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No international compromise on human rights in Myanmar

As the Special Rapporteur on the situation of human rights in Myanmar presents his report to the 16th session of United Nations Human Rights Council, governments should speak with one voice on Myanmar's long-standing failure to address widespread and systematic human rights violations in the country.

While a new administration has been appointed following elections, not only has the human rights situation in Myanmar not improved, it shows no signs of changing in the foreseeable future. Nearly 2,200 political prisoners remain behind bars, most of whom are prisoners of conscience, imprisoned solely for the peaceful exercise of their rights to freedom of expression, association, and assembly. Censorship and other serious restrictions on freedom of expression remain, and violations of international human rights and humanitarian law against ethnic minorities - including acts against the civilian population which constitute crimes against humanity - continue.

Moreover, the government continues to demonstrate an unwillingness to accept, much less take forward, key recommendations by the international community to improve the human rights situation. In response to the Human Rights Council's Universal Periodic Review (UPR) of Myanmar's human rights record in January 2011, the government failed to acknowledge the gravity of the human rights situation in the country or commit to taking any comprehensive remedial action.

For example, the government flatly denied that it holds political prisoners in the country, and stated that the Rohingya ethnic minority, to whom it does not grant the right to citizenship in Myanmar, were "illegal immigrants". It maintained that there is no impunity in the country, despite the fact that lack of redress for grave and systematic violations over the past decades has been extensively documented.

The government rejected a massive total of 70 recommendations made during the UPR session, which urged Myanmar, among other things, to release political prisoners; to repeal national legislation that grants impunity to state officials for human rights violations or penalizes peaceful dissent; to end discrimination against ethnic minorities; to investigate and punish cases of intimidation, torture and enforced disappearance; to allow the International Committee of the Red Cross access to detention facilities; and to reform the judiciary to ensure its independence and impartiality.

Myanmar's negative response to these recommendations starkly illustrated the government's absence of political will to acknowledge its serious human rights failings, and strongly suggested its unwillingness to provide effective redress for human rights violations.

Echoing key recommendations made by the Special Rapporteur, Amnesty International calls on all Human Rights Council member and observer states to urge the Myanmar government to:

- immediately and unconditionally release all prisoners of conscience;
- halt all violations of international human rights and humanitarian law;
- remove all provisions in the Constitution that exempt state officials from prosecution for past human rights violations, and provide full information on measures taken to investigate allegations of human rights violations;

- facilitate independent, impartial, and thorough investigations of all allegations of serious human rights violations; prosecute alleged perpetrators, irrespective of rank or status, in fair proceedings; and provide adequate reparations to victims in accordance with international standards; and
- amend or repeal all legislation which fails to meet international human rights standards, including the 1982 Law on Citizenship, which denies the Rohingyas the right to citizenship.

Amnesty International also calls on all Human Rights Council member and observer states to:

- support the renewal of the mandate of the Special Rapporteur;
- advance the Special Rapporteur's previous recommendation that an international Commission of Inquiry be established to investigate credible allegations of grave international crimes in Myanmar.

Background

On 14 March 2011, the Human Rights Council will hold an interactive dialogue with the Special Rapporteur on the situation of human rights in Myanmar based on his report A/HRC/16/59. Later in the session, the Council will also take action on a draft resolution that, among other things, would renew the mandate of the Special Rapporteur for another year.

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