

**United Nations Human Rights Council
25th Regular Session, 3 to 28 March 2014
Agenda Item 4**

**ICJ Oral Statement in the Interactive Dialogue with the Special Rapporteur
on the situation of human rights in Myanmar
THE NEED FOR FUNDAMENTAL REFORM OF THE LEGAL SYSTEM IN MYANMAR**

17 March 2014

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Mr. Special Rapporteur,

Your final report emphasizes the importance of legal reform to establish the rule of law during Myanmar's economic and political transition. The ICJ agrees that while there has been some progress, reforms are fragile and legal obstacles continue to block improvements to the extremely poor state of the rule of law and respect for human rights.

Myanmar's judiciary is not yet independent. State authorities continue to exert improper influence on politically sensitive cases. In particular, ethnic and religious minority groups face significant barriers in the justice system. The situation is particularly grave concerning the judicial treatment of Muslims, especially Rohingya.

Systemic problems affect the independence of lawyers, including the poor state of legal education and undue restrictions on licensing. Lawyers in Myanmar lack an independent Bar Council.

Pervasive corruption degrades the legal profession and undermines the right to a fair trial. Crucially, the perception of endemic corruption in the legal system severely undermines faith in the rule of law.

Myanmar's government is keen to engage with the international community on trade, investment and economic development. Myanmar was quick to sign the New York Convention on investment protection. The ICJ calls for the government of Myanmar to match this enthusiastic engagement with a commitment to international human rights law by becoming party to and implementing all core treaties, and reforming domestic law to ensure an independent judiciary. Myanmar should work closely with UN human rights mechanisms including by implementing the recommendations of the Special Rapporteur's report and establishing an office of the OHCHR to demonstrate their ongoing commitment to the rule of law and human rights. At the same time, we believe a continued mandate for the Special Rapporteur to effectively monitor the human rights situation is an indispensable part of the international community's engagement with the country.

I thank you.

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