

## HRW Statement UPR Myanmar

March 17, 2016

Human Rights Watch acknowledges significant reform Myanmar has made since its previous UPR five years ago. But serious challenges remain and many of the purported improvements contained in the final report should be placed in context to gauge real progress.

The November 2015 nationwide elections were conducted in a mostly free and transparent manner, resulting in the election of a civilian government. We remain concerned, however, that large numbers of ethnic and religious minorities, particularly Rohingya Muslims, were disenfranchised ahead of the polls and were not permitted to vote as they were in 2010.

Numerous rights-abusing laws remain on the books, which local police and officials frequently use without direction or oversight from the central government. The military-drafted constitution allows the armed forces to appoint the home affairs minister – who controls the police -- as well as the defense and border affairs ministers. An unreformed judiciary remains corrupt, incompetent, and overly beholden to the military and government officials. The military remains above civilian control, and continues to enjoy impunity for past and ongoing human rights violations.

The report fails to acknowledge a recent surge in political prisoner numbers. There are about 100 political prisoners in the country, while another 400 people, including many students and land rights activists, face criminal charges for asserting their rights to freedom of expression and peaceful assembly.

The signing of a partial nationwide ceasefire in October with eight ethnic armed groups has not ended armed conflict and in some areas abuses have intensified in recent months. Renewed fighting has displaced thousands of civilians amid allegations of serious laws-of-war violations by government forces and ethnic armed groups, including forced labor, torture and ill-treatment, and sexual violence.

Race and religion remain unresolved flashpoints. Human Rights Watch does not accept, as the government of Myanmar contends, that four so called “race and religion protection laws” (74-77) are in line with international standards, and we believe they continue to imperil the rights of religious minorities and fuel ultra-nationalist groups who call for violence against Muslims, as the Special Rapporteur has reported, and has been noted by several states in this report.

The Rohingya Muslim minority, long a target of government repression, was disenfranchised during recent elections. The Citizenship Act of 1982 effectively denies Rohingya the possibility of citizenship. More than 130,000 remain in squalid displacement camps, while the remaining 1.1 million face everyday curbs on basic rights, including their freedom of movement, and rights

to livelihood, education, and health. Their continued persecution should give serious pause to anyone assessing this UPR progress in Myanmar.

The report acknowledges (140) that three staff of OHCHR were present in the country and the government had proposed a technical mandate for a permanent office. But the scale of continued human rights violations requires a full office with a reporting and technical assistance mandate, to which the incoming government should commit.

The National Human Rights Commission (7) may have been reconstituted, but it lacks full independence and does not conform to the Paris Principles. Its reluctance to investigate abuses by the Myanmar military is one of its most glaring deficiencies.