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Statement
UPR Outcome Report of Burma
8 June 2011

The Universal Periodic Review (UPR) of Burma was marked by the government's blanket denials of all serious human rights issues and false claims of improving the human rights situation and cooperating with the United Nations. During the interactive dialogue, states raised a wide range of important issues, including political prisoners, abuses in the country's ongoing armed conflict, continued denial of basic freedoms of expression, association and assembly, and widespread irregularities and coercion during the November 2010 elections.

The Burmese delegation rejected almost all of the recommendations presented during the UPR. Despite concern over the large numbers of political prisoners, Burma claimed that there are no prisoners held for their peaceful political activities, only those who violated the law; in fact almost 2,000 political prisoners remain incarcerated. The Burmese delegation pointed to regular amnesties of prisoners, and conducted a further amnesty in May 2011, but only 58 out of an estimated 14,700 prisoners released were political detainees, all with less than one year remaining in their terms.

Burma claims to be cooperating with the UN on human rights yet has it denied permission for visits by the Special Rapporteur on the human rights situation in Burma, Tomas Ojea Quintana, since March 2010. The government's claims that the judiciary is independent, that there is no impunity in the country, and that the nascent government Human Rights Body is developing in line with the Paris Principles are not borne out by the facts. The new government formed this March has yet to act on promises to improve the human rights situation. Burma can take an important step towards respecting the rights of its population by immediately acceding to core international treaties such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which it has shown little inclination thus far to do.

The government claims that armed conflict is restricted to isolated areas and that "[m]ilitary operations are carried out in accordance with the rules of engagement and strict instructions are also given to avoid civilian casualties." There is overwhelming evidence from a range of sources that abuses by the Burmese armed forces on counterinsurgency operations amount to war crimes and crimes against humanity. As a recent example, while the UPR was being conducted in January, the Burmese army was conducting a major operation in Karen State in which it forced several hundred criminal prisoners to act as porters for army units in combat areas in clear violation of international humanitarian law. The convict porters were used as human shields to walk through heavily mined areas and to deter ambushes, and faced extrajudicial killings, torture and other abuses.

We do not believe that the government is sincere in meeting its international obligations to investigate and prosecute serious crimes by military personnel. While there has been some cooperation with international agencies on ending forced labor and recruitment of children to be soldiers, we believe such cooperation is insufficient to address the full scope of continued abuses by civilian and military officials. Human Rights Watch reiterates the call for a UN created commission of inquiry into serious violations of international human rights and humanitarian law. The government's unwillingness to address ongoing abuses, let alone even acknowledge them in the UPR, demonstrates the need for UN action.

In light of Burma's blanket denials of almost all the concerns raised during the UPR, we urge the new government to:

- Immediately free all remaining political prisoners
- Cease attacks on civilians in conflict areas
- Support a UN commission of inquiry as recommended by the Special Rapporteur and a number of countries.

