



# Mapping Injustice in Myanmar

A report on human rights violations across Myanmar's states and regions over a 10 year period from January 2010 to June 2020



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from January 2010 to June 2020

Mapping Injustice In Myanmar  
HRV Coalition.  
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Genuine People's Servants



Independent Lawyers' Association of Myanmar



HRDP



Promotion Of Indigenous and Nature Together  
ပိုင်-ရိုးရာဝန်းကျင်မြှင့်တင်ရေးအဖွဲ့

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# 1

## Abbreviations

AA/ULA: Arakan Army/United League of Arakan

ABFSU: All Burma Federation of Student Unions

ALP/ALA: Arakan Liberation Party/Arakan Liberation Army

AMFSU: All Myanmar Federation of Sangha Unions

ANP: Arakan National Party

ANREN: Arakan Natural Resources and Environmental Network

ARSA: Arakan Rohingya Salvation Army

CTUM: Confederation of Trade Unions Myanmar

DKBA: Democratic Karen Buddhist Army

EAO: ethnic armed organizations

FTUM: Federation of Trade Unions Myanmar

FGD: focus group discussion

HRD: Human Right Defender

ICESCR: International Covenant on Economic, Social and Cultural Rights

ICJ: International Criminal Juries

IDP: Internally Displaced Person:

IIFMM: Independent International Fact-Finding Mission on Myanmar

KIO/KIA: Kachin Independence Organization/Kachin Independence Army:

KNC: Kachin National Congress

KNGY: Kayan New Generation Youth

KNPP/KA: Karenni National Progressive Party/Karenni Army

KNU/KNLA: Karen National Union/Karen National Liberation Army

KPC: KNU/KNLA Peace Council

LGBT (Myanmar): lesbian, gay, bisexual, and transgender

MDCF: Movement for Democracy Current Force

MNHRC: Myanmar National Human Rights Commission:

MNTJP/MNDAA: Myanmar National Truth and Justice Party/Myanmar National Democratic Alliance Army

MWVA: Myanmar War Veterans' Association

Na Sa Ka: Border Area Immigration Scrutinization and Supervision Bureau

NA-B: Northern Alliance Burma:

NCA: National Ceasefire Agreement

NCCT: Nationwide Ceasefire Coordination Team

NGO: Non-Government Organizations

NLD: National League for Democracy

NMSP/MNLA: New Mon State Party/Mon National Liberation Army

OHCHR The Office of the United Nations High Commissioner for Human Rights

PNA: Pa-Oh National Army

PNLO/PNLA: Pa-Oh National Liberation Organization/Pa-Oh National Liberation Army:

PSLF/TNLA: Palaung State Liberation Front/Ta'ang National Liberation Army

RCSS/SSA-S: Restoration Council of Shan State Shan State Army-South

SNA: Shanni Nationalities Army

SSPP/SSA-N: Shan State Progress Party

UPR: The Universal Periodic Review

USDP: Union Solidarity and Development Party



# 2

## Executive Summary

The Nationwide Ceasefire Agreement was signed in 2015, but fighting continues in various ethnic areas. People in conflict areas are repeatedly subjected to human rights abuses, as are activists who exercise freedom of expression, villagers face prison sentences and land confiscations, and the existing laws only sustain these unfair trials.

The penalties are also the adverse of rehabilitative measures, they are designed to punish prisoners and activists, and Myanmar's judiciary is also outdated and far from fair.

Political prisoners and victims of human rights abuses receive neither reimbursement, redress nor rehabilitation. Therefore, the Hluttaw needs to enact a comprehensive reformative law.

As the saying goes, “together we shall overcome”, and we shall, by utilizing the diversity of civil society and our cooperative networks to establish a flexible and sustainable partnership with appropriate civil society partners. This report is testament to what we have achieved together, to push for legal reform and campaign for the rule of law and human rights across Myanmar. ■

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<sup>1</sup>အသွင်ကူးပြောင်းရေးကာလ အထူး တရားမျှတမှုဆိုင်ရာ မြန်မာနိုင်ငံအခြေအနေ (October 2017) <http://asia-ajar.org/wp-content/uploads/2018/03/Local-Language-Myanmar-Case-Study.pdf>

<sup>2</sup>Exploring State–Civil Society Collaboration: Policy Partnerships in Developing Countries <https://journals.sagepub.com/doi/abs/10.1177/089976409902801S01?journalCode=nvsb>



# 3

## Introduction

This report is based on field research by AAPP and its partners, domestic and foreign research papers, media reports, and extensive documentation of human rights abuses from January 2010 to July 2020 by partner organizations. In this report, over 10,000 actions are reviewed and described through categories. Though we know there are many more violations which go unreported. Due to time constraints, this report may not be as comprehensive but it seeks to cover key issues.

At present, the major human rights abuses in Myanmar are killings, torture, forced labor, forced armed recruitment, use of child soldiers, displacement, restrictions on religious beliefs, restrictions on freedom of assembly, speech, and expression. It summarizes and identifies human rights abuses by year and presented by the respective states, regions and townships.

This report focuses on human rights abuses by armed groups and authorities and describes relevant human rights abuses to marginalized people including women, children, and people with disabilities, people of different genders, refugee groups, ethnic minorities, villagers, and other vulnerable groups.

This report recognizes the human rights abuses in Myanmar during the transition period and is an effort to work together to improve and document human rights efforts domestically and internationally.

In conclusion, Myanmar has been building a democratic and human rights state since 2010 but it is desperately needed for the state to recognize these human rights abuses by any government which claims legitimate power. Therefore, the purpose of this report is to provide a systematic analysis of how to deal with incidents in the future, fair trials, and to give justice to victims and their families.

As a result of this report, relevant government authorities, parliamentarians, armed groups, the Myanmar National Human Rights Commission (MNHRC) and civil society organizations can be aware of basic human rights abuses in Myanmar, and further recommendations to examine the situation on the ground to reduce the impact of these violations in order to bring justice to the affected people.

These recommendations are based on consensus between various civil society organizations and suggestions on how to improve the role of political parties, the role of parliament representatives, and the involvement of civil society in ensuring accountability of government agencies and justice. ■



# 4

## Objectives of the Report

AAPP and its partners continue to publish reports on their respective areas of human rights expertise. This report is a summary of Myanmar's human rights reporting process from late 2010 to mid-June 2020 in the run-up to the 2020 elections to inform relevant government departments, parliamentarians, political parties, civil society organizations, and the general public to be aware of human rights abuses to a certain extent and ultimately to prevent them from recurring. This reports requests the current parliamentary government and armed groups be responsive to their responsibility to protect human rights, and aim to establish human rights commitments, policies and the rule of law in the lead-in to the 2020 general election and post-election parliamentary government

Additionally, as the 2020 election approaches we call for political parties to be aware of the human rights situation in their respective states and regions, and candidates are also expected to be aware of the human rights situation in their constituencies and to have better human rights-based representatives. Local voters aim to be able to match the promises of candidates and parties in line with their local human rights records. It is hoped that this report will benefit those who are monitoring human rights in Myanmar, both in country and abroad. ■



# 5

## Research Method

### 5.1. Research Procedures

This research paper documents the human rights abuses that took place from 2010 to June 2020, and includes two consultative workshops by AAPP and partners with relevant partners and the media representatives. Based on the results of these seminars, research procedures were developed.

There were five steps to produce this report. The first step was to compile and document the publication of reports on human rights abuses submitted by partner organizations and to gather and document media publications and reports by international organizations. The document sets out 17 key human rights abuses, the norms of the ND Burma, as well as identifying key violations of the entire process to assess all aspects of the situation, including restrictions on civilians, casualties and insecurity in conflicts.

Some cases might also involve overlapping process of human rights abuses, for example, an attempt to document the killing of a person by torture or rape or shooting or forced labor or all of four. In some cases, protesters have been beaten by authorities during protests due to land confiscation, an abuse in its own right.

The second step is to review all the available data from January 2010 to June 2020,

with more than 10,000 pieces of information categorized and analyzed for human rights abuses in Myanmar by region and state, and based on the records available in each township.

The data obtained is based on a series of reports from the media, and the figures of the organizations recorded by the international organizations are also filtered out to match the figures of the local organizations that have been submitted in the past, as well as the most reliable data available.

In the third step, victims and family and friends of those cases which are still open were interviewed. In addition to this, the human rights abuses of vulnerable groups such as children, ethnic minorities, women, and people of different gender identities, were well documented and recommended.

The fourth step is to address the relevant human rights violations of these case studies and inform with the expert advice of AAPP and partner organizations in each state and region.

As a final step AAPP and our partners make recommendations to the respective political parties and governments, based on the data and our research. ■

<sup>3</sup>ND-Burma မှ ထုတ်ပြန်သည့် ၂၀၁၇ ခုနှစ် လူ့အခွင့်အရေးအခြေအနေ အစီရင်ခံစာ (2017)

## 5.2. Limitations

Attempts to publish the report encountered some unexpected constraints. After 2012, civil society groups in exile who have expertise in documentation had begun to re-enter Myanmar. With the advent of domestic reporting, more human rights abuses were documented. However, at that time the technical difficulties of record keeping and the loss of records has meant there was a problem in verifying the process of cases. Thus, the fact that there are more records and research at one point in time does not mean that human rights abuses were less than in another

The growth of the print media began in 2010, but since 2013, with the advent of telecommunications and the internet, online media has become more important and more reliable for research. As a result, it has become more difficult to retrieve previous print media when collecting media-based human rights news whereas post-2013 internet media news is very easy to collate due to the fact that it is based on strong news media pages on the

internet after 2013, after restrictions which limited detailed annual reports.

The participating partners are experts in their respective areas of human rights. However, there are still barriers to accessing and documenting information in some conflict-affected areas where human rights abuses are still taking place, and in some areas due to internet outages, which has hampered the accessibility of some key partners.

Finally, due to the COVID-19 pandemic occurring during this period of the research, there were many restrictions on accessing resources, collecting interviews and conducting discussions to verify human rights records. Therefore, this report is not a combined annual report on the human rights abuses of more recent governments, but an assessment report based on the findings. Simply put, more violations were recorded in the years leading up to the report's compilation, and distant years were more difficult to verify. Imposed by these restrictions, this document-based report focuses more on the human rights situation today than the 10-year report. ■

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<sup>4</sup> မြန်မာနိုင်ငံ၏ဆက်သွယ်ရေးကဏ္ဍ (September 2018) <https://ysx-mm.com/wp-content/uploads/2018/09/Myanmar-Telecommunications-Sector-MM.pdf>

# 6 Myanmar Human Rights Situation Analysis

## 6.1 The Situation of Human Rights in Myanmar before 2010

Myanmar gained its independence on January 4, 1948 and has been a member of the United Nations since April 1948. If human rights are to be addressed in Myanmar before 2010, it would have to begin with after independence in 1948. As a member of the United Nations, it voted in favor of the Universal Declaration of Human Rights in December 1948 at the United Nations General Assembly in Paris, France. Therefore, it can be said that the history of Myanmar's independence began with the promotion of human rights.

However, from 1962 to 2011, Myanmar came under a series of one-party socialist governments and has fallen under successive military regimes who have committed many human rights abuses in Myanmar.

In 1962, General Ne Win of the Military had seized power and ruled as a one-party socialist system. Under his rule, the rights of ethnic minorities were violated, the rights of

citizens were abused, many basic human rights and political rights were lost, and the country's economy collapsed. Independent media outlets and newspapers were confiscated. The military, led by Ne Win, enacted the 1974 constitution and seized all state power. In December of that year, during the mass uprising related to the death of the third UN Secretary General, U Thant, the military arrested and tortured thousands of students and citizens. Though according to official figures only 18 people were killed.

After the 1988 uprising, the dictator Ne Win and his regime disintegrated and the National League for Democracy won a landslide victory in the 1990 general election. However, the military ignored the election results and retained power. The regime then carried out a series of assassinations, arrests and torture on pro-democracy activists, internationally, Myanmar has been known to use torture as a political mechanism, torture became institutionalized in Burma.

<sup>5</sup> Constitution-Making and Peace Process Stagnation in Myanmar: Will a conditional clause help restore confidence in the 21st Century Panglong Conference? (03 September 2018) [https://www.tni.org/en/node/24388?content\\_language=en](https://www.tni.org/en/node/24388?content_language=en)

<sup>6</sup> အနှစ် ၃၀ က မြန်မာ့ဆိုရှယ်လစ်လမ်းစဉ်ပါတီ (24 March 2018) <https://www.bbc.com/burmese/in-depth-43526572>

<sup>7</sup> Myanmar, the Institution of Torture, (December 2019) <https://www.burmalibrary.org/en/myanmar-the-institution-of-torture>

## In Myanmar

According to the United Nations, and local and international civil society groups, more than 3,500 villages were burnt down during that time, and the rape of ethnic minorities had been used as a weapon of war, and millions of people were forced to flee their homes as refugees. Thousands of child soldiers were abducted and citizens were subjected to arbitrary arrest and detention. There are no protections or guarantees to one's political rights to freedom of expression, speech and association. Since the military government came to power in 1990, forced recruitment, arbitrary arrests, killings, and, rape and sexual assaults has been documented, and are still being documented today in the ethnic minority areas of war-torn zones.

In 2007, beginning with the junta's decision to increase petrol prices there was a popular protest led by monks now called the Saffron Uprising. Fifty-two monasteries were closed and more than 6,000 people, including some 1,400 monks were beaten and arrested. AAPP estimates that more than 200 people including Japanese photojournalist Kenji Nagai, were killed and dozens are still unaccounted for.<sup>8</sup>

Citizenship rights based on religious minorities and ethnicity have been violated since the military regime came to power. Since independence, the human rights of harmless minority ethnic people have been violated in the midst of conflicts and wars. Hundreds of thousands of indigenous people have been displaced by armed conflicts, suffering from child soldiers, forced labor, sexual violence and the destruction of land and still living in refugee camps along the Thai border

The 2008 Cyclone Nargis also had an indirect effect on human rights abuses in Myanmar. Instead of rushing to the rescue of the affected people, the military dictators focussed on finalizing the 2008 constitution referendum and delayed international support. In 2010, general elections were held and the junta took over power as a civilian government. This report therefore begins with violations from 2010 whilst acknowledging the mass human rights abuses which came prior to the January 2010 to June 2020 period. ■

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<sup>8</sup> Country Reports on Human Rights Practices for 2007

## 6.2 Analysis of the Human Rights Situation in Myanmar after 2010

Beginning in 2010, Myanmar governance and reforms underwent a series of unusual transitions from military rule to a quasi-civilian government. From an isolated country, Myanmar began to try and be a regional and international player. Myanmar signed and ratified the ICESCR, and internal ceasefire agreements with various armed groups to restore security in some conflict areas, but human rights abuses still continue.

Conflict, war, and human rights abuses are being perpetrated beyond record especially in Rakhine State, Kachin State and Northern Shan State. Among states and regions, War is still raging in ethnic minority states and concerns for public safety are growing.

With the advent of telecommunications and the private media, previously hidden human rights abuses are now more visible to the public.

For example, during the 2012-2017 Rakhine conflict, the military's human rights abuses and genocide became internationally known, and there is potential for a resurgence of past human rights abuses in Karen, Kachin, Shan and Shan states.

There is a lack of confidence that a fair trial will be served, and an indifference to prosecuting the military's human rights abuses because military convictions are being repealed much before the end of the sentence. The human rights violations which are investigated

are largely because they are known to the public due to the work of media activists and civil society. The lack of internet access in some townships in Rakhine and Chin states is also a barrier to documenting human rights abuses in those areas and media and civil society groups have limited access.<sup>9</sup>

Reforms need to advance and truly practice inclusive development which adheres to universal human rights. Some believe the current human rights abuses will lead to a return to authoritarianism.

This report is able to provide an accurate account of past human rights abuses due to the return of former human rights organizations from exile, such as the AAPP, ND Burma, WLB, and the emergence of a more independent media. For example, human rights abuses against political prisoners in Myanmar have been documented since 2013 and the report also includes the compilation of political prisoner records since 2010.<sup>10</sup>

The political institutions of human rights are still in their infancy in Myanmar. As Myanmar transitioned from a military government to a quasi-civilian government in early 2010, efforts are needed to improve the protection of human rights through new democratic ideals. Human rights committees have been formed in the legislatures as the political mechanism for human rights in Myanmar.

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OHCHR 2018 report <https://www.ohchr.org/Documents/Publications/OHCHRreport2018.pdf>  
 Assistance Association for Political Prisoners (2020) <https://aappb.org/>

In the Pyithu Hluttaw, there is the Citizen's Fundamental Rights Committee, Ethnic Affairs and Internal Peace Making Committee, Justice and Legal Affairs Committee, Government's Guarantees, Pledges and Undertakings Vetting Committee and Peasantry, as well as at-risk groups which need protection from the state, such as the Women and Children Affairs Committee, Peasantry and Labor Committee.<sup>11</sup> In the Amyotha Hluttaw, there is the Citizens' Fundamental Rights Committee, Democracy and Human Rights Committee, Local and International Non-Governmental Organizations Committee, Public Complaints Committee, Ethnic Affairs Committee and for special protection to some marginalized groups, Women and Children Affairs Committee, Peasant Affairs Committee, Local and Overseas Labor Affairs Committee.<sup>12</sup>

The judiciary has seen some progress in cracking down on corruption. Yet activists say the judiciary is still heavily influenced in military-related cases such as corruption.

By order of the President, the Myanmar National Human Rights Commission was established on 5 September 2011 and the legal authority of the commission was established. This is part of the government's efforts to promote human rights. The commission aims to promote the protection of the basic human rights of citizens, based on the law of the National Human Rights Commission, and in complying with the Paris Principles.<sup>13</sup>

However, by international standards, the Global Alliance of National Human Rights Institutions (GANHRI) qualifies it for only a "B" rating and still needs to be fully credible. Civil society groups are calling for an increase in the capacity of the National Human Rights Commission and the emergence of an independent commission.

Myanmar joined the United Nations Convention Against Corruption (UNCAC) on December 2, 2005 as the 137th member of the United Nations Convention Against Corruption (UNCAC).

The Anti-Corruption Law was approved by the President on 7 August 2013 and came into enactment on 17 September 2013. The first amendment to the Anti-Corruption Law was enacted on July 23, 2014 under Law No. (32/2014), The second amendment on July, 29 2016 as Law No. (33/2016). The third amendment was made on July 31, 2017 as Law No. (18/2017). The fourth revised Anti-Corruption Law was promulgated on 21 June 2018 as Law No. (20/2018). The Anti-Corruption Act was promulgated on 10 July 2015 with the approval of the Union Government.<sup>14</sup>

Daw Aung San Suu Kyi formed an advisory group led by former UN Secretary-General Kofi Annan and released a report related with the conflict in northern Rakhine State in 2017.<sup>15</sup> However, the UN Special Rapporteur on the situation of human rights, Yang Hee Lee, was denied entry and objected to

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<sup>11</sup> ပြည်သူ့လွှတ်တော် ကော်မတီ/ကော်မရှင်များ (2020) [https://www.pyithuhluttaw.gov.mm/committee\\_commission](https://www.pyithuhluttaw.gov.mm/committee_commission)

<sup>12</sup> အမျိုးသားလွှတ်တော် ကော်မတီ/ ကော်မရှင် (2020) <https://www.a.myotha.hluttaw.mm/>

<sup>13</sup> မြန်မာနိုင်ငံအမျိုးသားလူ့အခွင့်အရေးကော်မရှင် (2020) <https://myanmar.gov.mm/national-human-rights-commission>

<sup>14</sup> အဂတိလိုက်စားမှုတိုက်ဖျက်ရေးကော်မရှင် (2020) <https://myanmar.gov.mm/anti-corruption-comities>

<sup>15</sup> အသွင်ကူးပြောင်းရေးကာလတရားမျှတမှုဆိုင်ရာ မြန်မာနိုင်ငံအခြေအနေ (october 2017) <http://asia-ajar.org/wp-content/uploads/2018/03/Local-Language-Myanmar-Case-Study.pdf>

the UN fact-finding mission. Myanmar strongly rejected the findings of the Special Rapporteur and ignored the activities of the fact-finding team and their reports.<sup>16</sup> In November 2018, the International Criminal Court (ICC) opened a case to investigate and prosecute crimes related to the conflict in Rakhine State.<sup>17</sup> In November 2019, Gambia filed a lawsuit with the International Court of Justice (ICJ), which was heard in December 2019. Aung San Suu Kyi, the State Counselor and Minister of Foreign Affairs, led the defense at the trial on behalf of Myanmar at the International Court of Justice.

The ICJ ruled in favor of four provisional measures to prevent the recurrence of genocide in Myanmar.<sup>18</sup>

These are as follows.

Myanmar must:

1. Take all measures within its power to prevent all acts within the scope of the definition of genocide set out in Article II of the Genocide Convention;
2. Ensure that its military as well as any irregular armed units which may be directed or supported by it, and any organizations or persons which may be subject to its control, direction or influence do not commit acts of genocide, conspire to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide, or complicity in genocide;
3. Take effective measures to prevent the destruction and ensure the preservation of any evidence related to allegations of acts within the scope of Article II of the Genocide Convention;
4. Submit a report to the ICJ on all measures taken to give effect to the Order within four months as from the date of the Order and thereafter every six months until a final decision on the case is rendered by the Court. Every report will be communicated to Gambia which will then have the opportunity to submit to the Court its comments thereon.

Therefore, Myanmar is currently in a position to submit regular reports to the ICJ.

<sup>16</sup> မြန်မာနိုင်ငံအနေဖြင့် အထူးအစီရင်ခံစာတင်သွင်းသူ၏ တစ်ဖက်သတ်စွပ်စွဲမှုများကို ပြင်းထန်စွာပယ်ချပြီး အချက်အလက်ရှာဖွေရေးအဖွဲ့၏ လုပ်ဆောင်ချက်များနှင့် ၎င်းတို့၏ အစီရင်ခံစာများအားပယ်ချ (23 October 2019) <https://www.president-office.gov.mm/?q=issues/national-security/id-15794>

<sup>17</sup> Bangladesh/Myanmar Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar (14 November 2019) <https://www.icc-cpi.int/bangladesh-myanmar>

<sup>18</sup> Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar) (26 May 2020) <https://www.icj-cij.org/en/case/178>

In addition to this, the Universal Periodic Review (UPR),<sup>19</sup> a four-year periodic review of the human rights record of all countries in the world, is now under the auspices of the UN General Assembly Resolution 65/251. Myanmar submitted its first round cycle of UPR in 2011 and second round in 2015 and was reviewed by the UN Human Rights Council to the Office of the High Commissioner for Human Rights in Geneva, Switzerland.

During the second cycle review, 93 member countries provided 281 recommendations to Myanmar. Among these, 166 points were accepted and the rest were rejected (most of which were rejected, directly or indirectly related to the Rakhine conflict). Significant reforms are still needed to implement effective and proactive human rights in Myanmar. In addition to the UPR report submitted by the government, the recommendations in the report submitted jointly by local and international civil society organizations are also very important.

Myanmar has also signed and ratified four of the nine major international conventions on human rights; such as the International Covenant on Economic, Social and Cultural Rights; and the International Covenant on Women; Children; and the Disabled. Some optional protocols have been added as required.

Consequently, the government has to provide the necessary management reports for these agreements. The International Convention for the Protection of All Persons from Enforced Disappearance (CPED); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); International Covenant on Civil and Political Rights (ICCPR); International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW); are all vital treaties Myanmar needs to ratify. This is in addition to the much needed reform of the 2008 constitution, domestic laws, political institutions, the government, and the accountability procedures in line with the essence of those treaties. ■

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<sup>19</sup> Universal Periodic Review – Myanmar (2020) <https://www.ohchr.org/EN/HRBodies/UPR/Pages/MMindex.aspx>

## 6.3 Summary Report on Human Rights Violations

Human rights violations primarily mean abuses upon individuals or group rights. For example, the right to life, liberty, freedom of expression, freedom of religion and belief, as well as freedom from slavery, trafficking, murder, disappearance, torture, and dehumanized punishment perpetrated by individuals or groups with power. Human rights violations also include using children in war, sexual assault, rape, forced labor, and child labor, lack of equal rights before the law and lack of protection from the law. Lack of redress after human rights have been violated, unlawful punishment, failure to provide protection against arbitrary arrest and detention, and prohibition and revocation of the activities of human rights organizations have also been seen as human rights violations.<sup>20</sup>

Efforts must be made to protect these rights by the Universal Declaration of Human Rights.

The right of ethnic minorities to protect their culture and interests, and the right to self-determination are becoming more and more important human rights in society today. It is why

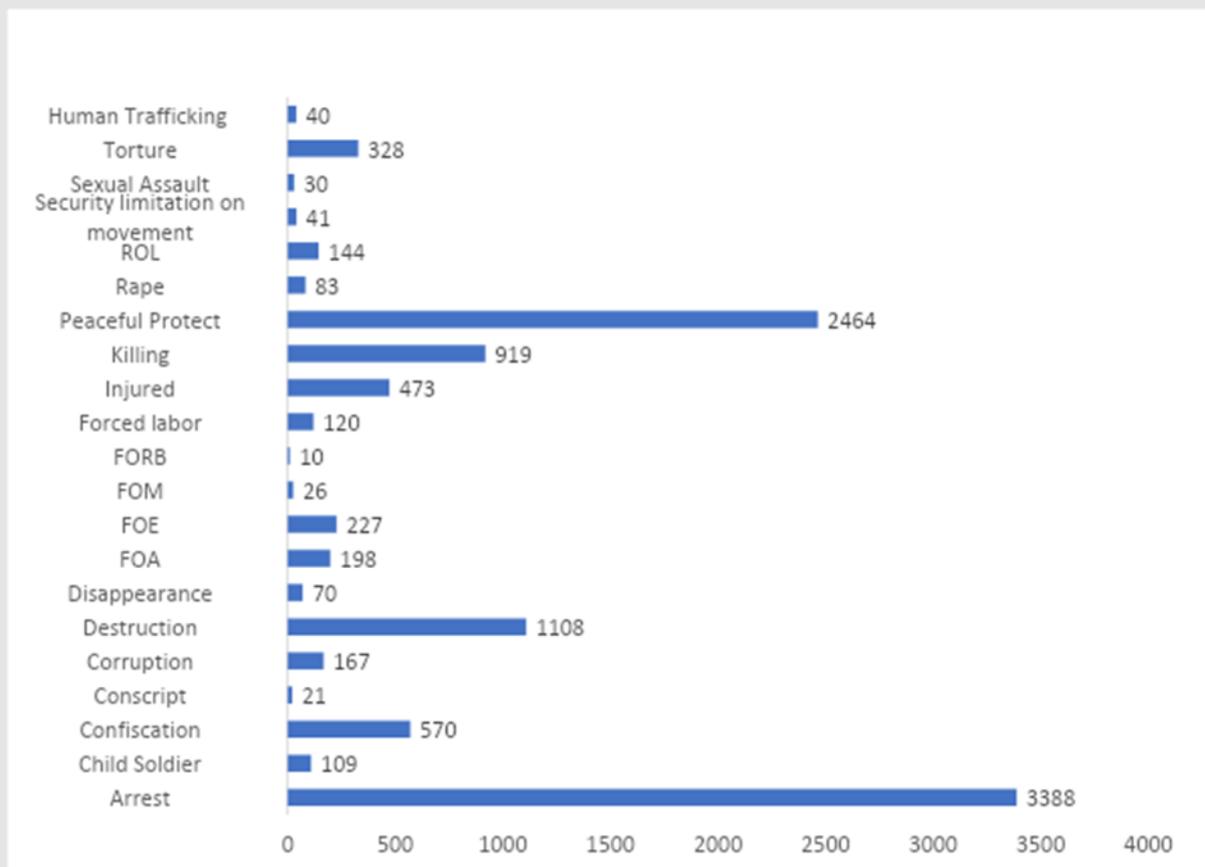


Table 1: chart documenting human rights abuses

<sup>20</sup> Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (December 2005) <https://www.ohchr.org/en/professionalinterest/pages/remedyandreparation.aspx>

<sup>21</sup> Ratification Status for Myanmar (2020) [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=119&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=119&Lang=EN)



**A police car emerges from Myitkyina prison, Kachin state**

Myanmar need to sign the International Covenant on Economic, Social and Cultural Rights (ICESCR),<sup>21</sup> not only to protect the socio-economic culture of ethnic minorities, but also the right of the people to live with adequate food, safe environment and living, education, social security, physical and mental health care, and benefits for workers and farmers.

Moreover, political rights such as the right to freedom of expression, freedom of assembly, the right to form an organization, right to participate in government institutions, and the right to vote in elections shall be known as essential human rights and must be protected by ratifying the International Covenant on Civil and Political Rights (ICCPR).

This report examines the current human rights situation in Myanmar and summarizes key human rights issues for as many reasons as possible.

This report examines a total of 10,536 records of submissions from partners, reliable media coverage, records published by other local and international organizations. There are more than 1,000 human rights issues recorded between 2010 to June 2020 and they are categorized into different types of human right violations. It provides an analysis of the contemporary human rights situation in Myanmar based on all these documents.

Most cases of arbitrary arrests and detention are recorded in the report. As a result of the resumption of hostilities in Kachin and Shan states in northern Burma since 2012, and the ongoing clashes in Rakhine and Chin states beginning in 2018, there has been a significant increase in the number of arrests and detentions of civilians, political activists and farmers in land confiscation cases. Moreover, protests over the Education Law reform in 2014 and the Letpadaung copper mine project, and the Myitsone dam project are notable events.

The root causes of these arrests are the second most common, prohibiting peaceful protests in the changing political landscape, the protests by workers, farmers indigenous peoples, often by blockades formed by anonymous groups. These occurred in the campaigns in the 2010 and 2015 general election, and 2012 and 2017 by-elections and other peaceful assemblies.

The third highest human rights abuse in Myanmar is civilian casualties due to the ongoing civil war. Those killings are also mentioned separately to link with the related death by types of human rights abuses. The fourth most documented human rights violation is the destruction of villages and property of civilians. Land issues and land confiscation are fast becoming more obvious human rights violations. Some of these cases also include forced evictions. Forced recruitment, use of child soldiers, and forced labor by the military and ethnic armed groups in conflict zones have also been documented.

Arrests and prosecutions restricting free expression on the internet and in the press, prohibition of public and political-based freedom of assembly have also led to sanctions and political upheaval. There are also cases of obstruction of freedom of movement and security bans by the military and armed groups are also recorded as a significant percentage.

Sexual violations against women in conflict zones continue to this day and gang-related sexual assaults, rapes, killings and sex slavery for a period of time perpetrated by the Tatmadaw throughout ethnic areas has been well documented.

Civilian casualties, arrests and torture by armed groups have also been reported, as have forced disappearance personals. Data from The Armed Conflict Location & Event Data Project (ACLD) compares figures on civil war and civilian casualties in Myanmar in the report.

The following are comprehensive lists and categories of human rights abuses as suggested by AAPP and its partners. ■

## 6.4. Violent Human Rights Violations

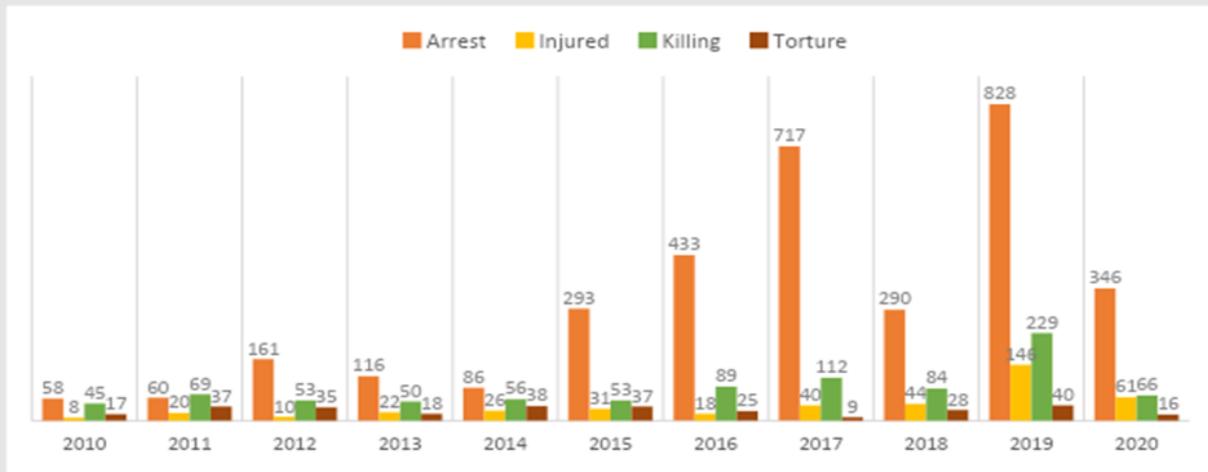


Table 2: records of arbitrary arrests, injuries, killings, and torture

The table above provides a year-by-year comparative graph of arrests, injuries, killings, and torture. Arbitrary arrests and detentions in Myanmar have been recorded on an annual basis and in 2019, arrests, torture and killings of civilians were the highest in the war with the Arakan Army. As of June 2020, arrests, torture, injuries and killings were on the rise.

On June 30, 2020, a Tatmadaw convoy abducted U Adu Chhin, 43, of Pi Pin Yin Village, Laung Kyat Village Tract, south of Mrauk-U Township, and Maung Ohn Maw Martin, 22, of Thara Cho Village at around 7:30 am while working in the fields.

The military abducted U Maung Shwe Than, 39, and his son Maung Soe Naing Lin, 17, from Laung Kwek village while they were fencing off a

vegetable fence as well as U Maung Tun Thein, 38, a resident of the same village from his home. U Phyu Maung Than, 22, from Thu Htay Gone Village, Paung Tot Village Tract, was taken from his farm and 19-year-old Maung Maung Saw Than from his home on the same day.

Such arbitrary arrests continue to make it difficult to protect human rights in Myanmar. Killing and wounding in clashes with both armed sides, accusing civilians of arbitrary arrest, torture, murders on charges of conspiracy, refusal to take responsibility for the wrongdoing of its members are immoral for any armed group and against the most fundamental objectives of armed forces to protect the lives and property of its people. ■

### 6.4.1 Arbitrary Arrests and Detention

Arbitrary arrests and detentions are unjust acts in violation of one's liberty. Arbitrary arrests, detentions, torture and other cruel and inhumane acts exacerbate further human rights abuses. These are, in other words, tactics of intimidation to suppress dissidents. Freedom from arbitrary arrest and detention is a fundamental right enshrined in Article 9 of the Universal Declaration of Human Rights

In some parts of Myanmar, such arrests, detentions and disappearances are a daily occurrence. Victims and the impact on their families are hence multiplying every day. Such

arrests and detentions have devastating effects not only on people's lives and property, but also on their economic, educational, health and social future. Arbitrary arrests and detention violate international human rights law and deprive the liberty of a human being. These include but are not limited to the loss of legal status, the loss of rights and freedoms enshrined in the Universal Declaration of Human Rights, and the loss of liberty after a lawsuit that does not comply with the provisions of a fair trial, which are set out in the Universal Declaration and other relevant treaties.<sup>22</sup>

Image 2: arrest of an activist in court



<sup>22</sup> Arbitrary detention (2020) <https://www.frontlinedefenders.org/en/violation/arbitrary-detention>

Privacy is enshrined in Article 9 of the International Covenant on Civil and Political Rights. In most circumstances the victim has no right to know about their arrest, to not is a lack of respect for the procedural rights of the aggrieved party. In some cases, unlawful detention can be considered a war crime, a crime against humanity, or a crime of genocide. Arbitrary arrests have recently become a major political threat during conflicts and rising tensions between armed actors.<sup>23</sup>

Prisons and detention practices play a fundamental role in authoritarian countries in repressing freedoms. According to the United Nations, all state parties must have policies that protect all human beings in any form of custody.

The basic policies are:

- (1) Arrest means the act of arresting a person who is accused of committing a crime or the act of being arrested by the actions of an authority.
- (2) Detainee means a person who has not been given personal freedom due to being convicted of a felony by fair judgement.
- (3) Detention refers to the condition of the detainees, as described above.

- (4) A prisoner is a person whose freedom has been denied because of a conviction for a crime.
- (5) Imprisonment refers to the situation of those imprisoned as described above.
- (6) Legal or other authority means a judiciary or other competent authority in accordance with the law.<sup>24</sup>

Arbitrary arrests and detentions are a worldwide occurrence and the number of victims is increasing day by day for a variety of reasons. They are often illegal arrests and violate the rule of law and often lead to human rights abuses when in custody. Such acts are like barriers to human freedom, and many people around the world are losing their freedom.

The number of such arrests and detentions in Myanmar has been recorded and the number of arbitrary arrests of civilians, especially during the war, are significant. Civil society groups' repeated demands for the release of unreasonably detained civilians are growing a lack of trust in the credibility of the current rule of law, which ignores the right of human beings to live in accordance with their rights and dignity. ■

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<sup>23</sup> International Humanitarian Law [https://www.icrc.org/en/doc/assets/files/other/icrc\\_002\\_0703.pdf](https://www.icrc.org/en/doc/assets/files/other/icrc_002_0703.pdf)

<sup>24</sup> Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, (December 1988) <https://www.ohchr.org/EN/ProfessionalInterest/Pages/DetentionOrImprisonment.aspx>

## 6.4.2 Injured Civilians due to Conflict

Any injury that harms a person's body can be considered a harm. There is a difference between accidental injury and violent act. When someone causes severe pain to another person, it can be considered torture or injury. Today, three international laws; human rights law, refugee law, and humanitarian law, protect civilian casualties in wars.<sup>25</sup>

This report documented the numbers of injuries sustained by armed groups during the conflict as human rights violations. It is becoming progressively evident that civilian casualties are becoming more pronounced as Myanmar's civil war escalates and fighting is still

taking place in some parts of Rakhine State near civilian villages.

For example, warnings to evacuate locals near Kyauktan village in Rathedaung Township, Rakhine State, in June 2020, reflect that the war was taking place in near proximity to civilian settlements.<sup>26</sup> In such injuries, some cases by landmines and remote-controlled landmine explosions on the roads regularly used by civilians were also recorded in this report.

In particular, in the post-2010 wars, more casualties have been reported due to artillery shelling by both sides. ■

<sup>25</sup> Humanitarian Law, Human Rights and Refugee Law – Three Pillars (April 2005) <https://www.icrc.org/en/doc/resources/documents/statement/6t7g86.htm>

<sup>26</sup> ရသေ့တောင်နှင့် အမ်းမြို့နယ်တွင် ဒေသခံများ ထောင်နှင့်ချီ ဆက်လက်ထွက်ပြေးနေရ (29 Jun, 2020) <https://myanmar-now.org/mm/news/4000>

Image 3: a civilian arrested and tortured during the 2019 Rakhine conflict



### 6.4.3 Torture

Freedom from torture is one of the most well-known human rights. Torture is a complete deviation from society and human values. The persecutor is rightly viewed as an enemy of all mankind. Torture is prohibited under Article 3 of the European Convention on Human Rights, and "inhuman or degrading treatment or punishment" in Article 5 of the Universal Declaration of Human Rights.<sup>27</sup> Various forms of violence, such as torture, human trafficking, violence against women and children have been recognized as human rights issues. Inhuman or degrading treatment or punishment can cause great physical and emotional pain and prohibition of torture is a fundamental principle of international law.

Torture is when someone deliberately causes another person to be physically or emotionally abusive. The reason may be to threaten to punish someone or to get information from that person. Torture can injure people and, in the worst circumstance, cause death. Some people survive persecution but they are agonized from the scars on their bodies, permanent disability, sufferings and the psychological trauma and fears that remain with them for the rest of their lives.

Authorities sometimes tortured a person to obtain a confession or to obtain information from them. There are many forms of torture such as physical abuse; beatings,

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<sup>27</sup> Article 3: Freedom from torture and inhuman or degrading treatment, (15 Nov 2018) <https://www.equalityhumanrights.com/en/human-rights-act/article-3-freedom-torture-and-inhuman-or-degrading-treatment>



Image 4: civilians injured during the Rakhine State war

punching, electric shocks, sexual assault, such as rape or sexual harassment, or psychological distress, such as insomnia or prolonged sleep deprivation. Torture is never justified. It is profane and inhumane to replace the rule of law with violence.<sup>28</sup>

Under international law, torture and other forms of cruelty are illegal and a heinous human rights violation. However, torture continues throughout the world, and persecution by various groups continues in violation of international law. Under international humanitarian law relating to armed conflict, the consent or permission of a

State should not provide as a requirement to constitute torture.

Torture, cruelty, and inhumane treatment are prohibited everywhere, including in wars.<sup>29</sup> However, many countries and armed groups continue to use torture to this day. Some have been living in misery for the rest of their lives with permanent disability. Therefore, injuring or torturing is a serious human rights violation. In Myanmar, torture is used as a punishment for spreading fear in society. Civilians stranded in the midst of the war have been subjected to arbitrary arrests, killings, injuries and torture. ■

#### 6.4.4. Killings

One of the utmost human rights is the right to life. Therefore, Myanmar, one of the first countries to sign the Universal Declaration of Human Rights, has a sole responsibility to protect the rights of life of its citizens. Both International human right laws and Myanmar domestic law also guarantees the right to life and ensures that killings are not conducted by the state or among its citizens who are living in the country and it shall be enacted to prevent the abuse of power by forces. Despite the fact that some human rights are constrained during a state of emergency, no government should be allowed to violate the rights of life of any individual under any circumstances. The Geneva Convention on International Humanitarian Laws also provides for the avoidance of genocide and killings of civilians during conflict, as well as prisoners of war and medical soldiers.

For example, according to the Ta'ang armed group, on July 11, 2018, six female paramedics were raped and killed during a clash on the Namtu-Mantong-Namkham Shwe, gas pipeline near Aw Law village in Mantong Township, northern Shan State.<sup>30</sup> These kinds of acts, of torture and gang rape of prisoners of war during violates the International War Crimes of Geneva Conventions.

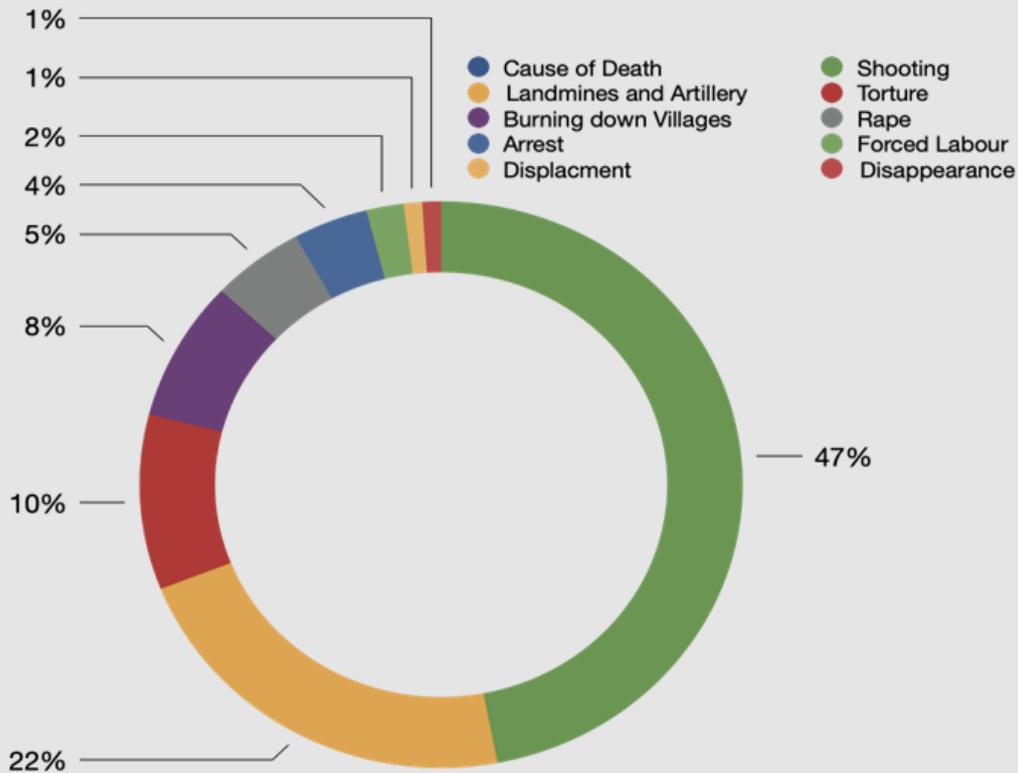
The political transition and ceasefire agreements began in 2010, but casualties and injuries of civilians were still recorded from the Kachin War in 2011 and 2012 and the current conflict in northern Rakhine State accompanied war crimes and human rights abuses, and the number of violations are gradually increasing. The genocide of the Rohingya in 2017 also saw an increase in deaths, however, the exact

<sup>28</sup> TORTURE AND OTHER ILL-TREATMENT (2020) <https://www.amnesty.org/en/what-we-do/torture/>

<sup>29</sup> No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment (May 2002) <https://www.ohchr.org/Documents/Publications/FactSheet4rev.1en.pdf>

<sup>30</sup> Conflict, conscription and a cover-up: the killing of six TNLA medics (13 August, 2018) <https://www.frontiermyanmar.net/en/conflict-conscription-and-a-cover-up-the-killing-of-six-tnla-medics/>

In Myanmar



**Table 3: Records of the number of people killed in wars and human rights abuses**

number of dead has not yet been determined, and international reports only provided estimates.

The death toll has significantly documented, but torture and arrests are not readily available in every case. There are some overlaps between the deaths, torture, and arrests and other violations due to the documentation of human rights process. For example, arrests and torture cases account for about 20 percent of all deaths and other violations are reported as direct link with human rights abuses. The graph below the reviews of the deaths by other human rights violations.

More than 5,700 civilians were murdered in recorded killings from 2010 to June 2020. Civilian casualties from gunfire were the highest at 47%, followed by landmines and long

-range artillery fire near civilian areas, which accounted for another 23% of civilian fatalities. There have been deaths as militants have infiltrated villages and committed human rights abuses. The burning down of villages and forced eviction related cases are about 10% of these recorded killings. Another 8% of deaths were related to arbitrary arrests, disappearances and forced labor. 10% of all homicides result from arrests and torture.

Sexual violence against women, in particular, continues to occur in war-torn ethnic minority areas and accounts for up to 5% of all deaths. There is an urgent need to protect the safety and security of women in Myanmar during the civil war. ■

## 6.5. Land-related Human Rights Violations

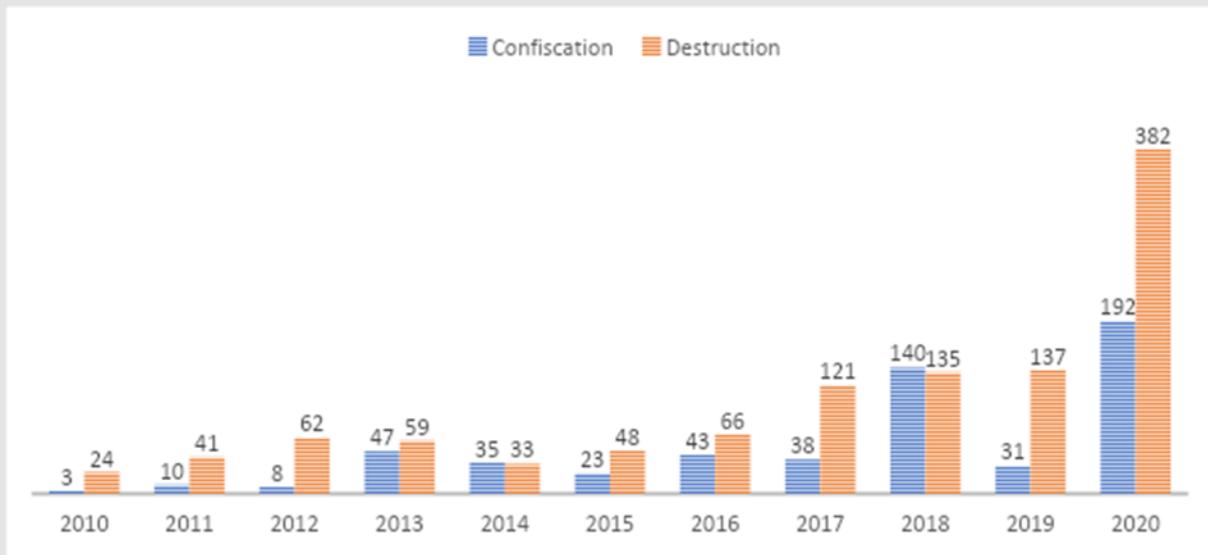


Table 4 records of human rights violations related to land issues.

The table above compares the annual records of the number of cases by arson, looting, forced exodus and evictions of the villages. In most cases, villages were burned down and civilian property was demolished by armed groups. Due to the fighting with the Northern Alliance Armed groups, including the Arakan Army, 2017, 2018 and 2019 have the highest annual records.

The record number of cases of displacement due to war and the evictions of private businesses and state sponsored projects has gradually increased in 2018 and 2019, and

during the six months to June 2020, the number of evictions was higher than in any other years.

There have been a total of 1,119 cases which affected the social and economic impacts of local civilians, and so far tens of thousands of IDP camps have emerged in northern Rakhine, Kachin, and Shan states, and no specific protection measures are in place for their livelihoods.

From 2010 to June 2020, as many as 200,000 civilians have been subjected to human rights abuses and deaths.■

### 6.5.1. Confiscation of Land and Property

Confiscation of land means the confiscation of property by the state under private property law. It dates back to the early Roman Empire and is present in various forms in most parts of the world. In some cases, the ICC stipulates that the seizure or destruction of enemy property due to the demands of war in armed conflict is a war crime in international armed conflicts.<sup>31</sup> In addition to this, the confiscation or destroying of someone else's property is defined as a violation of the law in many countries.

There have been a number of land confiscations of farmers in Myanmar. In 2014, a company confiscated 35 acres of land belonging to a farmer named U La Win in Irrawaddy region. When asked about the land confiscation, he said he had suffered great losses in his life. He had been farming for more than 14 years before being confiscated. Now he earns no more than 4,500 kyats per day. Today, land disputes are a major challenge to Myanmar's reform process. This involves both confiscation and destruction.

Land confiscations and forced evictions have been a hallmark of military rule and armed conflict for decades. Farmers face many difficulties as government officials, army commanders and other organizations confiscate

land for their own benefit. Authorities have not been interested in addressing the root problem of the victims and issues, but have just stepped up development plans, according to one activist.

The military and ethnic armed groups have taken advantage of the security situation with attacks and the seizure of large swathes of territory. In some places, the original landowners were re-employed in the confiscated land, which openly violated human rights and the land rights of citizens, one of the victims said. Records show some legal protections for such cases, but government officials often confiscated farmland without notice, damaging farmers' income and regular food resources. As a result, countless rural families have struggled to provide food, shelter, and education for their children.

The Vacant, Fallow and Virgin Land Management Act was drafted under former President Thein Sein's government regarding land use in Myanmar. This law has been criticized by civil society groups and international organizations as a threat to land rights, ownerships and land security for ethnic people and farmers, and after the NLD government came to power, efforts were made to amend this law. A Vacant Land Law was

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<sup>31</sup>Elements of Crimes, (2013) <https://www.icc-cpi.int/resource-library/Documents/ElementsOfCrimesEng.pdf>

approved by the Pyidaungsu Hluttaw on September 11, 2018, and the Central Committee for the Management of Vacant Lands was issued on October 30, 2018, setting March 11, 2019 as the deadline to become enacted. However, according to a UN report, the amended Vacant, Fallow and Virgin Lands Management Law fails to recognize shared land ownership practices, such as customary tenure, and land belonging to IDPs and refugees of conflict that has been left unattended.

If owners fail or refuse to register farmland, it is punishable by up to two years in prison and a fine of 500,000 kyats. Though even if they do so, they will lose their lands that they have historically owned and will only get a 30-year license. The law is likely to confiscate

ethnic lands through legal means and force, which would be contrary to the work of the NLD government for farmers to be able to reclaim land.

The National League for Democracy (NLD) government, which came to power in March 2016, has redoubled its efforts to address these land confiscation issues, but large numbers of farmers remain uncertain about their livelihoods and the future of their families.<sup>32</sup> Land confiscation has had an unbalanced effect on rural farmers. Recognizing the magnitude of the problem, the government has taken several initiatives in recent years to address land confiscation issues by investigating and compensating land confiscation and return of land claims back to original owners.

<sup>32</sup>ရှေ့နောက်မညီသည့် NLD ၏ မြေယာ မူဝါဒ (26 March 2019) <https://burma.irrawaddy.com/opinion/viewpoint/2019/03/26/187548.html>

Image 5: protest to stop construction of Myitsone Dam and land confiscation



## In Myanmar

On July 17, 2018, Human Rights Watch released a report entitled "Nothing for Our Land, Impact of Land Confiscation on Farmers in Myanmar" and demanded compensation from the government for the confiscated lands after some members of Human Rights Watch visited and interviewed 39 farmers across southern Shan State, Ayeyarwady and Yangon regions in Myanmar.<sup>33</sup>

The report states that many farmers have been prosecuted under criminal law for protesting against the lack of compensation, and refusal to leave confiscated land or to stop farming. Forced evictions and confiscations have been well documented as a loss of civilian property from the civil war and for state or company projects. In Myanmar, These include refugees seeking asylum outside of Myanmar

and internally displaced persons (IDPS) displaced by development projects, displaced by the environment, natural disasters, or conflicts and other events.

There are many reasons for migration. The first is conflict-induced displacement, this occurs when people are forced to flee their homes due to armed conflict based between ethnic, religious, political, or social groups. The second is development-induced displacement, this occurs when people are displaced by policies and plans designed to implement a certain type of development. For example, relocation for infrastructure projects such as dams, roads, ports, and airports, urban clearance activities, mining, deforestation, or conservation.

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<sup>33</sup> "Nothing for Our Land" Impact of Land Confiscation on Farmers in Myanmar (17, July, 2018) <https://www.hrw.org/report/2018/07/17/nothing-our-land/impact-land-confiscation-farmers-myanmar>

**Image 6: farmers Protesting over land confiscation**





Image 7: an elderly woman fleeing the war

The third is disaster-induced displacement. This is displacement due to natural disasters (floods, volcanic eruptions, landslides, earthquakes), environmental changes (deforestation, desertification, land degradation, global warming), and man-made disasters (industrial accidents, radioactivity). However, this report only covers land confiscation and displacement due to policies, authorities and projects and village burn down due to conflicts.

Responses to the situation of forced displacement vary widely regionally and internationally. And there can be further negative effects over forced relocations. This is because when someone moves to another country or place, he or she may be subjected to discrimination, hatred, oppression, persecution, and murder. Land confiscation has taken place across Myanmar's different developments.<sup>34</sup> Records also show that land has been confiscated by the Tatmadaw and armed groups in conflict areas, claiming security concerns. ■

<sup>34</sup> Development-induced and conflict-induced IDPs: bridging the research divide (undefined) <https://www.fmreview.org/brookings/cernea>

**Image 8: situation of a refugee camp**

### **6.5.2. Village Confiscation or Destruction of Property**

Confiscation or destruction of property in rural villages has become a major issue and many victims are still suffering in Myanmar. They live in poverty, struggle to access health care, food, education, and child labor is on the rise. These human rights abuses persist and have yet to be eradicated. Issues related to confiscation and destruction of property clearly remain in Myanmar.<sup>35</sup>

A local Rakhine said in a telephone interview that the military had set fire to food stored in the area to prevent it from reaching the other side. He added that the destruction of private property by artillery shelling, arson and looting by government forces was almost always a threat to the rule of law, community stability and peace, and has jeopardized the protection of the lives and property of the people.■

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<sup>35</sup> “The Farmer Becomes the Criminal” Human Rights and Land Confiscation in Karen State (3 November, 2016) <https://www.hrw.org/report/2016/11/03/farmer-becomes-criminal/human-rights-and-land-confiscation-karen-state>

## 6.6. Civil rights: Freedom of Expression, Assembly, Expression, Movement, and Freedom of Religion.

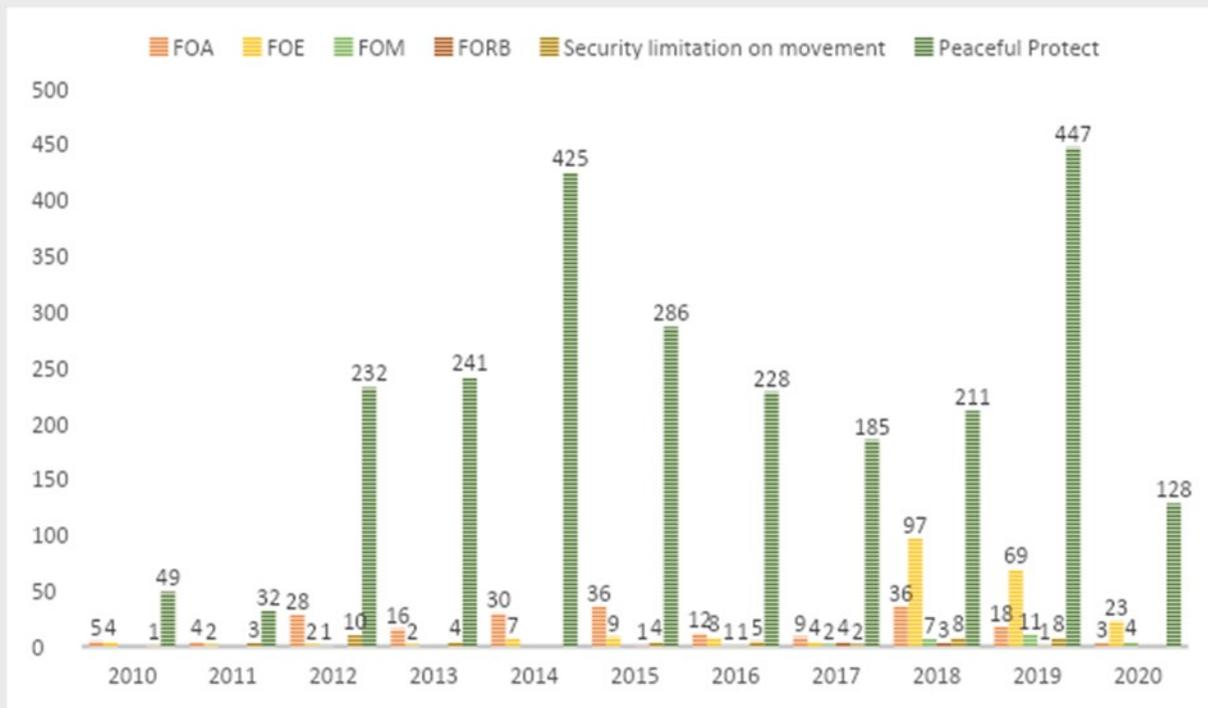


Table 5; Records of Violations of Civil Rights; the right to Freedom of expression, freedom of assembly, freedom of expression, freedom of movement, and freedom of religion

This table lists comparison of the political rights to freedom of assembly (FOA), freedom of expression (FOE), and freedom of religion (FORB), free of movement (FOM) and also compares the restrictions on the movement by security forces and the disruption of peaceful protests. Due to the development of private and industrial zones, violations of these rights under the law are becoming more common. And are increasingly being charged under media laws, labor laws, farmland laws, associations law, and peaceful assembly laws. For example, in 2014, the government restricted the rights of student activists when protesting an education law reform.

Peaceful protests escalated in 2019 over labor rights, farmland, anti-war protests and minority rights struggles and the government has also become more visible in its crackdown on protests of activists, workers and farmers, with local orders restricting freedom of assembly.

On the other hand, as social media grows, lawsuits against those who criticize the government and the military online have increased as another form of repression.

Violations and bans on religious freedom have been in place since 2015. There have been records of attacks targeting minority



Image 9 young people protest to end restrictions on Internet and access to the media

religions, such as Islam and Christianity. Religious extremism is gaining momentum, especially, during the 2017 conflict in northern Rakhine. The government has not taken responsibility and has not been able to provide specific protections. The government later imposed sanctions on those movements, but no law has been enacted yet to reopen previously banned religious buildings and to protect specific religious freedom in Myanmar.

Indirect violations of human rights have also been linked to travel for security reasons. There have been many reports of some indirect violations such as troops stationed and barring

civilians from entering and leaving villages, banning the delivery of relief food to refugees.

Reports like these increased by a record 10 times during the Kachin War in 2012 and by 8 times in both 2017 and 2018. These account for 2,966 incidents and about two-fifths of all human rights abuses, solving these violations is critical to the democratic transition of Myanmar. ■

### 6.6.1. Freedom of the Press and Media

Elected governments have been in power since 2010, promising to improve democracy and human rights and to amend the 2008 constitution. However, despite the partial opening up of the press and freedom of the media, it can be said that Myanmar's freedom of expression and the media have not yet met democratic standards. This is primarily due to lawsuits and arrests by military and government officials and the enactment of unjust laws.

The main reason for such non-compliance is that deviations from international legal frameworks suppress democratic freedoms and appear to be allowing the government to re-establish human rights abuses. In August 2012, censorship was lifted. However, then the Telecommunication Law, the Media and Printing Law, and the Television and Radio Broadcasting Law were enacted. Rather than the purported objectives of the laws as consumer protection and providing high quality services, lawsuits are being filed undermining freedom of expression and the media.<sup>36</sup>

Section 66 (d) of the Telecommunications Law ('Using a telecommunication network to extort, threaten, obstruct, defame, disturb, inappropriately influence or intimidate') is the most widely used to bring about a criminal offense. In November 2015, poet Maung Song Kha became the first person to be prosecuted by the government for a poem he wrote on his social media. Then prominent media; such as Eleven Media Group, The Voice Daily, Myanmar Now, Thuriya Ne Win, and other media outlets and famous human rights activists have also been prosecuted under section 66 (d). Freedom of

the press and freedom for media and activists are being seriously undermined in Myanmar under this law. Some sections of the Telecommunications Law, including Article 66 (d) of the 2017 Constitution, were amended to allay criticism that the government was abusing its power and law, but democratic and human rights standards still needed to be met. In particular, Article 66 (d), which civil society groups are calling for repeal, has been reduced to only a bail offense.

In addition to the Telecommunications Law, lawsuits are filed against individuals as well as the entire media agency under criminal sections such as trespassing (Penal Code 451), defamation (Penal Code 500, 501 and 502), Unlawful Association Law (Section 17, 1), state insurgency (Section 122), defamation of the state, (Penal Code 505b), deliberate insult with intent to disrupt the peace (Penal Code 504), trespassing (Penal Code 352) and disruption to duty of officials. Most cases are prosecuted by the military. Efforts to enact the Right to Information law began in 2017, but so far it has not been passed. Freedom of the press under the 2014 Telecommunications Law continues to be violated.

In addition to the above-mentioned rights to information and reform of the Telecommunications Laws, civil society organizations have demanded other laws which cause human rights violations should be amended or repealed. These include The Official Secrets Act (1923), The Unlawful Associations Act (1908), Martial Law Order 3/89 (1989), The Computer Science Development Law (1996), The Motion Picture Law (1996), The Television

<sup>36</sup>Myanmar: News Media Law - legal analysis - မြန်မာနိုင်ငံသတင်းမီဒီယာဥပဒေ (July 2014) <https://www.burmalibrary.org/en/myanmar-news-media-law-legal-analysis-mnmaaniungngnsttngmiidiyaaupde>



**Image 10: prominent human rights activist and director Min Htin Ko Ko Gyi is being prosecuted for criticizing the military on social media.**

and Video Act (1995), The amendment to the Television and Video Act was signed by the President in 2018, but did not include provisions to protect freedom of expression, the Electronic Transactions Law, Printing and Publishing Law, Contempt of Court Law (2013), The News Media Law, Television and Radio Broadcasting Law (2015), and Protection of the Citizen for the Personal Freedom and Personal Security Law (2017).<sup>37</sup>

From the Burmese Socialist Program Party government through successive regimes up to 2010, governments have been presenting

to the public only non-reciprocal coverage of news and state policies by the state-run media or a handful of media outlets.

Since 2011, private media outlets have been allowed to broadcast private media, television and radio broadcasts, but state-owned media outlets such as Myanmar Alin (The Light of Myanmar) daily newspaper, Kyemon (The Mirror) daily newspaper, Myanmar Radio and Television (MRTV), Myanmar International TV owned by the Ministry of Information, and Myawady Daily a military-run daily newspaper remain as state-owned and focus on

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<sup>37</sup> မြန်မာနိုင်ငံမီဒီယာဖွံ့ဖြိုးတိုးတက်မှုအကဲဖြတ်မှတ်တမ်း ယူနက်စကို၏ မီဒီယာဖွံ့ဖြိုးတိုးတက်မှုတိုင်းတာချက်များပေါ်တွင် အခြေပြုထားသည် အကဲဖြတ်ကာလ - ၂၀၁၄ ခုနှစ် မေလ မှ ၂၀၁၆ခုနှစ် ဧပြီလအထိ [https://bangkok.unesco.org/sites/default/files/assets/article/Communication%20and%20Information/files/16Assessment-of-media-Summary\\_Recommendation\\_Myanmar.pdf](https://bangkok.unesco.org/sites/default/files/assets/article/Communication%20and%20Information/files/16Assessment-of-media-Summary_Recommendation_Myanmar.pdf)

propaganda of the government and the military. Not only did the state-owned media not cover the human rights abuses of the government and the military, but also provide only biased information to the public that could lead to misperception.<sup>38</sup>

For example, in the civil war in northern Rakhine State, there was no fair coverage but only propaganda for the government and the military, restrictions on access to the private press, media and television on these human rights issues, allegations of illegal association, interference with other bureaucrats have hampered unbiased reporting.

The military sued two Reuters correspondents under Official Secrets Acts shortly after coverage of on massacre in In Din village in northern Rakhine.<sup>39</sup> State Police Captain Moe Yan Naing was dismissed for testifying that his colleagues helped frame two reporters on charges of possessing state secrets, and portraying the journalists as traitors by the state-run media. They released hate speech and propaganda that could lead to ethnic conflict such against the Rohingya in northern Rakhine State that they set fire to their own homes, and that they are just illegal immigrants from Bangladesh.<sup>40</sup>

The internet is still being shut down in war-torn areas, especially in conflict areas of Rakhine and Chin states where fighting with Arakan Army and areas where the majority of

Rohingya live. Information on human rights abuses and news in the regions are not freely accessible. Narinjara News, which broadcasts the news in this region, was even banned.

Despite the abolition of censorship, the military and authorities still put pressure on the media to influence coverage. Since 2012, although the former Burmese-language based television and media in exile, the Democratic Voice of Burma, Mizzima Media and others, have entered into Myanmar but they have only been allowed to broadcast under digital channels of the state-owned Myanmar Radio (MRTV). Although foreign media outlets such as the BBC Voice of Asia and Radio Free Asia are currently operating inside Myanmar.

According to the report assessing the situation of freedom of expression in Myanmar from 2016 to 2019 by PEN Myanmar<sup>41</sup> and its partners in freedom of expression, press and media, the situation in Myanmar has been a slight improvement but with no significant reforms. The report stated that despite amendments to the laws, there is no base on perceptive international standards and human rights, but legislated to protect the government from criticism. Civil society groups are also concerned that the dissemination of research reports online could be contradictory to violations of telecommunication laws and there is no protection law that guarantees the right to access and disseminate information. ■

<sup>38</sup> The state, the military, and the market: Capture in the new Burmese media landscape (2017) [https://www.cima.ned.org/wp-content/uploads/2015/02/Capture6\\_State-Military-and-the-Market-1.pdf](https://www.cima.ned.org/wp-content/uploads/2015/02/Capture6_State-Military-and-the-Market-1.pdf)

<sup>39</sup> Myanmar Court Sentences Reuters Reporters to Seven Years in Prison, (3 September 2018) <https://www.wsj.com/articles/myanmar-court-sentences-reuters-reporters-to-seven-years-in-prison-1535950337>

<sup>40</sup> The Rohingya Crisis, (23 January 2020) <https://www.cfr.org/backgrounder/rohingya-crisis>

<sup>41</sup> မြန်မာနိုင်ငံ၏ လွတ်လပ်စွာရေးသားထုတ်ဖော်ပြောဆိုခွင့် အခြေအနေ အကဲဖြတ်ချက် ထုတ်ပြန်ခြင်း (3 May , 2018)

<sup>42</sup> မြန်မာနိုင်ငံ၏ လွတ်လပ်စွာရေးသားထုတ်ဖော်ပြောဆိုခွင့် အခြေအနေ အကဲဖြတ်ချက် ထုတ်ပြန်ခြင်း (3 May , 2018)

<sup>43</sup> Free Speech vs. Hate Speech (5 June, 2018) <https://www.npr.org/2018/06/01/616085863/free-speech-vs-hate-speech>

## 6.6.2. Freedom of Assembly, Freedom of Expression and Freedom to Assembly

Everyone has the right to express his or her views, ideas and opinions under any circumstances. This is defined as the right to freedom of expression in human rights. Freedom of expression is a human right that democratizes a society. One person's freedom of expression is restricted when another person's rights or values of society are violated. For example, there are different national restrictions on freedom of expression in connection with issues such as pornography, public safety, national security, confidential information, trade secrets or copyright infringement, violation of personal life, defamatory and hate speech, and obscene language.<sup>42</sup>

Hate speech does not protect the right to freedom of expression and is a punishable case. It can incite hatred and violence against an individual or a group of people and the state may impose a legal ban on it. Freedom of expression gives the media special privileges and also responsibilities.

Today, the use of the media is becoming more widespread, and issues of public interest are being communicated to society through the media.<sup>43</sup> Therefore, independent media and quality journalism are considered to be the watchdog of a democratic society. Because of this role, human rights protect journalists and the media in carrying out their duties. Freedom of expression, is not just

Image 11 University students protest for education reform





**Image 12: young students from the Peacock Generation in court on charges of assaulting military by traditional folk verse performance**

only the freedom to share information that we are interested in, but also to have the rights to get free access to it. Citizens have the right to access information that belongs to the public and, in some cases, restricted information owned by government agencies as well.<sup>44</sup>

Sometimes free speech can be emotionally painful. Today, social networking

websites are becoming more and more popular, and gossip can be seen on a daily basis. In the worst case scenario, suicides happen because of such gossip. Therefore, no matter how much we have the right to expression, it is a disgraceful act for society to express this to the detriment of the other person. Therefore, restricting hate speech has become a norm in today's society.

<sup>44</sup> International standards: Right to information ( 05 APRIL, 2012) <https://www.article19.org/resources/international-standards-right-information/>

Freedom of expression is the lifeblood of democracy. In both developing countries and developed countries, in free democracies and free societies, there are groups that struggle to achieve full free expression due to poverty, discrimination, and other factors. Freedom of expression and access to information on important issues in society plays an important role in the development of a country.

In Myanmar, the Peaceful Assembly and Peaceful Procession Law was enacted in 2011 and amended in 2014 and 2016 to bring it in line with international standards. In 2018, however, the ruling government sought to include provisions which would further restrict the right to freedom of assembly.<sup>45</sup> These provisions consist of a 48-hour advance permit application including not only the leaders of the rally, but also the attendance list and the list of sponsors. This was ostensibly stipulated so that an assembly should not affect national security, the rule of law, the people's uprising, the morals of the people.

In some states and regions, local authorities have restricted the right to freedom of assembly, protest, marching, training, lecturing and public meetings as well as restrictions on hotels and halls service where they mainly conduct related activities, according to a civil society leader in Mandalay.

ne activist claimed that requests for permits are a form of coercion and have been a challenge for civil society organizations and unions. It was becoming more and more oppressive to the full exercise of the right to freedom of assembly, freedom of expression, and the right to march.<sup>46</sup>

Moreover, it seeks to control the protests under Section 186 with punishments of up to three years in prison for that which is claimed could undermine national security, the rule of law, uprising, and the morals of the people, and a maximum of three months and a fine for public disturbance while performing public service.

The government attempts to oppress not only with the law, but also by bureaucracy. For example, the Ward or Village Tract Administration Law (2012) does not allow ward or village local administrators to use authority to ban local public lectures and public gatherings. However, they often block or

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<sup>45</sup> ငြိမ်းချမ်းစွာစုဝေးခွင့်နှင့် ငြိမ်းချမ်းစွာ စီတန်းလှည့်လည်ခွင့်အား ပြင်ဆင်လိုက်ပြီးဖြစ်သော မြန်မာနိုင်ငံ <https://www.article19.org/my/resources/myanmar-amended-right-peaceful-assembly-peaceful-procession-law/>

<sup>46</sup> ငြိမ်းချမ်းစွာစုဝေးခွင့်နှင့် ငြိမ်းချမ်းစွာ စီတန်းလှည့်လည်ခွင့်အား ပြင်ဆင်လိုက်ပြီးဖြစ်သော မြန်မာနိုင်ငံ <https://www.article19.org/my/resources/myanmar-amended-right-peaceful-assembly-peaceful-procession-law/>

shut down the speeches of writers, political prisoners, and activists who criticize the government and conduct lawsuits against organizers for the events.

In particular, the arrest of public protests leaders and organizers who are against the civil war, the government's unjust actions, military and government projects that harm indigenous communities, land confiscation, and government misconduct in connection with ethnic minority rights and identity, are all on the rise.

For example, the practices of the right to freedom of assembly and association are still being curtailed such as; arrests and imprisonment of youths who led mass protests

to allow refugees trapped in armed conflict to leave safely and to provide humanitarian assistance in Myitkyina, Kachin State; and arrests at an anti-war protest in Tamwe Township, Yangon; arrests and imprisonments of youths protesting against the bronze statue of General Aung San in Loikaw, Kayah State; and the prosecution of Naw Ohn Hla of the Kayin youth for leading Karen Martyrs' Day. Human rights activists have reported that authorities conduct regular investigations into them. Summoning, harassing and prosecuting with criminal offense human rights defenders who often organize rallies. Activists argue that these factors were narrowing the public space for freedom of assembly and violating citizens' right to peacefully express themselves. ■

**Figure 13 A minority woman applying for a citizenship card**



### 6.6.3. Religious Freedom

Freedom of religion is a fundamental human right that protects the conscience of all human beings. According to Article 18 of the Universal Declaration of Human Rights, everyone has the right to freedom of thought, conscience and religion. This right includes the freedom to practice one's religion or belief and to worship in both public and private. and the right to convert at any time. The right to freedom of expression of one's religion or belief is fundamental in order to protect public safety, public health or morality as enshrined in law.<sup>47</sup>

In the decade from 2007 to 2017, government officials had significantly restricted minority religious beliefs and practices by laws, policies and actions. In addition, the number of countries in the world with the highest level of religious social violence rose from 39 to 56 countries in 2017 and Myanmar has a high score of 6.9 out of 10.<sup>48</sup>

Laws and policies which restrict religious freedom (for example, religious groups are required to register to operate) and government favors to certain religious groups (such as religious education and pastoral funding) are among the most restricted categories worldwide. Freedom of religion is based on the dignity of the individual. Religious organizations and believers have a responsibility to express their views and respectfully toward peace. Religion plays an important role in society and religious freedom is also vital for a diverse nation like Myanmar. Freedom of religion protects the rights of all groups and individuals, including the most vulnerable, whether religious or not. Therefore, in order to have a positive impact, religious organizations and citizens need freedoms, especially social and legal space and protection to practice their faiths safely. ■

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<sup>47</sup> Freedom of Religion or Belief (2016) <http://hrlibrary.umn.edu/edumat/studyguides/religion.html>

<sup>48</sup> USCIRF-RECOMMENDED COUNTRY OF PARTICULAR CONCERN (CPC) Burma, (2018) [https://www.uscirt.gov/sites/default/files/Burma%202018\\_Burmese.pdf](https://www.uscirt.gov/sites/default/files/Burma%202018_Burmese.pdf)

#### 6.6.4. Freedom of Movement

More than any other human right, freedom of movement is based on the ability of individuals and communities to live free and dignified lives. It is key to enjoying other benefits, including access to health care, education and careers. Restrictions on freedom of movement in Rakhine State are a core part of the continued persecution of the Rohingya and the rejection and exclusion of all communities. Under international practices, everyone has the right to freedom of movement and residence within the borders of each State.<sup>49</sup>

However, freedom of movement is associated with citizenship in Rakhine State. Holding a citizenship card is one of the most important factors in determining whether a person can move freely in the community or not.<sup>50</sup> The conflict between the Arakan Army and the military has created legitimate reasons for the new restrictions on travel. But these restrictions lead to abuse and discrimination of individuals and communities in conflict areas.

In particular, in the fight against the COVID-19 pandemic, individuals from all communities, especially undocumented individuals and IDPs, must be able to access health care freely and equitably. Barriers to any freedom of movement either for security reasons or the need for proof of race or ethnicity can have a direct impact on society and politics.<sup>51</sup> Records show that local refugees were not allowed to enter the cities during the Kachin War in 2012 and 2013.

The correlation between legal and informal barriers for security reasons creates an environment of fear to some communities who have no choice but limit their activities. As a recommendation, the government should impose current restrictions not only on the Rohingya community, but also on the evacuation of people in conflict areas whether documented or not to safe places during the Covid 19 pandemic along with the new public health conditions and skirmish periods.

Ensuring direct access to health care for all communities including access to all health care facilities must be ensured and cautiously instructed. At the same time, the need for permits and documents that violate human rights for freedom of movement in conflict areas must be abolished. The government needs to eliminate racism and money laundering exploitation which relies on restrictions to freedom of movement and the rule of law. Moreover, government needs to review current policies and regulations affecting freedom of movement and establish policies based on equitable human rights.

The Myanmar government should remove unnecessary traffic barriers and use it as an opportunity to build a responsible nation that works more closely with local civil society and international partners to meet the health and social security needs of all communities. ■

<sup>49</sup> UNDP နှစ်ပတ်လည် အစီရင်ခံစာ ၂၀၁၈ မြန်မာ <https://www.mm.undp.org/content/myanmar/my/home/library/poverty/annual-report-2018.html>

<sup>50</sup> နိုင်ငံခြားသားများနှင့် သက်ဆိုင်သော (သို့တည်းမဟုတ်) ပြည်တွင်းတွင် နေထိုင်မည့်သူတစ်ဦး အနေဖြင့် သိရှိရမည့် ဥပဒေများ (၁၉၄၇)ခုနှစ် မြန်မာနိုင်ငံ လူဝင်မှုကြီးကြပ်ရေး လတ်တလောပြဋ္ဌာန်းချက်များ အက်ဥပဒေ <http://www.mip.gov.mm/portfolio/697-2/>

<sup>51</sup> Time to begin dismantling movement restrictions in Rakhine FREEDOM OF MOVEMENT IN RAKHINE STATE | REPORT BY INDEPENDENT RAKHINE INITIATIVE (10, June, 2020) , <https://www.frontiermyanmar.net/en/time-to-begin-dismantling-movement-restrictions-in-rakhine/>

## 6.7. Human Right Violations due to the Conflict

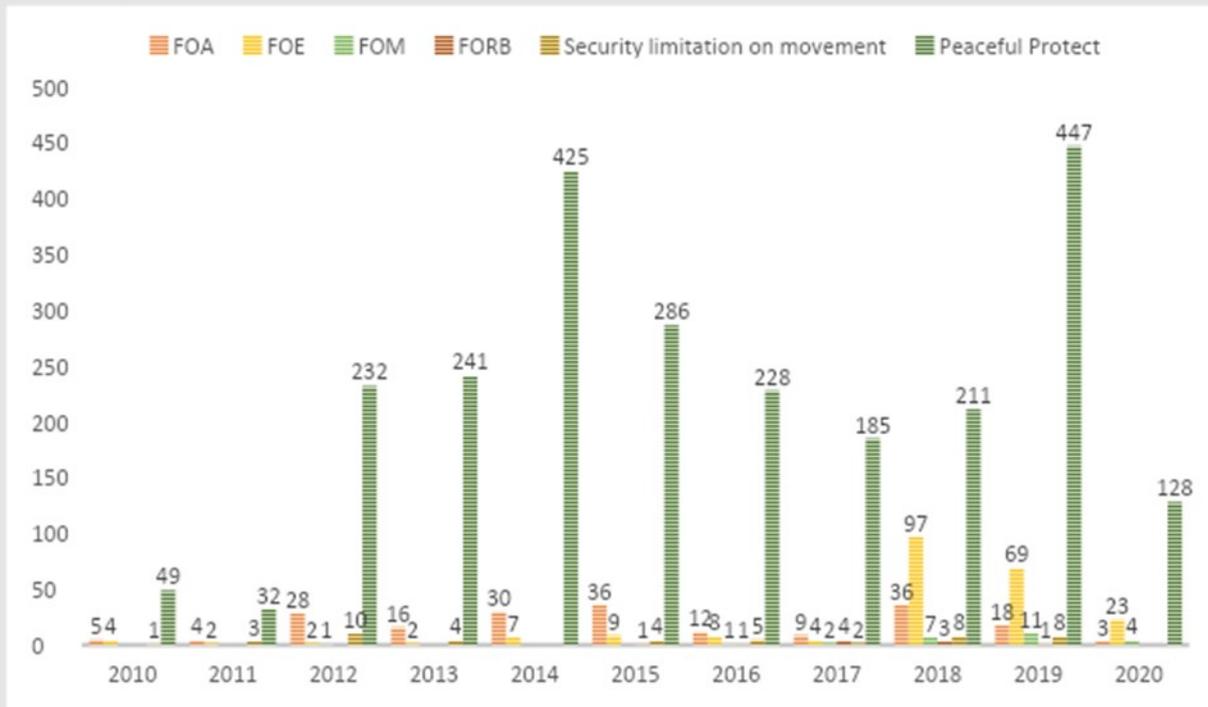


Table 6: statistics on human rights abuses directly related to conflicts and wars

Not only is the military violating human rights, but as are ethnic armed groups in conflict-ridden ethnic areas. In the Kachin, Rakhine and Shan areas, forced labor and human shields have been documented. Reports recorded 2016, 2018 and 2019 as the highest, with nearly 2,000 people killed in the last 10 years and among them, more than 60 women killed by being sexually assaulted.

Records show that more than 200 of the civilian casualties were minors. The ceasing of recruiting child soldiers has led to a decline in direct recruitment since 2010 by military action, but some human rights defenders have said that human traffickers and officers keep children in the army until they reach adulthood and then are enlisted. Some children are recruited directly from the villages, churches and schools in ethnic areas. Although no exact recruitment numbers of child soldiers has been recorded, it is thought that roughly 100 child

soldiers remain in the armed forces and there are other forms of recruitment than being front-line soldiers.

Human rights violations are increasing year by year as a percentage, mostly in Rakhine State. People living in conflict areas are being subjected to human rights abuses by government forces and ethnic armed groups. Most of the victims of forced disappearances are civilians. Some of the disappearances were later due to arrests and detentions, while others were not known to have been committed by either group.

It can impact both serious physical and psychological health of the surviving family members over whether the victim is alive or not. The analysis demonstrates that forced disappearances are a violation of the rights of victims but also their families. Therefore, International law identifies family members as victims as disappearance persons. ■



Image 14 Karen people call for an end to the civil war

### 6.7.1. Forced Recruitment and Child Soldiers

Today tens of thousands of children are being recruited as soldiers in armed conflicts around the world. These children are vulnerable to abuse in the armed forces.

"Some children have been abducted and beaten, and others have joined forces with the military or armed groups to escape poverty or retaliate to protect their communities or for other reasons," said an activist for releasing child soldiers. Being a child soldier breaks them away from childhood, turning them into an adult immediately. Children are often targeted for recruitment by mass kidnapping, and repeatedly used as a weapon to repress or humiliate communities. They are also used for roles to assist others, such as cooks, porters, spies and sexual purposes. In other words, the children are under grievous oppression and face many consequences.

All over the world, militaries and non-state armed groups are recruiting and exploiting children under the age of 18 who should be protected by international laws. The exact number of child soldiers in Myanmar is unknown. The use of children in the armed forces is truly the worst human rights abuses as child labors and war crimes.<sup>52</sup> Efforts to end the recruitment of child soldiers in Myanmar and the release of children from armed groups and related organizations have intensified over the past decade. Illegal recruitment and forced recruitment of soldiers have been associated with the war, and related issues have been linked to the disappearances of children as well.<sup>53</sup> ■

<sup>52</sup> မြန်မာအစိုးရ၏ ဆက်လက်လုပ်ဆောင်နေဆဲဖြစ်သော ကလေးစစ်သားစုဆောင်းမှုနှင့် အသုံးပြုမှုအစီရင်ခံစာ (Janarary 2015) <https://themimu.info/sites/themimu.info/files/documents/Report Child Soldiers Intl - Ongoing Recruitment Mar2015 MMR.pdf>

### 6.7.2. Forced Labor

In relation to human trafficking, forced labor during war also means that forcing a person to work with violence or intimidation is also a human rights violation. Records show that forced labor is common in Myanmar. The Tatmadaw had regularly forced civilians to work as local guides or human shields for the deployment of troops, or as forced labor in the construction of roads, bridges, and military bases, with little or no payment. In some areas, ethnic armed groups have also enforced voluntary demands from village officials of local

villages. Reports documented that armed groups, including the Tatmadaw, have also conducted threatening fines and torturing village officials if households fail to meet the required demands or numbers of recruitments. In addition to forced labor, threats, intimidation, beatings and killings, women were also subjected to rape and other forms of sexual abuse. Villagers said they could not work on their own farms for days or weeks because of forced labor. ■

### 6.7.3. Forced Disappearances

Forced disappearances are one of the major human rights violations in the world today. It is happening all over the world and is still happening in Myanmar. A forced disappearance means the action of kidnapping someone without their consent, and being unknown how they went missing, where they are, or whether they are alive or not. Often directly linked to the arrest, detention or abduction of a person, disappearances are a serious violation of human rights.<sup>54</sup>

It is also a crime against humanity when on a mass scale. To prevent such people from disappearing, the 2010 International Convention for the Protection of All Persons from Enforced Disappearance treaty urged countries to combat disappearances in their respective territories. In particular, it aimed to obtain information on missing persons and to seek justice and rehabilitation for the victims who have disappeared from their loved ones and their community.

The perpetrators are most clearly military, non-governmental armed groups and government forces. Most of the victims were often tortured and some were even killed. Even if they do not die their physical and mental fears shall remain with them for the rest of their lives.

Forced disappearances are often used as a tactic to spread violence in society. This often is a result of internal or external conflicts, especially by governments or armed opposition groups that seek to suppress political dissent. A targeted person may be a human rights defender, relatives of disappeared persons, key witnesses or lawyers. Every disappearance is a major act that violates human rights, such as the right to life, freedom from torture, cruel and inhuman acts, degraded treatment or punishment.<sup>55</sup> ■

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<sup>53</sup> MYANMAR: "NO ONE CAN PROTECT US": WAR CRIMES AND ABUSES IN MYANMAR'S RAKHINE STATE, 2019 <https://www.amnesty.org/en/documents/asa16/0417/2019/en/>

<sup>54</sup> Enforced disappearance (2020) <https://www.un.org/en/events/disappearancesday/background.shtml>

<sup>55</sup> Enforced disappearance (2020) <https://www.un.org/en/events/disappearancesday/background.shtml>



Image 15: remembrance event for two volunteer schoolteachers who suffered the sexual assault and murder in Kachin

## 6.8. Sexual Violence Against Women in Conflict Zones

According to government figures, there were 1,405 rapes in Myanmar in 2017, up from 1,110 last in 2016. At present, there is no specific law on domestic violence and the maximum sentence for rape is just two years in prison. Violence against women is a global problem, and the United Nations estimates that one in three women will experience violence in their lifetime. Such cases are rampant throughout Myanmar, and the lack of police

action, social stigma and the need for effective protection under the patriarchal system make it difficult for most women to speak out in Myanmar.<sup>56</sup> Sexual violence impacts the lives of women around the world and can have many negative effects. Rape and sexual assault often reflect inequalities not only among men and women but also among cultural and social norms in society.

<sup>56</sup> Rape in Myanmar is 'silent emergency' (2 MAR 2020) <https://www.bangkokpost.com/world/1869804/rape-in-myanmar-is-silent-emergency>

However, it is not possible to cover these issues in this reports for such all incidents, only sexual violence against women during the conflict has been documented and analysed. During the war, women desperately needed protection from human rights abuses. The table above compares the number of sexual assaults against women in conflict areas by years.

Armed violence against women is seen almost every year during the civil war in Myanmar, and the government has taken no significant action against these cases. In particular, rape, sexual slavery, murder by rape, against ethnic girls and women peaked at 29 cases during the Kachin and Shan wars in 2011. Ninety percent of the incidents in 2017 took place in the northern state of Rakhine. A total of 107 sex-related cases from 2010 to April 2020 were reported. Among them, there were 43 massacre cases by sexual harassment, and sexual violence, sex slavery and gang rape during using forced labor was recorded. Due to this, some 500 women were physically and mentally injured in the sexual violence, and more than 100 died by the acts. One civilian men who was arrested was subjected to torture by torture to his genitals, rape and sexual assault.■

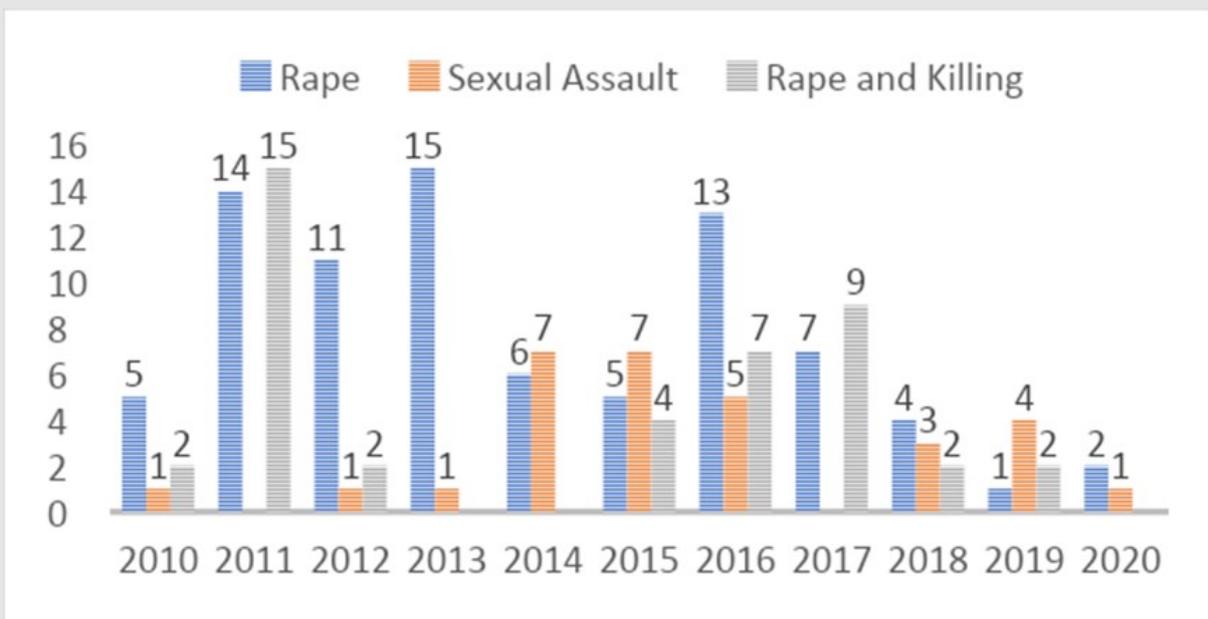


Table 7: records of rape and sexual violence against women during conflict zones

## 6.9.

## Special Issues Affecting Human Rights

### 6.9.1. Corruption

Corruption is rampant in Myanmar, but as yet no systemic action has been taken. The most notable is the Tanintharyi Prime Minister, who was sentenced to 30 years in prison in 2020 for corruption.<sup>57</sup> But there are only limited specific cases which were reported due to the risk of prosecution if the media exposes government corruption. Most corruption cases have only been documented as a few cases of

armed groups in ethnic areas arresting civilians and demanding ransom for their release.

In particular, corruption cases especially from 2011 to 2017 continued to occur in Rakhine State, such as through obtaining citizenship cards, permission to travel, and the arrest and release of individuals per extortion.

There have also been lawsuits against



Image 16: former Tanintharyi Prime Minister arrested for corruption

<sup>57</sup> တနင်္သာရီ ဝန်ကြီးချုပ်ဟောင်း အဂတိမှုဖြင့် ထောင်ဒဏ် နှစ် ၃၀ ချမှတ်ခံရ (22 May 2020) <https://burma.irrawaddy.com/news/2020/05/22/223167.html>

civilians by the government and the military in courts where the rule of law is not considered to be upheld. Penalties and lawsuits filed by the government and the military are a violation, as are the lack of access to a fair trial and unbiased court decision, these increased in 2018 and 2019. Arbitrary tax collection is mainly carried out by ethnic armed groups, who stop lorries, trucks and buses to collect funds and to levy travel tax. Correspondingly, the lack of a rule of law means that the decisions and actions made by the judiciary, the police, the administration, government employees abuse power for personal gain and do not perform their duty in accordance with the existing laws.

The table above records the government's handling of corruption cases, armed abuses by government officials and civilians. The table above records corruption cases by government officials and unjust prosecution of civilians. Records show that since 2015, the government has taken effective action against corruption, as well as senior government officials. In particular, in 2018 and 2019, the NLD government made significant calls for retaliation against corrupt funds under the Thein Sein government, and also cracked down on corruption in the judiciary and the police.■

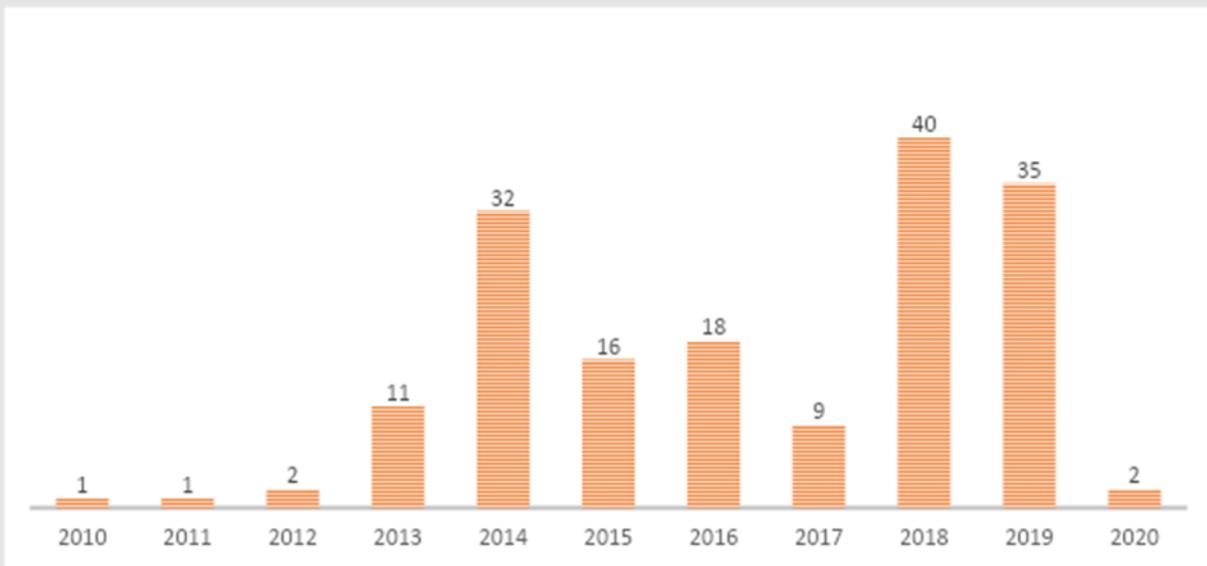


Table 8: records of anti-corruption activities

## 6.9.2 Judiciary

In Myanmar, new laws have been enacted with the introduction of a quasi-civilian government and parliament since 2010 under the 2008 constitution, however there have been no significant changes in the judiciary. Failure to address previous violations and the restrictive constitution gives the perception to the public that armed groups still have much influence over the judiciary.

A human rights activist discussed the lack of public trust in some cases related to rule of law, for example a change of members in the Myanmar National Human Rights Commission in connection with a case of child abuse at an Innwa sewing shop,<sup>58</sup> and public protest for the victoria child rape case<sup>59</sup> have so far not led to a trial. Severe penalties upon students and land owners of the lawsuits filed by the military, such as the peacock generation case, and the protections of seizure of land cases. ■

## 6.9.3 Citizenship

An analysis of Myanmar's citizenship laws also exposes human rights violations against citizens per international treaties. International conventions and procedures for stateless persons must be taken into account. In general, There are two basic international procedures for children born in any country to have the right to become citizens of that country, and if a child is found without an origin of the parent, he or she has the right to become a citizen of that country of origin where one is found.

The state is responsible if there is an eradication of stateless people, they must

cooperate with some countries on a case-by-case basis. Even if citizenship is not granted, governments must support the basic human rights of these stateless people living within their borders, justice, protection of human dignity, and the necessary livelihoods.

The 1982 Citizenship Law does not explicitly include stateless persons or how to obtain citizenship for them and those people cannot be a citizen without various proofs of sufficient information and documents to become a citizen. Furthermore, according to the Citizenship Law and procedure, both parents must be citizens in order to become citizens.

<sup>58</sup> အင်းဝအမှတ် ၈၁ ဇာတ်သိမ်းခန်း (20 December 2017) <http://thevoicemyanmar.com/news/15021-iwm>

<sup>59</sup> အဂတိကျော်မရှင်က ဝင်ရောက်စစ်ဆေးဖို့ လိုပြီလို့ ထင်တယ် (15 July 2019) <https://burma.irrawaddy.com/opinion/interview/2019/07/15/198006.html>



Figure 17: lawyers protest for justice

Therefore, it is not easy to obtain the birth certificate required for citizenship if one or both parents of the child are unaware of their citizenship status or are unable to provide proof of citizenship. The current citizenship screening process of Myanmar government aims to address the issue of statelessness on a regional basis instead of for the whole nation. There are however some good practices, such as the use of mobile screening in schools, which provide one-stop services for children to provide proof of identity if other parents do not have proof.<sup>60</sup>

However, Ma Ni (not her real name), a Rangoon-based resident, said that the country is not implementing a nationwide policy in to solve this issue and stills discriminate with strict rules and regulations against non-Buddhists communities with corruption and the process of getting a national identity card. The researcher also observed that even when processing passports there is a distinction between Burmese Buddhists and other religions, even if they have the same types of national Identification card. ■

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<sup>60</sup> Myanmar's Citizenship Law: An Analysis, <https://www.cdnh.org/publication/myanmars-citizenship-law-an-analysis/>

## 6.9.4 Human Trafficking

Myanmar has enacted an anti-trafficking law since 2005, however, human trafficking continues to increase. Formerly the main source of human trafficking was to Thailand but has now turned to China which has been closely involved in the conflict area since 2012. Trafficking of persons to local and foreign fishery productions and other industries is also well documented.

According to the 2018 Anti-Trafficking Eradication Report, there were 107 cases of human trafficking arrests in 2018, and 181 people victims of human trafficking. However, this report only includes 40 documented cases submitted by the partner organizations due to necessary detailed verification. Although Yangon is not a war-torn region, it is a region prone to human trafficking due to the easy lure mass migrants from around the country. It therefore has the highest number of recorded cases. There are records of human trafficking cases in Shan and Kachin areas bordering China as well. The main causes of the recorded cases are the lack of knowledge about safe migration and the lack of information about how to contact the authorities in case of human trafficking. Armed conflict, natural disasters, poverty, lack of education and unemployment are the main causes for engaging with human trafficking, according to an official from the Anti-Trafficking Unit.

According to reports by the Association of Human Rights Defenders and Promoters (HRDP), trafficking girls and women to China as wives, and sales to factories in Thailand as factory workers is becoming particularly more widespread. Domestic trafficking to offshore fisheries has also been documented.

Human trafficking continues to occur in many parts of Myanmar, and the government still needs to be able to implement specific action plans under strident anti-trafficking laws. Nowadays, Some children are trafficked for the purpose of removing and selling their body parts and some are being sold to armed groups as child soldiers. Forced labor has a profound effect on millions of men, women, and children worldwide as well.



Image 18 migrant workers returning due to COVID-19

It is most commonly found in labor-intensive and unregulated industries, for examples, agriculture and fishing, domestic work, construction, mining, bricklaying, manufacturing, prostitution and sexual exploitation industries, illicit gambling, and other illegal activities. Forced labor often affects the most vulnerable and discriminated groups such as women, children, minorities. Women are more at risk than men and then children account for a quarter of forced laborers. Migrant workers are often targeted for human trafficking because of their language barriers, lack of friends, limited opportunities and need to dependency on their employers. ■

### 6.9.5. Landmines

A landmine is an explosive device placed below the surface of the earth or underground. One of the deadliest long-term legacies of the 20th century was the use of landmines in conflicts. As time goes on, landmines are often forgotten by those who relied on them but these mines have been around for decades and can still cause damage, injuries and deaths. The use of landmines by armed groups intends to harm people in the area from explosive fragments of weapons.

There are generally two types: (1) Explosive mines and (2) fragment mines.

Explosive mines have a direct pressure on the mine (2-15 pounds) and are designed to destroy nearby objects. They are primarily designed to amputate the victim's limbs. Fragment mines are made based on pressure to kill or injure individuals or groups. Most fragment mines have a metal body that turns into particles when they explode. There are three main types of fragment landmines: (1) direct-impacted mines, (2) land mines, and (3) mixed mines. The small balls contained in a metal canister of a direct-impact mine are projected horizontally at 60 angles and over 6.5 feet, causing serious or severe injuries at distances of up to 164 feet.

Image 19: an armed soldier disabled by landmine



## In Myanmar

There are currently an estimated 110 million landmines. It costs between \$3 and \$30 for metal cans of landmines, but it costs between \$300 and \$1,000 to remove them. Landmines and explosive remnants of war in parts of the world cause an estimated 15,000 to 20,000 casualties each year. In some areas, 30 percent of the victims are women. Agriculture is a major economic activity and has become the world's most endangered areas for landmines. Land mines are often planted in fields, forests, wells, water sources, and hydropower plants.

Despite the widespread ban on these weapons, landmines and other explosive devices are rapidly increasing the number of casualties worldwide including Myanmar. Landmines have affected not only civilians but also the families of the victims. And although landmines continue to impact many lives each year, the armed forces and other armed groups continue to use them as a weapon.

The Armed Conflict Location & Event Data Project (ACLED) compares the armed conflict data with data and reports on landmine damage. From 2010 to 2020 June, there were a total of 4,241 armed clashes in 12 states and regions reported by the ACLD.<sup>61</sup> A total of 1,273 landmines exploded during those wars, injuring more than 1,000 civilians and 717 fatalities. The highest number of clashes occurred in 2019, 2015 and 2017 correspondingly, and the number of clashes and landmines has also increased till now. Based on ACLD data, the events in this report compare with the state and region landmine casualties. Shan State has the highest number of landmine casualties.

A total of 1969 battles in Shan State, 313 landmine explosions with 334 injured and 316 fatalities. Similarly, the numbers of civilians injured by landmines in Kachin, Rakhine, Kayin and Chin states are significantly higher with the number of wars, incidents and landmine casualties compared to other states and regions. This means the more conflict occurs the more higher chance landmine accidents occur in Myanmar. ■

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<sup>61</sup> Disaggregated Data Collection, Analysis & Crisis Mapping Platform, The Armed Conflict Location & Event Data Project

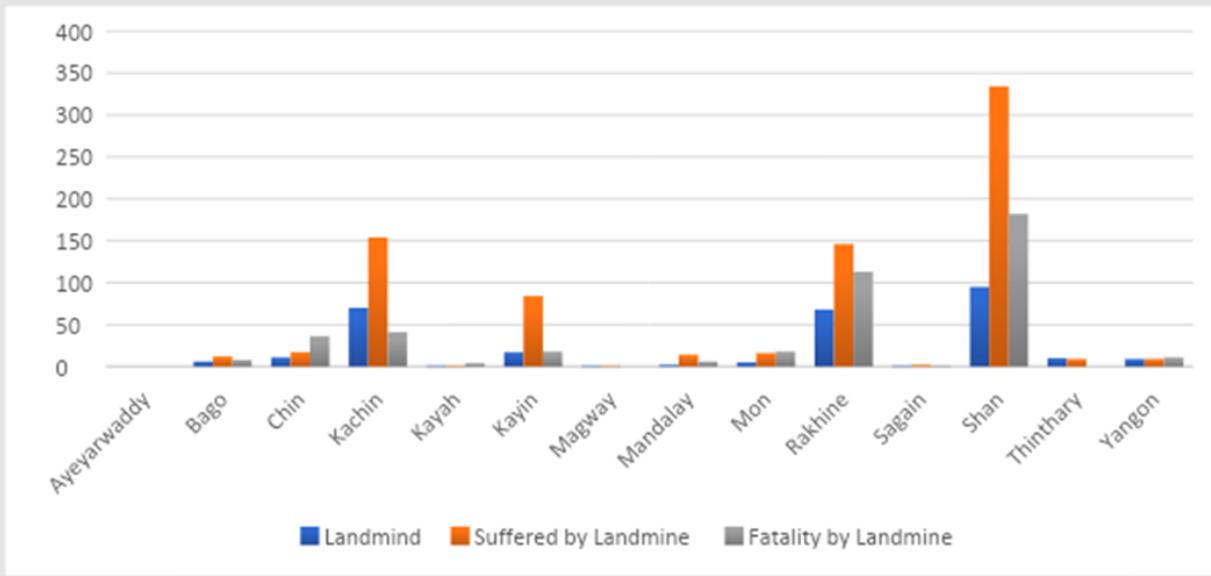


Table 9: annual comparison of state and region of recorded civilian casualties from landmines

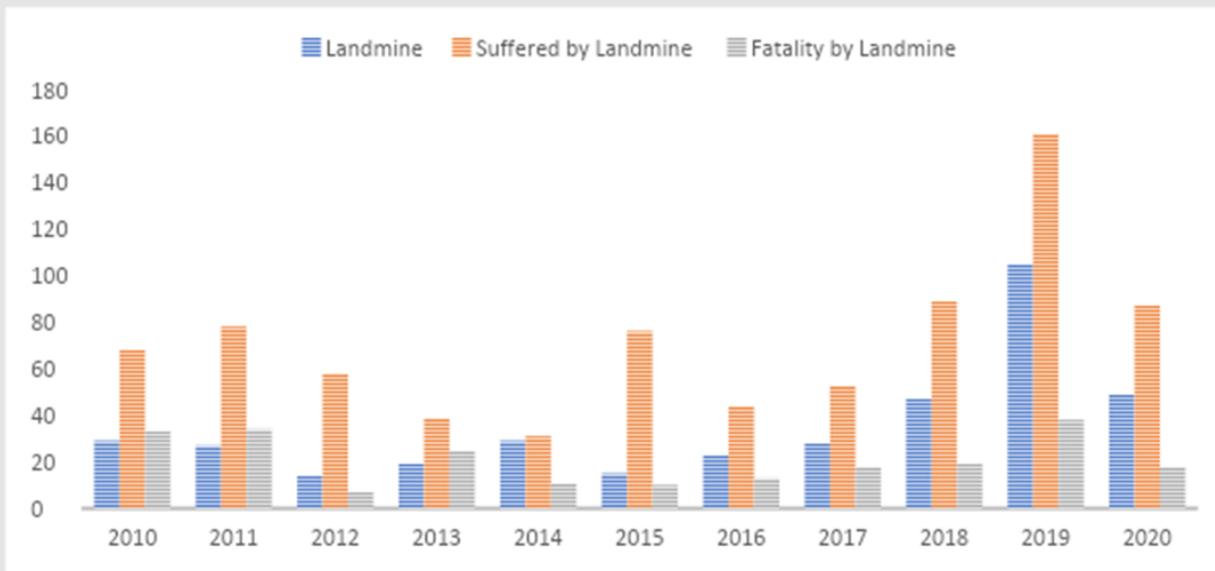
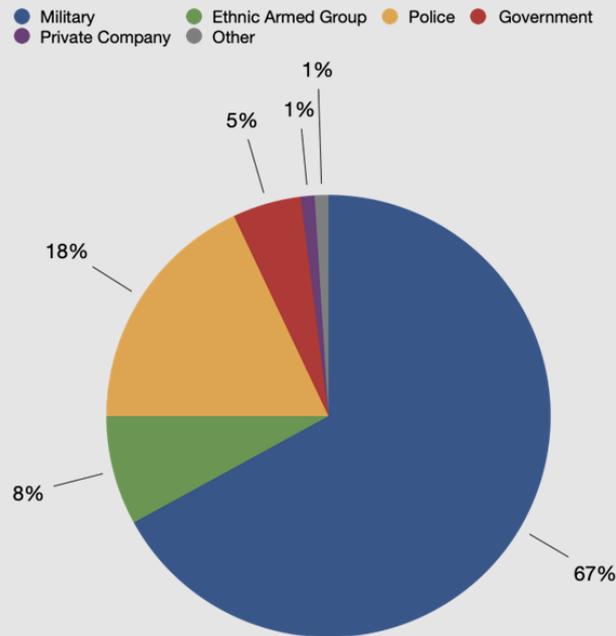


Table 10: annual comparison of recorded civilian casualties from landmines

## 6.10 Specially Protected Groups



**Table 11: list of human rights violation actors**

According to documentation, 67% of the human rights abuses in Myanmar are perpetrated by the Myanmar Army. 18% of police officers committed these crimes, usually abusing the power in acts of violence against public demonstrations, and protests against private companies, as well as various misuses of authority in border area conflict regions by the Border Guard Police (BGP), and torture in prisons. The third group of perpetrators are the ethnic armed groups, which accounted for 8% of these cases. Ethnic armed groups commit arrests and killings of civilians suspected of being government informants, collection of property tax by village and road tax.

Human rights abuses by non-military and non-armed authorities account for more than 5% of the total. There are lawsuits by township administrators, defamation lawsuits

by parliamentarians, and violation of basic citizenship rights of prosecution by government authorities. There have been vivid documentations of violations of workers' rights by local and foreign private companies and the confiscation of farmland by government authorities. Other perpetrators include extremist religious groups, anonymous armed violence also accounted for about 1% of all cases of sectarian violence, discrimination and pressured lawsuits against freedom of religion, destruction of public buildings, and violence against protesters. Most of the victims of human rights violations are rural people and about two-thirds of violations happened to refugees of conflicts, farmers whose lands were seized and protesters over land confiscation. Among these victims, women were further exposed to other forms of sexual violence, rape, murder and discrimination.



Image 20 Myanmar armed forces demonstration ceremony

There has been increased demands for political and human rights of activists with the transition to political, economic and international relations under the civilian government. However, the response of civilian governments to these protests has been largely negative and un-democratic. There are some examples of government response such as to the protests of the 2014 Education Law, protest against Statue of General Aung San in Kayah State, protest about naming of a bridge in Mon State, anti-war protests, protests against socio-economic impacted projects such as construction of Shwe Gas Pipeline, Myitsone Dam Project, Letpadaungtaung Project, coal mines in Kayin state, and land confiscations by both government and private projects. Crackdowns on a peaceful expression of the people against governments or the private sector violates the basic human rights of citizens. 29% of the human rights abuse victims are activists.

Among them, some activists have also been arrested on criminal charges for criticizing

the authorities and the military. Significant human rights are being violated within the current legal framework, For example, Myo Aung Htwe who spoke to the media about child soldiers was sentenced to two years in prison and two supporters of these cases were sentenced to one year in prison. These are clear violations of human rights. 3% of children are affected by these issues activists are trying to raise. Children suffer from injuries from the conflict, abduction as human shields, landmines, recruitment as child soldiers, child rape by militants, and displacement by war and conflicts.

The third most affected group are workers who have suffered from the lack of a living wage and the illegal dismissal of workers in disrespect of the 2012 Labor Law and must protest for above rights. Some of these protests have been blamed on police crackdowns or violence by riot groups, lawsuits against protests, and are 5% of total recorded cases in this report. Prosecution of the media and assassinations were also recorded. The death of



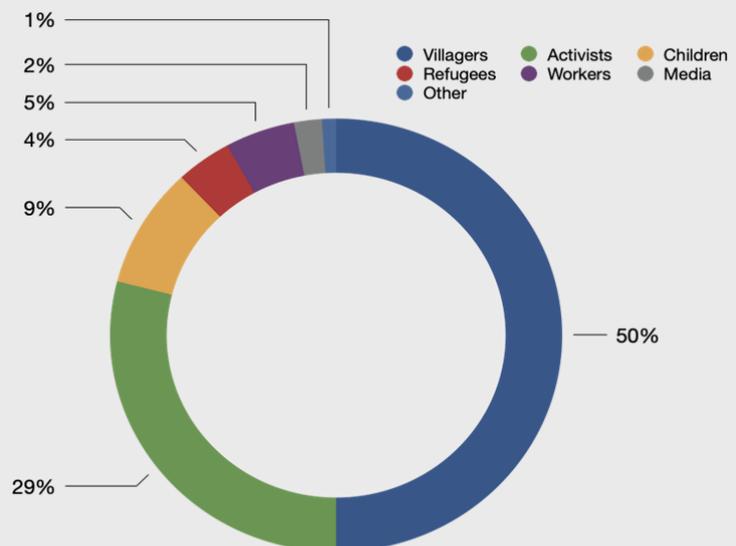
Image 21 parade of the Karen ethnic armed group

journalist Ko Par Gyi, the long imprisonment of two Reuters journalists, the indictment of Unity Journal, and the repression and human rights abuses of the media that have undermined freedom of the press.

Refugees are on the rise in states of Myanmar, mainly in Kachin, Rakhine and Shan states. Most are rural people from ethnic areas, accounting for about 4% of the total cases. In

particular, plans to repatriate hundreds of thousands of Rohingya who fled the conflict in northern Rakhine State in 2017 are still uncertain and ineffective up until now. Human rights abuses against refugees continue to be perpetrated during the civil war, as well as in the refugee camps. The other 1% of cases involved human rights abuse against fishermen, religious persecution and against foreigners. ■

Table 12: percentage breakdown of recorded human rights victims



### 6.10.1 Children

The Universal Declaration of Human Rights addresses the issue of the rights of the child, but in many parts of the world, children do not have fully respected rights. There are a number of requirements, and every child has his or her own rights. The law should protect not the rights of the child to not be abused, or any other consequences such as loss of family separation. Every child has the right to life and

must be registered at birth and given a government-recognized name. In addition, children must be granted citizenship at birth.

If possible, children should know who their parents are and should be cared by their parents. They also have rights such as identity and family ties. No one should take these things away from them, but if that happens, governments must help them recuperate

Image 22 mass protests with children for justice for a child who has been sexually abused



speedily. If a child lives in a country different from their parents, governments must allow children and parents to travel so that they can stay in touch or live together.<sup>62</sup>

If the children are even involved in something that is against the law, governments must not expel children from the country. They have the right to freedom of opinion and expression. Children are free to share their learning, thinking, speaking, drawing, writing, in any way. They can choose their thoughts, opinions, and religious beliefs.

Moreover, children have access to information from internet radio, television, newspapers, books, and other sources. Every child who is not cared for by their family is entitled to the systematic care of those who respect his or her religion, culture, language and other aspects of life. When adopting children, the most important thing is to look at for their best interests. Children who have migrated from their home country to another country (because it is not safe for them to live there) should have the same rights as children born in that country.

Children need the best health care, clean water, healthy food and a clean environment. Every child with a disability should have the best available opportunity in society. From an educational point of view, every child has the right to access decent education. Primary education should be free and every child should have access to secondary and tertiary education. School rules should respect children's rights and never use violence.

Education should help children develop their skills and abilities to the fullest. Education

should teach them to understand their own rights and to respect the rights and cultural differences of others. Every child has the right to participate in recreation, play, culture and creative activities. Furthermore, they have the right to use their own language, culture and religion. They have the right to be protected from work that could endanger their education, health or development and other forms of fraud. Children accused of violating the law should not be killed, tortured, abused, sentenced to life imprisonment or imprisoned as adults. Imprisonment is a last resort and should be kept to a minimum. Children have the right to protection during war and under the age of 18 should not be allowed to join the military. Children have the right to seek help if they have been hurt, neglected, abused, or harmed by conflict.<sup>63</sup>

When adults make decisions, they should consider how their decisions might affect children. Families and communities should guide their children so that as they grow up they will be able to make the most of their opportunities. Yet it should be acknowledged that as children grow older, they need less guidance. Governments must protect children from violence, abuse, and neglect by caregivers. Efforts should be made to reduce children's role in conflict zones as child soldiers, forced labors, and as refugees, as there is no place for them here. Hence, the government should provide financial or other support to help children from poor families, governments should do all they can to ensure that all children in their country enjoy full rights. ■

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<sup>62</sup> The Convention on the Rights of the Child: The children's version 2020, <https://www.unicef.org/child-rights-convention/convention-text-childrens-version>

<sup>63</sup> UNICEF annual report 2019, <https://www.unicef.org/reports/annual-report-2019>

## 6.10.2 Women

Today, women's rights are one of the many human rights that play an important role in society. Women's rights have been a universal human right of the United Nations for nearly 70 years, including the right to freedom from violence, slavery and discrimination, the right to education, and the right to own property, vote and equal pay. Women's empowerment not only gives better rights to individual women, but also changes how we can manage our challenges and communities. Despite international agreements, women's basic human rights are continually denied nowadays. Each year, more than half a million women die from pregnancy or childbirth-related causes. In women, the rate of HIV infection is rapidly increasing. Often the perpetrators of violence against women are not punished. Worldwide, women are twice as likely as men to be literate which contributes to why women still earn less than men.

Of Myanmar's 57 million people, 50% of women are unemployed. In the Pyidaungsu Hluttaw, women make up only 13% of all seats. UN Women has had a presence in Myanmar as a project office since 2013. From early 2019 however, the office is transitioning into being a fully-fledged country office, repositioning and better aligning its resources to be able to support Myanmar in its commitment to ensuring gender equality and women's empowerment.

Myanmar was one of the first countries in Asia to have women allowed to vote, in 1935.

In 1995 Myanmar ratified the Beijing Declaration, and in 1997, the Convention on the Elimination of All Forms of Discrimination against Women was signed. The government's massive triple reform agenda, of economic, political reform and national reconciliation, is by and-large framed in generic terms, although the Framework for Economic and Social Reform and the Comprehensive National Development Plan (2011-2030) does mention women in certain realms. The National Strategic Plan for Women's Development 2013-2022 has focused on women's equal participation and leadership in governance at all levels.

On the term of rape, the victim can be any man, woman, child or adult. In recent years child rape became more common in Myanmar, rising by 40% this year according to a state-run media outlet, which said poverty and weak laws are putting children at risk. Rape and sexual violence are a daily occurrence around the world, affecting billions of women and girls. However, despite the crimes against women around Myanmar, the laws are not yet adequate for protection. Gender-based violence, including sexual violence, can spread disease to victims as well. According to the World Health Organization (WHO), more than 35% of women will experience physical and sexual violence. Furthermore, violence against women has a detrimental effect on economic growth and development. Though the economic cost of gender-based violence has declined due to increased access to health care. The estimated economic cost of gender-based

In Myanmar

violence is estimated at 1.2 to 2% of GDP due to declining productivity and increased access to health care. This is roughly the same amount that governments in developing countries spend on primary education.

However, the influence of tradition and widespread ignorance of the law still denies the fulfillment of legitimate promises on equality for women. Women's rights are not only the responsibility of women, but of all people. ■

Image 23 a parade for women's rights on Women's Day



### 6.10.3. Rural People

In rural areas, conflict has far-reaching consequences. Due to the sparseness of the population and the difficulty in communicating with the police, rural areas provide safe havens for armed groups to establish their bases and carry out their activities.

The relationship between conflict and rural development is complex. In addition to the devastating impact on rural communities, the conflict is spurred on by competition for water, land and natural resources in Myanmar. Poverty, scarcity of jobs, and opportunities for a better future are cause for much dissatisfaction by rural residents.<sup>64</sup> Conflict during the COVID-19 pandemic period could not only devastate rural development but also lead to food shortages and famine.

Child labor, poor working conditions, gender inequality, and violations and confiscations of local land rights are rooted in the complexities of politics and the global economy of Myanmar. Most human rights abuses in agriculture and forestry sectors of Myanmar are rooted in the socio-political and economic challenges of a region or country.<sup>65</sup> Governments, companies, traders, farmers and forest communities should share the responsibility of protecting human rights in the manufacturing sector of rural productions. In short, all rural communities have the potential for personal development and prestige. So, if given the right opportunities, they will have the power to change their quality of life. ■

<sup>64</sup> Beware the 'Hunger' to Access Indigenous Peoples' Land and Resources for Post-COVID-19 Recovery, <http://www.ipsnews.net/2020/07/beware-hunger-to-access-indigenous-peoples-land-resources-post-covid-19-recovery/>

Image 24 rural farmers rally to reclaim confiscated land



#### 6.10.4. Workers

Labor rights are legal rights and are related to the relationship between workers and employers. In general labor rights disputes involve the negotiation of workers' wages and safe working conditions. One of the most important labor rights is the right to form a labor union. Labor unions assist members in raising their salaries and working conditions.

There should be opportunities for workers in any workplace. Employers and supervisors should provide rights for employees to become comfortable with workplace issues. Employees have the right to receive information about what they are producing. Workers have the right to ask questions concerning their health and safety and the problems of their

colleagues. Workers have the right to refuse a job when it would endanger themselves or any other worker.

According to Article 24 of the 2008 Constitution of Myanmar, the Union must enact necessary laws to protect the rights of workers. Article 349 (b) states that citizens have the right to equal rights in the workplace. Article 359 prohibits the use of forced labor as a crime in accordance with the responsibilities given by the Union in accordance with the law in the public interest.<sup>66</sup>

Social protection systems and welfare are associated with certain areas of labor rights. In some countries, social security benefits are covered by labor laws. These include sick leave,

<sup>65</sup> Why Rural People? 2020 <https://iirr.org/why-rural-people/>

<sup>66</sup> Constitution of the Republic of the Myanmar 2008, <https://www.president-office.gov.mm/en/sites/default/files/myanmarconstitution2008en.pdf>

Image 25 government officials negotiate with labors' activists



maternity leave and compensation for work-related injuries. Therefore, equal rights for workers can be achieved and protection from discrimination. Labor rights are a bridge between employers and workers, not only economically but also socially. ■

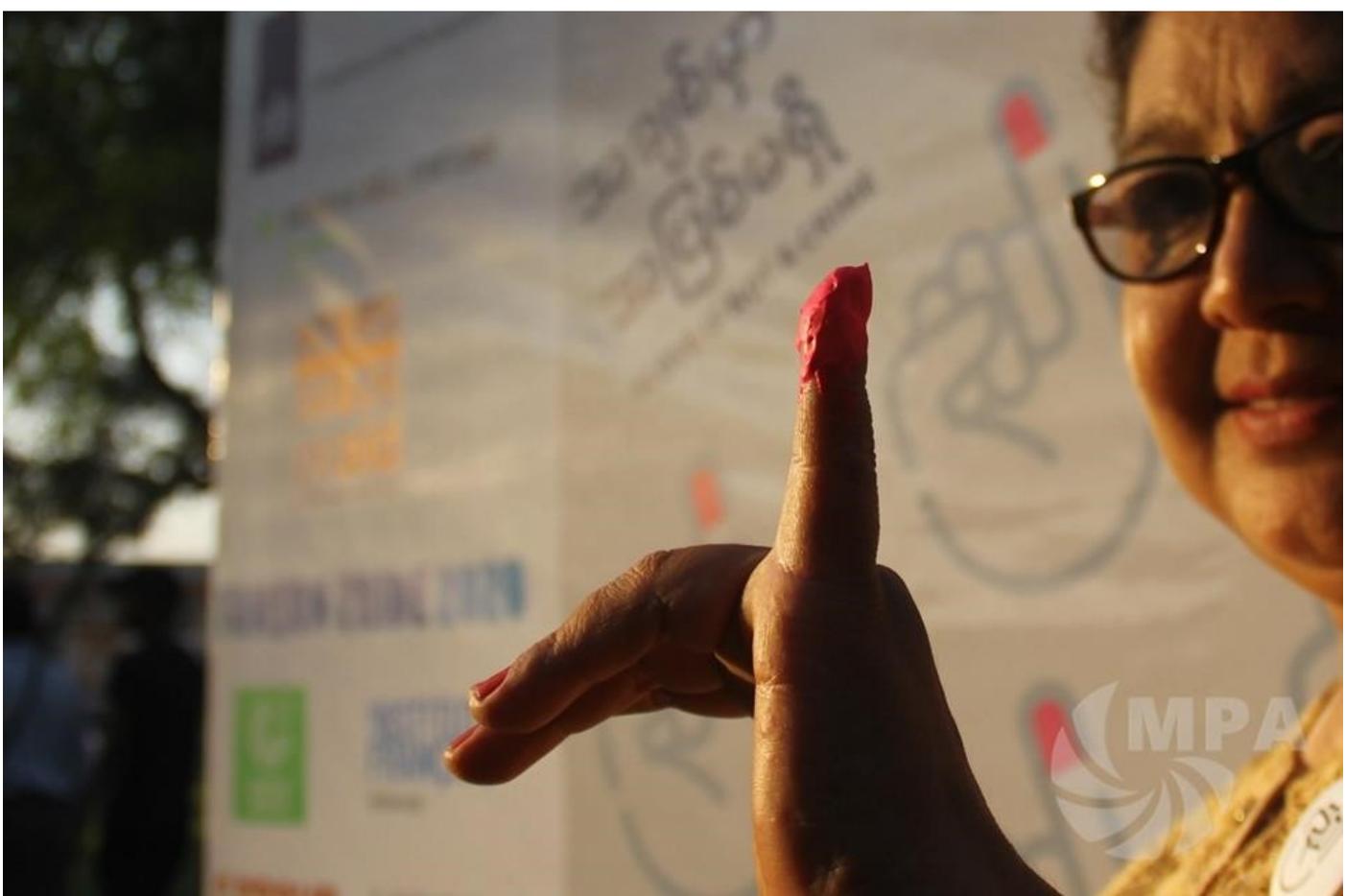
### 6.10.5. LGBT

Violence, discrimination, and other human rights abuses occur on a daily basis in every day around the world in violation of LGBT (Lesbian, Gay, Bisexual & Transgender) rights. People all over the world are being stigmatized, insulted, and discriminated against because of the way they dress and how they express themselves. Some people see LGBT people as just a joke, and they suffer from harassment, humiliation, beatings, and in some cases death.

In countries around the world, equality and non-discrimination under international human rights law are guaranteed for all human beings, regardless of gender or gender identity. There are some kinds of discrimination in Myanmar which is legally enforced such as being same-sex marriages and child adoption by same-sex couples. There is also discrimination in schools, workplaces, consequences of gender segregation for families, a lack of public awareness of gender segregation, and inadequate access to health care.

The right to marry and to have a family is enshrined in Article 16 of the Universal Declaration of Human Rights under international law. Article 377 is one of the acts which states that violent actions of LGBT people are criminal. To fulfill its human rights obligations, governments recommend promoting and protecting the human rights of LGBTIs in accordance with international law and standards. Amnesty International recommends that all governments condemn all human rights abuses based on sexual orientation and gender identity, and violations against LGBT should be given the same consideration and concern as all other types of human rights abuses.

Everywhere in the world, LGBT people face violence, discrimination and threats in their work and personal lives. Not only others but also their family members are condemned without recognition. Not only do they suffer physical and emotional harm but they also end up committing suicide because of the criticism and violence. Therefore, LGBT people have the right to live as they wish, and the people around them can build a better society if they see them as ordinary people, not as a problem. ■



### 6.10.6. The Disabled

A disability refers to an individual's restriction on his or her everyday activities, such as the right to move or speak like ordinary people, it makes it more difficult for a person to perform certain activities (restriction of movement) and more exposed to the world around them (content restrictions).

The World Health Organization estimates that 15% of the world's population has a disability. People with disabilities are not one in the same group as others but they have different capabilities and requirements. They could help their communities in different ways. During times of crisis such as war, they may face discrimination, exploitation, and violence, and

many barriers to accessing humanitarian assistance. More than one billion people worldwide live with some forms of disability.

Some of them face significant difficulties in operating their business. Many of these people need assistive technology, such as visibility devices, wheelchairs, or hearing aids. Low- and middle-income countries have higher disability rates than high-income countries.<sup>67</sup> However, people with disabilities also have rights that apply to them such as access to medical and social rehabilitation, education, vocational training and rehabilitation assistance, placement services and other services.

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<sup>67</sup>WORLD REPORT ON DISABILITY 2019 [https://www.who.int/disabilities/world\\_report/2011/report.pdf?ua=1](https://www.who.int/disabilities/world_report/2011/report.pdf?ua=1)

People with disabilities have the right to economic and social security and a good standard of living. They have the right to participate in trade unions, to the best of their ability, to obtain employment opportunities, or to engage in productive, profitable employment. People with disabilities have the right to live with their families or adoptive parents and to participate in social activities related to them. They must be able to use qualified legal support if they need to prove that they are essential to the protection of their people and property.

In Myanmar, conflicts have raised the level of disability through physical and psychological trauma. Wars cause much abhorrence and disability with the consequences continuing for many years. For example, landmines continue to have a devastating effect on civilian people in

Myanmar. According to the 2014 census, a total of 3.2 million people (4.6% of the population) in Myanmar are reported to have a disability in one of the four categories, visual impairments, hearing impairments, motor impairments, and cognitive impairments, with 216,062 (0.43%) living with severe disabilities.<sup>68</sup>

According to a UNICEF-sponsored study<sup>69</sup> in Myanmar, children with disabilities have limited access to health or educational services, and in recent years understanding of disability has shifted from taking into account a person's physical, social, and political circumstance. Disability today arises from the interaction between a person's health condition or disability and the factors that dominate their environment. Huge changes have been made to make the world more accessible to people with disabilities, but much remains to be done to meet their needs today. ■

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<sup>68</sup> The 2014 Myanmar Population and Housing Census THEMATIC REPORT ON DISABILITY  
[https://myanmar.unfpa.org/sites/default/files/pub-pdf/4K\\_Disability\\_0.pdf](https://myanmar.unfpa.org/sites/default/files/pub-pdf/4K_Disability_0.pdf)

<sup>69</sup> Children with disabilities Ensuring inclusive policy and action to provide access to services <https://www.unicef.org/myanmar/social-policy/children-disabilities>

# 7

## State and Region Record Review from 2010 to June 2020

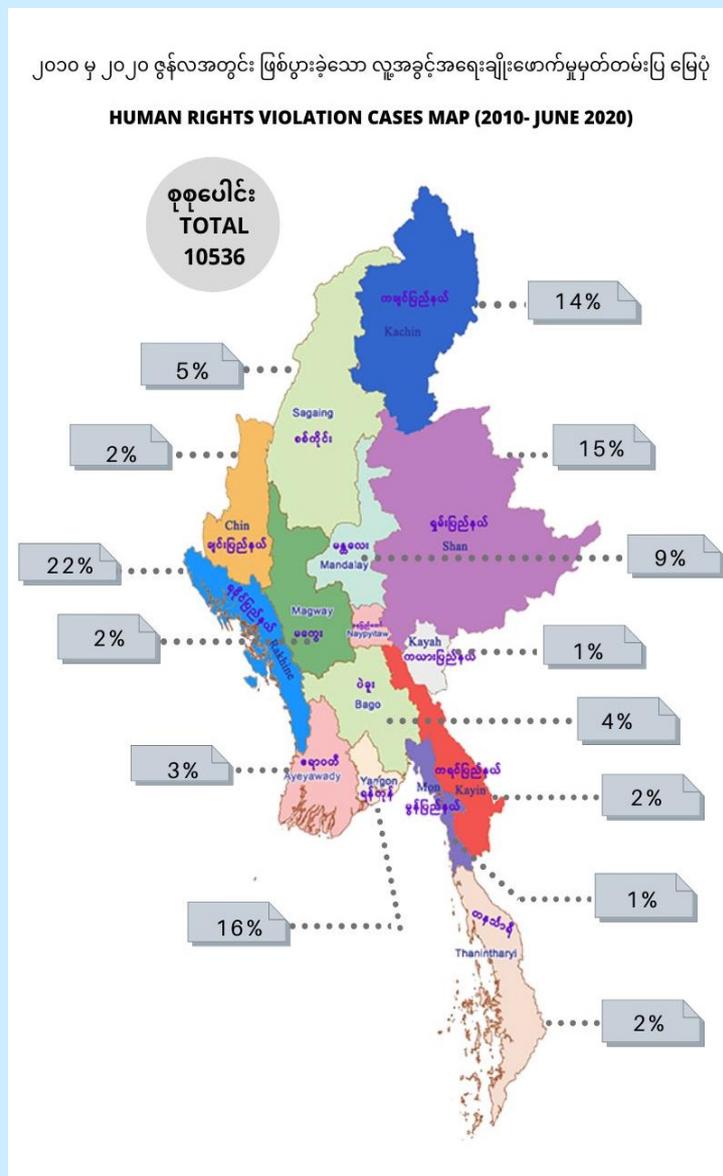


image 25 map showing the use of state and region records from 2010 to June 2020



Photo 28: an ethnic group takes a photo in front of the Union Monument of Myanmar Nationalities

A total of 10536 cases of human rights abuses in Myanmar were documented by state and region. The percentage of records documented by states and regions from high to low percentage of cases are Rakhine (22%), Yangon (16%), Shan (15%), Kachin (14%), Mandalay and Nay Pyi Taw (9%), Sagaing (5%), Bago (4%), Irrawaddy (3%), Kayin, Chin, Magway, Tanintharyi (2%) Kayah (1%) and Mon State (1%). These recordings are based on reports of accessibility media, filed cases of the partner organizations. Hence it can not by all certainly reflect the completely accurate conditions.

The percentage of data obtained depends on the accessibility of our partner organizations, as well as the availability of media coverage. Rakhine, Kachin and Shan states are the main victims of the current war and human rights abuses. Yangon and Mandalay are the regions with the highest human rights record due to overcrowding and the presence of many factories, and political and economic centers and hubs. Political and economic

difference between states and regions is due to the occurrence of wars and the actions of local governments which have led to various forms of abuse in those states and regions. Therefore, the purpose of this report is to highlight such differences, and for the sake of clarity, the following table provides details for each state and Region. ■



Image 29: State Counselor Aung San Suu Kyi attends Kachin State Day celebrations

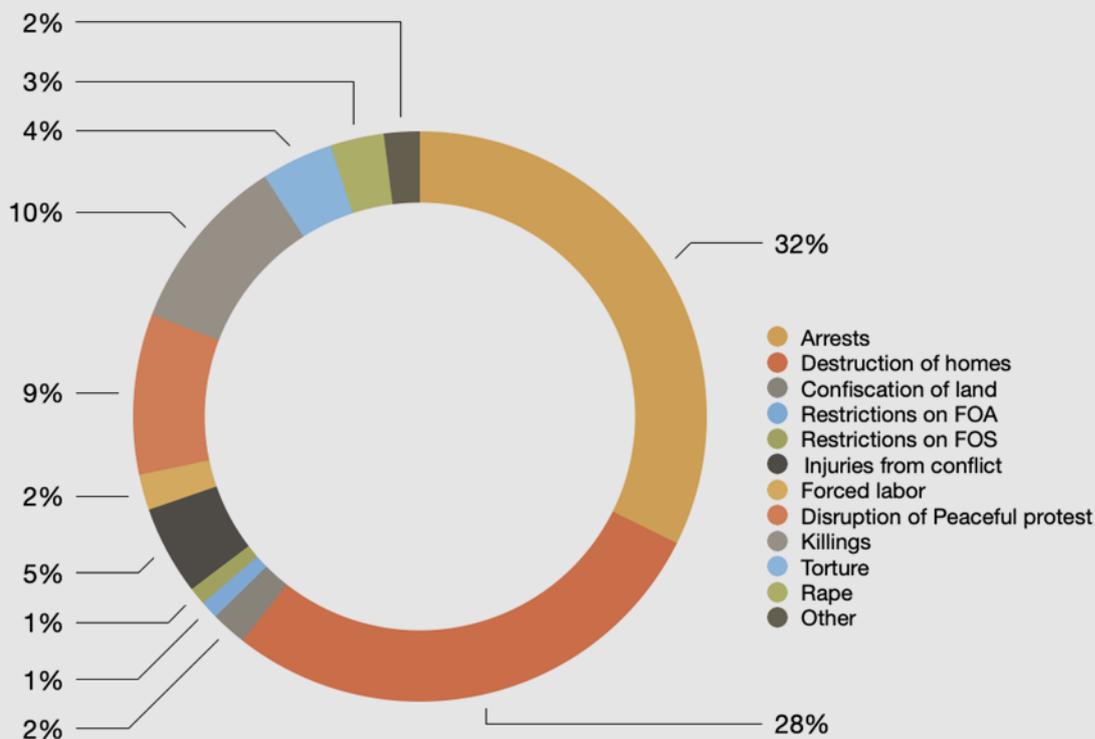
# State and Region Record Review

## 7.1. Kachin State

Kachin State covers an area of more than 34,379 square miles and consists of 18 townships in four districts and the capital city is Myitkyina. According to the 2014 census, the population is over 1.5 million, the 10th largest in Myanmar. The Kachin people are the main population and Naga, Shan and Burman people also live there. Most are Christians, and Buddhism and other smaller religions.<sup>70</sup>

In Kachin State, clashes between the KIO/KIA (Kachin Army) and PSLF/TNLA (Palaung Army) Northern Alliance (NA-B), and the military intensified in 2016, 2017 and 2018. With the exception of Naungmon and Khaung Lan Phu townships, the remaining 16 townships have suffered from more than 1,100 clashes up until June 2020 and has become a state where many refugees are suffering.

Table 13: comparison chart of human rights record violations in Kachin State by category



The 2014 Myanmar Population and Housing Census, <http://themimu.info/census-data> (all of states and regions used by this data)

From 2010 to June 2020, a total of 1,498 human rights violations were recorded in Kachin State. The highest will be in 2018. The second, third, and fourth highest were 2016, 2017 and 2011 respectively. According to the records, 32% of the people were arrested illegally due to the war, villages were the most affected, at 28%. Disruption of peaceful protests was over 9%, wounded from war was 4%, torture was 4%, and killings were 10%.

There have also been reports of violations in Kachin state such as rape, sexual violence, forced disappearance, assassinations, forced relocation and eviction, arbitrary taxation, injustice in courts, looting, restrictions on freedom of assembly, illegal recruitment, and Disruption of freedom of expression

Most of the violations took place in Waingmaw, Momeik, Myitkyina, Tanai, Mohnyin, Mansi Vanmaw, Shwegu, Putao townships. The military and the KIO/KIA armed forces, businessmen, and local governments have all committed human rights abuses.

The following cases are excerpts from notable violations in Kachin State.

On February 26, 2019, two journalists from the local Myitkyina Journal in Waingmaw Township were arrested and beaten for reporting about a banana plantation by the Thakinsit Company.

On April 29, 2012, the Kachin Independence Army (KIA) bombed and

destroyed railways and trains in Nansi Aung station in Mohnyin Township. Two civilians were injured in the incident.

On August 17, 2018, four villagers were arrested by the Kachin Independence Army (KIA) in Talagyi village, Myitkyina Township. Three were Shan ethnicity.

On January 29, 2018, military Battalions No.297 and No.101 jointly raided Orja Village, Tanai Township. Ten civilians were killed and two women were abducted.

On May 15, 2012, in Putao Township, the military forced villagers from nearby villages to clear the area around the military base and build walls. One of the villagers was so tired and when he fell, he was shot in the head

On August 9, 2010, soldiers from Battalion No.37 raped and killed a 39-year-old woman and her 17-year-old Kachin daughter in Waingmaw Township, Bandaung Village. A UN report also said that on December 15, 2017, about 20 Burmese soldiers were seen pushing two women into the jungle in Tanai Township, stripping off their clothes. The bodies of the two women were later found dead.■

## 7.2. Kayah State

Kayah State covers an area of 4,529 square miles and consists of 26 townships, six districts, and the capital is Loikaw. According to the 2014 census, the population is close to 300,000, the least populous division in Myanmar. Kayah is the main ethnic group, followed by Karen, Padaung, Burman, Shan and Pa-O. Most are Buddhists and Christians, and other smaller religions.

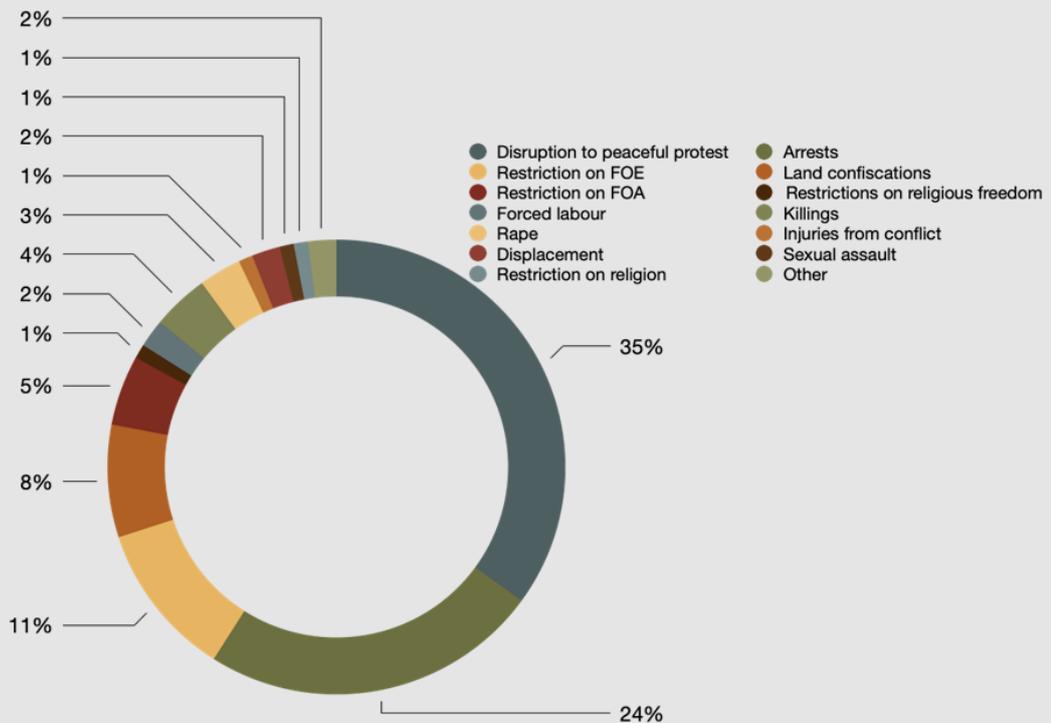


Table 14 comparison chart of human rights violations in Kayah State by category

In Kayah State, clashes between the Burmese Army and the KNPP Karenni Armed Forces took place in Hpa-Saung, Demaw Soe and Loikaw Townships, but only on five occurrences over 10 years. However, due to the unique characteristics of Kayah State, political competition greatly exists.

From 2010 to June 2020, a total of 102 human rights abuses were recorded in Kayah State, with the highest number in 2019. The second, third, and fourth highest were 2018, 2016 and 2014 respectively in terms of recorded violations.

Assessing the evidence, the disruption of peaceful protests by political rivalries was the largest at more than 35% of the total, arbitrary arrests was 24%, land confiscation is 8%, restrictions on freedom of assembly was 5%, and impediments to freedom of expression were 11%. Injuries from the conflict, killings, rapes, sexual violence, forced relocation and evictions, and unfair prosecutions and restrictions on religious freedom have all been documented in Kayah State.

In most cases, Loikaw Township has been the worst hit by human rights abuses and other cases happened in Bawlakha, Hpa-Saung, Demawso, Phruso and Shadaw the townships. The military, KNPP and governments have conducted human rights abuses against farmers and students.

The following cases are excerpts from notable violations in Kayah State.

On April 19, 2013, more than 600 farmers in Phruso Township were prevented from holding a prayer service to reclaim more than 2,700 acres of land confiscated by the military.

In January 2013, a soldier from Battalion No.602 in Phriso Township raped a 10-year-old girl while working on a construction with 14 training troops.

On 12 February 2019 on Union Day, police in riot gear stormed a rally by firing

rubber bullets, blasting with a fire hose, and other violence acts against more than 3,000 protesters for the cessation of the statue of General Aung San Kyay led by Karenni (Kayah) youth in Loikaw Township.

On April 19, 2010, an unidentified assailant beat and injured a priest in Phekaung Township in connection with a land dispute between the military and a church, according to a 2010 human rights report.

On September 23, 2018, Protest leaders Khu Kyu Fe Kay Khu Kalaw, Aung Naing Win and Kyaw Min Oo were been charged under Section 20 of the Peaceful Procession Law for a protest against the state responsibility for issuing public religious land in Nam Baw Wan Shan (Ka) Ward, Loikaw Township, Kayah State. At the protest, people held a protest banner with protest slogans along with pictures of Aung San Suu Kyi.■

## 7.2. Kayin State

Kayin State covers an area of 11,730 square miles in four districts and 7 townships and Hpa-an is the capital city. According to the 2014 census, it has a population of over 1.5 million, the 11th largest in Myanmar. It is predominantly Karen, followed by Mon, Burman, Shan and Pa-O. Most are Buddhists, Christians, and other smaller religions.

Fighting between the Military and the KNU / KNLA DKBA NMSP / MNLA in Kayin State has resulted in more than 200 clashes in seven townships; Hlaingbwe, Hpa-an, Hpapun, Kawkareik, Myawaddy and Thandaunggyi.

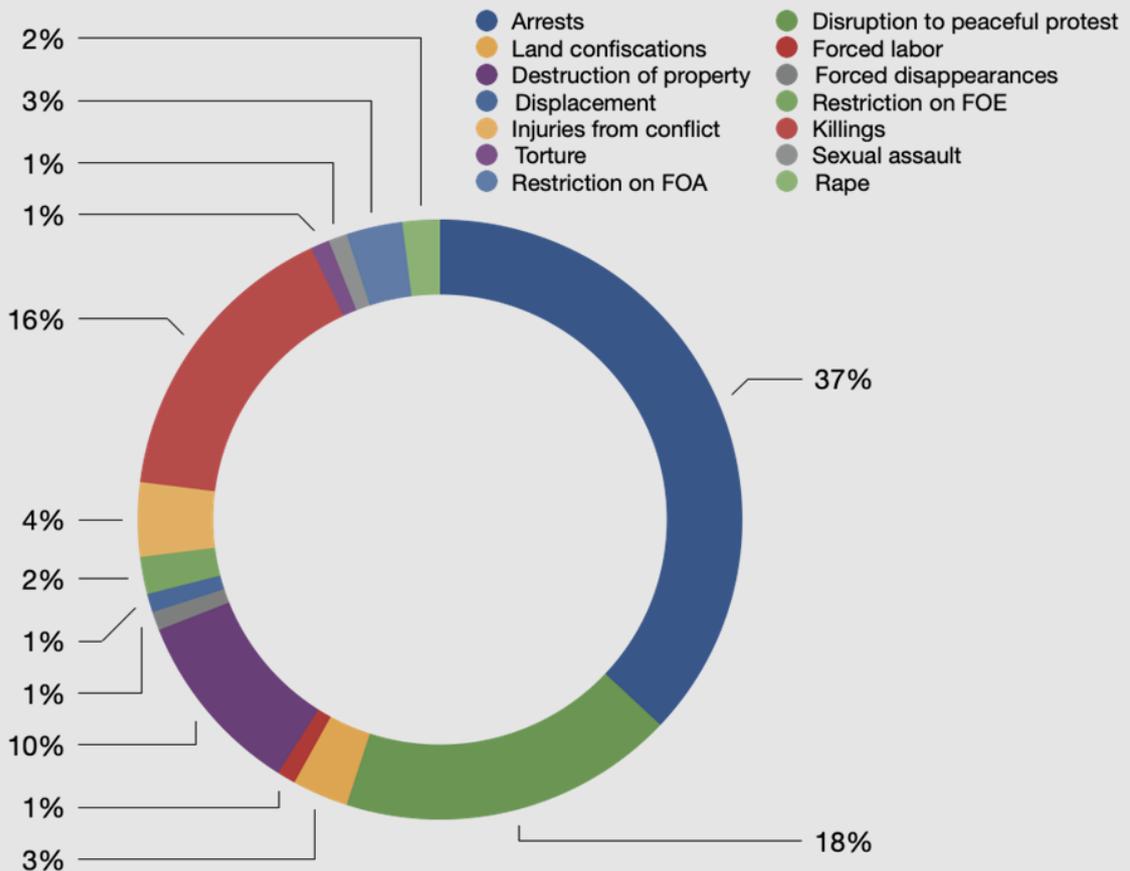


Table 15 comparison chart of human rights violations in Kayin State by category

From 2010 to June 2020, there were a total of 229 human rights violation records in Kayin State, the highest figure coming in 2010. The second, third, and fourth highest records were in 2019, 2018, and 2020 respectively.

Of those recorded, arbitrary arrests accounted for 37%, disruption of peaceful protests accounted for 18%, and killings accounted for 16%. Looting, destruction of villages and destruction of property, restrictions on freedom of assembly, expression, movement, and limitations on travel for security reasons, injury, rape, sexual violence, disappearance or disappearance, forced labor, eviction and torture were also all recorded in Kayin state.

In most cases, Hpa-an Township was the worst affected by human rights abuses, followed by Kawkareik, Myawaddy, Hpapun, Hlaing Bwe, Thandaunggyi and Kyainseikgyi townships. The military, DKBA, KNU, BGF and governments have all been documented as violators of human rights abuses by targeting farmers and war refugees.

The following are excerpts from notable human right violation events in Kayin State.

On 16 February 2010, a civilian who had been deported by Thai authorities was shot dead near the Zero Gate in Myawaddy Township by the DKBA.

On April 5, 2018, government soldiers shot and killed Saw Oo Mhu, an environmental

activist, while riding a motorcycle with a KNLA soldier. The military says he was shot dead in collaboration with the KNLA, but his family and other activists have denied the allegations, saying the assassination was while riding a motorcycle with a KNLA. He was a member of the Relief Team (MEAT) and was shot dead by the Tatmadaw on his way back to Lamu Plaw, MEAT said in a statement on April 9.

On April 5, 2017, seven people, including an eight-year-old child, were shot dead by two soldiers in Anang Kwin Village, Kyain Seik Gyi Township, Kayin State. Two armed men arrived at a motorcycle repair shop and got into an argument over a motorcycle rental request, which resulted in a shooting. ■

## 7.4. Chin State

Chin State covers an area of some 13,907 square miles and consists of nine districts and nine townships, with the capital being Hakha. According to the 2014 census, it has a population of about 500,000 and is the 14th most populous, and 2nd least populous division in Myanmar. Predominantly populated by the Chin people. Most are Christians, and Buddhism, and other smaller religions.

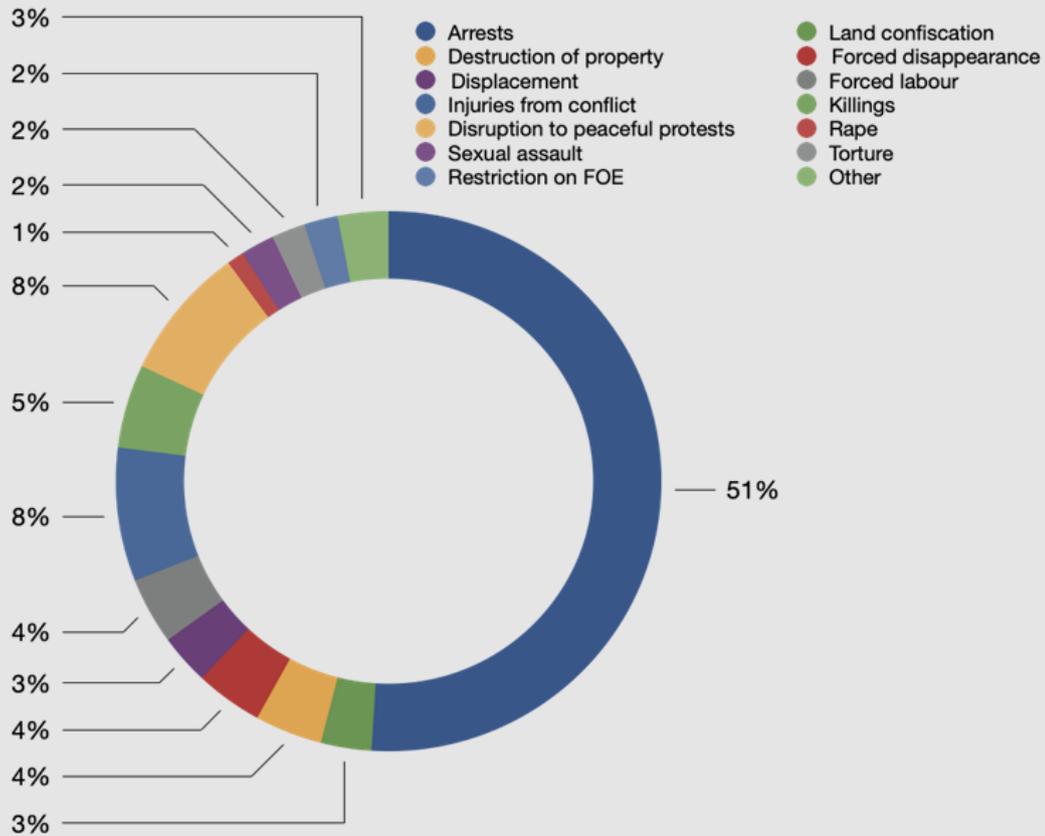


Table 16 comparison chart of human rights violations in Chin State by category

From 2010 to June 2020, a total of 267 human rights abuses were reported in Chin State, with the highest number in 2019. The second, third, and fourth highest years was 2020, 2014, and 2018 respectively. There have been more than 150 clashes between the military, the Arakanese Armed Forces (ULA / AA) and the Arakanese Liberation Army (ALP) in Paletwa Township in Chin State, leading to significant human rights abuses in 2019 and 2020.

As a result of these conflicts, arbitrary arrests and detentions accounted for the largest share at more than 51%, as well as war injuries 8%, casualties 5%, forced labor 4% and disruptive peaceful protests at more than 8%. Unjust prosecutions, civilian looting, destruction of villages and destruction of property, restriction of freedom of assembly, impairment of freedom of expression, injuries, abductions, use of child soldiers, rape and sexual violence, disappearances, forced labor, and eviction have also been documented in this state.

Paletwa Township has been the worst place for human rights abuses, followed by Falam, Khakan, Patlet, Matupi, Min, Tedim and Thantlang Townships.

The following are excerpts from notable violation events in Chin State.

On January 21, 2019, Captain Hein Htet Zaw, in-charge of the Area Movement Battalion from Battalion No.376 abducted 25-year-old Ko Zin Min Htike from Shin Letwa Village. He was arrested on suspicion of sending rice to the Arakan Army (AA) on a motorcycle.

On September 8, 2019, Daw Soe Shin and U Maung Bu from Nammada Village, Paletwa Township, Chin State were seriously injured by a landmine. Six villagers, including two of them, were hit by a landmine while on their way to pick it up.

On 11 January 2020, Khumi villagers in Paletwa Township were attacked by the Rakhine army, after a member tried to sexually assault a village girl, and was hampered according to Khumi U Saw Mya.

On May 15, 2019, more than 30 villagers from Miza village in Paletwa Township were forced to carry weapons and food for the army by Army Battalion No.77. Among those carried were women, the elderly, and christian pastors. Moreover, in April 2019, civilians in the refugee camps were forced to carry weapons and food supplies for Battalions No.20, No.22, No.380, No.234, and No.375. Similarly, on March 29, 2015, the Rakhine Army ordered 10 Chin people from Pyin So village to dig a pit to bury the bodies of the war dead and carry their luggage to the Bangladesh border.

On June 13, 2019, a local from the Zomi Revolutionary Army (ZRA) shot and killed a local in Ton Zan Township. The locals claim that the victims were shot because he said that the Zomi army has no weapons, and got a warning letter a week before the shooting because of mining in the Zomi controlled area. ■

Image 30: a refugee camp





It has been documented that disruptions to peaceful protests from 2010 to June 2020 accounted for 35% of the total violations, and the conflict resulted in 24% of all arrests and detentions, more than 5% for villages destroyed, 7% killing and 9% cases of torture were recorded.

It has also documented that cases involving unfair litigation, land confiscation, looting of civilians, restrictions on freedom of assembly and expression, injury, rape and sexual violence, disappearance, displacement, eviction and arbitrary taxation occurred in Mon State during this period

Most of the violations took place in Belin, Chaungzon, Kyaikmaraw, Kyaikto, Moulmein, Mudonpaung, Theinbyuzayat and Thaton Ye Townships. The military, police, KNU/KNLA armed groups, extremist mobs and local governments have all committed human rights abuses according to local reports and the media.

The following are excerpts from notable violations in Mon State.

On June 28, 2017, Paung Township MP Zaw Zaw Htoo filed a defamation lawsuit against Aung San Oo for his critics on a social networking site. On July 1, the Paung Township Court sentenced U Aung San Oo, a resident of Kaw Sai Ward in Mottama, to two years in prison under Section 66 (d) of the Telecommunications Law.

On August 7, 2017, Thaton Township Court charged Aung Ko Ko Lwin, a member of the steering committee of the Thaton Civil Society Network, under Section 10 of the Protection of Citizens' Personal Freedom and Security Act for his criticism of the government. On January 6, U Saw Kyaw Moe, a member of the Mon State Parliamentary Committee on Ethnic Affairs, filed a case at the Thaton police station for criticizing the Mon State Chief Minister on social media.

On May 16, 2019, a captain from Battalion No.587 stopped and interrogated a traveling civilian and arrested and tortured him to death for failing to show an ID card in Ye Township.

On October 4, 2014, Aung Kyaw Naing (Ko Par Gyi), a freelance journalist, was detained in Kyaikmaraw Township whilst covering the fighting between the army and ethnic armed groups. He was later found dead near the military compound and shot dead as he tried to flee. In December 2014, the National Human Rights Commission just released a report condemning the police and military's handling of the incident.■

## 7.6. Rakhine State

Rakhine State covers an area over some 14,200 square miles, in five districts; 17 townships, with the capital being Sittwe. It is predominantly Rakhine, with Muslims and Chins in the north. Most are Buddhists, and Islam, Hinduism, and other religions.

In Rakhine State, clashes between ULA/AA, ARSA and the military intensified in 2017, 2018, 2019 and 2020. In the last 10 years, more than 700 clashes have taken place in Ann, Buthidaung, Gwa, Kyaukphyu, Kyauktaw, Maungdaw, Minbya, Man Aung, Myebon, Pauktaw, Ponnakyun, Rambree, Rathedaung, Sittwe, Thandwe, Taungup, townships and many refugees have been affected.

According to records, from 2010 to June 2020, a total of 2,402 human rights violations took place in Rakhine State, the highest number in 2019. The second, third, and highest recorded years of violations were 2017, 2018, and 2020 respectively.

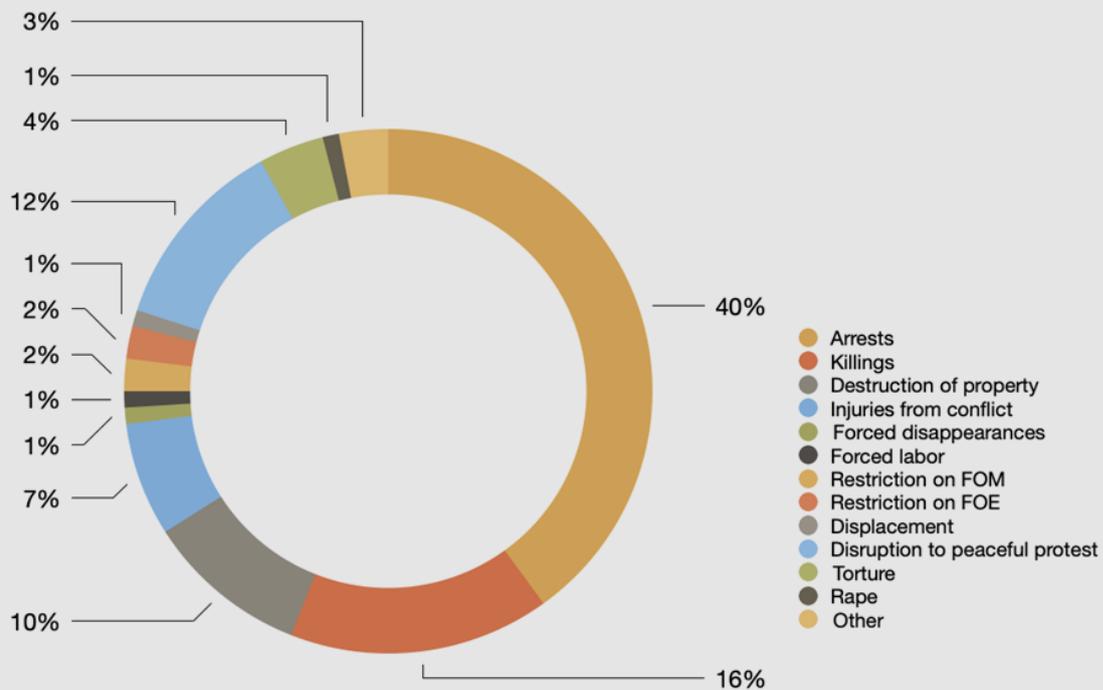


Table 18 comparison chart of human rights record violations in Rakhine State by category

According to documentation, the conflict spurred on unjust arrests in Rakhine State with arrests contributing to more than 40% of the violations. Killings were 16%, destruction of villages 10%, and injuries due to armed conflict 7%.

In 2017, due to deteriorating conflict in Rakhine, it was not possible for the news media to record the details of the individual cases of violations. Therefore international reports and testimony had to be relied on. Minority religious groups said that in Rakhine State there was violation of citizenship status, freedom of movement severely curtailed by government authorities. There was also an internet shutdown in some townships in Rakhine State which has been ongoing for over one year up until the time of writing the case report. Prohibition of peaceful protests, arbitrary lawsuit against civilians, looting of civilians, rape, sexual harassment, forced disappearances, forced labor, arbitrary tax collection, restrictions on freedom of movement by reason of security and prohibition of religious freedom have all been recorded. Human right violations mostly happened in Buthidaung, Gwa, Kyaukphyu, Kyauktaw, Maungdaw Minbya, Mrauk-U, Man Aung, Map Pauktaw, Puna Island, Rambree, Rathedaung, Sittwe Thandwe Townships in Rakhine State. The human rights violations mostly carried out by the military, religious militias, border guards, police, armed forces and local governments.

The following are excerpts from significant incidents in Rakhine State.

On January 13, 2019, an ethnic cleric in Buthidaung Township went missing and was arrested by the AA.

In February 2020, more than 30 AA soldiers beat the Khru Thit village administrator for providing military information, and then threatened the village administrations in Kyauktaw Township.

On August 28, 2017, Guta Pyin village, Buthidaung Township was attacked by the military, 250 villagers were killed. Similarly, on August 30, in Maungdaw Township, In Mingyi Village and Khamaw Seik Village, there were massacres of people by the military.

On March 30, 2020, ARSA bombed and killed eight Dinak Rakhine from West Khamauk Seik Village, Maungdaw Township.



On August 25, 2017, ARSA arrested more than 100 Hindus in Khamauk Seik Village, Maungdaw Township, and massacred 53 people.

The bodies of 28 Hindus were also found in the village of Rebu Hla Kay village, arrested Hindi women say they have been subjected to forced conversion of religion and suffered from rape by ARSA.

On the 25<sup>th</sup> of August of 2017, six Rohingya were arrested and killed by ASRSA for allegedly providing government information.

On 21 February of 2020, in Rakhine State, Maung Zaw Naing Htay, a 17 aged tenth-grade

student at Kyauktaw High School, was arrested by the No.539 Battalion and released and beaten. Shwe Sein Oo, Maung Zaw Naing Htay's father, said his son could not talk, drink water or eat rice.

Shwe Sein Oo said that Maung Zaw Naing Htay was beaten with a pistol, punched in the mouth and pushed to the face. He has been receiving treatment at Sittwe General Hospital since February 23 due to mental disorder from torture. ■

## 7.7. Shan State

Shan State covers an area of more than 60,155 square miles and consists of 11 districts made up of 54 townships. According to the 2014 census, it has a population of around 6 million. It is predominantly Shan ethnicity with Burmese, Kachin, Gurkha, Akha, Chinese, and many other ethnic groups too. Most are Buddhists, but also Animist, Christian, and other smaller religions.

In Shan State, Ywangan and Pindaya Townships in the Danu Autonomous Region, and Konkyan and Laukkaing Townships in Kokang Autonomous Region. Hopong, Hsihseng and Pinlaung Townships in Pa-O Autonomous Region. Namsan and Manton Township in Palaung Autonomous Region. Hopang, Mongmaw, Pangwaun,, Matman, Namphan and Pangsang Townships in the Wa Autonomous Region.

Shan State is multi-armed and multi-ethnic, with KIO/KIA, MNTJP/MNDAA, NA-B, PNLO/PNLA RCSS/SSA-S, SSPP/SSA-N, PSLF/TNLA, PNA, UWSP/UWSA all active and engaged in various degree with the Burma military. With fighting intensifying in recent years, with more than 1,900 clashes in 43 Townships over the past 10 years, affecting many refugees.

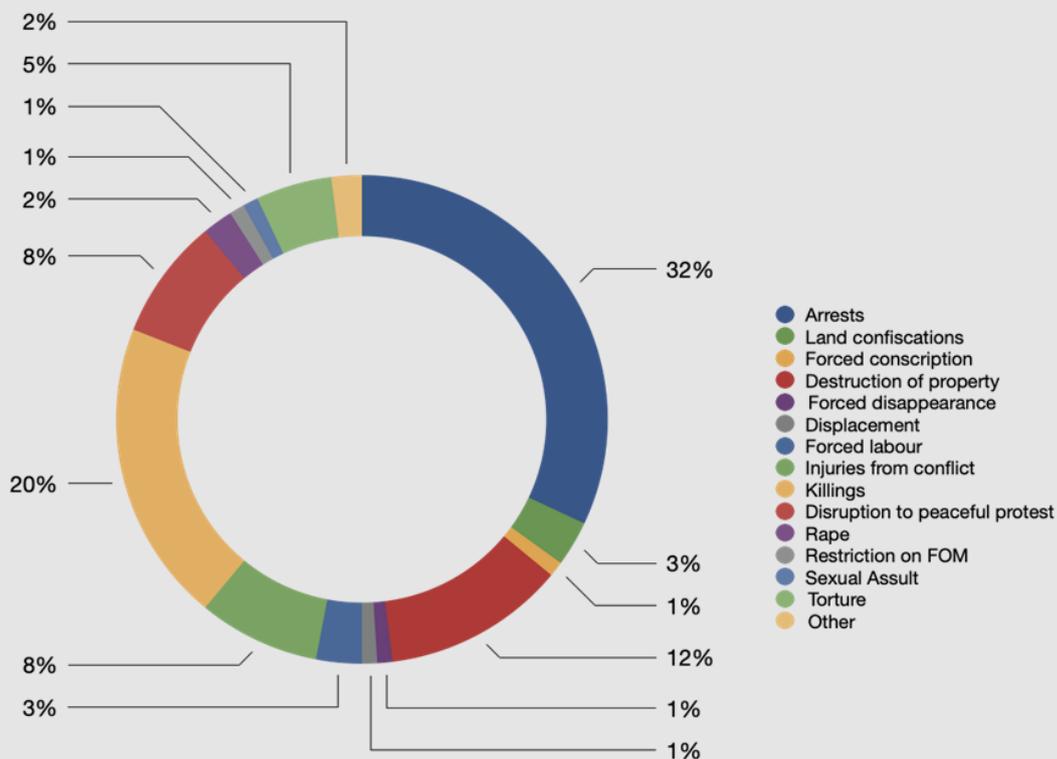


Table 19 comparison chart of records of human rights violations in Shan State by category

From 2010 to June 2020, a total of 1,497 human rights violations were reported in Shan State, with the highest number in 2019. The second, third, and fourth highest was in 2018, 2016, and 2017 respectively.

Of the many human rights abuses, arbitrary arrests accounted for more than 32%, followed by killings at 20%, and 12% for village property destruction. Disruption of peaceful protests, arbitrary arrests and detentions, lootings of civilian property, land confiscation, restrictions on freedom of assembly and freedom of expression, injuries from artillery, prohibition of freedom of religion, illegal recruitment, rape, sexual violence, disappearance, forced evictions, torture, arbitrary taxation, use of child soldiers and restrictions on travel for security reasons are violations all documented in Shan State in this period.

Human rights abuses were reported in every township in Shan State, but mostly in Hsipaw, Kutkai, Lashio, Loi Kaing, Manton, Mingshu, Tangyang, Namatu, Namkham, and Muse Townships. Military, police, various ethnic armed forces in Shan State and local governments have all committed human rights abuses.

The following are excerpts from notable violations in Shan State.

- On February 14, 2015, more than 100 civilians were killed in a shooting on the streets of Laukkai by Battalion No.33 of the Burma military.
- On September 25, 2015, the United Wa State Army (UWSA) arrested Christian religious leaders in the Wa Autonomous Region in Shan State. These religious

leaders have been accused of supporting religious extremism. Most people in the Wa region worship deities, but there are Buddhists, Baptists, and Roman Catholics also. These movements came at a time when similar persecution of Christians was taking place in China, an ally of the Wa state.

- A letter from the Lahu Baptist Church states that 92 Christian pastors have been detained in the Wa region and 41 Bible students have been arrested by the Wa authorities.
- On July 16, 2018, the RCSS-SSA forcibly recruited more than 50 youths from villages in Maingpan Township.
- In January 2019, fighting between the SSA-S and the PNLA in Maipan Township forced more than 1,500 local villagers from nearby Pa-O villages to take refuge in Wa-controlled areas. ■

## 7.8. Ayeyarwady Region

Ayeyarwady Region covers an area of some 13570 square miles and consists of 26 townships in 6 districts, the capital is Patheingyi. According to the 2014 census, it has a population of over 6 million, the second largest in Myanmar. The Burman and Karen are the main ethnic groups. A small number of Rakhine people also live there. Most are Buddhists and Christians and Muslims.

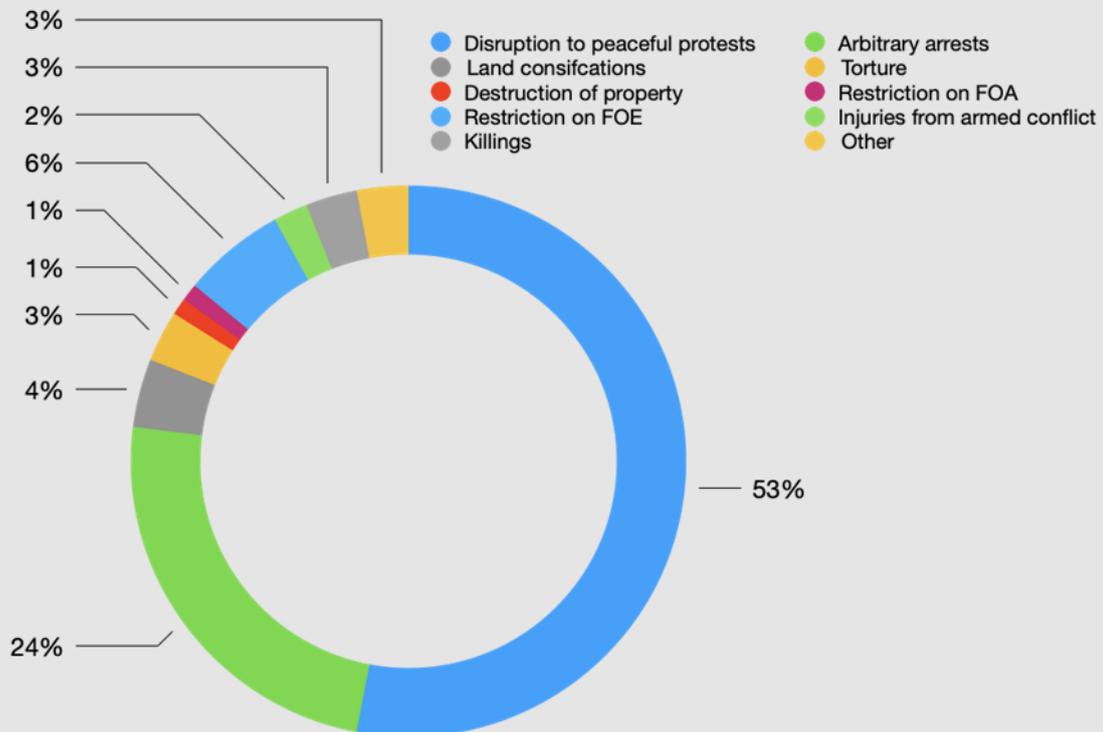


Table 20 comparison chart of records of human rights violations in Ayeyarwady Region by category

According to the records from 2010 to June 2020, there were a total of 215 human rights violations in Ayeyarwady Region, with the highest number in 2019, the second and third highest were 2013 and 2015 respectively.

With just a few bouts of conflict among armed groups, the disruption of peaceful protests was the largest violation in this state, with 53% of the total. In connection with these kinds of protests, arbitrary arrests were the second highest at 24% and land confiscations was 4%.

Most of the incidents took place in Pathein, Bogale, Dedaye, Einmae, Hinthada, Ingapu, Kyauk Kone, Labutta, Mawlamyine, Ngaputaw, Myaungmya townships. The military and police commit human rights the majority of abuses against activists, workers and farmers

The following are excerpts from notable violations in Ayeyarwady Region.

- On August 23, 2011 in Pyapon Township, Battalion No.93 stopped and demanded payment from a civilian on a motorcycle. When the motorcyclist refused to pay and drove away he was shot dead.

- A man was arrested on June 26, 2018 in Nyaung Ta Pin Village, Taw Kyat Village Tract, Dedaye Township, for allegedly stealing a fishing net and the accused died of injuries by police. On July 24, the Myanmar Human Rights Commission (MNHRC) visited Dedaye and found that the police did not operate according to laws.
- On September 18, 2019, a Maubin Township Court sentenced eight farmers from Malatto Village Tract, Maubin Township, to two years in prison each for trespassing on the land owned by local businessman Dr Myint Sein. In the incident, 550 acres of vacant land in Palaung village of Malatto village tract were confiscated by Orchard Company in 1999 and fish ponds were dug, but due to the lack of fish farming, farmers started cultivating in 2013. The farmers were sued by the Orchard Company under the 2017 Vacant Land Law and sentenced by Maubin Township Judge Daw Thin Thin Thaw after hearing two years in court.■

## 7.9. Bago Region

Bago Region covers an area of more than 15,213 square miles and is made up of 28 townships in four districts, and the capital is also called Bago. According to the 2014 census, it has a population of about 5 million. It is majority ethnic Burmans. Most are Buddhists, though christians and muslims also live here.

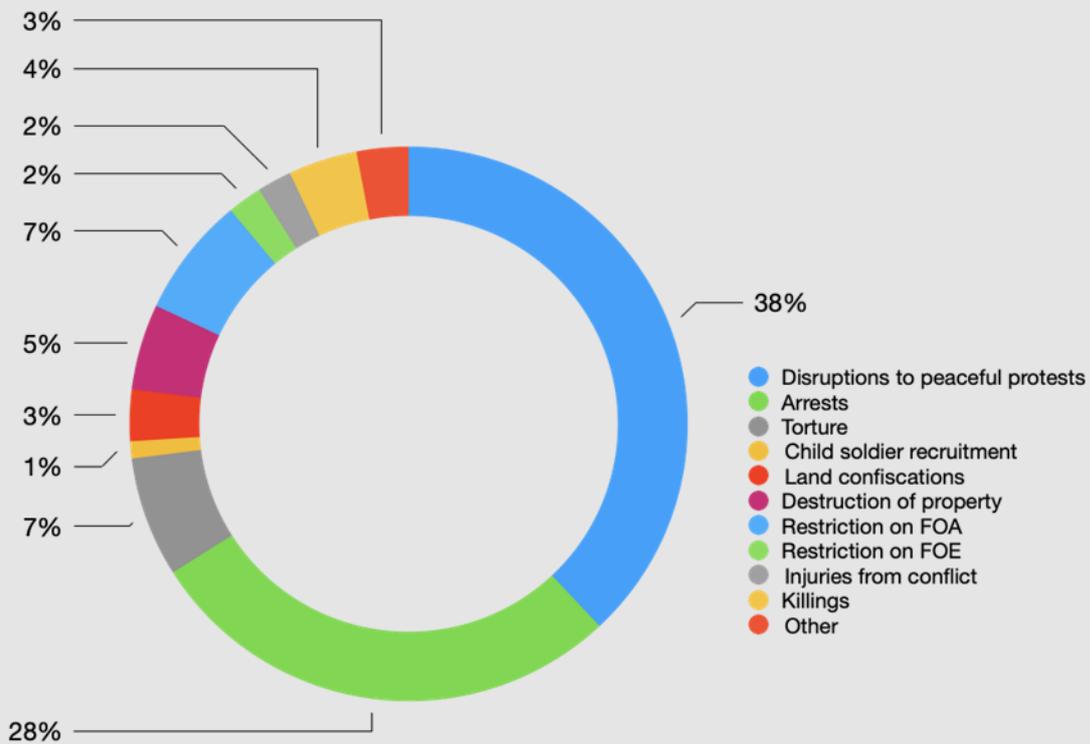


Table 21 comparison chart of records of human rights violations in Bago Region by category

From 2010 to June 2020, a total of 354 human rights abuses were reported in the Bago Region, most of them in 2015. The second, third, and fourth highest years for these violations in the last 10 years were 2013, 2014, and 2019 respectively. Some Karen people also live in the Bago Region, and there have been four clashes in Taungoo and Nyaung Lay Pin Townships in the last 10 years, with KNU/KNLA groups and between the military.

Due to the existence of politically diverse parties in Bago there has been disruption with peaceful protests accounting for the largest share of human rights violations in this period during this ten year period, at 38%, with arbitrary arrests accounting for 28% and there significant accounts of torture in interrogations and prisons by polices and prison authorities.

There has also been documentation of unjust prosecutions, robbery of civilians, the destruction of villages, destruction of property of civilians, the restriction of freedom of assembly, the violation of freedom of expression, the injuries, killings, and the use of child soldiers in armed conflict. Most of the violations took place in Letpadan, Shwe Kyin, Aung Lan, Taungoo, Pyay The Gone, Nyaung Lay

Pin, Min Hla, Paung Tae, Nattalin, Yaetar Shay, Zeegone Townships.

The following are excerpts from notable violations in the Bago Region.

- On May 16, 2010, a 15-year-old boy named Tin Min Naing was reportedly killed in Bago Region after fleeing from being forced to join the military.
- On May 24, 2010, a land mine exploded, killing a villager.
- On March 10, 2015, police in Letpadan Township violently cracked down on students protesting against the reform of the National Education Law. Hundreds of protesting students were beaten and arrested by Police in riot gear on the ninth day that protestors and students had been blocked.
- On June 23, 2016, a religious extremist mob protested against the construction of a mosque in Thuye Thamin Village, Waw Township, Bago Region, and a religious building was destroyed and some houses of minority were destroyed. A villager was also injured.■

## 7.10. Magway Region

Magway Region covers an area of more than 17,305 square miles and consists of 25 townships in 5 districts with the capital being Magway. According to the 2014 census, it has a population of about 4 million. The Burmans are the main population, followed by the Chin, Shan and other ethnic groups, it is majoritarily Buddhists with other smaller religions. From 2010 to April 2020, a total of 145 human rights violations were reported in Magway Region, most of them in 2015. The second, third, and fourth highest recorded year of violations was in 2014, 2019, and 2018 respectively.

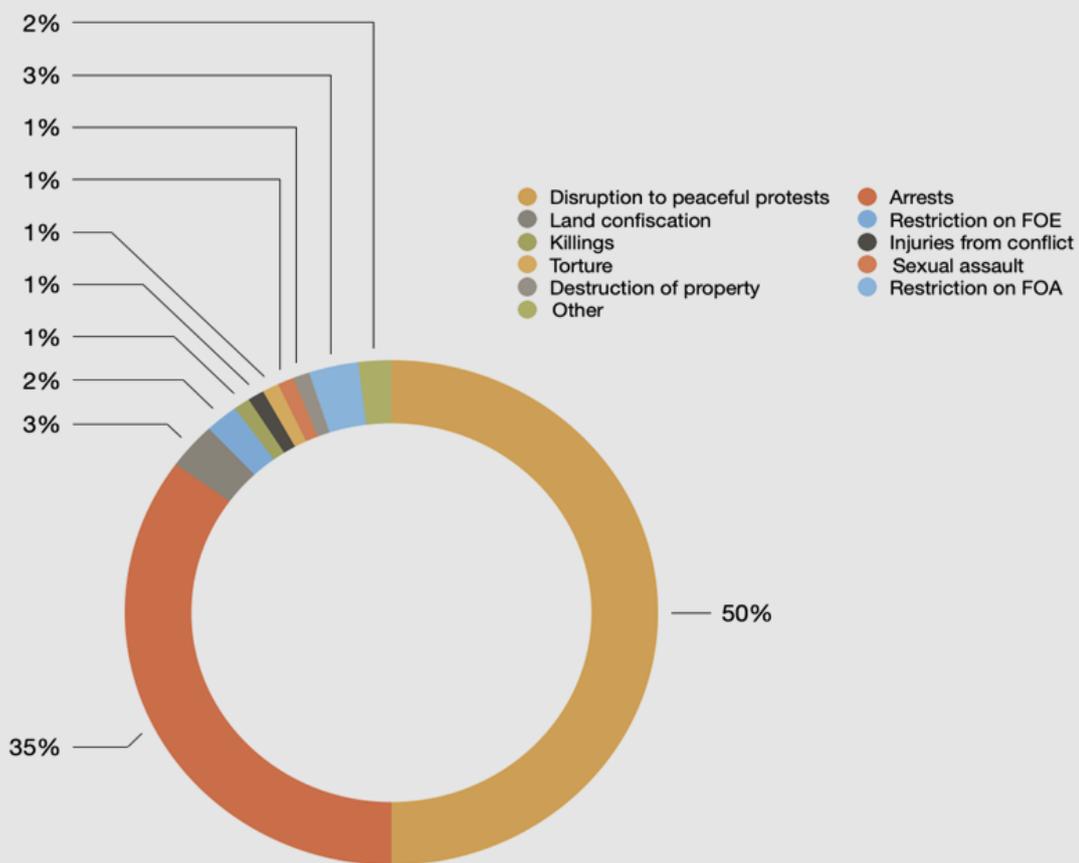


Table 22 Comparison chart of records of human rights violations in Magway Region by category

Reports found that the disruption of peaceful protests accounted for more than 50% of the total violations, with arbitrary arrests accounting for more than 35% and land confiscations at 3%. Reporting has exhibited that unjust prosecutions, looting of civilians, destruction of villages and destruction of property, restrictions on freedom of assembly and freedom of expression, injury, killings, sexual violence and torture are all occurrences in Magway.

In most cases, Magway and Pakokku Townships have the highest number of human rights violations. Though there have also been occurrences in Ngaphe, Thayet, NatMauk, Minbu, Taungdwingyi, Gangaw, and Aunglan Townships. Military, police, religious extremist groups and governments have targeted local farmers and minorities throughout this period.

The following are excerpts from notable violations in Magway Region.

- In December 2018, an extremist group destroyed a house of about 20 Christians in Paula Village, Gangaw Township, destroying stones and explosives. Six people were injured in the incident.
- On September 20, 2014, in Myit Chay Village, Pakokku Township, a religious extremist group set fire to a house and shop of a Muslim man claiming he brought harm to a Buddhist woman. A mosque was also destroyed.
- On October 17, 2018, about 200 farmers protested in front of Magway City Hall on October 7, 2018, demanding compensation for farmers who lost more than 300 acres of farmland due to the local gas pipeline project on the Magway-Natmauk railway project. A total of more than 300 acres of farmland were destroyed in the Thafan Seik River Dam project, which was built in Magway Township in and the Yenanchaung-Chauk Township gas pipeline project connecting Shan State and by the Magway-Natmauk railway project, which was built around 2012.
- On November 10, 2018, Magway Region Minister for Environment, Electricity and Energy U Myint Zaw filed a case against 50 local people from Sakyi Village for obstructing a public servant on duty, at the Aunglan Township Police Station. About 50 villagers from Sakyi village protested against the power line, saying it would be too dangerous to cross the power line through the nearby villages; Kalemaw and Kanmalay villages in Aunglan Township. The protests began in early October 2018, and after a series of meetings with local authorities, protesters had filed a lawsuit against them by authorities. One of the defendants, Daw Nyo Nyo San, said that local authorities were acting without explaining or consultation to locals. ■

## 7.11. Mandalay Region and Nay Pyi Taw Union Territory

Mandalay Region covers an area of over 14,659 square miles and is made up of 28 townships in seven districts, with the capital being Mandalay proper. According to the 2014 census, it has a population of over 6 million. It is mainly inhabited by Burmans, Shan and Chinese. The majority are Buddhists and some other smaller religions. In Mandalay Region, the Union Territory of Nay Pyi Taw is designated as the Special Administrative Region and the capital of Myanmar. It is made up of eight townships, covers an area of more than 2,723 miles and has a population of about 1 million. There was only one combat in Mandalay Region in 2015 The TNLA clashed with the Burma military near Sapay village in Mogok Township.

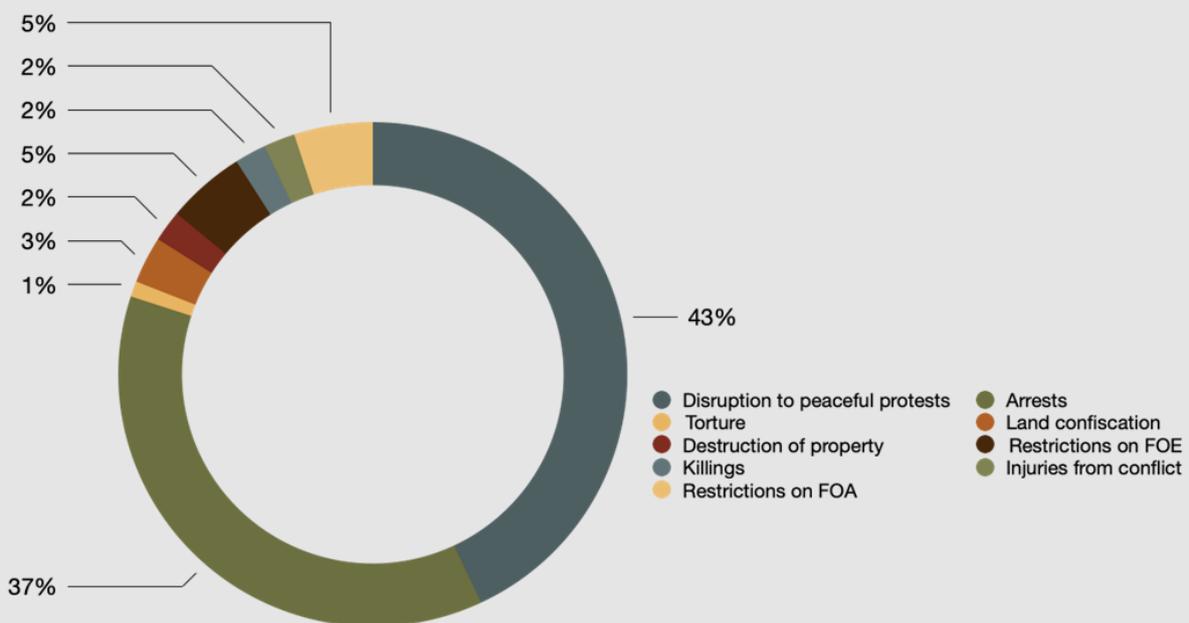


Table 23: comparison chart of records of human rights violations in Mandalay Region and Nay Pyi Taw Union Territory by category

## In Myanmar

According to the documentation, a total of 889 human rights violations were reported in Mandalay Region from 2010 to June 2020, with the highest number reported in 2019, followed by 2018, 2014 and 2015 as the second, third and fourth highest respectively.

According to records, disruptions to peaceful protests accounted for the largest share at 43%, with arbitrary arrests accounting for 37% of major human rights abuses.

Violations due to unjust lawsuits, destroyed villages and property of civilians, looting, restrictions on freedom of assembly, freedom of expression, sexual assault, injury, murder, rape, disappearance, and torture have also been documented.

In Pyigyidagun Township, human rights abuses have been the main cause of labor protests. Extremist violence also erupted in Meikhtila township. In other townships such as Mandalay, Aung Myay Thar Zan, Maha Aung Myay, Chan Mya Thar Si, were subjected to harassment and arrests, and human rights abuses were also reported in Patheingyi, Myingyan, Nwathogyi, Malai, Tada-U, Mogok, Pyigyidagun, Pyin Oo Lwin, Yamethin, Amarapura Townships. In Nay Pyi Taw, Leway Pyinmana, Dakkana Thiri, Ottara Thiri and Zabu Thiri Townships, human rights abuses occurred by the military and police, extremist groups, the local government, religious minorities and workers

The following are excerpts from notable violations in Mandalay and Nay Pyi Taw.

- On March 21, 2013, a religious clash in Meikhtila Township resulted in a mosque being burnt down, killing 32 students and two teachers. On August 16, 2013, religious extremists blocked and harassed the vehicle carrying the UN Special Rapporteur on Human Rights.

- On January 28, 2019, the Maha Aung Myay Township police barred some 100 locals from protesting against the demolition of a coal-fired cement plant near Aung Tha Pyay Village in Patheingyi Township, Mandalay. The protesters were later arrested and detained at the Patheingyi Township Police Station, where one died on the way to Obo Prison. Families were forced to sign a non-disclosure agreement despite the visible bruises on the dead body. He is believed to have been tortured to death by police.
- On January 27, 2015, soldiers in Pyin Oo Lwin Township beat and wounded civilians in connection with a roadblock affecting the daily commute of civilians. One of the injured, Mayon Ei Phyu, a 10th grader, was hospitalized from being beaten and kicked in the face.
- On November 10, 2017, Nay Pyi Taw Zambu Thiri Township Court sentenced Ko Aung Tin Soe, translator the local freelance journalist, the driver Ko Hla Tin and two journalists from the Turkish-based TRT media (Singapore branch) to two months imprisonment under Section 10 of the 1934 Aviation Act.
- On March 31, 2019, Lt. Col. Myint Oo filed a lawsuit of defamation in support of the military against five members of a group of comedians, who performed at a rally in Naypyidaw in support of the 2008 constitutional amendment.■

## 7.12. Sagaing Region

Sagaing Region covers an area of 36,179 square miles and consists of 37 townships in 10 districts. According to the 2014 census, it has a population of over 5 million. It is mainly inhabited by Burmans and Naga, Chin, and Shan ethnic groups. Most are Buddhists, Christians and some other smaller religions. Lahale, Leshi, and Nangyun Townships are designated as the Naga Self-Administered Area. In Sagaing Region there were 13 clashes between the military, Indian Army, UNFA, NSCN-K, and the SNA in Homalin, Lahae, and Nangyun Township.

Human rights abuses were mainly concentrated in Homalin, Lahae, and Nangyun Townships. It has been documented that the military and police committed these human rights abuses.

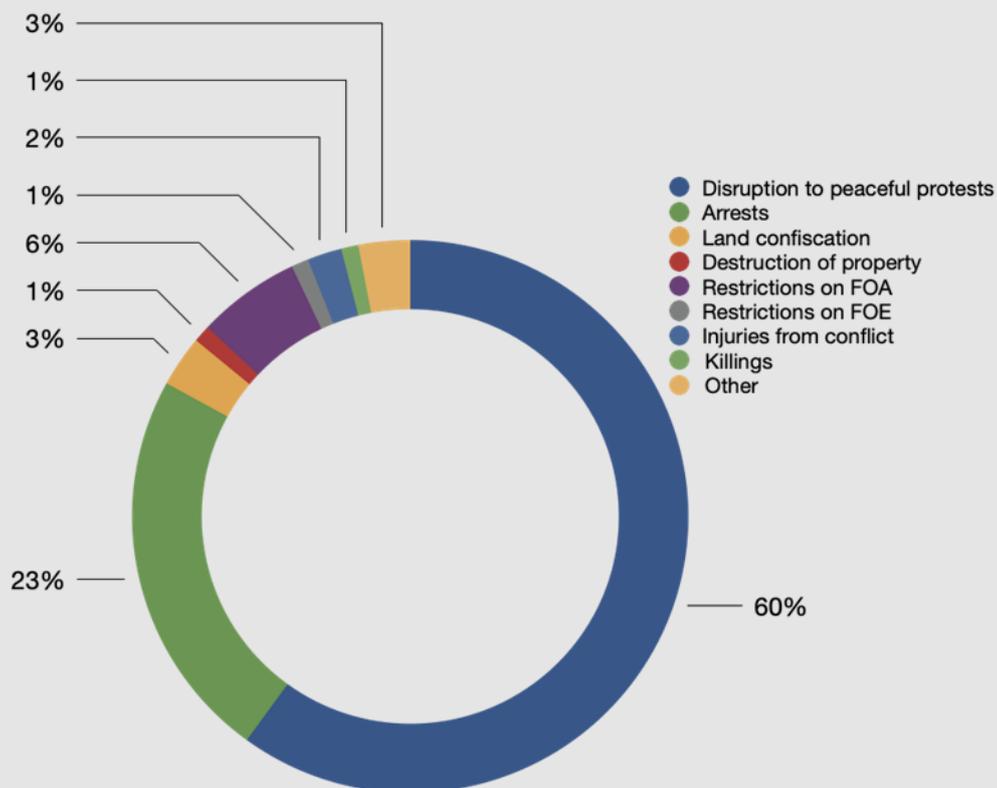


Table 24 comparison chart of records of human rights violations in Sagaing Region by category

From 2010 to June 2020, a total of 852 human rights violations were reported in Sagaing Region with the highest record year being 2014.

Disruptions to peaceful protests accounted for 60% of the violations, land confiscations accounted for 23%, and arbitrary arrests accounted for 23%. Unjust lawsuits, looting of civilians, restrictions on freedom of assembly and freedom of expression, murder, rape, forced labor, and persecution of religion were all recorded.

The following are excerpts from notable violation in Sagaing Region

- On 16 April, clashes broke out between officials from the Department of Agriculture and locals who were living in tents on confiscated farmland near Bu Gone Village, Kanbalu Township. Farmers were living in tents in the fields, waiting to replant soybeans on land confiscated from them. Staff from the Department of Agriculture tried to clear it with tractors and a clash erupted when the farmer's attempted to prevent this, according to Daw Khay, a farmer whose 40 acres of land was confiscated
- On May 8, 2019, at Shwebo Prison in Shwebo Township, four people were killed and two others were injured by the prison authorities who opened fire on prisoners during a protest demanding amnesty for all prisoners and requesting access to the National Human Rights Commission, the media and government officials.
- On December 22, 2014, a woman was shot in the head by police during a protest over land confiscation in Letpadaung copper mine in Siti village, Salingyi Township.
- On March 5, 2018, a soldier from Battalion No.909 raped a 12-year-old girl from Theikone, Yinmarpin Township. ■

### 7.13. Tanintharyi Region

Tanintharyi Region covers an area of more than 16,735 square miles and consists of 10 townships in 3 districts. According to the 2014 census, the population is about 1.5 million. The main ethnic groups are Burmans, Dawei, Myeik, as well as the Karen, Mon, and Salone. Most are Buddhists, and Christians, and some other smaller religions. In Tanintharyi Region, there were 12 clashes between KNU/KNLA, NMSP/MNLA and the Burmese military from 2010 to June 2020 in Bokeyyin, Yebyu, Dawei, Kawthaung, Myeik and Tanintharyi Townships.

Human rights violations occurred in all 10 townships, but mainly in Dawei and Yebyu townships. It is the military, police, ethnic armed groups, businessmen and local governments who have largely committed these human rights abuses.

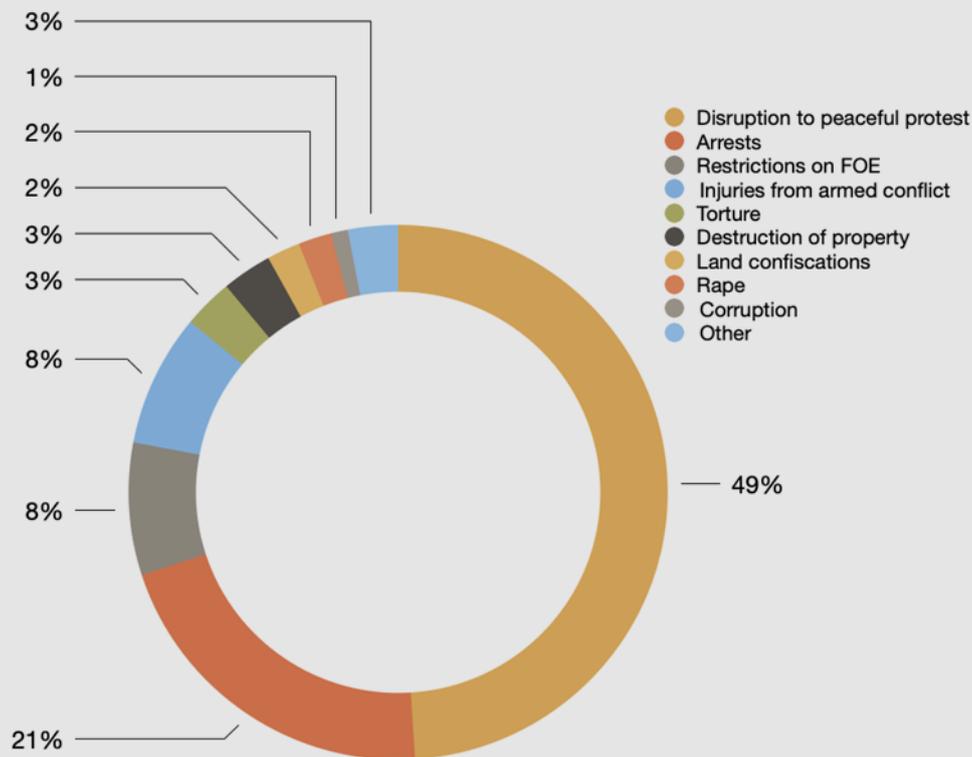


Table 25 Comparison chart of records of human rights violations in Tanintharyi Region by category

From January 2010 to June 2020, a total of 132 human rights violations were reported in Tanintharyi Region. The highest record year was in 2019, the second, third, and fourth highest was 2018, 2011, and 2015 respectively. Disruption of peaceful protests against the civil war accounted for 49% of these violations, with arbitrary arrests at 21% and restrictions on expression of 8%.

Land confiscations and seizures are the main cause of violations in Tanintharyi Region. Unjust lawsuits, lootings of civilian property, restriction on freedom of assembly, disruption of freedom of expression, injuries, killings, illegal recruitment, rape, sexual violence, forced relocation and removal, torture, arbitrary taxation have all also been documented in the region during this ten year period..

The following are excerpts from notable violations in Tanintharyi Region.

- In March 2019, former Tanintharyi Prime Minister Daw Lay Lay Maw was charged with corruption, he was sentenced to prison in May 2020.
- On 18 February 2018, the Dawei Township Court in Tanintharyi Region U Myo Aung, editor-in-chief of the Tanintharyi Journal was made to pay a fine of 500,000 kyats under Section 25 (b) of the Media Law. Aye Lu, the deputy director of the Tanintharyi Region, filed a lawsuit against the Tanintharyi Journal for alleged defamation of the Tanintharyi Chief Minister and

cabinet in the Dawei Township Court from the November 2017 issue of the Tanintharyi Journal. The journal published a satirical story called “campaign smile” by writer Musayo. The verdict was handed down after more than a year of trial.

- On October 8, 2018, members of the Karen National Union (KNU) beat three people, Maung Naing Alin Maung Naing Soe Win and Maung Naing Lin, who were gardening in Kyaung Lya Kwin, near Alay Sakhon Village, Yebyu Township, Tanintharyi Region. KNU soldiers beat two of his villagers and a Hangan villager with machetes, knives, by fists and legs and threatened to kill them if they did not leave the compound, according to U Naing Tin San (B), the village administrator. ■

## 7.14. Yangon Region

Yangon Region covers an area of some 3,967 square miles and consists of 45 townships in four districts. According to the 2014 census, it has a population of over 7 million, the largest in Myanmar. It is mainly inhabited by Burmans, as well as Karen, Rakhine and some other ethnic groups. Most are Buddhists, and Christians. Yangon is one of the most politically, economically and socially important areas in Myanmar, and it is a region that is in particular demanding and protesting for the political rights of the whole country.

Although there are no armed conflicts in this region, the media, civil society organizations, workers 'and farmers' are persecuted year on year.

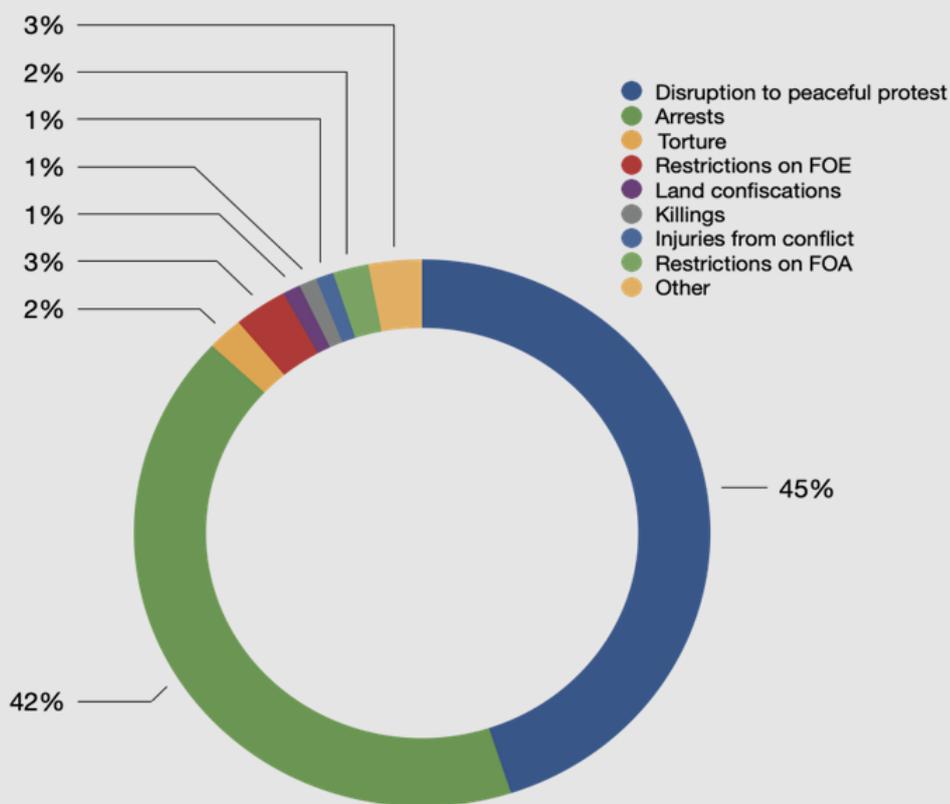


Table 26 Comparison chart of human rights record violations in Yangon Region by category

From 2010 to June 2020, a total of 1,829 human rights violations were recorded in the Yangon region. The highest number was in 2019, with the second, third, and fourth highest being 2014, 2012, and 2018 respectively.

As the economic, socio-political hub, the disruption of peaceful protests accounted for the highest rate of violations at 45%, with arbitrary arrests and detentions accounting for more than 42%. Villages on the outskirts of the region have been devastated by destruction of land and communities, and unfair litigation, looting, restrictions on freedom of assembly, disruption to freedom of expression, injuries, killings, disappearances, forced labor, torture, and limitations of freedom of religion have all been recorded in Yangon during this period.

The following are excerpts from notable incidents in Yangon Region.

- On June 8 2018, the Kachin Youth Union (Rangoon), New Society Youth Group, and the Rakhine Students' Union (RUSU) staged a protest in Yangon to call for an end to the fighting in Rakhine and Shan states. The protest continued despite objections from the township administration and some members of the police force, who refused to allow the protest. On May 12, 2018, 17 activists were charged under Section 20 of the Peaceful Assembly and Assembly Law (Nyein Su Si) for protesting to stop fighting in ethnic areas and for providing assistance to war-affected people in Yangon without permission.
- On April 30, 2013, sectarian violence erupted, destroying more than 130 Muslim homes in Okkan, Thongwa Township. ■
- Saw Albet Cho and Sa Thein Zaw Min, Karen youths, were charged under Section 20 of the Peaceful Assembly and Peaceful Procession Law for leading the Karen Martyrs' Day celebrations. They were arrested at Kyauktada Township Court on September 17, 2019 without bail. As a result, they were taken to Insein Prison. Naw Ohn Hla, an activist involved in the case, has been detained since September 9, 2019. They were charged by the Kyauktada Township Police.

## 8

## Recommendations

## Recommendations for Peace

- The current war needs to end as soon as possible and a political dialogue is needed. According to the Nationwide Ceasefire Agreement signed between the Union Government and the ethnic armed groups all armed groups must strictly abide by the provisions of the ceasefire code of conduct for civilian civilians in accordance with Chapter 2 of the ceasefire rules and regulations and military code of conduct
- All armed groups, including the Tatmadaw, must abide by the provisions of the Geneva Conventions on the Basic Humanitarian Law and ensure accountability and compliance at all levels of the civil service to prevent arbitrary arrests, torture and killings of civilians.
- All stakeholders must take strong action to prevent anyone from engaging in sexual violence, using forced labor, using locals as human shields, and looting the food and property of civilians in conflict.
- Mass detonation of landmines, remote-controlled bombs and grenades should especially not be planted in civilian areas, and landmines should not be used altogether.
- The Tatmadaw and ethnic armed groups should focus on solving human rights abuses through national political dialogue to reduce these ongoing human rights abuses.
- As human rights abuses continue against civilians due to fighting with non-NCA signatories, the Tatmadaw and the armed forces need to effectively engage in peace talks and take into account the affected communities.
- Government should protect and enhance human rights, these rights play an important role in the development of meaningful peace, reconciliation and democratization. In order to establish a culture of respect for human rights enshrined in international and domestic law and to guarantee human rights ■

## Recommendations for Eliminating Arrest and Torture

- To train the military and armed groups on civil rights and international humanitarian law (such as the Geneva Conventions) to reduce and prevent arbitrary arrests and torture violators must be punished.
- To make efforts to sign and ratify the remaining human rights treaties that Myanmar has yet to join, in particular the International Covenant on Civil and Political Rights (ICCPR), the United Nations Convention against Torture (UNCAT) and The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) as soon as possible.
- To Establish the Ministry of Justice and transfer the domestic law enforcement agencies, such as the Police Department and the Department of Prisons and so on to a civilian government. ■

## Recommendations for Government to Protect Freedom of Expression and a Free Press

- Prohibit suing journalists under criminal acts such as trespassing (Section 352 and 451), defamation (Section 500, 501 and 502), Unlawful Association Law (Section 17,1), state insurgency (Section 122), defamation of the state, (505b), insult with intent to disrupt the peace (Section 504).
- Ensure that members of the government do not deviate from the rule of law in prosecuting matters relating to the right to freedom of expression, and consider the purpose of the law more broadly, without their own views clouding the matter.
- Act with the most effective handling of information to assist in the oversight process when the right to information law is enacted. ■

## The Hluttaw and Political Parties Should

- Establish a right to information commission by enacting a right to information law that guarantees access to information for freedom of expression and press in accordance with international standards.
- Reform, amend or repeal laws that cause human rights violations, such as The Official Secrets Act (1923), The Unlawful Associations Act (1908) , Martial Law Order 3/89 (1989) , The Computer Science Development Law (1996), The Motion Picture Law (1996), The Television and Video Act (1995) (an amendment to the Television and Video Law was signed by the President in 2018, but did not include provisions to protect freedom of expression), Electronic Transactions Law, Printing and Publishing Law, Contempt of Court Law (2013), The News Media Law, Television and Radio Broadcasting Law (2015), and Protection of the Citizen for Personal Freedom and Personal Security Law (2017).
- Remove subsection (a) and amend subsection (b) of Section 505 due to created distinction between the military and the state.
- Repeal sections of defamation laws on criminal offense, including Section 66 (d) of the Telecommunications Act, and to enact a civil law .
- Inform the public about the invitation and participation of relevant media and civil society organizations to be able to participate in the above-mentioned amendments to the law on freedom of expression and the freedom of the press
- Legislate to ensure the right to information and the protection of the safety of journalists under the law in war zones, conflict areas, disaster areas and government projects in the public interest.
- Respect the independence of the Myanmar Press Council and to refer cases and lawsuits related to journalists' reporting to the Myanmar Press Council.
- Repeal the provisions related to an internet shutdown contained in the Telecommunications Law.
- Establish a legitimate telecommunications interim framework
- Develop an anti-discrimination law that can be measured by international standards.
- Establish a Data Protection Law that effectively protects citizens' digital rights and digital security.■

## Recommendations for Peaceful Assembly and Protest

- Revise the law on peaceful assembly and procession in line with democratic and human rights standards
- The government should not sue contrary to the rule of law, respecting the fundamental right of the people, to peaceful assembly and demonstration.
- To withdraw local orders affecting free assembly and the assembly of relevant government ministries. ■

## Recommendations for Land Issues

- Provide customary land use rights and guarantees
- Implement effective land management system
- Effectively return confiscated land to its original owners
- Assist the landless and those who have lost their land
- Strengthen farmers' networks ■

## Recommendations for Citizenship

- Amend the provisions of the 1982 Citizenship Law to address the inadequacies of equal rights and give equal rights to minorities.
- Abolish restrictions on office directives beyond the law and provide adequate information to the public about citizenship qualifications and the application procedures.
- To make the procedures and instructions issued for the Citizenship Verification Card easy for the public to obtain and to use.
- Establish a policy to implement anti-corruption and anti-discrimination procedures for all citizenship card applicants.
- To implement better management in the relevant departments who issue citizenship cards. ■

## Labour Rights

- Strengthen labour inspections of both new and established factories with regular and unannounced inspections.
- Improve transparency around labour law infringements and fair judgments of labour disputes with labour rights organizations.
- Pursue and accelerate labour law reform to create a comprehensive and overarching framework in line with international labour standards, including freedom of association and collective bargaining.
- Ratify remaining international labour conventions.
- Improve the dispute resolution process by cooperating more closely with labour organizations and civil society organizations to resolve labour disputes in a timely manner. ■

## Human trafficking

- Abolish the 2005 Anti-Human Trafficking Law including its by-laws and enact new laws in consultation with CSOs and other stakeholders to ensure greater accountability against the perpetrators and government resources for victims.
- Pursue legal action against traffickers and ensure that perpetrators at all levels are brought to justice.
- Invest in and implement policies which focus on the care and protection of survivors, focusing on safety, physical and mental health, education, access to decent work, and restitution.
- Strengthen complaint mechanisms within Myanmar and at overseas embassies/consulates to register human trafficking violations, accessible to all, regardless of circumstances and legal status.
- Expand awareness-raising programs on human trafficking and available resources for those seeking assistance, especially for rural and marginalized populations and in educational institutions.
- Protect the rights of migrant workers through negotiations with destination countries by developing comprehensive Memorandum of Understandings. Ensure equal opportunity for all labor official posts, especially the post of labor attaché. ■

## Child Soldiers

- The government should promote public awareness on the prevention of underage recruitment and monitoring and reporting mechanisms in collaboration with relevant stakeholders. As well as promote accountability mechanisms against military officials who are involved in forced recruitment of children.
- Initiate the Disarmament, Demobilization and Reintegration process for child soldiers who are serving in non-state armed organizations as agreed at the Nationwide Ceasefire Agreement. ■

## Political Prisoners, Arbitrary Detention & Torture

- Sign and ratify the CAT, ICCPR and their optional protocols.
- Ensure adequate physical and psychological healthcare for all political prisoners during incarceration and on release.
- Allow independent international monitoring of prison conditions and implement changes recommended by these bodies.
- End regulations preventing prisoners from receiving support from family and legal advocates during their imprisonment.
- Provide clear information as to the arrests and charges of political activists.
- Immediately release all prisoners being arbitrarily detained. Relaunch the Joint Committee for Scrutinizing Remaining Political Prisoners with CSO involvement.
- Create accountability mechanisms against officials who engage in torture.
- Abolish the death penalty. ■

# 9 Conclusion and Acknowledgements

This extensive documentation of human rights abuses is a crucial living report and should be reported on annually. Human rights abuses must be kept under constant scrutiny through media coverage and field-based documentation.

By doing so, it is hoped that one day we can achieve rehabilitation of victims, retrieval of justice and human rights protection which is the essence of democracy and for the path of Myanmar's democratic transition.

We remark special thanks to the HRV coalition member organizations and the Democracy Human Rights and Labor (DRL) and the International Republican Institute (IRI) for their support. We thank the Myanmar Press Agency for Photos. Finally, we would like to thank Mr. Tin Maung Htwe (consultant).

We also thank to The Arm Conflict Location & Event Data Project (ACLED) for providing data and information in developing the report. ■

# 10 Appendix

## Tables

Table 1. chart documenting human rights abuses

Table 2. record of arbitrary arrests, injuries, killings, and torture

Table 3. record of the number of people killed in wars and human rights abuses

Table 4. record of human rights violations related to land

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Table 6. statistics on human rights abuses directly related to the conflict

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Table 9. comparison table of state and division recorded civilian casualties from landmines

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Table 11. list of human rights violations in the record

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Table 14. comparison chart of human rights violations in Kayah State by category

Table 15. comparison chart of human rights violations in Kayin State by category

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Table 17. comparison chart of records of human rights violations in Mon State by category

Table 18. comparison chart of human rights record violations in Rakhine State by category

Table 19. comparison chart of records of human rights violations in Shan State by category

Table 20. comparison chart of records of human rights violations in Ayeyarwady Region by category

Table 21. comparison chart of records of human rights violations in Bago Region by category

Table 22. comparison chart of records of human rights violations in Magway Region by category

Table 23. comparison chart of records of human rights violations in Mandalay Region and Nay Pyi Taw Union Territory by category

Table 24. comparison chart of records of human rights violations in Sagaing Region by category

Table 25. comparison chart of records of human rights violations in Tanintharyi Region by category

Table 26. comparison chart of human rights record violations in Yangon Region by category

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Image 1. police car emerges from Myitkyina Prison in Kachin State

Image 2. arrest of an activist in court

Image 3. a civilian arrested and tortured during the 2019 Rakhine conflict

Image 4. civilians injured during the Rakhine State war

Image 5. protest to stop the construction of the Myitsone Dam and land confiscation

## In Myanmar

Image 6. farmers protesting over land confiscation

Image 7. an elderly woman fleeing the war

Image 8. situation of a refugee camp

Image 9. young people protesting to end restrictions on internet access to the media.

Image 10. prominent human rights activist and director Min Htin Ko Ko Gyi is being prosecuted for criticizing the military on social media.

Image 11. university students protest for education reform

Image 12. young students from the Peacock Generation in court on charges of assaulting military by traditional folk verse performance

Image 13. a minority woman applying for a citizenship card

Image 14. karen people call for an end to the civil war

Image 15. remembrance event for two volunteer schoolteachers who suffered the sexual assault and murder in Kachin

Image 16. former Tanintharyi Prime Minister arrested for corruption

Image 17. lawyers protest for justice

Image 18. migrant workers returning due to COVID-19

Image 19. a soldier disabled by landmine

Image 20. Myanmar armed forces demonstration ceremony

Image 21. parade of the Karen ethnic armed group

Image 22. mass protests for child justice after a child was sexually abused

Image 23. a parade for womens rights on Women's Day

Image 24. rural farmers protest for the return of confiscated land

Image 25. government officials negotiate with labors' activists



Myanmar has been building a democratic and human rights state since 2010 but it is desperately needed for the state to recognize these human rights abuses by any government which claims legitimate power. Therefore, the purpose of this report is to provide a systematic analysis of how to deal with incidents in the future, fair trials, and to give justice to victims and their families.

As a result of this report, relevant government authorities, parliamentarians, armed groups, the Myanmar National Human Rights Commission (MNHRC) and civil society organizations can be aware of basic human rights abuses in Myanmar, and further recommendations to examine the situation on the ground to reduce the impact of these violations in order to bring justice to the affected people.

These recommendations are based on consensus between various civil society organizations and suggestions on how to improve the role of political parties, the role of parliament representatives, and the involvement of civil society in ensuring accountability of government agencies and justice.