Item 3: Interactive dialogue with Special Rapporteur on Situation of Human Rights in Myanmar
Mr Paulo Sergio Pinheiro

Question from Slovenia on behalf of the European Union

While the European Union welcomes the recent visit to Burma/Myanmar by Mr Gambari at the same time we deeply regret that the Special Rapporteur on human rights situation in Burma/Myanmar, Prof. Pinheiro, was not able to visit the country in accordance with resolution 6/33 from 14 December 2007. We regret that Special Rapporteur was not able to carry out his mission in full however we welcome his two reports presented to the current session of the Council. The EU is nevertheless very grateful to Mr Pinheiro for his tireless efforts for the improvement of the situation of human rights in Burma/Myanmar.

The EU notes with concern that you report that authorities have continued to impose severe restrictions on the freedoms of movement, expression, assembly and association. You report also that government is involved in crackdowns on several initiatives by individuals to organize, even for non political purposes such as fighting HIV/AIDS.

You note that the culture of impunity remains the main obstacle for securing respect for human rights and creating a favourable environment for their realization. You are reporting of summary executions, torture, and forced labour practices, recruitment of child soldiers and sexual violence. They became systematic and are not investigated. The crack-down of the Saffron uprising of late last summer and autumn still needs to be properly investigated, including on those who died and were detained.

The EU would like to ask Mr Pinheiro the following questions:

1. The EU remains concerned about the non-compliance with the recommendations submitted so far by you, Prof. Pinheiro. Do you have any indication that the authorities of Burma/Myanmar are willing to comply with those recommendations in the near future?

2. Burma/Myanmar authorities announced constitutional referendum to be held in May 2008. Could you elaborate on the needed conditions for the referendum and the elections to be participatory and legitimate? We would welcome your further thoughts regarding the non-participation by the opposition in that process.

3. Regarding the constitution that has been recently drafted (by the SPDC), can you elaborate on the guarantees and respect provided in the text for fundamental freedom and basic human rights recognized under international Conventions that Burma/Myanmar has ratified?

4. You also report that established legal framework is used to silence the voices of the opposition. There are still a great number of political prisoners who are in arrest without charges and political leaders who are not allowed to move freely such as Ms. Suu Kyi who

is still under house arrest. We would appreciate further comments on the possibilities to get of due process in Burma/Myanmar.

5. Could you provide further data regarding sentencing of the activists? We would also appreciate assessment of the situation in prisons.