

ANNEX I

UPR submission UNCT Myanmar

Recommendations

Cooperation with UN human rights mechanisms

- Ratify all remaining covenants and treaties such as ICCPR, CED, CAT, CERD and CMW.
- Accede to the 1951 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
- Ratify the Rome Statute and accept jurisdiction of the International Criminal Court.
- Submit without any further delay all the pending reports to the various Treaty Bodies.
- Engage and fully cooperate with the newly appointed Special Rapporteur on Myanmar, including by allowing full access to the country.
- Extend an invitation to thematic mandate holders and guarantee full and unfettered access to the entire country.
- Engage and fully cooperate with OHCHR including through the establishment of a country presence in Myanmar with a full monitoring mandate.

Institutional and human rights infrastructure

- Undertake necessary reforms to strengthen the independence and capacity of the Myanmar National Human Rights Commission in full compliance with the Paris Principles.
- Consider appointing the four new Commissioners in open consultation with civil society to ensure a minimum of representation of the ethnic and religious diversity of Myanmar as well as to include members of the civil society.
- Ensure transparency, gender balance and greater diversity, including of ethnicity and religious, in the selection of Commissioners and secretariat.

Administration of justice and the rule of law

- Strengthen institution building and structural reforms to uphold the rule of law, human rights and democratic principles.
- Reform the justice sector to ensure independence of the judiciary.
- Define professional legal standards and disciplinary procedures in conformity with the Basic Principles on the Role of Lawyers.
- Immediately cease any undue interference in the work of the judiciary and work toward creating the conditions for a fully independent judicial system.

Accountability

- Ensure full accountability for violations of international human rights law, international humanitarian law and serious crimes under international law committed by any individual, including senior leadership, through transparent processes in full compliance with international obligations.
- Amend the Constitution to ensure an end to the impunity for the military by allowing civilian oversight and ability to prosecute members of the military.

- Ensure that any accountability process provides full and effective remedies for victims of human rights violations in the appropriate form of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.
- Immediately release the full report of the Independent Commission of Enquiry.
- Ensure that the reports submitted to the International Court of Justice under the obligations deriving from the provisional measures are factually correct and produced through sound methodologies and accurate evidence collection.
- Allow independent international monitors to Rakhine State to assess the respect of the implementation of the provisional measures.
- Fully cooperate with the Independent Investigative Mechanism on Myanmar and the Office of the Prosecutor of the International Criminal Court by allowing access to the country and by sharing all necessary information to identify perpetrators of human rights violations.

Juvenile justice

- Raise the minimum age of criminal responsibility to meet its international obligations under the CRC, which consider a minimum age of criminal responsibility below the age of 12 years unacceptable.
- Establish a range of alternatives to detention of children and establish specialized units for children within the police, prosecution, judiciary, court administration and social services.

Freedom of expression and opinion

- End the ongoing harassment and prosecution of civil society actors, human rights defenders, journalists, lawyers and artists for the legitimate and peaceful exercise of their freedom of expression and opinion.
- Review, amend, or repeal laws that infringe on the rights to freedom of expression and opinion including the Telecommunications Law, Unlawful Association Act, Official Secrets Act, and Penal Code.
- Enact policies and programs aimed at supporting freedoms of expression, association and assembly, in compliance with the Rabat Plan of Action and other relevant international standards.
- Introduce media and information literacy among government officials and the general public to counter hate speech and disinformation, which could lead to incitement of violence or discrimination against people including religious or ethnic minorities.
- End the internet shutdown imposed in nine townships of Rakhine and Chin States.
- Remove the requirement for sim card registration or allow an alternative form of identification to be provided so that individuals are not denied access to telephony.

Right to education

- Strengthen human rights education as well as education for peace and sustainable development in the basic education curriculum as part of the current education reform process.
- Ratify the Convention against Discrimination in Education and ensure that children and adults belonging to minority groups can access education on an equal footing with others.
- Provide support to ensure the regular attendance of teachers at schools in Rakhine state. People from all communities and ethnicities should be eligible for consideration as teachers and teacher assistants.

- Promote and strengthen mother tongue-based multilingual education across the education sector and develop a clear strategy for its implementation.
- Maintain the 20 per cent budget allocation target, as identified in the National Education Law, and secure a yearly increase to the total expenditure allocated to the education sector.

Extreme poverty

- Define and regularly measure monetary as well as multidimensional poverty to inform policies and programmes aimed at effectively reducing it.

Birth registration

- Ensure universal birth registration.
- Issue birth certificates retroactively to all children regardless of the citizenship or legal status of their parents. Administrative obstacles to accessing birth certificates should be removed.
- Avoid reference to ethnicity on birth registration documentation.
- Updating of household lists with newly born children should occur automatically upon birth registration with the Ministry of Health and without any additional burden being placed on the parents. Local orders and/or practices that prevent children from having their births registered or be included on household lists should be removed.

Humanitarian access

- Grant immediate, safe and unhindered access to United Nations agencies and their partners, as well as other national and international non-governmental organizations, to provide needs-based humanitarian assistance in Chin, Kachin, Kayin, Rakhine and Shan states and ensure the safety and security of humanitarian personnel across the country.
- Respect the humanitarian principles, particularly the need for humanitarian actors to move cargoes and provide assistance in a neutral, impartial and operationally independent manner, without military involvement.
- Streamline travel authorization procedures to ensure that humanitarian organizations can effectively and efficiently engage with affected people in a timely manner, assess needs, provide need-based assistance and protection services, and monitor impact of their works.
- Ensure an enabling environment for the work of development actors across Myanmar so that root causes of vulnerability and humanitarian need can be addressed, including by facilitating the access of development actors to field locations.

Protection of civilians

- Take immediate steps to reduce the impact of armed conflict in Rakhine and southern Chin states on civilian population and to enable immediate, safe and unhindered humanitarian access to affected areas and communities.
- Immediately cease the use of antipersonnel mines and collaborate with the UNCT and other international partners to expand mine risk education, marking and mine clearance, and other activities to reduce to risks posed by mines and unexploded ordnance to civilians.

Gender equality and women's empowerment

- Embark on a comprehensive legal and constitutional reform to guarantee and protect the rights of all women. Repeal the Protection of Race and Religion Bills. Amend the Penal Code and the Ward or Village Tract Administration Law, which contain discriminatory provisions.
- Adopt a law on the prevention of violence against women and the protection of women from violence that is compliant with Myanmar's obligations under CEDAW.
- Increase women's representation in all decision-making bodies and introduce a quota system that could contribute towards women's increased participation in all levels of governance.

Housing, Land and Property

- Ensure that land appropriation is carried out based on the principle of free, prior, and informed consent of the affected communities and that adequate compensation is provided.
- Halt appropriation of housing, land and property without consent and compensation, including that vacated by displaced persons, and take measures to protect their housing, land, and property rights including customary and communal forms of tenure.
- Ensure that displaced persons have the right to recover their housing, land and property, regardless of the nature of their tenure, in line with the Pinheiro Principles.
- Ensure a transparent and impartial judicial process for cases of disputed land appropriation. Enact a new overarching land law based on the National Land Use Policy, and harmonize the existing laws in accordance with it, in full public consultation with civil society.
- Explicitly recognize the rights of women to register housing and their land rights and allow for the registration of housing and land rights to include other adult household members aside from the registered head of household.
- Respect the housing, land and property rights of all persons regardless of documentation status.

Citizenship

- Reform the legal framework on nationality to bring it in line with international obligations, remove the link between "national race" and citizenship and confer citizenship based on clear and objective criteria which do not discriminate on the basis of race, ethnicity or religion.
- Address existing discriminatory enjoyment of fundamental rights by the different categories of citizens, i.e. citizens, associated citizens and naturalized citizens, and ensure that all citizens are afforded rights on an equal basis.
- Improve the accessibility, transparency and efficiency of the current process to obtain citizenship documents, including by (a) establishing and implementing clear timelines and (b) reducing the evidentiary burden on the applicant.
- Restore citizenship rights for members of the Rohingya community through a voluntary, transparent and accountable process, with a clear timelines and meaningful consultations with communities. Confer citizenship based on clear and objective criteria which do not discriminate on the basis of race, ethnicity or religion, and all citizens should be afforded rights on an equal basis.
- End the issuance of National Verification Cards (NVC) and immediately remove the requirement for possession of an NVC as a precondition for accessing rights, including

freedom of movement, and services/livelihoods.

Election

- Review the legal framework governing elections to ensure all eligible voters, including IDPs, migrant workers, Rohingya and any other marginalized religious or ethnic group, can exercise their right to vote.
- Widen space for free and open public debate and ensure that the freedoms of expression and assemblies are guaranteed.
- Ensure that elections are transparent, inclusive, participatory, free and fair and that they are open to independent local and international observers and media.

Death Penalty

- Abolish the death penalty in all cases and circumstances.
- Convert the sentence of those presently facing the death penalty.

Internally Displaced Persons

- Pursue durable solutions for IDPs in line with international human rights standards, including the Guiding Principles on Internal Displacement
- Implement the National Strategy on IDP Resettlement and IDP camp closure in compliance with international standards and ensure that any return or relocation process is voluntary, safe and dignified and conducted in close consultation with displaced persons.
- Address the causes of conflict and displacement and create conducive conditions for the return of IDPs and refugees to their places of origin or choice.
- Lift restrictions on movement and other barriers that limit IDPs access to basic services including access to healthcare, education and livelihoods, in central Rakhine in particular, and including in IDP camps that have been declared closed.
- Ensure that IDPs have the right to recover their housing, land and property and that their HLP rights are not compromised or jeopardized by state or non-state actors.
- Ensure timely, safe and unhindered access of humanitarian and development actors to IDP sites across Myanmar, including those hosting persons displaced due to conflict between the Tatmadaw and the Arakan Army.

Repatriation

- Ensure that all refugees from Myanmar have the right to return to their places of origin or places of their choice at the time of their choosing in a manner which is safe, voluntary, dignified and sustainable , in full consultation with the affected communities and by ensuring informed consent.
- Take concrete measures to address the root causes and longstanding discrimination and persecution of Rohingya that led to them fleeing the country including by ensuring timely implementation of the recommendations of the Rakhine Advisory Commission.
- Provide accurate and comprehensive information to Rohingya in Bangladesh on the conditions in northern Rakhine in order for people to be able to take informed decisions on their repatriation.

Forced Labour

- End the systemic practice of forced labour and any persons held for forced labour should be released immediately and returned safely to their homes.
- Ensure that instances of forced labour, including by the Tatmadaw, are immediately and impartially investigated and perpetrators punished.

Children in armed conflict

- Develop and sign joint action plans with the UN on sexual violence and killing and maiming of children.
- Take appropriate legal and disciplinary actions against perpetrators of grave violations against children as provided in the Child Rights Law.
- Address knowledge and data gaps related to violence against children, children in contact and conflict with the law.
- Endorse the Safe Schools Declaration and adopt the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, into domestic policy and operational frameworks.

Peace process

- Enhance genuine national reconciliation efforts and ensure that the formal peace process is inclusive with equitable representation of women, youth and civil society organizations.
- Support the active and meaningful participation of women, ethnic groups, internally displaced persons and refugees in the implementation of the Nationwide Ceasefire Agreement.
- In areas of active armed conflict, take all necessary measures to end civilian casualties and ensure adherence to obligations under international humanitarian law, including the fundamental principles of distinction, proportionality, and precaution.
- Security forces and other parties to the conflict should refrain from excessive use of force and fully abide by international humanitarian law and principles in the conduct of military operations.

Arbitrary arrest and detention

- End disproportionate and discriminatory implementation of the provisions of the 1949 Registration of Residents Act 1949 against members of the Rohingya who are traveling within Myanmar without the prescribed identity documents. Immediately release from detention all Rohingya who were charged or sentenced under Section 6(3) of the 1949 Registration of Residents Act.