

Your Excellency Thein Sein, President of the Republic of the Union of Myanmar,

The government of Myanmar has taken positive steps towards reform since 2010, such as increased freedom of the press and the release of persons held solely for their peaceful political activities. Nevertheless, we cannot speak of true and lasting change as long as grave human rights violations are still taking place and the ethnic minorities are not fully included in political and reform processes. Norwegian human rights organizations want to draw your attention to major concerns in Rakhine, Kachin, and Chin States and some general human rights concerns.

Rakhine State

Especially worrying is the situation for the predominately Muslim Rohingya in Rakhine State. The systematic discrimination against them, exemplified by the denial of citizenship in the 1982 Citizenship Law, is a breach of international and universally accepted human rights standards.

Decades of discrimination against the Rohingya people have forced several hundred thousands to flee the country. In addition, violent clashes between Rakhine Buddhists and Rohingya Muslims in 2012 led to the destruction of thousands of homes, numerous casualties and large-scale displacement. Over 120,000 people remain internally displaced and a significant number have fled the country. Mosques were targeted and religious clerics were arbitrarily arrested. Both communities were affected by the violence, but the Rohingya were the primary victims. While both communities were affected by the violence, reports indicate that some elements among the security forces were acting in collusion with Rakhine mobs, giving rise to concern that state actors may have committed human rights violations.

The situation for the many internally displaced Rohingyas is dire. Thousands of internally displaced people (IDPs) are living in adverse conditions without access to food, shelter, medicine, and without any form for sanitation. Humanitarian assistance is reaching only a portion of the total number of IDPs. Unless effective access to humanitarian aid is provided, there is substantial risk of high mortality rates due to lack of food, disease and widespread sickness, such as dysentery and other contagious illnesses. With the rainy season imminent in June, the conditions will only get worse unless aid organizations are granted unhindered access to all areas where there are IDPs, including those living in makeshift settlements or remote locations.

Kachin State

Regarding the ongoing conflict in the mainly Christian Kachin State, we take note of the government's initiative to enter peace talks with the Kachin Independence Organisation (KIO), to allow improved access to UN aid and to invite the UN Special Rapporteur on the situation of human rights in Myanmar Tomás Ojea Quintana to visit Kachin State in mid February 2013.

However, there are a number of distressing issues we would like to highlight. The Myanmar armed forces stepped up its military offensive in December 2012 and January 2013 after a 17 year ceasefire agreement broke down in June 2011. The escalation of the fighting, including the use of aerial bombardment led to further internal displacement of the civilian population and deprived them of fundamental human rights. About 75,000 civilians have been displaced since the outbreak of the conflict. Allegations of human rights and international humanitarian law violations by state actors, such as arbitrary arrests, extrajudicial executions, rape, torture, destruction of villages, and desecration of churches give rise to concern. With regard to international humanitarian law, Myanmar is in particular party to the Geneva Conventions and as such is bound to comply with their

common Article 3 on the protection of persons taking no active part in the hostilities, including civilians.

Chin State

In the predominantly Christian Chin State adverse restrictions on religious freedom is a great concern. Many Chin are marginalised and suffer from institutionalised discrimination on the dual basis of ethnicity and religion. A 2012 report from the Chin Human Rights Organisation documents cases of destruction of crosses by State authorities, restrictions on construction or repair of Christian structures, interference or restrictions on church services or religious events, and harassment of pastors and other religious workers.

Adverse restrictions on religious freedoms are also a major concern for a number of other ethnic and religious groups in Myanmar.

General Human Rights Concerns

We would also like to bring some general human rights concerns to your attention. The use of forced labour by Myanmar security forces, including the Myanmar Army, is worrying as well as the practice of land confiscation. While we acknowledge the release of many prisoners of conscience, there are still many behind bars solely for their peaceful political views and actions. Participation of women in the peace process and political institutions is limited.

Recommendations

As mentioned above, the government of Myanmar has shown willingness to implement a number of promising reforms. However, in light of the above mentioned remaining challenges, we call on your Excellency to ensure that the fundamental rights of all inhabitants of Myanmar are upheld and, therefore, urge the government of Myanmar:

- To amend the 1982 Citizenship Law that has rendered many Rohingya Muslims stateless and ensure Rohingya Muslims are protected from discriminative practices that deprive them of their human rights, including the right not to be made stateless, the right to freedom of movement, the right to marry, and the right to freedom of religion.
- To immediately allow UN agencies, international observers and humanitarian aid organisations unrestricted access into all affected areas in Rakhine and Kachin States and ensure their free and safe movement in order to effectively assist population in need.
- To eradicate policies of discrimination and marginalisation of ethnic and religious minorities, including Rohingya Muslims and Kachin and Chin Christians, and ensure respect of the right of all to freedom of thought, conscience and religion, including of persons belonging to minorities.
- To immediately end international humanitarian law violations, including indiscriminate attacks on civilians, and human rights violations in Kachin state and provide adequate remedies for victims.
- To cooperate with any independent international mechanism that may be established to investigate serious violations of international human rights and humanitarian law, particularly violations perpetrated by non-state actors and security forces in Rakhine and Kachin State.

- To facilitate the establishment of an office of the UN Office of the High Commissioner for Human Rights (OHCHR) in Myanmar with an appropriately broad mandate and sub-offices in states such as Rakhine, Chin and Kachin States.
- To ensure the prisoner review mechanism being established includes review of all those detained and immediately release those found to be prisoners of conscience and ensure due process for prisoners who have been arbitrarily detained or unfairly tried.
- To take adequate measures to eliminate the practice of forced labour and land confiscation by state actors.
- To ensure that ethnic minorities are able to participate fully and without discrimination in all political dialogue and reform processes.

Thank you for your attention to these urgent matters

Oslo, the 27th of February 2013

The following organisations stand behind this appeal:

Amnesty International Norway

Norwegian Burma Committee

The Oslocentre for Peace and Human Rights

Stefanus Alliance

Partners Norway

The Norwegian Centre against Racism

FIAN Norway – FoodFirst Information and Action Network

Church of Norway Council on Ecumenical and International Relations

The Norwegian Helsinki Committee