



The Critical State of Civil and Political Rights in Myanmar: Briefing Report



Brief Summary Version

Equality Myanmar Consolidated the Data and Presented in this Briefing Report
Regarding Human Rights Violation, Critical State of Civil and Political Rights in Myanmar

Summary

Equality Myanmar (EQMM) seriously condemns that the Burmese military junta and its alliances have been conducting gravest human rights violations, war crimes, and crimes against humanity in Myanmar since February 2021. This coercive action and mechanism triggered negative and critical outcomes for peaceful protesters, civilians, activists, journalists, human rights defenders, and their organizations. Thousands of innocent people are killed, including women, children, elderly and disabled people, and ethnic minorities, through military junta's airstrikes, artillery shells, military drones, missiles, and rockets. Thus, Myanmar civilians, democratic alliances, human rights defenders, activists, and CSO members are facing high risks.

According to our EQMM's airstrike report, a total of 306 airstrikes were conducted from October 2021 to October 2022. Thus, 285 civilians (children, women, and older people) were killed, including 121 civilians in the Kachin Anan pa massacre. Further, 248 people were seriously injured, while 330 people were tortured and detained after the airstrikes and group military raids. Many religious buildings, schools, local hospitals, and clinics have been destroyed and burned down. We discovered that the number of human rights violation cases - extrajudicial killing, enforced disappearance, torture, and sexual violations - are gradually increasing in Sagaing, Karenni, Karen, Kachina, and Magway, as well as in other parts of Myanmar.

Significantly, we discovered that the Myanmar military junta and its alliances' gross human rights violations, war crimes, and crimes against humanity violated international human rights and humanitarian law. Specifically, this report highlights how the military junta and its alliances critically violated and conducted coercive actions against the International Covenant on Civil and Political Rights in Myanmar. The following table shows a general summary of our report focus and its target areas in ICCPR laws.

No.	Title	International Covenant on Civil and Political Rights (ICCPR) Articles
1.	State of Emergency	Violated ICCPR Article 4
2.	Extra-Judicial Killings of Civilians	Violated ICCPR Article 6
3.	Death Penalty	Violated ICCPR Article 6 and 14
4.	Torture and ill-treatment	Violated ICCPR Article 6, 7, and 10
5.	Arbitrary Arrest and Detention	Violated ICCPR Article 9
6.	Forced Displacement	Violated ICCPR Article 12
7.	Independence of the Judiciary and Due Process	Violated ICCPR Article 14
8.	Right to Privacy	Violated ICCPR Article 17
9.	Freedom of Expression	Violated ICCPR Article 19
10.	Freedom of Assembly	Violated ICCPR Article 21
11.	Freedom of Association	Violated ICCPR Article 22
12.	Sexual and Gender-based Violence	Violated ICCPR Article 3, 6, 7, and 24
13.	Rights of Minorities	Violated ICCPR Article 27

In the conclusion section, we stated that the situation in Myanmar has been deteriorating in every aspect. Mounting evidence shows that the Tatmadaw (Burmese military junta and its troops) committed gross violations of human rights, crimes against humanity, and war crimes. However, due to the lack of decisive action, the international community is still allowing them to enjoy almost total impunity. Stronger, targeted, and decisive actions are required, and coordination and cooperation among states and all relevant stakeholders must be strengthened in order to stop the atrocities of the Tatmadaw and hold them accountable. Moreover, as the situation deteriorates and the rule of law in the country collapses, efforts must be made to prevent violations of international human rights and humanitarian laws by any party involved. Such efforts should include not only monitoring but also assistance and capacity building provided to all parties fighting against military rule, including the National Unity Government of Myanmar to abide by international human rights law. Concerning the severity of the violation of civil and political rights in Myanmar as highlighted above and the importance of building national capacity to effectively protect them, ratification of the ICCPR and the Convention against Torture (CAT) by the NUG can be the very first step to be taken. More specifically, the following actions are recommended:

Recommendations

National Unity Government

- ◆ Take all necessary measures to swiftly ratify the ICCPR and CAT
- ◆ Cooperate with all relevant UN Human Rights Mechanisms and constructively engage in the process to realise accountability
- ◆ Develop and strengthen its capacity to effectively implement international human rights law including the ICCPR and CAT within the territory under its control, including ensuring the accountability
- ◆ Identify areas where it needs external assistance to build its capacity for the implementation

International community and the UN as a whole

- ◆ Expand sanctions against the illegal military junta and its associates, including direct bans on imports of arms, munitions, dual-purpose technology, aviation fuel and other equipment used by the junta to locally manufacture materials.
- ◆ Take measures to strip the junta of cash revenues through strengthened economic measures against its business enterprises, including oil and gas interests.
- ◆ Take concrete measures that gives effect to the UN Security Council's resolution
- ◆ Give support to ASEAN in particular.
- ◆ To put priority on the urgent delivery of cross-border humanitarian assistance to all communities in need, including through ERO and civil society channels.
- ◆ To strengthen measures to protect civilians, including IDPs, and to prevent the further atrocities of the Myanmar Junta.
- ◆ To provide better protection and assistance to the Myanmar asylum seekers and refugees in neighboring countries including facilitation of safe relocation to third countries.
- ◆ To strengthen the ASEAN Five Point Consensus including through effective engagement with the NUG, EROs and civil society to priorities the delivery of humanitarian assistance and the protection of civilians, to prevent Myanmar junta's atrocities and to address its failure to implement the Consensus.
- ◆ Publicly engage with the NUG, block the Tatmadaw's attempts to hold sham elections, reject any moves that might give any legitimacy to the Tatmadaw and ban all Tatmadaw members and representatives from attending or participating in meetings, conferences and other events that might have the purpose or consequences of giving legitimacy to the junta.

UN Security Council

- ◆ Consider and actively take all measures at its disposal including those under the Chapter VII of the UN Charter.

UN Human Rights Council

- ◆ Adopt strongest possible resolutions that reflect ground realities, support democratic institutions including the NUG, and condemn the junta atrocities.
- ◆ Request the UN Secretary-General to explore the possibility of establishing an ad hoc tribunal to prosecute perpetrators of the violation of international human rights and humanitarian law and to provide victims with the access to effective remedies.
- ◆ Request the IIMM to actively identify national jurisdictions under the exercise of the universal jurisdiction and to expedite the preparation of case files.
- ◆ Call on all UN Member States to protect the Rohingya and all Myanmar nationals within their territory and prevent the violation of the non-refoulment principle.
- ◆ Call on all UN Member States to divest from economic dealings with the Myanmar junta and its associates.
- ◆ Request the UN Secretary-General to explore the possibility of establishing a Group of Friends on Myanmar as a consultative forum.
- ◆ Request the UN Secretary-General to report to the Human Rights Council on concrete actions taken by the UN on Myanmar.

ICC

- ◆ Expand its current investigation into the situation in Bangladesh/Myanmar to cover all Myanmar territory taking into account of the National Unity Government's Article 12(3) Declaration under the Rome Statute, which accepted the Court's jurisdiction with respect to international crimes committed in Myanmar since 1 July 2002.

ICJ

- ◆ Accept the National Unity Government's appointed Agent in The Gambia v. Myanmar case under the Genocide Convention.

About Equality Myanmar

Equality Myanmar (EQMM) is a leading nongovernmental organization that organises a wide range of human rights education and advocacy programs, the documentation human rights violations, and provides emergency support for activists, human rights defenders, and their families. We work with a range of local civil society organizations, educators, activists, various local actors, and our programs and activities reach all states and regions in Myanmar.

Equality Myanmar, formerly known as the Human Rights Education Institute of Burma (HREIB), was founded, by U Aung Myo Min, in 2000 in Chiang Mai, Thailand. In 2013, HREIB's headquarters and operations transitioned to working exclusively inside Myanmar under its new name: Equality Myanmar. Since the 2021 Military coup in Myanmar, EQMM relocated its headquarters back to Chiang Mai, Thailand.

Equality Myanmar stands strong for professional commitment, despite the organization having faced a critical situation in 2021 due to the political crisis. Our fundamental vision is to build a peaceful, tolerant, and federal democratic society that is embedded in respect for the dignity and human rights of all the languages, religions, and ethnic groups in Myanmar.

We promote, support and fortify a culture of human rights compliance, human rights, FORB Rights and Education and Accountability where Myanmar people are empowered to access their rights, justice, sociopolitical and democratic space as well as engage in a process of social and political transformation of Myanmar.