

**Statement by H.E. U Maung Wai**  
**Permanent Representative of Myanmar**  
**During the Interactive Dialogue with the Special Rapporteur on**  
**the Situation of human rights in Myanmar**  
**25<sup>th</sup> Session of the Human Rights Council**  
**17 March 2014, Geneva**

Mr. President,

- My delegation aligns itself with the ASEAN Joint Statement in support of Myanmar, which will be delivered in a few moments by Her Excellency Mme. Cecilia B. Rebong, Permanent Representative of the Philippines.

**Code of Conduct for Special Procedure Mandate Holders**

Mr. President,

- At the outset, my delegation would like to reiterate Myanmar's principled position in connection with the country-specific mandates. We always oppose the country-specific mandates and resolutions, being convinced that they do not create a conducive climate for genuine dialogue and cooperation between the Human Rights Council and the countries concerned.
- In line with the code of conduct for special procedure mandate holders, it is imperative for them to always seek to establish the facts, based on objective, reliable information emanating from relevant credible sources as well as to duly verify the facts to the best extent possible.
- But the truth of the matter is that there is no clear mechanism to verify whether Special Rapporteurs strictly follow the code of conduct. They are the only persons to decide whether the source of information is credible and the information received is reliable.
- By saying this, we are not singling out any individual; we are just drawing an example of the flaws of country-specific mandates at work.

Mr. President,

- During his tenure, the Special Rapporteur, Professor Quintana, has been able to visit Myanmar nine times altogether, at our invitation. Every year, he flew over 18,000 kilometers round trip, each time, to visit Myanmar to prepare his reports for submission to the Human Rights Council and the United Nations General Assembly.
- This is a clear evidence of our constructive cooperation with the United Nations.

- We thank the Special Rapporteur and we always take him as a close friend. We wish him well and every success in his future endeavours.

Mr. President,

- My delegation has listened carefully to the oral presentation just made by the Special Rapporteur. We appreciate his recognition of the achievements and the progress made in Myanmar in the area of human rights promotion and protection.
- However, both in his report and the oral presentation, there contain many elements and recommendations that we cannot agree with. Our observation is that, in his biannual reports on Myanmar, he used to heavily rely on the allegations, without properly verifying them.
- One of the consequences is that his reports were unconstructive and subjective. It is like feeding invalid data into a computer programme. The resulting output will certainly be invalid.
- A majority of his recommendations are no longer relevant because we have already accomplished most of them, while the remaining ones are being worked out.
- My delegation has concerns about some of the recommendations, particularly para 48, para 75(d), para 84, para 85(a) and 85(g). In our view, they are intrusive and prescriptive, infringing upon the national sovereignty.
- We have already provided our views and comments in connection with the Report of the Special Rapporteur. They are contained in the addendum to the Report.

### **Progress in human rights promotion and protection**

Mr. President,

- To rectify the shortcomings in the Report of the Special Rapporteur and his oral presentation, I would now like to brief the meeting on our progressive developments in human rights promotion and protection.
- All major concerns related to human rights have been addressed to a larger extent since the emergence of the constitutional government in Myanmar in 2011. There are no political prisoners. The freedom of media is already in place. The freedom of association and peaceful assembly is prevalent.
- *Since August 2012, all publications have been exempted from pre-publishing censorship. Publication of private daily newspapers has begun since the beginning of 2013.*

- Currently, there are 18 private dailies in the country. Altogether 12 foreign news agencies have opened offices in Myanmar. No restrictions are imposed on the use of internet. People are now increasingly using social media.
- The Government is encouraging the media personnel to strike a correct balance between their rights and responsibilities.
- *During this month, an international media conference with the theme of “Challenges of a Free Press” was organized by the East-West Center. It was participated by senior government officials, local media organizations and the media personnel from 30 countries.*
- In July 2012, the Peaceful Gathering and Procession Law took effect. Since then, people have been able to organize protests and exercise their rights to the freedom of association and peaceful assembly in accordance with the law.
- Over 60 political parties have been officially registered. A total of 699 INGOs and NGOs are now functioning actively in cities and townships throughout the country.
- A new political culture of dialogue and negotiation has emerged. Former political and labour activists are now freely participating in the parliament, political parties, civil society organizations and labour organizations.

### **Myanmar National Human Rights Commission**

Mr. President,

- The Myanmar National Human Rights Commission was first established by the Presidential decree in 2011. Just last week, the Myanmar National Human Rights Commission bill was adopted by the Union Parliament.
- Following the adoption of the bill, the Myanmar National Human Rights Commission will henceforth be functioning as a fully independent entity, and running in line with the Paris Principles.

### **Bilateral Human Rights Dialogues**

- Myanmar has already conducted bilateral human rights dialogues with the United States and Japan. The first Myanmar-EU human rights dialogue will be held on 19 May this year.
- It is agreed to hold a bilateral human rights dialogue between Myanmar and Australia at the ministerial level.

## Peace Process

<sup>1</sup> Mr. President,

- *Now, I would like to touch briefly on the peace process.*
- *The peace talks aimed at signing a nationwide ceasefire agreement between the Union Peacemaking Work Committee and ethnic armed organizations were held in Myitkyina in Kachin State in November 2013.*
- *The meeting agreed on the following elements:*
  - (a) to reach a nationwide ceasefire agreement*
  - (h) to design a policy framework for political dialogue, and*
  - (c) to hold political dialogues.*
- *The Nationwide Ceasefire Coordination Team (NCCT), comprising leaders of ethnic armed groups, has been coordinating with the Union Peace-making Work Committee to reach a nationwide ceasefire agreement. Preparations are being made to hold a peace conference in Hpa-an in Kachin State.*
- The Union Peace-making Work Committee and the Nationwide Ceasefire Coordination Team (NCCT) met in Yangon on 9 March. They discussed the draft nationwide ceasefire agreement and the planned peace conference to be held in Hpa-an in Kayin State.
- While I am still on the topic, I would like to respond to the allegations of sexual violence linked to the military offensives in the Kachin and Northern Shan States. Myanmar practices a zero tolerance policy for any sexual misconduct by the military personnel.
- In 2013, eight military personnel, who reportedly committed rape cases, were sent to the civilian courts. They were convicted in the cases and sentenced to imprisonments starting from a seven-year term.

## Developments in the Rakhine State

Mr. President,

- Allow me to briefly touch on the recent developments in the Rakhine State to address the concerns of some of our friends. Both communities suffered in the unfortunate incidents of communal violence in 2012. To comprehensively understand the situation, it is necessary to listen to the concerns expressed by both sides in an impartial manner.
- Myanmar is a country in which 1.33 million of the population follow the Islamic faith, out of which 1.05 million reside in the Rakhine State. Maung Taw,

Butheetaung and Yathetaung townships, in particular, are hosting over 90 percent of the total Bengali population. The Rakhine Community is a minority there.

- The Rakhine Community considers that their existence is increasingly under threat due to the population explosion in the other community.
- Meanwhile, citizenship has been granted to those who met the citizenship criteria in accordance with the 1982 Citizenship Law.
- It is crucial for the Bengali Community to cooperate in the population verification process since it is a starting point for resettlement, access to livelihood and access to citizenship, among others.
- Unfortunately, however, a pilot verification exercise encountered violent resistance at some camps because of the misunderstanding, instigations and incitements against it by certain quarters. The pilot survey was halted temporarily. Despite this, the preparations to resume the survey are underway. It will resume at an appropriate time in the near future.
- Furthermore, as is the case in other countries, a would-be citizen needs to have a genuine desire to become a Myanmar citizen, speak the Myanmar language, and follow the Myanmar culture and tradition,
- The inability to speak the national language and to communicate verbally with one another leads to vulnerability to incitements and rumors.
- The Government has spared no efforts to create an environment conducive to increasing mutual contacts and confidence through communal dialogues and interfaith discussions.
- Starting from 2013, members of the Interfaith Friendship Group have travelled frequently and extensively all over the country to organize interfaith dialogues among different communities.

## **Healthcare Services**

Mr. President,

- The Ministry of Health has been providing healthcare services under the Rakhine Comprehensive Health Plan (2013-2016) without any discrimination.
- In addition to the existing hospitals, 27 temporary clinics have been set up in 10 townships, where the communal violence broke out, providing healthcare and medical treatment. The Polio vaccine coverage reaches 97.5% in these townships. The allegations contained in the Special Rapporteur's report in this respect are unfounded.

## **Freedom of movement**

- There is no restriction on the freedom of movement of the IDPs. Security presence in IDP camps is simply to prevent recurrence of communal violence because the level of distrust between the two communities is still high. It will take time for both communities to heal themselves to relieve from mental trauma. IDPs have access to places of worship and no restriction is imposed on them.
- In this connection, we categorically reject the allegations contained in para 51 and para 84 of the Report.

Mr. President,

- With regard to the alleged killings in the Du Chee Yar Tan village, separate independent investigations were conducted by the Rakhine Investigation Commission, the Myanmar National Human Rights Commission and an independent investigation commission formed by the President exclusively for that purpose.
- The Presidential Commission comprises ten members, who are well-respected personalities in their respective fields, religious leaders and community elders. Investigations were conducted independently with the support of forensic experts.
- The findings of all these Commissions are consistent. The Presidential Investigation Commission held a press conference on 11 March and presented its findings. The Commission concluded that Police Sgt Aung Kyaw Thein, in all likelihood, was no longer alive, having been murdered by the Du Chee Yar Tan villagers. The Commission found no basis for the allegations posted on some internet blogs, which provided the numbers and names of Bengalis killed by security forces and the Rakhine Community. The detailed report will be available to the public soon.
- It is regrettable that, even before the Presidential Investigation Commission releases its findings, the Special Rapporteur preempted it by mentioning in his report that the domestic investigations into the Du Chee Yar Tan case have failed to satisfactorily address the serious allegations. These observations by the Special Rapporteur are obviously prejudiced.
- Here, I would like to highlight that the Government and people of Myanmar have absolute trust and confidence in the findings of the investigations conducted by three different commissions separately and independently. The Government is committed to implement their recommendations. We do not see any necessity for outside involvement in the investigation. The international community, including the Special Rapporteur, needs to respect the sovereignty of a country and desire of its people.

We categorically reject the recommendations of the Special Rapporteur contained in para 48 and para 84 of his report.

### **The term "Rohingya"**

Mr. President,

- I would like to take this opportunity to draw your kind attention, for a better understanding, to Myanmar's view on the term "Rohingya". To find a long-term, viable solution, one have to be careful with the use of the word. As it is non-existent in Myanmar's ethnological context and the historical background, it is impossible for us to accept the term.

### **OHCHR Country Office**

Mr. President,

- Allow me to touch upon the possible opening of the OHCHR Country Office in Myanmar as it draws attention from many of our friends.
- Discussions are still ongoing. Lines are open. Channels are open.
- Although the country office is not there yet, three OHCHR staff members have physically been in Myanmar for more than a year now. Our commitment is already there. But, we do not want to take any decision under pressure. Opening of the country office must be based on the mutually convenient terms and conditions, and at a pace comfortable to the host country. Myanmar, as the country concerned, should have the right to take an informed decision at its own volition.

### **Conclusion**

Mr. President,

- Since 2011, Myanmar has made rapid progress on its reform agenda, particularly in the areas of human rights promotion and protection, democratization and peace building.
- Despite this progress, we are still receiving the same treatment as we did twenty years ago. No matter how much we have accomplished in the promotion and protection of human rights, we still remain on the agenda of the Human Rights Council. This is veiy difficult to justify and comprehend.
- Although some challenges still remain for us to tackle like many other countries, these are not insurmountable.

Time is now ripe for Myanmar to regain its rightful place in the international community. There is no better time than now for Myanmar to leave the agenda of the Human Rights Council altogether. We believe that we truly deserve it.

I thank you, Mr. President.

\*\*\*\*