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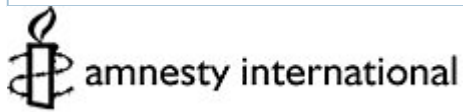
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Amnesty International Report 2015/16 - The State of the World's Human Rights - Myanmar

Authorities failed to address rising religious intolerance and incitement to discrimination and violence against Muslims, allowing hardline Buddhist nationalist groups to grow in power and influence ahead of the November general elections. The situation of the persecuted Rohingya deteriorated still further. The government intensified a clampdown on freedoms of expression, association and peaceful assembly. Reports of abuses of international human rights and humanitarian law in areas of internal armed conflict persisted. Security forces suspected of human rights violations continued to enjoy near-total impunity.

Background

On 8 November, Myanmar held much anticipated general elections, which saw the opposition National League for Democracy claim the majority of seats in Parliament. A new government was scheduled to be in place by the end of March 2016. Although widely praised as being credible and transparent, the elections were otherwise marred by the disenfranchisement of minority groups and ongoing restrictions on freedom of expression.

In June, the military blocked an attempt to amend the 2008 Constitution to remove its legislative veto over constitutional amendments and a clause which bars opposition leader Aung San Suu Kyi from being elected President by Parliament.

In July Myanmar ratified the Chemical Weapons Convention and signed the ICESCR.

Discrimination

There was an alarming rise in religious intolerance, and in particular anti-Muslim sentiment, with hardline Buddhist nationalist groups growing in influence. The authorities failed to address incitement to discrimination and violence based on national, racial and religious hatred.

Between May and August Parliament adopted four laws aimed at “protecting race and religion”, originally proposed by hardline Buddhist nationalist groups. The laws – the Religious Conversion Law, the Buddhist Women’s Special Marriage Law, the Population Control Healthcare Law and the Monogamy Law – were passed despite containing provisions that violate human rights, including by discriminating on religious and gender grounds. There were fears that they would entrench widespread discrimination and fuel further violence against minority groups.¹

People who spoke out against discrimination and rising religious intolerance faced retaliation from state and non-state actors. On 2 June, writer Htin Lin Oo was sentenced to two years in prison with hard labour for “insulting religion” in an October 2014 speech criticizing the use of Buddhism to promote discrimination and prejudice. Women’s rights activists and other human rights defenders who spoke out against the four

“protecting race and religion” laws were subjected to harassment and intimidation, including sexually abusive threats.

The Rohingya minority

The situation of the Rohingya minority continued to deteriorate. Most remained effectively deprived of citizenship rights under the 1982 Citizenship Law, and continued to face severe restrictions on their right to freedom of movement, limited access to life-saving health care, and denial of their rights to education and equal employment opportunities. There were ongoing reports of arbitrary arrests and torture and other ill-treatment of Rohingya in detention, as well as deaths in custody at the hands of security forces. Access to Rakhine State for international observers remained severely restricted.

In February, the President announced the revocation of all Temporary Registration Cards (TRCs) – also known as “white cards” – leaving many Rohingya without any form of identity document. The move effectively barred Rohingya – and other former TRC holders – from being able to vote in the November elections. The exclusion of the Rohingya was further cemented by the disqualification of almost all Rohingya who applied to contest the elections as candidates. Many other Muslims were also disqualified on discriminatory grounds.

The deteriorating situation of the Rohingya led increasing numbers to leave Myanmar. According to UNHCR, the UN refugee agency, 33,000 people – Rohingya as well as Bangladeshi nationals – left the Bay of Bengal by boat during the year. In May, a crackdown on trafficking in neighbouring Thailand saw thousands of people – many Rohingya fleeing Myanmar – stranded at sea on overcrowded boats controlled by traffickers and people smugglers. Many were beaten and held hostage for ransom.²

Prisoners of conscience

Authorities continued to arrest and imprison people for peacefully exercising their rights, including student protesters, political activists, media workers and human rights defenders, in particular land and labour activists.³ By the end of the year at least 114 prisoners of conscience were behind bars while hundreds of others released on bail were facing charges – and prison – solely for the peaceful exercise of their rights.

In March the police violently dispersed a largely peaceful student protest against the new National Education Law in the town of Letpadan in Bago Region. Over 100 student protesters, leaders and their supporters were subsequently charged with a range of criminal offences for their participation in the protests. Among them was student leader Phyo Phyo Aung, who was facing over nine years’ imprisonment if convicted for her peaceful activities. In the subsequent days and weeks, authorities subjected students and their supporters to surveillance and other forms of harassment in a blatant attempt to intimidate and punish those connected with the student protests.⁴

In October, one month ahead of the general elections, authorities detained several people for social media posts mocking the military. Among those detained was ethnic Kachin peace activist Patrick Kum Jaa Lee, whose repeated requests for bail were rejected, despite him suffering from ill-health in detention. These people were charged under the 2013 Telecommunications Act, raising alarm that authorities may be moving their repression to the digital sphere.

A prisoner amnesty on 30 July saw the release of 11 prisoners of conscience among the 6,966 prisoners released. Prisoner of conscience Tun Aung was released in January following a Presidential pardon.

On 5 January, President Thein Sein reconstituted a committee established in 2013 to scrutinize cases of remaining prisoners of conscience. According to state media, the new Prisoners of Conscience Affairs Committee would be “promptly carrying out prisoners of conscience affairs at the grassroots level”. However, by the end of the year, there was no information regarding its mandate, resources or activities and it was unclear whether it was operational.⁵

Freedoms of expression, association and peaceful assembly

Broad and vaguely worded laws were used to stifle dissent and restrict the rights to freedom of expression, association and peaceful assembly. They included the Peaceful Assembly and Peaceful Procession Law, Penal Code provisions criminalizing “unlawful assemblies”, “insulting religion” and “incitement”, and the Unlawful Associations Act among others. There were no attempts to review or amend laws which restricted these rights.

Authorities intimidated and monitored human rights defenders and peaceful activists, subjecting them to multiple forms of harassment and surveillance – including being followed; having their photo taken when attending events and meetings; searches in their offices and homes; and harassment and intimidation of their family members, colleagues or friends.

Journalists remained subjected to harassment, arrest, prosecution and imprisonment solely for carrying out their activities peacefully, leading some to self-censor.⁶

Internal armed conflict

On 15 October, the government and eight ethnic armed groups signed the Nationwide Ceasefire Agreement, aimed at putting an end to decades of armed conflicts between the military and the many armed ethnic groups. However, the authorities' decision to exclude some armed ethnic groups from the accord meant that the seven other groups invited to sign the agreement – including all those in active conflict with the Army – chose not to do so.

Fighting intensified in Kachin and Shan states, with ongoing reports of killings, enforced disappearances, rape and other crimes of sexual violence and forced labour.⁷ The government continued to deny full and sustained access for humanitarian workers to displaced communities.

In February thousands were displaced, with reports of killings when renewed fighting broke out between the Myanmar Army and the armed group the Myanmar National Democratic Alliance Army in the Kokang Self-Administered Zone. The President imposed Martial Law in the region on 17 February, lifting it nine months later on 17 November. In October, new military offensives in central Shan State led to the displacement of around 6,000 people. Up to 4,000 were still displaced by the end of the year.

In September, the government signed the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict. The Army was reported to have discharged 146 children and young adults from its forces. There were continued reports that child soldiers were being recruited by state and non-state actors.

Corporate accountability

The legal framework remained inadequate to prevent businesses from causing or contributing to human rights abuses. There was no legislation prohibiting forced evictions, nor adequate environmental safeguards ensuring that people were protected against negative human rights impacts of water, air or soil pollution caused by extractive and manufacturing industries.

Thousands of people were at risk of being forcibly evicted from their homes and farms to make way for the controversial Letpadaung copper mine in central Myanmar. The wider Monywa mining project, of which Letpadaung forms part, has a long history of human rights abuses, including forced evictions, violent repression of protests by the authorities, and environmental impacts posing a threat to local people's health and access to clean water. None of the companies involved had been held to account for any human rights abuses by the end of the year.⁸

Refugees and internally displaced people

According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), there were over 230,000 internally displaced people in Myanmar. These included over 100,000 people displaced by fighting in Kachin and Northern Shan states and 130,000 people, mostly Rohingya, in Rakhine State displaced since violence erupted there in 2012. In July, 1.7 million people were temporarily displaced by massive floods across the country.

Some 110,000 refugees and others from Myanmar lived in nine camps on the Thailand-Myanmar border, uncertain of their future. Many expressed concerns about returning to Myanmar, pointing to ongoing militarization, persistent impunity, the continued presence of landmines, and limited education and employment opportunities as barriers to voluntary returns.

Impunity

Members of the security forces continued to violate human rights with near-total impunity. Investigations into human rights violations by the security forces were rare, and when they did occur they lacked transparency and independence. Perpetrators were seldom held to account. Victims and their families continued to be denied their rights to justice, truth and reparation.⁹

In May, the Myanmar National Human Rights Commission (MNHRC) announced that it had been made aware that a military court had acquitted two army officials of charges relating to the death of journalist Aung Kyaw Naing (also known as Par Gyi), who was shot dead in military custody in October 2014. The court-martial was

held despite a police investigation and court inquest already being underway. Aung Kyaw Naing's family was unaware of the court-martial until the MNHRC announcement. No one had been brought to justice for the killing by the end of the year.

State officials, including members of the security forces, remained protected from prosecution for past human rights violations by immunity provisions in the 2008 Constitution. In December, a bill was submitted to Parliament which would guarantee former Presidents lifetime immunity from prosecution for "actions" – which could include human rights violations, crimes against humanity and war crimes – taken while they were in office. The bill had not been adopted by the end of the year.

Death penalty

No executions were carried out. At least 17 new death sentences were imposed during the year.

International scrutiny

In November, Myanmar's human rights record was assessed under the UPR.¹⁰ Myanmar rejected key recommendations to review specific laws which restrict the rights to freedom of expression, association and peaceful assembly and refused to acknowledge the systemic discrimination facing the Rohingya minority.

The UN Special Rapporteur on the situation of human rights in Myanmar made two official visits to the country during the year, yet she was hampered in carrying out her mandate. In August, she was only given permission to travel for five days, had difficulties meeting with government interlocutors, and was denied access to Rakhine State. She also reported surveillance and harassment of civil society members who met with her. By the end of the year, there was still no agreement to establish an Office of the UN High Commissioner for Human Rights (OHCHR) in Myanmar. While OHCHR staff were able to operate in Myanmar, they did not have full and sustained access to the country, impeding their ability to undertake their work.

1. Amnesty International and the International Commission of Jurists (ICJ): Parliament must reject discriminatory "race and religion" laws ([ASA 16/1107/2015](#))
2. Deadly journeys: The refugee and trafficking crisis in Southeast Asia ([ASA 21/2574/2015](#))
3. "Going back to the old ways": A new generation of prisoners of conscience in Myanmar ([ASA 165/2457/2015](#))
4. Myanmar: End clampdown on student protesters and supporters ([ASA 16/1511/2015](#))
5. Amnesty International and Human Rights Watch: Open letter on the establishment of the Prisoners of Conscience Affairs Committee ([ASA 16/0007/2015](#))
6. Caught between state censorship and self-censorship: Prosecution and intimidation of media workers in Myanmar ([ASA 16/1743/2015](#))
7. Myanmar: Investigate alleged rape and killing of two Kachin women ([ASA 16/0006/2015](#))
8. Open for business? Corporate crime and abuses at Myanmar copper mine ([ASA 16/0003/2015](#))
9. Myanmar: Four years on, impunity is the Kachin conflict's hallmark ([ASA 16/1832/2015](#))
10. Myanmar: Stalled reforms: Impunity, discrimination and ongoing human rights abuses: Amnesty International submission to the Universal Periodic Review ([ASA 16/2276/2015](#))

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