

Universal Periodic Review
(23rd session, October–November 2015)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Myanmar

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	29/04/1994, Acceptance		N/A	Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	07/05/2014, Ratification		N/A	Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)			N/A	Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

NORMATIVE FRAMEWORK

Constitutional Framework:

2. **The Constitution of the Republic of Myanmar of 2008**¹ enshrines the right to education in its Chapter VIII on Citizen, Fundamental Rights and Duties of the Citizens. **Article 366** provides that “Every citizen, in accord with the educational policy laid down by the Union: (a) has the right to education; (b) shall be given basic education which the Union prescribes by law as compulsory; (c) have the right to conduct scientific research explore science, work with creativity and write to develop the arts and conduct research freely other branches of culture.” Besides, according to **Article 347**, “The Union shall guarantee any person to enjoy equal rights before the law and shall equally provide legal protection”, **Article 348** adds that “The Union shall not discriminate any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, official position, status, culture, sex and wealth”.

Legislative Framework:

3. The legislative framework of Myanmar is composed of:

- a) “The **Basic Education Law** was promulgated in 1973 and amended in 1989. The **University Education Law** was enacted in 1973 and amended in 1998. The **Technical, Agricultural and Vocational Education Law** was promulgated in 1974 and amended in 1989.
- b) The **Child Law**² was enacted in July 1993 in order to implement the rights of the child recognized in the Convention on the Rights of the Child. **Article 20** states that: (a) every child shall: have the opportunity of acquiring education; have the right to acquire free basic education (primary level) at state schools; and (b) the Ministry of Education shall: have the objective of implementing the system of free and compulsory primary education; lay down and carry out measures as may be necessary for regular attendance in schools and the reduction of untimely drop-out rates; make arrangements for children who are unable for various reasons to attend State schools, to become literate. **Article 21** stipulates that every child shall have the right to maintain his or her own cherished language,

¹ <http://www.unesco.org/education/edurights/media/docs/e7c956407bd5c10b51dfca4d2cdb97bc5f0fee75.pdf>
http://www.mofa.gov.mm/wp-content/uploads/2013/08/Constitution_of_Myanmar.pdf

² <http://www.blc-burma.org/sites/default/files/Law%2009-93e.pdf>

literature and culture, to profess his or her own religion and to follow his or her own traditions and customs. According to **article 22**, every child shall have the right of access to literature contributing to his or her all-round development and to acquire knowledge. Article 18 stipulates that a mentally or physically disabled child: (a) has the right to acquire basic education (primary level) or vocational education at the special schools established by the Social Welfare Department or by a voluntary social worker or by a non-governmental organization; and (b) has the right to obtain special care and assistance from the State.”³

Institutional Framework:

4. “In Myanmar, the Ministry of Education is the centre that develops human resources. The tasks of Ministry of Education are carried out through the basic education sub-sector and the higher education sub-sector. The Ministry of Education is completely responsible for the basic education sub-sector. All 13 ministries, including the Ministry of Education, take the responsibility of the higher education. The Ministry of Science and Technology deals with the vocational education at the tertiary level.”⁴

5. “All basic education schools are under the supervision of the Ministry of Education. The administration and management of basic education is undertaken by the three Departments of Basic Education and the Department of Educational Planning and Training in accordance with the directives of the statutory bodies and organizations: Basic Education Council, Basic Education Curriculum, Syllabus and Textbook Committee, and Teacher Education Supervisory Committee. [...] Under the National Education Committee, administrative and academic policy matters relating to higher education are managed by the two councils chaired by the Union Minister for Education. They are the Universities’ Central Council and the Council of University Academic Bodies.”⁵

6. “No specific department of [non-formal education (NFE)] exists in the Ministry of Education, a major limiting factor to quantitative expansion and qualitative improvement.”⁶

Policy Framework:

³ IBE, World Data on Education, 7th ed., 2010-2011, Myanmar, p. 3, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Myanmar.pdf, Accessed on 11/03/2014

⁴ Myanmar, Ministry of Education’s website, Accessible at: <http://www.myanmar-education.edu.mm/dhel-2/education-system-in-myanmar/introduction/>, Accessed on 12/11/2014

⁵ Myanmar, Ministry of Education’s website, Accessible at: <http://www.myanmar-education.edu.mm/dhel/education-system-in-myanmar/education-structure/>, Accessed on 12/11/2014

⁶ UNPD, Achieving Development Goals in Myanmar, Thematic Analysis 2011, p.20, <http://www.undp.org/content/dam/undp/library/MDG/english/MDG%20Country%20Reports/Myanmar/Thematic-Analysis-2011-for-Myanmar.pdf>, Accessed on 12/11/2014

A) General information

7. “The **Myanmar EFA National Action Plan (EFA-NAP) 2015** is aimed at improvement of the education sector, especially access, quality and relevance, and management of the primary and lower secondary levels. It also aims to upgrade literacy and Life Skills for out-of-school adults and youths in order to directly support the social and economic development efforts of the nation.”⁷

8. “The **Thirty-year Long-term Education Development Plan for the period 2001/02-2030-31** is the most ambitious of the plans launched by the Ministry of Education. It is implemented in six phases of five-year duration each and includes ten programmes for the basic education sub-sector and 36 programmes for the higher education sub-sector.”⁸

9. “The six core areas under focus in the [**Thirty-year Long-term Education Development Plan**] are:

- a) Human resource development (2 Programmes)
- b) Utilization of technology (6 Programmes)
- c) Expansion of research (3 Programmes)
- d) Development of a lifelong learning society (9 Programmes)
- e) Promotion of the quality of education (15 Programmes)
- f) Preservation of national identity and national values. (1 Programme)”⁹

10. “**Development of Lifelong Learning Society (9 Programmes) [within the frame of the Thirty-Year Long Term Education Development Plan]**

- a) To establish higher education institutions that will unceasingly take responsibility of the education of their respective region and community
- b) To conduct vocational courses in collaboration with basic education schools, factories and work establishments so that a pathway can be created to confer Associate Degree and other Degrees
- c) For higher education institutions to implement programmes for re-education and continuing adult education
- d) For higher education institutions to implement programmes related to learning to learn and continuing to learn opportunities by using contemporary technology and focusing on life-long learning

⁷ National report submitted within the framework of the 48th International Conference on Education, 2008, p. 3, http://www.ibe.unesco.org/National_Reports/ICE_2008/myanmar_NR08.pdf, Accessed on 11/03/2014

⁸ IBE, World Data on Education, 6th ed., 2006-2007, p. 3, http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/ASIA_and_the_PACIFIC/Myanmar/Myanmar.pdf, Accessed on 11/03/2014

⁹ Myanmar, Ministry of Education’s website, Accessible at: <http://www.myanmar-education.edu.mm/dhel-2/panorama-of-myanmar-higher-education/thirty-year-long-term-education-development-plan-2001-2002-fy-2030-2031-fy/>, Accessed on 12/11/2014

- e) To create opportunities for higher education institutions to deal freely with external work establishments and for learners to be given the opportunity for open entry and re-entry to education
- f) For higher education institutions to innovate and introduce teaching programmes that can fulfil community needs
- g) To transform the whole work force into a learning force rapidly linking all work establishments with higher education institutions
- h) To transform into open education system, to introduce credit bank system and to establish an organization to take charge of these undertakings
- i) Aiming at the emergence of an immense learning society in the future, to create an open education system that will provide opportunities regardless of region and for higher education institutions to create an education system that will be able to cope with diversity and the increase in the number of disciplines and varying educational needs”¹⁰

B) Inclusive Education

11. “Inclusive education has been given a higher priority by the Ministry of Education since 2004, although policy strengthening in this area is still required.”¹¹

C) Teachers

12. “Upgrading the quality of teacher education and teacher training institutions and all-round development activities are being carried out and will be continued to promote the quality of Basic Education.”¹²

D) Quality education

13. ”Promotion of the Quality of Education (15 Programmes)

For the future higher education system to aim at qualitative transformation, to transform breadth of learning to breadth and depth of learning and to promote the abilities to carry out generative synthesis, to be creative and undertake critical evaluation, and visualize new fields of education

- a) To create a combination system which serves as a sound basis for cross-disciplinary and interdisciplinary approaches

¹⁰ Myanmar, Ministry of Education’s website, Accessible at: <http://www.myanmar-education.edu.mm/dhel-2/panorama-of-myanmar-higher-education/thirty-year-long-term-education-development-plan-2001-2002-fy-2030-2031-fy/>, Accessed on 12/11/2014

¹¹ UNPD, Achieving Development Goals in Myanmar, Thematic Analysis 2011, p.20, <http://www.undp.org/content/dam/undp/library/MDG/english/MDG%20Country%20Reports/Myanmar/Thematic-Analysis-2011-for-Myanmar.pdf>, Accessed on 12/11/2014

¹² Myanmar, Ministry of Education’s website, Accessible at: <http://www.myanmar-education.edu.mm/dhel/education-system-in-myanmar/future-plans/>, Accessed on 12/11/2014

- b) To find ways and means to enable the curriculum, teaching methods and evaluation to give emphasis to the development of learner creativity, analytical skills, ability to utilize modern technology and to construct a system that will enhance maturity
- c) For higher education institutions to bring about a sound academic atmosphere and knowledge environment and create the right conditions for the establishment of linkages with international education domain
- d) To reduce the rigidity in the distinction between formal education and non-formal and informal education of higher education institutions until it disappears
- e) To implement diversification and specialization programmes that will provide the right to pursue discipline and combination of one's choice
- f) To find effective ways to expand the distance education system and transform it into an open university, to expand new teaching programmes, to provide programmes leading to degrees, as well as introduce programmes that will promote skills and to provide the highest and most extensive learning opportunity by utilizing technology
- g) To devise programmes that will promote competition on equal terms and cooperation with international distance education systems
- h) To create part-time courses at higher education institutions
- i) To create education programmes which will overcome the rigidity of traditional education system since it is no longer adequate for higher education institutions to merely provide a fixed body of knowledge
- j) To expand the teaching of foreign languages and to give undergraduates the opportunity to learn another foreign language, in addition to English, for communication and effective use in their respective field of study
- k) To establish a Higher Education Curriculum Centre and to set up an Education Curriculum Council in order to evaluate whether basic education is in consonance with higher education or not
- l) To form the Academic Evaluation and Assessment Council for the higher education sector
- m) To carry out restructuring and reorientation of higher education management system
- n) To carry out changes in the institutional structures of higher education institutions in accordance with the times and to fulfil the need for physical facilities of higher education institutions by setting a basic standard
- o) No matter how extensive globalization occurs, so that national identity, national values and national well-being do not diminish, curricula, new teaching programmes, researches and public educative programmes must be undertaken after careful consideration, with due regard given to this aspect.¹³

E) Curriculum

¹³ Myanmar, Ministry of Education's website, Accessible at: <http://www.myanmar-education.edu.mm/dhel-2/panorama-of-myanmar-higher-education/thirty-year-long-term-education-development-plan-2001-2002-fy-2030-2031-fy/>, Accessed on 12/11/2014

14. “A significant aim of the education development plans is to introduce new curriculums, effective teaching methods and evaluation system that give emphasis to the development of learner maturity and creativity, analytical skills, and ability to utilize modern technology.”¹⁴

15. “In order to be compatible with the new degree courses, new curriculums and syllabuses of both undergraduate and postgraduate courses that are in line with those of the universities in ASEAN countries have been prepared by the respective Boards of Studies. The credit system introduced at the undergraduate and postgraduate level in 2000-2001 AY is also being revised in tandem with the new courses so that students can progress at their own rate according to their ability and the new courses would facilitate Myanmar students in transferring their credits to foreign institutions on student exchange programmes. Moreover, the teaching and learning process, activities and questions that demand critical thinking, conceptual thinking, analytical thinking and intelligent application are being utilized to move away from factual recall.”¹⁵

F) Financing of education

16. “With the expanding secondary education system, the share of the education budget allocated to basic education has risen from 75 percent in 2005-06 to 88 percent in 2010-11.”¹⁶

17. “While education has a high priority in national development, the resources allocated meet only a fraction of overall costs. The overall education budget is not shared publicly, and finances are fragmented among the 13 Ministries that run educational institutions. Even within the Ministry of Education, each department has its own functionally independent budget. Data on public expenditure for education are therefore difficult to obtain and estimates of levels need to be treated with caution. However, it is apparent that public expenditure on education as a percentage of GDP is very low by international standards.[...] A direct consequence of the limited public allocations for education is substantial private expenditure at all levels, despite an official policy of free and compulsory primary education.”¹⁷

G) Gender equality

¹⁴ Myanmar, Ministry of Education’s website, Accessible at: <http://www.myanmar-education.edu.mm/dhel-2/panorama-of-myanmar-higher-education/promoti-of-accessibility-quality-and-diversity-in-higher-education/> , Accessed on 12/11/2014

¹⁵ Myanmar, Ministry of Education’s website, Accessible at: <http://www.myanmar-education.edu.mm/dhel-2/panorama-of-myanmar-higher-education/promoti-of-accessibility-quality-and-diversity-in-higher-education/> , Accessed on 12/11/2014

¹⁶ UNPD, Achieving Development Goals in Myanmar, Thematic Analysis 2011, p.19, <http://www.undp.org/content/dam/undp/library/MDG/english/MDG%20Country%20Reports/Myanmar/Thematic-Analysis-2011-for-Myanmar.pdf> , Accessed on 12/11/2014

¹⁷ UNPD, Achieving Development Goals in Myanmar, Thematic Analysis 2011, p.20, <http://www.undp.org/content/dam/undp/library/MDG/english/MDG%20Country%20Reports/Myanmar/Thematic-Analysis-2011-for-Myanmar.pdf> , Accessed on 12/11/2014

18. “Gender parity was achieved in primary education but remains elusive in secondary education [...]”¹⁸

H) Formal and non-formal education

19. “Of the 36 programmes in the [30-Year] long-term [Education Development] plan, the following 6 programmes are related to the utilization of technology:

- a) To be able to use information and communication technology, which is changing and developing with the times, not only as a teaching technology but also as a learning technology
- b) To give priority to communication technology and electronic technology, and to enhance skills at all levels of undergraduate and postgraduate studies, especially in continuing education programmes
- c) To include microtechnology from the undergraduate level and to give priority to carrying out research on related fields
- d) To transform higher education institution libraries into electronic information resource centres
- e) To establish Electronic Resource Centres as Myanmar Electronic Information Network (MEIR_Net)
- f) To establish the Myanmar Higher Education Network (MHE_Net) WAN that will link all the higher education institutions with the Internet”¹⁹

20. “In order to harness ICT to improve the quality of higher education programmes, the following facilities were established for e-education:

- a) ICT based facilities such as computer training centres, multimedia lecture rooms and classrooms
- b) Electronic Data Broadcasting System and 741 learning centres to form the educational network
- c) VSAT System for Ministry of Education administration intranet and extension using fibre optic network system for linkage among departments and higher education institutions
- d) Last Mile Radio Link at Department of Higher Education (Lower Myanmar) in addition to the existing VSAT connection
- e) Wireless link video conferencing at 5 sites
- f) iPSTAR system at 20 education colleges under the Department of Educational Planning and Training
- g) Internet access for 100 high schools

¹⁸ UNICEF, Annual Report 2013, Myanmar, p.2
http://www.unicef.org/about/annualreport/files/Myanmar_COAR_2013.pdf , Accessed on 12/11/2014

¹⁹ Myanmar, Ministry of Education’s website, Accessible at: <http://www.myanmar-education.edu.mm/dhel-2/panorama-of-myanmar-higher-education/promoti-of-accessibility-quality-and-diversity-in-higher-education/> , Accessed on 12/11/2014

- h) Local Area Network of Department of Higher Education (Lower Myanmar) and universities and degree colleges
- i) Initiating Computer Departments at universities and colleges”²⁰

Cooperation:

21. Myanmar is **not party** to the 1960 UNESCO Convention against Discrimination in Education.

22. Myanmar **did not report** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the:

- a) **Sixth Consultation** of Member States (covering the period 1994-1999),
- b) **Seventh Consultation** of Member States (covering the period 2000-2005)
- c) **Eighth Consultation** of Member States (covering the period 2006-2011).

23. Myanmar **did not report** to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- a) **Fourth Consultation** of Member States (covering the period 2005-2008),
- b) **Fifth Consultation** of Member States (covering the period 2009-2012).

24. Myanmar **did not report** to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of:

- a) the **First Consultation** of Member States (1993)
- b) the **Second Consultation** of Member States (2011).

25. Myanmar is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

Constitutional and legislative framework:

26. Freedom of expression is safeguarded in the 2008 Constitution of Myanmar.²¹

²⁰ Myanmar, Ministry of Education’s website, Accessible at: <http://www.myanmar-education.edu.mm/dhel-2/panorama-of-myanmar-higher-education/promoti-of-accessibility-quality-and-diversity-in-higher-education/>, Accessed on 12/11/2014

27. In 2014, a new Media Bill was enacted in Myanmar. The Media Law outlined the rights of journalists and of the media, furthering freedom of expression.²²

28. However, the Printer's and Publishers' Registration Law expands the government's control over the press²³, including giving the Ministry of Information the power to issue and revoke publishing licenses.

29. Under the 1861 Penal Code, defamation is criminalized with penalties of up to two years' imprisonment.²⁴ Furthermore, the 1923 State Secrets Act also contains imprisonment sentences for anyone found guilty of disclosing state secrets of up to fourteen years.

30. There is no freedom of information law in Myanmar.

Media self-regulation:

31. Self-regulatory mechanisms of the media exist through entities such as the Myanmar Journalists Association. Furthermore, Myanmar is in the process of creating an independent media self-regulation body: in 2012, an Interim Press Council was formed as an oversight body and consists of journalists as well as government-appointed members.²⁵

Safety of journalists:

32. UNESCO recorded the killing of Kenji Nagai, a Japanese journalist, in 2007.²⁶ The Director-General of UNESCO condemned the killing and called on the government to inform UNESCO, on a voluntary basis, of the actions taken to prevent impunity and of the status of the judicial

²¹ See the Constitution of the Republic of the Union of Myanmar (2008) at http://www.burmalibrary.org/docs5/Myanmar_Constitution-2008-en.pdf.

²² See the 2014 Media Law at http://www.burmalibrary.org/docs17/2014-Media_Law-en.pdf.

²³ See the 2014 Printer's and Publisher's Registration Law at http://www.burmalibrary.org/docs18/2014-03-14-Printing_and_Publishing_Law-13-bu.pdf (in Burmese).

²⁴ See the Penal Code of Myanmar at http://www.burmalibrary.org/docs6/MYANMAR_PENAL_CODE-corr.1.pdf.

²⁵ See <http://www.irrawaddy.org/burma/burmas-interim-press-council-meet-thein-sein.html>, <https://www.dvb.no/news/interim-press-council-advises-rangoon-newsrooms-burma-myanmar/43217>, <https://www.dvb.no/news/president-promises-mediating-role-for-press-council-burma-myanmar/42929>, <http://www.irrawaddy.org/burma/press-council-meet-burmas-commander-chief.html>, and <http://www.dw.de/brussels-berlin-fact-finding-tour-for-interim-press-council-from-myanmar/a-18024849>.

²⁶ See the public condemnation made by the UNESCO Director General at <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/countries/myanmar/>

inquiries. According to information provided by Myanmar in 2011, the judicial investigation of Kenji Nagai is currently still ongoing.

III. RECOMMENDATIONS

Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)

Right to education

In the Report of the Working Group on the Universal Periodic Review of 24th March 2011, various recommendations were made to Australia.

33. The recommendations formulated during the interactive dialogue listed below have been examined by Myanmar and enjoy the support of Myanmar:

- i. *104.9. Continue to **improve its domestic legislation and judiciary system to be in line with international human rights standards and obligations including intensifying human rights education and training, especially for its military and law enforcement officers**, in order to enhance their awareness and promote greater accountability (Thailand);*
- ii. *104.13. Initiate as possible, with the assistance of the international community, the **programmes of investment needed in the health, education and social security sectors** (Algeria);*
- iii. *104.17. Continue **implementing the programmes and measures to improve the enjoyment of the right to education and the right to health of all its population** (Cuba);*
- iv. *104.38. Ensure that **law enforcement officials receive necessary training, including on human rights standards, domestic legal protections, and the appropriate use of force** (Canada);*
- v. *104.46. Adopt a **school feeding programme** and integrate it with the local agricultural production (Brazil);*
- vi. *104.47. Continue its efforts to **further improve the quality of education and health services** (Democratic People's Republic of Korea);*
- vii. *104.48. Continue its efforts to **develop and expand child-friendly schools based on CRC** (Bhutan);*
- viii. *104.56. Enhance cooperation with the United Nations and other specialized agencies with a view to **fully implementing national action plans and programmes in the field of***

human rights, workers' rights, human resource development, education and health, inter alia (Malaysia);

- ix. *104.58. Hold, with the help of the relevant United Nations agencies, **more seminars and training courses on human rights issues (China);***

34. The recommendations below do not enjoy the support of Myanmar:

- i. 107.12. With regard to children, take necessary measures to improve the birth registry system, following the recommendation of the CRC in not identifying any ethnic or religious group in official documents which could allow discriminatory treatment; to avoid statelessness; **to ban corporal punishment in families and schools and other institutions, by organizing educational campaigns;** and start reforms in the juvenile justice system, following the Convention and the international standards by increasing the age of criminal responsibility (Uruguay);

Analysis:

35. Myanmar adopted various programmes to improve the quality of education. However, no sufficient measures have been taken to address persisting discriminations including gender-based discrimination and discrimination against students from minority/ethnic groups; to develop child-friendly schools; nor to further include human rights education in training and curricula, especially as regards Myanmar military and law enforcement officers' trainings.

36. Specific Recommendations:

36.1 Myanmar should be strongly encouraged to ratify the UNESCO Convention against discrimination in education

36.2 Myanmar should be strongly encouraged to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.

36.3 Myanmar could be encouraged to further promote education for all, especially through designing programmes to ban discrimination against women and students from minority groups, including through providing education in local languages.

36.4 Myanmar could be encouraged to further human rights education, especially for its military and law enforcement officers.

Freedom of opinion and expression

37. Myanmar is encouraged to review its laws including Printer's and Publishers' Registration Law so that they are in line with international standards, and to ensure that freedom of opinion and expression are guaranteed in the country.

38. Myanmar must ensure that journalists and media workers are able to practice the profession in a free and safe environment as part of their fundamental human rights in accordance with international standards.²⁷ It must investigate all attacks on journalists and media workers, and ensure full implementation of the rule of law.

39. Myanmar is encouraged to introduce an access to information law that is in accordance with international standards.²⁸

40. Myanmar is recommended to decriminalize defamation, and place it within a civil code that is in accordance with international standards.²⁹

Cultural rights

41. Myanmar is encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). UNESCO's cultural conventions promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Myanmar is encouraged to facilitate the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

42. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972) and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), Myanmar is encouraged to fully implement the relevant provisions that promote

²⁷ See for example, UN General Assembly Resolution A/RES/68/163 and Human Rights Council Resolution A/HRC/21/12

²⁸ See for example, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the recommendations of the 2000 Report of the UN Special Rapporteur on Freedom of Opinion and Expression, the 1981; 2002 Recommendation of the Committee of Ministers of the Council of Europe, the 2002 African Commission on Human and Peoples' Rights Declaration of Principles of Freedom of Expression in Africa and the 2000 Inter-American Commission on Human Rights' Declaration of Principles of Freedom of Expression.

²⁹ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Myanmar is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of scientific research and the right to benefit from scientific progress and its applications

43. **Myanmar**, in the framework of the 2015-2017 consultations related to the revision and monitoring of the Recommendation on the Status of Scientific Researchers is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974. The 1974 Recommendation on the Status of Scientific Researchers sets forth the principles and norms of conducting scientific research and experimental development and applying its results and technological innovations in the best interests of pursuing scientific truth and contributing to the enhancement of their fellow citizens' well-being and the benefit of mankind and peace. The Recommendation also provides the guidelines for formulating and executing adequate science and technology policies, based on these principles and designed to avoid the possible dangers and fully realize and exploit the positive prospects inherent in such scientific discoveries, technological developments and applications. **Myanmar** did not submit its 2011-2012 report on the implementation of the 1974 Recommendation. In providing its report in 2015-2017 on this matter, **Myanmar** is kindly invited to pay a particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation, such as: i) intellectual freedom to pursue, expound and defend the scientific truth as they see it, and autonomy and freedom of research, and academic freedom to openly communicate on research results, hypotheses and opinions in the best interests of accuracy and objectivity of scientific results; ii) participation of scientific researchers in definition of the aims and objectives of the programmes in which they are engaged and to the determination of the methods to be adopted which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; iii) freedom of expression relating to the human, social or ecological value of certain projects and in the last resort withdraw from those projects if their conscience so dictates ; iv) freedom of movement, in particular for participation in international scientific and technological gatherings for furtherance of international peace, cooperation and understanding; v) guarantees of non-discrimination in application of rights to satisfactory and safe working conditions and avoidance of hardship; to access to educational facilities, occupational mobility, career development, participation in public life, and vi) right of association, etc.