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Myanmar Authorities Must Drop All Charges Against Peaceful Protesters and Amend the Peaceful Assembly and Peaceful Procession Law

[Yangon - 12 July, 2018] The Myanmar authorities must immediately drop all charges against individuals who have been wrongfully charged for exercising their rights to freedom of peaceful assembly and work towards amending the Peaceful Assembly and Peaceful Procession Law (PAPPL), Progressive Voice said today in a new briefing paper. At least 47 youth activists have been charged for their role in peaceful protests in Myitkyina, Yangon and elsewhere, which were organized throughout April and May in response to the urgent humanitarian needs of internally-displaced persons (IDPs) in Kachin State who were trapped in conflict and the civil war that continues to displace thousands of ethnic nationalities.

“Myanmar has a long and significant history of peaceful assemblies,” said Aung Khaing Min, Executive Director of Progressive Voice who was himself imprisoned for seven years in 1997 for speaking out against the former military regime in Myanmar. “It is crucial that efforts to peacefully raise our voice and concerns be facilitated, promoted and celebrated by the government, not suppressed,” he continued.

“Time to Hear Our Voices: Freedom of Assembly and Youth Peace Movement in Myanmar” highlights shortcomings of the PAPPL - a law that was amended by the National League for Democracy (NLD) in 2016 - while identifying the important role of women activists as they face additional discrimination and threats. The briefing paper elucidates how the PAPPL continues to be used to arbitrarily charge and arrest peaceful protesters, while retaining the assumption that assemblies are to be tightly controlled and minimized rather than facilitated and protected.

While the amended 2016 PAPPL requires only prior “notification” rather than “permission” in order to hold a peaceful assembly, the information required exceeds far beyond that which is necessary for the facilitation of peaceful assembly, including the content of all slogans and signs to be used. The amendments proposed in the 2018 bill, which were passed in the Upper House of Parliament and currently awaiting a vote in the Lower House, would place even more restrictive requirements by requiring the organizers of peaceful assemblies to submit information on the source of funding for the assembly. Dr. Nyo Nyo Thin, a former independent MP who took responsibility for the protests against the 2018 proposed amendments to the PAPPL, stated at the press conference, “If these amendments to the law are passed, the police will be able to interpret the law anyway they want to, and our basic right to freedom of assembly will be completely gone. The government must do more to protect the rights of peaceful protesters.”

In addition, Article 10(k) of the PAPPL requires that organizers of peaceful assemblies and its participants follow predefined local regulations and related agreements. This catch-all requirement allows local authorities, including the police, to insist on coming up with an

agreement with organizers - and if local authorities withhold agreement or if agreement is not upheld, the assembly participants can be charged with violating the law. Related to this provision is Article 20 of the PAPPL. Article 20 criminalizes assemblies in which organizers or participants go beyond the information provided in the initial notification, for instance, even if one participant uses a slogan that was not pre-approved.

“If the government is failing to protect the hundreds of thousands of IDPs displaced due to armed conflict as the Myanmar military continues to wage war and prohibit IDPs access to humanitarian aid, we have to do what we can to raise our collective voice to support our communities affected by this decades-long conflict,” said Lum Zawng, one of the Kachin youth organizers of the Myitkyina protest who was subsequently charged for criminal defamation under Article 500 of the Penal Code by the Myanmar military Lt. Col. Myo Min Oo. “This is especially important now as the third Panglong conference is underway, because it ultimately encourages peace, democracy and human rights to take root in the country,” he continued.

In both Yangon and Myitkyina, young women played prominent roles in organizing and implementing the peaceful protests, often facing additional challenges due to their gender, including personal harassment by authorities and ultra-nationalists in person and on social media.

“Authorities have to respect and at the same time consider the particular ways in which women experience violence and threats in organizing and participating in peaceful protests,” said Ei Ei Moe, one of the young female leaders of the peaceful protest in Yangon. “Despite receiving sexually-explicit and violent threats and harassments, particularly by police and nationalists on social media, we are continuing to challenge social and cultural norms towards a more inclusive society,” she continued. “We are not afraid, we will continue to stand up for our rights,” she added.

Progressive Voice strongly recommends the Myanmar government and the military as well as the international community, particularly the peace donors to ensure the provision of humanitarian aid and safety for IDPs, to end conflict, and amend the PAPPL as well as to support to human rights defenders and activists, while calling for the charges against individuals to be immediately dropped.

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