

BURMA

Date of admission to UN: 19 April 1948.

TREATIES: RATIFICATIONS AND RESERVATIONS

Land and People: Burma has not submitted a core document for use by the treaty bodies.

Discrimination against Women

Acceded: 22 July 1997.

Burma's initial report was due 21 August 1998.

Reservations and Declarations: Article 29.

Rights of the Child

Acceded: 15 July 1991.

Burma's second periodic report was due 13 August 1998.

COMMISSION ON HUMAN RIGHTS

Report of the Special Rapporteur

The mandate of the Special Rapporteur (SR) was established by the Commission at its 1992 session. The resolution adopted at the 1997 session defined the mandate as being to: establish or to continue direct contact with the government and people, including political leaders deprived of their liberty, their families and their lawyers; examine the situation of human rights in Burma; and follow any progress made towards the establishment of democratic governance, the lifting of restrictions on personal freedoms and the restoration of human rights. The Commission also called on the government to cooperate with it, in particular by ensuring the SR's access to the country, without preconditions. The SR for 1998 was Rajsoomer Lallah.

The State Peace and Development Council (SPDC), formerly the State Law and Order Restoration Council (SLORC), declined to invite the SR to make a visit during 1997. The report to the 1998 Commission (E/CN.4/1998/70) was therefore prepared without the benefit of a field mission and contains information on, *inter alia*: the reconstitution of SLORC as the SPDC, rights pertaining to democratic governance, extrajudicial, summary or arbitrary executions, arbitrary detention, torture and ill-treatment, women in public life, the situation of refugee women, and women and forced labour.

The SPDC was formally established in November 1997 to "ensure the emergence of an orderly or disciplined democracy" and to establish a "peaceful and modern State ... in the interest of all the national peoples". The report notes that the former top four SLORC leaders, Senior General Than Shwe, General Maung Aye, Lieutenant-General Khin Nyunt and Lieutenant-General Tin Oo, retained their positions within the SPDC and that 13 of the 14 individuals who are members of the Advisory Group to the SPDC are former members of SLORC.

The report acknowledges that a positive attitude had begun to emerge with respect to restrictions on political parties, especially in relation to the activities of the National League for Democracy (NLD) and its right to hold meetings. The report states, however, that the change is purely formal and limited in nature given that the authorities seem to continue to exercise virtually complete control over the venue of meetings, the agenda of the meetings and the number of people allowed to attend such meetings. Difficulties encountered by the NLD are noted, including that: security forces drove some 30 party members to a place about an hour from the capital, dropped them off in small groups and left them to make their way back to Rangoon; permission for meetings is strictly limited to the specific purpose for which the meeting is held and no other subject may be raised; the number of people allowed to attend meetings is specified and limited; and, individuals attending NLD meetings are monitored, registered and photographed, measures which the report characterizes as a restriction on the normal exercise of the basic freedom of assembly and personal freedoms.

On the situation of Daw Aung San Suu Kyi, the report states that, almost two years after her release from house arrest, serious restrictions remain in place relative to her freedom of movement and social and political activities; harassment and vilification of her are constant. The report notes that weekend addresses from her home were stopped, barricades have been erected in the street providing access to her home, and both she and the people who visit her are kept under constant police or military surveillance.

Among the ongoing violations in Burma, the SR's report notes, *inter alia*: the apparent absence of an explicit or systematic government policy of encouraging summary executions; the fact that despite the apparent absence of a policy, frequent allegations of arbitrary killings of civilians and insurgents by members of the Tatmadaw under a variety of circumstances continue to be received; the need for the authorities to conduct a high-level inquiry into alleged summary or arbitrary executions by members of the rank and file, bearing in mind that such acts could not have been committed without the orders of field superiors; and, continuing reports on constant harassment and arbitrary arrest and detention of NLD members and sympathizers on various charges under the Emergency Provisions Act of 1950, the Printers and Publishers Registration Law and the Officials Secrets Act. The SR further stated the decision of the government to commute death sentences passed between September 1988 to December 1992 to terms of life imprisonment. The report also notes: the International Committee of the Red Cross (ICRC) is still not allowed uninhibited access to prisons and places of detention; numerous allegations continue to be received related to acts of torture committed by soldiers, in particular against members of ethnic minorities in Shan and Mon states and in Tanintharyi division, including through forced portering, beatings, deprivation of food, water, rest and medical care; and, beatings by police during the student demonstrations in December 1996.