



Summary Paper Universal Periodic Review- Myanmar

Prepared by The Lutheran World Federation
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“Myanmar firmly believes that the Universal Periodic Review- UPR process is the most dependable and uncontroversial monitoring mechanisms to address and rectify human rights situations in all countries on an equal footing”

Ministry of Foreign Affairs, Nay Pyi Taw, 12 August 2015

Introduction

The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twenty third session from 2 to 13 November 2015. The review of Myanmar was held at the 9th meeting on 6 November 2015 and 98 States participated. The delegation of Myanmar was headed by the Attorney General of the Union, Dr Tun Shin. At its 14th meeting held on 10 November 2015, the Working Group adopted the report on Myanmar. Information relating to the recommendation and actions taken by the government for the first cycle of the Universal Periodic Review of Myanmar in 2011 may be found at www.upr-info.orgⁱ.

The 98 States that participated in the review process were restricted to a maximum of three recommendations each. The recommendations are laid out in the UPR Working Group outcome report in the order in which they were presented to the floor.

This summary document seeks to present an overview of the Human Rights Situation in Myanmar; and a summary of recommendations that enjoyed the support of the government of Myanmar; recommendations that didn't enjoy the support of the government; and those that are to be further examined between now and end of March 2016.

Overview of Human Rights Situation in Myanmar

Soon after gaining independence from Great Britain in 1948, Myanmar became a United Nations Member State having signed the Charter of the United Nations, binding it to the United Nations Universal Declaration for Human Rightsⁱⁱ.

Myanmar has also **ratified** the following United Nations Human Rights Treaties:

- Convention on the Rights of the Child (CRC) on 15 July 1991
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OP-SC) on 16 January 2012

- Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) on 22 July 1997
- Convention on the Rights of Persons with Disabilities (CRPD) on 7 December 2011

Myanmar has **signed** the following UN Human Rights Treaties:

- International Covenant on Economic, Social and Cultural Rights (ICESCR) on 16 July 2015
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC) on 28 September 2015

Myanmar has been under special procedures of the Human Rights Council since 1992, under resolution 1992/58ⁱⁱⁱ.

Main human rights concerns relate to:

- The fragmented legal and political framework, including the 2008 Constitution
- Restrictive and discriminatory laws and practices
- Weak rule of law and no independent judiciary
- Lack of appropriate mechanisms to protect rights
- Conflict-related human rights concerns
- Development-related human rights issues

Summary of outstanding core International Treaties

- Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)
- Optional Protocol of the Convention against Torture (CAT-OP)
- International Covenant on Civil and Political Rights (ICCPR)
- Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty (ICCPR-OP2-DP)
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)
- ICPPED International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)
- Optional Protocol of the UN Convention on the Rights of Persons with Disabilities (OP-CRPD)
- Optional Protocol of the UN Convention for All Forms of Discrimination against Women (OP-CEDAW)
- Optional Protocol of the International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Rome Statutes of the International Criminal Court (ICC)

Summary of Recommendations

The Myanmar government accepted 124 recommendations; 88 are pending a decision by end of March 2016; and 69 did not enjoy the support of the government.

It should be noted that because States were restricted in the number of recommendations they could submit, some States combined more than one and sometimes up to four issues into one recommendation, which in some cases poses a challenge in determining which issue the government might have reservations about.

Recommendations that did not enjoy the support of the government

From an initial analysis of the 69 recommendations that **did not** enjoy the support of the Myanmar government, these recommendations include:

- All that contain the words “indigenous” and/or “Rohingya”
- All that mention the Rome Statutes of the International Criminal Court (and Agreement on Privileges and Immunities of the Court)
- All that contain the term “internment camps”
- All that call the government to repeal any of the four “Protection of Race and Religion” laws
- Those that call for the disclosure of the Commission of Inquiry established to investigate excessive use of force by police (145.22. Disclose the findings of the Commission of Inquiry established to investigate cases of excessive use of force by police (Italy))

The following recommendations that refer to the Constitution, the 1982 Citizenship Law and citizenship in general also did not enjoy the support of the Myanmar government:

145.7. Amend the Constitution to provide guarantee for freedom of religion in Myanmar, in line with Article 18 of the Universal Declaration of Human Rights (Bahrain);

145.20. Eliminate discrimination of and violence against religious minorities including by bringing national legislation such as the “Laws on Protection of Race and Religion” and the 1982 citizenship act in accordance with international human rights obligations, and establish an effective birth registration system guaranteeing universal access to education and other government services (Germany);

145.54. Remove provisions in the 1982 Citizenship Law that grant citizenship on the basis of ethnicity or race and amend the Law to avoid statelessness (Turkey);

145.57. Take steps to protect the rights and regularize the citizenship status of all individuals, including those who formerly held temporary identification cards (Canada);

145.58. Repeal all discriminatory legal provisions such as granting citizenship on the basis of ethnicity or race and providing for different citizenship categories (Slovenia);

145.59. Repeal the provisions establishing different categories of citizenship and remove any indication of ethnicity in identity documents (Mexico);

Additionally, the following recommendations that refer to the LGBTI community did not enjoy the support of the government:

145.21. Repeal or revise the “Protection of Race and Religion” laws and Section 377 of the 1861 Penal Code to ensure the rights of women, religious minorities and the LGBTI community are protected (Australia);

145.29. Amend article 377 of the Penal Code to ensure that only nonconsensual sexual relations between persons of the same sex are punishable (Spain);

In addition, the following recommendations that refer to the electoral process did not enjoy the support of the government:

145.37. Ensure universal suffrage for all adults of voting age, regardless of ethnicity (New Zealand);

145.38. Continue with democratization and reform processes by, inter alia, ensuring and equal playing field for all political parties at all stages of the electoral process and by building a fully civilian parliamentary representation chosen in democratic elections (Czech Republic);

Recommendations that enjoyed the support of the government; or that are to be further examined

From an initial analysis of the 124 recommendations that enjoyed the support of the Myanmar government; and the 88 recommendations that will be further examined between now and end of March 2016, the Myanmar government demonstrates

commitment to discuss and explore a number of important issues, with some reservations in some cases, largely related to some of the issues covered in the recommendations that did not enjoy the support of the government. These are broken into the following categories:

- 1. Ratification of outstanding core international treaties**
- 2. Strengthen cooperation with international human rights systems**
- 3. Continue in its path towards peace, democratic transition and sustainable development**
- 4. Strengthen the Rule of Law and the Judiciary**
 - Strengthen the rule of law
 - Minimum age of criminal responsibility
 - Independence of the National Human Rights Commission
 - Improve the capacity of judicial institutions
 - Restructuring of the Police Force
 - Address the death penalty
- 5. Combat impunity**
- 6. Combat corruption**
- 7. Addressing restrictions on fundamental freedoms**
 - Freedom of religion and religious conversion
 - Freedom of opinion and expression; peaceful assembly and association
- 8. Release of political prisoners**
- 9. Improve access to health, education and other basic services for all**
- 10. Improve birth registration and citizenship verification**
- 11. Improve the land registration system**
- 12. Improve protection**
 - Address human trafficking
 - Continue to address the recruitment of children in armed conflict
 - Improve protection of civilians in armed conflict
 - Improve Humanitarian Access
 - Ensure safe and voluntary return of all Internally-Displaced Persons
- 13. Enhance women's leadership and empowerment**
- 14. Combat marital rape, domestic violence and violence and discrimination against women and children**
- 15. Counter hate-speech and incitement to violence**
- 16. Combat discrimination and violence against ethnic and religious minorities**
- 17. Strengthen interethnic and interreligious understanding and harmony**

1. Ratification of outstanding core international treaties

The Myanmar government accepted recommendations to *consider* ratifying and acceding to all core international human rights treaties:

For example:

- 143.1. Continue its work in acceding to the core human rights convention (Belarus);
- 143.2. Consider ratifying the human rights treaties it has not yet ratified (Japan);
- 143.3. Consider the ratification of the main international human rights instruments to which it is not yet a State Party (Nicaragua);
- 143.4. Consider positively acceding to the core international human rights instruments, to which it is not yet a party, particularly ICCPR and CAT (Viet Nam);
- 143.5. Consider accession to international human rights instruments that it is not yet a party to, including ICCPR and ICRMW (Philippines);
- 143.6. Consider ratification of the ICCPR and its 2nd Optional Protocol with the view of total abolition of the death penalty (Namibia);
- 143.7. Consider ratifying ICCPR (United States of America);

143.9. Consider ratifying ICERD, ICESCR, and ICRMW (Egypt);

The government accepted recommendation to **sign** the following international human rights treaty:

- Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)

For example: 143.10. Sign CAT (France);

The government accepted recommendations to **ratify** the following international human rights treaties:

- International Covenant on Economic, Social and Cultural Rights (ICESCR) (This covenant was signed on 16 July 2015)
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC) (This optional protocol was signed on 28 September 2015)

For example:

143.8. Ratify ICESCR (Ghana);

143.11. Ratify OP-CRC-AC (Chile) (Croatia);

143.12. Ratify OP-CRC-AC (Luxembourg);

143.14. Take all necessary measures aimed at the early ratification of the OPCRC-AC (Slovakia);

Possible challenges

There appears to be some reservations around **the ratification** of the following international treaties:

- International Covenant on Civil and Political Rights (ICCPR) and its optional protocol, which refers to the abolition of the death penalty
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Optional Protocol to the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) (agreed to sign but not yet to ratify) and OP-CAT – subsequently better ensuring the adoption of provisions that expressly prohibit torture in police settings
- International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)
- Optional Protocol of the International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Optional Protocol of the UN Convention for the Elimination of All Forms of Discrimination against Women (CEDAW)

For example, the following recommendations are to be further examined:

144.1. Ratify the core international human rights instruments (Paraguay);

144.2. Accede to and implement all core human rights treaties (Latvia);

144.3. Ratify all core human rights conventions, especially ICCPR, CAT and ICESCR (Germany);

144.4. Ratify the outstanding core treaties, such as ICCPR, CAT, and ICERD (Hungary);

144.5. Ratify human rights treaties such as ICERD, ICESCR, ICCPR, CAT and OP-CEDAW (Sierra Leone);

144.6. Ratify and fully implement all core human rights treaties, including ICCPR and CAT, as previously recommended (Slovenia);

144.7. Ratify ICCPR (Montenegro) (Poland);

- 144.8. Ratify ICCPR and continue to raise public awareness about international human rights law and the legal avenues available for defending those rights (Lithuania);
- 144.9. Ratify ICCPR and its optional protocols (Spain);
- 144.10. Ratify the ICCPR and its two optional protocols (Estonia) (Ghana);
- 144.11. Accede to the ICCPR and its Optional Protocol aiming at the abolition of the death penalty (Greece);
- 144.12. Sign and ratify ICCPR and ICESCR (Bahrain);
- 144.13. Ratify ICCPR and ICESCR and ensure the conformity of national legislation with international obligations (Switzerland);
- 144.14. Ratify the ICESCR and **its Optional Protocol** (Portugal);
- 144.15. Ratify ICERD and ICCPR (Algeria) (Libya);
- 144.16. Ratify ICERD (Ghana);
- 144.17. Sign and ratify ICCPR, CAT and ICERD (Turkey);
- 144.18. Ratify ICESCR, ICCPR, and ICERD (Sudan);
- 144.19. Ratify the ICCPR and ICESCR, as well as the ICERD (Brazil);
- 144.20. Ratify ICCPR and CAT (Italy);
- 144.21. Ratify ICCPR and CAT (Luxembourg);
- 144.22. Ratify CAT and ICCPR (Georgia);
- 144.23. Ratify CAT (Denmark) (Guatemala);
- 144.24. Ratify CAT, as previously recommended (Portugal);
- 144.25. Ratify CAT and OP-CAT (Lithuania);
- 144.26. Ratify CAT, and subsequently ensure the adoption of provisions that expressly prohibit torture in police settings (Chile);
- 144.27. Ratify CAT and ICPPED (Mexico);

It is not possible to determine at this stage if the government has any reservations about signing or ratifying the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). This is because it was combined in two recommendations (143.5 and 143.9, which indicates that the Myanmar government will ‘consider’ ratifying it) as above but is then not mentioned again in any other recommendation.

As mentioned, no recommendations that referred to the ratification of the Rome Statutes of the International Criminal Court enjoyed the support of the government of Myanmar.

2. Strengthen cooperation with international human rights systems

The Myanmar government demonstrates commitment to cooperate with international human rights systems, with some reservations.

The following recommendations enjoyed the support of the government:

- 143.49. Study the possibility of creating a national system for the follow-up of international recommendations on human rights (Paraguay);
- 143.50. Engage closely with the UN human rights system, including treaty bodies and special procedures mandate holders (Turkey);
- 143.51. Continue to cooperate with human rights mechanisms, including the Special Rapporteur on Myanmar (Republic of Korea);
- 143.52. Ensure ongoing cooperation with the Special Rapporteur for Myanmar of the Human Rights Council and with other Special Procedures (Chile);

Possible challenges

There appears to be some concerns with issuing a standing or open invitation to the Special Procedures and/or all thematic procedures. The following recommendations, for example, are to be further examined:

- 144.33. Issue a standing invitation to the Special Procedures (Guatemala);

- 144.34. Issue a standing invitation to all thematic special procedures (Montenegro);
- 144.35. Extend a standing invitation to mandate holders (Senegal);

There appears to be concerns relating to OHCHR opening an office in Myanmar and/or for it to operate with a full mandate. For example, the following recommendations are to be further examined:

- 144.39. Allow the OHCHR to open a country office with a full mandate (United States of America);
- 144.40. Expedite the establishment of an OHCHR office with a full mandate (Turkey);
- 144.41. Take further steps towards the establishment of the OHCHR country office in Myanmar (Croatia);

3. Continue in its path towards peace, democratic transition and sustainable development

The government demonstrates its commitment to continue in its path towards the three intertwined processes. The following recommendations enjoyed the support of the government of Myanmar:

- 143.16. Continue to further enhance peace, development and democracy (Cambodia);
- 143.17. Give continuity to the democratization process undertaken by the Government (Nepal);
- 143.19. Continue building its democratic reform for the prosperity and wellbeing for the people and the nation of Myanmar (Timor-Leste);
- 143.21. Continue further improvement of the protection and promotion of human rights in the country (Azerbaijan);
- 143.22. Continue making efforts for protecting and promoting human rights and improving the living conditions (Kyrgyzstan);
- 143.30. Continue to strengthen its system to promote and protect human rights paying special attention to the social protection of the population (Belarus);
- 143.32. Further continue concentrating on economic development to bring about sustainable peace and ensure enjoyment of human rights (Ethiopia);
- 143.33. Harmonize its process of political, socio-economic and administrative reforms made in accordance with its international human rights obligations (Nicaragua);
- 143.35. Keep the momentum of political, socio-economic and administrative reform to comply with the socio-economic needs of the population (Cuba);
- 143.36. Accelerate the political, socio-economic and administrative reform to fulfil socio-economic needs of the people (Iran (Islamic Republic of));
- 143.37. Continue to accelerate the momentum of the political, socio-economic and administrative reform to further fulfil socio-economic needs of the people (Lao People's Democratic Republic);
- 143.38. Take measures to ensure that economic growth is proportional in the different parts of the country and benefits the whole population, including the country's minorities (Cuba);
- 143.39. Take measures for the economic growth to be proportional to different parts of the country and to benefit all including in particular minorities (Iran (Islamic Republic of));
- 143.104. Take necessary further steps to combat poverty and to address socioeconomic inequality (Sri Lanka);
- 143.34. Continue consolidating the correct measures taken on economic growth, for the benefit of its people (Venezuela (Bolivarian Republic of));
- 143.41. Implement policies to meet the relevant 2030 Sustainable Development Goals so that all communities, regions and states can benefit from Myanmar's economic growth and it can graduate from Least Developed Country Status soonest (Singapore);
- 143.100. Continue to create a safe and enabling environment for civil society in order to help the country's ongoing transition to democracy (Ireland);
- 143.20. Adopt a human-rights-based approach when designing and implementing the

reforms towards the democratization of the country (Portugal);

143.38. Take measures to ensure that economic growth is proportional in the different parts of the country and benefits the whole population, including the country's minorities (Cuba);

143.31. Continue to maintain annual economic growth of average of 8% (Democratic People's Republic of Korea);

143.27. Continue peace talks among the people to avoid ethnic and religious conflicts and scale up national reconciliation process in the country (Ethiopia);

143.28. Take action to bring other remaining armed groups, who are not among 8 major ethnic groups that recently signed the National Ceasefire Agreement, into an inclusive peace process (Israel);

143.29. Ensure the proper work of the Joint Monitoring Committee and Union Peace Dialogue Joint Committee (Israel);

4. Strengthen the Rule of Law and the Judiciary

The Myanmar government has demonstrated some commitment to strengthen the rule of law and the judiciary. The following recommendations enjoyed the support of the Myanmar government:

Strengthen the rule of law

143.86. Continue to strengthen the rule of law and ensure good and clean governance at all levels of government, which would help address the social and economic needs of the Myanmar people more effectively (Singapore);

Minimum age of criminal responsibility

143.83. Review legislations in order to raise the minimum age of criminal responsibility in line with international standards (Chile);

Independence of the National Human Rights Commission

143.44. Grant the National Human Rights Commission autonomy and independence in accordance with the Paris Principles (Chile);

143.42. Continue strengthening of the national human rights institutions and mechanisms (Nepal);

143.43. Take steps towards establishing a National Human Rights Institution in line with the Paris Principles (Egypt);

143.45. Allow the National Human Rights Commission to fully exercise its functions, in line with the Paris Principles (Senegal);

143.46. Ensure that the National Human Rights Commission is able to discharge its functions fully, in accordance with the Paris Principles, as previously recommended (Portugal);

143.47. Take steps to ensure that the National Human Rights Commission be given a mandate in conformity with the Paris Principles (Sierra Leone);

143.48. Provide all necessary assistance in order that the national human rights institution is able to operate at full capacity and continue judicial reforms, including the increased capacity building of judicial institutions (Republic of Korea);

Improve the capacity of judicial institutions

143.48. Provide all necessary assistance in order that the national human rights institution is able to operate at full capacity and continue judicial reforms, including the increased capacity building of judicial institutions (Republic of Korea);

Restructuring of the Police Force

143.18. Continue its democratisation process by means of restructuring of the

local police forces (Greece)

Address the death penalty

While the majority of recommendations relating to the death penalty are to be further examined, the fact that no recommendation relating to the death penalty was rejected indicates a commitment from the government to address the issue. The following recommendations are to be further examined:

- 144.56. Abolish the death penalty (Holy See) (Poland) (Slovenia) (Spain);
- 144.57. Abolish the death penalty in all cases and circumstances (Portugal);
- 144.58. Place a moratorium on the death penalty with a view to its abolition (Sierra Leone);
- 144.59. Institute a de jure moratorium on the death penalty, with a view to its future abolition (Switzerland);
- 144.60. Institute a de jure moratorium on the death penalty, with a view to its definitive abolition (Luxembourg);
- 144.61. Establish an official moratorium on the death penalty with a view to its abolition for all crimes (France);
- 144.62. Establish a formal moratorium on the death penalty with a view to ratifying ICCPR-OP2 (Australia);
- 144.63. Translate the de-facto moratorium on the death penalty into binding law, with a view to completely abolish the death penalty altogether (Croatia);
- 144.64. Change a de facto moratorium, which is in place in Myanmar since 1988, to a de jure moratorium on the use of the death penalty as a first step to its abolishing (Lithuania);

Possible challenges

There appears to be some concerns relating to the absolute independence of the judiciary and the **autonomy and the protection of lawyers and judges**. The following recommendations are to be examined further:

- 144.73. Guarantee in law and in practice that lawyers and judges can perform their professional functions without improper interference and legally form and join self-governing professional associations (Austria);
- 144.74. Define professional legal standards and disciplinary procedures in conformity with the UN Basic Principles on the Role of Lawyers (Hungary);
- 144.75. Amend the Bar Council Act in order to allow for the Bar Council to become a truly independent and self-governing association (Hungary);
- 144.76. Amend the Bar Council Act to ensure the Bar Council's independence, and commit to improving legal education and continuing legal professional development, including with regard to international human rights law and the UN human rights mechanisms (Canada);

There may also be reservations on the age of criminal responsibility since this recommendation is to be examined further:

- 144.77. Raise the age of criminal responsibility to international standards (Lithuania);

5. Combat impunity

The Myanmar government has demonstrated some commitment to combat impunity. The following recommendations, for example, enjoyed the support of the government of Myanmar:

- 143.80. Combat impunity (Senegal);
- 143.82. Continue its efforts to ensure respect for the rights and fundamental freedoms of all the population, guaranteeing the investigation and punishment of perpetrators of human rights violations, demonstrating its commitment to combating impunity (Argentina);
- 143.81. Ensure that police and military officers alleged to have committed acts of

torture and ill-treatment are held accountable through the criminal justice system (Lithuania);

143.66. Enact and enforce legislation that guarantees comprehensive protection from all forms of violence against women, and that addresses impunity for all perpetrators (Sweden);

Possible challenges:

There appears to be some concerns on addressing past crimes of the military and police. As mentioned, no recommendations mentioning the ICC and Rome Statutes enjoyed the support of the Myanmar government. The following recommendation also did not enjoy the support of the government:

145.28. End impunity of members of the army and government officials, who commit human rights violations, and bring them to justice (Saudi Arabia);

6. Combat corruption

The government demonstrates commitment to combatting corruption. The following recommendations enjoyed the support of the government:

143.84. Address effectively the issue of corruption (Cuba);

143.85. Accelerate reforms with the aim to guarantee good governance and more vigorously address the issue of corruption (Georgia);

7. Addressing restrictions on fundamental freedoms

The government demonstrates some commitment to addressing restrictions on fundamental freedoms. The following recommendations enjoyed the support of the Myanmar government:

Freedom of religion and religious conversion

143.96. Make every effort to guarantee the right to religious conversion and to respect the freedom of religion, in particular, enabling religious practice (Holy See);

143.97. Ensure full respect for freedom of religion or belief and the human rights of the persons belonging to ethnic and religious minorities, in line with international human rights law (Poland);

143.88. Ensure the protection of human rights for all, including freedom of religion or belief, expression, association and peaceful assembly and right to participate in public and political life (Botswana);

Freedom of opinion and expression; peaceful assembly and association

143.98. Work to ensure that freedom of opinion and expression are protected (New Zealand);

143.99. Further ensure that those who legitimately exercise their rights to freedom of expression and peaceful assembly be not subject to reprisals (Italy);

143.88. Ensure the protection of human rights for all, including freedom of religion or belief, expression, association and peaceful assembly and right to participate in public and political life (Botswana);

Possible challenges

There appears to be some concerns relating to absolute freedom of opinion and expression; peaceful assembly and association. These appear to relate mainly to the absolute independence of the media; and protection of human rights defenders and journalists. The following recommendations, for example, are to be further examined:

144.80. Review the News Media Law and the Printing and Publication Enterprise Law of 2014, in consultation with media representatives, in order to bring it in conformity with international standards regarding freedom of expression (Belgium);

144.84. Take concrete steps to promote and protect the right of peaceful assembly, in

line with international human rights law and standards (Brazil);

144.31. Ensure that human rights agencies, including the Myanmar National Human Rights Commission and the Myanmar Press Council, are able to function as effective and independent agencies (Thailand);

144.82. Ensure the protection of human rights defenders (Chile);

144.83. Create and maintain a safe and enabling environment for civil society, human rights defenders and journalists (Norway);

8. Release of political prisoners

The following recommendation enjoyed the support of the Myanmar government:

143.65. Continue releasing political prisoners and re-launch the joint Government/civil society committee (France);

However, there are evidently some reservations in releasing political prisoners. The following recommendations are to be further examined:

144.65. Release all political prisoners (Germany);

144.67. Free political prisoners and prisoners of conscience who may still remain after previous release exercises (Spain);

144.68. Release all those imprisoned for the exercise of their rights or for espousing dissenting views (Czech Republic);

144.69. Release all political prisoners unconditionally, and remove conditions on those already released (United States of America);

144.70. Free all remaining prisoners of conscience and put an end to practices that fuel arbitrary arrests (Croatia);

144.71. Release immediately and unconditionally all human rights defenders, student activists and political prisoners, and end ongoing trials of political detainees (Norway);

9. Improve access to health, education and other basic services for all

The Myanmar government demonstrates commitment to improve access to health, education and other basic services for all. The following recommendations enjoy the support of the government:

143.87. Increase its efforts to ensure access to basic services, as well as freedom of movement, for all residents (Japan);

143.105. Take appropriate steps towards achieving Universal Health Coverage in the country (Brunei Darussalam);

143.108. Earmark additional financial resources to health services and reduce the financial burden faced by vulnerable groups in accessing medical care (Viet Nam);

143.109. Increase the amount of spending on health with special attention to women and children so as to achieve relevant MDGs as soon as possible (China);

143.110. Increase significantly the proportion of national expenditure allocated to health care, address the regional differences in access to health care services and expand the human capital within the health care sector, especially to ascertain that an adequate number of midwives are educated and dispatched across the country (Sweden);

143.111. Redouble steps taken in providing quality and affordable health and education services, including providing adequate learning opportunities (Timor-Leste);

143.112. Continue to promote and protect the enjoyment of fundamental freedoms and rights of its citizens in the areas of education and health among others without discrimination (Nigeria);

143.113. Provide equal access to education by the people (Iran (Islamic Republic of));

143.114. Continue to invest on education and ensure the continued provision of free education for its primary and secondary students (Brunei Darussalam);

143.115. Continue with the efforts of providing equal access to education by all national races in the country (Lao People's Democratic Republic);

143.116. Continue to provide equal access to education by all national races, including

minorities in the country (Democratic People's Republic of Korea);
143.117. Continue efforts to develop its human capital through education, training and empowering vulnerable groups (Sri Lanka);
143.15. Expedite the process of redrafting of the existing Child Law taking into account the views and suggestions made by civil society organizations (Bhutan);
143.26. Continue its efforts to provide protection and care for its elderly population and other vulnerable groups (Brunei Darussalam);

The following recommendation is to be further examined, which relates to illegal abortions:

144.46. Review the provisions in its penal code, which contain punitive measures against women who have undergone illegal abortions (Norway);

10. Improve birth registration and citizenship verification

The following recommendation enjoyed the support of the government of Myanmar:

143.119. Accelerate citizenship verification processes so that populations now deprived of identity documents do not remain in an illegal situation (France);

Possible Challenges

There are a number of possible challenges that relate to birth registration and citizenship, which relate largely to issues discussed in earlier sections. The following recommendations are to be further examined:

144.52. Strengthen efforts regarding the effective measures on the registration of all children born in Myanmar without any discrimination (Albania);

144.53. Take measures for the effective registration of all children born in the country without discrimination and remove all references to ethnic origin in identity documents (Paraguay);

144.54. Ensure effective registration of all children born in the country, regardless of their ethnic origin and without any discrimination, in accordance with Article 7 of the Convention on the Rights of the Child (Canada);

144.55. Develop a simplified, effective birth registration system through which all can access a birth certificate, including a complaints handling mechanism (Namibia);

144.87. Finalise the citizenship verification process of persons lacking identity documents or holding a "turquoise" card and the establishment of a transparent process to legalise the residence status of those who do not meet Myanmar's citizenship criteria (Switzerland);

144.86. Take measures to improve the condition of religious/ethnic minorities respecting their human rights and ensuring they are not denied the right of citizenship or subject to discrimination, in a manner consistent with international standards (Portugal);

11. Improve the land registration system

The following recommendations enjoy the support of the government, and indicate its commitment to improving the land registration system:

143.123. Ease tensions in rural areas by developing an effective land registration system with a clear complaints handling mechanism (Germany);

143.124. Effectively address the issue of land grabbing, including through providing redress to farmers and others whose land was illegally or arbitrarily seized (Czech Republic).

Possible Challenges

The following recommendation that relates to private businesses is to be further examined:

144.88. Amend laws that permit the compulsory acquisition of land by private businesses so that the expropriation is only permitted in the cases of necessary,

proportionate and narrowly construed public interest, with strong procedural safeguards (Netherlands).

12. Improve protection

There are a number of ways in which the government has demonstrated its commitment to improve the protection of the Myanmar population. These include:

Address human trafficking

The following recommendations enjoyed the support of the government:

143.74. Step up efforts towards the prevention and suppression of human trafficking and the smuggling of migrants by air, land and sea (Greece);

143.75. Double its efforts in combatting trafficking in persons including by bringing human traffickers and people smugglers to justice (Malaysia);

143.76. Continue investing efforts in the prevention of human trafficking, with special attention to investigation and prosecution of all cases of sale and trafficking of children (Serbia);

The following recommendation that did not enjoy the support of the government requires further examination:

145.26. Step up efforts and cooperate with relevant countries and international partners, address the situation in Rakhine State at its root causes, and combat people smuggling and human trafficking (Thailand);

Continue to address the recruitment of children in armed conflict

The following recommendation enjoyed the support of the government:

143.72. Adopt measures to end the recruitment and participation of children in military activities (Mexico);

The following recommendation that did not enjoy the support of the government requires further understanding:

145.25. Continue to prioritize its work with the ILO on a Joint Action Plan on Child Soldiers to progress the implementation of Resolution 1612 (New Zealand);

Improve protection of civilians in armed conflict

The following recommendation enjoyed the support of the government:

143.73. Continue to implement policies to ensure full protection of civilians, particularly children, in zones of armed conflict (Ecuador);

Improve Humanitarian Access

The following recommendations enjoyed the support of the government:

143.121. Allow access to humanitarian aid to all groups who need it, including internally displaced persons in Rakhine State and other affected areas (Kuwait);

143.122. Adopt and implement all the necessary measures to continue improving health care, food and education services in camps for internally displaced persons, including in remote areas (Panama);

Ensure safe and voluntary return of all Internally-Displaced Persons

The following recommendation enjoyed the support of the government:

143.120. Ensure the safe and voluntary return of all IDPs to their place of origin (Turkey);

13. Enhance women's leadership and empowerment

The government demonstrates commitment to enhancing women's leadership and empowerment. The following recommendations enjoy the support of the government:

- 143.53. Continue to take steps to enhance women empowerment (Pakistan);
- 143.54. Ensure better representation of women in the peace process (Slovenia);
- 143.56. Implement the commitment taken in 2011 to ensure gender equality (France);
- 143.58. Domesticated CEDAW and give women a visible and inclusive role as envisaged by the treaty (Sierra Leone);
- 143.59. Continue with the implementation of the National Strategic Plan for the Advancement of Women (Israel);
- 143.102. Continue promoting the participation of women in public affairs and socio-economic activities (Venezuela (Bolivarian Republic of));
- 143.103. Further promote women's rights through increased participation in political, socio-economic and administrative decision making processes (Italy);

The following recommendations are to be further examined:

- 144.30. Support the active and meaningful participation of women, "ethnic groups", internally displaced persons and refugees in the implementation of the Nationwide Ceasefire Agreement, including the national dialogue (Finland);
- 144.72. Implement the National Action Plan for the Advancement of Women by: amending legislation to include sexual violence in conflict within the Preventing Sexual Violence Law, removing military impunity for human rights violations – including sexual violence, and appointing a Gender Advisor within the President's Office (United Kingdom of Great Britain and Northern Ireland);

14. Combat marital rape, domestic violence and violence and discrimination against women and children

The government demonstrates commitment to combatting gender based violence, domestic violence and discrimination against women and children. The following recommendations enjoyed the support of the government:

- 143.55. Promote gender equality in all aspects of life and combat violence against women (Cyprus);
- 143.66. Enact and enforce legislation that guarantees comprehensive protection from all forms of violence against women, and that addresses impunity for all perpetrators (Sweden);
- 143.67. Take positive action to ensure protection of women against sexual violence and their access to legal mechanisms without discrimination (Namibia);
- 143.68. Develop a legal framework to prevent and combat violence against women and domestic violence (Serbia);
- 143.69. Address in legislation all forms of gender-based violence, both within as well as outside of marriage (Spain);
- 143.70. Take effective measures to prevent and combat marital rape and domestic violence, including the express criminalization of these practices (Portugal);
- 143.71. Strengthen policies to combat all forms of violence and discrimination against women and girls, including by criminalizing marital rape and prohibiting forced and early marriages (Paraguay);
- 143.77. Ensure impartial and effective investigation of violence perpetrated against women and violence perpetrated against children, and ensure reparations for victims and the right to a fair trial, including legal aid, for both the victim and the accused (Finland);
- 143.57. Adopt a legal definition of discrimination against women according to the CEDAW (Austria);

The following recommendation is to be further examined:

- 144.72. Implement the National Action Plan for the Advancement of Women by: amending legislation to include sexual violence in conflict within the Preventing Sexual Violence Law, removing military impunity for human rights violations – including sexual violence, and appointing a Gender Advisor within the President's Office (United

Kingdom of Great Britain and Northern Ireland);

15. Counter hate-speech and incitement to violence

The following recommendation enjoyed the support of the government:

143.62. Increase its efforts to counter hate-speech and incitement to violence (New Zealand);

16. Combat discrimination and violence against ethnic and religious minorities

There is some commitment towards reducing and combatting discrimination and violence against ethnic and religious minorities. The following recommendations enjoyed the support of the government of Myanmar:

143.63. Ensure that the rights of women and ethnic minorities are not undermined as a result of the recently introduced set of **Protection of Race and Religion laws** (Japan);

143.60. Continue efforts to strive for all the citizens to live in harmony without discrimination against any races and nationalities (Nepal);

143.61. Consider the possibility of adopting adequate measures to promote social cohesion, with a view to the elimination of all forms of discrimination, including against minority, ethnic and cultural groups (Ecuador);

143.78. Ensure independent investigations of all cases of violence and discrimination against ethnic and religious minorities (Iceland);

143.79. Prosecute suspected perpetrators of violence against ethnic and religious minorities, in line with international standards and to ensure compliance with due process and respect for the rule of law (Iceland);

143.24. Adopt legislation ensuring protection of human rights of ethnic communities, including their participation in government decisions (Slovenia);

143.25. Reinforce and implement the protection of vulnerable groups, namely children, women, disabled, elderly, and make a greater effort to include ethnic and religious groups in the life of Myanmar society (Holy See);

143.118. Improve the situation of minorities in the country (Greece);

143.115. Continue with the efforts of providing equal access to education by all national races in the country (Lao People's Democratic Republic);

143.116. Continue to provide equal access to education by all national races, including minorities in the country (Democratic People's Republic of Korea);

Possible Challenges

The following recommendations are to be further examined:

144.47. Take the necessary steps to eliminate discrimination faced by ethnic minorities and ensure that they enjoy their right to culture and their religious freedom is protected (Mexico);

144.48. Take necessary measures in law and in practice to put an end to all forms of discrimination against minorities, especially ethnic and religious minorities (France);

144.49. Enact law that will address the spread of discrimination, incitement of hatred against Muslims and members of national, ethnic, religious and linguistic minorities in Myanmar (Nigeria);

144.50. Take appropriate measures to combat nationalist extremism as effectively as possible (Djibouti);

144.85. Make further efforts to reinforce and protect the rights of the Muslim minorities in Myanmar (Oman);

144.78. Review the laws and measures about marriage, especially of people belonging to minorities (Holy See);

17. Strengthen interfaith and interethnic understanding and harmony

The government of Myanmar demonstrates some commitment in strengthening interfaith and interethnic understanding and harmony. The following recommendations

enjoyed the support of the government:

143.89. Spread the culture of human rights and strengthen religious and faith tolerance (Sudan);

143.90. Intensify efforts in actively promoting inter-ethnic, inter-faith and communal understanding and harmony (Malaysia);

143.91. Achieve tolerance and peaceful existence in all parts of society by promoting interfaith and intercommunal dialogue (Turkey);

143.92. Continue efforts to preserve national, cultural and religious diversity so as to promote harmony among ethnic groups and religions (China);

143.93. Make sincere efforts to build up levels of confidence and reconciliation among religious groups through dialogue between religious leaders (Republic of Korea);

143.94. Continue efforts to promote tolerance, harmony and respect of human rights among all communities in Myanmar, including through possible review of legal frameworks, human rights' education and interfaith dialogues and cooperation involving all segments in the society (Indonesia);

143.95. Prevent the destruction of places of worship and cemeteries (Egypt);

143.23. Continue to point special attention to the prevention of the emergence of the situation, which might lead to conflicts on ethnic and religious basis (Russian Federation);

143.27. Continue peace talks among the people to avoid ethnic and religious conflicts and scale up national reconciliation process in the country (Ethiopia);

Other key issues in Myanmar

The following issues do not appear to be covered directly in any of the recommendations of the 2015 Universal Periodic Review:

- Labour rights
- Rights of migrant workers and their families
- Protection from landmines
- Measures to ensure environmental protection within the context of sustainable development
- Measures to ensure equitable distribution and management of natural resources
- The Legal Aid Bill/ Law, which is currently in progress
- Management of water sources and systems

References

- i 2011 UPR Recommendations and Actions of the Government of Myanmar: http://www.upr-info.org/database/index.php?limit=0&f_SUR=119&f_SMR=All&order&orderDir=ASC&orderP=true&f_Issue=All&searchReco&resultMax=300&response&action_type&session&SuRRgrp&SuROrg&SMRRgrp&SMROrg&pledges=RecoOnly
- ii <http://www.un.org/en/documents/udhr/>
- iii Human Rights Council Resolution 1992/58; <http://www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx>