

**Statement by His Excellency U Wunna Maung Lwin, Ambassador/ Permanent Representative and Leader of the Myanmar Delegation to the 10<sup>th</sup> Session of the Human Rights Council (Geveva, 17 March 2009)**

**Mr. President,**

Today we hold an interactive session with Mr. Tomas Quintana, Special Rapporteur on the situation of human rights in Myanmar, who was able to visit the country for the second time since he took his office in less than one year. It is the clear demonstration of the Government of Myanmar in engaging with the Human Rights Council in realizing the promotion and protection of human rights in the country. During these visits, the government has facilitated almost all of his requests. The report submitted to the Human Rights Council by the Special Rapporteur contained in the advance copy made available yesterday, reflected some positive developments and significant progress in the situation of human rights in Myanmar to some extent, but still fails to reflect the true situation on the ground.

**Mr. President,**

With respect to the political development in Myanmar, we have been preparing the 5<sup>th</sup> step of the Seven Step Road Map which is to hold the free and fair democratic election in 2010. The Government is currently reviewing 380 domestic laws in order to be in conformity with the newly approved State Constitution and the international human rights standard. During his last visit to Myanmar, the Special Rapporteur was briefed in detail by the Chief Justice and the Attorney-General with regard to the Myanmar judicial system and ongoing process of the review. In addition, the Chief Justice has expressed his willingness to seek technical assistance from the international community to enhance the performance of judges and lawyers. In this connection, our views and comments have already been made known to the Special Rapporteur. Therefore, these would need to be reflected and fully encouraged in the report. We welcome positive suggestions and comments from Mr. Quintana on this matter if our sovereignty is not infringed. In the report, the Special Rapporteur repeatedly stated that there are over 2000 prisoners of conscience detained in Myanmar. I would therefore, like to reiterate the Council that there are no prisoners of conscience in my country. In fact, there are only individuals who are serving the prison terms for breaking the existing laws of Myanmar.

Since the persons have been charged for violating of criminal offences, submission of appeals to the respective courts are allowed to them for reducing of their prison terms. Permissions are also given to their family members to make family visits and necessary health treatments are being provided to the prisoners.

I would therefore, like to response to the cases mentioned in his report in paragraphs 19 to 44, paragraphs 46 to 52 and 54 were taken actions according to the existing laws and regulations. In any legal cases, hiring of legal representatives or lawyers is permitted by the courts.

**Mr. President,**

To participate in building of a new democratic state, the government had terminated the prison terms of 9315 and 6313 prisoners on 23 September 2008 and 21 February 2009 respectively.

Therefore, in order to demonstrate his constructive approach with the government, the Special Rapporteur should vividly highlight the positive initiatives taken by the government while respecting on the present judiciary and legislative systems of a sovereign state. Furthermore, the report is replete with sweeping statements focusing mainly on lack of independency and impartiality of the systems.

**Mr. President,**

The development projects implemented by the government in the border areas and regions which once were lagging behind due to insurgency should also be reflected and encouraged. 17 former insurgent groups out of 18 had made peace agreement with the government and returned to the legal fold only under the relentless efforts of the government. Accordingly peace and stability now prevail in almost all corners of Myanmar. Therefore under no circumstances can Myanmar be considered to be in a situation of armed conflict. Positive actions taken by the Government with regard to refraining from recruitment of child soldiers were not accurately reflected in the report. The accusations made in the report were identical to the disinformation spread by remnants of insurgents and the NGOs that are confronting the government. In this connection, sweeping statements which could be construed that Myanmar is still recruiting child soldiers and ignoring to protect the civilians during the armed conflicts should be avoided in the report. For that reason, we reject the paragraphs 55 to 61 and 63. Myanmar is cooperating fully with ILO in eradicating the practice of forced labour and on 26 February 2009, the government had signed the extension of the Supplementary Understanding for a further period of one year with ILO in this matter.

**Mr. President,**

Myanmar is trying utmost to meet most of her MDGs targets in areas such as health, education, and access to safe drinking water. Initial health care percentage of the total population has reached over 80 per cent and 72 per cent of the population are getting safe drinking water. Furthermore, school enrolment of primary education reached 98.13 per cent. We are however cognizant of the fact that many challenges remain.

Since the fifth step of the Road Map, the democratic elections will be held next year, some Western countries should refrain from politicizing the human rights issues during this crucial time. Myanmar firmly believes that only genuine cooperation would best serve the promotion and protection of human rights. Nevertheless, since cooperation with the United Nations remains the cornerstone of our foreign policy, we

will continue to cooperate with the Special Rapporteur and the Human Rights Council in the spirit of sincerity and trust we have always displayed as long as our national interests and sovereignty are not infringed upon.

I thank you Mr. President.