

24 February, 2016

To: Permanent Representatives of Member and Observer States of the UN Human Rights Council

Dear Excellencies,

We write to you regarding Burma/Myanmar as civil society groups working on the ground in the country. We strongly urge you to continue the UN Human Rights Council resolution on Burma/Myanmar and as in past years extend the mandate of the Special Rapporteur under Item 4 of the Council's agenda. At this important juncture in the country's history, we request the Council and the Special Rapporteur to work towards establishing clearly benchmarked guidelines that will act as a road map for the future of human rights in Burma/Myanmar.

Burma/Myanmar's political transition is at the cusp of a new era, however this era is yet to come and a full transition is yet to take place. It is at such moments that we look to the Council for heightened vigilance and support. These moments are fragile and years of hard work can be easily derailed at such a time in the absence of close scrutiny and monitoring.

When the Council considers Burma/Myanmar this year, the newly elected government would not have fully settled in and the extent of democratic civilian control still remains limited. Under the 2008 Constitution, the military is guaranteed 25% of Parliamentary seats; control of three key and powerful ministries; extensive powers through the General Administration Department (GAD) under the Ministry of Home Affairs; and has the upper hand in the powerful National Defense and Security Council (NDSC). Constitutional safeguards also prevent elections from truly being free, fair and credible while ensuring the military remains impervious to change. Recent legislative initiatives, such as the proposed NDSC bill, approval of the Presidential Security bill and extension of the military commander in chief's retirement age by a further five years, are further bids to shore up the military's power. Until the military is reformed, placed under civilian control and held accountable for its actions, it will remain the main perpetrator of human rights abuses.

In the coming months, as we approach a potential point of departure for politics in the country, it is important to recognise that beneath the political transition there lies an enormous human rights challenge.

As you may know the government's pledge to release all political prisoners by 2013 is yet to be fulfilled. 2015 ended with 128 political prisoners still behind bars while 403 activists and human rights defenders awaited trials. The year 2015 saw an increased crackdown on dissent and the freedom of association. Notorious laws such as the Article 18 of the Peaceful Assembly and Procession Act and the Telecommunications Act remain prone to abuse alongside a draconian criminal code. Institutions such as the judiciary and the Myanmar National Human Rights Commission need urgent reforms to ensure their independence and impartiality. The military drafted 2008 Constitution in its current form entrenches impunity and enables the Burma Army to control all walks of life through its position in key ministries. Such fundamental institutional changes will require close monitoring and assistance by UN experts as well as public participation.

Serious ongoing armed conflict and escalating forced displacements, particularly in ethnic areas, makes a mockery of the peace process including the Nationwide Ceasefire Agreement (NCA). The armed conflict continues to displace victims by the thousands and has affected most of these communities for many decades alongside widespread abuses including torture, sexual violence and extrajudicial killings, all of which still continue at present. This is in addition to the thousands of refugees along the Thailand-Burma/Myanmar border who continue to be displaced with little prospects for a safe and dignified return. The military continues to exert an iron grip on ethnic minority states and is the largest perpetrator of abuses, including the systematic use of sexual violence. A former UN special rapporteur on the situation of human rights situation in Burma/Myanmar called for an inquiry into war crimes and crimes against humanity in the country and said that abuses were “a state policy that involves authorities in the executive, military and judiciary at all levels”. The recently signed NCA and the following Union Peace Conference have not signalled any possibility of change.

In the past few years intolerance and religious extremism have been rife in Burma/Myanmar. Systematic discrimination imposed through legislation and state policy on Muslim minority communities is notable in this regard. The intensity of this discrimination provoked a massive regional refugee and humanitarian crisis last year, encompassing parts of South Asia and a major part of South East Asia. To date, the root causes for their persecution and flight are yet to be resolved.

Deeply entrenched conflicts have to be resolved and truth, justice and accountability need to be established. This is once again a task of massive proportions that will require extensive international assistance, monitoring and expertise.

We believe that it is imperative for the UN Human Rights Council to play a leadership role in this momentous time in the history of Burma/Myanmar. The Council should utilise its long experience of engaging with the country as it continues its nascent transition and political reforms toward democracy. In order to do this the body should continue its current engagement under item 4 of its agenda and take advantage of this historic moment to provide a clear vision and roadmap to tackle the massive human rights challenges Burma/Myanmar faces. The government of Burma/Myanmar should in tandem take immediate steps to facilitate the opening of the long pending Office of the United Nations High Commissioner for Human Rights (OHCHR) with a full monitoring and reporting mandate within the country.

Please accept the assurance of our highest consideration.

Signed by:

1. ကျေးလက်လူငယ်ကွန်ယက် (စေတုတ္ထရာ)
2. စိမ်းရောင်စို (တံတားဦး)
3. တံတားဦးစီမံကိန်းများစောင့်ကြည့်ရေးကော်မတီ
4. တောင်သူလယ်သမားများသမဂ္ဂ (တံတားဦး)
5. ကံမလူငယ်အဖွဲ့
6. ညောင်ကုန်းသစ်ပင်ချစ်သူများအဖွဲ့(ပွင့်ဖြူ)
7. မင်းလှ၊ သရက်လူငယ်အဖွဲ့
8. ပဒေသာမိုး

9. တုံတေးကွန်ရက်
10. လွတ်လပ်သောအချိန်များအင်အားစု (ငဖဲ)
11. Action Committee for Democracy Development
12. All Arakan Civil Society Organizations Partnership
13. All Arakan Students' and Youths' Congress
14. All Burma Federation of Student Unions
15. Alliance for Gender Inclusion in the Peace Process
16. Arakan Rivers Network
17. Article 19 Myanmar
18. Assistance Association for Political Prisoners
19. Association of Human Rights Defenders and Promoters
20. Ayerwaddy West Development Organization (မင်းဘူး)
21. Azure Women Group
22. Back Pack Health Worker Team
23. Burma Issues
24. Burma Medical Association
25. Burma Partnership
26. Burma Study Center
27. Burmese Women's Union
28. Candle Light
29. Care For Children
30. Chin Youth Network
31. Chinland Natural Resources Watch Group
32. Civil Authorize Negotiate Organization
33. Committee for Internally Displaced Karen People
34. Committee for Protection and Promotion of Child Rights (Burma)
35. Community Response Group
36. Community Sustainable Livelihood Development Committee
37. Dawei 88 Generation
38. Dawei Development Association
39. Dawei Research Association
40. Dawei Watch Foundation
41. Dawei Youth Fellowship
42. Diverze Youth Art Platform
43. Educational Initiatives
44. Equality Myanmar
45. Ethnic Affairs Institute
46. Ethnic Youths Development Center
47. Farmer Union (Dawei District)
48. Farmer Union Kyaukse
49. Farmers And Landworkers Union (Myanmar)
50. Forum for Democracy in Burma
51. Free Thinkers
52. Future Light Center
53. Gender Equality Network
54. Gender and Development Institute-Myanmar
55. Genuine People's Servants
56. Green Rights Organization (Shan State)
57. Green Soul
58. Green Trust Pyin Oo Lwin
59. Human Rights Defenders Myingyan
60. Human Rights Educators Network
61. Human Rights Foundation of Mon Land

62. Human Rights Watch Dawei
63. Humanity Institute
64. IFI Watch Myanmar
65. ISchool – Myanmar
66. Justice Movement for Community – Innlay
67. Kachin Canadian Association
68. Kachin Development Networking Group
69. Kachin Legal Aid Network
70. Kachin Peace Network
71. Kachin Women Peace Network
72. Kachin Women’s Association – Thailand
73. Karen Environmental and Social Action Network
74. Karen Human Rights Group
75. Karen Women’s Organization
76. Karenni National Women's Organization
77. Karenni Refugee Committee
78. Karenni Social Welfare and Development Center
79. Kayan Women’s Organization
80. Land in Our Hands
81. Mae Tao Clinic
82. Mon Youth Organization - Ye
83. Mong Pan Youth Association
84. Myanmar Alliance for Transparency and Accountability
85. Myanmar Alliance for Transparency and Accountability (Mandalay Division)
86. Myanmar China Pipeline Watch Committee
87. Myanmar Network Organization for Free and Fair Elections
88. Myanmar People Alliance
89. Nay Thu Yein Law Firm
90. Network for Democracy and Development
91. Network for Human Rights Documentation – Burma
92. Overseas Irrawaddy Association
93. Palaung Women’s Organization
94. Parents, Families and Friends of Lesbians and Gays – Myanmar
95. Paung Ku
96. Peace & Open Society (Kyaukse Twonship)
97. Peace and Justice
98. Rays of Kamothway Indegrious Pepole Network
99. Sha-it Social Development Foundation
100. Shan Human Rights Foundation
101. Shan Youth Power
102. Social Program Aid for Civil Education
103. Takapaw
104. Tanintharyi River and Indegrious People Network
105. Tavoyan Women’s Union
106. Ta’ang Students and Youth Organization
107. The Seagull: Human Rights, Peace and Development
108. Thuriya Sandra Environmentally
109. Union of Karenni State Youth
110. United ACT
111. Upper Chindwin Youth Network
112. Volunteer Youth Group (ဝေဝုပုတ္တရာ)
113. Wan Lark Development Foundation (Arakan)
114. Warmly Metta Organization
115. Women And Peace Action Network (Shan State)

116. Women's League of Burma
117. Yaung Chi Oo Workers' Association
118. Yaung Zin Organization
119. Youth Development Network
120. Youth Pacemaker Organization
121. Zomi Students and Youth Organization