

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	105
Land:	Burma
Kilde:	UK Foreign and Commonwealth Office
Titel:	Burma - Country of Concern: latest update, 21 January 2015
Udgivet:	21. januar 2015
Optaget på baggrundsmaterialet:	16. juni 2015



Burma - Country of Concern: latest update, 21 January 2015

Publisher [United Kingdom: Foreign and Commonwealth Office](#)

Publication Date 21 January 2015

Related Document [Burma - country of concern: latest update 31 December 2014](#)

Cite as United Kingdom: Foreign and Commonwealth Office, *Burma - Country of Concern: latest update, 21 January 2015*, 21 January 2015, available at: <http://www.refworld.org/docid/54c608ab4.html> [accessed 22 April 2015]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

2013 was another significant year in Burma's democratic transition. The human rights situation has improved in a number of areas, although many challenges remain. Many more political prisoners have been released, with around 30 still incarcerated. There have been positive steps in wider political freedoms, but further work is needed to bring Burma into line with international standards. The Burmese Parliament responded constructively to international and civil society concerns over draft legislation on media freedoms and NGO registration. In August, the government allowed a major ceremony to be held on the anniversary of the 1988 student uprisings for the first time. Over 200 child soldiers were released from the Burmese Army.

In July 2013, the UK hosted President Thein Sein on the first visit of a Burmese president to the UK. Aung San Su Kyi visited the UK in October, her second visit since her release from house arrest. The Chief of Defence Staff, General Sir David Richards, Minister of State for Trade and Investment, Lord Green, Minister of State for International Development, Alan Duncan, the Speaker of the House of Commons, John Bercow, and many members of Parliament visited Burma in 2013. We also welcomed Burmese government ministers, ethnic groups, members of parliament, and former political prisoners to the UK.

Our priorities in 2013 included the release of political prisoners, the amendment of repressive legislation in order to embed political freedoms, encouraging the opening in Burma of an Office of the High Commissioner for Human Rights (OHCHR) office, and pressing the government to find a durable long-term solution to the situation in Rakhine State. Rakhine remains an area of acute concern. There were further outbreaks of violence in 2013, and the police handling and response was, in general, better than in 2012. However, there has been no progress towards a durable solution, and the majority of Rohingya communities remain segregated, unable to access basic livelihoods and healthcare, and at risk of further violence. Against this background, the UK supported EU-sponsored resolutions at the UN Human Rights Council in March and at the Third Committee of the UN General Assembly (UNGA) in November, and welcomed Burma's engagement with this process. While recognising areas where the Burmese government has made genuine progress, the resolution emphasised a number of serious outstanding human rights concerns.

2014 will be a crucial year for the reform process ahead of elections in November 2015, and it is vital that progress is made in outstanding areas of concern. Key events in 2014 include the next round of peace talks, ongoing discussions over constitutional reform, Burma's chairmanship of the Association of South East Asian Nations (ASEAN), and Burma's first census for 30 years. The legislature will debate a draft bill to review Article 18 of the Peaceful Assembly and Peaceful Protest Law, which has been used to imprison many demonstrators, as well as a number of controversial bills regulating domestic NGOs and the press. The situation in Rakhine remains fragile and there is a high risk of further incidents of inter-communal violence.

The UK government continues to pursue a policy of frank engagement on human rights issues. Our activities in 2014 will continue to focus on political freedoms (including freedom of expression, freedom of assembly, protection of human rights defenders, and release of political prisoners) and promoting tolerance and diversity. We will also continue to work with the Burmese government towards ratification of the International Covenant on Civil and Political Rights (ICCPR), signature of the Declaration on Preventing Sexual Violence in Conflict, and ending the recruitment of child soldiers. We will continue to fund humanitarian assistance where it is most needed, and will push the government to improve humanitarian access, particularly in Rakhine and Kachin States, and to find a sustainable solution to the situation in Rakhine.

Freedom of expression and assembly

Protests and demonstrations continued to be held across the country in 2013, a sign of society embracing new-found freedoms. On 8 August, the first major public commemoration of the 1988 pro-democracy demonstrations was held on its 25th anniversary, involving activists, ethnic leaders, and government ministers.

However, there have also been negative developments. Of particular concern is Section 18 of the Peaceful Assembly and Peaceful Procession Act, and other legislation which falls short of international standards. In 2013, while many of those prosecuted under this legislation were sentenced to pay small fines when pleading guilty, significantly harsher penalties were given to those who pleaded not guilty. For example, two protestors were each sentenced to seven months in prison for taking part in a protest march from Laiza to Rangoon in early 2013. Such legislation has also been inappropriately applied, in situations such as the arrest of a group of transgender and transsexual people in Mandalay in July, who were subsequently allegedly physically and sexually abused by police. The UK has funded Article 19, a London-based international NGO, to develop the capacity of legislators, civil society, media and ministries to amend and draft new legislation relating to freedom of expression. We continue to urge the Burmese government and parliament to review and amend existing legislation to ensure universal rights are guaranteed.

In 2013, Burma rose 18 places to 151 out of 179 states in the World Press Freedom Index. For the first time in 50 years, privately-owned daily newspapers became available in Burma in April, another positive step in the evolution of media freedom. The Interim Press Council is drafting a media law aimed at protecting the right to freedom of opinion and expression of journalists and editors. We hope to see this approved by parliament in 2014. Internet access and use in Burma remains limited, but there has been an increase in the use of social media sites for activism. As this continues to rise, it will be important that legislative reforms create a free environment to give users confidence to express their views without fear of reprisal, but also that such fora do not facilitate hate speech.

There has been a worrying increase in the use of hate speech in the media and during demonstrations, including those protesting against the Organisation of Islamic Cooperation (OIC) visit in November. During his visit to the UK in July, President Thein Sein made a public commitment to take "a zero tolerance approach to any renewed violence and against those who fuel ethnic hatred". We welcome attempts by the authorities to hold people to account, but urge more action to address the incitement of racial and religious hatred.

Human rights defenders

Whilst the working environment for human rights defenders (HRDs) has much improved, the situation in Burma remains difficult, especially for those who are active in more rural and remote areas. On Human Rights Day, 10 December, the British Embassy in Rangoon hosted a reception to honour the role and contribution of HRDs in Burma and launched a pilot project run by the British Council to provide public speaking courses specifically designed for HRDs to amplify their voices.

During his visit to the UK, President Thein Sein publicly pledged to release all remaining political prisoners by the end of 2013. On 31 December, the President ordered the release of all prisoners and persons facing trial for political offences. This has been a top priority for the UK, and it has been one of the most significant achievements of the reform process to date. However, the releases were marred by the failure to resolve several high-profile cases, including those of prominent local Rohingya leaders Dr Tun Aung and Kyaw Hla Aung, and at present at least 30 of the political prisoners remain incarcerated. There are also individuals still in jail whose status as political prisoners is disputed. We continue to urge dialogue between the government and civil society to resolve these remaining cases as a matter of urgency. We are also encouraging the government to retain a mechanism, similar to the existing Political Prisoner Scrutiny Committee, to review existing and future cases.

Prison visits by the International Committee of the Red Cross resumed in January for the first time in many years, a welcome sign of cooperation with the government. However, allegations of torture and ill treatment in prisons continue, particularly in conflict areas. The Foreign Secretary pressed signature of the Convention against Torture with President Thein Sein during his visit in July.

Access to justice and the rule of law

There has been progress in opening up political debate within parliament, with legislators across the political spectrum playing a wider role. We continue to liaise closely with the Parliamentary Rule of Law Committee led by Daw Aung San Suu Kyi, and with the Myanmar National Human Rights Commission. We are also supporting wider rule of law initiatives, including the upcoming visit of the International Bar Association in February 2014. It was encouraging to see amendments made to a number of new draft bills, such as the Printing and Publishing Enterprise Bill, after wider consultation. Parliament will be reviewing the Peaceful Assembly and Peaceful Procession Act in 2014, which we strongly welcome. We continue to urge the Burmese government to ratify important human rights treaties, particularly the ICCPR, and we are currently in discussions on how we can support this process in 2014. The UK is contributing to an 18-month EU project to provide 4,000 Burmese police officers with training in community policing and public order best practice. A former Northern Irish police officer is leading on the community policing element with other experts from the Police Service of Northern Ireland, and four other British police officers are delivering the public order training. The training began in November and will help to establish international standards across the country.

The disbandment of the NaSaKa security forces in Rakhine State in July was a welcome step given the credible accusations against them of human rights abuses.

Conflict and protection of civilians

The spread of anti-Muslim sentiment and violence has coincided with the rise of the Buddhist nationalist "969" movement. The UK continues to fund grassroots initiatives that support and promote interfaith dialogue and tolerance amongst diverse communities (see the case study on the plight of the Rohingya in Section V).

Conflict between the Kachin Independence Army (KIA) and Burmese military continued in 2013, though reduced in intensity, following the offensive against Laiza in January. An estimated 100,000 people remain displaced from the outbreak of conflict in June 2011. The UK is the largest bilateral humanitarian donor to Kachin State. In July, the Secretary of State for International Development, Justine Greening, announced a further £13.5 million for a humanitarian programme in Kachin delivering food, shelter, water and adequate sanitation. We continue to press the government at the highest levels to allow unrestricted access for humanitarian organisations to all areas of Kachin State, including those areas under KIA control. In late 2013, a small number of UN convoys were able to access KIA-held areas.

In November, multilateral talks were held in Myitkyina in a further attempt to reach a nationwide ceasefire. While the talks did not achieve a breakthrough, all sides agreed to continue negotiations, and accepted the importance of political dialogue following a ceasefire. The UK is a member of the Peace Donor Support Group, which directly supports work to move from ceasefire agreements to political dialogue with all Burma's ethnic groups.

The UK funds visits by experts with experience of inter-communal trust and peacebuilding in Northern Ireland. We have also hosted visits to London and Northern Ireland, to share our experiences, for Minister for the President's Office, Aung Min, Daw Aung San Suu Kyi, and a delegation of ethnic armed groups, including the United Nationalities Federation Council and Karen National Union.

Sexual violence remains a concern. Cultural reluctance to discuss the issue, a lack of access to areas of active conflict, and the absence of referral systems for victims means that the full extent of sexual and gender-based violence is unknown. Anecdotal reports and limited exposure to victims has indicated that perpetration of such acts is both recent, and widespread, particularly during conflict, violence and displacement. As part of the Foreign Secretary's Preventing Sexual Violence Initiative (PSVI), the UK is funding projects to improve access to justice for victims, develop community-based preventive mechanisms and promote wider legal and policy reforms. The UK continues to urge the government of Burma to endorse the [Declaration of Commitment to End Sexual Violence in Conflict] (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/244849/A_DECLAF which the Foreign Secretary launched at UNGA.

Freedom of religion or belief

While freedom of religion or belief is guaranteed under the 2008 constitution, in reality prejudice and discrimination against Burma's religious minorities remains a serious problem. Places of worship have been deliberately targeted during violence in Kachin and Rakhine States, and members of the Muslim community continue to face problems obtaining birth certificates, rendering many children stateless and unable to access services. Muslims in Rakhine are still prohibited from congregating for daily prayers due to the application of Section 144 of the Martial Law, which prohibits more than five people from gathering. In addition, UN Special Rapporteur Quintana noted a degree of institutionalised discrimination against Christians in Chin State during his latest visit, although the extent of human rights violations in Chin State has decreased overall. The UK supports interfaith work in Burma through our project funding.

The rise of violence targeted against Muslim communities in several locations across the country in 2013 is a deeply worrying development. In March, 43 people were left dead and 13,000 people displaced in Meiktila, Mandalay, following an altercation between a Muslim jewellery shop owner and a Buddhist customer. In April, one person was killed and several injured in Oakkan, 40 miles from Rangoon, after a Muslim woman accidentally bumped into a monk. In Lashio, Shan State, Muslim-owned buildings were burnt following the death of a Buddhist woman in May. The failure of police to intervene and prevent the violence from escalating at an early stage has been noticeable on numerous occasions. We continue to urge the government to take further action to

allow for freedom of religion or belief, and to address intercommunal tensions which, in the long term, risk undermining the country's democratic transition and peace process.

Women's rights

Women remain under-represented in public life in Burma. The UN Gender Inequality Index places Burma 80 out of 148 countries. Only 6% of parliamentarians are women, although the first two female military representatives were recently appointed. The National Strategic Plan for the Advancement of Women for 2013-2022 was formally launched in October, and we hope the implementation of this plan will help raise the profile of women's issues and lead to more female leaders in key decision-making roles. Through Action Aid and the British Council, we funded an empowerment project which supports and encourages Burmese women to take up leadership roles, promote women's rights, and participate fully in the decisions that impact their lives.

Women and girls will remain at the heart of the work that the UK Government does in Burma: reducing vulnerability, including to sexual violence; increasing their participation in democratic and peaceful transitions; specifically targeting programming and other interventions to redress gender imbalances; and better engaging them in processes and decisions that affect them.

Minority rights

Burma is one of the world's most ethnically diverse countries, but embedding a culture of inclusiveness and respect for all remains a challenge. In particular, the Rohingya in Rakhine State - who are not one of Burma's officially recognised ethnic groups - have been subjected to endemic discrimination (see the case study on the plight of the Rohingya in Section V).

The UK has contributed £10 million in support of a census to be conducted in Burma in 2014, the first for thirty years. The census will provide crucial data to inform better government policy and improved service delivery. Whilst there are likely to be limitations to the accuracy of the data, and difficulties around the list of ethnicities from which to choose, information on ethnicity from the census will help provide a more accurate picture than hitherto of Burma's ethnic make-up and multicultural composition.

Children's rights

Burma remains on the UN Security Council's watch list for the recruitment and use of child soldiers. In August 2012, the UK, as part of the UN Security Council Working Group on Children and Armed Conflict, agreed a resolution on the issue of child soldiers in Burma. The resolution calls on the Burmese government to ensure the UN country team is granted access to all military sites, and that steps are taken to remove the incentives for recruiting child soldiers and to strengthen age verification mechanisms. The 18-month action plan agreed between the UN and the Burmese government came to an end in December 2013, and we are urging its renewal. We welcome the reported release and reintegration of over 600 children during this period, but more still needs to be done. 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. We are also encouraged that some non-state armed groups have shown an interest in agreeing a similar plan for eliminating the practice of child soldiers.

Search Refworld

by keyword

and / or country

All countries



[Advanced Search](#) | [Search Tips](#)

Countries

- [Myanmar](#)

Topics

- [Children's rights](#)
- [Freedom of assembly and association](#)
- [Freedom of expression](#)
- [Freedom of religion](#)
- [Human rights activists](#)
- [Minority rights](#)
- [Protection of civilian persons in time of war](#)
- [Rohingya \(Arakanese\)](#)
- [Rule of law / Due process / Procedural fairness](#)
- [Women's rights](#)