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COMMISSION ON HUMAN RIGHTS
Forty-ninth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Argentina, Australia, Austria, Belgium*, Bulgaria, Canada, Chile,
Costa Rica, Czech Republic, Denmark*, Finland, France, Germany,
Greece*, Hungary*, Ireland*, Italy*, Liechtenstein*, Luxembourg*,
Netherlands, Norway*, Poland, Portugal, Spain*, Sweden*,
Switzerland, United Kingdom of Great Britain and Northern Ireland
and United States of America: draft resolution

1993/... Situation of human rights in Myanmar

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Aware that, in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all, and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

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

Noting with particular concern in this regard that the electoral process initiated in Myanmar by the general elections of 27 May 1990 has not yet reached its conclusion and that the Government still has not implemented its commitments to take all necessary steps towards democracy in the light of the results of these elections,

Deploring that many political leaders, in particular elected representatives, remain deprived of their liberty and that Daw Aung San Suu Kyi, Nobel Peace Prize laureate, is still under house arrest,

Regretting in this context that the Nobel Peace Prize laureates were not allowed to enter Myanmar to meet with Daw Aung San Suu Kyi,

Noting the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 12 August 1949, in particular the Convention relative to the Protection of Civilian Persons in Time of War, the release of a certain number of political prisoners and the reopening of universities,

Expressing its deep concern at the violations of human rights in Myanmar which remain extremely serious, in particular concerning the practice of torture, summary and arbitrary execution, forced labour, including forced portering for the military, abuse of women, politically motivated arrests and detention, the existence of important restrictions on the exercise of fundamental freedoms and the imposition of oppressive measures directed, in particular, at minority groups,

Noting that this situation has resulted in flows of refugees towards neighbouring countries,

Deeply concerned at the continuous problems created in neighbouring countries by the exodus of refugees from Myanmar, including almost 250,000 Myanmar Muslim refugees to Bangladesh,

Concerned at the absence of guarantees for the physical integrity and well-being of returnees,

Having examined the reports of the Working Group on Arbitrary Detention (E/CN.4/1992/20), the Special Rapporteur on the question of torture (E/CN.4/1993/26) and the Special Rapporteur on the question of religious intolerance (E/CN.4/1993/62),

Recalling its resolution 1992/58 of 3 March 1992, in which it decided to nominate a special rapporteur to establish direct contacts with the Government and the people of Myanmar, including political leaders deprived of their

liberty, their families and lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Taking note of General Assembly resolution 47/144 of 18 December 1992 concerning the situation of human rights in Myanmar,

Noting that the Special Rapporteur has visited Myanmar at the invitation of the Government of Myanmar,

Deploing, however, that in spite of the provisions of resolution 1992/58 requesting the Myanmar authorities to extend their full and unreserved cooperation to the Special Rapporteur, he has been denied access to some persons, in particular detainees, including Daw Aung San Suu Kyi, and that a number of persons wishing to provide testimony have been subjected to intimidation or harassment,

1. Expresses its thanks to the Special Rapporteur for his report (E/CN.4/1993/37), its conclusions and recommendations;

2. Deplores the continued seriousness of the situation of human rights in Myanmar and, in particular, the fact that a number of political leaders, including Daw Aung San Suu Kyi and other leaders of the National League for Democracy, remain deprived of their liberty;

3. Urges the Government of Myanmar to take, in conformity with the assurances given at various times, firm steps towards the establishment of a democratic State, and to adopt the measures recommended in General Assembly resolution 47/144;

4. Notes with concern in this respect that the National Convention created to prepare basic elements for the drafting of a new constitution is meeting, having excluded most of the representatives duly elected in 1990, and also notes with concern that one of its objectives is to maintain the participation of the armed forces (Tatmadaw) in a leading role in the future political life of the State;

5. Urges the Government of Myanmar to take every appropriate measure to allow all citizens to participate freely in the political process in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through convening of the Parliament elected in May 1990, lifting of

restraining orders placed on a number of political leaders, releasing those who are detained, ensuring that political parties can function normally and lifting restrictions on the right of association and assembly, as well as the right to freedom of opinion and expression;

6. Strongly urges the Government of Myanmar to restore full respect for human rights and fundamental freedoms, to restore the protection of persons belonging to minority groups, notably against discrimination concerning them, especially in the framework of citizenship laws, and to put an end to violations of the right to life and integrity of the human being, the practice of torture, abuses of women, forced labour and enforced disappearance and summary executions;

7. Calls upon the Government of Myanmar to consider lifting emergency measures, which should cease to be the basis of law;

8. Reminds the Government of Myanmar of its responsibility to investigate alleged cases of human rights violations committed by its agents on its territory, to bring them to justice, to prosecute them and to punish those found guilty, in all circumstances;

9. Urges the Government of Myanmar to release unconditionally and to ensure the physical integrity of the Nobel Peace Prize laureate, Daw Aung San Suu Kyi, detained without trial for the last four years, as well as other detained political leaders and all political prisoners;

10. Appeals to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

11. Appeals also to the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29) and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) of the International Labour Organisation;

12. Requests the Government of Myanmar to ensure that all persons, without discrimination, are afforded the minimum guarantees for a fair trial, according to due process of law and in conformity with applicable international standards, that laws are given due publicity and that the principle of non-retroactivity of laws is respected;

13. Calls upon the Government of Myanmar to create the necessary conditions that would end the flow of Myanmar refugees to neighbouring countries, to facilitate their early repatriation and their full reintegration, in conditions of safety and dignity, in particular through cooperation with the Office of the United Nations High Commissioner for Refugees;

14. Invites the Government of Myanmar to fully respect their obligations under the Geneva Conventions of 12 August 1949, in particular their common article 3, and to resort to the services of impartial humanitarian bodies;

15. Calls upon the authorities of Myanmar to give particular attention to prison conditions in the country's jails;

16. Decides to extend for one year the mandate of the Special Rapporteur to establish or continue direct contacts with the Government and the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, and requests him to report to the General Assembly at its forty-eighth session and to the Commission at its fiftieth session;

17. Urges the Government of Myanmar to extend in the future its full and unreserved cooperation to the Commission and the Special Rapporteur and, to this end, to ensure that the Special Rapporteur has effectively free access to any person in Myanmar whom he deems appropriate to meet in the performance of his mandate;

18. Decides to keep the matter and all the recommendations of the Special Rapporteur under review at its fiftieth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".
