



MYANMAR PARLIAMENTARY CANDIDATES

PLEDGE TO PROTECT FREEDOMS





The Assistance Association for Political Prisoners (Burma), also known as (AAPP), is a human rights organization working to achieve national reconciliation and help transform Myanmar or Burma into a free and democratic society, where no political prisoners remain incarcerated and individuals' civil and political rights are protected, fulfilled and maintained.

AMNESTY
INTERNATIONAL



Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.



Athan is a research-based activist organization from Myanmar involved in research, advocacy and education to promote freedom of expression.

AMNESTY
INTERNATIONAL



MYANMAR PARLIAMENTARY CANDIDATES: PLEDGE TO PROTECT FREEDOMS

Human rights defenders, activists and journalists in Myanmar continue to be arrested, prosecuted, and imprisoned solely in connection with their peaceful activities, including participating in peaceful protests, reporting on armed conflict and human rights violations or criticizing the authorities – both the civilian government and the Myanmar military.

Despite some positive reforms in the early years of the current administration, a number of laws that arbitrarily restrict the rights to freedom of expression, association and peaceful assembly remain on the books and continue to be regularly used to arrest, prosecute, detain and imprison human rights defenders, activists, and others peacefully exercising their human rights.

As Myanmar heads toward a general election on 8 November 2020, it is imperative that political parties, parliamentary candidates, and campaign groups focus on the urgent human rights situation in the country. The next government must champion human rights.

The Assistance Association for Political Prisoners (Burma) (AAPP), Amnesty International and Athan urge all parliamentary candidates and political parties to make a public commitment to respect, protect, and promote human rights for all and to make progress in, at least, the following areas:

1 RESPECT AND PROMOTE THE RIGHTS TO FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY

2 PROTECT HUMAN RIGHTS DEFENDERS

3 ENSURE ACCESS TO INFORMATION



1

RESPECT AND PROMOTE RIGHT TO FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY



The authorities in Myanmar continue to use a range of repressive laws to arrest, prosecute and imprison individuals who exercise their rights to freedom of expression, association and peaceful assembly.

Amnesty International's 2020 briefing "I Will Not Surrender": The Criminalization of Human Rights Defenders and Activists in Myanmar spotlights 16 recent cases of arbitrary and politically-motivated arrest, prosecution, and imprisonment, involving 58 people.

These cases, and others, highlight a growing trend toward punishing activists, students, journalists, trade unionists, satirists and government critics. Often, people were charged when they tried to speak out against injustice, or in support of others by advocating for their rights.

While criminal defamation charges brought under section 66(d) of the 2013 Telecommunications Law have soared, the authorities continue to use some of the older means of repression, for example in Myanmar's colonial-era Penal Code. Sections 505(a) and 505(b) of the Penal Code were often go-to charges for the authorities during the years of military rule, with its excessively broad and vague language routinely used to restrict people's rights to freedom of expression and peaceful assembly.

One prominent case involves a satirical poetry troupe called the Peacock Generation. A number of its members have faced charges under both Section 66(d) of the Telecommunications Law and Section 505(a) of the Penal Code. In 2019 and 2020, six members were convicted and sentenced to between two to six years in prison under both 66(d) of the Telecommunications Law and Section 505(a) of the Penal Code.

The right to freedom of association is similarly under-attack. The 1908 Unlawful Associations Act was originally written to curb opposition to the British colonial rule, but it continues to be used to target, harass, intimidate and punish activists and journalists, especially those belonging to ethnic and religious minorities.

The authorities accused news editor Aung Marm Oo of violating the Unlawful Associations Act in 2019, for his work at Development Media Group (DMG). This local news outlet reported extensively on armed conflict in Rakhine State, including on violations by the Myanmar military. He faces charges under Section 17(2) of the Unlawful Associations Act, which provides for up to five years' imprisonment. He remains in hiding.

This case, and others, have had a chilling effect on media freedom, the civic space, as well as civil society.

In 2019 and 2020, six members were convicted and sentenced to between two to six years in prison under both 66(d) of the Telecommunications Law and Section 505(a) of the Penal Code.

Public gatherings, such as peaceful demonstrations or processions, require organizers to notify police before the event. Under the Peaceful Assembly and Peaceful Procession Law, failure to comply with these stringent bureaucratic hurdles can attract criminal penalties, including jail time.

Steps that the authorities have taken to address the COVID-19 pandemic have necessarily affected public life, but they have also contributed to the shrinking space for human rights, including the right to freedom of expression in the country. Controlling the virus should not be used to justify a crackdown or additional restrictions on human rights. Preventive measures that limit public gatherings should be proportionate, and only imposed where truly necessary.

ALL PARLIAMENTARY CANDIDATES AND POLITICAL PARTIES SHOULD PLEDGE TO:

- Highlight arbitrary detentions and prosecutions of individuals solely for exercising their rights to freedom of expression, association and peaceful assembly, and call for immediate and unconditional release of those imprisoned;
- Repeal or amend laws commonly used to persecute human rights defenders, activists, and media workers including Section 66(d) of the Telecommunications Law, Sections 19 and 20 of the Peaceful Assembly and Peaceful Procession Law, and Sections 505(a), 505(b), 124(a), 295(a) of the Penal Code and bring them into conformity with international standards;
- Pending the amendment of these laws to bring them in line with international standards, the laws should not be used to harass, intimidate, arrest, prosecute, or imprison human rights defenders, activists, and others simply for exercising their human rights;
- Cease using the Unlawful Association Act to impede, threaten and silence journalists and activists;
- Ensure that civil society, legal experts, and others can fully participate in the process when drafting, reviewing, and amending legislation that adversely affect people's human rights;
- Accede without delay and reservation to all core international human rights treaties and their additional protocols, including the International Covenant on Civil and Political Rights and the UN Convention on the Elimination of all forms of Racial Discrimination, incorporate their provisions into domestic law, and fully and effectively implement their provisions in law, policy, and practice.

2

PROTECT HUMAN RIGHTS DEFENDERS

Myanmar has a long history of activism, and ensuring protections for human rights defenders (HRDs) and activists should be a key concern for all candidates.



Yet the authorities continue to target human rights defenders and activists subjecting them to surveillance, harassment, arbitrary arrest and detention.

These defenders and activists include those working to improve women's and LGBTI rights, environmental rights, Indigenous peoples' rights and workers' rights.

Calls for constitutional amendment remain an area of extreme sensitivity for the Myanmar military and government.

In April 2019, human rights lawyer Kyee Myint attended a rally in Kawthaung town in Tanintharyi Region, southeastern Myanmar. There he called for the Constitution to be amended to protect the people of Myanmar and prevent the military from staging a coup.

He has been charged under 505(a) of the Penal Code, which prohibits the circulation of statements and reports with "intent to cause, or which is likely to cause, any officer, soldier, sailor or airman, in the Army, Navy or Air Force to mutiny or otherwise disregard or fail in his duty".

Attempts to organize to advance workers' rights also put activists in the line of fire. In September 2019, labour rights activist Kha Kha was charged under Section 19 of the Peaceful Assembly and Peaceful Procession law, along with seven factory workers, over a peaceful protest outside a garment factory in the Patheingyi Industrial Zone, in Ayeyarwady region. The group faced up to three months in prison for this act of peaceful protest.

Beyond the potential legal ramifications for carrying out their vital work, human rights defenders, their families and colleagues are sometimes placed under surveillance and subjected to harassment and intimidation.

The Myanmar government and its armed forces, as well as ethnic armed groups, should refrain from persecuting human rights defenders, activists and critics.

Calls for constitutional amendment remain an area of extreme sensitivity for the Myanmar military and government.

THE GROUP (LABOUR RIGHTS ACTIVIST KHA KHA ALONG WITH SEVEN FACTORY WORKERS) FACED UP TO **THREE MONTHS IN PRISON** FOR THIS ACT OF PEACEFUL PROTEST.



ALL PARLIAMENTARY CANDIDATES AND POLITICAL PARTIES SHOULD PLEDGE TO:

- Acknowledge the important role played by HRDs, and activists, state their opposition to arbitrary and politically-motivated arrests, detention, prosecution and imprisonment, and publicly commit to reform of laws used to target defenders, activists and critics;
- Immediately and unconditionally release all those detained or imprisoned simply for the peaceful exercise of their human rights, and drop all charges pending against those who are facing imprisonment simply for the peaceful exercise of these rights. Expunge the criminal records of all those convicted solely for the peaceful exercise of their rights;
- Ensure that human rights defenders, activists, and others peacefully exercising their human rights are free from harassment, intimidation, discrimination, and the threat of criminalization through the application of repressive laws; and that they are able to conduct their important work in a safe environment and without any reprisals;
- Ensure that security forces do not obstruct or stop human rights defenders, activists and others from exercising their human rights;
- Adopt laws, policies, and practices to ensure the right to an effective remedy in line with international human rights standards to redress any human rights violations;
- Repeal, review or amend all laws whose provisions violate the rights to freedom of expression, association, and peaceful assembly, and bring them into line with international human rights standards;
- Pending the amendment of these laws to bring them in line with international standards, stop using these laws to harass, intimidate, arrest, prosecute, or imprison human rights defenders, activists, and others simply for peacefully exercising their human rights.



3 ENSURE ACCESS TO INFORMATION

In Myanmar, the government continues to exercise sweeping and arbitrary controls over access to information more than eight years after abolishing pre-publication censorship. Both colonial-era laws and newer legislation such as the Electronic Transactions Act and the Telecommunications Law are broadly worded and allow for the prosecution of human rights defenders, activists, and journalists.

Government-ordered restrictions on mobile internet connectivity were in place from June 2019 in conflict-affected areas of northern Rakhine and southern Chin States. The order was only partially lifted in August 2020, and where service has been restored there has been a drastic reduction in connection speeds. This has impeded documentation of human rights violations and abuses and dealt a critical blow to the spread of crucial healthcare information during the COVID-19 pandemic.

The authorities continue to restrict meaningful access to independent media and human rights monitors in conflict-affected areas, in particular Rakhine State. While the government has held dozens of guided and heavily controlled tours for media in northern Rakhine State, it has increasingly restricted visits by journalists to camps for internally displaced people and communities in central Rakhine State around the state capital Sittwe.

Journalists and media outlets continue to face pressure, intimidation and harassment when reporting on sensitive issues in Myanmar, and at least three journalists have been prosecuted in the last six months for interviews with the outlawed armed group the Arakan Army. Some have gone into hiding.

As a result, self-censorship is on the rise and media reports on armed conflict now routinely feature disclosures that the outlet could not contact the relevant ethnic armed group for comment, for fear of prosecution under Sections 17(1) and 17(2) of the Unlawful Associations Act, as well as the Counter-Terrorism Law. This disproportionately affects journalists from ethnic minority groups.

Myanmar is also using broad powers to block websites critical of government narratives under the rubric of national security.

The Myanmar authorities issued three directives between 19 and 31 March 2020 to block a total of 2,147 websites under Section 77 of the Telecommunications Law, which grants the government broad and arbitrary powers to suspend telecommunications networks.

The majority of the blocked websites contain 'explicit' content, but a separate category exists for what the government deems "fake news". This has affected ethnic media and small independent news outlets, a number of which have hundreds of thousands of readers in ethnic minority communities where armed conflict, poverty and displacement are rife and information access is a vital lifeline.

The use of Unlawful Association Act and Counter-Terrorism Law charges (and threats thereof) by the authorities has had a major chilling effect on the news media, leaving them unable to report accurately on the ongoing conflict in Rakhine and Chin States.

ALL PARLIAMENTARY CANDIDATES AND POLITICAL PARTIES SHOULD PLEDGE TO:

- Commit to media freedom, and voice support for journalists freely reporting on armed conflict, pandemic measures and other issues in the public interest;
- Call for an end to politically-motivated arrests, detention, prosecution and imprisonment of journalists;
- Adopt an Access to Information law with a functional Freedom of Information mechanism in line with international human rights standards with meaningful and effective participation by civil society organizations;
- Amend the Official Secrets Act; Unlawful Associations Act; Counter-Terrorism Law; Sections 66(d), 68(a), 77, 78 of the Telecommunications Law and bring them into conformity with international standards;
- Repeal all laws criminalizing defamation, so that it becomes a matter for civil litigation, whether of public figures or private individuals;
- Repeal or amend all laws violating the right of access to information, to be in line with international human rights standards;
- Remove blockage of independent media websites;
- Fully lift mobile internet restrictions in Rakhine and Chin States.

GOVERNMENT-ORDERED RESTRICTIONS ON MOBILE INTERNET CONNECTIVITY WERE IN PLACE FROM JUNE 2019 IN CONFLICT-AFFECTED AREAS OF NORTHERN RAKHINE AND SOUTHERN CHIN STATES.

The order was only partially lifted in August 2020, and where service has been restored there has been a drastic reduction in connection speeds.



NOTES

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

