

**Statement by Permanent Representative of Myanmar H.E. Mr. Kyaw Moe Tun  
at the Interactive dialogue with the Special Rapporteur on Situation of Human  
Rights in Myanmar at the 42nd Session of Human Rights Council**

Geneva, 16 September 2019

**Mr. President,**

Yesterday, 15 September, in Myanmar, and in elsewhere in the world, we celebrated to mark the International Day of Democracy. We share the view that democracy is built on inclusion, equal treatment and participation, and it is a fundamental building block for peace, sustainable development and human rights. At the event at home, the State Counsellor highlighted that flourishing of democracy depends on our individual understanding of the value of balancing act. We need to strike a right balance between democracy and responsibility, which are inextricably intertwined.

At the same event, the President stressed that Myanmar is in the democratic transition, and it is at the nascent stage. He urged all of us to work together towards a democratic federal union, to prevent re-emergence of authoritarianism and to ensure basic human rights for all.

**Mr. President,**

Since the democratically elected civilian government came into office, Myanmar has been making resolute efforts for a democratic system based on individual rights, freedom and rule of law. As a country in transition, Myanmar is facing several challenges including human rights and development challenges.

Human Rights and development are, in fact, two sides of the same coin. Inequality in our country, particularly in remote areas, remains a cause for concern, especially in the context of the SDGs. That is why, we promote responsible investment for more balanced growth. Special attention is paid to the rights of ethnic minorities including local culture, customary land tenure and natural environment. A series of reforms, including legalisation, have been undertaken to be in line with international standards and best practices.

As a diverse country, interfaith friendship and unity is priority. Myanmar's Constitution guarantees not only freedom but also protection of the religions it recognizes. It prohibits any act of hatred among communities. The draft bill on the

prevention of hate speech is under discussion. Now, peace, respect for diversity and human rights is taught at schools.

Ministry of Ethnic Affairs was set up to effectively promote ethnic rights and culture. Inter-ethnic marriage is common. A Vice-President in Myanmar is Chin ethnicity and Christian. All ethnic groups represent in the Parliament. Speakers of both Houses are Kachin and Kayin.

Prevalence of different religious buildings stand side by side in many cities across the country is a testimony to Myanmar's religious harmony. Such a harmonious scene can hardly be found somewhere else in the world.

Freedom of expression is respected in law and in practice. Number of mobile phone subscriptions has dramatically increased from about 10,000 in 2000 to over 61 million in 2018. There is no restriction on internet. However, there had been temporary internet shut down in a few townships in Rakhine and Chin States on security purpose. The armed group is now using wifi for explosive devices. It has been lifted in some areas as security improves. Preventive measures need to be applied for avoidance of risk of civilian casualty by irresponsible acts of insurgents.

**Mr. President,**

Myanmar is zero tolerant to any violation of human rights and any form of violence especially, against children, women and the vulnerable. There is no discrimination based on gender, age, sexual orientation, status, ethnicity, or religion. Perpetrators are prosecuted in accordance with the law.

With the continued assistance of the ILO, Myanmar has put its utmost efforts to end forced labour. Myanmar is in a process to establish a forced labour national complaint mechanism under the Decent Work Country Programme. Before the national complaint mechanism put in place, the High-level Working Group consisting of representatives from relevant ministries and organization will serve as an interim complaint mechanism.

As Myanmar is committed to ending and preventing violations and abuses against children, it has been taking important steps including establishing domestic preventive mechanism, cooperating with international partners especially with the UN and the Office of the SRSG on Children in Armed Conflict.

The new Child Rights Law, enacted in July 2019, is the most comprehensive child law with extensive provisions on the prevention from all forms of violence against children including criminalizing six grave violations.

In addition, Myanmar will soon ratify the Optional Protocol to CRC on the involvement of children in conflict.

The ongoing efforts and progress is welcomed by the Working Group on Children and Armed Conflict. The Government supports and encourages the engagement between the Country Task Force for Monitoring and Reporting of Children and Armed Conflict (CTFMR) and NCA signatory ethnic armed organizations to prevent recruitment and use of children.

**Mr. President,**

Let me turn to our inclusive peace process. Myanmar is taking strides both peace-making and peace-building with ethnic armed groups while required attention is being paid for development of the affected border areas. Participation of civil society, women and youth, persons with disabilities presents a testimony of “inclusive peace process” in Myanmar. Peace negotiation is open for all ethnic groups. AA is at the dialogue.

In addressing Rakhine issue, we are taking the holistic and inclusive approach.

We cannot overlook the horrific atrocities committed by ARSA against innocent people and its coordinated terror attacks on 30 police outposts. ARSA threatened innocent civilians to leave Rakhine. These are the main reason for exodus. Now, ARSA’s killing and threat in the Camps is one reason of hindering repatriation, in addition to the discouragement by some NGOs. The plight of displaced persons has been exploited for political agenda.

We share suffering of all affected communities.

Myanmar high level delegations visited Cox’s Bazar for 3 times. Both sides agreed to commence repatriation for 3 times. Myanmar reiterates its request to Bangladesh for return of 444 Hindus who wish to return to Rakhine. They have also expressed their desire to return through media. They said that they want only one assurance after return that ARSA will not bother them. The international community should not underestimate the serious threat of ARSA.

**Mr. President,**

Although no returnees have come back under the bilateral arrangements, some Hindu and Muslim people came back to Myanmar with their own volition.

A delegation of senior diplomats from ASEAN member countries, China, India and Bangladesh as well as representatives from UNDP and UNHCR visited Rakhine last week and met with 11 Hindu and 10 Muslim returnees.

It is crystal clear that there are people who want to return even now.

We are creating conducive environment in Myanmar. It is also important to create conducive condition in the camps for displaced persons to express the truth without any fear or influence.

The security is assured equally to all who are residing in Myanmar.

The returnees will be systematically registered and issued NVC which is the same procedure applied to all parts of the country. NVC has been issued to 68314 persons - (345 Kachin, 38 Kayah, 3955 Kayin, 56 Chin, 312 Mon, 461 in Southern Shan, 36940 in Northern Shan, 43 in Eastern Shan, 18539 in Rakhine, 148 in Irrawaddy, 82 in Sagaing, 872 in Tanintharyi, 2575 Bago, 26 in Magway, 1359 in Mandalay.)

Myanmar is willing and able to address accountability issue with its national accountability mechanisms. ICOE's work is in progress. Impunity is not accepted. Perpetrators will be taken action upon credible evidence.

Myanmar strongly rejects any mechanism or any attempt to take the matter to any international judicial or legal body unless it is patently clear that national remedies have been exhausted.

**Mr. President,**

Let me touch briefly on our position on Ms. Yanhee Lee. In Myanmar's Parliament, people's representatives from different political parties and Military hold debates with different streams of thought. But, when it comes to the Ms. Yanghee Lee, they unanimously denounced her absence of impartiality, objectivity and good faith. They voted unanimously to discontinue cooperation and deny her access to the country. In light of this firm position, Myanmar has repeatedly requested the President of HRC to replace her with a new Special Rapporteur, who is cognizant of history of Myanmar, diversity of the nation and, complexities and challenges on the ground.

**Mr. President,**

Our cooperation with the UN Secretary-General's Special Envoy is constructive and productive. We welcomed her 8<sup>th</sup> visit last week.

We cooperate with Secretary-General's Special Representatives for Sexual Violence in Conflict, and Children and Armed Conflicts.

We have welcomed the visit of High Commissioner for Refugees.

With OHCHR, discussion is on-going to cooperate under the work plan to provide technical assistance for capacity building.

Myanmar appears before the Treaty Bodies it has acceded. We have participated in dialogues with the CEDAW early this year and the CRPD last month. Awareness raising workshops on the ICCPR are held. Discussion on signing of ICCPR took place recently at the Parliament.

**Mr. President,**

Myanmar is a developing country, has experienced 70 years of armed conflicts, decades of military rule and a few years of democracy. Human rights and development challenges Myanmar has been facing in its democratic transition is no less than others.

At this critical juncture, non-constructive approach, selective manner, and retributive measures, and undue pressure in the name of human rights, will, in no way, stimulate any positive change in Myanmar.

In this regard, we reiterate our call on the international community to render constructive cooperation and support to our democratic government in its efforts to achieve realization of human rights.

We thank, indeed, all our friends who offer their helping hands, in constructive ways, to help our nascent transition succeed.

Thank you, Mr. President.

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