

UN Myanmar rights expert: Backtracking on democratic space gains momentum in election year

YANGON / GENEVA (19 January 2015) – “Valuable gains made in the area of freedom of expression and assembly risk being lost,” United Nations Special Rapporteur Yanghee Lee said at the end of her ten-day official visit* to the country. “Indeed, there are signs that since my last visit, restrictions and harassment on civil society and the media may have worsened.”

The Special Rapporteur expressed her concern about ongoing harassment, intimidation and prosecution of journalists, civil society activists and protesters opposed to government projects or calling for accountability of state officials. She highlighted recent cases where excessive force was used against rural farmers and urban residents protesting against development projects.

“If Myanmar is serious about transitioning to democracy, it must be serious about allowing persons affected by its actions to express their frustrations without being punished,” she stressed. “In relation to land disputes, the Government must proactively ensure that adequate consultation on development projects has taken place and that comments have been properly considered.”

During her visit, Ms. Lee met with political prisoners in Insein prison, Yangon, as well as persons in custody and awaiting trial for protest related offences. At the end of 2014, official figures state that 27 political prisoners remain in detention. However, the Special Rapporteur considers that the 78 farmers charged with trespassing during land protests are also political prisoners. In addition, hundreds of persons on politically motivated charges are awaiting trial. “These figures are too high,” she said.

The Special Rapporteur highlighted intercommunal violence as an issue that continues to be a barrier to peace to prosperity throughout the country. “I am disturbed to see some minorities targeted through rumours, discriminatory policies and in extreme cases, hate speech,” she noted. “During my visit I was personally subjected to the kind of sexist intimidation that female human rights defenders experience when advocating on controversial issues.”

Ms. Lee urged government and community leaders to show leadership in eliminating violence through respect non-discrimination towards all religious and ethnic minorities.”

“In the town of Lashio, in Northern Shan State, I was impressed by the commitment of inter-religious leaders to work together towards maintaining a peaceful community following attacks on the Muslim community in May 2013,” the expert highlighted.

In contrast, Ms. Lee pointed out that the Rakhine State remains in crisis. “The atmosphere between Buddhists and Muslims remains hostile. I saw internally displaced persons in Muslim camps living in abysmal conditions with limited access to food, health care and essential services. They are unable to leave the camps due to the continuing level of tensions. Some have been living inside the camps for two years,” she said.

“International human rights norms must be at the centre of a solution in the Rakhine State,” the Special Rapporteur said. “Collective punishment of the entire Muslim population in the State for the deeds of a limited number of perpetrators from the violence in 2012 is not the answer.”

In her meetings with government authorities and parliamentarians the rights expert raised her concerns about a package of four ‘race and religion’ bills that, if passed, “will legitimize discrimination, in particular against religious and ethnic minorities, and ingrain patriarchal attitudes towards women.”

The Population Control Healthcare Bill, the Bill Relating to the Practice of Monogamy, the Bill on Religious Conversion, and the Myanmar Buddhist Women’s Special Marriage Bill respectively authorizes the designation of special zones for population control activities; prohibit and criminalize bigamy, polygamy and extramarital relationships; and propose State regulation of religious conversion, and of interfaith marriages involving

Buddhist women and non-Buddhist men.

“Passage of any one of the four bills will signal to the international community that Myanmar is backtracking in its democratic transition,” the independent human rights expert warned. “I call upon all parliamentarians to thoroughly scrutinize these bills and to play a role in building a more tolerant and inclusive community. If these bills are passed, it could be viewed as one of the indicators of backtracking in the political reform process”.

“Much was said to me about the importance of the rule of law in Myanmar, and I fully agree. Yet much remains to be done before confidence in the legal system and authorities becomes a feature of this new State,” Ms. Lee stated.

The Special Rapporteur remains particularly concerned at the failure of measures to ensure accountability of military officials, including sexual and gender based violence in conflict zones. She also called on the ethnic armed groups “to address violations of international humanitarian law and international human rights law committed by their personnel.”

During her ten-day visit, the expert met with Government officials, members of Parliament and the judiciary, the National Human Rights commission and civil society in Naypyitaw and Yangon.

The Special Rapporteur will submit a report to the Human Rights Council in March 2015, which will include her observations and recommendations to the Government of Myanmar.

(*) Check the full end-of-mission statement: <http://yangon.sites.uniconnetwork.org>

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Ms. Yanghee Lee (Republic of Korea) was appointed as Special Rapporteur on the situation of human rights in Myanmar by the UN Human Rights Council in 2014. Ms. Lee served as member and chairperson of the UN Committee on the Rights of the Child (2003-2011). She is currently a professor at Sungkyunwan University, Seoul, and serves on the Advisory Committee of the National Human Rights Commission of Korea. Ms. Lee is the founding President of International Child Rights Center, and serves as Vice-chair of the National Unification Advisory Council. Learn more, go to: <http://www.ohchr.org/EN/HRBodies/SP/CountriesMandates/MM/Pages/SRMyanmar.aspx>

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UN Human Rights, country page – Myanmar:
<http://www.ohchr.org/EN/countries/AsiaRegion/Pages/MMIndex.aspx>

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