**Presentation given by the Ministry of Home Affairs on the 3rd review of the Universal Periodic Review-UPR (25-1-201)**

**Madame President,** I will present the matters relating to law enforcement sectors.

**Matters pertaining to counter-terrorism**

1. Myanmar enacted the Counter Terrorism Law on 14 June 2014. The related Rules have also been finalized.

2. Myanmar ratified the United Nations Convention against Transnational Organized Crime (UNTOC) in March 2004. Sixteen out of nineteen universal counter-terrorism legal instruments were also signed. The ASEAN Convention against Terrorism was signed in January 2007. The 12th AMMTC chaired by Myanmar adopted the work plan of the ASEAN Plan of Action to Prevent and Counter the Rise of Radicalization and Violent Extremism (PoA on PCRVE). In addition, Myanmar has affirmed its readiness to sign the BIMSTEC Convention on Countering Terrorism.

3. In the fight against terrorism, we are collaborating with the Interpol and CTED in accordance with the laws. As regards bilateral cooperation, MoUs were signed with Russia and China.

a- Paragraph 16 of the stakeholders’ report: the JS8 and the JS9 - Detainees and interrogated persons are given the right to file a legal complaint in the case of torture. 14 police officers were prosecuted for torturing detainees between 2019 and 2020.

b- Paragraph 20; JS-9 - Police are involved in crime prevention, criminal investigation and prosecution against perpetrators in accordance with legal advice. Police are entitled to act only in accordance with certain codes of conduct such as police manual and criminal procedure code. They have no right to interfere in court trials and judgment.

4. Terrorism is deeply intertwined in the case of Rakhine State. The influx of terrorists has disrupted the harmony between communities in Rakhine State and further divided communities. Myanmar's efforts are simply a matter of preventing the acts of terrorism and propaganda. Myanmar wishes to reaffirm its unwavering commitments to combat terrorism in all its forms and manifestations in cooperation with international and regional institutions while denouncing any form of political, diplomatic, moral or material support for terrorism or extremism.

**Matters pertaining to anti-trafficking**

5. Combating trafficking in persons was adopted as a national duty since 1995. Myanmar is a signatory to UN Conventions as well as TIP Protocol and ACTIP. A draft bill amending Myanmar's Anti-Trafficking in Persons Law has been finalized to be in line with international standards and current situations and the existing Rules.

a- Paragraph 37 of the report; JS9 - According to our statistics, there were only 110 to 130 cases of trafficking in persons annually during the period from 2015 to 2020. The details are delineated in the TIP report.

b- Paragraph 40 of the report - Special measures have been taken to prevent displaced persons in IDP camps from being subjected to human trafficking and people smuggling. In 2020, awareness raising programmes on human trafficking were conducted in IDP camps; 54 times in Kachin State and 73 times in Rakhine State.

**Prisoners**

6. The Pyidaungsu Hluttaw (the parliament) repealed the 1950 Emergency Provisions Act which institutes political offences on 4 October 2016 and the Law on Protection from the Dangers of Those Who Want to Disrupt the State on 26 May 2016.

a- Paragraph 19; highlights of AAPP (B) - There are 42 prisons, 5 detention centers and 48 detention facilities for prisoners in Myanmar. Therefore, the ratio of inmates to the quantity and space of the prisons is found in line with the UN minimum standard of the Treatment of Prisoners.

7. Awareness raising campaigns on UDHR were provided for prison staff and prisoners on a monthly basis.

8. Representatives from the ICRC and UNHCR visited Myanmar prisons 402 times from 1999 to 2005 and 222 times from 2011 to 2020. In addition, the UN Special Rapporteurs on Human Rights have conducted 19 visits to the prisons.

9. The Department of Prisons, in 2018, constructed 54 water treatment plants and places of worships, including temples and monthly meditation camps. Special arrangements are also in place for those who wish to pursue higher and university education.

10. Established in 2012, the Myanmar National Human Rights Commission (MNHRC) carried out field inspections to prisons, police custodies and detention centers. From 2015 to 2018, the commission inspected prisons for 68 times; and prison camps 55 times. From 2019 to 2020, inspections were conducted 48 times. In 2020, there were 82 cases related to prison management and torture of prisoners and actions have been taken against 221 prison staff.

11. A bill amending the prison law in line with international standards has been finalized.

**Accountability**

12. The Government has clearly stated that it will not condone human rights violations. Special rules, orders and disciplines including Rules of Engagement (ROE) have been issued among military personnel and are being overseen by supervisory officials at all levels to ensure that they respect and do not violate human rights. Legal action has been taken against perpetrators if allegations are supported by sufficient evidence.

13. There is also a military justice system under the Constitution. Legal action is taken against any criminal, either soldier or officer by the military justice system.

14. The Office of the Judge Advocate General (JAG) of the military has completed investigation on two incidents - Inn Din and Gutarpyin, which are on the list of 13 incidents identified by the ICoE report. In the case of Inn Din, four military officers and three other ranks were sentenced to ten years hard labor. Action has also taken against perpetrators in the case of Gutarpyin.

15. The third court-martial concerning alleged human rights violations in Chut Pyin and Maung Nu villages is now under process. Likewise, complaints from conflict-affected areas, including Shan, Kachin and Kayin States are being addressed.

16. The military will also continue to investigate the remaining cases mentioned in the report of ICoE. Such significant steps taken by the military indicate Myanmar’s willingness to ensuring accountability for the most severe allegations.

17. We have also been resolving the matters pertaining to the recruitment of child soldiers since 2012 in collaboration with UNCTFMR. To date, 1,007 children, who were mistakenly recruited, have been systematically handed over to their parents or guardians. 106 responsible officers and 361 other ranks were effectively prosecuted under military justice system. The Tatmadaw has been actively participating in the implementation of the National Action Plan on Prevention and Response to Conflict-related Sexual Violence. Anyone in the military found committed any crime regarding sexual violence or rape will be sentenced up to 20 years.

18. I thank you.

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