



**Statement by His Excellency Dr. Tun Shin,  
The Attorney General of the Union, The Republic of the  
Union of Myanmar and Leader of Myanmar Delegation  
to the  
17<sup>th</sup> session of the Human Rights Council,  
at the adoption of the Myanmar's UPR Report  
(Geneva, 8 June 2011)**  
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**Mr. President,**

**Excellencies, Distinguished Guests,**

**Ladies and Gentlemen,**

It is indeed an honour and a privilege for me to be here with you again. On behalf of Myanmar and my delegation, I thank you the President of Human Rights Council, the states that participated constructively in the Working Group on the UPR, the troika, the Secretariat staff for your tedious works.

As you are all aware Myanmar had participated actively in the Universal Periodic Review Process under the Human Rights



Council in January 2011 and is proud to accept the recommendations made by the States constructively. Now Myanmar Delegation comes here again to render further information to the Council on the recommendations under para 106 of the Report of the Working Group on the Universal Periodic Review. Myanmar attaches great importance to the Universal Periodic Review, and accordingly, as in the Myanmar delegation of January, it now consists of high level members comprising many previous members of the delegation to UPR interactive dialogue.

Since its genesis the UN Charter has placed human rights in the context of international cooperation. It is in this spirit that we participated in the UPR process. Recommendations that are consistent with the principles of the UN Charter enjoy our support.

According to the Principles of Universal Practice of Constitutional Process, that accession to or ratification of treaties is first to be considered by the Executive and in particular by the Executive Administering Ministry concerned, the treaty is next



submitted to the Legislature. It is the Legislature that decides. In Myanmar, the Legislature is the Pyidaungsu Hluttaw which is the combination of the Pyithu and Amyotha Hluttaws. Both Hluttaws consist of representatives elected by people. Now the study and consideration by the Executive of treaties is already underway.

The Universal Periodic Review process is created to be a cooperative mechanism based on objective and reliable information. It has therefore to be conducted in a constructive, non-confrontational and non-politicized manner.

Some of the recommendations are made, contrary to this basic principle. Accordingly, the recommendations that fall into this category do not enjoy our support. We wish to say that there is the other side of the coin in every human endeavour.

I wish also to say that among the recommendations which do not enjoy our support include some recommendations that we have no difficulty in supporting in substance. However, these are couched in such a manner that accepting them would infringe our sovereign right.



As mentioned in the Report of the Working Group of the Universal Periodic Review, there are 190 recommendations on Myanmar, out of which 74 recommendations enjoy our support, with 46 recommendations taken back to our Capital for our consideration and 70 recommendations which infringe our sovereign rights that do not enjoy our support.

The 46 recommendations that we have taken back to the Capital were considered in the best spirit of cooperation which is the very cornerstone of the UPR process. We have given them very serious consideration and can be categorized as follows:-

Firstly, out of the recommendations contained in 106.32 by Argentina; 106.34 by Greece; 106.40 by United Kingdom; and 106.21 by Ireland, the following in particular enjoy our support:-

- (1) to continue with its efforts in order to cooperate with the UN Special Rapporteur on the situation of human rights in Myanmar;
- (2) to increase cooperation with the Human Rights Council;





- (3) to cooperate fully with ILO to end forced labour and child labour;
- (4) to amend the domestic laws to be in line with the fundamental human rights.

Secondly, as explained above, there are some Recommendations that require under the Principles of Universal Practice of Constitutional Process to undergo the criteria process of the Executive. After consideration by the Executive Administering Ministry in the Executive and later through the Executive itself then they will next proceed to the Legislature. These Recommendations include, among others, the signing, accession, ratification and implementation of Human Rights Core Treaties mentioned in Recommendations 106.1 (Brazil), 106.2 (Slovenia), 106.4 (Switzerland), 106.5 (Republic of Korea), 106.6 (Maldives), 106.8 (New Zealand), 106.12 (Thailand), 106.14 (Germany), 106.15 (Czech Republic), 106.17 (Belgium), 106.18 (Portugal), and 106.19 (Denmark), namely the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment



(CAT), the Optional Protocol to the CAT, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Thirdly, the matter to establish a National Human Rights Institution in line with the Paris Principles has already been answered in our National Report and Addendum. We now have the Human Rights Body which has recently been reformed after coming into force of our Constitution as mentioned in our National Report and Addendum. It is a prelude to the establishment of a Commission which will be formed in line with the Paris Principles. Thus, Recommendations 106.23, 106.24, 106.25, 106.26, 106.27, 106.28, 106.29, and 106.30 are under serious consideration.

Fourthly, the following particular parts of the recommendations contained in 106.9 by Greece; 106.13 by Hungary; 106.33 by Canada; 106.41 by Uruguay; and 106.43 by Hungary, enjoy our support for consideration process:-



- (1) make a plan to sign and ratify the core Human Rights Treaties;
- (2) ratify the remaining core Human Rights Treaties such as ICCPR, and CAT;
- (3) cooperate with the UN Special Rapporteur on the situation of human rights in the country;
- (4) put an end to recruitment and use of child soldiers;
- (5) cooperate with the UN to end the recruitment of child soldier.

Fifthly, the remainder of the 46 Recommendations does not enjoy our support because they do infringe our sovereign right.

**Mr. President,**

I wish to stress that Myanmar is committed to the promotion and protection of human rights. The fundamental rights of citizen are enshrined in Chapter VIII of the Constitution of the Republic of the Union of Myanmar. The legal remedies of the breach of human rights entrusted by Section 377 and Section 378 of this



While committed to the promotion and protection of human rights, Myanmar is also cooperating with the United Nations. The very fact of sending a high level delegation and participating in the UPR process is the living proof that the Myanmar takes this commitment seriously.

**Mr. President,**

Myanmar has every confidence that this forum will give a fair hearing in its UPR outcome report.

Thank you, Mr. President.

