

Organization for Defending Victims of Violence (ODVV)

UPR Submission

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Myanmar



www.odvv.org

About ODVV

1. The Organization for Defending Victims of Violence (ODVV) is a non-governmental, non-profit, non-partisan organization in Special Consultative Status to ECOSOC. ODVV was established in 1988 in Tehran and has been active in the field of human rights and humanitarian activities.

2. ODVV is also associated to the United Nations Department of Public Information (UNDPI), a member of the Conference of Non-Governmental Organizations (CONGO), AMAN Network of Rehabilitation Centers in the Middle East and North Africa and International Rehabilitation Council for Torture Victims (IRCT). ODVV has cooperated with international organizations in a variety of issues and has working relations with many NGOs in Iran and around the globe.

3. ODVV is focused on promoting human rights, supporting victims of violence, empowering Iranian civil society, and offering human rights consultations to the Iranian institutions and organizations. ODVV is actively involved in running various human rights education courses, workshops, seminars, and conferences. Other activities include:

- Participation in UN Commission on Human Rights and the Human Rights Council sessions in Geneva;
- Publication of different books and booklets on human rights such as Rights of the Child, Unilateral Coercive Measures (Economic Sanctions), Racism, Racial Discrimination, Islamophobia and Xenophobia;
- Publishing *Defenders Quarterly* (in English), human rights news and developments *Weekly* (in Farsi), daily updating ODVV websites in English, Farsi and Arabic;
- Internship for Iranian and international students.

4. ODVV is submitting the following report on the human rights situation of Myanmar, in order to contribute to the improvement of the human rights situation.

1) The Situation of the Rohingya and Ethnic Minorities

5. The situation of Human Rights in Myanmar has long been concerning. Myanmar is in breach of international law in relation to its ethnic minorities. In Rakhine and Shan State the military committed serious violations against civilians, including unlawful attacks, arbitrary arrests, torture and other ill-treatment, enforced disappearances, extrajudicial executions, and forced labor.¹ Many of them constituted war crimes. Even the 15-page executive summary released by Myanmar's Office of the President on January 21, 2020 acknowledged that members of security forces committed war crimes and serious human rights violations against "Muslims" in Rakhine State.²

6. Security forces have greatly committed widespread rape and numerous sexual assault against women and girls as part of a campaign of ethnic cleansing against Rohingya Muslims.³ However, almost two-thirds of them had not reported their rape to authorities or humanitarian organizations.⁴ In every case described to an international NGO, the rapists were uniformed members of security forces.⁵

7. Almost one million Rohingya refugees are in overcrowded camps in Cox's Bazar in Bangladesh after fleeing the Myanmar military's ethnic cleansing campaign. It is the largest concentration of encamped refugees in the world. The approximately 128,000 Rohingya and Kaman Muslims confined to closed internally displaced people (IDP) camps in central Rakhine State have little freedom of movement and limited access to important health, education, and other humanitarian services.⁶

8. Crimes against humanity continued against the estimated 600,000 Rohingya still living in Rakhine State. Their rights to equality, a nationality, and access to adequate healthcare, and work opportunities were routinely violated.⁷ In 2019, the United Nations-backed International Independent Fact-Finding Mission on Myanmar found that these remaining people "may face a greater threat of genocide than ever."⁸

9. The authorities severely restricted access for humanitarian workers and independent journalists.⁹

10. Trafficking of women and girls remains a serious problem in Kachin and northern Shan States. In 2017 only, 226 women were trafficked.¹⁰

¹ <https://www.amnesty.org/en/countries/asia-and-the-pacific/myanmar/report-myanmar/>

² <https://www.president-office.gov.mm/en/?q=briefing-room/news/2020/01/21/id-9838>

³ <https://www.hrw.org/news/2017/11/16/burma-widespread-rape-rohingya-women-girls>

⁴ <https://www.hrw.org/report/2017/11/16/all-my-body-was-pain/sexual-violence-against-rohingya-women-and-girls-burma>

⁵ <https://www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/sexualviolence.aspx>

⁶ <https://www.hrw.org/world-report/2020/country-chapters/myanmar-burma>

⁷ <https://www.amnesty.org/en/countries/asia-and-the-pacific/myanmar/report-myanmar/>

⁸ <https://news.un.org/en/story/2019/09/1046442>

⁹ <https://www.amnesty.org/en/countries/asia-and-the-pacific/myanmar/report-myanmar/>

¹⁰ <https://www.hrw.org/report/2019/03/21/give-us-baby-and-well-let-you-go/trafficking-kachin-brides-myanmar-china>

2) Forced Displacement

11. Tens of thousands of civilians are displaced as a result of conflict. Many were displaced multiple times, often for short periods, affecting their access to livelihoods and their short and long-term food security.¹

12. The UN Office for the Coordination of Humanitarian Affairs (OCHA) estimates at least 33,000 ethnic Rakhine remain displaced due to fighting, including 3,300 children.¹ Also the UN special rapporteur stated as many as 65,000 were displaced.³

3) Freedom of Expression and Access to Information

13. The government has violated its International obligations by an order to internet blackout. Telecommunication providers said Myanmar's Ministry of Transport and Telecommunications ordered them to shut down internet services across eight townships in Rakhine State and Paletwa township in Chin State. Authorities issued a directive under article 77 of the 2013 Telecommunications Law, which permits the suspension of a telecommunications service "when an emergency situation arises." But the government order did not specify when the shutdown will end and it is too vague.¹

14. In 2019, Reuters journalists were released from prison on a presidential amnesty after serving over 700 days in pretrial detention and prison. However, more than 250 people faced criminal lawsuits under various laws restricting freedom of expression.¹

15. Authorities continued to arrest and imprison people for peacefully exercising their human rights, including political activists, media workers and human rights defenders. The military targeted political activists and critics in criminal cases. A court has sentenced a prominent filmmaker suffering from cancer to a year in prison with labor for his Facebook posts criticizing the military.¹

16. The UN Special Rapporteur on the situation of human rights in Myanmar had conducted biannual visits to Myanmar until being denied entry from December 2017 onwards. So she had to travel to Thailand and Bangladesh to gather information about the situation in Myanmar.¹

¹ <https://www.amnestyusa.org/reports/fleeing-my-whole-life-older-peoples-experience-of-conflict-and-displacement-in-myanmar/>

¹ <https://reliefweb.int/report/myanmar/unicef-myanmar-humanitarian-situation-report-8-august-2019>

¹ <https://yangon3.sites.unicnetwork.org/2019/09/16/special-rapporteur-on-the-situation-of-human-rights-in-myanmar-oral-update-to-the-human-rights-council/>

¹ <https://www.hrw.org/news/2019/06/28/myanmar-internet-shutdown-risks-lives>

¹ <https://www.hrw.org/news/2020/01/14/myanmar-seeking-international-justice-rohingya>

¹ <https://myanmar-now.org/en/news/filmmaker-gets-a-year-in-prison-for-anti-military-facebook-posts>

¹ <https://news.un.org/en/story/2020/01/1055901>

4) Recommendations

17. Myanmar should consider ratification of the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, and the International Convention on the Elimination of All Forms of Racial Discrimination.

18. ODVV calls on Myanmar to respect its Human Rights obligations and prevent all acts under article 2 of the Genocide Convention to ensure that the military does not commit genocide.

19. Myanmar should hold its military accountable for atrocities against the Rohingya.

20. Authorities should cooperate with neighbouring states to find a solution to the issue of the refugees and make efforts to provide a better situation for them.

21. ODVV urges the government to overturn repressive laws enacted during military rule.

22. Myanmar should take concrete steps to lift internet restrictions and revoke laws which clearly violate the right to freedom of expression, including Article 505(a) of the penal code and article 66(d) of the Telecommunications Act.

23. Myanmar should ensure that any internet restrictions are limited to a necessary and proportionate response to a specific security concern and avoid using vague words in laws.

24. ODVV requests the HRC to pass a resolution directing Myanmar to lift restrictions on Rohingya's freedom of movement and ban practices that limit Rohingya access to education, health care, and livelihoods and eliminate unnecessary restrictions on humanitarian aids.

25. Myanmar must take all necessary measures to combat violence against women and prevent Rohingya Muslims trafficking.

26. We call on the Independent Commission of Enquiry (ICOE), established by the Myanmar government, to operate accurately, independently and without bias.