



# 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

Ms. Yanghee Lee, Special Rapporteur

on the Situation of Human Rights in Myanmar

(Agenda Item 72 (c) : Human rights situations and  
reports of special rapporteurs and representatives)

at the Third Committee of the

70<sup>th</sup> Session of the

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Mr. Chairman,

My delegation thanks the Special Rapporteur Ms. Yanghee Lee for her kind words of sympathy to our people affected by the flood.

As stated time and again, Myanmar has steadfastly opposes country specific mandates which run counter to the principles of non-selectivity and non-politicization in addressing human rights.

Yet, we have extended cooperation to the Special Rapporteur in line with our policy to cooperate with the United Nations. Myanmar is the only country under agenda item 4 of the HRC that receives the visits of Special Rapporteur.

Last August, we have once again facilitated Ms. Yanghee Lee's visit, even at a time when most parts of the country were hit by unprecedented devastating floods. Security concerns expressed on her own part and the people's resentment towards her observations were taken into account in planning her visit.

The weather indeed, at that time did not permit us to guarantee the safety of her trip to Rakhine State which was declared as one of the four disaster zones due to floods. This issue should not be allowed to belittle our exemplary cooperation with the Special Rapporteur.

Mr. Chair,

To put on record, my delegation is not happy with the lateness of the release of the Report which was out only yesterday. It does not allow us sufficient time to study the revised draft and consult with the capital. Furthermore, our initial responses were not allowed to annex to the Report.

Mr. Chair,

My delegation thanks her for all her positive comments in her report and suggestions on the areas that need improvements in promoting human rights. It is our earnest hope that an independent Rapporteur would always come up with a balanced report. My delegation regrets that this is not the case for this year's report. It contains so many inaccurate, distorted and misleading allegations. It is written from the negative point of view.

Mr. Chair,

In assessing human rights, we need to compare today's situation with Myanmar of four years ago. No one could dispute that the democratic transition has brought about

massive improvements in democracy and human rights in Myanmar compared to its recent past.

Myanmar has now greater political freedom, widening space for civil society, greater media freedom, freedom of assembly and association. It has opened up its economy with liberalization of its policies. Sights of political rallies drawing huge crowds are clear signs of wider freedom and democracy. Those facts are not sufficiently reflected in the report.

One more crown achievement is the signing of the Nationwide Ceasefire Agreement on 15 October between the government and the 8 ethnic armed groups witnessed by international observers. It would set a new path to the way for political dialogue that will lead to end the six-decade long armed conflicts. Myanmar's transition was brought about in a very peaceful way at a time when some other transitioning countries are sliding into chaos.

Mr. Chair,

We have also made extensive review of laws and enacted new laws promoting human rights and freedoms. In new era, we have also joined four 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. We have also effectively addressed the issue of forced labour and under-age recruitment.

Mr. Chair,

At the height of the reform process is the government's commitment to hold its first ever inclusive democratic election in two weeks time. This historic election should not be prejudged by citing some minor challenges arise from limited technical and experiences. Yet, the preparation process was portrayed in the report from fault-finding approach, pointing out more weakness than strength.

Myanmar is doing its best with full commitment to make it free, fair and transparent one. International observers including European Union and Carter Center, are now already on ground to observe every stage of the election. Electoral assistance was also received from the United Nations.

With regard to issue of disenfranchisement, the main reason for the former white card holders' ineligibility to vote is that they are not yet verified as citizens. It is only for the citizens to take part in country's political decision making process. With regard to allegation about the ineligibility of some candidates, it was not because of their race or religion. The reason is that they do not meet the criteria which require that the candidate and both parents must be citizens of Myanmar. Like in many other countries, the right to take part in political process is confined only to its own citizens.

Mr. Chair,

We are concerned that the glaring progress of the reform process are dimmed by the negative lights shed on every aspects of Myanmar. Even a sharp criticism was also targeted at the most visible area of reform, i.e. freedom of expression, assembly and association.

The report cited a few cases of arrests of activists and protesters and charges against journalists as curtailing such freedoms. The truth is, they were arrested not because of exercising their rights to peaceful demonstration or reporting, but for their violations of laws. Measures taken to maintain law and order must not be viewed as restrictions.

Mr. Chair,

The four bills in question were interpreted by some from negative light. In fact, they are not directed against any religious minorities as alleged. It is intended merely to protect the rights of Myanmar women. It does not restrict interfaith marriage, as it is not mandatory. Those laws contain provisions to penalize only forced conversion which does not go against the international law.

With regard to the boat people, we regret that the Special Rapporteur did not incorporate the facts provided by us. Myanmar rescued a total of 1,000 boat people in three different occasions. Majority of them are not from Myanmar. Out of them, we have repatriated over 700 to their country of origin. Verification is going on for the remaining.

It is important to underline that most of them are economic migrants, not originated from Myanmar. I repeat “not originated from Myanmar”. The root cause is the problem of human trafficking and smugglings. The issue of boat people will still continue to exist, unless human traffickers are effectively suppressed collectively by the countries in the region.

Mr. Chair,

Striking a balance between freedom of expression and possible hate speech is a common challenge for all especially at a time of growing intolerance across the world. Myanmar cannot be immune from such challenges. As Special Rapporteur has mentioned, the President made it clear on several occasions that incitements and spreading of hate speech are intolerable and he called for setting up interfaith organizations on nationwide scale to address the issue. Civil society and youths are also launching their own social media campaign to counter hate speech. Recently, the UN and UNICEF applauded the joint call by four main religious groups in Myanmar for religious tolerance for the sake of children.

As I speaks, certain human rights groups and well funded media are serving as platforms for spreading incitement and hatred against the people of Myanmar through

fabricated news stories using old files and touching fake photos for their own political agenda.

Mr. Chair,

We fully understand the need to address the concerns about the communal tensions in Rakhine State. The communal violence in 2012 had affected both communities. There has been no more fresh violence in Rakhine State since 2012. Yet, massive media campaign is wrongfully portraying Rakhine State as if acts of violence were occurring on daily basis. Nothing is further from the truth.

Non-discriminatory humanitarian assistance was never denied. In fact, nowhere else are international aid organizations more concentrated than in Rakhine State.

Inclusive development and education are keys to resolving the communal issue. In Buthee Taung and Maung Taw Townships, where over 90 percent of the population is Muslim community and its literacy rate is 69.9 percent. There are over 4,000 high school students, over 3900 graduates and over 162 post-graduates from this community. Access to education is equal to all children in Rakhine State.

Likewise, access to other basic services such as health care, food, water, sanitation and livelihood is never restricted to any community. Everyone can enjoy basic services to a level as a developing county can provide to its population. Similarly, their living conditions are not worse than some Myanmar families living in poor villages in remote areas of the country. One needs to compare such living conditions with other poor people in this second poorest State in Myanmar. Only then, can we made an objective assessment.

Currently, the Government has already initiated development projects and industrial zones there. Improving livelihoods and job opportunities for both communities will prevent communal tensions. For those really cares about solving the problem, they can best assist Myanmar by helping its efforts for inclusive development and education for both community.

Doors are open for those who wish to attain citizenship. But the first step is to take part in verification process and apply for citizenship. The government will not be in position to grant citizenship for those who do not apply for it. A pilot project for verification launched in 2014 had resulted in granting citizenship to over 900 persons. They may become eventually citizens in accordance with the 1982 Citizenship Law, but they cannot claim as an ethnic group, simply because such a group has never existed in the history of the country.

Rakhine State is going beyond the phase of restoring peace and stability as we have started resettlement programme earlier this year. A total of 2,000 households have already been resettled this year out of 5,000 households planned for resettlement in the first phase. Cash grants and construction materials were provided to the re-settled families.

In some townships, the two communities are now engaging in inter-communal trade and business. Their children are attending schools together. There is no policy restricting marriage or birth in Rakhine State. This can be testified by the fact that some families there have over 50 family members in a house-hold.

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. Anyone, who experienced violent communal conflicts, knows how difficult to overcome the challenges. This is the issue that cannot be solved overnight.

Mr. Chair,

We find it hard to concur with so many paragraphs which are overwhelmed with unsubstantiated complaints and allegations. Time won't permit me to respond to all those paragraphs we cannot agree. We have circulated a memorandum as a UN document providing our views.

Mr. Chair,

For those who are looking only at trees, they will be missing the grandeur of forests. By focusing too much on trivial details like voter lists discrepancy or denial of a particular candidate, the Rapporteur overlooked the overall progress of the country including the giant step taken by the government to hold the first ever inclusive election in its history. A country must be judged by how far it has come, to which direction it is moving.

We need to remember that Myanmar is still a four-year old democracy born out of decade's long military government. We have yet to build up national capacity, stronger democratic intuitions and to upgrade our legal base to international norms, without losing sight to maintain peace and stability. Change of mind-set and diehard habits must come not only from the government; it must also come from everyone including those judging Myanmar.

One-sided criticism without trying to understand its complexities and challenges is counterproductive and will take us nowhere. We should work together to close the gaps and to deal with challenges. Only then, international community can best help Myanmar to overcome the challenges.

We believe that continued submission of reports critical of the human rights situation and a country-specific resolution based on its recommendation is not a justifiable move anymore. We need the world to understand our constraints and complexities and to render support to help us address those remaining challenges.

I thank you, Mr. Chairman, for your indulgence.

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