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Myanmar: UN General Assembly resolution still needed in light of ongoing serious human rights situation

Amnesty International and the International Federation for Human Rights (FIDH) call on all UN member states to recognize the continued need for a resolution on the situation of human rights in Myanmar at the 70th session of the United Nations General Assembly (UNGA), in light of the ongoing human rights violations taking place in the country.

While we note general elections carried out on 8 November were largely peaceful, we remain seriously concerned about the wider human rights situation in Myanmar. During 2015, the Myanmar authorities failed to deliver on human rights reforms and to implement most recommendations in previous UNGA resolutions, including the 2014 UN Resolution 69/248. Human rights violations, in particular of the right to freedom from discrimination, freedom from arbitrary detention and freedom of expression, association and peaceful assembly have continued. This situation underscores the need for sustained international engagement, including through the adoption of a strong UNGA resolution to remind the Myanmar authorities of their obligation to end human rights violations. Failure to reach a consensus and adopt the resolution would send the message that serious human rights violations can continue unchecked.

In Rakhine State, for instance, the authorities have not only failed to implement recommendations of last year's UNGA resolution which reiterated its "serious concern" about the situation of the Rohingya, they have taken measures that further cemented this community's exclusion. This failure, amongst others, prompted the "boat crisis" in May this year, which saw thousands of people – mainly Rohingya fleeing Myanmar – stranded at sea.

In February 2015, President Thein Sein revoked all Temporary Registration Cards (TRCs) – known as "white cards" – leaving many Rohingya without any form of identity document and effectively barring them from being able to vote in the November general elections. Adding to their political disenfranchisement, almost all Rohingya candidates who applied to contest the elections were disqualified on discriminatory citizenship grounds. The current situation should ring alarm bells with the international community, as it indicates that the authorities are not committed to addressing the situation of the Rohingya and of other Muslims in Myanmar in a way that respects their dignity and human rights.

Paragraph 7 of the 2014 UNGA resolution 69/248 urged the government of Myanmar to "accelerate its efforts to address discrimination, human rights violations, violence [and] hate speech". And yet, this year has seen an alarming rise in advocacy of hatred and incitement to discrimination against non-Buddhists, and in particular Muslims, by extremist Buddhist nationalist groups who have grown in power and influence. Such groups have gone unchallenged by the government. On the contrary, those who have spoken out against them have faced retaliation from both state and non-state actors, including threats, harassment, and, in some cases, even arrest, prosecution and imprisonment. In addition, the authorities have taken steps to entrench discrimination in law. In 2015, the Parliament adopted four laws aimed at "protecting race and religion" originally proposed by extremist Buddhist nationalist groups, later submitted for consideration by the President. Many provisions in these laws discriminate on multiple grounds, including gender, religion and marital status.

Paragraph 4 of the 2014 UNGA resolution welcomed the release of prisoners of conscience and stressed "the important role of the political prisoner review committee", encouraging its continuation.

Although the prisoner review committee was reconstituted in January 2015, to date no information has been made available as to its mandate, resources or activities. We are not aware of a single meeting of this committee since its reconstitution. Instead, the Myanmar authorities continue to monitor, intimidate, harass and arrest human rights defenders and others critical of the government. Unfortunately, 2015 saw an intensifying clampdown on freedom of expression, association and peaceful assembly. The number of prisoners of conscience stands at more than 100 individuals, while hundreds of others are facing charges solely for the peaceful exercise of their rights.

The 2014 UNGA resolution called on the Myanmar authorities “to protect the civilian population against ongoing violations and abuses of human rights and violations of international humanitarian law and for safe, timely, full and unhindered humanitarian access to be granted to all areas.” Worryingly, in Kachin and Northern Shan states, the armed conflict has intensified, with escalating attacks in Shan State reported in October and November. Earlier in the year in February, renewed conflict emerged in the Kokang Self-Administered Zone. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), over 100,000 people remain displaced in the region, while the Myanmar authorities continue to restrict humanitarian access to displaced communities in some areas of Northern Shan and Kachin State. We continue to receive reports of violations of international human rights and humanitarian law committed by government and ethnic armed organizations, including rape and other forms of sexual violence, forced labour and portering, the use of landmines, and recruitment of child soldiers.

We also note with concern that previous UNGA resolutions have made little reference to economic, social and cultural rights, in particular concerns about forced evictions as well as the human rights and environmental impacts of corporate projects. Investment and large-scale development projects are being carried out without benefitting or taking into account concerns expressed by local populations and communities. We urge Member States to insert strong language relating to economic, social and cultural rights in the UNGA resolution. We especially urge the UNGA to ensure specific calls on the Myanmar authorities to enact and enforce legislation prohibiting forced evictions and strengthening environmental safeguards, particularly in the context of regulating large-scale corporate projects, to ensure that people are protected against such serious abuses. In addition, we encourage all member states to institute legal and policy reforms that require companies headquartered in their countries to carry out enhanced due diligence prior to undertaking any investment or operations in Myanmar.

Finally, we note with concern that the Special Rapporteur on the situation of human rights in Myanmar was hampered in carrying out her mandate during her mission to Myanmar in August 2015. She was given permission to travel to the country for only five days, was denied access to Rakhine state, and meetings with government officials were cancelled or rearranged at the last minute. Furthermore, some of her non-governmental interlocutors reported that they were subject to surveillance after meeting with her. In January 2015, the Special Rapporteur was also personally insulted and subjected to sexist threats by an extremist ultranationalist monk. The Government of Myanmar has failed to condemn these actions or to disassociate itself from them.

Furthermore, the Office of the High Commissioner for Human Rights (OHCHR) has not yet been able to establish an office in the country. Despite earlier government commitments, its staff still do not have unhindered access to the country. The treatment of the Special Rapporteur and full cooperation with her mandate – and that of the OHCHR – not only significantly impede their ability to undertake their work, it raises serious questions about the extent to which the Myanmar government is willing to cooperate with all levels of the UN.

In light of the above, we call on the international community to not turn a blind eye to the ongoing serious human rights violations occurring in Myanmar. Over the past 24 years, the UNGA resolutions on the situation of human rights in Myanmar has been critically important to advance human rights in the country, it must continue to do so.

Amnesty International and the International Federation for Human Rights therefore strongly urge all UN member states to support the continuation of the UNGA resolution on the situation of human rights in Myanmar, and to ensure the resolution addresses the many pressing human rights concerns that remain in the country. A strong UNGA resolution, at a crucial moment in the country’s history, can play an important and positive role in encouraging the Myanmar authorities to follow a genuine path of respect for and protection of human rights.