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Myanmar: Independent human rights monitoring still needed

As Myanmar President Thein Sein concludes his visit to Europe, the United Nations Human Rights Council is scheduled to discuss the situation of human rights in Myanmar and the need for continued international human rights monitoring in the country. Considering remaining human rights concerns in the country, it is critical that international human rights monitoring mechanisms are maintained in Myanmar.

Since 2008, Myanmar has allowed the United Nations Special Rapporteur on the situation of human rights in Myanmar to conduct regular country visits. The mandate of the Special Rapporteur was created in 1992 and has been extended annually since then. On 11 March, the Human Rights Council is scheduled to discuss, among other issues, whether or not to renew the mandate of the United Nations Special Rapporteur on the situation of human rights in Myanmar. If they do not renew the mandate, it will cease to exist.

Despite some positive developments in Myanmar over the last two years, the human rights situation remains serious as shown by the recent report from the Special Rapporteur who visited the country in February 2013.¹ In a human rights situation like that which prevails in Myanmar, independent and objective international human rights monitoring mechanisms play a critical and often unique role in promoting and protecting human rights alongside national human rights mechanisms.

There continues to be credible reports of violations and abuses of international human rights and humanitarian law in northern Myanmar. Despite the resumption of peace talks in early 2013 between the Myanmar government and the Kachin Independence Organisation (KIO), armed conflict persists in northern Kachin State. Over 75,000 ethnic Kachin civilians remain displaced by the conflict, and many continue to face obstacles in accessing sustained assistance by humanitarian organisations.

Amnesty International is also concerned about the human rights situation in Rakhine state following the eruption of communal violence between Rakhine Buddhist and Muslim communities in June 2012. The violence is ongoing and has resulted in considerable death and injury on both sides. Despite the need to ensure protection of both communities, reliable reports indicate that in some cases state security forces have failed to protect people. Government forces have conducted massive sweeps, largely targeting Rohingya and other Muslim populations; hundreds remain in detention in Rakhine State. Over 120,000 internally displaced persons (IDPs) are currently living in temporary shelters with limited access to food, medical care, sanitation facilities, and other types of humanitarian necessities.

Although government amnesties have resulted in the release of thousands of prisoners, including prisoners of conscience since May 2011, many more prisoners remain arbitrarily detained or imprisoned in Myanmar. Among them are individuals whom Amnesty International considers prisoners of conscience who have been imprisoned solely for the peaceful exercise of their human rights, in particular to freedom of speech, association and assembly. Many others have been falsely charged or convicted of serious offences after trials that fell far short of international fair trial standards, including convictions that relied on “confessions” obtained

¹ A/HRC/22/58 of 6 March 2013

by torture. Those arbitrarily imprisoned include farmers and villagers in ethnic minority areas, such as Shan and Kachin states.

Lastly, despite recent changes in the laws ostensibly relaxing restrictions on media freedoms and freedom of assembly, the right to freedom of expression continues to be limited through the use of existing and newly enacted laws. The government detained and charged numerous peaceful protestors under the 2011 Right to Peaceful Assembly and Peaceful Procession Law last year. Further, there have been credible reports of unnecessary or excessive use of force by members of the security forces towards peaceful protestors. Many laws are not in line with international human rights law and have been used in the past by the government to stifle free expression, assembly, and association. These laws include the Law on the Right to Peaceful Assembly and Peaceful Procession, the Unlawful Associations Act, the Penal Code, the Printers and Publishers Registration Law, the Electronics Transactions Act, the State Protection Act, the Emergency Provisions Act, and the Law Relating to Forming of Organisations.

Amnesty International recommends that the UN Human Rights Council and its member and observer States:

- Ensure that the mandate of the United Nations Special Rapporteur on the situation of human rights in Myanmar is renewed;
- Address the ongoing human rights concerns in Myanmar in the Human Rights Council resolution on the country;
- Call on the Myanmar Government to guarantee sustained international human rights monitoring to promote and protect human rights alongside national human rights mechanisms; and
- Urge the Myanmar government to respect, protect and fulfil their human rights obligations.