

## ADVANCE QUESTIONS TO MYANMAR

### **BELGIUM**

- The Government of Myanmar ratified CEDAW and CRC. Is the Government of Myanmar also taking steps to ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as the International Convention on the Elimination of All Forms of Racial Discrimination? Does the Government of Myanmar consider ratifying the Rome Statute of the International Criminal Court?
- Which concrete measures has the Government of Myanmar taken to address the issue of violence against the Rohingya, including addressing the accountability of perpetrators as well as individuals who feed polarization through hate speech?
- What steps have been taken to facilitate the establishment of an OHCHR country office in Myanmar, able to operate throughout the country with a full promotion and protection mandate? Has a timeframe been established?
- Is the Government of Myanmar considering to review the New Media Law and the Printing and Publication Enterprise Law of 2014, in consultation with media representatives, in order to bring it in conformity with international standards regarding freedom of expression?

### **CZECH REPUBLIC**

- What steps have been taken by the Government to ensure the protection against torture and other ill-treatment in particular of ethnic minorities and religious groups by the security forces? What mechanisms are in place to ensure that the security forces are accountable for acts of torture and other ill-treatment? Does the Government consider accession to the CAT and OP-CAT?
- What measures has the Government adopted to guarantee that the November 2015 general elections will meet international standards of democratic and free and fair elections? Does the Government intend to amend the Constitution to ensure fully civilian governance through freely chosen representatives in genuine, free, fair and inclusive elections? Does the Government consider accession to the ICCPR?
- What measures has the Government adopted to eliminate discrimination against ethnic and religious minorities, women and discrimination based on SOGI? Does it consider reviewing its national legislation to protect women against marital rape and to ban child marriages?

- How will the Government address the issue of the stateless persons, especially of religious minority groups in Myanmar? Does the Government plan amending the four recently adopted laws on the protection of race and religion or regularly evaluate their impact on human rights and the principle of non-discrimination?
- How does the Government intend to address the situation of persons imprisoned for expressing their views and for participation in demonstrations? What measures have been taken to address the issue of land grabbing? Could you provide more details on the number of persons prosecuted and punished for land seizures and violence or threats against farmers affected by land grabbing?
- Could the Government provide an update on the plan to establish an OHCHR country office with the full mandate? Is there a timeline set for the opening of the OHCHR office?

## **GERMANY**

- What measures will be applied to guarantee free, fair and overall elections on 8<sup>th</sup> November 2015? How will the Government of Myanmar assure the participation of minorities, IDP's and others without proper papers and people affected by severe floods?
- The Rakhine Investigation Commission has recommended in its report of 22<sup>nd</sup> April 2013 to take effective legal action against political parties and individuals that promote racial hate and tensions. Why did the Government of Myanmar not follow these recommendations and left organisations like Ma Ba Tha and its leader untouched, although they spread hate messages via social media in the country?
- Germany would like to ask how many persons remain imprisoned for political reasons in Myanmar as of today and ask for their urgent release.

## **NETHERLANDS**

### Minority rights and religious freedom

- What will the Myanmar government do to improve the rights of ethnic and religious minorities and indigenous peoples in the country?
- How will the Myanmar government ensure the basic human rights (including marriage and birth-rights) and restore full citizenship of the Rohingya?
- How will the government of Myanmar improve religious freedom and combat religious intolerance and hate speech?

### Land rights

- What is being done by the Myanmar government to protect land rights of local inhabitants in light of various government projects?

- How will the Myanmar government ensure these rights have a proper legal foundation?

#### Freedom of expression and peaceful assembly

- What will the government of Myanmar do to remove restrictions on the freedom of expression and peaceful assembly?
- What steps will the government of Myanmar take to release prisoners of conscience?
- How will the government reform the security forces to ensure that their response to peaceful protest is in compliance with international human rights standards?

#### LGBTQ Rights

- What steps will the government of Myanmar take to legalize consensual same-sex conduct?
- How will the government of Myanmar address discrimination on the basis of sexual orientation and gender expression?

#### Accountability/judiciary/responsibility to protect

- How will the government of Myanmar uphold its responsibility to protect its entire population against human rights abuses, regardless of their ethnicity or religion?
- What steps will the government of Myanmar take to hold accountable those who perpetrate mass atrocities and commit human rights abuses?

#### IDPs

- How will the government of Myanmar facilitate the safe and voluntary return of IDP's to Rakhine State?

## **SLOVENIA**

- We note that certain measures have been adopted to address violence against women. Have any of the measures adopted addressed also the issue of domestic violence and how?
- We welcome the reform process aimed at making Myanmar a more democratic society. What concrete measures has Myanmar adopted to ensure equal opportunities for the representation and participation of women as candidates and voters in elections?
- The Human Rights Council has called upon Myanmar to take all necessary measures to ensure accountability and end impunity for violations of human rights, in particular against Muslims. What measures have been envisioned or/and adopted in this respect?

## **SWEDEN**

- Sweden welcomes that Myanmar has signed the General Assembly Declaration of Commitment to End Sexual Violence in Conflict. In view of this commitment, what is the Government doing to prevent sexual violence against women, especially in conflict areas, and to address the problem of impunity?
- What is the Government's strategy to protect minority groups, including the Rohingya, from hate speech and incitement to violence, and what are the Government's plans with regard to citizenship of the Rohingya?
- What is the government's plan to address the practise of arbitrary arrest and detention of human rights defenders and civil society activists, and to stop the use of threat, harassment, surveillance and intimidation by government and other security agencies?
- What measures will the government of Myanmar take to increase health sector expenditure from the current low levels, and to ensure that an adequate number of midwives are educated and dispatched in Myanmar, including in remote and conflict affected areas?

#### **UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

- Will the Government release all those detained for exercising rights to freedom of expression, assembly or association, in line with the pledge on political prisoners made by President Thein Sein during his visit to London in July 2013 and how will they ensure that all arrested persons are detained legally not arbitrarily, that due process is complied with, and that prisoners are given access to legal representation and family visits?
- What steps will the Government take to tackle the rise of intolerance, discrimination and hate speech and protect the human rights of individuals belonging to minorities? In particular, how will the Government ensure that the 'four laws on race and religion' are implemented in a way that does not discriminate against the rights of women and minorities?
- What steps are the Government taking to ensure that human rights defenders, including lawyers and journalists, are able to undertake their work safely and without fear of reprisal and will the Government review the Penal Code and other outdated and potentially oppressive legislation routinely used against human rights defenders?
- Will the Government accept the recommendation of UN Special Rapporteur Yanghee Lee in her March 2015 report (Para 69, e) on ending impunity for human rights violations committed by security forces, and ensure that allegations are dealt with through a clear, independent and transparent judicial process that meets international standards?
- The UK notes the Government's recent signing of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed

conflict. Can the Government explain its plans for ratification of the Protocol, including its proposed timeframe for doing so?

## **UNITED STATES OF AMERICA**

- How is the Government of Myanmar resolving the concerns of individuals who were affected by land seizures before 2011, and how will the government curb land seizures by the military?
- How is the government investigating allegations of excessive police use of force in responding to the March 10 student protests at Letpadan, and will the government commit to releasing the student protestors still in detention?
- What is the Government of Myanmar doing to ensure unrestricted humanitarian access to all populations in the country that are still in need, including internally displaced persons in Shan State and Kachin State?
- How is the government continuing to implement reforms conducive to a free and independent media, and will the government release the five so-called “Unity journalists” detained in January 2014 as a sign of its intention to respect press freedoms?
- How are authorities holding military units accountable for human rights violations and human trafficking committed in ethnic minority areas experiencing violence, including the reported rape and murder of two Kachin teachers in January 2015 by Myanma military personnel?
- What steps has the government taken to reform restrictive national security laws passed by previous governments in accordance with the government’s commitments to protect human rights, including the Unlawful Associations Act of 1908, the Emergency Provisions Act of 1950, the Electronic Transactions Law of 2004, the Peaceful Assembly and Processions Act, and the Telecommunications Act?
- How is the government consulting with civil society groups and international experts to draft a prison law that comports with international standards?
- What steps is the government taking to ensure progress in investigating and prosecuting cases of internal trafficking, including the criminal prosecution of Myanma officials alleged to be complicit in forced labor and child soldier recruitment?