

Check Against Delivery



**Statement by
Mr. Paolo Sergio Pinheiro
Special Rapporteur on the situation of human rights in Myanmar**

(c) Human rights situations and reports of special rapporteurs and representatives

61st Session of the General Assembly
Third Committee

NEW YORK, 20 October 2006



Paulo Sergio Pinheiro,
Special Rapporteur on the situation of human rights in Myanmar

Mr. President,

Distinguished Members of the General Assembly,

Excellencies,

Ladies and gentlemen,

Colleagues and friends,

Last September, I presented my oral report on the situation of human rights in Myanmar at the second session of the Human Rights Council. I explained to your Geneva colleagues that, as some of you may well know, I have not been permitted to conduct a fact-finding mission to Myanmar since November 2003. While I have not been granted access to the country during the period covered by the present report, I have continued to fulfill my mandate to the best of my ability based on information collected from a variety of independent and reliable sources. I have met regularly with the representatives of Myanmar in Geneva and in New York .

I am pleased to observe that in the recent months, the Government of Myanmar replied to a number of official communications sent by my mandate and by other mandate holders of the special procedures. I consider it as a positive indication of the Government's will to cooperate with this Council and I hope that this cooperation may include an invitation to the Special Rapporteur before the extension of my mandate ends. I also welcome the invitation to visit for a second time the country that has been extended by the government of Myanmar to the Under-Secretary General Mr. Gambari during his mission to the country last May.

Mr. President,

In the past two years, the reform process proposed in the "seven-point road map for national reconciliation and democratic transition" - which in its start I have recognized its potential for political transition and which was meant to become eventually open to various relevant actors, has been strictly limited and delineated. The work of National Convention has been adversely affected by this evolution. I however acknowledge with satisfaction the recent resumption of the National Convention and hope that it can become more inclusive in this last phase. I am convinced that a definition a timetable for the implementation of the road map will be a clear demonstration of a commitment to the realization of a political transition.

The persecution of members of political parties in the opposition and human rights defenders shows that nowadays the road map for democracy faces too many obstacles to bring a genuine transition. I was deeply dismayed by the arrest of former student leaders for questioning the National Convention process at the time of delivering my speech to the Human Rights Council last September at the very same day I was presenting my report to the Human Rights Council. These arrests challenge the will of the Government of Myanmar to resume an effective dialogue with the various stakeholders who should be associated to the National Convention.

I have consistently indicated that national reconciliation requires meaningful and inclusive dialogue with and between political representatives. I firmly believe that the stability of Myanmar is not well served by the arrest and detention of several political leaders or by the severe and sustained restrictions on fundamental freedoms.

On 27 May 2006, the house arrest of the General Secretary of the National League for Democracy (NLD), Daw Aung Sang Suu Kyi was further prolonged by 12 months in spite of various international appeals, including by the Secretary-General of the United Nations. As of the end of August 2006, the number of political or security prisoners was estimated at 1,185.1 have also

took note of the tragic deaths of democracy advocates and human rights defenders in Myanmar's detention sites or shortly after their release. As I prepared my speech, I was deeply saddened to learn the death of another political prisoner in custody. The former student activist and political prisoner Thet Win Aung died on Monday 16 October from several untreated diseases while serving a 59-year term.

I deplore that the International Committee of the Red Cross (ICRC), since January is not able to visit all places of detention because of the restrictions imposed on the organization. I renew my appeal to the Myanmar authorities to authorize the ICRC to continue to carry out their activities in accordance with ICRC internal rules and principles.

Mr. President,

Along the decades, the space for the establishment of civilian and democratic institutions has been seriously curtailed. From April to July 2006, 1,038 members of NLD were reportedly forced to resign from the party following intimidation and threats. The capacity of law enforcement institutions and the independence and impartiality of the judiciary have been hampered by sustained practices of impunity. I am also very concerned by the continued misuse of the legal system that affects the exercise of fundamental freedoms by citizens. As I have repeatedly said to be credible, the implementation of the road map should be based on the access to basic freedom by all citizens.. But instead of this, in the three years that I have not been able to access the country, those freedoms have been curtailed instead of enlarged.

Grave human rights violations are indulged not only with impunity but authorized by the sanction of "security laws " In that respect, I consider especially as a matter of grave concern the criminalization of the exercise of fundamental freedoms by political opponents, human rights defenders and victims of human rights abuses.

I however welcome some progress in this area under forced labour. I noted that three cases concerning people who have been arrested after filing complaints against forced labor practices

were recently solved by the government in collaboration with the International Labour Organization (ILO). I also welcome as a positive development in the same area the six months moratorium declared by the Government on prosecuting people who lodge complaints about forced labour. I was recently informed by Myanmar representatives that further negotiations are in progress in views of the establishment of a mechanism with ILO and that a new mission is being considered for the near future in that regard.

Mr. President

I am very worried by the on-going military campaign in ethnic areas of Eastern Myanmar and by its effects on human rights, especially on civilians who have been targeted during the attacks. As a result of the military campaign, numerous cases of forced evictions, relocations and resettlements, situations of forced migration and internal displacement have been reported. The Myanmar representatives have informed me that the armed forces have not launched a new military campaign in this area and that they are not threatening the civilian populations. Being not in a position to verify the facts, I am obliged to rely in good faith to the numerous allegations I have received. I am open to take note in my next and last report to the Human Rights Council of any specific clarification by the Government of Myanmar concerning these allegations.

According to numerous and consistent reports, there have been marked signs of deterioration in the economic and social sectors that could lead to aggravate the humanitarian situation. Even if the International Monetary Fund estimates that Myanmar economy will grow 7 per cent this year, due largely to rising revenues from exports from off-shore gas fields, the hardships the population has to face will continue to be very serious. There is a need to address adequately and urgently the needs of the population. As I recently said at the September session of the Human Rights Council, the humanitarian assistance cannot be made hostage of politics. Any decision on humanitarian assistance must be solely guided by the best interests of children, women, people living with

disabilities, those affected by diseases and minority groups. It would be a terrible mistake to wait the political normalization of Myanmar to help the population and to reinforce the strengths of the community.

I have deplored, with my colleague the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the decision of the Global Fund to suspend its program in the country. In this context, I welcome the launching of the Three Disease Fund, which will provide funding roughly equivalent to those suspended to fight HIV, TB and Malaria and which will start soon flowing to implementing agencies. I noted that the Myanmar government appreciated the efforts of the members of European Union and that they will fully cooperate to ensure its success. I also acknowledged the introduction of some flexibility in the implementation of the guidelines for UN and international organization whereas I still believe that more can be done to improve the conditions of this collaboration.

Mr. President,

I take note that the Security Council added recently Myanmar on its agenda. It is a new development that needs to be followed-up with attention. I think that there is an urgent necessity to better coordinate the different approaches among member states to find ways to contribute to the political transition towards democracy in Myanmar.

After six years serving this mandate, let me conclude by saying that I believe it is important for member states to support efficient initiatives in society to deal with common concerns in the country and in the region. Joint initiatives on issues of common concern such as the environment, economic growth and development, educational modernization, medical research and engineering and technology could prove to be paths to facilitate progress that should be explored. All these

initiatives must have in view to encourage an effective democratic transition, and to promote the improvement of standards of living of the population and the protection of human rights in Myanmar.

New York,

20 October 2006.