

**ARTICLE 19**

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HRC40: Oral statement on Myanmar's UPR Implementation

Summary ARTICLE 19 delivered the following oral statement to the General Debate on Item 6 at the UN Human Rights Council's 40th session. We highlighted our concerns over Myanmar's failure to implement recommendations on freedom of expression, ahead of its upcoming third examination under the Universal Periodic Review (UPR).

Mr President,

Commitments made by States to their peers under the auspices of the UPR should be acted upon, not treated as merely aspirational.

With just 18 months to go before Myanmar's third examination under the Universal Periodic Review, ARTICLE 19 is gravely concerned by the government's failure to implement recommendations on freedom of expression.

We deeply regret that the government's legislative reform agenda on human rights issues has ground to a halt, leaving the authorities with an expansive range of laws that can be used—and have been used—to censor minority and critical voices, including the Official Secrets Act, Unlawful Associations Act, criminal defamation provisions in the Penal Code and Telecommunications Act, and Penal Code provisions broadly criminalising incitement, sedition and religious insult.

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In 2017, the authorities have escalated their use of these repressive laws to target journalists, human rights defenders, political activists and peaceful protesters speaking out against the government and its policies.
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We urge the government to quash the convictions of those arbitrarily detained for their exercise of the right to freedom of expression, including Reuters journalists Wa Lone and Kyaw Soe Oo, newspaper columnist Ngar Min Swe, Kachin youth activists Nang Pu, Lum Zawng, and Zau Ja, and former child soldier Aung Ko Htwe, and guarantee their immediate and unconditional release. Overdue reforms to the legal framework must be urgently prioritised, ensuring the full and effective participation of civil society.

We are disturbed by the mainstreaming of intolerance and discriminatory rhetoric, including the advocacy of discriminatory hatred constituting incitement to violence, directed at the Rohingya and other minority communities in Myanmar. Rather than spreading hatred, public officials must speak out against it.

We call for the repeal of laws that entrench structural discrimination against minorities, including the 1982 Citizenship Law, and for the government to take positive steps to promote pluralism, diversity and inclusion in line with Resolution 16/18 and the Rabat Plan of Action. Proposed legislation to combat “hate speech” threatens to further to restrict minorities’ expression rights and must be withdrawn.

ARTICLE 19 calls for swift action from the Government of Myanmar to reverse its crackdown on freedom of expression and to live up to its UPR commitments and international human rights law obligations ahead of its review next year. This Council must call on it to do the same.

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