



# General Assembly

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## Human Rights Council

### Twenty-second session

Agenda item 4

#### Human rights situations that require the Council's attention

Andorra\*, Austria, Belgium\*, Bosnia and Herzegovina\*, Bulgaria\*, Canada\*, Croatia\*, Cyprus\*, Czech Republic, Denmark\*, Estonia\*, Finland\*, France\*, Germany, Greece\*, Hungary\*, Iceland\*, Ireland, Italy, Latvia\*, Liechtenstein\*, Lithuania\*, Luxembourg\*, Malta\*, Monaco\*, Montenegro, Netherlands\*, Poland, Portugal\*, Republic of Moldova, Romania, Saint Kitts and Nevis\*, Serbia\*, Slovakia\*, Slovenia\*, Spain, Sweden\*, Switzerland, the former Yugoslav Republic of Macedonia\*, United Kingdom of Great Britain and Northern Ireland\*, United States of America: draft resolution

### 22/... Situation of human rights in Myanmar

*The Human Rights Council,*

*Guided by* the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming previous resolutions on the situation of human rights in Myanmar, the most recent being Human Rights Council resolution 19/21 of 23 March 2012 and General Assembly resolution 67/233 of 24 December 2012,

*Welcoming* the work and reports of the Special Rapporteur on the situation of human rights in Myanmar,<sup>1</sup> as well as the cooperation of the Government of Myanmar with the Special Rapporteur, including the facilitation of his visits to the country from 30 July to 4 August 2012 and from 11 to 16 February 2013,

*Recalling* Human Rights Council resolution 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the continued positive developments in Myanmar and the stated commitment of the Government of Myanmar to continue the path of political reform, democratization and national reconciliation and the promotion and protection of human rights;

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\* Non-Member State of the Human Rights Council.

<sup>1</sup> A/67/383 and A/HRC/22/58.

2. *Also welcomes* the continued engagement of the Government of Myanmar with political actors within Parliament, civil society and opposition parties, and urges the Government to continue electoral reform and to pursue an inclusive and sustained dialogue with the democratic opposition and political, ethnic and civil society groups and actors, leading to national reconciliation and lasting peace in Myanmar;

3. *Further welcomes* the increasing space for political activity, assembly, speech and the press, including the establishment of an interim press council to help resolve media disputes and to draft a new media law, and encourages the Government to fulfil its commitment to carry out comprehensive media reform to allow for free and independent media, including the broadcast media, and to ensure the safety, security and freedom of human rights defenders to pursue their activities;

4. *Expresses concern* about remaining human rights violations, including arbitrary detention, forced displacement, land confiscations, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment, as well as violations of international humanitarian law, and urges the Government of Myanmar to step up its efforts to put an end to such violations and to take necessary measures to ensure accountability and end impunity, including by undertaking a full, transparent and independent investigation into all reports of violations of international human rights and international humanitarian law, while also calling for proper investigations into detention and prison conditions and allegations of the use of torture in prisons;

5. *Calls upon* the Government of Myanmar to continue to implement the recommendations of the Special Rapporteur and those accepted during the universal periodic review, as well as the calls contained in the above-mentioned Human Rights Council and General Assembly resolutions, and encourages the Government to fulfil its obligations as a party to international treaties and other legally binding instruments, and to become a party to the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

6. *Welcomes* the continued release of prisoners of conscience in the past year, urges the Government to continue the process of releasing them without delay and without conditions and to ensure the full restoration of their rights and freedoms in accordance with the recommendations of the Special Rapporteur on the situation of human rights in Myanmar, and welcomes the establishment of the Political Prisoners Scrutiny Committee and the convening of its first meeting on 23 February 2013 to review the remaining cases of political prisoners, expecting that this mechanism will operate in a comprehensive, thorough and inclusive manner;

7. *Also welcomes* the progress made in the development of cooperation between the Government of Myanmar and the International Committee of the Red Cross, in particular allowing the institution to resume its visits to places of detention and to carry out activities in Rakhine State;

8. *Urges* the Government to accelerate its efforts to address discrimination, human rights violations, violence, displacement and economic deprivation affecting persons belonging to national or ethnic, religious and linguistic minorities, and, expressing particular concern at the situation of the Rohingya minority in Rakhine State, urges the Government to take action to bring about an improvement in their situation and to protect all their human rights, to repeal and/ or amend laws that deny the Rohingya, inter alia, the right to birth registration, the ability to marry and freedom of movement, including equal access to citizenship, through a full review of the Citizenship Law of 1982 to ensure that it conforms to international obligations defined in treaties to which the Government of Myanmar is a party, including their right to a nationality;

9. *Expresses its serious concern* about persisting inter-communal tensions following the violence in Rakhine State, calls upon the Government to ensure that those responsible for the violence are held to account, and urges it to grant safe, timely, full and unhindered humanitarian access across Rakhine State to all persons in need and to facilitate the voluntary return of individuals to their original communities, while also calling upon it to continue to implement the various cooperation agreements between Myanmar authorities and the international community for the distribution of humanitarian aid in Rakhine State, and to ensure effective coordination of humanitarian assistance there, and to move speedily to respond to the recommendations of the Rakhine Investigative Commission report once it is published;

10. *Expresses deep concern* about the continuing armed conflict in Kachin State and the associated human rights violations and allegations of international humanitarian law violations, desecration of places of worship, sexual violence and torture and, welcoming the recent resumption of peace talks between the Government of Myanmar and the Kachin Independence Organization, strongly encourages the intensification of formal political dialogue as part of an inclusive process towards ensuring long-term peace and national reconciliation, and also urges the Government to protect the rights and address the needs of those affected by the conflict and of internally displaced persons, and to grant safe, timely, full and unhindered humanitarian access across Kachin State to all persons in need;

11. *Welcomes* the joint action plan on child soldiers, signed by the Government of Myanmar with the United Nations in 2012, and other commitments made by the Government to prevent the recruitment and use of children by the armed forces of Myanmar, including the Border Guard Forces, and calls upon the Government to collaborate fully with all parties to the United Nations country task force, and to grant the United Nations and other independent observers unhindered access to all areas where children may be recruited, and to facilitate access for dialogue on action plans with other parties listed in the annual report of the Secretary-General on children in armed conflict for the purpose of halting this practice, and providing demobilization, rehabilitation and reintegration services to survivors;

12. *Calls upon* the Government to undertake judicial reform to ensure the independence, impartiality and accountability of the judiciary, lawyers and prosecutors, and notes with interest the steps taken by the Supreme Court to engage with and seek technical assistance from the international community, and the work of the Rule of Law and Tranquillity Committee in Parliament led by Daw Aung San Suu Kyi, and encourages the continuation and further acceleration of efforts in this regard, in line with the Government's own stated intention to strengthen the rule of law in Myanmar;

13. *Acknowledges* with interest the activities undertaken by the National Human Rights Commission, including its review of complaints and its conduct of investigative missions, and encourages the Government to expedite new legislation to reconstitute the Commission so that it is able to further develop its protection work and engagement with civil society, while recalling the need to ensure the Commission's independent, free, credible and effective functioning in accordance with the Paris Principles;

14. *Notes* the adoption of comprehensive action plans supporting the agreement between the Government of Myanmar and the International Labour Organization for the elimination of all forms of forced labour by 2015, and encourages the Government to continue its strong commitment to their implementation;

15. *Encourages* the international community to continue to support effectively the Government of Myanmar, including through technical assistance and capacity-building, in the fulfilment of its international human rights obligations and commitments, the implementation of the democratic transitional process and in its economic and social

development, and encourages private companies to ensure that their investment and related activities in Myanmar respect human rights and take account of broader social and environmental objectives, in accordance with the Guiding Principles on Business and Human Rights;

16. *Recalls* the commitment of the Government of Myanmar to extend an invitation to the Office of the United Nations High Commissioner for Human Rights to establish a country office, and invites the Government to specify a timetable and process for the opening of the office in accordance with the mandate of the High Commissioner;

17. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar, in accordance with the relevant resolutions of the Commission on Human Rights and Human Rights Council resolutions 7/32 of 28 March 2008, 10/2 of 27 March 2009, 13/25 of 26 March 2010, 16/24 of 25 March 2011 and 19/21 of 23 March 2012 and, in addition, invites the Special Rapporteur to include in his next report, inter alia, further recommendations on the needs of Myanmar, including with regard to technical assistance and capacity-building;

18. *Calls upon* the Government of Myanmar to continue its cooperation with the Special Rapporteur in the exercise of his mandate, including by facilitating further visits, and calls upon the Office of the High Commissioner to provide the Special Rapporteur with all the assistance and resources necessary to enable him to discharge his mandate fully;

19. *Requests* the Special Rapporteur to submit a progress report to the General Assembly at its sixty-eighth session and to the Human Rights Council in accordance with its annual programme of work;

20. *Expresses its strong support* for the good offices mission and commitment of the Secretary-General, and calls upon the Government of Myanmar to ensure full cooperation with the Secretary-General and his Special Adviser on Myanmar.

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