



MYANMAR

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**Statement by Ambassador Kyaw Moe Tun, Permanent Representative of Myanmar
on Item 4: Interactive dialogue with the Special Rapporteur on Situation of Human
Rights in Myanmar at the 43rd Session of Human Rights Council**

(Geneva, 10 March 2020)

Madam Vice President,

Sustainable peace and sustainable development are the two sides of the same coin that is inevitable part of the path towards democracy and realization of human rights in Myanmar. The democratically elected government has faced numerous challenges in different sectors since taking office in 2016. As a least developed country, the Government is striving its utmost to realize all-round sustainable peace and development in the country despite various constraints.

Madam Vice President,

I wish to recall that Myanmar as a whole, is more than just one story. Myanmar is a unique book with different chapters waiting to be read. Yet, one must also read all its unique history and cultural background of all different communities to understand where it stands now. One will not be able to see a true and comprehensive picture by selectively choosing a chapter. Moreover, concluding with ones' own narrative will not contribute but further create misunderstanding among different communities in the country.

Myanmar is the home of multi-ethnicity and multi-religion, and inspires peaceful coexistence and harmony among different ethnic communities and religions in the country.

Progress has been made on national reconciliation and peace process, as the 8th Joint Implementation Coordination Meeting on Nationwide Ceasefire Agreement was held in January this year in Nay Pyi Taw. The decision among others was made for holding of the 4th session of the Union Peace Conference-21st Century Ponglong in the first 4 months of 2020.

In its endeavor to achieve sustainable development, the Government is paying special attention to balance business development and protection of human rights for responsible investment. It has also adopted the Myanmar Sustainable Development Plan which is in line with the SDGs, Economic Policy of Myanmar and various regional commitments.

Myanmar is cooperating with UNDP to conduct Business and Human Rights Initiatives, which include conducting baseline assessment of the private sector to understand key rights and responsible issues, developing incentives by the Government to encourage business to adopt the UN guiding Principle on Business and Human Rights in all aspect of commercial activities, raising awareness of public and private sector on responsible business practices, human rights and the UN Guiding Principles, and developing a National Action Plan that seeks to promote, respect and remedy human rights in Myanmar's private sector. It is also cooperating with OECD and the Myanmar Centre for Responsible Business for promotion of responsible business conduct.

Several legal reforms have been taken place in the country. Relevant Ministries, CSOs and local NGOs participated in the process of drafting Bill on Prevention and Protection of Violence against Women. It has already been before the Parliament for its consideration.

In order to promote public trust and confidence in the courts, training courses for District level, and Township level judges were organized. During 2019, 52 trainings were conducted in Courts within Regions and States with the technical cooperation with international partner institutions. 1038 judges and judicial officers and 1274 court staffs participated in the trainings.

Madam Vice President,

Achieving democracy is not an easy path for Myanmar. We are resolute for realizing our goal of a democratic federal union. Since 25 February, members of parliament from all parties and military representatives have been discussing heatedly the proposed amendments of the 2008 Myanmar Constitution at the Parliament. It is indeed a difficult process and needs time and space.

Myanmar is at the critical juncture not only because of the important constitutional reform for the future of Myanmar, but it will hold the General Election in later part of 2020. Measures has been taken in preparation of the election, including cooperation with relevant stakeholders to tackle fake news and hate speech online and offline, in the run up to the election. We must be mindful of the importance to strike the balance between the Right and Responsibility, so as between freedom of expression and hate speech.

Madam Vice President,

We share concern of the displacement, resulted from the terrorist attacks and subsequent military operations in August 2017. We state over time that the repatriation is the first priority of the Government. Though no official repatriation has taken place, more than 300 displaced persons have returned to Rakhine State from Bangladesh on their own volition. It is crystal clear that there are people want to return.

Myanmar is still waiting for repatriation of prolonged 444 displaced persons of Hindu faith from Bangladesh who expressed their desire to return, Myanmar repeatedly requested Bangladesh for their expeditious repatriation. It has not been the case yet. We have also called for Bangladesh to strictly adhere to the bilateral agreements signed between the two countries.

In an effort to create conducive environment for verified returnees, 43 Quick Impact Projects in 28 villages are currently being implemented under the trilateral MoU with UNDP and UNHCR. More QIPs are already in the pipe line.

We are also working with ASEAN, and ASEAN's works are complementing the works of the UN by facilitating the repatriation process.

We thank the ICRC for its continued humanitarian assistance to the people in need in conflict areas including Rakhine State.

Madam Vice President,

I would like to reiterate that Special Rapporteurs must conduct their mandates in an impartial and objective manner with good faith in order to recommend for improving human rights situation of a country.

Moreover, it is paramount important for the Special Rapporteurs to listen to all sides of the stakeholders in a professional manner. Because of selectivity, unprofessional manner and lack of impartiality pursued by the Special Rapporteur during her visit to Myanmar in 2017, we are compelled to stop cooperation with her.

Coming to the country with pre assumption of a narrative the Special Rapporteur wishes to portray should be avoided. It was also learned that the SR even argued members of the UN country team when it does not fit into the story she wanted to listen. A mandate holder that acts with professionalism should draw a conclusion with balance judgment only after listening attentively to all sides until all the information are presented. Failure to do so is a violation of Article 6 a, b and c, and Article 8 a and c of the Code of Conduct.

Madam Vice President,

In conclusion, I wish to stress that it is important for Special Procedures Mandate Holders to work in good faith, impartial and objective manner and strictly adhering to the code of conduct, in order to be part of the solution.

As Myanmar steps towards another phase in history for democracy, it is important to recall that non-constructive measures, retributive actions, ill-intention are the obstacles that will only lead to disunity and mistrust among different communities of the country.

I thank you, Madam President.
