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Human rights situations that require the Council's attention

Written statement* submitted by Worldview International Foundation (WIF), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2011]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The situation of human rights in Myanmar requires an international investigation**

Worldview International Foundation and the Burma Fund submit to the attention of the Human Rights Council the following considerations on the situation of human rights in Myanmar. The situation in the country has not improved, notwithstanding the repeated general calls of the international community for a genuine process of national reconciliation and democratic reform. The Military has staged an unfair electoral process, which gave the Union Solidarity and Development Party (USDP), the political arm of the Armed Forces, full control of the legislative bodies. The Government will be directly managed by the top rank Army Generals, who are also controlling USDP. The international community must admit that the Army staged this process at the purpose of easing the external pressure on their negative human rights record and of designing a constitutional system to be maneuvered in the upcoming years. We welcome the fact that Daw Aung San Suu Kyi, leader of the National League for Democracy (NLD), was released upon the expiration of her house arrest, which was nonetheless declared illegal in an opinion of the UN Working Group on Arbitrary Detention. We deeply regret that the National League of Democracy has not been re-legalized by the authorities and cannot be part of the political process as a party. There are 2,189 in jail for political reason. Violations of human rights related to the exploitation of natural resources still continue systematically. Since the Election Day new flames of the ethnic conflict were lighted in Eastern Myanmar and civilians are the first and the foremost targeted victims. The preservation of the natural environment and its resources are at high risk of deterioration, due to the absolute lack of valid legislation on environmental protection and of the absence of any control on the industrial procedures adopted by factories and corporations. The systematic discrimination of the Muslim Rohingya Bengali population, which is denied the rights of the citizenship and the fundamental freedoms, raises an issue of discrimination on the base of the ethnic and religious belonging.

Last year, on November 7, general elections were held in an environment of restrictions, distrust and uncertainty. The electoral process lacked any legitimacy. Independent parties contesting in the elections had to undergo ridiculous financial request in order to be registered. The electoral campaign was limited by restrictions to the freedom of expressions, association and assembly. In the opposite, USDP was able to conduct a massive campaign by using public funds. The major democratic party of the country, the National League of Democracy, has been barred from the elections and its leader, Daw Aung San Suu Kyi was released only afterwards. Jailed protesters and advocates for a democratic change are still in prison and have not been released and reintegrated in the social and political life of the country. The advanced vote of the Myanmar citizens abroad and of the civil servants has been arbitrarily used by USDP to increase the votes for it. Civil servants, Army officials and soldiers, members of state sponsored non-governmental organizations, as well as ordinary villagers were coerced into advance voting for the USDP. There are reports of USDP officials marking the ballot papers instead of civil servants.

The campaign also lacked the necessary freedom of information. Media news was posed under strict censorship by the authorities and information about NLD and Daw Aung San Suu Kyi were and still are systematically censored. As a result the electoral campaign was turned into a fight to affirm USDP as the only ruling party and to suppress any risk of a

** The Burma Fund, an NGO(s) without consultative status, also shares the views expressed in this statement.

strong opposition. As a result, USDP and its close ally the National Unity Party (NUP) totally got 938 of 1,142 seats, including the Upper and the Lower National Houses and the Regional Assemblies, and therefore they control about 82% of the elected seats of the Parliament and the rest (25%) is appointed directly by the Armed Forces. Cases of intimidation and harassment against the campaign for the boycott took place in the region of Yangon. Ethnic areas under the control of the militias were excluded from the voting operations. A large number of voters were denied the right to vote simply because their names did not appear in the polling list. On January 31, the two branches of the Parliament met in Naypidaw in order to appoint the President and two Vice-Presidents. The members of the parliament could not communicate with outside during the session, as if hostages, and any electronic device was banned. Gen Thein Sein, former SPDC Prime Minister and old close ally to Sen Gen Than Shwe, has been elected as President. Thura Shwe Man, third highest ranking in SPDC, was elected speaker of the lower house of Parliament and Khin Aung Myint, former director of Public Relations and Psychological Warfare in the Ministry of Defense, became speaker of the upper house. One of the two Vice-presidents, Tin Aung Myint Oo, was SPDC First Secretary. Sen Gen Than Shwe will keep the control over the political power through his position as Supreme Commander of the Armed Forces. It is concerning to see that the powerful key leaders of the ruling SPDC have upheld the power. The Parliamentary law prescribes that the elected members cannot express any negative opinion or concern about the Constitution and cannot talk of issues sensitive to the national security. Due to the broad interpretation of this provision, the MPs will not be allowed to discuss about reforming the constitution or enhancing the reconciliation process with the National League of Democracy and Aung San Suu Kyi. A two year imprisonment will be charged to those who stage protests in the Parliament compound. If the international community and the concerned UN bodies do not firmly react to the absence of democratic transition, the overall human rights situation in the country will further deteriorate.

We deplore the resumption of hostilities in Eastern and in Northern Myanmar after the elections. We encourage the Human Rights Council members to strongly call upon the Government to address the roots of the conflict and to engage in peaceful dialogue with the ethnic armed groups with a view of ending the ongoing armed conflict and provide with full recognition of the rights of the ethnic population. We strongly condemn the discriminations imposed to the Rohingya minority group. Rohingya individuals have been stripped of the citizenship and are left in conditions of heavy poverty. Their movement is severely restricted and there are consistent reports of the Armed Forces involved in looting and destructing archeological sites and shrines, including mosques. We are deeply concerned at the lack of religious freedom targeting the Muslim Rohingya Community.

We continue to receive reports of violence against civilians, in particular women and children, in the conflict areas. In particular, we condemn the use of civilians as forced labourer for the Army and as minesweepers. We deplore the widespread use of sexual violence against women. Crimes committed by the Armed Forces throughout the country amount at crimes against humanity and war crimes. Therefore, Worldview encourages the Human Rights Council to establish an international investigation on those crimes and to formulate recommendations to put an end to the widespread impunity.

Worldview Foundation encourages the UN members states to put pressure on the Government of Myanmar in order to engage in a dialogue with all the relevant stakeholders, including NLD and the ethnic armed groups, which are currently excluded from the political arena, with a view of preventing the escalation of the internal conflict and further abuses of human rights and with the final aim of reforming the state into a democratic and comprehensive form.