

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	111
Land:	Burma
Kilde:	UK Foreign and Commonwealth Office
Titel:	Burma – Country of Concern
Udgivet:	12. marts 2015
Optaget på baggrundsmaterialet:	16. juni 2015



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Corporate report

Burma - Country of Concern

Published 12 March 2015

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2014 was a mixed year for the human rights situation in Burma. We saw some improvements in line with the reform process and democratic transition that began in 2011, including some achieved with UK support. However, other areas witnessed setbacks, which were of significant concern. Positive developments in 2014 included the start of preparations for the elections due in November 2015, which will be an important milestone in Burma's transition to democracy. The EU and Burma held their first Human Rights Dialogue in May, establishing an important forum for dialogue and cooperation. A number of child soldiers were released, and the government of Burma and the UN agreed to extend Burma's action plan to end the recruitment and use of child soldiers. There was progress revising a number of outdated laws relating to peaceful protest, association, and media freedoms. EU-sponsored resolutions in the UN, at both the UN Human Rights Council (HRC) in March and UN General Assembly (UNGA) Third Committee in November (co-sponsored by the UK), welcomed progress in Burma, while stressing the need to address areas of serious concern.

The UK's human rights work in 2014 focused on political freedoms and supporting human rights defenders (HRDs), as well as promoting tolerance and diversity. Following considerable UK lobbying, including directly with the Commander-in-Chief by Foreign & Commonwealth Office (FCO)

Minister for Asia, Hugo Swire, Burma endorsed the Declaration on Preventing Sexual Violence in Conflict. We held further discussions with the Burmese government and military on ending the recruitment of child soldiers, where Burma has seen some progress. The UK remained an important supporter of the peace process, although the hoped-for national ceasefire agreement did not materialise. The mandate for the UN Special Rapporteur on the situation of human rights in Burma was renewed, with the appointment of Yanghee Lee in July.

Set against this progress were a number of worrying setbacks. 2014 saw increasing numbers of political prisoners, conflict in Kachin and Shan, and repression of the media. The early part of the year saw a sharp increase in inter-communal violence in Rakhine State, and the Rohingya community continues to be subject to discriminatory policies and vulnerable to further violence. Throughout the year, we continued to push the government to find a sustainable solution to the situation in Rakhine, and address inter-communal tensions more broadly.

2015 will be dominated by elections planned for November. Other key events include continuing peace talks, the passage of four controversial draft religious laws through parliament and the release of further data from the 2014 census. Our policy in 2015 will continue to be one of engagement with frank discussions on matters of concern. UK priorities for the year will be to work with international partners to ensure political freedoms and maintain stability, including in Rakhine and Kachin. We will encourage a credible and inclusive election in November that represents the will of the Burmese people. We will increase our direct development assistance to Burma to £82 million in the UK financial year 2015-16, including funding humanitarian assistance where it is most needed.

Elections

The November 2015 elections promise to be a pivotal point in the democratic development of Burma. The elections will create serious challenges, as well as opportunities, for the human rights situation and the wider reform process. These risks include exploitation of anti-Muslim sentiment, or extremist rhetoric for political gain. We want to see inclusive and credible elections, underpinned by freedom of expression and respect for human rights.

The UK remains closely engaged on this issue, and Prime Minister David Cameron raised the elections with President Thein Sein during their meeting in Brisbane at the G20 Summit in November. The UK has allocated around £25 million over five years to strengthen democratic governance in Burma, including support to the elections. The UK also contributes funding for the provision of technical advice to the Burmese election commission, voter education and monitoring, and observation of the electoral process.

Freedom of Expression and Assembly

Through a project with ARTICLE 19, we supported amendments to outdated legislation that does not adhere to international standards, but progress was mixed. The amended Association Registration Law, for example, saw the welcome removal of harsh penalties for non-registration of local and international non-governmental organisations (NGOs). But a provision remains for the

Registration Committee to evaluate applications from NGOs based on “national security grounds”, which introduces potentially arbitrary criteria for assessing applications. Similarly, the Peaceful Assembly Bill was amended to reduce penalties and remove obligations for demonstrators, but there are concerns it contains ambiguities which could be exploited by authorities. We stressed that the Burmese government need to ensure that human rights are protected. We will continue to work with legislators, ministries, civil society and the media to develop capacity in Burma to ensure that laws respect rights and freedoms and comply with international best practice.

2014 saw the continued emergence of an independent media. Burma was ranked at 145 out of 180 states in the 2014 World Press Freedom Index (up 6 places on its 2013 ranking). But it was also noted by the Committee to Protect Journalists for being the eighth most repressive country for jailing reporters. The government continues to restrict access to northern Rakhine, and has increased restrictions on visas for foreign journalists.

Arrests and intimidation of journalists continued throughout 2014. These included the arrest in April of Democratic Voice of Burma reporter Zaw Pe, and the sentencing in July of five representatives of a local newspaper, to ten years of hard labour for trespassing in pursuit of a published story, in which they claimed that a military facility was being used to produce chemical weapons. A number of other journalists and activists were subsequently arrested for staging a protest in support of the journalists. In October, the freelance journalist Ko Par Gyi was killed while in military custody in Mon State. We continue to make clear to Burmese authorities that media freedoms must be protected, and our Embassy in Rangoon continues to raise cases of arrested journalists both bilaterally and through the EU-Burma Human Rights Dialogue.

While the development of media freedom in Burma has been generally positive, we remain concerned over the worrying rise of – predominantly anti-Muslim – hate speech in 2014. We call on the government to ensure that action is taken against those who incite racial and religious hatred and violence.

Human Rights Defenders

Overall, the working environment for HRDs in Burma – while considerably improved over the last few years – remained difficult, especially for those operating outside of the main cities and central provinces in areas of ethnic conflict, and for those speaking out on issues relating to religion. In her first report as UN Special Rapporteur on the situation of human rights in Burma, Yanghee Lee noted in September that many observers had seen “the shrinking of that space for civil society and the media.”

2014 started with welcome further releases of political prisoners. However, despite President Thein Sein's 2013 pledge to release all remaining political prisoners, the Assistance Association for Political Prisoners (Burma) estimates that 164 remained incarcerated at the end of 2014, with a further 203 awaiting trial. While these numbers are lower than under the previous regime (when over 2,000 political prisoners were incarcerated), we remain clear that the commitment to release all such prisoners must be met. We remain concerned by the number of arbitrary arrests, detentions and trials without due process of Muslims in Rakhine. We are also aware that within the numbers

reported, some individuals were re-arrested several times, and the status of some prisoners was disputed. This issue remains a top priority for the UK, and we continue to urge the Burmese authorities to address this, as well as to ensure a mechanism is in place to review current and future cases. As Mr Swire has made clear, “one political prisoner is one too many”.

Access to Justice and Rule of Law

In 2014, we continued our contribution to an EU project to train 4,000 Burmese police officers in community policing and public order best practice, and to help establish international standards across the country. Some encouraging initial signs of success included the effective policing of the July anti-Muslim violence in Mandalay.

We continued to liaise closely with the Parliamentary Rule of Law Committee led by Daw Aung San Suu Kyi, and provide support, including through projects delivered by the Bingham Centre for the Rule of Law. We also continued to urge the Burmese government to ratify human rights treaties. Following ratification of the Biological Weapons Convention, we continued to discuss how we can best support ratification of the International Covenant on Civil and Political Rights.

Conflict and Protection of Civilians

2014 saw a worrying increase in anti-Muslim sentiment and violence, including that linked to the vocal minority Buddhist nationalist movements. Outside of Rakhine (see the section on Minority Rights below) there was anti-Muslim violence in Mandalay in July, in which two people died and more than 12 were injured, and further outbreaks in June and September in Magwe Region. We monitored this closely, and continued to fund work to build relationships, understanding and tolerance between religious communities.

Conflict between ethnic armed groups and the Burmese military continued in 2014. The deadliest incident was the shelling on 19 November of a training camp in Kachin, in which 23 members of various ethnic armed groups were killed. We were deeply worried about the ongoing fighting, particularly in Kachin, Shan and Karen States, and the impact this had on the wider peace process. We continue to call for an end to the violence, the resumption of meaningful negotiations towards a Nationwide Ceasefire Agreement, and a framework for future political dialogue. In 2014, we set up the Peace Support Fund to support local and international organisations working to broaden the peace process and address inter-communal violence. In January, Mr. Swire became the first UK minister since Burma's independence in 1948 to visit Kachin. Minister of State for International Development, Desmond Swayne, became the second when he visited in August. During his visit, Mr Swire raised the UK's concerns at the highest level, including directly with the Burmese Commander in Chief, and Northern Commander.

We were in frequent contact with the UN and local organisations about the humanitarian implications of the fighting. We also continued our programme of humanitarian assistance for 100,000 displaced people in Kachin and northern Shan States. The UK is among the largest bilateral humanitarian donors to Kachin. We also continued to press the government at the highest levels to allow unrestricted humanitarian access to all areas of the country.

Burma endorsed the Declaration of Commitment to End Sexual Violence in Conflict on 5 June, and Burma's Deputy Foreign Minister U Thant Kyaw attended the Global Summit to End Sexual Violence in Conflict from 10-13 June. Despite this welcome step, reports suggested that acts of sexual and gender-based violence continued. In November, the Women's League of Burma issued a report alleging 118 documented incidences of sexual violence committed by the Burmese military, primarily in areas of conflict, since 2010. We encouraged the authorities to demonstrate that they would honour the commitments they endorsed in June. We also funded projects training women in basic legal skills, helping local leaders prevent sexual violence in their local communities, and worked with non-state armed groups to promote adherence to international standards on sexual violence and gender discrimination.

Freedom of Religion or Belief

Prejudice and discrimination against Burma's religious minorities was an increasing cause for concern during 2014 with the emergence of religious nationalist groups, and an increase in hate speech. 2014 saw further violence against Muslim communities in several locations across the country (see Conflict and Protection of Civilians, above). We continue to monitor this worrying trend. The UK supported inter-faith work in Burma through projects which built relationships and understanding, including a project delivered by Christian Solidarity Worldwide to forge exchanges between activists on religious freedom in Burma and Indonesia, and provided training to tackle religious intolerance.

There were tensions over four populist faith-based laws which are currently in draft in front of the Burmese parliament. These laws cover religious conversion, population control, inter-faith marriage and polygamy and, if enacted, could harm religious tolerance and respect for diversity in Burma, as well as contravene international standards and treaties to which Burma is a signatory. We voiced our strong concerns over this proposed legislation to the Burmese government and parliamentarians.

Women's Rights

The rights of women and girls remained an important part of UK activity in Burma, where women remain severely under-represented in public life. The most recent (2013) UN Gender Inequality Index places Burma 150 out of 187 countries, and less than 6% of parliamentarians are women. In 2014, the UK supported work to: reduce vulnerability, including to sexual violence; increase participation in politics; and include women more effectively in processes and decisions that affect them.

On 12 June, the UK launched our third National Action Plan on Women, Peace and Security (WPS), for which Burma is one of six priority countries. The plan outlines our intention to put women and girls at the centre of all efforts to prevent and resolve conflict, to promote peace and stability, and to prevent and respond to violence. On 11 December, we published our first comprehensive three-year WPS Implementation Plan).

Minority Rights

Of all the human rights concerns in Burma in 2014, the situation in Rakhine remained the most worrying. Rohingya Muslims suffered from many restrictions on freedom of assembly, on marriage and children, as well as severe restrictions on freedom of movement, denying or severely restricting access to livelihoods, schools, healthcare, and places of worship. Burma's refusal to recognise Rohingya citizenship claims compounded the denial of the most basic rights.

In January, a police officer and up to 40 Rohingya were reportedly killed in northern Rakhine in renewed inter-communal violence and, in February, the Burmese government ordered Médecins Sans Frontières (MSF) to cease operations in Rakhine. The situation deteriorated further in March when violence in the state capital, Sittwe, targeted primarily against the offices and residences of international humanitarian aid workers, resulted in the temporary halting of humanitarian programming and the removal of most international staff to ensure their safety. The expulsion of MSF left the provision of healthcare in Rakhine in a perilous state. Despite signing a Memorandum of Understanding with the government in August for a return of its operations, MSF had only been able to re-start operations in December. We continued to make clear to the government that they must ensure services are adequately delivered to all communities in Rakhine.

From April, the Burmese government started to take steps which may help address the long-term problems in Rakhine, including the appointment of a new Rakhine Chief Minister, the drafting of a Rakhine Action Plan (RAP), and trialling citizenship verification for the Rohingya. A pilot verification exercise began in a camp for internally displaced persons in June with over 1,200 people processed. By the end of 2014, only around 200 of these had had their citizenship status agreed; of these many obtained naturalised citizenship with fewer rights, and a small minority obtained full citizenship. We recognise the need for a transparent, consistent and inclusive citizenship verification exercise for the people of Rakhine, and made it clear to the authorities that this must adhere to international standards. We encouraged the authorities to reach out to both communities to ensure that the process is fully understood by all. The development of the RAP was shared with parts of the international community in 2014. We believe that some parts of the initial draft plan would, if implemented, undermine the prospects for peace and stability across Rakhine. We stressed the need for consultation on the plan with all communities in Rakhine.

We were deeply disappointed that the Burmese government went against its long-standing commitment that all individuals would have the right to self-identify their ethnic origin in the census, to which the UK contributed £10 million. The census was a critical step in Burma's development and would provide much-needed information on where services are most required. In general, observers stated that the enumeration process was successful. However, in Rakhine the option to select Rohingya as an ethnic designation was omitted and replaced by "Bengali". We made clear to the authorities our concern that this decision was in contravention of international standards on census conduct. The UK stands by the right of ethnic minorities to self-identify.

We continued to urge the Burmese authorities to work toward a long-term solution that brings peace and reconciliation, and protects the human rights of all communities within Rakhine. The UK is one of the largest bilateral donors of humanitarian assistance in Rakhine and, since 2012, we have provided £12 million in aid which supports shelter; water sanitation and hygiene programmes;

nutrition and protection activities; and non-food items for over 114,000 people. We also support the UN's coordination of the international humanitarian response.

Children's Rights

Burma remains listed by the UN Security Council for the recruitment and use of child soldiers. We welcomed the agreement to extend the 2012 UN action plan in March. Since then, there have been a number of further releases of child soldiers, including 91 in August, 109 in September, and 80 in November. These bring the number of those released within the UN process to more than 500 since 2012. Along with a number of prosecutions of those found to be involved in recruitment, this is welcome progress. However, we note that access to military units and non-state armed groups continues to be restricted and, while recruitment of children has slowed, it has not ceased entirely. More remains to be done with both government forces and non-state armed groups, particularly to end ongoing recruitment and remove incentives to that effect.

This publication is part of the 2014 Human Rights and Democracy Report

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