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**Statement by Tomás Ojea Quintana
Special Rapporteur on the situation of human rights in Myanmar**

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Mr. Chairperson,
Ladies and Gentlemen,

This is my first appearance before this august forum, and I would like to thank you for this opportunity to speak to you about the situation of human rights in Myanmar.

This assembly is unique in its constitution, comprising all universally recognized independent States on this planet. And it is also unique as a forum where all States, regardless of their size or power, are equal and share the same responsibility in taking concerted decisions which may affect the future of people in one country, or one region, or even all of us on the planet.

Mr. Chairperson,

Even though my report on the situation of human rights in Myanmar was submitted later than scheduled, I am happy to announce that some paragraphs of it are already history. As you know, on 23 September 2008, the Government of Myanmar released 9,002 prisoners, seven of whom were prisoners of conscience, a development which I publicly welcomed. Unfortunately, one of these seven prisoners of conscience, Mr. Win Htein, was rearrested shortly after his release. I immediately requested the Government of Myanmar for more information on this, and I am awaiting a response. Another important development is Madame Aung San Suu Kyi's law case against her house arrest and conditions of detention, which was submitted to the authorities on 8 of October. I hope that this case will be examined in an impartial and independent manner and that it will be given the due attention that it deserves.

As I stated in my report to the Human Rights Council in June, I have decided to discharge my mandate by seeking to establish good working relations with the authorities in Myanmar. I have offered to cooperate with them to improve the human rights situation of the people of the country. I am one of those who believe that nothing can be achieved through isolation and condemnation, while there are possibilities for progress through engagement, encouragement and cooperation. I am, at this stage, trying these possibilities. I consider the release of the seven prisoners of conscience, regardless of its minimal number, as an achievement. Some of you, Distinguished Delegates, may consider this naive, but I assure you that I am not pursuing this strategy through naiveté. I am aware that during the same month of September, regrettably, arrests of more political activists were reported.

In the spirit of cooperation, I traveled to Myanmar in August this year and am looking forward to my many other missions in the future. In carrying out my mandate, I work closely with all United Nations system, in particular the Special Adviser of the Secretary-General and the Office of the High Commissioner for Human Rights.

Mr. Chairperson,

Restoration of full democracy cannot happen overnight; it will take generations. In the meantime, tangible, achievable, step-by-step benchmarks should be fixed. Assistance, expertise and cooperation should be provided for the realization of those benchmarks. While promotion and protection of human rights of people is the duty of Governments, the international community should stand ready to provide expertise on how Governments can

best fulfill this major duty. For this reason, I have proposed to the Government of Myanmar four core human rights elements to pave the road to democracy, in order to ensure that its road-map to democracy is meaningful. These four elements are reflected in my report as recommendations. They include the revision of domestic laws to ensure compliance with international human rights standards and provisions of human rights in the new Constitution, the progressive release of all prisoners of conscience, human rights training for and reform of the military, and the independence of the judiciary, necessary to ensure the rule of law.

I am appealing to you all to assist the Government of Myanmar, in the implementation and completion of these four core elements, before the elections in 2010.

Excellencies,

Having the right to vote freely, but exercising that right with an empty stomach, without an adequate housing, is not a full or true realization of human rights. In Myanmar, many people remain homeless and hungry.

According to the Tripartite Core Group's (TCG) press release of 30 September 2008, out of the USD 482 million needed to assist the survivors of Cyclone Nargis, only USD 240 million have been received. I urge you all, regardless of competing situations in other parts of the world, not to forget the victims of the Cyclone. During my visit to the affected areas of Myanmar, I spoke with people who had lost all their family members, who had lost everything. Let's not let them down.

The Government bears principal responsibility in the post Nargis recovery. In this regard, I have received disturbing information on forced return of families to their villages of origin, where today everything has been destroyed and nothing exists. Their fundamental right to choose whether they want to return to their villages or to resettle somewhere else, should be respected and honoured by the authorities.

Another disturbing development is the impending food crisis in Chin State, where more than 20 percent of the population is in immediate need of food aid. Northern Rakhine State is also confronted with a serious shortage of food. Pressing problems of insufficient food, poor access to health facilities, inadequate water and sanitation facilities need to be tackled urgently. Since the Tripartite Core Group has proved to be a successful collaboration producing positive results, why not replicate it to address other humanitarian urgencies in Myanmar?

Finally, I call on the Myanmar army and non-State armed groups to respect and not use violence against un-armed civilians. I implore them to halt the recruitment of child soldiers, the displacement of villagers, the use of anti-personnel landmines, and the forced labour of civilians. These practices are unacceptable and must be ended.

Ladies and Gentlemen,

It is not enough to adopt resolutions. This Assembly should provide means for the implementation and realization of those resolutions. By means, I am not only talking about human and financial resources. I am also talking about providing space and opportunities to both, countries subject of resolutions, and the Special Rapporteurs. In this respect and in

order to achieve the utmost in the implementation of your resolution, I request your full cooperation with me in discharging my mandate to improve the human rights situation of the people of Myanmar, to whom I pay tribute for its courage and patience.

Thank you.