

Myanmar Must Urgently Address the Further Backsliding of Human Rights Situation through the Universal Periodic Review

[25 January 2021] Today, as Myanmar's human rights record was examined by the UN Human Rights Council, civil society organizations (CSOs) in Myanmar who made submissions to the Universal Periodic Review (UPR) on the situation of protracted displacement, hate speech, 1982 citizenship law and freedom of movement, and reform of the Myanmar National Human Rights Commission (MNHRC) urge the Myanmar government to uphold its human rights obligations and commit to urgently address the further deteriorating human rights situation throughout the country.

"The UPR review is an opportunity for the Myanmar government, which just gained for the second time a significant parliamentary majority and the mandate by its people, to demonstrate its commitment to rights-based reforms that protects and promotes all people in Myanmar," said Nang Zun Moe of Progressive Voice. "The government must stop turning its back on human rights for another five years and allowing the country to continue to backslide."

Myanmar's human rights record was reviewed by the UN Human Rights Council's Universal Periodic Review (UPR) during the 37th Session of the Working Group on 25 January 2021. This is the third time Myanmar has been reviewed, with the first and second reviews taking place in 2011 and 2015 respectively.

While the Myanmar government's 19-page national report outlines actions which the government has taken to implement the recommendations it committed to, it overlooks rampant grave human rights violations taking place across the country, that have been raised by the UN and CSOs.

In the area of ceasefire and national reconciliation, the government outlines a series of actions, including the signing of the Nationwide Ceasefire Agreement (NCA) and establishment of a Joint Ceasefire Monitoring Committee. However, conflict has raged on in Kachin, Rakhine and Shan States and most recently tension and conflict has intensified in Karen State where almost 4,000 people have been displaced at the start of the year with civilian deaths and casualties, including children. UN has verified 994 grave violations against children between September 2018 and June 2020, mostly in Rakhine State, with the killing and maiming of 320 children, including infants. This is despite the government's claims that cooperation with the UN Special Representative of the Secretary-General for Children and Armed Conflict, "has reached an unprecedented level."

"The consequences of Myanmar government's silence and willingness to turn a blind eye to the ongoing conflict in ethnic regions and the plight of the IDPs and refugees is shouldered by the ethnic people who for generation have had to grow up hiding in jungles and watch their children and families being killed," said Moon Nay Li of Kachin Women's Association - Thailand. "The government has to take immediate and concrete actions and urgently put an end to this devastating civil war."

172 CSOs expressed grave concerns regarding the Myanmar military's recent actions that contravene the NCA, including expanding deployment into Karen ethnic areas held by the Ethnic Armed Organization, the Karen National Union, which has resulted in an outbreak of conflict in Karen State. The groups urged the Myanmar government to immediately take action to resolve the tensions and conflicts and pursue political solutions to the ongoing civil war.

While the national report claims the MNHRC has been established in line with the Paris Principles, the UN and CSOs, including the CSO Working Group on MNHRC Reform, continue to note its lack of independence, and ineffectiveness in dealing with allegations of human rights violations, particularly in situations of armed conflict.

"Victims and survivors still have no domestic human rights body it can turn to address grave human rights violations, particularly when it involves the Myanmar military and this lies squarely with the government's inaction to amend the MNHRC Enabling law and reform the MNHRC" said Bo Bo of Generation Wave. "The government must bring the MNHRC in line with international standards to enable the body to function independently and impartially with the mandate for protection, otherwise perpetrators of human rights violations will continue to act with total impunity."

Furthermore, the government in their national report claims that "Complaints on any violations of human rights by military personnel may be dispatched in person or in writing to the commander concerned without restrictions", or to the President, Parliamentary Committees, MNHRC and the media. Despite these claims those who choose to raise such human rights concerns are in turn targeted with defamation and charged using Myanmar's myriad of restrictive laws. On the other hand, the government have been ignoring the movement and activities by extremist Buddhist nationalists inciting hatred and violence against ethnic and religious minorities, in particular the Rohingya and other Muslim minorities.

"The culture of hate speech and targeting of minorities is a reflection of Myanmar's overall culture of exclusion and systemic discrimination," said Ye Hein Aung of Myanmar Cultural Research Society. "Hate speech is institutionalized, systematically disseminated and promoted by those in power, including the government and the military. It is high time that government makes a strong commitment to address root causes of hate speech."

Reinforcing such exclusion of minorities are discriminatory laws, such as 1982 Citizenship Law, which contravenes the prohibition of arbitrary deprivation of nationality, heightening the vulnerability and persecution of Rohingya and other minorities to range of human rights violations, including the right to freedom of movement. Yet the government has continuously refused to agree to recommendations that strike at the heart of addressing this issue during its previous reviews, and has continued to blatantly contravene its international obligations, including the International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child (CRC), and the optional protocol on the CRC, which Myanmar has ratified.

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Editor's note:

The Open letter from 172 civil society organizations concerning the current tensions and conflicts in Karen State can be found here: <https://bit.ly/39700cr>

The below joint submissions were made to the 37th session of the Universal Periodic Review;

A joint submission on the situation of refugees and internally displaced persons was made by 14 ethnic community-based organizations (CBOs) and CSOs that work closely with displaced ethnic communities, including refugee committees along the Thailand-Burma/Myanmar border, youth and women's organizations, as well as local development and humanitarian organizations.

See the submission: <https://bit.ly/3sKZXe0> ; Factsheet: <https://bit.ly/33Jo4hv>

A joint submission on hate speech and shrinking democratic and civil society space was made by 16 CSOs that work on the issue of hate speech and/or are directly impacted by it.

See the submission: <https://bit.ly/2LUVg0v> ; Factsheet: <https://bit.ly/33K0cKz>

A joint submission on MNHRC was made by the CSO Working Group on MNHRC Reform. The MNHRC Working Group consists of 22 diverse Myanmar CSOs that works to advocate for the reform of the MNHRC so it is an effective, independent, and transparent NHRI that promotes and protects the rights of all people of Myanmar in line with the Paris Principles – the international standards for NHRIs.

See the submission: <https://bit.ly/2XZozlc> ; Factsheet: <https://bit.ly/2MgSrXy>

A joint submission on the 1982 citizenship law and right to citizenship of minorities and freedom of movement was submitted by 11 CSO that work on the issue of Human Rights and Citizenship Rights.

See the submission: <https://bit.ly/2NuJRVX>, Factsheet: <https://bit.ly/32P1pRP>