

in minority-dominated regions; the absence of an independent judiciary, coupled with a host of executive orders criminalizing far too many aspects of normal civilian conduct indicate that a significant percentage of all arrests and detentions are arbitrary when measured against generally accepted international standards; there is no freedom of thought, opinion, expression or association; severe, unreasonable and, in the case of the Muslim Rakhine population, racially based restrictions are placed on travel inside the country and abroad; and, laws related to citizenship appear to be discriminatory on the basis of religion, ethnicity, equality before the law and special measures of protection to which children are entitled.

The Special Rapporteur recommended, *inter alia*, that the government:

- ▶ take steps to allow all citizens to participate freely in the political process and accelerate the process of transition to democracy, in particular through the transfer of power to the democratically elected representatives;
- ▶ ensure that institutions guarantee that the executive authorities are accountable to the citizenry in a clear and meaningful way and, furthermore, restore the independence of the judiciary and subject the executive to the rule of law by rendering unjust and unjustifiable action justiciable;
- ▶ undertake genuine and substantive discussions without further delay between the present military regime and the leaders of NLD and with other political leaders elected in the 1990 elections, including representatives of ethnic minorities;
- ▶ institute immediate measures to put an end to the harassment of the leaders and the membership of NLD, ensure that the General Secretary of NLD is genuinely free and able to exercise her functions without fear of attack and ensure that all political parties are able freely to exercise their rights;
- ▶ re-establish constitutionality and the rule of law and take measures to ensure that SLORC orders and decrees are no longer the basis of law;
- ▶ repeal immediately all laws rendering violations of human rights legitimate;
- ▶ give all laws due publicity and respect the principle of non-retroactivity of penal laws in all circumstances;
- ▶ give particular attention to prison conditions and take all necessary steps to allow international humanitarian organizations to have access and to communicate freely and confidentially with prisoners;
- ▶ take urgent steps to facilitate and guarantee the enjoyment of the freedom of opinion, expression and association, in particular by decriminalizing the expression of opposition views and by relinquishing government controls over the media and literary and artistic works;
- ▶ abolish restrictions related to the entry and exit of citizens into and out of the country, as well as their movement within the country;
- ▶ cease all discriminatory policies that interfere with the free and equal enjoyment of property and give adequate compensation to those who have been arbitrarily or unjustly deprived of their property;
- ▶ guarantee by law the existence and practice of free trade unions;
- ▶ take urgent measures to repeal the offending legal provisions under the Village Act and the Towns Act to prevent the continuation of the practice of forced labour;
- ▶ take immediate steps to put an end to the enforced displacement of persons and create appropriate conditions to prevent the flow of refugees to neighbouring states;
- ▶ revise the laws relating to citizenship in order to ensure that they have no unfavourable incidence on the exercise of civil and political rights and are consistent with generally accepted norms;
- ▶ take steps to bring the acts of soldiers in line with accepted international human rights and humanitarian standards so as to prevent arbitrary killings, rapes and confiscation of property, or forcing persons into acts of labour, portering or relocation;
- ▶ thoroughly inform and train military and law enforcement personnel, including prison guards, on their responsibilities in accordance with international human rights norms and humanitarian law and incorporate those standards into law, including the new constitution;
- ▶ subject all officials committing human rights violations to strict disciplinary control and punishment and put an end to the culture of impunity that prevails in the public and military sectors;
- ▶ consider accession to the International Covenants on human rights, the Convention against Torture and the two additional protocols to the Geneva Conventions of 1949; and,
- ▶ bring law into line with accepted international standards regarding protection of physical integrity rights, including the right to life, the protection against "disappearance", the prohibition of torture and ill-treatment, the provision of humane conditions for all persons under detention and the insurance of basic judicial guarantees.

#### **Report of the S-G on the good offices mission aimed at national reconciliation**

The report of the Secretary-General (A/52/587) summarizes activities related to the good offices mission aimed at national reconciliation. Discussions held with the government in 1997 focussed on the main issues repeatedly stressed by the General Assembly, in particular: the holding of a substantive political dialogue between the government and Aung San Suu Kyi and other political leaders and representatives of ethnic groups; the composition and timing of the proceedings in the National Convention; the situation of the Karens and other ethnic groups; restrictions on the normal functioning of political parties, the NLD in particular, and other political freedoms; access by the International Committee of the Red Cross (ICRC) to prisons and other places of detention; and the desirability of an early visit by the Special Rapporteur (SR) so that he could provide the General Assembly with objective, first-hand information about the human rights situation in the country.

The report notes that on the question of opening a substantive political dialogue with the NLD and Aung San Suu Kyi, the authorities reiterated their position that such a