



MYANMAR

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Response
by
His Excellency U Kyaw Tin
Ambassador/ Permanent Representative
of the Republic of the Union of Myanmar
to the United Nations
to the Report of the United Nations Secretary-General
on the Situation of Human Rights in Myanmar
(Agenda Item 72 (c): Promotion and Protection of Human Rights)
at the Third Committee of the 70th Session
of the
United Nations General Assembly

New York

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***Mr. Chairman,**

My delegation would like to thank the Secretary-General for his report (A/70/332) and his support and encouragement to our reform process. We also thank the Special Advisor Mr. Vijay Nambiar for his oral presentation and updates on latest developments.

In addressing human rights issues, we have opted for the approach of engagement and cooperation. Despite our steadfast opposition against country-specific mandate, Myanmar has extended exemplary cooperation to the good offices of the Secretary-General over two decades. Myanmar has opened its door wide open to the Special Advisor. He visited Myanmar more than seven times in a single year.

In our view, this year's Report focuses more on challenges than the progress made over the past years. One who visits Myanmar so frequently may not have noticed big changes compared to the past. Those who visited Myanmar for the first time after four year's gap will be surprised with the big difference and momentous changes in Myanmar.

Many amazing changes happened due to the President's efforts to advance political and economic reforms. Over four years ago, Myanmar was under military government. Today, Myanmar is under an all-inclusive democratic system with an active and viable parliament which is lending its ears to the voices of the people.

Before, political freedom had to be whispered. Today, it can be enjoyed by all publicly. We now have greater political and media freedom than ever before, as confirmed by the Secretary-General's report.

Before, labour union or demonstrations were illegal. Today, we have greater freedom of assembly and associations.

Space for politics and civil society is widening. A new political culture of dialogue is growing. The first ever all-inclusive democratic election will be taking place in a few days.

With these glaring changes, it is unjustifiable to argue that there are signs of backtracking on reform. The report cites the alleged punitive and strong-arm actions against protesters and media figures as the evidence for such conclusion. Over the past years, Public gatherings and peaceful protests were permitted on daily basis. There were a few cases of arrest, but not because of their reportings or peaceful demonstrations, but because of their violation of certain law. These actions to maintain law and order in the interest of the general public cannot be construed as signs of back tracking. Myanmar is moving forward.

One more crown achievements made by the Government was the historic signing of Nationwide Ceasefire Agreement between the Government and the eight armed groups on 15 October 2015, witnessed by internal observers including the Special Adviser. It will open the way for political dialogue and bringing an end to six-decade long conflict. It is indeed the fruits of years-long negotiations with patience, trust and strong commitment to peace among the parties.

Mr. Chairman.

The democratic transition has brought substantial improvements in human rights in Myanmar. We have made a review of its laws and enacted new laws guaranteeing human rights and freedoms. Myanmar has also joined a number of international human rights instruments including International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Rights of the Child on the involvement of children in armed conflict this year.

The reform shall reach its highest critical stage this year, as Myanmar will be holding historic elections on 8 November. President U Thein Sein and the Chairman of the Union Election Commission have announced on several occasions their firm commitments to make the elections a free and fair one. Local and international observers including the EU, Carter Center and Asian Network for Free Election have already fielded their teams to observe every stage of elections, preparation, campaigning, actual conduct and overseeing the result of the elections. We also wish to thank the United Nations DPA for providing its electoral assistance.

A total of 6074 candidates from 91 political parties and independent candidates will be contesting in the elections. The broad participation reflects unprecedented degree of trust and inclusiveness in the political process.

Mr. Chairman,

Let me clarify about the alleged disenfranchisement. The temporary identity cards, also known as “white cards” were issued to those who are residing in the country but have yet to undergo citizen verification. The purpose of the announcement of the President to surrender the white cards is to register the white card holders to facilitate citizenship application process. White cards were replaced with new national verification cards. The main reason for their ineligibility to vote is that they are not yet verified as citizens. But among them, those who became citizens will of course be eligible to vote. We believe that no country would accord non-citizens the right to vote.

With regard to qualification of the candidates, eligibility is clearly set out in the Election Laws. One of the criteria requires that the candidate and both parents must be citizens. These criteria equally apply to all regardless of their political affiliation, race, gender or religion. Like in many other countries, the right to take part in national political process is entrusted only to its citizens.

With regard to alleged religious chauvinism, sufficient legal framework is in place to prevent and penalize abuse and coercion in the elections. Article 364 of the State Constitution prohibits abuse of religion for political purpose. It is also the case in the Election Law. A code of conduct for political parties was adopted and agreed by all political parties. The agreed Code of Conduct for political parties stipulates that an election campaign should not incite hatred among any religion, tribe, group, gender, language, or community.

As I speak, election campaigns are in full swing. This election will be the most inclusive one in our history.

Mr. Chairman,

With regard to the four bills, the assessments in the report must have been made from the negative point of view. These laws were adopted by the Parliament at the will of the people after seeking public inputs. They are not against any religious minorities as alleged. It is intended only to protect the rights of Myanmar women. It does not restrict interfaith marriage, as it is not mandatory to register conversion. The two laws contain provisions to penalize only forced conversion which does not go against the international law. The law on birth spacing is also voluntary and carries no penalty clause either. They are not applied in any region or state to date. The other law is to encourage monogamy to protect the rights to inheritance of married Myanmar women which is socially and morally acceptable to our society. They will in no way curtail the rights of other religious minorities.

Mr. Chairman,

The Report also dwelt a lot on the issue in Rakhine State, overshadowing the widely applauded reforms in Myanmar. We fully share the concerns of the international community over the issue. We also fully understand the tremendous pressure upon the Special Adviser. But, we object to the use of the excessive term “institutionalized discrimination”.

The communal violence in 2012 had affected both communities. Regardless of this, Myanmar is a multi-religious country where people of different faith are living together in peaceful harmony. Contrary to blown-up social media, there has been no more recurrence of communal violence in the Rakhine State since 2012. Peace and stability has been restored there.

Non-discriminatory humanitarian access was never denied. Over 20 international aid organizations have been providing humanitarian assistance. Nowhere else are aid organizations more concentrated than in Rakhine State. Resettlement programme is going on in consultations with local communities. A total of 2,000 households have already been resettled to their original or new places this year. 5,000 households are planned to be resettled in the first phase. Anyone, who experienced violent communal conflicts, knows how difficult to overcome the challenges.

Since 2014, a pilot project was launched for national verification and resulted in granting citizenship to over 900 persons. Whoever wishing to become citizen can take part in the verification process. There is no difficulty to grant citizenship for those who meet criteria of the 1982 Citizenship Law. Their cooperation is essential for speedy success for the citizen application process.

They may become citizens one day, but they cannot claim as an ethnic group, simply because such ethnic group has never existed in the history of the country. The continued use of the controversial term will only offend the people of Myanmar and create obstacle in solving the problem. Unbalanced aiding to one community and demonizing the other will further fuel the tension.

In some townships, the two communities are now engaging in inter-communal trade and business. Their children are attending schools together. There is no restriction of

movement in those areas where the communities have learned to live in harmony. Presence of security forces in some areas is only at the request of the communities themselves.

To resolve the issue, the root cause, poverty, must be addressed. The Government has initiated a number of development projects as well as industrial zones and provided electricity across the State. Only inclusive development and stability can bring the two communities together. Improving livelihoods and job opportunities for both communities will prevent not only communal tensions but also prevent falling preys to human traffickers. If the world really cares about solving the problem, they can best assist Myanmar by helping its efforts for inclusive development for the people.

Mr. Chairman,

Myanmar is also deeply concerned about the sufferings and the fate of boat people caused by human trafficking in our region. In the time of crisis in last May, Myanmar Navy rescued about a thousand people in three different occasions and provided temporary shelters. After verification, most of them were not originated from Myanmar. Over 700 out of one thousand have been repatriated to the country of origin. The remaining are under verification process.

The rescued boat people testified that majority of them are not refugee seeking international protection but mere economic migrants who were seeking greener pasture and fallen into prey of human traffickers. It is regrettable that the Report does not reflect these true facts. Instead, it quoted the unverifiable inflated numbers of people making their sea journey.

At the Special Meeting on Irregular Migration in the Indian Ocean held in Bangkok on 29 May, our delegation reminded the meeting of the need to be better informed of the situation to enable us to find a fitting solution. Unverifiable and unreliable facts and figures were created by certain group on narrow political motive to attract the world's attention. Those data should not simply be lifted to find their way into important UN documents.

It is a proven fact that most of those economic migrants are not from Myanmar. It is important to avoid politicization of a humanitarian issue. The root cause of the boat people in Andaman Sea is none other than the issue of economic migration and human trafficking and smuggling in the region. We are working together with our regional partners to address the issue of human trafficking issue.

Mr. Chairman,

Myanmar is moving forward on its path to democratic transition, confronting numerous challenges with its limited capacity and resources. We should not place unrealistic expectation on Myanmar to become a flawless democracy within few years. In spite of all these difficult challenges, Myanmar has made huge incremental progress in promotion of democracy human rights during the first term of President U Thein Sein.

Despite these progresses, Myanmar continued to be unfairly placed under scrutiny by so many parallel mechanisms including the General Assembly, HRC, Special Rapporteurs and good offices of the Secretary-General. Two mandate holders are still presenting their

reports under the same agenda at this Committee at a time we are preparing for our report to UPR mechanism early next month. Furthermore, two resolutions in the Human Rights Council require presentations and oral updates on Myanmar at every session. It is irrational and disproportionate treatment on a country which has made tremendous achievements in advancing its peaceful democratic transition with strong determination.

In concluding, I wish to express our appreciations to the Secretary-General and his Special Advisor for all the assistance rendered for our efforts in promoting peace and democracy in Myanmar.

However, as the Secretary-General has suggested it in his own Report, it is time to assess the feasibility of the continuation of the good offices office, including a gradual scaling-down of the mandate of the Special Adviser on Myanmar.

I thank you, Mr. Chairman.
