

**Statement for the second session of the Human Rights Council
27 September 2006
Palais des Nations, Geneva**

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

Mr. President,
Distinguished Members of the Human Rights Council,
Excellencies,
Ladies and gentlemen,
Colleagues and friends,

As some of you already know well, 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 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 to the Under-Secretary General Mr. Gambari during his mission to Myanmar 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 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 announcement by the government of the resumption of the National Convention by October 10.

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 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.

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, which denies the rule of law and represents a major obstacle for securing the effective and meaningful exercise of fundamental freedoms by citizens.

Grave human rights violations are indulged not only with impunity but authorized by the sanction of 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 complains about forced labour.

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.

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. There is a need to address adequately and urgently the needs of the population. 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 process of 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 to deal with common concerns in the country and in the region with the 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.

Geneva,
25 September 2006.