Myanmar

Permanent Mission of the Union of Myanmar

47, Avenue Blanc, 1202 Geneva, (022) 906 98 70 - 71

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Statement by

His Excellency U Wunna Maung Lwin,
Ambassador / Permanent Representative
and Leader of the Myanmar delegation

at the
13th Session of the Human Rights Council

Geneva, 15 March 2010

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Mr. President,

Mr. Quintana has just made oral presentation and submitted his report. Even though his statement and report contained a few positive developments in the situation of human rights in Myanmar, we noticed that most of the facts are missing and lack of objectivity in his presentation and report. Therefore, I would like to make a few comments in order to set the record straight.

Transition to Democracy

Myanmar is holding a free and fair multi-party general election this year. On 8 March 2010, the Government has enacted five laws regarding the elections. Accordingly the Union Election Commission has been formed on the 11 March to supervise the electoral process. Persons who wish to contest in the election or who wish to form political parties can now begin the preparations in accordance with the laws.

The transition towards democracy is proceeding systematically. Peace and security, prevalence of law and order are the prerequisite for a smooth and peaceful transition toward a democratic society. Myanmar has reached the most important step, which is the fifth step of the Seven-Step Road Map. People have been invited to actively participate in this process. The Government has been sincerely implementing the transition process with utmost endeavours to fulfill the aspiration of the people of Myanmar. At this crucial juncture the international community can best assist Myanmar by demonstrating understanding and encouragement in achieving our goal. Our focus is not on the narrow interest of individuals or parties but on the larger interest of the entire people of the nation.

Regrettably, we found that the Special Rapporteur has made prejudgments on the ongoing home-grown political process and setting preconditions on the upcoming general elections. The destiny of Myanmar is to be decided by its own people. He deliberately politicized the human rights issue by inviting more outside political pressure while prioritizing individual interest and certain group. Therefore, this approach is unacceptable for us as it is tantamount to infringing upon our sovereignty and interfering in matters fall under the domestic jurisdiction.

Reforming Judicial System

Myanmar judiciary is independent and impartial. It is functioning in accordance with the existing laws, legal procedures and administrative measures. My Government has clearly stated that there are no prisoners of conscience and that those who are serving prison terms are who offended the existing laws and regulations.

Allegations of Discrimination

With regard to the allegations of discrimination as described in the report in northern Rakine State, we are surprised to hear such kind of harsh accusations which totally ignored the actual ground situation such as in cooperation with the neighbouring country and UNHCR to address this issue. At the same time the Government is providing humanitarian assistance to illegal immigrants living in that area. In our view the accusations in the report is an attempt to deliberately frame Myanmar and to create misunderstanding between our country and international community. In my country, there is no discrimination whatsoever on grounds of religion, races and genders. Every person has the right to practice any religion in Myanmar and we are proud of this record. It is worth to quote that a former

Chief of UNHCR Madame Ogata commented that ***"Myanmar should be regarded as a model society relating to religious tolerance."***

Cooperation with the UN

Mr. President,

As a responsible member of the United Nations, Myanmar has been cooperating with the Human Rights Council in a spirit of goodwill and sincerity. Mr. Quintana has visited Myanmar for three times since his appointment in 2008. During the visits, he received the full cooperation of the Government. Information he seeks were provided and was given access to almost all places he had requested.

Unfortunately, the report did not reflect the real ground situation especially the information provided by the concerned country. He has made unfounded allegations in his report based on disinformation emanated from unverifiable and unreliable sources and anti-government elements. Therefore, the *modus operandi* of the Special Rapporteur contravenes the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council Resolution 5/2 article 6, which clearly stipulates that the mandate-holders should seek reliable information from credible sources including information provided by the concerned country and evaluate all information accordingly.

Furthermore, we also noticed that the Special Rapporteur made inappropriate demands and prejudgments to the political process by linking the human rights issues with the hidden political agenda. This approach is not in line with the principle of the Human Rights Council which is to eliminate double standard and politicization.

Mr. President,

There are also issues mentioned in the report that falls outside the purview of the mandate of HRC. These issues are being addressed adequately in other relevant forums and significant progresses are being achieved. We do not see any need to duplicate our works elsewhere.

Therefore, I strongly condemn and reject the unfounded allegations made in paragraphs 3 and 4 of the summary, paragraphs 13, 16, 24, 25, 33, 61, 62, 63, 65, 66, 67, 73, 74, 75, 76, 78, 79, 80, 81, 82, 86, 87, 88, 89, 90, 91, 92, 93, 98, 99, 100, 101, 102, 105, 111, 112, and 120 of his report. There are also many assertions he had made in paragraphs 35, 44, 52, 57, 58, 59, 120, 121, 122 and 123 which violated sovereign right of an independent State. Therefore it is totally unacceptable to my delegation and we categorically reject those paragraphs.

Mr. President,

The deliberate intention of putting allegations in the report is to draw his own conclusion and thereby recommending the paragraphs 121, 122 and 123. This line of action is unjustifiable and disproportionate. It will never serve the interest of the country which is committed to the promotion and protection of the human rights of its own people. Never in the history of the HRC had such line of action been warranted on the situation of human rights in the particular country. This will set dangerous precedent for all the developing countries. This kind of confrontational approach or politicization of human rights issues would impede the ongoing cooperation between the Special Rapporteur and a concerned country to improve the human rights standards in constructive manner.

Therefore, we strongly condemn and reject these recommendations and the report as a whole.

While regretting such unhelpful report, I would like to conclude that Myanmar remains committed to cooperate with the Human Rights Council and the United Nations as a whole while preserving its national interest and sovereignty.

I thank you, Mr. President.