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Subject:	Council Conclusions on the establishment of a Human Rights Dialogue with Myanmar/Burma

On 12 May 2014, the Council adopted the Council Conclusions on the establishment of a Human Rights Dialogue with Myanmar/Burma as attached to this note.

**Council Conclusions on the establishment of a Human Rights Dialogue
with Myanmar/Burma**

1. The Council recalls the adoption in 2001 of the European Guidelines on human rights dialogues, revised in 2008.
2. The Council recognizes the importance of further strengthening the relationship between the European Union and Myanmar/Burma by establishing an EU-Myanmar/Burma Human Rights dialogue, as foreseen in the Council Conclusions on the Comprehensive Framework for the European Union's policy and support to Myanmar/Burma of 22 July 2013 and agreed during the EU-Myanmar/Burma Task Force held on 13-15 November 2013.
3. The Council endorses the establishment of a human rights dialogue with Myanmar/Burma along the mutually agreed modalities, which are annexed to these conclusions.

Modalities of the Human Rights Dialogue between the EU and Myanmar/Burma**1. Objectives**

To establish a formal EU-Myanmar/Burma Human Rights Dialogue (HRD) to

- a. Discuss EU-Myanmar/Burma bilateral cooperation and issues of mutual interest related to human rights, democratic principles and the rule of law, including with a view to enhancing cooperation in multilateral fora, such as the UNGA Third Committee or the UN Human Rights Council and regional fora, such as the enhanced partnership between the EU and ASEAN, and further to support Myanmar/Burma in its ratification of and adherence to the international human rights conventions, and instruments.
- b. Discuss and exchange views on the role that governments, institutions and civil society - in Myanmar/Burma and in the EU - play in the protection and promotion of human rights on the international stage and domestically. Within this context, to seek to involve civil society from both Myanmar/Burma and the EU through the organization of a "civil society forum" at the margins of each dialogue as mutually agreed and appropriate.
- c. Exchange information and best practices, and to explore and facilitate the provision of EU support, including through technical, financial and other expertise and assistance in targeted and mutually identified areas, as feasible and appropriate, in order to support the on-going efforts to consolidate respect for human rights, good governance and the rule of law on the ground.

2. Format

- a. In principle, the proposed HRD is an intergovernmental process and should not compromise the mandate and independence of national human rights institutions as provided for in the Paris Principles. However, it may be desirable for parties to periodically interact, on the margins of the meetings of the HRD, with relevant national institutions on matters of mutual interest.
- b. The dialogue will be held on an annual basis through face to face meetings, in principle alternating between European Union and Myanmar/Burma at Senior Officials level. The EU will be represented by the European External Action Service (EEAS)¹ and Myanmar/Burma by the Ministry of Foreign Affairs and other relevant stakeholders. Both delegations will include other institutions and agencies as necessary. EU Member States diplomatic representatives accredited to the country where the dialogue takes place and Myanmar/Burma diplomatic representatives in Brussels can be invited as observers to the dialogue.
- c. Each meeting of the HRD shall last not more than two full days and for purposes of cost-effectiveness, be scheduled where possible back-to-back with the other major EU-Myanmar/Burma meetings. It may be complemented by ad-hoc consultations in Brussels and Nay Pyi Taw as well as on the margins of international events (including in Geneva or New York).
- d. Apart from a formal human rights dialogue, the possibility of site visits could be explored as mutually agreed and appropriate in order to share best practices and/or challenges associated with the respect for, promotion, protection, and fulfilment of Human Rights in relation with the agenda points of the dialogue. When the dialogue is held in Europe, the EU Member States may offer to host such visits to their national facilities.

¹ On the EU side, the EEAS leads the dialogue, with participation from geographic and human rights departments in Brussels. The Head of the EU Delegation to Myanmar/Burma and selected staff members of the EU Delegation's Political and Operations Section in Yangon complete the team. Depending on agenda items, other European Commission line DGs and EU Member States experts can usefully participate to draw on EU internal expertise.

e. The HRD discussions are confidential and proper official records will be kept by the host, while an outline of the HRD agenda and/or mutually agreed conclusions may be released to the press.

f. Civil society's input to the dialogue will be provided through the organization of a "civil society forum" (involving European and Myanmar/Burma civil society) at the margins of each dialogue, as mutually agreed and appropriate. The Development Cooperation instrument, the European Instrument for Democracy and Human Rights or other financial instruments may be used in this respect.

3. Scope of the Agenda

a. The dialogue will cover relevant human rights, democracy and rule of law issues on both sides. The dialogue will cover both domestic human rights developments as well as cooperation in international and regional human rights fora. Each dialogue session will focus on a limited number of themes mutually agreed, to allow for the thorough preparation and substantive discussions. These may include, but are not limited to the following issues and with the flexibility to include new issues which may arise in the course of time:

1. International framework for the protection of human rights, including the ratification and effective implementation of core human rights treaties;
2. EU and Myanmar/Burma legal and institutional frameworks for the protection of human rights and promotion of democracy;
3. Economic, social and cultural rights, including land rights, business and human rights and labour rights;
4. Death Penalty;
5. Political detainees/prisoners of conscience, conditions of detention, torture;

6. Non-discrimination;
7. Rights of persons belonging to minorities;
8. Rule of law, including conditions of detention, torture;
9. Freedom of Expression and freedom of the media;
10. Freedom of Association;
11. Freedom of Religion or Belief;
12. Human Rights Defenders;
13. Women's Rights;
14. Children's Rights and Children in Armed Conflict;
15. Civilians in armed conflict and refugees;
16. Human Trafficking;
17. Exchange of information on individual cases;
18. Cooperation in multi-lateral fora, particularly in the UNGA's Third Committee and the Human Rights Council, including assessing progress on the human rights situation in Myanmar/Burma and its implications for UN Resolutions on the situation of human rights in the country.

b. Each dialogue may mutually recommend possible thematic topics for joint seminars and other areas of cooperation.

4. Benchmarks for EU-Myanmar/Burma human rights cooperation

1. Promoting the ratification and implementation of core international human rights conventions, including ICCPR, ICESCR, ICERD, CAT and other key human rights instruments;
2. Cooperation with OHCHR and UN human rights special procedures;
3. Moratorium on the death penalty, with a view to its subsequent de jure abolition;
4. Prison conditions meet international standards;
5. Unconditional release of all political detainees/prisoners of conscience and lifting of restrictions, for those already released;
6. Establishing and strengthening the Rule of Law, with an independent, impartial and efficient judiciary, inter alia with a view to addressing concerns on impunity of human rights violations;
7. Effective measures to combat intolerance, communal violence and hate speech;
8. Support progress with freedom of the media, including legislation in line with international norms and standards;
9. Support progress on freedom of association and the formation of trade unions and associations in order to enable them to operate in line with international standards;
10. Support the establishment of a national human rights protection mechanism in Myanmar/Burma that is in line with the Paris Principles;
11. Ensure the full protection of Human Rights Defenders;

12. Promote women's rights, including non-discrimination and address cases of gender-based violence against women and girls;
 13. Protection of children's rights, including legal mechanisms which conform to international norms;
 14. End child recruitment by all parties to all conflicts in line with progress made on national reconciliation with ethnic groups;
 15. Elimination of all forms of forced labour as well as adoption of sustainable and responsible business standards such as Decent Work and enactment of an efficient system of forced labour awareness and reporting, with cases brought to trial, and punitive measures enforced;
 16. Ratification of remaining core ILO conventions;
 17. Make further progress on the enactment, implementation and enforcement of legislation prohibiting human trafficking activities;
 18. Address concerns regarding discrimination on the basis of ethnicity, language, religion or belief, sexuality, gender and disability;
 19. Implement and support further measures to combat and end communal violence and promote tolerance and inter- and intracommunal dialogue, on the basis of respect for human rights;
 20. Support the realisation of economic, social and cultural rights.
 21. Progress on human rights situation in Myanmar/Burma leading to review of necessity of UN resolutions on the situation on human rights in the country.
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