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Constitutional Consultation No (5)
News Release

14th September 2004

The constitutional consultation No (5) initiated by the Burma Lawyers' Council (BLC) was held in the Thai-Burma border on 11.9.2004. The people from the following organizations attended this workshop:

National League for Democracy-Liberated Area (Youth)	4 People
Palaung Women's Organization	2
Palaung Youth Network Group	2
Karen Women Organization	3
Burmese Women's Union	3
Burma Media Watch	6
National Development Congress	10
Burma Lawyers' Council	7
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Total	37 People

U Kyaw Htet, the Chairperson from People Defence Force and a leader of Democratic Alliance of Burma (DAB), presided over the workshop.

Ko Kyaw Htun from NLD-LA(Youth) discussed the solutions to the problems of the ethnic nationalities be prioritized, in order that the dilemma in Burma's politics is successfully settled; it is not suitable to act irrationally and simply from the perception of Burmese Chauvinism; the ethnic leaders from the Self Autonomous regions should significantly participate in the National Assembly; it is suitable, however, that there exist a supervisory council above the Executive, Legislative and Judiciary branches, such that the check and balance system among these three branches may properly function within a present-day Burma.

Some of the participants pointed out that only the military dictators exercise the Burman Chauvinism and not the Burman people as a whole. The Burmans are also being oppressed by the military dictatorship without getting privileges like the other ethnic nationalities.

Ma Nyein Nyein from Burmese Women's Union (BWU) discussed the lack of women's participation in economics, social, health and education sections of Burma and said that there is common discrimination by men against women. In Burma, although the Women Affair Committee was formed, the promotion of political and general awareness for women is absent. This committee and the military junta neglects the education of

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women by reaffirming gender roles, such as encouraging women to only be interested in beauty and modelling. She highlighted that **25% participation of women should be granted in the National Assembly in accordance with the constitution.**

Ma Naw Ku from the National Development Congress (NDC) discussed **individual rights, development and the constitution.** She discussed the following issues:

- ◆ The meaning of the development
- ◆ The impossibility of exploring development if individual rights are absent.
- ◆ By reading some provisions of the Thai constitution it was shown that the judiciary section is important to the protection of individual rights and only when there is an independent judiciary are individual rights protected.

The participants of the workshop pointed out that other important factors, such as education, should be considered for the development of the society. The participants stated that a section on education should be prescribed clearly in the constitution.

Ma Thin Thin from Burma Media Watch (BMW) discussed how to approach **the abortion issue** in the constitution based on a woman's right to self-determination and the right to life of the child. Furthermore, she discussed as follows:

- ◆ the consequences of sexual relationships which both men and women enjoy together should not fall solely on the woman.
- ◆ according to the current existing laws of Burma, every woman who does any kind of abortion is a criminal.
- ◆ if women cannot enjoy the justice of a society, it cannot be a just society.
- ◆ the nation, however, has the responsibility to protect the life of the child in the womb of the mother.
- ◆ the constitution needs to consider, in the intervention of the state in protecting a human life, when exactly a foetus is considered a life, while keeping in consideration the woman's right to her personal body management.
- ◆ it is necessary to consider how to include and prescribe the provision on 'the right to life' in the constitution based on the abovementioned issues.

Ko Lin Htet from the Legal Aid section of BLC discussed **the constitutional provisions which will guarantee the independent judiciary.** In addition, he commented that in light of the (104) constitutional principals of the military junta in Burma the justice of the Supreme Court, nominated by the president, can only be rejected by the People's Assembly if he or she is not legally qualified, and as such it is obvious that judiciary is subservient to the executive.

The participants discussed that it is suitable to consider the independence of the executive, legislative and judiciary branches simultaneously and that there should be a check and balance system among them.

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