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## Human Rights Council

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### Human rights situations that require the Council's attention

## **Written statement\* submitted by Centre pour les Droits Civils et Politiques - Centre CCPR, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2021]

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\* Issued as received, in the language(s) of submission only.



## **Myanmar: Tatmadaw driving the country into multi-dimensional catastrophe**

### **Background**

Since the coup on 1st February 2021, situation in Myanmar has been deteriorating day by day. More than 1000 people have been killed, including children and medical staff, and thousands of people arbitrarily detained. Illegal amendments of laws have been increasingly undermining the rule of law, democratic principles and safeguard for the protection of the rights, liberties, privacy and security of people in Myanmar. Tatmadaw's offensive, including airstrikes and artillery shelling, has displaced some 200,000 and re-ignited conflicts in several States. On 6 July 2021, the UN High Commissioner for Human Rights, Michelle Bachelet noted at the 47th session of the UN Human Rights Council that "the situation in Myanmar has evolved from a political crisis to a multi-dimensional human rights catastrophe". The current situation is, however, already much worse than what was described by the High Commissioner back then morphing into multi-dimensional political, economic, human rights and humanitarian catastrophe.

### **Human rights**

Efforts were made in the last ten years by the people of Myanmar, slowly but steadily advancing relevant processes for the realisation of democracy in the country. Commitment of the civilian government of Myanmar to protect human rights in accordance with international law resulted in the ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 2017, while steps had been taken towards the signing of the International Covenant on Civil and Political Rights (ICCPR). However, all the progress made in the last decade is being lost in the current crisis caused by the Tatmadaw, whereby grave human rights violations are blatantly committed without accountability, including arbitrary raids and detention, torture, enforced disappearance, extrajudicial executions and the arrest of relatives or children in lieu of the person being sought. Laws are arbitrarily and illegitimately amended, undermining the rule of law, democratic principles and safeguard for the protection of the rights, liberties, privacy and security of people in Myanmar. Civilians participating in peaceful demonstrations and protests are met with massive use of lethal force, including indiscriminate shooting with live ammunitions.

With the absence of a legitimate authority in the country, which can effectively carry out its tasks as the duty bearer, the human rights of the people are severely restricted and abused, from civil and political rights to economic, social and cultural rights, and vulnerable groups, such as women, ethnic minorities, sexual minorities and children are exposed to increasingly dire situation. In this crisis, any kind of actions or process to ensure accountability for grave violation of human rights cannot be expected at the national level, continuing or even strengthening impunity enjoyed by the perpetrators. However, it is quite evident that the Tatmadaw does not have any intention, willingness or commitment to follow UN human rights Treaties that Myanmar is a Party, or ratify other core Treaties, in particular the ICCPR, which would be a critical move to ensure the long-term and sustainable protection of human rights of all in the country.

### **Crimes against humanity**

After it staged the coup d'état seizing power from a duly elected civilian government, the Tatmadaw has started widespread and systematic attacks against civilians, who were peacefully protesting, in an effort to retain the power and rule the people by force and oppression. Continuing brutal and lethal offensive of the military against its own people created a situation where hundreds of thousands of people are displaced and need urgent humanitarian assistance. Furthermore, facing the resistance from the people, the Tatmadaw has intensified its lethal offensive against civilians including indiscriminate airstrikes and artillery shelling, and destroying protected civilian structures such as schools and places of

worship. At the same time, in several areas in the country, clashes have been occurring between the Tatmadaw and armed groups, escalating the cycle of violence, increasing the risk of armed conflict and further deteriorating already ongoing human rights and humanitarian crisis caused by the actions of the Tatmadaw and complicated by the Covid-19 pandemic as well as the natural disaster severely hitting several areas in the country.

Reports from various sources, including national and international civil society as well as the relevant UN bodies, already indicate that incidents that amount to crimes against humanity are happening in different areas of Myanmar. In its report submitted to the current session of the Human Rights Council (A/HRC/48/18), the Independent Investigative Mechanism (IIMM) states that it is of the preliminary view that “Myanmar security forces have committed serious international crimes since seizing power on 1 February 2021” by carrying out “a widespread and systematic attack on the civilian population”, and that “the reports of murders, sexual assaults, arbitrary detentions, enforced disappearances, torture and persecution collected by the Mechanism, if substantiated, would amount to crimes against humanity”.

## **Healthcare**

While Myanmar, under the ousted civilian government, had managed the waves of Covid-19 outbreak in 2020 relatively well despite limited resources, the entire healthcare system, including all the efforts to prepare for and tackle further waves of Covid-19 such as national inoculation programme, was thrown into chaos by the coup. Since then, the lives of the millions of people are exposed to lethal and multiple threats of the new Delta variant of the Covid-19 and the atrocity of the military.

As many of those working in the healthcare sector, including doctors and nurses and other medical professionals, joining the Civil Disobedient Movement and being target of the attacks, detention and reprisals from the Tatmadaw, the capacity of national healthcare system has been drastically reduced. At the same time, several reports indicate that the Tatmadaw in some cases is detaining protesters using the measures against Covid-19 as disguise, which critically decreased the trust of the population in the healthcare facilities and services controlled by or connected to the military.

People are queuing for oxygen, infection clusters are reported from IDP camps, and most of the hospitals and medical facilities are overwhelmed. In such a situation, it is not difficult to imagine that the actual number of infected cases and deaths of Covid-19 is much higher than the available statistics.

## **Economy**

In addition to the situations indicated above, concerns have been also raised over dire economic situation in Myanmar quickly descending into chaos since the coup. Its banking system, which was already fragile due to the exploitation by the military and its enterprises over the last decades and severely hit by the Covid-19 pandemic, is facing the risk of total collapse due to catastrophic mismanagement by the Tatmadaw i.e. the State Administrative Council (SAC) including the disruption of cash supply and flow. In July 2021, the World Bank forecasted that Myanmar’s economy would contract around 18 % in the fiscal year 2021 with damaging implications for lives, livelihoods, poverty and future growth.

## **Actions required**

As described above, the Tatmadaw junta has been driving the country into multi-dimensional catastrophe. The only way to prevent the worst case of human rights and humanitarian disaster is to restore the civilian government and forge democratic participatory governance structure free from military impunity and control.

Violence and atrocity by the Tatmadaw must be stopped immediately. Safe environment for human rights defenders on the ground, for thorough documentation of human rights abuses,

and for the delivery of humanitarian assistance to those in need have to be created. Ensuring accountability for the grave violation of international human rights and humanitarian law is another must, not only those committed since the coup, but also those in the past in particular perpetrated by the Tatmadaw. Ceasefire is the very first step to reinstate peacebuilding process. The culture of impunity enjoyed by the Tatmadaw must be ended now. A series of the actions required from all relevant stakeholders for this purpose were already listed in our written statement submitted to the 47th session of the Human Rights Council (A/HRC/47/NGO/157).

Moreover, necessary resource and flexibility must be given to the IIMM to effectively fulfil its mandate, which the Council needs to expand or adjust in a timely manner as the situation on the ground evolves. Long-term measures are also required to foster a new future for Myanmar led by the people of the country. Relevant institutions and processes for democratisation, including duly elected Parliament, needs to be reinstated taking into account of the results of November 2020 election. Considering its behaviour up to now, no credibility can be given to the vow of the Tatmadaw to hold fresh election and give over the power to the winner. The plan to audit the financial records of political parties, recently announced by junta's Union Election Commission, is just another source of concern. National Unity Government and civil society can play a crucial role in the process, but their efforts must be assisted and capacity built, in order to take steps to realise a society, where the rights of all including Rohingya and other minorities are protected in accordance with international human rights law, such as development of transitional justice system, ratification of the ICCPR and its implementation as well as further and more comprehensive legal reform.

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