–2010. At present, 14 skills standards formulating committees have been established section-wise for the purpose of promoting necessary skills in respective sectors to be on a par with international skills standards.

65. As for the social security protection for workers, the Ministry of Labour has been implementing the social security scheme under the 1954 Social Security Act.

66. While 77 Labour Exchange Offices have been carrying out the necessary measures for the domestic employments, it has been arranged for sending Myanmar workers who wish to work abroad through more than 100 licensed Overseas Employment Agencies since 1999. Moreover, regarding the rights of Myanmar workers abroad, in order to be fully enjoyed the rights of workers granted by the laws of their residing countries, the respective Myanmar embassies, the concerned Ministries and institutions have settled these matters in co-operation manners.

6. The rights of the person with disabilities

67. Section 32(a) of the Constitution stipulates that the Union shall care for mothers and children, orphans, fallen Defence Services personnel, the aged and the disables. Section 18(a) of the Child Law (1993) specifically states that the State shall adopt measures in order that mentally-retarded or physically disabled children have the right to acquire basic education (primary level) at special schools or vocational education, and the right to obtain special care and support from the State and the right to participate with dignity in the society.

68. The Myanmar National Plan of Action for Persons with Disabilities (PWDs) (2010–2012) has been implemented to fulfill the rights of PWDs. The Plan of Action envisages to carry out awareness raising programmes, to develop policy and techniques, to ensure the PWDs of the right to full social inclusion and the right to shape their own future. In this connection, the Ministry of Social Welfare, Relief and Resettlement is playing a leading role and broadly collaborating with the concerned Ministries, INGOs, NGOs, and other social organizations.

69. In the aftermath of the Cyclone Nargis, an emergency action plan was drawn up for the disabled in the affected areas. Under the action plan, PWDs were provided with the assistive mobility devices, livelihood supports, repair and restoration of houses, physiotherapy treatments, referral to respective hospitals for further treatment, barrier-free environment and training for caregivers for PWDs. A total of 15,000 disabled persons have benefited from the plan of action.

70. The Department of Social Welfare and the Ministry of Education are jointly carrying out activities under the "Education of All" Programme. As per the programme, 801 disabled children are enrolled at Basic Education Schools, 1450 children at 14 Special Schools for the disabled, 31 disabled students at the colleges and universities and 6 disabled persons at post graduate schools respectively.

71. The Ministry of Social Welfare, Relief and Resettlement is the focal Ministry for matters relating to PWDs. The Ministry implements programmes for the disabled such as vocational training, special education techniques, training for daily physical mobility, physiotherapy for the physically handicapped, establishment of income generating enterprises, creation of barrier free environment, capacity building for the disabled to ensure social inclusion and the awareness raising activities. The aforesaid activities are being carried out by the Ministry in 17 schools for the disabled and the 22 Disability Resource Centres and 120 villages located in 15 townships throughout the country in closed cooperation.

72. With regard to job opportunity for PWDs, the Disabled Employment Act was enacted in 1958. Measures for creating job opportunities for PWDs are being taken in accordance with the said Act.

73. To enable PWDs to fully enjoy their rights, concerted efforts are being made in collaboration with government organizations, INGOs, NGOs and disabled organizations in line with UN Standard Rules, Biwako Millennium Framework for Action, Biwako Millennium Framework for Action plus Five and the UN Convention on the Rights of PWDs.

7. Freedom of religion

74. Both the Constitution of 1947 and the Constitution of 1974 stated that any citizen of Myanmar regardless of race, religion and sex has the rights to the freedom of faith. Similarly, the Constitution of the Republic of the Union of Myanmar (2008), which was adopted through a nation-wide referendum, guarantees the freedom of religion. In Myanmar, Buddhism is the faith professed by the majority of the population. There are also other religions professed by the minority. Section 362 of the aforesaid Constitution states: "The Union also recognizes Christianity, Islam, Hinduism and Animism as the religions existing in the Union at the day of the coming into operation of this constitution". Every religion professes by the national races is equally recognized and respected. In the heart of Yangon City, religious monuments, such as the Sule Pagoda of Buddhism, the Bengali Mosque of Islam, the Immanuel Church of Christianity, the Ganish of Hinduism stand side by side as a clear evidence of freedom of religion in the country. Madame Sadako Ogata, Independent Expert of the Commission on Human Rights, who came to Myanmar in 1990, remarked that "Myanmar is a model society with regard to the freedom of faith".

75. The freedom of faith is also reflected in the annual Haj pilgrimage being arranged by the Ministry of Religious Affairs of the Union of Myanmar. Under its auspices, from 1986 to 2010, 15740 Haj pilgrims from Myanmar have been sent to Saudi Arabia on pilgrimage.

8. Right to development

76. The Government has been carrying out urban and rural development tasks with great momentum. Since 1988, peace and tranquility has prevailed in the country, paving the way for enhancing regional development tasks. Realizing the Government's goodwill, 17 out of 18 major armed insurgent groups have returned to the legal fold and exchanged arms for peace. They are now working hand in hand with the Government to bring about the economic and social development of their regions.

77. The Central Committee for Development of Border Areas and National Races was established with the Head of State as its Chairman. The Working Committee and sub-committees were also formed.

78. To effectively implement development of border areas and national races, the Ministry for the Development of Border Areas and National Races was established on 24

September 1992. Later, the Ministry was reorganized as the Ministry for the Progress of Border Areas and National Races and Development Affairs on 30 January 1994.

79. With a view to narrowing the development gap between urban and rural areas, bringing about balanced development the Government has been implementing the National Races Development Plan, the Rural Development Plan and the 24 Special Development Zone Project. To enable the national races to enjoy the benefit of development sooner, local people are not only joining hands with respective government agencies, international organizations, non-governmental organizations and civil society, but also participating voluntarily in the development tasks of their regions.

80. The 13 Year Master Plan for the Development of Border Areas and National Races was implemented from the fiscal year 1993–1994 to 2005–2006. In addition, the 30 Year Long-Term Plan for the Development of Border Areas and National Races realized from (2001–2002) to (2030–2031) is being implemented for the betterment of the national races in the border areas.

81. As of 31 May 2010, the State 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.

9. Right to health

82. The Government of Myanmar recognized that everyone has the right to have a standard of living adequate for the health and well-being of himself and his family. The right to health is also closely related to, and dependent upon, the realization of other human rights. With the advent of the People's Health Plan in 1978, Myanmar has adopted **Health for All (HFA)** as a social goal to be achieved by using **Primary Health Care** as the key approach. Health for All is a fundamental human right to attain peaceful and modern developed nation.

83. In this context, the objectives of the Ministry of Health are “**to enable every citizen to attain full life expectancy and enjoy longevity**” and “**to ensure that every citizen is free from diseases**”. National Health Plans have been developed and currently (12) health programmes with (65) projects are being implemented with emphasis for the attainment of health related **Millennium Development Goals (MDGs)**.

84. To fulfill the country's prevailing health requirements, the following are set as priority areas:

- (a) Maternal and child health, prenatal cares, nutrition, water and sanitation, wide spread use of fly proof toilets,
- (b) Prevention and eradication newly emerged and recurring communicable diseases,
- (c) Prevention and eradication Non-communicable diseases- cardiovascular disease, diabetes, cancer, mental health, substance abuse, alcohol abuse, tobacco use, accidents,
- (d) Environmental sustainability,
- (e) Protecting poor people from financial catastrophic injury during illness and
- (f) Developing effective health systems.

85. In Myanmar, AIDS is one of the priority diseases and also a disease of national concern. National Strategic Plan and its operational plan for 2006–2010 were formulated with multi-sectoral and multi-agency participation. Myanmar is practicing a human rights

approach to HIV with emphasis on the principle of the participation of affected people and non-discrimination in planning and implementing policies and programs.

86. Ministry of Health, WHO and UNAIDS Headquarters, Geneva jointly estimated that number of people living with HIV/ AIDS in Myanmar among the 15 to 49 years was 240,000 in 2009. In addition, HIV/AIDS projection and demographic impact analysis workshop conducted in September 2007 had noted that HIV prevalence in Myanmar has reduced from 1.5 per cent in 2000 to 0.61 per cent in 2009. It has also observed that HIV in Myanmar has had its peak in 2000, and then leveling off.

87. Myanmar is striving to lower down the maternal mortality ratio, neonatal mortality rate, infant mortality as well as under-five mortality rates with a momentous effort. All efforts are geared towards maternal, newborn and child health care activities from both the public as well as private sector aim towards reducing maternal deaths, newborn deaths, infant deaths and under five deaths. Maximum utilization of available resources for Maternal Newborn and Child Health activities is one of the strategic directions in Myanmar.

88. Government has increased health spending on both current and capital yearly. Total government health expenditure has increased for twelve times within the last decade. As of 2008–2009 budget year, the expenditures incurred by the State for health services was 51.675 billion kyats. Myanmar provides health services at the primary health care facilities at minimum or no cost. In order to provide financial protection for the poor, pro-poor health care approach and exemption mechanism is in place.

89. The State has invested in public sector health by upgrading, expanding and developing hospitals and since 1988 total number of hospitals has increased from 631 to 889 including 23 specialist hospitals to take care of health of people in the country. Similarly during the same period Rural Health Centers were increased in 168 numbers and Sub Rural Health Centers were increased in 721 numbers as of July 2010.

10. Right to education

90. With the realization that education is a key element for development in all spheres, Myanmar is placing special emphasis on it. Ministry of Education is striving to improve access to education for all children and promote the quality of education in both the Basic Education and the Higher Education Sectors. Since the 2001–2002 Academic Year, the Thirty-Year Long-Term Education Development Plan encompassing programmes for both basic and higher education has been implemented in six phases each consisting of a five-year plan.

91. According to All School-Age Children in School Project, the concerted activities have been undertaken to enhance enrollment of all children in school and to promote retention rate. In accordance with the Jomtien declaration, the All School-Age Children in School Project has been implemented since 1996 and household survey on literacy was conducted up to 1999 annually. Since 1999–2000 Academic Year, School Enrollment Week has been held yearly and observed in every township with the coordination and involvement of regional authorities, educational personnel, NGOs, School Board of Trustees, well-wishers, parents and local communities. Due to this nationwide effort, the primary school intake rate in grade 1 is increased to 98.37 per cent in 2010–11 Academic Year. This ensures creating opportunities and access to primary education of all school-age children including those in difficult circumstances and those belonging to ethnic minorities.

92. The Continuous Assessment and Progression System-CAPS was introduced in Myanmar in 1991 and was initiated in the schools of project townships with collaboration of UNICEF and then CAPS has been implemented in the whole nation since 1998. In order

to promote children's creativity, analytical skills, critical thinking, and problem-solving skills, the Child Centered Approach have been expanded to use in the schools.

93. In accord with Myanmar EFA National Action Plan (EFA-NAP) (2003–2015), developing and expanding child friendly schools based on the Convention on the Right of the Child (CRC) is carried out. In Myanmar, right-based child friendly schools are based on 3 basic principles which are **“in the best interest of the child, non-discrimination and respect to the opinion of the child”**. Therefore, all school children in Myanmar have their rights in the school, in their families and in community as stated in the CRC.

94. Human Rights Education lessons are prescribed in basic education curriculum and taught in all basic education schools. For the Basic Education Primary Level, the concept of Human Rights is integrated in moral and civics as well as in other subjects such as Myanmar Language and Social Studies. For the secondary level, Human Rights Education lessons are prescribed and taught as a co-curricular subject.

95. As research is regarded as the lifeblood of higher education institutions, one of the key activities is carrying out researches concerned with major subjects as well as researches which are beneficial for the nation. Through the implementation of the long-term education development plan, higher education institutions are carrying out not only academic researches but also the applied researches based on the local resources to fulfill local needs of the region in which the higher education institutions are located. The PhD courses have been offered in the respective universities since 1994–95 Academic Year.

96. At least 1 Arts and Science University, 1 Computer University and 1 Technical University are established in 14 states/divisions as well as 24 special development zones and totally 160 universities and colleges have been opened in the whole nation. Therefore, access to higher education has been gained fully and equally for all in Myanmar.

97. Higher education students have obtained a sound foundation in human rights education since their basic education students' lives. Departments such as the Law Department and International Relations Department at higher education institutions offer more advanced Human Rights Education courses.

98. Education expenditure is significantly increased yearly. In 2009–2010 Academic Year, total education budget was 248.39 billion Kyats. According to new constitution, by highly encouraging private education sector, education expenditure will be significantly increased in the near future.

11. Fulfillment of prisoners' rights

99. At present, the Prisons Department of Ministry of Home Affairs is trying its utmost efforts in order to be in line with the Standard Minimum Rules for the Treatment of Prisoners according to the entitlement issued by the United Nations in 1988.

100. In fact, in the prisons, the arriving prisoners (Male/Female) are being systematically registered with Jail Form(21) 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.

101. During 2006 and 2010, 1074 convicted youth prisoners have been given education classes ranging from kindergarten to Grade 9. The total number of prisoners who are being taught in the three “Rs” literature classes opened during 2008–2010 academic years also amounted to 1156. In the prisons, meditation centres are being opened for prisoners with

the intention of avoiding personal involvement in next criminal cases and becoming softened-hearted persons. The prisoners have the opportunity to attend these meditation centres by their own free will. From 2004 to 2010, the total numbers of 20,170 prisoners of male and female have participated in the meditation practice.

102. The vocational training courses are being opened inside prisons from 2004 to 2010, and total prisoners of 14554 were taught. Regarding medical care for prisoners, 33 physicians, 28 health supervisors, and 69 health personnel are also being appointed at prisons and labour camps. Moreover, specialists and physicians from outside of the prisons are being sent in to tend to the prisoners, and if necessary, these inmates are allowed to have medical treatments at public hospitals. During 2009–2010 fiscal year, 71.93 million Kyats worth of medicines and medical supplies have also been supported to prisons and labour camps. In different prisons and labour camps, 25 water purification plants have been installed with the aim of providing the inmates with sufficient clean water. The water purification plants and related facilities are worth about 307.59 million Kyats.

103. The prisoners who have good behaviour 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 fifteen times, and to date, 114,803 prisoners in total have been released since 1989.

12. Fair and impartial justice

104. Section 2 of the Union Judiciary Law 2000 and Section 19 of the Constitution of the Union of Myanmar provide the judicial principles of administering justice independently according to law, dispensing justice in open court before public unless otherwise prohibited by laws and guaranteeing in all cases the right of defence and right of appeal under the law. Myanmar courts have been implementing these principles.

105. In Myanmar, judges at different levels of courts have been handling cases in accordance with law. The respective court shall sentence with punishment, serious or lenient, depending on the degree of the offence to any person who breaches the existing laws. The courts render the legal rights to the accused to give the right of cross-examination in accordance with the Evidence Act, the right to produce witnesses, right of appeal to defend through legal assistance at government expense on behalf of poor person accused of offences punishable with death. The court may not convict the accused without sufficient evidence.

106. In Myanmar, the district courts have the jurisdiction to pass death penalty to the person who committed a serious crime subjected to the existing laws. District Courts are the courts of origin to pass the death penalty. However, it is necessary to take judicial approval of the Supreme Court. Moreover, Supreme Court shall make the decision to approve such order or not. Although death penalties have been approved in cases, there is no execution of death penalty since 1988. Executions for death penalty are pending.

107. In order to support legal rights and fundamental rights of Myanmar citizens for fair trial, Myanmar courts have been practicing the judicial functions in line with the judicial principles of administering justice independently, dispensing in open court and guaranteeing in all cases the right of defence and right of appeal as well as Supreme Court. In cases where necessary, the Supreme Court shall issue the Writs of Habeas Corpus, Writs of Mandamus, Writs of Prohibition, Writs of Quo Warranto and Writs of Certiorari on the application of any citizen under Section 378 of the Constitution of the Union of Myanmar.

B. Public awareness

108. Myanmar Human Rights Committee with internal and external human rights partners already held a number of workshops and seminars on human rights and opened training courses since 2000, so as to prevail public awareness on human rights protection and promotion. Myanmar Human Rights Committee was reorganized as Myanmar Human Rights Body in 2007 and it is continuing the aforementioned tasks. Until now, the workshops as well as seminars and the training courses on human rights and prevention of trafficking in person, discussions on women rights, child rights, labour rights and migrant workers rights, and workshops on Gender Equality, human rights and officials-level prevention had been held for 35 times and there were about 1,200 participants. Also Myanmar delegations were sent to international and regional workshops and seminars on human rights.

109. Moreover, dialogues on human rights and prevention of trafficking in person, discussions on women rights, Child rights, labour rights and migrant workers rights, and workshops on Gender Equality, human rights and officials-level dialogues on prevention and suppression of trafficking in person are still under way.

110. Curriculums on child's rights, women's rights, trafficked person's rights and migrant workers' rights have been drafted with the assistance of foreign experts. Under these curriculums, the respective experts are lecturing Myanmar Police officers at the Police Training Center. Additionally, mobile educational team including police officers, respective authorities and responsible persons, has been roaming and lecturing.

111. In order to extend the awareness on human rights subject for students, human rights subject curriculums for primary, middle and high school level and university level have been promulgated and lectured.

C. Cooperation with human rights mechanisms

112. In 1992, UN Human Rights Commission had decided to appoint a Special Rapporteur on the situation of human rights in Myanmar. Since then, the under-mentioned Special Rapporteurs had been admitted to visit Myanmar. Special Rapporteur Mr. Yozo Yokota visited Four times²⁸, Mr. Pinheiro visited Seven times²⁹ and Mr. Quintana has visited three times³⁰ respectively. During their visits to Myanmar, the government has managed as much as possible for the Special Rapporteurs to meet the persons they requested.

113. Myanmar delegation led by the Minister for Foreign Affairs attended the Human Rights Council's first session held in Geneva in 2006. The Minister revealed that the nation will cooperate with the Human Rights Council in protection and promotion of human rights in Myanmar during the first session. The delegation has already attended the sessions held by the Human Rights Council.

114. For promotion and protection of human rights, cooperation with UN agencies, submission of national reports on CRC and CEDAW to the respective Committees, clarification to the questions on the national reports and implementation of the recommendations on the reports are being conducted.

115. The Initial National Report of CEDAW was submitted in July 1999 and the Second and Third Combined National Report was submitted in July 2007 respectively.

116. Besides, the Government of Myanmar collaborated with the previous UN Human Rights Commission, and has been collaborating with the current Human Rights Council's

special Rapporteurs and working groups by giving clarifications to the questions relating to Myanmar human rights situation.

117. Myanmar participated actively with other members of ASEAN to formulate the terms of reference of AICHR in accordance with ASEAN Charter as a regional cooperating process.

IV. Achievements, best practices, challenges and restrictions

A. Achievements and best practices

118. Myanmar has been carrying out seminars, training courses, workshops, and educational activities on human rights in cooperation with international organizations.

119. Clarification on human rights activities in Myanmar to Special Rapporteur on the situation of human rights in Myanmar Professor Paulo Sergio Pinheiro was held two times. Moreover, a workshop on international treaty was hosted relating to social and cultural affairs and Mr. Razali Ismail, Special Representative of the UN Secretary General also attended and observed the workshop.

120. Mr. Tomas Ojea Quintana, Special Rapporteur on the situation of human rights in Myanmar was granted permissions to meet with 40 requested prisoners without hindrance during his visits to Myanmar.

121. The National Disaster Preparedness Central Committee headed by the Prime Minister was established in 2005 and Working Committee and 10 Sub-committees were formed to carry out the Central Committee's tasks effectively.

122. Myanmar had signed "the ASEAN Agreement on Disaster Management and Emergency Response – AADMER" in December 2006.

123. The Cyclone Nargis hits Myanmar and 16 townships in Ayeyarwaddy Division and Yangon Division were seriously destroyed. Under the guidance of National Disaster Preparedness Central Committee, Cabinet Ministers were assigned for the close supervision of the relief projects in the respective areas. Furthermore, the Tripartite Core Group (TCG) was formed on 31 May 2008 to facilitate international cooperation.

124. Beside, in order to carry out rehabilitation and reconstruction tasks, the reconstruction groups for villages had been established.

125. The Government had constructed 10,117 low cost houses for the Nargis victims. Furthermore, donations were made by the INGOs, international donors, NGOs and local well-wishers. The priority was given to women headed families, old ages headed families and disable headed families. In order to avoid disasters in future, a total of 20 Cyclone Shelters and 17 Hill locks were constructed in Ayeyawady and Yangon Divisions. 8 more Cyclone Shelters are projected to be constructed in the near future.

126. The government had constructed 10 main roads which link townships and villages in Ayeyawady Division for the development of communication network in the Ayeyawady delta area. A total of 81 large and medium bridges were built and 46 are under construction. New systematic modern townships are being built in 3 miles camp in Labutta Township, Ngaputaw Township, Chaung Wa and Aung Khaing Villages.

B. Challenges and constraints

127. Unilaterally imposed sanctions against Myanmar by some powerful countries have led unnecessary impact on Myanmar people. Nevertheless, the Government of Myanmar has been continuously striving for the development of the State by utilizing its own domestic strength. Unless international co-operations were received instead of these unilateral sanctions, Myanmar would be able to carry out the national development processes more than that of current level.

128. Moreover, the existence of political pressure by some powerful countries upon the developing countries through exercising the United Nation's mechanism has created some difficulties with regard to protection and promotion of human rights for a developing country such as Myanmar.

V. National priorities and initiatives

Undertaking of studying and signing international conventions on human rights

129. Myanmar is observing the under-mentioned international conventions on human rights:

- (a) Conventions on the Rights of Persons with Disabilities (CRPD);
- (b) Optional Protocol to the Convention in the rights of the Child on the sale of Children, Child Prostitution and Child Pornography;
- (c) International Covenant on Economic, Social and Cultural Rights (ICESCR);
- (d) International Covenant on Civil and Political Rights (ICCPR);
- (e) International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- (f) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).

130. Myanmar will be implementing a National Plan of Action to further promote and protection human rights.

131. Myanmar is striving to transform the present Myanmar Human Rights Body into National Human Rights Commission in accordance with Paris Principles.

132. Myanmar will continue to increase the number of workshops relating on human rights. So as to conduct workshops effectively, Myanmar will cooperate with Human Rights Council and OHCHR. Additionally, Myanmar will cooperate with country specific Special Rapporteurs and Thematic Rapporteurs under Human Rights Council (HRC).

133. In order to conduct future workshops, seminars and training sessions in Myanmar on promoting and protection of Human Rights, Myanmar will seek technical assistance from United Nations agencies, OHCHR and Regional OHCHR.

Notes

- ¹ The Liaison Sub-committee which has to deal with the groups relating to compilation of Myanmar National Report on Human Rights, Border Area Development Association (BDA), Parami Foundation, Myitta Development Foundation, Nyein Foundation, Shwe Foundation, Aye Mya Soe Foundation, Ka Naung Association (Yangon), Myanmar Architect Association, Myanmar Engineering Association, Myanmar Nurses and Midwives Association, Myanmar Veterinary Association, Myanmar Doctors Association(Central Council), Myanmar Health Association, Myanmar Banks Association, Myanmar Anti-Narcotic Drug Association, ASEAN Women's Friendship Association of Myanmar, Social Development Association, ADRA (Myanmar), World Vision (Myanmar), The Association of Medical Doctors of Asia (AMDA), Pacific Congress Marine Science Technology (PACON) International, Japanese Organization for International Co-operation Family Planning (JOICFP), World Concern, Community and Family Services International (CFSI), PACD (Myanmar), Marlin Myanmar, Myanmar Business Coalition on AIDS.
- ² Mr. Bishaw B-Parajuli (United Nations Development Programme-UNDP), Mr. Ramesh M.Shrestha (United Nations Children's Fund -UNICEF), Ms. Toni Yama (UNICEF), Mr. Phairaja Panday (United Nations High Commissioner for Refugees -UNHCR), Mr. Steve Marshall (International Labour Organization-ILO), Ms. Mariko Tomiyama International Organization for Migration (IOM).
- ³ (a) Human Rights and Responsibilities (Yangon, Mandalay, Taunggyi, Myitkyina, Tawei) (14 Times).
 (b) Human Rights of Law Enforcement (Yangon, Pegu, Patheingyi, May Myo) (7 Times).
 (c) International Seminar on the Rights of the Child (Yangon, Myitkyina, Mawlamyine) (4 Times).
 (d) Land Mine Awareness Workshop (Yangon, Mawlamyine) (2 Times).
 (e) Women's Rights (Yangon) (1 Time)
 (f) Workshop on International Covenant on Economic, Social and Cultural Rights (Yangon) (1 Time).
 (g) International Human Rights Law and Refugee Law (Yangon, Mawlamyine, Tawei, Phaung) (5 Times)
 (h) Workshop on the Universal Periodic Review Preparation for the National Report (Nay Pyi Taw) (1 Time).
- ⁴ 17 Armed Groups, who have already exchanged the arms for the peace, are as follows:
 (a) Myanmar National Democratic Alliance (MNDA)(exchange on 31-3-89)
 (b) United Wa State Army (UWSA) (exchange on 9-5-89)
 (c) Shan State Army (SSA) (exchange on 24-9-89)
 (d) Palaung State Liberation Army (PSLA) (exchange on 21-4-91)
 (e) National Democratic Alliance Army (NDAA) (exchange on 30-6-89)
 (f) Shan Nationalities People's Liberation Organization (SNPLO) (exchange on 9-10-94)
 (g) Kayan National Guard (KNG) (exchange on 27-2-92)
 (h) Karenni Nationalities People's Liberation Front (KNPLF) (exchange on 24-2-94)
 (i) Kayan New Land Party (KNLP) (exchange on 26-7-94)
 (j) New Democratic Army-Kachin (NDAK) (exchange on 15-12-89)
 (k) Burma Communist Party (Ra Khine) (BCP) (exchange on 6-4-97)
 (l) Kachin Defence Army (KDA) (exchange on 11-1-91)
 (m) "Pa-o" National Organization (PNO) (exchange on 18-2-91)
 (n) Kachin Independence Organization (KIO) (exchange on 24-2-94)
 (o) Karenni National Progressive Party (KNPP) (exchange on 21-3-95)
 (p) New Mon State Party (NMSP) (exchange on 29-6-95)
 (q) Mong Tai Army (MTA) (exchange on 5-1-96)
- ⁵ Constitution of the Republic of the Union of Myanmar Section 348 (The Union shall not discriminate any citizen of the Republic of the Union of Myanmar based on race, birth, religion, official position, status, culture, sex, wealth.).
- ⁶ Code of Criminal Procedure section 374 (Sentence of death to be submitted by Court of Session.).
- ⁷ Child Law Section 45 (Notwithstanding anything contained in any existing law, a death sentence, transportation for life or a sentence of whipping shall not be passed on any child.), Section 71(Notwithstanding anything contained in any existing law; (a) a sentence of death or transportation for life shall not be passed on the youth; (b) if a sentence of imprisonment is passed on the youth, the

- maximum term of imprisonment shall not exceed ten years).
- ⁸ Constitution of the Republic of the Union of Myanmar Section 44 (No penalty shall be prescribed that violates human dignity.).
- ⁹ Constitution of the Republic of the Union of Myanmar Section 358 (The Union prohibits the enslaving and trafficking in persons), Penal Code section 370 (Buying or disposing of any person as a slave), section 371(Habitual dealing in as a slaves), section 374(Unlawful compulsory labour).
- ¹⁰ Constitution of the Republic of the Union of Myanmar Section 21(b) (No citizen shall be placed in custody for more than 24 hours without the permission of a Court.), section 376 (No person shall, except matters on precautionary measures taken for the security of the Union of prevalence of law and order, peace and tranquility in accord with the law in the interest of the public, or the matter permitted according to an existing law be held in custody for more than 24 hours without the remand of a competent magistrate.), Code of Criminal Procedure section 167 (Procedure when investigation can not be completed in twenty-four hours.).
- ¹¹ Child Law section 52(A) (the Officer in charge of a prison shall, in respect of a child or youth who has been sentenced to imprisonment: - (a) not keep him together with adult prisoners until he attains the age of 18 years.).
- ¹² Constitution of the Republic of the Union of Myanmar, Section 347 (the Union shall guarantee any person to enjoy equal rights before the law and shall equally provide legal protection.).
- ¹³ Evidence Act Section 101 (When a person as bound to prove the existence of any fact, it is said that the burden of proof lies on that person.).
- ¹⁴ Child Law Section 3(f) (to enable a separate trial of a juvenile offence and to carry out measures with the objective of reforming the character of the child who has committed an offence.).
- ¹⁵ Code of Criminal Procedure section 423(1)(b) (Powers of Appellate Court in disposing of appeal).
- ¹⁶ Code of Criminal Procedure section 403(Person once convicted or acquitted not to be tried for same offence), Constitution of the Republic of the Union of Myanmar Section 374 (Any person convicted or acquitted by a competent court for an offence shall not be retried unless a superior court annuls the judgment and orders the retrial).
- ¹⁷ Constitution of the Republic of the Union of Myanmar Section 373 (Any person who committed a crime, shall be convicted only in accord with the relevant law then in operation. Moreover, he shall not be penalized to a penalty greater than that is applicable under that law).
Constitution of the Republic of the Union of Myanmar Section 43 (No penal law shall be enacted to provide retrospective effect.).
- ¹⁸ Constitution of the Republic of the Union of Myanmar Section 357(The Union shall protect the privacy and security of home, property, correspondence and other communications of citizens under the law subject to the provisions of this Constitution).
- ¹⁹ Constitution of the Republic of the Union of Myanmar Section 362, (The Union also recognizes Christianity, Islam, Hinduism and Animism as the religions existing in the Union at the day of the coming into operation of this Constitution. penal code section).
- ²⁰ Constitution of the Republic of the Union of Myanmar Section 364(b) (every citizen shall be at liberty in the exercise of the right , if not contrary to the laws , enacted for Union security , prevalence of law and order, community peace and tranquility or public order and morality; to assemble peacefully without arms and holding procession).
- ²¹ Constitution of the Republic of the Union of Myanmar Section 354 (b), (to assemble peacefully without arms).
- ²² Constitution of the Republic of the Union of Myanmar Section 354 (c), (to form associations and organization).
- ²³ Myanmar Customary Law.
- ²⁴ Child Law Section 9(b) (The parents of guardian shall register the birth of the child in accordance with law.).
- ²⁵ Child Law Section 10(Every child shall have the right to citizenship in accordance with the provisions of the existing law.).
- ²⁶ Constitution of the Republic of the Union of Myanmar Section 369 (Subject to this Constitution and relevant laws , every citizen has the right to elect and right to be elected to the Pyithu Hluttaw, the Amyotha Hluttaw, and the Region or State Hluttaw).
- ²⁷ Constitution of the Republic of the Union of Myanmar Section 375, (An accused shall have right of defence in accord with the law) Code of Criminal Procedure section 340(1), (Right of person against

whom proceedings are instituted to be defended and his competency to be a witness. Section 353
(Evidence to be taken in presence of accused.).

- ²⁸ Mr. Yozo Yokota's visit to Myanmar (4) times-
- (a) First Time (from 7-12-92 to 14-12-92)
 - (b) Second Time (from 9-11-93 to 16-11-93)
 - (c) Third Time (from 7-11-94 to 16-11-94)
 - (d) Fourth Time (from 8-10-95 to 17-10-95)
- ²⁹ Mr. Pinheiro's visit to Myanmar (7) times-
- (a) First Time (from 3-4-2001 to 5-4-2001)
 - (b) Second Time (from 12-10-2001 to 14-10-2001)
 - (c) Third Time (from 12-2-2002 to 19-2-2002)
 - (d) Fourth Time (from 17-10-2002 to 28-10-2002)
 - (e) Fifth Time (from 19-3-2003 to 24-3-2003)
 - (f) Sixth Time (from 3-11-2003 to 8-11-2003)
 - (g) Seventh Time (from 11-9-2007 to 15-9-2007)
- ³⁰ Mr. Quintana's visit to Myanmar (3) times-
- (a) First Time (from 3-8-2008 to 7-8-2008)
 - (b) Second Time (from 14-2-2009 to 19-2-2009)
 - (c) Third Time (from 15-2-2010 to 19-2-2010)
-