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Human rights situations that require the Council's attention

Written statement* submitted by Society for Threatened Peoples, a non-governmental organization 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.

[1 February 2021]

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



Human Rights Reforms in Myanmar must be prioritised

Society for Threatened Peoples is gravely concerned by Myanmar's continuing persecution of its minorities. The new government elected in November 2020 has shown no sign of any serious commitment to prioritising or implementing human rights reforms.

Enduring threat of genocide

Routine dehumanisation of the Rohingya has led to them becoming a target for racism and violence. Official organisations in Myanmar repeatedly refuse to use the description "Rohingya" and instead refer to the Rohingya as "illegal Bengalis". In the nationwide elections held in November 2020, in which the share of the vote obtained by Aung San Suu Kyi's National League for Democracy - NLD - secured her party a majority in Parliament, almost all of the Rohingya were prevented or deterred from voting and therefore were effectively disenfranchised. Deprived of their fundamental right to citizenship, their self-description as "Rohingya" and recognition of their identity, the group remain under an ever-present threat of genocide. In order to prevent history from repeating itself, those responsible for the atrocities and crimes of genocide committed against the Rohingya and other minorities in Myanmar must be held accountable. The genocide case brought by the Gambia before the International Court of Justice (ICJ) requires the support of other countries in addition to the Netherlands, Canada, and Maldives. It is vitally important that other states recognise the status of the Rohingya and guarantee their protection as a group.

Access for essential humanitarian assistance denied

The fighting in Rakhine State and restricted access for essential humanitarian assistance, even during the current temporary ceasefire between the armed forces of Myanmar (the Tatmadaw) and the Arakan Army (AA), are a particular cause for concern. The humanitarian situation is dire. The Myanmar authorities have restricted access for humanitarian relief organisations in Rakhine State, preventing urgently-needed aid from reaching particularly vulnerable people. In the context of ongoing armed conflict and in particular the global COVID-19 pandemic, this is completely unacceptable.

Access to the internet blocked

Denial of access to the internet is threatening the lives and safety of local communities and exacerbating the already grave humanitarian crisis affecting the area. On 29 December 2020, the Myanmar Ministry of Transport and Communication ordered all mobile network operators in Myanmar to impose increasingly severe restrictions on internet access for 3G and 4G services in eight districts of Rakhine (Buthidaung, Rathedaung, Ponnagyun, Mrauk-U, Kyauktaw, Minbya and Myabon) and Chin (Paletwa) States until 31 March 2021. This has left over a million people in Rakhine cut off from the Internet. Protests against the violence and disconnection from the Internet have been met with arrests, trials and convictions. The Ministry has ordered the websites of ethnic media outlets to be blocked.

National Strategy of coerced return

In addition, since 2011 there has been fighting in Kachin and northern Shan States between the Tatmadaw and different armed groups, notably the Kachin Independence Army (KIA), with no imminent prospect of a comprehensive peace process bringing together all the groups involved. Nevertheless, the Myanmar Government is proceeding to implement its "National Strategy for the closure of IDP camps in Myanmar", pressurising residents of camps for internally displaced persons (IDPs) in Kachin State to go back to their villages without any guarantees of safety and security consistent with international legislation and standards. Many IDPs feel themselves under pressure to return to their villages because of

legislation that threatens to deprive them of their land. The Vacant, Fallow and Virgin (VfV) Land Law required them to ensure that land was in good order by a specific date (15 March 2019) in order to avoid it being declared vacant and expropriated by the government - or the military. The IDPs in Kachin and northern Shan State were unable to comply with this deadline and now they are afraid that they will lose their land. The number of dramatic "landgrab" seizures for Chinese-operated banana plantations and mine projects, with all their associated adverse social and ecological effects has increased since the VfV Land Law came into effect. The premature and poorly-planned return of the IDPs to their villages entails considerable risk for the returnees (e.g. the presence of landmines).

Increasingly limited scope for civil society in Myanmar

The space in which civil society is able to operate within Myanmar has shrunk. The Myanmar Government has used various laws, some dating back to the period of the military dictatorship, to limit the scope for civil society engagement and tighten controls on the media. Restrictions on freedom of the press and freedom of opinion, assembly and association have imposed increasingly severe constraints on the activities of organisations promoting the development of civil society.

The Myanmar Government has failed to take action to ban "hate speech" in social media, where it is often used against minorities including the Muslim Rohingya. Instead, the Tatmadaw and Buddhist nationalist organisations make use of digital media to manipulate and misinform the general public.

Society for Threatened Peoples therefore calls upon the United Nations (UN) Human Rights Council to urge the Government of Myanmar to:

- Guarantee the basic right to citizenship for Rohingya and other ethnic and religious minorities;
- Guarantee unrestricted access for humanitarian aid to all parts of the country where civilians continue to be impacted by armed conflict;
- Immediately cease the disconnection of large parts of the country from the internet, in particular areas of Rakhine State where conflict is rife;
- Stop minimising the criminal activities of the Myanmar military in Rakhine, Chin, Kachin and Northern Shan States and defending the military leadership. All crimes must be investigated and the perpetrators brought to justice, in co-operation with the United Nations and other international bodies. The Myanmar government must use its influence with the military to put an end to human rights abuses;
- Ensure that internally displaced persons are resettled or relocated only by choice and with adequate preparation in accordance with international standards. The return process must include all refugees in neighbouring states such as Bangladesh;
- Make human rights a priority. Laws that are used to restrict or deprive people of their rights to freedom of the press, freedom of opinion, assembly and association, and liberty must be abolished or reconstituted. Legal reforms must be implemented that guarantee women's rights and lesbian, gay, bisexual, transgender and intersex persons rights and abolish the death penalty.

In addition, Society for Threatened Peoples calls upon the UN Human Rights Council to urge the international community to:

- Support the genocide case brought by the Gambia before the International Court of Justice;
- Recognise the status of the Rohingya and guarantee their protection as a group in accordance with Responsibility to Protect obligations, in addition to supporting other actions aimed at the prevention and punishment of genocide.