



# General Assembly

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## Human Rights Council

### Thirteenth session

Agenda item 4

#### Human rights situations that require the Council's attention

**Austria\***, **Belgium**, **Bulgaria\***, **Canada\***, **Croatia\***, **Cyprus\***, **Czech Republic\***, **Denmark\***, **Estonia\***, **Finland\***, **France**, **Germany\***, **Greece\***, **Hungary**, **Ireland\***, **Italy**, **Latvia\***, **Liechtenstein\***, **Lithuania\***, **Luxembourg\***, **Malta\***, **Monaco\***, **Montenegro\***, **Netherlands**, **New Zealand\***, **Norway**, **Peru\***, **Poland\***, **Portugal\***, **Romania\***, **Slovakia**, **Slovenia**, **Spain\***, **Sweden\***, **Switzerland\***, **Turkey\***, **United Kingdom of Great Britain and Northern Ireland**, **United States of America**: draft resolution

**13/...**

#### **Situation of human rights in Myanmar**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming also previous resolutions of the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in Myanmar, including Council resolutions 10/27 of 27 March 2009 and 12/20 of 2 October 2009, and General Assembly resolution 64/238 of 24 December 2009,

*Welcoming* the report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/13/48), urging the implementation of the recommendations contained therein and those within previous reports, and welcoming the visit of the Special Rapporteur from 15 to 19 February 2010,

*Increasingly concerned* that the urgent calls contained in the above-mentioned resolutions and reports and in those of other United Nations bodies concerning the human rights situation in Myanmar have still not been met, and emphasizing the urgent need for significant progress towards meeting those calls of the international community,

*Recalling* Council resolutions 5/1 on institution-building of the Council and 5/2 on the Code of Conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

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\* Non-Member State of the Human Rights Council.

*Reaffirming* that it is the responsibility of the Government of Myanmar to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, as stated in the Charter, the Universal Declaration of Human Rights and other applicable human rights instruments,

*Particularly concerned* by restrictions imposed on the representatives of the National League for Democracy and other political parties and other relevant stakeholders, including a number of ethnic groups, thus preventing a genuine process of dialogue, national reconciliation and transition to democracy,

*Expressing grave concern* at the trial, conviction and continued arbitrary house arrest of the General Secretary of the National League for Democracy, Daw Aung San Suu Kyi, and the rejection of her judicial appeal by the Myanmar Supreme Court,

*Recalling* that the drafting process of the Constitution and the constitutional referendum did not meet the expectations that the political process would be free and fair, and reiterating its calls to the Government of Myanmar to ensure that the country's political processes are transparent, inclusive, free and fair,

1. *Strongly condemns* the ongoing systematic and gross violations of human rights and fundamental freedoms of the people of Myanmar;

2. *Expresses regret and concern* that the newly adopted electoral laws do not meet the expectations of the international community regarding what is needed for an inclusive political process and calls upon the Government of Myanmar to ensure a free, transparent and fair electoral process which allows for the participation therein of all voters, all political parties, and all other relevant stakeholders in a manner of their choosing;

3. *Calls upon* the Government of Myanmar to pursue a process of national reconciliation for a credible transition to democracy and to take immediate measures to engage in a meaningful and substantive dialogue with all opposition parties and ethnic groups, including Daw Aung San Suu Kyi, and to permit her unrestricted contact with all members of the National League for Democracy and other domestic stakeholders, and notes her recent contacts with the Government of Myanmar;

4. *Strongly calls upon* the Government of Myanmar to cooperate with the international community in order to achieve concrete progress as regards human rights and fundamental freedoms, and political processes;

5. While noting the release from house arrest of U Tin Oo, the Vice-Chairman of the National League for Democracy, and of more than 100 prisoners of conscience, *strongly urges* the Government of Myanmar to desist from carrying out further politically motivated arrests, and to release without delay and without condition all prisoners of conscience, whose number is estimated to be about 2,100, including the General Secretary of the National League for Democracy, Daw Aung San Suu Kyi, the Chairman of the Shan Nationalities League for Democracy, U Khun Tun Oo, the leader of the 88 Generation Students Group, U Min Ko Naing, and one of the founders of the 88 Generation Students Group, Ko Ko Gyi, and to allow their full participation in the political process;

6. *Strongly calls upon* the Government of Myanmar to lift restrictions on the freedom of assembly, association, movement and expression, including for free and independent media, through ensuring the openly available and accessible use of Internet and mobile telephone services, and ending the use of censorship, including the use of the Electronic Transactions Law to prevent the reporting of views critical of the Government;

7. *Calls upon* the Government of Myanmar to undertake a transparent, inclusive and comprehensive review of compliance of all national legislation with international human rights law, while fully engaging with democratic opposition and ethnic groups,

recalling that the procedures established for the drafting of the Constitution resulted in a de facto exclusion of opposition groups from the process;

8. *Urges* the Government of Myanmar to ensure the independence and impartiality of the judiciary, to guarantee due process of law, and to fulfil earlier assurances given by the authorities of Myanmar to the Special Rapporteur with respect to beginning a dialogue on judicial reform;

9. *Calls upon* the Government of Myanmar to undertake without delay a full, transparent, effective, impartial and independent investigation into all reports of human rights violations, including enforced disappearances, arbitrary detentions, rape and other forms of sexual violence, and torture and other forms of ill-treatment, and to bring to justice those responsible in order to end impunity for violations of human rights;

10. *Also calls upon* the Government of Myanmar to address as a matter of urgency consistent reports of torture and ill-treatment of prisoners of conscience, as well as to improve conditions in prisons and other detention facilities, and to avoid the dispersal of prisoners of conscience to isolated prisons far from their families where they cannot receive regular visits or deliveries of supplementary supplies, including food and medicine;

11. *Strongly urges* the Government of Myanmar to end all forms of discrimination and to protect civil, political, economic, social and cultural rights on the basis of the Universal Declaration of Human Rights and, in particular, to comply with its human rights obligations under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child in this regard;

12. *Expresses its serious concern* about the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic minorities, including, but not limited to, the Rohingya ethnic minority in Northern Rakhine State, and calls upon the Government of Myanmar to take immediate action to bring about an improvement in their situations, and to grant full citizenship to the members of the Rohingya ethnic minority;

13. *Welcomes* the prolongation in February 2010 of the Supplementary Understanding between the International Labour Organization and the Government of Myanmar, the Government's increased willingness to apply penalties against those perpetrating forced labour, and the joint Government-International Labour Organization awareness-raising activities, but strongly condemns the continued and serious harassment of complainants and facilitators, and urgently calls for the release of those who remain in detention as well as of the International Labour Organization facilitator U Zaw Htay, and urges the Government to intensify measures to end forced labour and to strengthen its growing cooperation with the liaison office of the International Labour Organization;

14. *Strongly calls upon* the Government of Myanmar to take urgent measures to put an end to violations of international human rights and humanitarian law, including the targeting of persons belonging to particular ethnic groups, the targeting of civilians by military operations, including in the eastern part of Myanmar, and rape and other forms of sexual violence, and to end impunity for such acts without delay;

15. *Also strongly calls upon* the Government of Myanmar to put an immediate end to the recruitment and use of child soldiers in violation of international law by all parties, welcomes the recent engagement of the Government on this issue and urges it to intensify measures to ensure the protection of children from armed conflict and to pursue its collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict, including by granting access to areas where children are recruited, for the purpose of implementing an action plan to halt this practice;

16. *Urges* the Government of Myanmar to provide, in cooperation with the Office of the United Nations High Commissioner for Human Rights, adequate human rights and international humanitarian law training for its armed forces, police and prison personnel, to ensure their strict compliance with international human rights law and international humanitarian law and to hold them accountable for any violations thereof;

17. *Calls upon* the Government of Myanmar to ensure timely, safe, full and unhindered access to all parts of Myanmar, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners, and to cooperate fully with those actors to ensure that humanitarian assistance is delivered throughout the country to all persons in need, including displaced persons;

18. *Also calls upon* the Government of Myanmar to consider acceding to the remaining international core human rights treaties, which would enable a dialogue with other human rights treaty bodies;

19. *Further calls upon* the Government of Myanmar to allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

20. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar, in accordance with Commission on Human Rights resolutions 1992/58 of 3 March 1992 and 2005/10 of 14 April 2005, and Council resolutions 7/32 of 28 March 2008 and 10/27;

21. *Urges* the Government of Myanmar to continue to respond favourably and on a more timely basis to the Special Rapporteur's requests to visit the country, to extend its full cooperation, including by providing access to all relevant information, bodies, institutions and persons, so as to enable him to fulfil his mandate effectively, and to implement the recommendations addressed to the Government contained in his reports (A/HRC/6/14, A/HRC/7/18, A/HRC/7/24, A/HRC/8/12, A/HRC/10/19 and A/HRC/13/48) and in Council resolutions S-5/1 of 2 October 2007, 6/33 of 14 December 2007, 7/31 of 28 March 2008, 8/14 of 18 June 2008, 10/27 and 12/20;

22. *Requests* the Special Rapporteur to submit a progress report to the General Assembly at its sixty-fifth session and to the Council in accordance with its annual programme of work;

23. *Calls upon* the Office of the High Commissioner to provide the Special Rapporteur with all necessary assistance and resources to enable him to discharge his mandate fully;

24. *Calls upon* the Government of Myanmar to continue to engage in a dialogue with the Office of the High Commissioner with a view to ensuring full respect for all human rights and fundamental freedoms;

25. *Expresses its strong support* for the good offices mission and commitment of the Secretary-General, and calls upon the Government of Myanmar to ensure full cooperation with the Secretary-General and the Special Rapporteur.