



CSO Coalition Building Workshop for the Burma-Myanmar UPR Forum

“Working Together to Foster Solidarity in the UPR Implementation Phase”

20-22 August 2016, Mae Sot, Thailand

Outcome Charter

The human rights record of Myanmar was reviewed for the second time on 6 November 2015 at the United Nations Human Rights Council in Geneva by 98 UN Member States, during the Universal Periodic Review. The Government of Myanmar received 281 recommendations and will have until the next UPR in 2020 to implement them.

Within the UPR framework, it is encouraged to include civil society in the implementation of UPR recommendations. The success of CSOs' engagement in the UPR ultimately depends on their ability to follow up on UPR obligations and to form partnerships with their government.

In order to explore possibilities of cooperation among the different stakeholders involved in the UPR process, the Myanmar civil society organisations from inside Myanmar and from the borders of Thailand-Myanmar comprising the Burma-Myanmar UPR Forum (see annex 1), met during 3 days to discuss how to constructively engage and collaborate with the Government and other stakeholders to implement UPR recommendations, and improve together the human rights situation on the ground.

As a result of this 3 day workshop, the Burma-Myanmar UPR Forum mandated to engage in a constructive manner in the UPR process, agreed to: (1) support meaningfully the UPR implementation phase by providing solutions, expertise and partnership to the Myanmar Government; and (2) monitor effectively the UPR follow-up phase to ensure efficient accountability of the Myanmar Government in relation to its human rights commitments. Further, based on the analysis of all the recommendations received by Myanmar, the Burma-Myanmar UPR Forum has agreed to advocate for and to prioritise the following objectives:

- **To ensure the Government of Myanmar implements all the UPR recommendations;**
- **To ensure the Government of Myanmar collaborates with the Myanmar civil society, in particular with the Burma-Myanmar UPR Forum for the implementation of UPR recommendations;**

Human Rights Protection & Legal Reform:

- **To ensure that the Myanmar's Constitution reflects the needs and aspirations of the people of Myanmar, including those from the borders of Thailand-Myanmar, and international human rights standards;**
- **To ensure the Government of Myanmar strengthen the national human rights institutions and mechanisms;**
- **To advocate for the establishment of a National Human Rights Institution in line with the Paris Principles;**
- **To ensure that human rights agencies, including the Myanmar National Human Rights Commission and the Myanmar Press Council, are able to function as effective and independent agencies;**

Freedom of Opinion and Expression:

- **To advocate for the revision of the News Media Law and the Printing and Publication Enterprise Law of 2014, in consultation with media representatives, in order to bring it in conformity with international standards regarding freedom of expression;**



- To advocate for the revision of the Peaceful Assembly and Peaceful Procession Act to bring it in line with international standards on freedom of expression and assembly;

Human Rights Defenders & Political Prisoners:

- To ensure the Government of Myanmar continues releasing political prisoners and relaunch the joint Government/civil society committee;
- To ensure the protection of human rights defenders;
- To lobby for the investigation and punishment of cases of intimidation, harassment, persecution, torture and enforced disappearances, especially against political dissidents, journalists, ethnic and religious minorities and human rights defenders;

Torture:

- To ensure the Government of Myanmar accede to the core international human rights instruments, to which it is not yet a party, particularly the International Covenant on Civil and Political Rights and the Convention against Torture;

Impunity

- To end impunity of members of the army and government officials, who commit human rights violations, and bring them to justice;

Freedom of Religion:

- To ensure the Government of Myanmar removes discriminatory provisions of the “Protection of Race and Religion Law”;
- To ensure the Government of Myanmar fully respect for freedom of religion or belief and the human rights of the persons belonging to ethnic and religious minorities, in line with international human rights law;
- To support the achievement of tolerance and peaceful existence in all parts of society by promoting interfaith and intercommunal dialogue;
- To prevent the destruction of places of worship and cemeteries;
- To guarantee the right to religious conversion and to respect the freedom of religion, in particular, enabling religious practice;

Religious Minorities & Rohingya:

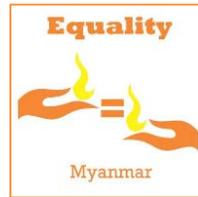
- To ensure human rights protection to all people in Myanmar including the Rohingya;
- To advocate for urgently addressing the needs of the Rohingya community by: guaranteeing security, ensuring full humanitarian access across Rakhine, removing restrictions on freedom of movement, and establishing a pathway to citizenship;
- To ensure the Government of Myanmar conducts independent investigations of all cases of violence and discrimination against ethnic and religious minorities;
- To ensure the Government of Myanmar prosecutes suspected perpetrators of violence against ethnic and religious minorities, in line with international standards and to ensure compliance with due process and respect for the rule of law;

Human Trafficking / Migrants:

- To ensure the Government of Myanmar steps up efforts towards the prevention and suppression of human trafficking and the smuggling of migrants by air, land and sea;

Situation in Rakhine State:

- To lobby for the access to humanitarian aid to all groups who need it, including internally displaced persons in Rakhine State and other affected areas;



Refugees and Internally Displaced Persons:

- To lobby for the adoption and implementation of all the necessary measures to continue improving health care, food and education services in camps for internally displaced persons, including in remote areas;
- To ensure the Government of Myanmar supports the safe and voluntary return of all internally displaced persons to their place of origin;
- To ensure the Government of Myanmar cooperates with the international community to guarantee the return of all refugees and displaced persons, and guarantee the cooperation with all sides, and allows them full access to humanitarian assistance;

Right to Land:

- To lobby for the development of an effective land registration system with a clear complaints handling mechanism, to ease tensions in rural areas;
- To ensure the Government of Myanmar effectively addresses the issue of land grabbing, including through providing redress to farmers and others whose land was illegally or arbitrarily seized;
- To lobby for the revision of laws that permit the compulsory acquisition of land by private businesses so that the expropriation is only permitted in the cases of necessary, proportionate and narrowly construed public interest, with strong procedural safeguards;

Indigenous Peoples:

- To lobby for the national legislation to be in accordance with the United Nations Declaration on the Rights of Indigenous Peoples;

Armed Conflicts & Peace Process:

- To ensure the Government of Myanmar continues peace talks among the people to avoid ethnic and religious conflicts and scales up national reconciliation process in the country;
- To lobby for the Government of Myanmar to bring other remaining armed groups, who are not among 8 major ethnic groups that recently signed the National Ceasefire Agreement, into an inclusive peace process;

Ethnic Minorities:

- To ensure that the rights of women and ethnic minorities are not undermined as a result of the recently introduced set of Protection of Race and Religion laws;

Women's Rights:

- To lobby for a better representation of women in the peace process;
- To lobby for the adoption of a legal definition of discrimination against women according to the Convention on the Elimination of All Forms of Discrimination against Women;
- To lobby for the enactment and enforcement of legislation that guarantees comprehensive protection from all forms of violence against women, and that addresses impunity for all perpetrators;
- To promote women's rights through increased participation in political, socio-economic and administrative decision making processes;

Children:

- To lobby for the ratification of the Optional Protocol on the involvement of children in armed conflict;
- To redraft the existing Child Law taking into account the views and suggestions made by civil society organizations;
- To adopt measures to end the recruitment and participation of children in military activities;
- To investigate efforts in the prevention of human trafficking, with special attention to investigation and prosecution of all cases of sale and trafficking of children;
- To lobby for the revision of legislation in order to raise the minimum age of criminal responsibility in line with international standards;



- To support the development of a simplified, effective birth registration system through which all can access a birth certificate, including a complaints handling mechanism;

Sexual Orientation & Gender Identity and Expression (SOGIE)

- To lobby for the revision of article 377 of the Penal Code to ensure that only non-consensual sexual relations between persons of the same sex are punishable; and to advocate for the elimination of all forms of discrimination and violence against LGBTI communities;

Education:

- To ensure the Government of Myanmar provides quality and affordable health and education services, including providing adequate learning opportunities;

Right to Health:

- To increase the proportion of national expenditure allocated to health care, address the regional differences in access to health care services and expand the human capital within the health care sector, especially to ascertain that an adequate number of midwives are educated and dispatched across the country;

Vulnerable groups

- To ensure protection of vulnerable groups, namely children, women, disabled, elderly, and make a greater effort to include ethnic and religious groups in the life of Myanmar society;

As of today, the UPR is the only political process and UN Human Rights mechanism which allows civil society organisations to legitimately voice their concerns to the Government, with UN Member States acting as the main Bridge – but which also allows civil society organisations to contribute constructively and cooperatively to the UPR implementation phase. With this Outcome Charter, the signatories commit to continue working on the implementation of UPR recommendations, together and in cooperation with all relevant stakeholders, and to meet regularly in order to facilitate the discussion and provide updates on the status of their activities.

Mae Sot, 22 August 2016