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Amid a Worsening Human Rights Situation, the Burma Government Must End the Persecution of Human Rights Defenders

[Chiang Mai – 24 July 2015] The Burma Government must immediately cease the targeting, oppressing, stifling, controlling and silencing of human rights defenders (HRDs) and strengthen judicial and legislative protection mechanisms to safeguard the work of HRDs so that they can carry out their valuable and legitimate human rights work, the Assistance Association for Political Prisoners and Burma Partnership said in a joint report released today.

The report *“How to Defend the Defenders? A Report on the Situation of Human Rights Defenders in Burma and Appropriate Protection Mechanisms”* is based on interviews with 75 HRDs who carry out a range of human rights work including: land rights and labor rights, LGBTIQ rights, women’s rights and ethnic rights, among others. The report describes the backsliding of democratic reforms and a deteriorating human rights situation in Burma, contrary to the much-touted reforms undertaken by President Thein Sein’s quasi-civilian government. It seeks to provide a comprehensive picture of the current situation of HRDs in Burma and offers concrete, research-based policy recommendations to relevant actors.

“The Burma Government wants to show the international community that it is transitioning to democracy and that the human rights situation is improving,” said Khin Ohmar, Coordinator of Burma Partnership. “Contrary to this narrative, as seen with the violence carried out against student demonstrators calling for a democratic education system, as well as with their continued harassment, arrest and denial of fair trial rights, it is the authorities themselves who are the main violators of the fundamental rights of HRDs.”

The report presents several significant obstacles facing HRDs, including the lack of an independent judiciary, repressive legislation and the lack of the rule of law, allowing the authorities to freely harass, arrest and imprison anyone as they wish with impunity.

One particular tool of repression highlighted in the report is Section 18 of the Right to Peaceful Assembly and Peaceful Procession Act (The Assembly Law), which requires “consent” from authorities before any protest, with penalties of up to six months imprisonment.

“The Assembly Law continues to be used extensively by the authorities as a tool to intimidate, imprison and silence HRDs, which is in violation of international laws and norms,” said Bo Kyi, co-founder and Joint Secretary of the Assistance Association for Political Prisoners. “Under the Assembly Law, political activists are imprisoned for terms that are far out of proportion with their alleged offence; its excessive use crows peaceful protesters into silence. The legal system is being used to develop and implement oppressive laws, a practice that signifies the real need for legislative and judicial reform in Burma,” he continued.

In fact, since the research for the report began in January 2015, 13 activists have been imprisoned and 139 activists are facing trials under Section 18 of the Assembly Law, according to

the Assistance Association for Political Prisoners. Currently, 136 political prisoners remain in jails for their human rights work, and out of those, 42 political prisoners have become subjects to the Assembly Law.

The report also outlines gross human rights abuses such as extrajudicial killings and threats of violence against those who speak out for the rights of their communities, such as in the case of Daw Khin Win who was fatally shot while demonstrating against the Letpadaung copper mine.

In addition, according to findings of the report, the Burma Government effectively splinters civil society and communities by using the extremist nationalist groups as their proxies to create an environment that is unsafe to establish inter faith networks, generating a climate of fear and hostility against HRDs working on faith and religious issues.

Furthermore, available protection mechanisms were found to be lacking, particularly for HRDs working in remote, rural and ethnic minority areas. Thus the report makes recommendations to the international community, including donors and international non-governmental organizations, to assist HRDs, especially those outside of Rangoon who are particularly vulnerable. It also recommends the Burma Government to undertake fundamental legislative, institutional and judicial reforms in order to ensure that the valuable and legitimate work of HRDs is carried out safely, without the threat of retaliation, whether that is through oppressive legislation, or from violence and threats from various actors, including the authorities.

The report was released at the “International Conference on Burma/Myanmar Studies - Burma/Myanmar in Transition: Connectivity, Changes and Challenges” held at the Chiang Mai University, Chiang Mai, Thailand.

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