

## Myanmar: UN expert warns against possible backtracking, calls for more public freedoms

GENEVA (28 July 2014) - Following a ten-day visit\* to the country, the Special Rapporteur on the situation of human rights in Myanmar, Ms. Yanghee Lee, urged the authorities to avoid any backtracking that could threaten the achievements of the past few years and called for more public freedoms.

“In three years, Myanmar has come a long way since the establishment of the new Government. This must be recognized and applauded,” said the independent expert. “Yet, there are worrying signs of possible backtracking which if unchecked could undermine Myanmar’s efforts to become a responsible member of the international community that respects and protects human rights.”

The Special Rapporteur highlighted the intimidation, harassment, attacks, arrests and prosecution of journalists for reporting on issues deemed too sensitive or critical of those in power, as well as of civil society for exercising their rights to peaceful assembly and association. She also pointed to the use of the judicial system and the application of legislation to criminalize and impede the activities of civil society and the media.

“These patterns not only undermine the work of civil society and the media, but also impose a climate of fear and intimidation to the society at large,” the Special Rapporteur noted.

“The enjoyment of the rights to freedom of expression and freedom of association and peaceful assembly are essential ingredients for Myanmar’s democracy, particularly in the run-up to the 2015 elections,” she stated. “There should be strict and clear safeguards to prevent undue interference in public freedoms.”

While commending the previous amnesties, the Special Rapporteur also called for the review and release of remaining prisoners of conscience as a priority.

Ms. Lee also urged the authorities to urgently address complex land rights issues, particularly land grabbing and confiscations, as well as forced evictions, in accordance with human rights principles and standards.

The human rights expert also called for the strengthening the rule of law. “This is the foundation for any functioning democracy and underpins the entire process of reform,” she stressed.

Continuing legislative review and reform, particularly of outdated laws that do not reflect current realities and those deemed inconsistent with international human rights standards is central, noted the expert, who also called for the withdrawal of the legislative package on the protection of race and religion.

In Rakhine State, the Special Rapporteur visited several camps for internally displaced people (IDPs) where she saw first-hand the difficult conditions in which people of both communities live. "The situation is deplorable," she said, while noting that the living conditions were even worse in the Muslim camp of Baw Du Par.

Of particular concern is the health situation in Muslim IDP camps with reports of deaths due to the lack of access to emergency medical assistance and to preventable, chronic or pregnancy-related conditions.

"I understand the sense of grievance and perceived discrimination by the Rakhine Buddhist community. And I do believe that their concerns should be taken into account when trying to address the underlying causes of the intercommunal violence. We need to call a spade a spade," said Ms. Lee. She pointed out the systematic discrimination against the Rohingya Muslim community, including restrictions in the freedom of movement, access to land, food, water, education and health care, marriages and birth registration.

"I am also concerned about the prevalence of inaccurate rumours and false information about the conditions of camps, the quality of assistance provided and the perceived intentions and behaviours of members of different communities," she said. "More must be done to stop misinformation which only serves to heighten tensions and hostility and to increase the sense of discriminatory treatment."

"Greater efforts must be made, to inform, involve and consult local communities and displaced populations," added the Special Rapporteur, who also stressed that any initiative to return IDPs should be done with the free, prior and informed consent of those concerned and in consultation with international humanitarian actors.

The recurring outbreak of inter-communal violence reveals a growing polarization between Muslim and Buddhist communities despite Myanmar's rich history of religious pluralism and tolerance, insisted Ms. Lee. "I am concerned by the spread of hate speech and incitement to violence, discrimination and hostility in the media and on the Internet, which have fuelled and triggered further violence," she added.

A comprehensive series of measures is needed, including legislation against hate speech that is compliant with international human rights standards so as not to excessively limit the freedom of expression. "Those in positions of influence should also clearly speak out against hate speech," she noted.

The human rights expert also noted the difficult operational environment in which international NGOs and the United Nations continue to operate in Rakhine State, with continuing reports of threats, intimidation and attacks against staff.

She also called for allegations of human rights violations committed by all parties to the conflict in Kachin State including torture and ill-treatment during interrogation, sexual violence, the recruitment of child soldiers, as well as forced labour, to be addressed as a matter of priority. All parties to the conflict must do more to ensure respect for international human rights and humanitarian law, she said.

"It is my wish to be able to contribute to the efforts Myanmar has undertaken in its path towards democratization, national reconciliation and development. As Special Rapporteur, I look forward to working closely with the Government and the people of Myanmar, in a spirit of

cooperation and dialogue, towards the promotion and protection of human rights in the country,” said Ms. Lee.

During her mission (17-26 July 2014), the Special Rapporteur met with representatives of Government, political, religious and community groups, civil society, victims of human rights violations and the international community. In addition to Yangon and Nay Pyi Taw, she visited Rakhine State, Kachin State and Mandalay Division.

The Special Rapporteur’s first report will be presented to the 69<sup>th</sup> session of the UN General Assembly in October.

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(\*) Check the full end-of-mission statement:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14909&LangID=E>

*Ms. Yanghee Lee (Republic of Korea) was appointed by the United Nations Human Rights Council in June 2014, succeeding Mr. Tomás Ojea Quintana, who completed his six-year term on the mandate in May 2014. As Special Rapporteur, Ms. Lee is independent from any government or organization and serves in her individual capacity. Learn more, go to: <http://www.ohchr.org/EN/HRBodies/SP/CountriesMandates/MM/Pages/SRMyanmar.aspx>*

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