



General Assembly

Distr.
LIMITED

A/HRC/10/L.28
20 March 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL

Tenth session
Agenda item 4

**HUMAN RIGHTS SITUATIONS THAT REQUIRE
THE COUNCIL'S ATTENTION**

**Australia*, Austria*, Belgium*, Bosnia and Herzegovina, Bulgaria*,
Canada, Croatia*, Cyprus*, Czech Republic*, Denmark*, Estonia*,
Finland*, France, Germany, Greece*, Hungary*, Iceland*, Ireland*,
Italy, Latvia*, Liechtenstein*, Lithuania*, Luxembourg*, Malta*,
Monaco*, Netherlands, Norway*, Peru*, Poland*, Portugal*,
Republic of Moldova*, Romania*, Slovakia, Slovenia, Spain*,
Sweden*, Switzerland, United Kingdom of Great Britain and
Northern Ireland, United States of America*: draft resolution**

10/... Situation of human rights in Myanmar

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming also previous resolutions on the situation of human rights in Myanmar of the Commission on Human Rights, Council resolutions S-5/1 of 2 October 2007, 6/33 of 14 December 2007, 7/31 of 28 March 2008 and 8/14 of 18 June 2008, as well as resolutions of the General Assembly, the most recent being resolution 63/245 of 24 December 2008,

* Non-member State of the Human Rights Council.

Welcoming the statements on the situation in Myanmar made by the President of the Security Council on 11 October 2007 and 2 May 2008,

Welcoming also the report of the Special Rapporteur on the human rights situation in Myanmar (A/HRC/10/19), urging the implementation of the recommendations contained therein, and welcoming further the agreement by the Government of Myanmar to the visits of the Special Rapporteur from 3 to 7 August 2008 and from 14 to 19 February 2009, while encouraging the continuation of regular visits and extension of full cooperation of Myanmar authorities to the Special Rapporteur,

Welcoming further the report of the Secretary-General on the human rights situation in Myanmar (A/HRC/10/17), as well as the agreement by the Government of Myanmar to the visit of the Special Representative of the Secretary-General to Myanmar from 31 January to 3 February 2009,

Being concerned that the urgent calls contained in the above-mentioned resolutions and of other United Nations bodies concerning the human rights situation in Myanmar have not been met and further emphasizing the need for significant progress towards meeting these calls of the international community,

Being deeply concerned that no effort has been made to investigate and prosecute the perpetrators of the violent crackdown on peaceful mass demonstrations of September 2007 and of the ensuing human rights violations, including enforced disappearances, arbitrary detentions, torture and ill-treatment,

Expressing its deep concern that the country's political processes are not transparent, inclusive, free or fair, and that the drafting process of the Constitution was neither inclusive nor transparent and the constitutional referendum was not free and fair,

Being particularly concerned by the continued arbitrary house arrest of the General Secretary of the National League for Democracy, Daw Aung San Suu Kyi, and by reports that, despite the recent release of 29 political prisoners, 2,100 others still remain imprisoned, held without charge, incommunicado or in solitary confinement and hard labour camp conditions and denied adequate medical treatment,

Reaffirming that it is the responsibility of the Government of Myanmar to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, as stated in the Charter of the United Nations, the Universal Declaration of Human Rights and other applicable human rights instruments,

Recalling Council resolution 5/1 on institution-building of the United Nations Human Rights Council, and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and annexes thereto,

1. *Strongly condemns* the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar;
2. *Strongly urges* the Government of Myanmar to desist immediately from further politically motivated arrests, to release all political prisoners, including the General Secretary of the National League for Democracy, Daw Aung San Suu Kyi, the Chairman of the Shan Nationalities League for Democracy, U Khun Tun Oo and the leader of 88 Generation Students Group, U Min Ko Naing, without delay and without conditions;
3. *Expresses its deep concern* at the lack of fair and public hearings by competent, independent and impartial tribunals established by law and at the harsh sentences delivered in Yangon and Mandalay since November 2008, and calls for the review of those sentences;
4. *Calls for* a full, transparent, effective, impartial and independent investigation into all reports of human rights violations, including enforced disappearances, arbitrary detentions, rape and other forms of sexual violence, torture and other forms of ill-treatment, and for bringing those responsible to justice in order to end impunity for violations of human rights;
5. *Strongly urges* the Government of Myanmar to end all forms of discrimination and to protect civil, political, economic, social and cultural rights on the basis of the Universal Declaration of Human Rights and, in particular, to comply with its human rights obligations under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child in this regard;

6. *Welcomes* the prolongation in February 2009 of the trial period of the supplementary understanding between the International Labour Organization and the Government of Myanmar, and urges the Government of Myanmar to intensify measures to end its practice of forced labour, to strengthen its cooperation with the liaison office of the Organization and to ensure that there are no negative repercussions to those that seek redress, nor to other persons who support the operation of the complaints mechanism under the supplementary understanding of the Organization;

7. *Strongly calls upon* the Government of Myanmar to put an immediate end to the continuing recruitment and use of child soldiers in violation of international law by all parties, to intensify measures to ensure the protection of children from armed conflict and to pursue its collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict;

8. *Notes* the continued cooperation of the Government of Myanmar with the international community, including the United Nations, in delivering humanitarian assistance to the people affected by Cyclone Nargis, and the recent extension of the Tripartite Core Group mechanism, mindful that timely access contributes to reduced suffering and loss of life;

9. *Calls upon* the Government of Myanmar to address urgently the dire humanitarian situation and to allow and facilitate rapid and unimpeded humanitarian access to all persons in need in all areas of Myanmar, while paying special attention to internally displaced persons;

10. *Urges* the Government of Myanmar to recognize the right of the persons belonging to the Rohingya ethnic minority in Northern Rakhine State to citizenship, and to end the unacceptable discrimination, human rights abuse and severe economic deprivation they face;

11. *Calls upon* the Government of Myanmar to consider acceding to remaining international core human rights treaties;

12. *Also calls upon* the Government of Myanmar to undertake a transparent, inclusive and comprehensive review of compliance of the Constitution and all national legislation with

international human rights law, while fully engaging with democratic opposition and ethnic groups, and to refrain from implementing and to revoke all national legal provisions that are found to be contrary to international human rights law;

13. *Urges* the Government of Myanmar to reform the judiciary so that it is independent of executive power and impartial and guarantees due process of law, and welcomes in this context the assurances given by the authorities of Myanmar to the Special Rapporteur on the situation of human rights in Myanmar to begin a dialogue on judicial reform, and calls upon the authorities to fulfil those assurances as early as possible;

14. *Also urges* the Government of Myanmar, in cooperation with the Office of the United Nations High Commissioner for Human Rights, to provide adequate human rights and international humanitarian law training for its armed forces, police and prison personnel, to ensure their strict compliance with international human rights law and international humanitarian law and to hold them accountable for any violations thereof;

15. *Strongly calls on* the Government of Myanmar to engage in a genuine, substantive and time-bound process of open dialogue and national reconciliation with the full and genuine participation of representatives of all political parties and ethnic groups;

16. *Also strongly calls on* the Government of Myanmar to ensure free and fair electoral process that is transparent and inclusive, with full and genuine participation of all actors;

17. *Urges* the Government of Myanmar to guarantee the rights to the freedom of assembly, association and freedom of expression, including for free and independent media, and to lift immediately all restrictions on the exercise of these rights;

18. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar, in accordance with Commission on Human Rights resolutions 1992/58 of 3 March 1992 and 2005/10 of 14 April 2005, and Council resolution 7/32 of 28 March 2008;

19. *Strongly urges* the Government of Myanmar to continue to respond favourably to the Special Rapporteur's requests to visit the country and to cooperate fully with him by providing access to all relevant information, bodies, institutions and persons, so as to enable him to fulfil

his mandate effectively, and to implement the recommendations contained in his reports (A/HRC/6/14, A/HRC/7/18, A/HRC/7/24, A/HRC/8/12 and A/HRC/10/19) and in Council resolutions S-5/1, 6/33, 7/31 and 8/14;

20. *Requests* the Special Rapporteur to submit a progress report to the General Assembly at its sixty-fourth session and to the Council in accordance with its annual programme of work;

21. *Calls upon* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all necessary assistance and resources to enable him to discharge his mandate fully;

22. *Calls upon* the Government of Myanmar to engage in a dialogue with the Office of the High Commissioner with a view to ensuring full respect for all human rights and fundamental freedoms;

23. *Expresses its strong support* for the good offices mission and commitment of the Secretary-General, encourages the Government of Myanmar to allow regular visits of his Special Representative on Myanmar to facilitate a genuine and inclusive political process, and calls on the Government of Myanmar to ensure full cooperation with the Secretary-General, his representative and the Special Rapporteur.
