



34th Regular Session of the UN Human Rights Council
Item 4: Interactive Dialogue with the Special Rapporteur on the situation of human rights in Myanmar,
Ms Yanghee Lee

Oral Statement Delivered by Wai Wai Nu on behalf of
Asian Forum for Human Rights and Development (FORUM-ASIA)
Monday, 13 March 2017

Mr President, FORUM-ASIA together with Women Peace Network, Progressive Voice and Kachin Women's Association-Thailand welcomes the report of the Special Rapporteur and the proposed benchmarks. We share her concerns on serious violations in Rakhine state, which indicate the likely commission of crimes against humanity as noted by Office of the High Commissioner for Human Rights' OHCHR's flash report. We strongly endorse calls by the Special Rapporteur and the High Commissioner for a Commission of Inquiry.

As a Rohingya woman human rights defender, who has faced institutionalised discrimination, I am deeply pained and concerned by indiscriminate shelling in Rakhine; the deliberate destruction of homes, property, and food sources by armed forces; and high levels of sexual violence and torture. Horrific accounts of rape and slaughter, of even children, in the OHCHR flash report stands testimony to the gravity of the situation in Northern Rakhine. Similar widespread and systematic violations have also been alleged for decades in a number of conflict affected ethnic regions including in Kachin and Northern Shan States.

Domestic mechanisms have regularly failed minorities. The peace process has failed to end armed conflicts in Kachin and Northern Shan States. The government established Advisory Committee on Rakhine State does not have Rohingya members and is not mandated to investigate human rights abuses. 6 investigations in the last five years including the recent investigation led by the Vice President on Rakhine have lacked credibility. The judiciary is not independent as it is beholden to the military under the existing Constitution. Existing laws such as the Unlawful Associations Act are repressive and are discriminatorily applied to minorities. Those who draw attention to human rights abuses face serious risks of reprisals, as highlighted by the Special Rapporteur.

There is little hope for justice or accountability at the domestic level. Since 2012 several international calls were made for Commissions of Inquiry for abuses. However, the government has repeatedly failed to conduct credible investigations. We call on this Council to establish a Commission of Inquiry, or a similar mechanism, on international human rights and humanitarian law violations and their root causes in all parts of the country, including in Rakhine, Kachin, and Northern Shan states.

We urge the government to end its military offensive in Rakhine, northern Shan and Kachin states; grant humanitarian access to all areas; cooperate with international investigative mechanisms; and uphold the equal rights of all.

Thank you.