

The report addresses the situation and status of women and welcomes the government's decision to ratify the Convention on the Elimination of All Forms of Discrimination against Women (the Women's Convention). Reference is made to the 1974 Constitution which contained provisions ensuring equality and non-discrimination. Recalling that the SLORC repudiated the 1974 Constitution, the report states that it does not appear that any law, decree, or order of a basic character was subsequently enacted to guarantee the rights of women. Following on this, the commentary on the status of women in specific areas or categories notes that: women who become politically active are harassed and arbitrarily arrested, especially those who belong to parties or movements in opposition to the regime; there appear to be no women in the SPDC, in the Cabinet, or in the 14-member Advisory Group; and, a number of meetings of the Central Women's Work Committee are reported to have taken place in the compound of Daw Aung San Suu Kyi in December 1997, indicating that women are active in the political field, at least in opposition. With regard to refugee women, the report notes that the situation of nursing mothers or women with young children is particularly harsh; there is no doubt that refugee women, particularly those on their own, are more vulnerable than men to exploitation and deprivation of rights at every stage of their flight; in recent years, increasing numbers of women — including young girls and the elderly, pregnant women and/or nursing mothers — have been forced to work on infrastructure projects and to act as porters in war zones; those women who are too weak for the strenuous work must hire another person or face a fine; while away, the women cannot work on their farms, which results in food shortages for the family; on the work site women, like men, risk exhaustion, accidents and lack of medical treatment and are also victims of many other serious human rights violations, such as beatings, rape and murder; and reports indicate that women have not only been used for forced portering but also as human shields and entertainment for soldiers, the latter often resulting in rape.

The concluding observations in the report are placed within the context of the SR's statements that there has been no change in the situation since the reports in 1997 to the General Assembly and the Commission on Human Rights. Extrajudicial, summary or arbitrary executions, the practice of torture, portering and forced labour — particularly in the context of development programmes and of counter-insurgency operations in minority-dominated regions — continue to occur. A number of points are then made including, *inter alia*, that: arbitrary arrest and detention take place on a wide scale in part because, under the laws in place, such violations are legal and may easily occur; there is no independent judiciary and a battery of executive orders criminalize many aspects of normal civilian conduct, prescribe enormously disproportionate penalties and authorize arrest and detention without judicial review or any other form of judicial authorization; because of both visible and invisible pressures, the people live in a climate of fear in which whatever they or their family members may say or do, partic-

ularly in the exercise of their political rights, involves the risk of arrest and interrogation by the police or military intelligence. The report notes that: NLD leaders cannot assemble in a group, cannot freely discuss, and cannot publish or distribute printed or video material, making it difficult to assume that open discussion and free exchanges of views and opinions can possibly take place unless they are in support of the military regime; there are clear violations in both law and practice with regard to freedom of movement and residence and the right to leave and re-enter one's own country; there are also severe, unreasonable and, in the case of the Muslim Rakhine population, racially based restrictions placed on travel inside the country and abroad. The report notes that the government's policy on internal deportations and forced relocations violates freedom of movement and residence and, in some cases, constitutes discrimination based on ethnic considerations; and the laws related to citizenship appear to be discriminatory on the basis of ethnicity, fail to ensure equality before the law, and do not provide special measures of protection to which children are entitled.

The report recommends, *inter alia*, that:

- ♦ steps be taken to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration and to accelerate the process of transition to democracy, in particular through the transfer of power to the democratically elected representatives;
- ♦ state institutions be constituted in such a way as to ensure that the executive authorities are accountable to the citizenry in a clear and meaningful way;
- ♦ steps also be taken to restore the independence of the judiciary and to subject the executive to the rule of law and render unjust and unjustifiable actions justiciable;
- ♦ all necessary measures be taken to accelerate the process of transition to a democratic order and to involve the representatives elected in 1990 in that process in a meaningful way;
- ♦ genuine and substantive discussions take place without further delay between the present military regime and the leaders of the NLD and other political leaders who were elected in 1990, including representatives of the ethnic minorities;
- ♦ all political detainees, including elected political representatives, students, workers, peasants and others arrested or detained under martial law for the exercise of their normal civil and political rights after the 1988 and 1990 demonstrations, or as a result of the National Convention, be immediately released; and that the government ensure that there are no acts of intimidation, threats or reprisal against them or their families and take appropriate measures to compensate all those who have suffered arbitrary arrest or detention;