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## **Fifty-fifth session**

Item 116 (c) of the provisional agenda\*

### **Human rights questions: human rights situations and reports of special rapporteurs and representatives**

## **Situation of human rights in Myanmar**

### **Note by the Secretary-General\*\***

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report prepared by Rajsoomer Lallah, Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, in accordance with Commission resolution 2000/23 and Economic and Social Council decision 2000/255.

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\* A/55/150 and Corr.1 and 2.

\*\* In accordance with General Assembly resolution 54/248, sect. C, para. 1, the present report is being submitted on 22 August 2000 so as to include as much updated information as possible.

## **Interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar**

### *Summary*

The present interim report takes account of the situation as of 31 July 2000 and should be read together with the report of the Special Rapporteur submitted to the Commission on Human Rights at its fifty-sixth session (E/CN.4/2000/38). The Special Rapporteur has not so far been authorized to visit Myanmar.

The suppression of the exercise of political rights, freedom of thought, expression, association and movement continues unabated and is especially targeted against the National League for Democracy and other opposition minority groups.

Torture and other forms of inhuman treatment, including arbitrary detention and long terms of imprisonment of political opponents, continue.

The International Committee of the Red Cross is able to visit a number of prisons and places of detention.

The administration of justice is marked by a lack of judicial independence, the absence of security of tenure of judges, the non-observance of basic due process guarantees, trials in camera, the absence of access to legal representation and the routine application of repressive laws which are themselves violative of international norms.

The economy is in a very weak state, characterized by extreme poverty, lack of food security, especially in rural areas, and unsatisfactorily low levels of budgetary allocation in the areas of health, education and welfare of women and children.

No satisfactory measures have to date been taken to outlaw forced labour and its practice. It is feared that the International Labour Organization may take measures involving sanctions if the situation is not remedied.

Forced relocation in the minority areas still continues, entailing violence, including killings, rape, torture and inhuman treatment of civilians in the implementation of a counter-insurgency strategy.

The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child have welcomed the cooperation of Myanmar in submitting the reports required under the two related Conventions and in engaging in a dialogue with these Committees. A number of concerns in various areas affecting the lives and well-being of women and children have been identified by these Committees and recommendations have been made, which remain to be implemented.

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## **I. Introduction**

1. The present interim report is submitted pursuant to paragraph 10 (a) of Commission on Human Rights resolution 2000/23 of 18 April 2000.
2. In that resolution, the Commission on Human Rights has once again urged the Government of Myanmar to cooperate fully and without further delay with the Special Rapporteur to allow him urgently, without preconditions, to conduct a field mission and to establish direct contacts with the Government and all other relevant sectors of society.
3. The Special Rapporteur regrets that, despite the repeated requests of the General Assembly and the Commission on Human Rights in this regard and the frequent indications of the Government to give serious consideration to a visit of the Special Rapporteur, no authorization has so far been given by the Government for such a visit. The Special Rapporteur expresses the hope that the Government will take concrete steps towards establishing cooperation with him in the discharge of his mandate.
4. The Special Rapporteur welcomes the appointment of the Secretary-General's Special Envoy to Myanmar and expresses the hope that the Government will cooperate fully with him in the discharge of his functions.
5. The present interim report concerns information received by the Special Rapporteur as of 31 July 2000 and should be read in conjunction with his most recent report to the Commission, dated 24 January 2000 (E/CN.4/2000/38).

## **II. Exercise of civil and political rights**

### **A. Measures adversely affecting democratic governance**

6. In his report to the Commission on Human Rights at its fifty-sixth session, the Special Rapporteur continued to examine the Myanmar Government's treatment of opposition political parties and their members. He took note of the intensive harassment and intimidation campaign against members of the National League for Democracy (NLD), aimed at coercing individual members to tender their resignations. He further noted the restrictions and close surveillance of

the NLD leadership and various measures taken to hamper the party's proper functioning, including forcible closures of a number of its branches. In addition to actions taken against NLD, the Special Rapporteur observed a similar pattern of restrictions and pressure against ethnic opposition parties, such as the Mon National Democratic Front, the Zomi National Congress and the Shan National League for Democracy.

7. The Special Rapporteur continues to receive persistent reports of Government policies and directives aimed at the elimination of NLD through intimidation, threats, coercion and charges of a political character against its members, particularly since April 2000. Members of the Parliament elected in 1990 continue to be arrested, detained or sentenced under an arsenal of laws, such as the Emergency Provision Act, the State Protection Act, the Official Secrets Act, the Printers and Publishers Registration Act and the Unlawful Associations Act, all designed to implement a campaign of political oppression. Arbitrary arrests and detention of NLD members and sympathizers, combined with the extension of prison terms for those who have already served their sentence, make up a general and consistent pattern of the suppression of fundamental rights to democratic governance pursuant to universal norms.

8. Local military intelligence units, military-backed organizations and similar authorities reportedly persecute members of NLD and continue to be resorted to in order to obtain their resignation as members of their party. The Union Solidarity and Development Association, a government-run organization, has reportedly engaged in attacks, particularly on NLD members. According to reports received by the Special Rapporteur, a directive was issued in March 2000 to all police units to use all means necessary to eliminate NLD by the end of the year. Similar systematic efforts have already been reported upon in previous years.

9. According to information received, the authorities continue to organize meetings, mass rallies and petitions forcing citizens to denounce elected members of Parliament or to call for the dissolution of NLD. The state-controlled media participate in these campaigns by publicizing resignations of NLD members and engaging in the campaign of hostility particularly towards NLD and its leadership.

10. The authorities are reported to continue limiting or else prohibiting public assembly; NLD offices continue to be shut down and meetings held in support of NLD or its leadership continue to be consistently banned.

11. Between April and May 2000, some 500 members of NLD, including its Youth Wing, are reported to have been arrested and imprisoned. In several instances, it was not clear whether the detainees had been formally charged or whether their families were given access to them.

12. The Special Rapporteur wishes to observe that the political opposition has shown itself over the years to be a movement of peace, overwhelmingly legitimized by the generality of the people in Myanmar in the general elections of 1990. In this connection, he wishes to recall the observation made in paragraph 15 of his last report (E/CN.4/2000/38) to the Commission on Human Rights, namely, that the Government should seek to redeem the pledge it made in Declaration 1/1990 (see A/51/466, paras. 23-29 and annex) by engaging in a dialogue with the opposition that is meaningful and representative of all ethnic groups. In this way, the Government would best respond to the wishes of the General Assembly and the Commission, bring to an end the hostile policy it has so far adopted against its own people, achieve national reconciliation and enable Myanmar to fulfil its obligations under the Charter towards the community of nations, in particular towards all its neighbours in the region, some of whom are burdened with a flow of refugees and other displaced persons when they are themselves facing difficult times.

## **B. Torture and other forms of inhuman treatment**

13. The Special Rapporteur has received information that torture and other forms of ill-treatment of detainees occur in a systematic and widespread manner in Military Intelligence interrogation centres and certain prisons. Torture or other forms of inhuman treatment of political detainees are believed to be routine, especially during initial interrogation. Convicted prisoners are also reported to be subjected to torture and to other forms of cruel, inhuman or degrading treatment for breaches of prison regulations.

14. The Special Rapporteur continues to receive information that torture takes place within the context of counter-insurgency activities against armed ethnic minority opposition groups. Ethnic minority civilians are reportedly at particular risk of torture by the military, which associates them automatically with insurgents. Forcible relocations accompanied by grave human rights violations, including rape and torture, are part of counter-insurgency activities, particularly in Kayin, Kayah and Shan states.

15. Women, particularly members of ethnic minorities, continue to be subject to torture, rape or inhuman treatment by the military, especially in the context of forcible relocations and forced labour. The perpetrators are reported to benefit from impunity.

16. The Special Rapporteur has received detailed information concerning the case of Ko Thein Lwin, member of the NLD Youth Wing, who was reportedly tortured for some 15 days during his detention in a Navy Military Intelligence office following his arrest on 6 September 1999 because of his alleged involvement in the so-called 9999 operation, although no formal charges appear to have been made. He is reported to have been subjected to continuous physical abuse by his interrogators, such as kicks and fist blows, as well as other forms of ill-treatment and torture, including the dropping of hot candle wax on his back. He was reportedly transferred to Insein prison on 21 September 1999 and then to an unidentified location, before being released on 5 June 2000.

## **C. Arbitrary detention**

17. The Special Rapporteur has received allegations about a number of cases of arbitrary detention, including that of U Kaythara, arrested in 1996, who was reportedly sentenced to seven years' imprisonment on 15 August 1996 for displaying a poster calling for political discussion between the State Peace and Development Council (SPDC) and NLD, but it is not known under which legislation he was charged.

18. U Than Chaun, of Shwe-Goo Township in Kachin state, was reportedly arrested on 18 December 1999, allegedly for tuning his radio to a Voice Of America programme. On 19 January 2000, he was apparently sentenced to two years' imprisonment under article 505(B) of the criminal code of Myanmar, following a trial during which he reportedly had no access to legal

representation. He is also believed to have a potentially life-threatening medical condition. The Working Group on Arbitrary Detention has transmitted urgent appeals to the Government of Myanmar concerning a number of cases, none of which have been answered to date.

19. James Mawdsley, a British and Australian citizen, was arrested in Tachilek on 31 August 1999, reportedly without an arrest warrant. He was denied access to legal advice or representation during the trial that was held within hours of arrest. He was sentenced to 12 years' imprisonment. An earlier sentence of five years resulting from a previous conviction was subsequently reinstated, bringing the total to 17 years. He is currently believed to be held in solitary confinement at Kengtung Prison.

20. Kyaw Aung, Kyaw Min Htun, Pyo Wai and Maung Saw were reportedly arrested by Military Intelligence officers at their homes in Pegu on 2 August 1999, allegedly in connection with their political activities. It is not known whether they were formally charged with a criminal offence, whether they had access to members of their family or to any legal representation.

#### **D. Prison conditions**

21. The International Committee of the Red Cross (ICRC) continues to have access to a number of places of detention in Myanmar, including jails, so-called "guest houses" and labour camps. It is a matter of satisfaction that SPDC cooperation with ICRC has resumed and that ICRC is able to operate in accordance with its own procedures. It is to be hoped that ICRC, which works independently, will be able to intensify its efforts throughout the country, including so-called Military Intelligence centres, where systematic physical and psychological abuse, including torture, have often been reported.

22. As is well known, ICRC operates under rules of confidentiality which the Special Rapporteur must strictly respect. Consequently, the Special Rapporteur has relied on other reports in connection with all the cases mentioned below.

23. According to several reports, harsh conditions of detention in several prisons and other places of detention continue to exist. Examples of harsh conditions of detention include cruel and degrading treatment, lack of medical assistance, inadequate diet,

extended solitary confinement and detention in tiny cells meant for dogs.

24. Daw San San Nwe, a journalist and writer arrested in August 1994, allegedly for passing information to foreign journalists, was sentenced to 10 years' imprisonment and is reported to be currently held in Insein Prison. She is said to be in very poor health, suffering from high blood pressure, heart problems and paralysis on the right side of the body. U Myo Htun, a businessman arrested for his contribution to a written history of the student movement and sentenced to 10 years' imprisonment in March 1998, is reported to have been severely beaten and is being held in Myingyan Prison in poor health.

25. Ma Khin Khin Leh, born in 1966, who was referred to in the Special Rapporteur's last interim report to the General Assembly (see A/54/440, para. 8), was reportedly arrested in Bago in July 1999 and sentenced to life imprisonment on 3 December 1999, allegedly in connection with her husband's political activities. She was allegedly tortured during interrogation, and is believed to be suffering from a lung disease. After several initial transfers, she was moved from Insein Prison to an unknown location in January 2000. Moe Kalayar Oo was arrested on 20 February 1995 along with more than 50 other people who had attended the funeral of former Prime Minister U Nu, and was sentenced to seven years' imprisonment. She was initially detained and held in solitary confinement in Insein Prison for complaining about the denial of medication. She is believed to be currently detained in Thayawaddy Prison, Bago division, in poor health. Khin Zaw Win, arrested in 1994, was allegedly severely tortured in early 1996. He is believed to be currently held in poor health in Myitkyian Prison.

26. Detention conditions remain a matter of concern, particularly in the case of political prisoners, who appear to be subjected to the harshest prison regime.

#### **E. Administration of justice**

27. In his report to the Commission on Human Rights at its fifty-sixth session (see E/CN.4/2000/38, paras. 18-29), the Special Rapporteur analysed the law and practice governing the administration of justice. He noted that the administration of justice is greatly marked by legal and factual constraints inconsistent

with judicial independence. Not only are the courts not independent but they are also powerless in protecting the rights of victims of violations of their basic rights. The lack of full respect for due process, judicial control over detention or absence of an effective remedy and a culture of impunity for transgressions by officials are some of the effects of a judicial system which is effectively used as an instrument of oppression.

28. The Special Rapporteur has received no information to suggest that the administration of justice has improved or that repressive laws inherited from colonial times are no longer resorted to, and they remain part of the legal armoury devised over the last decade to suppress public freedoms of expression, movement associations on the exercise of democratic rights. These rights are taken for granted in a free society in accordance with generally accepted international norms consecrated in the Universal Declaration of Human Rights and more specifically spelt out in the International Covenant on Civil and Political Rights.

29. Procedural problems in the administration of justice include entire cases of proceedings being conducted in camera, keeping the family and the counsel of the accused ignorant of the sentence passed or failing to inform the accused of the provisions of the law under which they have been charged. Arbitrary sentencing by the military intelligence at the time of arrest remains an alarming phenomenon.

### **III. Exercise of economic, social and cultural rights**

#### **A. Right to health**

30. The Special Rapporteur wishes to draw particular attention to chapter III of his latest report to the Commission on Human Rights (E/CN.4/2000/38), which dealt with the situation in Myanmar affecting economic, social and cultural rights. In particular, he highlighted problems arising from poverty, lack of food security, the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) epidemic, education and forced labour. The Special Rapporteur only wishes to add some relevant information affecting, in particular, the last three aspects of the problem.

31. As reflected in the Special Rapporteur's previous report, some of the major causes adversely affecting

health involve insufficient allocation of public resources (0.2 per cent of gross domestic product (GDP) according to the *Human Development Report 2000*), lack of initiative in prevention work and a history of non-recognition of major threats to health, such as the spread of HIV infection and intravenous drug use.

32. The World Health Organization (WHO) *World Health Report 2000: Health Systems — Improving Performance* ranks Myanmar's overall performance at second-to-last: 190th out of 191 States. In general, the report reveals the link between good governance and the health of populations, by pointing out government responsibility for stewardship of national resources for the benefit of their people, noting that stewardship in health is the very essence of good government since it means establishing the best and the fairest health system possible, and includes exerting influence through regulation and advocacy, and collecting and using information.

33. The Government's policies in health still appear to be indecisive and inadequate. Whereas the representative of the Government, introducing the initial report to the Committee on the Elimination of Discrimination against Women in January 2000, claimed that the fight against AIDS and the spreading of HIV infection was a top priority, Lieutenant General Khin Nyunt, speaking in the same month, would appear to have claimed otherwise. He is reported to have stated that traditional cultural values and moderation were sufficient measures, and to have dismissed the idea of an AIDS pandemic as politically motivated dissident propaganda. Another area of significant inadequacy relates to universal health care. According to WHO, publicly funded medical care is approximately one third to one fourth the size of private medical care in terms of financing, clearly indicating wide inequality of access to adequate health care, both preventive and curative.

34. As noted in the Special Rapporteur's most recent report to the Commission on Human Rights, conservative Joint United Nations Programme on HIV/AIDS estimates put the number of adults and children living with HIV/AIDS at the end of 1999 at 530,000, up 20 per cent from 440,000 two years earlier; 180,000 of those infected are said to be women and 14,000 children. The estimated percentage of infected adults is 1.99. Very little work is said to be done on prevention and raising awareness among the

segments of population who are most at risk (sex and migrant workers, drug users). Worse still, according to various credible sources, the Government exerts pressure on the health service to under-report the number of cases of HIV infections and AIDS-related illnesses. As in the case of the right to food, not only does such denial and suppression of accurate information reveal the regime's insensitivity in the allocation of resources in the area of health, in the face of countless deaths and unnecessary suffering among the population, but also certain government policies, such as the de facto criminalization of the possession of hypodermic needles or of condoms by women, appear to countermand efforts to introduce safe practices for the prevention of HIV infection.

35. According to various credible reports, Myanmar is the world's second largest producer of heroin and one of the major producers of other narcotics. One study published in the January 2000 edition of *AIDS*, the International AIDS Society journal, links the outbreaks of injecting drug use and consequent HIV infection to major overland drug trafficking routes in Myanmar and neighbouring countries. The study calls for a coordinated regional narcotic and HIV suppression programme, and a change in policies that hamper prevention and treatment work.

## B. Right to education

36. According to the UNDP *Human Development Report 2000*, Myanmar spends only 1.2 per cent of its GDP on education, one of only 11 countries in the world to spend less than 2 per cent. Although nominally available to all, public education is costly in terms of school fees, books and classroom facilities. Parents are often required to build or maintain school buildings. Moreover, widespread reports allege that bribery is frequently required to be paid to school authorities. Fees for the annual attendance of ordinary schools are said to range from three to five months' salary. Universities and the better schools are only accessible to the wealthy ruling elite. According to the 1999 World Bank report, *Myanmar: An Economic and Social Assessment*, most children from poor families drop out of school before completing the compulsory five-year cycle for lack of funds or to look for work (36 and 27 per cent, respectively). The Committee on the Rights of the Child expressed its concern in 1997 about the high dropout and repetition rates, as well as

about the lack of resources in vocational training. However, one encouraging development is that a project launched by the United Nations Children's Fund (UNICEF) together with the Department of Basic Education appears to have yielded some improvement in child attendance and a fall in dropout rates.

37. The under-funded education system is also reported to be under severe ideological pressure by the military regime. The Special Rapporteur has received credible reports that teachers and other civil servants are subjected to a compulsory 33-question test, the aim of which is to determine their political leanings and by extension their prospects in the service. Students are reportedly under pressure to join the government-controlled Union Solidarity and Development Association.

38. Higher schools and universities have been closed for substantive periods of time since 1990. However, most recent reports indicate that about 30 universities, which had been closed since 1996, are to be opened imminently for up to 60,000 students in relocated university campuses which have been dispersed around Yangon's suburbs to prevent the organization of dissent and public protest.

## C. Forced labour

39. In previous reports to the General Assembly and the Commission on Human Rights, the Special Rapporteur gave an account of developments following the International Labour Organization (ILO) Commission of Inquiry report of July 1998. It will be recalled that the report concluded that the obligation to suppress the use of forced or compulsory labour is violated in Myanmar in national law as well as in actual practice in a widespread and systematic manner, with total disregard for the human dignity, safety, health and basic needs of the people. At its 276th session, held in November 1999, the ILO Governing Body, discussed measures to secure compliance by the Government of Myanmar with the recommendations of the Commission of Inquiry established to examine the observance of the 1930 Forced Labour Convention, and decided to pursue the matter at the June 2000 International Labour Conference.

40. An ILO technical cooperation mission was conducted between 22 and 27 May 2000 in order to secure the implementation of the Commission of



Inquiry's recommendations by means of changes in the legislation and the establishment of a credible follow-up mechanism. Its aim was also to subsequently report to the Conference on the measures that the Government intended to take in that respect. In its concluding remarks, the report of the mission stated that first, the mission believed that the Commission of Inquiry's recommendations could be satisfied in a coherent and practical way if a comprehensive framework of legislative, executive, and administrative measures were adopted:

(a) Rendering all practices constituting forced labour in the sense of ILO Convention No. 29 illegal under national law, and ensuring that all legislative provisions in force that permitted the imposition of forced labour were repealed or appropriately amended;

(b) Giving specific instructions to the state authorities, notably to the responsible military authorities, regarding the consequences to be drawn from the above as regards the various forms of work mentioned in the Commission's report, and monitoring their application, so that in practice no forced or compulsory labour was imposed by any authority;

(c) Informing the entire population adequately and completely about the above measures as well as the penalties applicable pursuant to section 374 of the Penal Code to all those imposing forced labour, and taking concrete action to ensure that those penalties were strictly applied in practice.

Second, as the Myanmar authorities were informed by the mission, the ILO could certainly help formulate and implement such a framework if the Government's commitment to take expeditious action to this effect was made sufficiently clear in the eyes of the International Labour Conference.

41. In a letter to members of the technical cooperation mission, dated 27 May 2000, Myanmar's Minister of Labour, Major General Tin Ngwe, wrote that the Government had taken and was taking the necessary measures to ensure that there were no instances of forced labour in Myanmar. He also wrote that Myanmar would take into consideration appropriate measures, including administrative, executive and legislative measures, to ensure the prevention of such occurrences in the future.

42. On 14 June 2000, considering that the factual situation concerning forced labour had remained

unchanged, the International Labour Conference resolved to take action to bring about Myanmar's compliance with ILO Convention No. 29 on forced labour.

43. Under the terms of the resolution, a series of measures would take effect on 30 November 2000 unless, before that date, the Governing Body of the ILO is satisfied that the intentions expressed by the Minister of Labour have been translated into a framework of legislative, executive and administrative measures that are sufficiently concrete and detailed to demonstrate that the recommendations of the Commission of Inquiry have been satisfied. The measures include recommending to ILO members that they review their relations with the Government of Myanmar and ensure that it cannot take advantage of such relations to continue the practice of forced labour; calling on international organizations cooperating with the ILO to review any cooperation they may have with the Government of Myanmar and to cease any activity which could directly or indirectly abet the practice of forced labour; and calling on the Economic and Social Council and the General Assembly to make similar recommendations to Governments and specialized agencies.

44. The ILO Director-General has indicated that he is hopeful that Myanmar will grasp the opportunity offered by the Conference decision. The Special Rapporteur joins him in this hope.

## IV. Vulnerable groups

### A. Women

45. In his previous report, the Special Rapporteur reviewed the status of women, especially in respect of sexual violence, torture, arbitrary detention, forced labour and trafficking in persons. Those violations not only affect the lives of individual women victims of violence and abuse but also have a detrimental effect on their children, families and communities. The fact that much of this violence frequently goes unreported, unpunished and unacknowledged by the Myanmar authorities also effectively perpetuates the culture of violence, lawlessness and impunity, especially in the ethnic areas.

46. Myanmar ratified the Convention on the Elimination of All Forms of Discrimination against

Women in 1987, established a national committee on women's affairs and initiated the drafting of a national plan of action for the advancement of women in the same year. It presented its initial report to the Committee on the Elimination of Discrimination against Women, and the Committee considered it in January 2000. The Committee expressed its appreciation to the Government for engaging in a constructive dialogue. It expressed its concerns in a number of specific areas, however, including the lack of funding of the national committee, the violation of the rights of women members of ethnic groups, violations by military personnel, the plight of women in custody (particularly in respect of sexual and other custodial violence), the lack of measures to ensure the equal participation of women in open and pluralistic society, and restricted access to certain courses in higher education. The Committee called on the Government to prosecute perpetrators of violations of human rights of women and to provide gender-sensitization training to the military. It further recommended that the provisions of the Convention be incorporated in domestic law and include a definition of "sex discrimination".

47. The Special Rapporteur on violence against women, its causes and consequences, in her 1999 report to the Commission on Human Rights (E/CN.4/1999/68), expressed her regret that the Government appeared to deny that domestic violence was a problem in the country, and that there was no indication of specific measures to address the issue. She concluded that official denial of the existence of the problem might serve as an obstacle to victims reporting of such violence, which in turn might perpetuate the culture of denial. She has not yet received the Government's response regarding the cases of Naw May Oo Paw, the wives of Bo Pha Palaw Pho and Bo Kyaw Hair, or Nam Nu and Mughal Lwee Paw, all of whom were referred to in paragraph 56 of the above-mentioned report.

## B. Children

48. Myanmar became a State party to the Convention on the Rights of the Child on 15 July 1991, and its second periodic report has now been overdue for two years. The Committee on the Rights of the Child, in its 1997 concluding observations on Myanmar, had expressed concern about the compatibility of

Myanmar's domestic legislation with the Convention. The principal concerns of the Committee related to the Citizenship Act, the Village and Towns Acts, and the Whipping Act, regarding the laws relating to freedom of expression and association, child labour and juvenile justice. It also found that the age of criminal responsibility, at seven years of age, was too low, and that torture was not clearly prohibited by existing legislation. The Committee has not yet received information from the Government whether any of the recommendations have been implemented in national legislation.

49. Myanmar is reportedly a State with one of the highest numbers of child soldiers in the world. Both the national army and non-state ethnic and other armed groups are believed to be involved in often-coerced recruitment of children. Street children, orphans and children belonging to ethnic minorities are believed to be the most vulnerable. Unofficial estimates put the number of child soldiers at some 50,000, the highest in any country in the world.

50. Violence against children is reportedly on the increase, especially in rural ethnic minority areas. The Special Rapporteur continues to receive information on incidents of wilful killing, torture, trafficking and forced labour of children.

51. Food deprivation, repeated illness, lack or absence of health care, and death or forced relocation of parents appear to be some of the major causes of the phenomenon of the stunted growth of children. According to the UNICEF report, *The Progress of Nations 2000*, 45 per cent of Myanmar children under five are stunted in growth, and according to WHO 39 per cent are underweight; according to UNICEF, 1.7 per cent of girls and 1 per cent of boys between the ages of 15 and 24 are HIV positive.

## C. Displaced persons and refugees

52. As pointed out in the Special Rapporteur's earlier reports, one of Myanmar's key indicators of the grave human rights situation is the number of its refugees and internally displaced persons. Some 500,000 refugees or other displaced persons of Myanmar origin are believed to be seeking temporary protection in neighbouring countries, such as India, Bangladesh and Thailand. Between 500,000 and one million are also reportedly displaced internally. Independent monitoring

or assistance to internally displaced persons has not so far been authorized. It is hoped that the Government will build upon its May 1999 agreement with the International Committee of the Red Cross to allow greater access in the field.

#### **D. Ethnic minorities**

53. Among the minority groups, the Shan, Karen, Karenni and Rohingya in particular continue to be the target of indiscriminate violence whether they are civilians or insurgents. The most frequently observed human rights violations involve extortion, rape, torture and other forms of ill-treatment, forced labour and portering, arbitrary arrests and long-term imprisonment, forcible relocation and in some cases, extrajudicial executions — all perpetrated by the military authorities within the context of counter-insurgency activities against armed ethnic minority opposition groups. No visible improvement was observed in the period under review despite repeated calls to the Government to take meaningful steps to improve the situation.

54. The Military Intelligence units appear to use torture and arbitrary detention, as well as sexual violence against women, in the course of their work. Regular military units are frequently reported to perpetrate extrajudicial executions, especially within the context of forced portering. The widespread campaign of forcible relocations continues in the Kayin, Kayah and Shan states. Once relocated, the people are reportedly forced to remain on the relocation sites in often health-threatening conditions, which include overcrowding and lack of food, sanitation and safe drinking water. The military also often restrict residents' freedom of movement to a set radius outside the camp. The relocated population is threatened not to leave the radius or return to their places of origin on pain of execution. Relocations are often accompanied by violence, especially against women, looting and extortion by the military. The observed pattern of forced relocations amounts to a premeditated destruction of a way of life, and is condemned in the strongest terms.

55. The Special Rapporteur has received a number of convergent credible reports of a series of massacres in Kunhing township (Shan state) in which over 100 Shan and hill tribes people were killed in the months of January, February and May of 2000, including 19

people who had returned to their deserted village and were reportedly killed by troops of Infantry Battalion 66 at Kaeng Kham village on 30 January. On 23 May, Infantry Battalion 246 reportedly shot 64 Shan and hill tribe villagers dead while they were working in the fields near Kunhing town. In another case, Lung Ti, a 40-year-old rice farmer, Su Nan Ta, his 11-year-old son, and Ei Su, his 18-year-old daughter, were reportedly killed by troops from Kunhing Township after returning clandestinely to their former village of Nong Hai. The farmer was reportedly shot dead in his hut and the children were found decapitated.

56. The Special Rapporteur has at the last moment also received reports of, among other complaints, a number of killings, rapes, disappearances, forced labour, forced relocation and extortion by members of the border security force (Na Sa Ka) and SPDC soldiers in Arakan state. The Special Rapporteur will follow this up in his next report to the Commission on Human Rights.

#### **V. Conclusions and recommendations**

57. The Special Rapporteur has noted the submission of Myanmar's initial report pursuant to its obligations under the Convention on the Elimination of All Forms of Discrimination against Women. He wishes to renew his recommendation to the Government to consider adopting other international instruments and to incorporate them in domestic law. He also encourages the repeal of discriminatory provisions in the Citizenship Act, and the repeal of all decrees and orders criminalizing the exercise of freedom of thought and expression, freedom of association and movement, and freedom to exercise political and democratic rights in accordance with international norms.

58. The Special Rapporteur follows with great interest the developments stemming from the 1998 ILO Commission of Inquiry into practices of forced labour. He wishes to highlight the opportunity that has thus presented itself to the Government to avail itself of technical cooperation assistance in the implementation of the ILO recommendations and to implement concrete legal, executive and administrative measures to eradicate the practice of forced labour.

59. The Special Rapporteur notes with deep concern the continuing deterioration of the human rights situation in Myanmar since his last report. The

suppression of all opposition political activity, inhuman treatment towards members of the opposition and ethnic minorities, and the absence of respect and protection for the liberty, health, education and human development of its population remain matters of grave concern, and urgent and meaningful measures to halt and reverse the downward spiral of this situation are called for. In this connection, the Special Rapporteur wishes to draw attention to the recommendations made in paragraphs 80 to 83 of his 1999 report to the Commission on Human Rights (E/CN.4/1999/35) and paragraphs 50 to 55 of his last interim report to the General Assembly (A/54/440).

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