



General Assembly

Distr.: General
3 September 2019

English only

Human Rights Council

Forty-second session

9–27 September 2019

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by Jubilee Campaign, a non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2019]

* Issued as received, in the language(s) of submission only.



Interactive Dialogue with the Special Rapporteur on the situation of Human Rights in Myanmar

Jubilee Campaign seeks to draw the attention of the Human Rights Council to the domestic human rights and religious freedom situation in the Republic of the Union of Myanmar, and the situation of refugees from Myanmar. While the 2015 democratic elections continue to be a step forward towards freedom, there is still much work to be done. Freedom of the press and the ethnic communities remain top concerns. The Myanmar military – *Tatmadaw* – continues to be the foundation of the government and has the final power in all matters even while Aung San Suu Kyi and the National League for Democracy lead the government. The military continues to use forced labor, rape, landmines, artillery and the burning of villages against ethnic civilians nationwide as they show a disregard for human life and those who have been wronged.

Jubilee Campaign does recognize and commend positive steps taken by Myanmar such as the inclusion of Aung San Suu Kyi in a position in government and that she, along with others, continues to work for more freedom, reforms, and justice in Myanmar. Jubilee Campaign also commends Myanmar for releasing some political prisoners and introducing some greater political freedom. There has also been a slight ease in censorship and travel restrictions. Jubilee Campaign acknowledges the signed agreement by Myanmar military leaders to end forced labor and acknowledge the reduction that has taken place in some areas.

Jubilee Campaign welcomes the ongoing ceasefire negotiations with many of the ethnic groups and the reported overall reduction in fighting and displacement. Jubilee Campaign remains concerned however, about the reported new attacks and oppression in many of the ethnic minority states despite the talks, and are also concerned by the expansion of the Myanmar Military bases in contravention of the National Ceasefire Agreement.

New attacks and ongoing oppression

Humanitarian access is still blocked for internally displaced persons in parts of Karen, Karenni, Shan, Rakhine (known as Arakan), and Kachin State. There has been no apology, expression of remorse, or establishment of a truth and reconciliation process to address Myanmar military attacks, oppressions, human rights violations, war crimes, and displacement. Land confiscation and land rights abuses have also become worse due to government and business encroachment.

Rohingya

There is still tension in Rakhine State after the Myanmar military committed genocide, war crimes, and crimes against humanity against the Rohingya from August 2017 onward. While there have been repatriation discussions for the Rohingya, they have not been allowed to take part and their concerns for safety and human rights have not been addressed. Northern Rakhine State has been cut off from outside access due to the violence and increasing conflict according to Free Burma Rangers report.

Other minority ethnic groups

In spite of and during ceasefire talks, the Myanmar military attacks, murders, rapes. In Kachin State, the total of internally displaced people continues to grow with over 100,000 Kachin people displaced since 2011 according to reports from Free Burma Rangers. The Myanmar Military attacks civilians and blocks aid from reaching some of the most vulnerable populations.

Similarly, in northern Shan State, continued attacks against the Ta'ang and northern Shan increases displacement and risk for civilians; fighting and displacement continue against the

Shan, Ta'ang, Kachin, and Kokang people. In July 2018, the Myanmar military ambushed, captured, and murdered six Ta'ang National Liberation Army (TNLA) female medics and one male TNLA soldier.

In Karen State, the Myanmar Military continues to use the ceasefires to supply their camps beyond the normal supply rate. In April 2018, the Myanmar military shot and killed Saw O Moo, a Karen community worker who was returning home after attending a meeting regarding helping new Karen internally displaced persons. Throughout 2018 in Karen State, the Myanmar built up their troop and supply bases, forcing entire Karen villages to flee in the process. In April 2019 the Myanmar Military killed an additional seven Karen villagers. Thus the Myanmar Military continues to violate the National Ceasefire Agreement (NCA) Chapter 3, Section 9(b) and (e-g), and are continuing to build up their military bases and building roads without permission in 2019. The Myanmar Military has built roads and bridges displacing over 1 000 villagers, causing problems for local farming. The villagers who are protesting the construction are civilians and not representing any armed group according to Free Burma Rangers' Report. Despite this, the Myanmar Military will shoot at the villagers if they contend the illegal building process. As of April 2019 the Myanmar Military has finished building four bridges and placing troops on the sides of relevant roads over 50 meters on either side and close to local villages.

The Myanmar Military has built four new army bases in Karenni State. Villagers have voiced their fear of what will happen as the construction is usually an indication of impending conflict.

The actions of the Myanmar Military in Karen State, Karenni State and others clearly breach the National Ceasefire Agreement, Chapter 3, Section 5(a); which states the conflicting parties agree to:

“Avoid troop reinforcements in the ceasefire... avoid building new military bases and supplying of ammunition and weaponry, except those already agreed by both parties.”

In Chin State and Sagaing Division there is lack of infrastructure and development which continues to leave civilians vulnerable to disease and environmental problems like flooding and landslides. Landmines also remain present in the Chin state and a hazard to civilians. In September 2018, a 28-year-old woman died after stepping on a mine while picking vegetables in the jungle with friends. In October 2018, Mr. U Hwe Than, a father of six, stepped on a mine and was severely wounded. The situation in Chin is made dangerous due to the fighting between the Myanmar military and the Arakan Army, which has caused many villagers to flee. Some Chin villagers report that the Arakan Army has driven them from their land to have better access to their bases in Rakhine State and Bangladesh.

Chin Christians have also faced discrimination from the Myanmar military. In August 2018 a Christian funeral party was forbidden from crossing a bridge by local authorities and local Buddhists forcing the burial party to wade the coffin across the river in Magwe Division. The burial party had sought permission to cross the bridge for the funeral but had been forbidden on the grounds of their religion.¹ This is contravention of the National Ceasefire Agreement (NCA), Chapter 3, Section 9(l) and (q) which mandates the all military parties to:

“(l) Avoid either directly or indirectly interfering, humiliating or damaging the reputation of public activities to preserve religion, literature, and cultural and traditional practice.”

and to “(q) Permit civilians to move freely inside ceasefire areas”

Refugees

Karen and Karenni refugees in Thailand continue to live restricted lives with a decrease in food supplies. Education acquired in refugee camps is not recognized outside the camps.

¹ Free Burma Rangers, “Global Day of Prayer for Burma 2019”.

The current official refugee population from Myanmar in Thailand is around 92,000 people in nine camps.

Rohingyas in refugee camps in Bangladesh live in similar conditions, with limited rights. They cannot return to their homes in Myanmar since they have been burned.

Drugs

Myanmar military involvement in the narcotics trade continues with the use of proxy armies.

Recommendations

Jubilee Campaign calls on the Human Rights Council to:

- Recognize the ethnic governments and engage with them on the same level as the government of Myanmar.
- Provide humanitarian assistance directly to those under attack through ethnic governments and organizations, not the Myanmar military, to ensure the aid reaches those most in need.
- Encourage and hold accountable the central government and military of the Republic of the Union of Myanmar to work toward real democracy, freedom, and human rights.
- Urge the Republic of the Union of Myanmar to change the constitution in order to ensure full civilian rule.
- Urge the Republic of the Union of Myanmar to include Rohingya in the repatriation discussions to ensure an inclusive peace process.
- Condemn any breach of the National Ceasefire Agreement by the Republic of the Union of Myanmar and encourage genuine political dialogue instead of military escalation.

Jubilee Campaign calls on the Republic of the Union of Myanmar to:

- Cease violence against ethnic minorities in Kachin, Karen, Rakhine and other minority states.
- Cease discrimination of Chin Christians and other minorities and allow them their religious freedom in accordance with article 18 of the Universal Declaration of Human Rights.
- Reconvene genuine discussion with armed groups and to negotiate with political dialogue, and credible monitoring mechanisms to consolidate existing ceasefires.
- Grant access to humanitarian aid organizations to work in all areas of Myanmar including conflict areas, such as Karen, Karenni, Shan, Rakhine and Kachin State

Free Burma Rangers NGO(s) without consultative status, also share the views expressed in this statement.