

Myanmar: UN HRC must maintain scrutiny on free expression situation

Item 4: Interactive Dialogue with the Special Rapporteur on the situation of human rights in Myanmar

Oral Statement

13 March 2017

Delivered by Andrew Smith, ARTICLE 19

Mr. President,

ARTICLE 19 welcomes the report of the UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee.

We agree with her assessment, and that of the High Commissioner for Human Rights, that serious human rights violations, possibly amounting to crimes against humanity, committed against Rohingya Muslims in Rakhine State, and rights violations and abuses related to the ongoing conflict in Shan and Kachin States, demand that this Council establish a Commission of Inquiry.

We are particularly concerned at the blocking of journalists' access to Rakhine State and of pressure on national and local media to avoid or censor coverage. In relation to the conflict in Kachin and Shan States, we urge the authorities to take measures to improve access for the media, humanitarian aid organizations and human rights monitors.

ARTICLE 19 also has serious concerns about the lack of improvement in the overall environment for journalists, lawyers and human rights defenders. The recent murders of prominent constitutional lawyer and interfaith activist U Ko Ni, of journalist Soe Moe Tun, and of land and environmental activist Naw Chit Pan Daing, demonstrate how severe the situation is. There must be prompt, thorough, independent, and impartial investigations into these cases, as well as justice for the 2014 murder in military custody of journalist Ko Par Gyi.

The criminalization of dissent has also intensified, and the legal harassment of journalists and human rights defenders continues. More than 40 criminal defamation actions have been brought under Section 66(d) of the Telecommunications Law since April 2016. Many of those charged are held in mandatory pre-trial detention, often for extended periods. Less than a week ago, an investigation was initiated under Section 66(d) to journalist Ko Swe Win's social media posts critical of a nationalist monk engaged in advocacy of hatred. Journalists and activists have also been targeted under other legislation, including the Electronic Transactions Law, sections of the Penal Code, the Peaceful Assembly and Processions Law, and Unlawful Associations Act.

We welcome the Special Rapporteur's proposal of draft benchmarks for the revision or repeal of the relevant provisions of these laws, and urge the government to commit to a work plan and specific timeframe for their realisation, with the full and effective participation of civil society.