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(Geneva, 10-14 December 2007)

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Statement by

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on behalf of the European Union

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Human Rights situation in Myanmar

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Geneva, 11 December 2007

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HUMAN RIGHTS COUNCIL
6TH SESSION, 2ND PART (10-14 DECEMBER 2007)

HUMAN RIGHTS SITUATION IN MYANMAR

Mr. President

I have the honour to take the floor on behalf of the European Union. The Candidate Countries Turkey, Croatia and the former Yugoslav Republic of Macedonia*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, Serbia, and the EFTA country Iceland, member of the European Economic Area, as well as Ukraine, the Republic of Moldova, Armenia, and Georgia align themselves with this declaration.

The European Union wishes to thank the Special Rapporteur on the situation of human rights in Burma/Myanmar, Professor Paulo Sérgio Pinheiro, for the elaboration and presentation of his comprehensive report to the Council.

During the last Special Session of the Council, we stressed that urgent situations required urgent reactions. In fact, we are pleased to welcome unanimous adoption of the Resolution on Burma/Myanmar in October, as Professor Pinheiro was allowed to visit the territory in November and was able to meet with several high level members of the Government and, of utmost importance, with detainees and several associations and NGOs.

However, in his report, the Special Rapporteur stresses that his mission cannot be considered as a fully fledged fact-finding mission as the conditions for an independent and confidential investigation mission would require a different framework and the need to carry out follow-up missions.

The EU is also pleased to note that the Government granted amnesty for more than 8500 prisoners during last week. However, we are disappointed that only 10 political prisoners were released. Therefore, we urge the Government of Myanmar to free without delay all political prisoners, including Daw Aung San Suu Kyi and those arrested and detained as a result of the recent repression of peaceful protests. The EU also

* *Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.*

urges the Burmese authorities to allow unhindered access for independent observers, including the International Committee of the Red Cross, to all places of detention and to ensure that conditions of detention meet international standards and include the possibility of visiting any detainee.

Mr. President,

The European Union would like to express its solidarity with the Burmese people. Genuine peace, stability and democratisation in Myanmar can only be achieved through an all-inclusive political process and the respect for fundamental rights and freedoms.

The EU deplors the shocking events that took place in Myanmar last September and condemns the use of lethal force by law enforcement officials as it was completely against the fundamental principles of international law, such as the principles of necessity and proportionality. We call on the Government of Myanmar to ensure full respect for human rights and fundamental freedoms of its people, namely by immediately ending widespread and systematic abuses, including arbitrary detentions, enforced disappearances, torture and cruel and degrading treatment under custody.

We also wish to recall that the Council of the European Union has recently appointed Mr. Piero Fassino as EU Special Envoy for Myanmar. The terms of reference of his mission include, inter alia, to cooperate closely with the UN Secretary General Special Advisor and the Special Rapporteur on Human Rights in Myanmar. This appointment underlines the importance that the EU attaches to democratic change, reconciliation, the improvement of the human rights situation and development in Myanmar.

Mr. President,

The European Union welcomes the decision of the Government of Myanmar to reengage in a dialogue with the United Nations human rights mechanisms. Indeed, we encourage the Myanmar authorities to develop and strengthen an ongoing dialogue with the Special Rapporteur to improve the dire human rights situation in the country, namely by allowing a follow-up visit to Myanmar before the seventh session of the Council. Further coordination with the Secretary-General's Special Envoy to Myanmar, Ambassador Gambari, is likewise welcomed.

However, the EU notes with regret the lack of progress in addressing the wide range of human rights abuses perpetrated in Burma/Myanmar, as highlighted by this and previous reports by the Special Rapporteur. We urge the Government of Myanmar to investigate those responsible for the perpetration of human rights violations and, if their guilt is established, to punish them.

The EU also regrets that the Special Rapporteur did not find significant signs that the Government is implementing measures regarding the enjoyment of fundamental rights such as freedom of peaceful assembly and association and freedom of opinion and expression, including for free and independent media.

The EU would also like to propose some concrete measures to the Council. Due to the persisting severe situation of human rights in Burma/Myanmar, we will present a short draft proposing follow-up steps to the report of the Special Rapporteur and to all the work done since October, which can have a positive impact on the human rights situation in the country.

Finally, Mr. President, the international community needs also to heed its responsibilities in contributing to the stability of the region. The EU stresses the important role that neighbouring States as well as ASEAN can play in addressing the situation and promoting the fulfilment of national reconciliation and political reform long-awaited by the vast majority of the Burmese society. From our part, we will continue to work constructively with all parties to encourage positive developments in Burma/Myanmar.

Thank you, Mr. President
