

Statement By Members Of The European Burma Network

10th October 2013

EU Must Highlight Ongoing Human Rights Abuses in UNGA Burma Resolution

Members of the European Burma Network welcome the decision of the European Union to continue with the annual United Nations General Assembly resolution on Burma.

We are concerned that despite the fact that the government of Burma has not met a single one of the twenty main demands made in last year's resolution, the European Union had seriously considered discontinuing the resolution. We are also concerned that it was the possibility of the Organisation of Islamic Conference drafting a resolution if the European Union did not, and a demarche by the USA, which appeared to be key deciding factors in continuing the resolution, rather than serious ongoing human rights abuses which violate international law, and the fact that Burma has failed to comply with the previous 22 resolutions.

The EU has already lifted economic and diplomatic sanctions without key demands and benchmarks for improving human rights having been met. The EU then openly considered discontinuing the UNGA resolution on Burma without any of the main demands in the last resolution having been fully complied with. This inconsistent and weak approach to promoting human rights in Burma continues to undermine the EU's credibility and its leverage in encouraging the government of Burma to undertake vital improvements in human rights and deeper and irreversible democratic reforms.

It is important that changes that have taken place in Burma are acknowledged and encouraged, but at the same time serious ongoing human rights abuses and the lack of significant progress in repealing repressive laws and reforming Burma's constitution should not be downplayed or ignored. Policy should be based on what is happening in the country as a whole, not just in Nay Pyi Daw and Rangoon.

Acknowledging the reforms which have taken place since 2011, the 2012 UNGA resolution on Burma was only half the length of previous resolutions, and significantly softer in tone. However, so many serious human rights problems remained that it still highlighted nineteen main areas of concern and made approximately twenty-six main calls for action by the Burmese government. Not one of these demands has been fully complied with. On some there has been some progress, but on most there has been almost none. For some, the situation has got worse.

The European Union must ensure that all the main human rights abuses and related issues which were highlighted in the previous resolution and which have not been fully addressed are included in the next resolution.

Many of the calls for action in the 2012 resolution have been in almost every resolution for more than 20 years. Many also relate to violations of international law, including possible war crimes, crimes against humanity, and violations of international treaties. It should be of great concern that two and a half years into the reform process there has been so little progress in addressing so many of the concerns consistently raised in the annual UNGA resolution, especially where they relate to violations of international law and treaties. The UNGA resolution

should set timelines for addressing these issues, after which it will support using international mechanisms to enforce international law. (Note: Since 1997, the year President Thein Sein joined Burma's ruling Council, UNGA resolutions have made 20 separate calls for the government of Burma to investigate human rights abuses, and the government of Burma has ignored every one of these requests.)

In addition to the issues raised in the 2012 resolution, new violations of human rights have occurred in the past year.

Anti-Muslim Violence

The failure to address and counter the hatred and violence against the Rohingya Muslim minority has encouraged anti-Muslim agitators to spread hatred and encourage anti-Muslim violence across Burma. The government took no steps to counter this, and since March there have been many incidents of anti-Muslim violence across the country, resulting in many deaths and thousands of people displaced. There is a consistent pattern of a failure of the government to take action against those organising and inciting violence, and President Thein Sein has even publicly defended one of the main people inciting anti-Muslim hatred. At the same time there is also a consistent pattern of security forces allowing violence to take place for several days before finally taking action only after Muslim homes and shops, and Mosques, have been destroyed, and once there is international attention about the attacks. No systematic efforts are being made to stop the violence or address its root causes. This must be addressed in the 2013 resolution.

Ethnic Cleansing and Crimes Against Humanity

In April Human Rights Watch published a report 'All You Can Do Is Pray', detailing evidence of ethnic cleansing and crimes against humanity against the Rohingya in Burma. It is astonishing that despite repeated pledges of 'never again' regarding mass atrocities, the European Union has maintained total public silence on this issue. It appears that in its rush to enter into 'partnership' with the military-backed government of Burma, the European Union is even willing to turn a blind eye to evidence of ethnic cleansing.

It is now clear that the government of Burma is unwilling to take effective action to prevent violence, and to hold those responsible for the violence accountable. The UNGA resolution on Burma should, therefore, include the establishment of an independent international investigation into the violence in Rakhine State.

Mass arrests and new political prisoners

The summer of 2012 has seen a dramatic increase in the number of people being arrested for peaceful political activities. Of especial concern is that these arrests are taking place under the new so-called right to protest law, which was welcomed by the EU. It is now clear that the existing political prisoner committee will not sufficiently address the issue of political prisoners in Burma. The UNGA draft resolution on Burma should, in addition to calling for the immediate and unconditional release of all political prisoners, call for a permanent and genuinely independent review mechanism, with international expertise, which can assess whether people have been jailed unjustly. It should also call for the immediate suspension in the application of all repressive laws until they can be repealed, or re-written to bring Burma into line with international law and international human rights standards. The resolution should also call for the government of Burma to acknowledge for the first time that political prisoners should never

have been jailed in the first place, and provide compensation for former political prisoners and their families.

Demands in the 2012 UNGA resolution on Burma which have not been fully complied with:

- 1) Urges the government to continue electoral reform. **Not met – the unfair and undemocratic electoral rules brought in before the 2010 elections remain in place. There cannot be truly free and fair elections in Burma without these being changed.**
- 2) Fulfilling a commitment for comprehensive media reform including allowing a free and independent media. **Not met – new draft media law falls far short of this goal**
- 3) Ensuring the safety, security and freedom of human rights defenders to pursue their activities. **Not met – human rights defenders still being arrested and jailed, and repressive laws have not been repealed.**
- 4) Releasing all political prisoners without delay and without conditions. **Not met – hundreds of political prisoners remain in jail, including many new arrests and jailing's, and almost all political prisoners who have been released have only been released conditionally.**
- 5) Urging the government to put an end to the following violations: arbitrary detention, forced displacement, land confiscations, rape and other forms of sexual violence, torture, and cruel, inhuman and degrading treatment, violations of international humanitarian law. **Not met – all of these abuses have been documented by the UN in the past year, including ongoing rape and other forms of sexual violence, and in some cases, such as land confiscations and forced displacement, violations have even increased.**
- 6) Ensure accountability and end impunity, including by undertaking a full, transparent and independent investigation into all reports of violations of international human rights and humanitarian law. **Not met – violations continue and the government and military do not acknowledge that human rights abuses have taken place and continue with effective impunity.**
- 7) Consider ratifying further international instruments in the fields of human rights, labour law, refugee law and humanitarian law. **Not met**
- 8) Ensure laws including new laws are compatible with international standards and international human rights law. **Not met – New laws while making some improvements in some areas, do not meet international standards and almost all old repressive laws remain.**
- 9) Encourages the National Human Rights Commission to further develop its protection work...ensure the Commission's independent, free, credible and effective functioning in accordance with the Paris Principles. **Not met – The Commission has refused to consider reports of human rights abuses in conflict zones, which is where many of the most serious human rights abuses have taken place, and is not acting independently of government or police and security forces.**
- 10) Encourages the establishment of formal political dialogue as part of an inclusive process towards ensuring long-term peace and national reconciliation. **Not met – The government of Burma has still failed to establish a formal inclusive political dialogue**

- process, instead focussing on ceasefires agreements without substantive political dialogue, and business and what it describes as development programmes.
- 11) Calls upon the government of Burma to protect the civilian population in Kachin State. **Not met – At the time the 2012 resolution was passed the Burmese Army launched a major new military offensive which included indiscriminate attacks in areas where there are civilians, included firing a rocket into the predominately civilian town of Laiza, killing and injuring civilians. The Burmese Army has continued to commit multiple attacks against civilians, including the use of rape.**
 - 12) Safe timely, full and unhindered humanitarian access in Kachin state. **Not met – The government of Burma continues to impose severe restrictions on the delivery of humanitarian access in Burma, in violation of international law. Only occasional convoys of aid have been allowed.**
 - 13) Urges the government to protect the human rights of the Rohingya minority in Rakhine state, including their right to a nationality. **Not met – while there have not been attacks on the scale of those in June and October 2012, human rights abuses against the Rohingya continue on a daily basis. President Thein Sein has specifically ruled out reviewing the 1982 Citizenship Law which discriminates against the Rohingya.**
 - 14) Ensure the safety of populations in Rakhine State – **Not met. The Rohingya continue to be targeted in Rakhine State and violence has spread to targeting Kaman and other Muslims in Rakhine State, resulting in deaths, injuries, displacement and the destruction of property.**
 - 15) Release all arbitrarily detained persons including United Nations staff: **Not met – The UN Special Rapporteur reported in August 2013 that ‘hundreds’ of Muslim men and women remain in jail and that ‘many of these have been arbitrarily detained and tried in flawed trials.’**
 - 16) Address reports of human rights violations by authorities. **Not met – No comprehensive investigation has been carried out regarding human rights violations committed by police, security forces, the army, state and national government officials or prison authorities.**
 - 17) Restitution for property destroyed. **Not fully met – while some limited progress has been made, particularly for some Rakhine people who were displaced by attacks, the vast majority of those displaced remain in squalid camps without restitution.**
 - 18) Investigation to involve participation of communities. **Not fully met - The Rakhine commission report did not properly involve local communities and Muslim members of the commission were expelled.**
 - 19) Bring to justice those responsible. **Not met. While some Buddhists who participated in attacks are now starting to be tried, no effective steps have been taken bring to justice those involved in inciting, planning and organising the attacks.**
 - 20) Adopt long and short term measures taking into account policy of integration, reconciliation and peaceful co-existence or all communities in Rakhine state. **Not fully met – Implementation of the positive recommendations that were in the Rakhine Commission report have been delegated to various committees and ministries and are largely not being prioritised, given sufficient political backing, being given financial resources, or implemented in a way consistent with achieving the stated goals.**
 - 21) End recruitment child soldiers. **Not met – The Burmese Army continues to recruit children and is not complying with the agreement it has made with the UN to end child soldier recruitment**

- 22) Unhindered access to all area where children recruited. **Not met – the government of Burma refuses the UN access to some areas of Burma and to some Burmese Army military bases.**
- 23) Eliminate all forms of forced labour by 2015. **Not fully met – while there has been a decline in the use of forced labour by civilian authorities, its use is still common by the Burmese Army in many ethnic states.**
- 24) ICRC be given access to detained persons. **Not fully met – while some visits have been allowed, the ICRC has not been allowed to conduct unhindered prison visits across the country.**
- 25) ICRC given access areas of armed conflict. **Not fully met – ICRC has been allowed only occasional and limited access to most areas of armed conflict.**
- 26) Intensify cooperation with the Office of the United Nations High Commissioner for Human Rights. **Not met – Thein Sein has reneged on his public promise made in 2012 to allow OHCHR to establish an office in Burma.**

Actions Birmanie (Belgium)
Association Suisse-Birmanie
Azione Birmania (Italy)
Austrian Burma Center
Burma Action Ireland
Burma Aktion (Germany)
Burma Campaign UK
Burmese Rohingya Organisation UK
Christian Solidarity Worldwide
Info Birmanie (France)
Norwegian Burma Committee
Polish Burma Solidarity
Social Democratic Students' Burma Project (Sweden)
Society for Threatened Peoples – Germany
Swedish Burma Committee