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Myanmar: UNGA resolution must address backtracking on human rights

As the new UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, today presents her first report to the 69th session of the UN General Assembly (UNGA), Amnesty International calls on the UNGA to adopt a resolution on the country which addresses the government's backtracking on human rights.

Last year's UNGA resolution welcomed positive developments in the country and encouraged the government to take further steps to promote and protect human rights. However, 2014 saw progress on human rights reforms grind to a halt, with a worrying slide back in key areas. The Myanmar government made progress on very few of the recommendations contained in the 2013 resolution, calling into question its commitment to improving respect for human rights. This year's resolution must express concern about the seriousness of the human rights situation in the country, which continues, and urge the Myanmar government to take immediate and concrete steps to end human rights violations.

UNGA resolution 68/242 of 27 December 2013 encouraged the Myanmar authorities to carry out media reforms, increase space for political activity, protect the rights to freedom of expression, association and peaceful assembly, and ensure the safety, security and freedom of human rights defenders. But in 2014 alone, Amnesty International has received information concerning at least 75 individuals who have been charged – and in some cases imprisoned – under a range of laws which severely restrict the rights to freedom of expression and peaceful assembly. Some of these individuals have been charged multiple times for the same “crime”. Among those arrested or imprisoned are media workers, journalists, human rights defenders, farmers and land and environmental activists.

The government also failed to uphold its promise to release all prisoners of conscience by the end of 2013. Muslim leaders Dr. Tun Aung and U Kyaw Hla Aung both remained behind bars by the year's end. Although U Kyaw Hla Aung was released as part of a prisoner amnesty announced on 7 October 2014, Dr. Tun Aung remains in jail, along with many new prisoners of conscience. Disappointingly, no progress has been made in the review process of legislation which restricts the rights to freedom of expression, association and peaceful assembly – to the contrary, amendments to the Peaceful Assembly and Peaceful Procession Law signed into law by President Thein Sein in June 2014 retain severe restrictions on the rights to freedom of expression and peaceful assembly.

Further, the 2013 UNGA resolution expressed “serious concern” about the situation of Rohingya minority in Rakhine State, and called on the Myanmar government to protect the civilian population from ongoing violence, address the root causes of the issue, undertake full, transparent and independent investigations into all reports of human rights abuses and ensure accountability. And yet the situation of the Rohingya minority has continued to deteriorate in 2014.

The dire humanitarian situation of an estimated 137,000 displaced people in Rakhine State – mostly Rohingya – worsened following the expulsion of some humanitarian organizations and

the withdrawal of others in February and March, following attacks against them by Rakhine people. The government has failed to address ongoing incitement to violence based on national, racial and religious hatred by Buddhist nationalist groups despite new violent incidents. In addition, not only did the government fail to allow equal access to full citizenship – for example by amending the 1982 Citizenship Act – it announced a new action plan which looks set to further entrench discrimination against the Rohingya. The government also excluded Rohingya who refused to identify themselves as “Bengali” from the national census – a clear violation of the right to self-identification. Four laws introduced by President Thein Sein in the Parliament relating to “converting to another religion, getting married among different faiths, monogamous marriage, and keeping balance on the birth rate” will also likely further entrench discrimination against the Rohingya.

The 2013 UNGA resolution welcomed the signing of preliminary ceasefire agreements and urged “all parties to protect the civilian population against ongoing violations of human rights and international humanitarian law and for safe, timely, full and unhindered humanitarian access to be granted to all areas”. However, fighting between the Myanmar Army and armed groups continued in Kachin and Northern Shan States throughout 2014 and erupted in Karen State at the end of September. Access to humanitarian assistance for the growing displaced populations remained restricted, in particular in the Kachin Independence Army (KIA) controlled territory.

Repeated calls in previous UNGA resolutions to end impunity and take steps towards the establishment of an independent and effective judiciary remain unanswered. Meanwhile, the selection process and appointment of new members of the Myanmar National Human Rights Commission (MNHRC) this September lacked transparency, reinforcing concerns regarding the Commission’s independence and effectiveness.

Further, despite committing to doing so, the government failed to sign an agreement for the establishment of a country office of the Office of the UN High Commissioner for Human Rights (OHCHR). No progress has been made by Myanmar to ratify core human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (UNCAT).

In light of the deteriorating human rights situation in Myanmar in 2014 and the failure of the government to implement or make progress on barely any of the 2013 UNGA recommendations, Amnesty International calls on the UNGA to adopt a strong resolution on the situation of human rights in Myanmar at its 69th session, and clearly outline its expectations with regard to much-needed further human rights reforms in the country. In addressing the many ongoing human rights concerns that persist in the country, Amnesty International believes that a UNGA resolution can positively influence the human rights situation in Myanmar, and assist the Myanmar government to deliver on its promises to improve protection of and respect for human rights.