

## **Rule of Law and Legal Reform**

**Mr. President,**

1. I am Kyaw Kyaw Naing, Director from the Union Attorney General's Office. I am here to respond to the questions related to rule of law and legal reform.
2. The Constitution of the Republic of the Union of Myanmar provides separation of State powers namely, Legislative, Executive and judicial powers which are shared by the Union, Regions and States and Self-Administered Areas. They are separated and provide reciprocal control, check and balance among themselves.
3. Chapter VIII of Constitution provides Fundamental Rights of Citizens which are in line with international human rights standards. Section 347 of the Constitution guarantees to enjoy equal rights before the law and equally provide legal protection. Section 348 of the Constitution provides non discrimination to any citizens of Myanmar based on race, birth, religion, official position, status, culture, sex and wealth. Rule of Law is exercised by Court of Law and Administrative officials in accordance with existing Laws.

**Mr. President,**

4. In our reform process, Rule of Law is high on our agenda. We are implementing programmes for Rule of Law and Access to Justice with the cooperation of UNDP. The Supreme Court of the Union and the Union Attorney-General Office are cooperating with the relevant Ministries, Stakeholders, and CSOs for the said programmes. A national Rule of Law workshop was held in cooperation with EU. The experts from IDLO, ICJ, UNICEF, and UNDP were invited to conduct Human Rights trainings including the Fair Trial Principles training for judges and prosecutors from 2008 to 2015. A total of 49 international legal seminars and workshops were conducted with international organizations, NGOs and International Law firms.
5. Reform on Myanmar Police Force and its working method is also an important mission for Myanmar. The Police Force has been trained on crowd management with the assistance of EU. Human rights officers from OHCHR are sharing their expertise with the Myanmar Police Force in all Regions and States. Human rights and people-centered approach and Community Policing are newly introduced in their mission.
6. The National Awareness Workshop on Access to Legal Aid was jointly held by the Union Attorney-General's Office and UNODC. In this Workshop, Domestic legal experts and Members of Parliaments were joined by the international legal experts from UNODC, UNDP, international legal initiatives and South Africa legal aid.
7. The Bill on Legal Aid Law, drafted in line with the UN Principles and Guidelines, is now with the parliament for debate and approval.

### Legal Reform

8. In its legal reform, the Government instituted a Legal Advisory Committee headed by the Attorney General of the Union to review existing laws to bring them in line with the Constitution and international norms and standards. Since 2011, Myanmar has amended, repealed and promulgated a total of 189 laws to date.

9. For the people to enjoy Citizen Fundamental Rights provided in the Chapter VIII of the Constitution, the Union Parliament promulgated Writ Procedure Law on 5<sup>th</sup> June 2014. Article 3 of the Writ Procedure Law, Supreme Court of the Union is vested with the power to issue Writs of Habeas Corpus, Mandamus, Prohibition, Quo Warranto, and Certiorari protecting fundamental rights of the citizens.

### Mr. President,

10. I will now turn to what is known as Four Laws.

11. Objective of the **Health Protection, Coordination on increase of Population Law** is to reduce poverty and uplift the living standards of people and to promote the maternal and child health in coordination with the increase of population. This law does not mean to limit of birth spacing and there is no penalty for non-compliance. As such, this law is not contrary to the letter and spirit of CEDAW to which Myanmar is a State Party. This optional law requires presidential notification to come into effect after submission by the Region and State Level.

12. Let me turn to **Religious Conversion Law**. Section 34 of our Constitution provides that every citizen shall have the freedom of belief and religion and have equal right to warship. This law permits proper religious conversion. It also allows religious conversion freely. Only those who prohibit conversion will be penalized under the law.

13. Under the **Myanmar Buddhist Women Special Marriage Law**, Buddhist women have the right to marry non-Buddhist men. The law prescribes freedom of worship for a Buddhist wife who marries a non-Buddhist husband. It protects the basic human rights of Buddhist women.

14. In Myanmar, majority are Buddhists. Myanmar customary law does not prohibits men for having multiple wives. Sometimes, this polygamy practice leads to social and family problems. The **One Man One Wife Law (Monogamy Law)** intends to prevent many complications in the society arising from having multiple wives.

15. These Laws came into existence in response to peoples' voices in new democratic Myanmar. They are also in line with Myanmar's traditions, culture and social norms. None of these are contrary to our acceded Treaty and International obligations.

16. I thank you.

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