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WORLD REPORT 2021 - MYANMAR

The overall human rights situation in Myanmar deteriorated in 2020, including heightened restrictions on freedom of expression and peaceful assembly. Fighting between Myanmar's military and several ethnic armed groups continued, with government forces committing increased abuses against ethnic Kachin, Karen, Rakhine, Rohingya, and Shan minority populations. Military and police abuses were amplified with arbitrary arrests, detention, torture, and killings in custody.

August 25 marked three years since the security forces carried out a campaign of ethnic cleansing and crimes against humanity against the ethnic Rohingya population in Rakhine State, displacing several hundred thousand Rohingya within Myanmar and another 740,000 people fleeing to neighboring Bangladesh. Myanmar has made no significant progress in resolving the crisis, or providing accountability and justice for the victims. The court-martial conviction of three military personnel for crimes against Rohingya [reflects ongoing government efforts to evade meaningful accountability](#), scapegoating a few low-level soldiers rather than seriously investigating the military leadership who directed and oversaw the atrocity crimes.

Aung San Suu Kyi's National League for Democracy (NLD) party was returned to power for another five years in general elections in November. During the year, the ruling NLD failed to expand democratic space or reform rights-abusing laws frequently used to punish persons exercising their basic rights. Instead, freedom of expression was further diminished, with rights defenders and community activists facing charges for criticizing the government and military. The government also effectively criminalized holding public protests without permission, despite the law only requiring notification.

International pressure increased on the government to cooperate meaningfully with UN rights investigators, including UN Special Rapporteur Thomas Andrews and the Independent Investigative Mechanism for Myanmar (IIMM), in pursuing accountability for grave rights violations against ethnic minority groups. The International Court of Justice unanimously ordered Myanmar to take provisional measures to protect the Rohingya from genocide as Gambia's case against Myanmar for violations of the Genocide Convention moves ahead. The court also mandated regular reports from Gambia and Myanmar on Myanmar's compliance, although the reports remain confidential.

FLAWED 2020 ELECTIONS

Myanmar's constitution reserves 25 percent of seats in both upper and lower houses for military appointees. Any party not affiliated with the military must win over two-thirds of the remaining seats to form a majority in the parliament, while military-affiliated parties need to win just over one-third of the seats to obtain an effective majority.

Electoral problems in 2020 included discriminatory citizenship that barred most Rohingya voters and candidates; criminal prosecutions of government critics; unequal party access to government media; and a lack of an independent and transparent election commission and complaints resolution mechanism.

The Union Election Commission (UEC) authorized parties to deliver one [15-minute](#) campaign message on state-owned television and radio stations during the two-month period leading up to the election. However, all political broadcasts were subject to pre-approval by the UEC, which applied overly broad and vague restrictions on what they could say, in [violation of international standards](#) for protection of freedom of speech. Six parties cancelled their broadcasts altogether after the UEC censored parts of their [speeches, and ten participated under protest](#).

The UEC cancelled voting in parts of Chin, Kachin, Karen, Mon, Rakhine, and Shan States because of fighting, but provided no detailed explanations as to why specific areas were affected. No voting took place in Wa State, an autonomous region.

ROHINGYA DETENTION CAMPS

Approximately 130,000 Rohingya have been confined to open-air detention camps in Myanmar's central Rakhine State since being displaced by ethnic cleansing in 2012. For eight years, the Myanmar government has [maintained the Rohingya's internment](#) and segregation, violating their fundamental right to return home. They are denied freedom of movement in what amounts to arbitrary and discriminatory deprivation of liberty. Severe restrictions on humanitarian relief, including food and medicine, as well as little education; decrepit housing; restrictions on livelihoods; and highly restricted access to emergency health procedures have been responsible for increased morbidity and mortality in the camps. The squalid and oppressive conditions imposed on the Rohingya amount to the crimes against humanity of persecution, apartheid, and severe deprivation of liberty.

Myanmar has used Covid-19 response measures as a pretext to harass and extort Rohingya in the detention camps in central Rakhine State.

Rohingya in the camps have consistently asked to return to their places of origin, which the Myanmar government has long denied. The government has initiated measures to "close" the camps, but its plans entail constructing permanent structures in current camp locations, further entrenching the Rohingya's status as permanent detainees. In 2020, the government began "closing" Kyauk Ta Lone camp in Kyaukpyu, constructing shelters on isolated and flood-prone land, again rejecting the requests of Rohingya and Kaman displaced people to return home.

FREEDOM OF EXPRESSION

Myanmar authorities continue to use overly broad and vaguely worded laws to arrest, detain, and prosecute human rights defenders, activists, journalists, and ordinary people for criticizing the government or military or engaging in peaceful protest.

Media reporting on events in Rakhine State have been a particular target for government action. In March, [authorities charged](#) Nay Myo Lin, editor-in-chief of the Mandalay-based *Voice of Myanmar*, under Myanmar's overly broad counterterrorism law for interviewing an official from the non-state armed group Arakan Army, on March 23. The charges against Nay Myo Lin were later dropped.

Aung Marm Oo, chief editor of Development Media Group (DMG), faces charges under the Unlawful Associations Act. While he has not seen the written charge sheet, he believes that it relates to the outlet's reporting on the conflict with the Arakan Army. The government also failed to act on DMG's application to renew the publishing license for its bimonthly print journal, which has been forced to cease publication.

The government used the broadly worded Telecommunications Law to order the [blocking of numerous websites](#), including the websites of DMG and *Narinjara News*, the only two ethnic Rakhine media outlets. Government officials justified the blocking directives by referring to “fake news” and national security concerns. On August 27, the government ordered internet service providers to [block the website of Justice for Myanmar](#), a group of activists working to expose corruption and rights abuses by the military.

The government, political parties, military, and private citizens continue to use Myanmar's many criminal defamation provisions to censor speech. While the government amended the Law Protecting the Privacy and Security of Citizens to preclude complaints by third parties, that law, the criminal defamation provisions in the Telecommunications Law, and the penal code continue to be wielded against critics.

[Penal code](#) section 505(b), which prohibits speech that may cause “fear or alarm in the public” and “upset public tranquility” is being used against critics of the government and military. From September, at least [58 students](#) around the country were charged or faced arrest after joining protests, conducting public sticker campaigns critical of the authorities, or criticizing the mobile internet shutdown in Rakhine and Chin States. Students were charged under a combination of section 505(b), the Peaceful Procession and Peaceful Assembly law, and the Natural Disaster Management law, with 17 facing trial while detained.

Other activists have also been targeted using the Peaceful Assembly and Peaceful Procession Law. In January 2020, activist Naw Ohn Hla and three of her colleagues were sentenced to one month in jail for protesting the destruction of villagers' homes. A court convicted and fined the activist poet Maung Saungkha for hanging a banner reading, “Is the internet being shut down to hide war crimes and killing people?” from an overpass in downtown Yangon. In July, a court sentenced two student leaders, Myat Hein Tun and Kyaw Lin, to one month each in prison for holding anti-war protests without giving prior notice.

ESCALATING CONFLICT IN ETHNIC AREAS

Civilians have suffered most in the escalating fighting between the ethnic Arakan Army and the Myanmar military in Rakhine and Chin States. OHCHR reported that approximately [500 civilians were killed](#) in 2020 in the conflict. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) estimated in July, up to 81, 637 people were displaced by conflict. But local humanitarians estimated as many as [220,000 mainly ethnic Rakhine have been displaced](#) due to the fighting. Civilians have been harmed in indiscriminate attacks and some have been deliberately targeted, including through enforced [disappearances and extrajudicial killings](#), according to [UN High Commissioner for Human Rights Michelle Bachelet](#). At least 200 villages in Chin State faced [serious food shortages](#) due to the conflict.

In September, [two children were killed](#) by indiscriminate artillery fire in Myebon township, Rakhine State. According to verified data from the UN Country Task Force of Monitoring and Reporting, 43 children were killed and 103 maimed between January and June 2020. This is more than the total casualties of 2019 or 2018.

Many residents in northern Shan and Kachin States face a humanitarian crisis. A group of NGOs said at least [48 civilians were killed](#) between February and August due to the fighting in northern Shan State. In September, Myanmar [troops clashed](#) with the Kachin Independence Army in Muse, causing internally displaced peoples to [flee multiple times](#). In October, Myanmar troops also clashed with the Shan State Army in southern Shan State, displacing approximately 4,500 people.

Trafficking of women and girls also remains a serious problem in both states, where conflict and economic desperation has made them vulnerable to being lured to China under false promises and sold as “brides.” Of the [94 cases of trafficking](#) involving 140 victims, the Myanmar Anti-Human Trafficking Police Force reported between January and September, 68 were cases of trafficking into China for forced marriage.

Although authorities are right to make public the number of cases, many more likely go unrecorded because the Myanmar government is still not taking sufficient steps to prevent trafficking, recover victims, bring perpetrators to justice, or assist survivors. The Prevention of Violence Against Woman Law—criticized for falling well short of international standards—was still awaiting parliamentary adoption at time of writing.

UNLAWFUL INTERNET SHUTDOWNS

The government maintained [a second year of internet restrictions](#) in Rakhine and Chin States in 2020, with the Myanmar military announcing it had [no intention of lifting restrictions](#) despite heightened fighting and displacement and need for better public health communication amid the Covid-19 outbreak. The government ordered a [mobile internet shutdown](#) on June 21, 2019, across eight townships in Rakhine State—Mrauk U, Buthidaung, Rathedaung, Ponnangyun, Myebon, Maungdaw, Minbya, Kyauktaw—and Paletwa township in Chin State.

Since that time, people in the affected areas have had difficulty reporting on conditions they are facing, including humanitarian needs, attacks on civilians, and rights abuses, including arbitrary detention, torture, and deaths in military and police custody. The mobile internet restrictions were [removed](#) in Maungdaw township on May 2, 2020.

Although the Communications Ministry announced in June that internet restrictions were [provisionally extended](#) only through August 1, the block on 3G and 4G services remained in place, [with only 2G networks](#) restored in early August. While 2G data can allow some basic communication and services, the speed is drastically slower than 3G and does not allow services such as video calls, access to webpages with pictures, or videos.

LABOR RIGHTS

The frequency of worker unrest and strikes around Yangon's industrial zones increased significantly in 2020, and the looming crisis in the industrial zones has further deepened during the Covid-19 pandemic as workers faced en masse dismissals and union busting tactics by their employers.

Myanmar's labor laws and associated dispute resolution systems do not adequately protect worker rights. Violations of freedom of association, the right to collectively bargain, and other labor rights are widespread. A combination of aggressive tactics against union members by employers, poor government enforcement and labor inspections, and lack of job security facilitates the exploitation and control of workers. Recent amendments to the Settlement of Labor Dispute Law 2012 failed to safeguard freedom of association or support processes to enshrine collective bargaining agreements in law.

Child labor also remains a serious problem but the government has failed both to issue a comprehensive list of what constitutes hazardous child labor as well as instructions on preventing hazardous child labor in up to 20 industries, as called for under Myanmar's child rights law. The Myanmar government should ensure that further labor law reform efforts result in statutes that align with the International Labour Organization's core conventions.

SEXUAL ORIENTATION AND GENDER IDENTITY

Myanmar's penal code punishes "carnal intercourse against the order of nature" with up to 10 years in prison and a fine.

KEY INTERNATIONAL ACTORS

Bold steps were taken to hold Myanmar and senior military officials accountable for human rights crimes against the Rohingya. In 2019, Gambia brought a case against Myanmar before the International Court of Justice, alleging violations of the Genocide Convention. In January 2020, the court unanimously ordered Myanmar to prevent genocide against the Rohingya and to preserve evidence of atrocities as Gambia's case proceeds. The court also mandated regular reports from Gambia and Myanmar on Myanmar's compliance, although the reports remain confidential.

Two Myanmar Army soldiers who confessed their involvement in massacres, rape, and other crimes against Rohingya in 2017 were reported to be in The Hague in connection with the International Criminal Court's investigation into crimes against humanity against the Rohingya where at least one element took place in Bangladesh, including deportation and other inhumane acts.

Tensions between Bangladesh and Myanmar grew over border issues and Myanmar's failure to provide safe conditions for returning Rohingya refugees. In September, Bangladesh summoned the Myanmar ambassador after a [sudden increase of Myanmar troops](#) near the border, and later responded by beefing up its own troop numbers near the border in Cox's Bazar.

After a UN Security Council briefing in September, nine council members issued a [joint statement](#) calling on Myanmar “to create conditions conducive to the safe, voluntary, sustainable, and dignified return” of Rohingya refugees.

The European Union considered triggering a six-month [review process](#) on whether to strip Myanmar of its “Everything But Arms” designation due to grave crimes committed against the Rohingya. However, the EU human rights monitoring mission was stalled due to Covid-19.

At the Human Rights Council in September, the OIC and EU jointly called for Myanmar to ensure accountability, comply with the ruling of the International Court of Justice on the prevention of genocide, allow full and safe access to UN agencies, and mandate holders and human rights mechanisms.

COVID-19

Humanitarian organizations were severely hindered in reaching displaced people and others in need of assistance in Chin, Kachin, Karen, Rakhine, and Shan States, due to travel restrictions in place to stop the spread of Covid-19. While the Myanmar government has the right to implement restrictions in the interest of protecting public health, vital humanitarian operations carried out by the UN and other aid agencies should not suffer as a result of these measures. The Danish Refugee Council [reported](#) that aid was available but a nationwide curfew kept humanitarian workers from reaching people in need.

Between September 22 and October 2, just six UN agencies and NGOs had obtained travel authorizations to distribute life-saving aid in Rakhine State. Elsewhere in the country, daily reported Covid-19 cases and deaths rapidly increased from August onwards.

Myanmar released over 20,000 prisoners in a presidential amnesty amid Covid-19, the largest mass pardon in a decade, however, many political prisoners [were not included](#) in the release. The Assistance Association for Political Prisoners in September estimated there were [180 political prisoners](#) awaiting trial from prison, with 32 political prisoners incarcerated.

The government did not recognize journalists and newspapers as essential workers or services during the Covid-19 pandemic. Media professionals were denied permission to work outside their homes during lockdowns. Newspapers and magazines were forced to cancel printing, limiting information flow during a national health crisis and impeding press freedom.

In April 2020, a video [showed police](#) beating a man in Mandalay for violating curfew orders during the Covid-19 pandemic. Political protesters and [labor rights activists](#) were arrested under the auspices of breaking Covid-19 regulations and charged under various laws, including the [Natural Disaster Management Law](#). Prosecuting and imposing prison sentences on quarantine violators is particularly harsh in the context of the [Covid-19](#) pandemic, when overcrowded and [unsanitary prison conditions](#) could facilitate its transmission.