

**For immediate release**

**UN General Assembly: Establish Clear Benchmarks to Address Continuing Abuses in Myanmar**

*Wartime Abuses in Kachin State, “Ethnic Cleansing” in Rakhine State, Tens of Thousands Denied Access to Aid*

(Bangkok, October 9, 2013) — The United Nations General Assembly should adopt a strong and comprehensive resolution on the situation of human rights in Myanmar to promote much-needed human rights reform in the country, Fortify Rights said today. When it considers a forthcoming resolution on Myanmar, the UN General Assembly should condemn the wide range of ongoing human rights violations by the government and armed forces of Myanmar and provide clear benchmarks for measurable improvement, including establishing the presence of the UN Office of the High Commissioner for Human Rights (OHCHR) in Myanmar.

“Positive political changes have come to Myanmar but the human rights situation is deeply concerning,” said Matthew Smith, executive director of Fortify Rights. “The pending resolution should acknowledge Myanmar’s political progress but shouldn’t gloss over the immense amount of work that remains to be done.”

On December 24, 2012, the UN General Assembly adopted [resolution 67/233](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/67/233) to focus attention on ongoing human rights abuses in Myanmar while noting significant progress underway within the country. The 2012 resolution expressed concern about “arbitrary detention, forced displacement, land confiscations, rape and other forms of sexual violence, and torture and cruel, inhuman and degrading treatment, as well as violations of international humanitarian law.” It called for the government of Myanmar to “ensure accountability and end impunity” for violations of international human rights and humanitarian law.

The human rights violations articulated in the UN General Assembly’s 2012 resolution remain prevalent in Myanmar, and impunity continues, Fortify Rights said.

Recent investigations by Fortify Rights in the conflict zones of Kachin State and northern Shan State—where the Myanmar army and Kachin Independence Army (KIA) have fought a deadly war since June 2011—reveal entrenched impunity for abuses perpetrated by the Myanmar army, such as extrajudicial killings, abusive forced labor, rape and sexual violence. Fortify Rights documented abuses perpetrated by the Myanmar army in recent months, including violations of international humanitarian law, such as extrajudicial killings, failure to adequately protect civilian life, and the use of forced labor. Both the Myanmar army and the KIA continue to recruit and use child soldiers, and to deploy antipersonnel landmines throughout the conflict zone. Neither party has taken significant steps to address these abuses.

"The Myanmar army’s targeted abuses against civilians in situations of armed conflict must be brought to an end and perpetrators should be held accountable, and the resolution should clarify that," said Matthew Smith. “Impunity for wartime abuses will be a serious obstacle to lasting peace in Kachin State and should be clearly addressed.”

More than 100,000 Kachin have been forcibly displaced since June 2011, and at least 65,000 have fled to 51 camps in KIA-held territory, where the government of Myanmar continues to deny access to international humanitarian agencies. Since June 2011, UN agencies have only been authorized by the government to provide minimal short-term aid deliveries to 20 percent of those displaced in KIA-controlled territory, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA). Kachin civil society, Kachin faith-based organizations, and the Kachin Independence Organization—the political wing of the KIA—have led the relief effort and attempted to fill humanitarian gaps with limited resources.

The UN General Assembly should urge Myanmar to heed its 2012 call for the government to abolish all restrictions on humanitarian access to displaced persons in dire need of aid—including those in Kachin, Shan, and Rakhine states.

The UN General Assembly should also condemn the ongoing “ethnic cleansing” of the Rohingya and Kaman Muslim population and call for the establishment of an independent international investigation into ongoing human rights violations against Muslims in Rakhine State. In December 2012, the UN General Assembly “express[ed] its serious concern” over the situation in Rakhine State, and violence and abuse in the state has since continued. Anti-Muslim violence has spread throughout Myanmar, fueled by nationalist-Buddhist extremism, and it erupted again on September 29 in Rakhine State’s Thandwe Township, where security forces failed to protect Kaman Muslim communities from targeted arson attacks.

Tens of thousands of internally displaced Rohingya Muslims in Rakhine State still lack access to adequate humanitarian aid, and more than 35,000 Rohingya in 113 isolated villages are in need of urgent aid, according to OCHA. The UN General Assembly must call upon the government of Myanmar to ensure that aid reaches these groups in dire need without delay.

The majority of an estimated one million Rohingya Muslims are effectively denied access to citizenship through Myanmar’s controversial 1982 Citizenship Act. The government further applies abusive restrictions on the daily lives of Rohingya, including on their right to freedom of movement, religion, education, livelihood, and marriage. The UN General Assembly should press the government of Myanmar to amend the 1982 Citizenship Act to bring it in line with international standards and to lift all abusive restrictions on ethnic and religious minorities, including Muslims, Fortify Rights said.

The UN General Assembly should also address the broader need for law reform in Myanmar. Despite its progress on political reforms, Myanmar still enforces laws and policies that fail to meet international human rights standards. For instance, various provisions in the Penal Code, the Peaceful Assembly Law, the Electronic Transactions Act, and the Unlawful Associations Act are used as pretexts to restrict basic freedoms and are inconsistent with international human rights standards. Draft legislation, such as the Law on the Formation of Organizations—which is currently under consideration by the Parliament—further threatens basic freedoms. Article 445 of the Myanmar Constitution also requires urgent attention to remove the codification of impunity for state actors who may have committed grave human rights abuses.

In November 2012, President Thein Sein promised US President Barack Obama his government would permit the UN Office of the High Commissioner for Human Rights (OHCHR) to establish a presence in the country, but his government has since stalled efforts to do so. The General Assembly should recommend that the government of Myanmar make good on its commitment and invite the OHCHR to establish a presence in the country with a full human rights protection, promotion, and technical assistance mandate.

On July 15, Burmese President Thein Sein committed to free all prisoners of conscience by the end of 2013. Scores of activists throughout the country, however, have since been arrested and prosecuted for exercising their human rights. This includes two staff members of the Human Rights Defenders and Promoters— U Aung Myint, age 44, and Hla Myo Naing, age 34—who were arrested in Irrawaddy Region on September 5 and September 17, respectively, after providing awareness-raising trainings on human rights to local communities. Other arrests since the President’s July statement include: Naw Ohn Hla, 52, a prominent activist sentenced on August 29 to two years hard labor for protesting a Chinese-led copper mine in Sagaing Region; U Kyaw Hla Aung, 74, a prominent Rohingya lawyer, human rights defender, and longtime humanitarian worker arbitrarily detained in Sittwe, Rakhine State on July 15; and ten Rakhine activists who were convicted for peacefully protesting a Chinese-led natural gas project and sentenced on September 26 to three months in prison.

The UN General Assembly should encourage the government of Myanmar to make good on its promise to clear Myanmar’s jails of prisoners of conscience by not only freeing all prisoners of conscience and political prisoners but also affording all prisoners due process rights and ensuring humane treatment in conformity with international standards, Fortify Rights said.

The UN General Assembly should strengthen its 2012 call for Myanmar to become a party to international instruments in the fields of human rights, labor law, refugee law, and humanitarian law. The UN General Assembly should urge the government of Myanmar to act upon the Myanmar National Human Rights Commission’s (MNHRC) recommendation in June 2013 that Myanmar ratify both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In addition, the UN General Assembly must call upon Myanmar to become a party without reservation to other key treaties to promote and protect human rights, such as the Rome Statute of the International Criminal Court, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the 1997 Mine Ban Treaty, and the International Convention for the Protection of All Persons from Enforced Disappearance.

The UN General Assembly should also instruct Myanmar to enforce and uphold the international instruments to which it is already a party, such as the Geneva Conventions of 1949 governing the protection of civilians during armed conflict, the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination Against Women. It should also recommend that the MNHRC be established by law in line with the Paris Principles—which were created by the UN to establish minimum standards for *bona fide* national human rights commissions.

Finally, the General Assembly should urge the government of Myanmar to establish transitional justice mechanisms of accountability and truth-seeking to address decades of past abuses and enable Myanmar to abandon the shadow of unresolved grave human rights violations.

“For Myanmar to demonstrate progress on human rights, the government must embrace and enforce core standards of international human rights law,” concluded Matthew Smith.

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**Key Recommendations**

**The Pending UN General Assembly resolution on Myanmar should recommend the government of Myanmar:**

* End armed conflict-related abuses, including violations of international humanitarian law and international human rights law, and ensure perpetrators of abuse are held to account.
* Ensure immediate and unrestricted humanitarian access to displaced persons.
* Protect at-risk populations, including Muslims, from mob violence and abuses by security forces, and immediately release individuals who have been arbitrarily detained without basis during or following incidents of anti-Muslim violence, unless they are properly charged and tried in trials that meet international standards of fairness.
* Immediately and unconditionally release all political prisoners.
* Facilitate the establishment of an office of the United Nations Office of the High Commissioner for Human Rights (OHCHR) in Myanmar with a full mandate.
* Amend or repeal laws and legislation that are not in line with international human rights standards, including laws that violate the right to freedom of expression, peaceful assembly, and association as well as laws that discriminate against ethnic and religious minorities.
* Adopt international human rights instruments and establish a mechanism to ensure accountability for past grave human rights violations.

**About Fortify Rights**

Fortify Rights is an independent organization that strives to strengthen the human rights movement through rigorous defense and protection of human rights. We provide technical support to human rights defenders and conduct independent monitoring and strategic advocacy. By independently documenting and exposing human rights violations while teaming with activists to advocate for change at local, national, and international levels, we aim to fortify the human rights movement.

We are a non-profit human rights organization based in Southeast Asia and registered in Switzerland and the United States. Follow us on Twitter @FortifyRights.