



# Rights in Reverse

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*Human Rights Violations During COVID-19 in Burma*

*Network for Human Rights Documentation-Burma*

*August 2020*

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*Photo credit: Military officers who serve as members of Myanmar's parliament wear face masks amid COVID-19 concerns, Naypyidaw*

*March 10, 2020.*

*Photo:AFP/Ye Aung Thu*



## 23 MARCH

First confirmed cases of COVID-19 in Burma

## 31 MARCH

President U Win Myint formed an inter-ministerial committee to coordinate the response against COVID-19

## 3 APRIL

Burma appeals for help from the international community for medical equipment and supplies

## 20 APRIL

A World Health Organization worker is killed while driving a vehicle carrying COVID-19 samples in Rakhine state

## 4 MAY

Burma reports first case of COVID-19 in the military armed forces

## 29 MAY

Confirmed cases of COVID-19 reaches 224

## 15 JUNE

Government extends COVID-19 measures until June 30

## 19 JUNE

Over 8,000 citizens prosecuted in Burma for COVID-19 breaches

# Overview

As the COVID-19 pandemic spread rapidly at the beginning of the year, the National League for Democracy (NLD) led government and military reassured the country's citizens that they had nothing to worry about. The blanket denial served its purpose until the inevitable on 23 March 2020, when the NLD government confirmed the first two cases of COVID-19 in the country.<sup>1</sup> Since then, cases have steadily continued to rise. The Burma government has taken several steps including forming an emergency task force with military and civilian ministries to support measures around law enforcement and stability and to expand government efforts to respond to the pandemic.

As of 1 August 2020, the National Reconciliation and Peace Center (NRPC) has provided 50-million Myanmar Kyat (\$36,500 USD) to members of the Arakan Liberation Party and their families amid the COVID-19 crisis.<sup>2</sup> The NRPC has also provided monetary support to other ethnic armed organizations (EAOs) who have signed the Nationwide Ceasefire Agreement (NCA) including the Karen National Union/Karen National Liberation Army-PC, the Democratic Karen Buddhist Army, the Lahu Democratic Union, the New Mon State Party, the Chin National Front, the All Burma Students' Democratic Front and the Pa-O National Liberation Army. All groups received between 25 million and 100 million Myanmar Kyat to support COVID-19 relief.<sup>3</sup>

However, there are many vulnerable groups in Burma who cannot access or afford basic health infrastructure. ND-Burma defines the most vulnerable people as women and children, the elderly, individuals with physical and mental disabilities, and those living in conflict zones (often remote areas far from health infrastructure). As the pandemic continues to spread, civilians in conflict affected areas have compromised access to treatment, information and support. With no end to the hostilities in sight, the prospects on the ground for preserving civilian safety have become even more difficult.

The economic consequences of COVID-19 must also not be overlooked. According to the Ministry of Labor, Immigration and Population, approximately 250 000 Burma workers have lost their jobs as a result of the crisis, both locally and abroad as many businesses have been forced to close.<sup>4</sup> At the end of April, the NLD government responded to the economic impacts by unveiling their COVID-19 Economic Relief Plan (CERP), which aimed to distribute 287 billion Myanmar Kyat (US \$210 million) in food and cash to the population.<sup>5</sup> Under this plan, nearly 3500 businesses were provided with a total of 100 million Myanmar Kyat (US \$74 million).<sup>6</sup>

While these efforts are commendable, Burma's flaws in governance and coordination have been exposed in their delays to responding to the first threat of the pandemic.

This short report is an assessment of the human rights situation in Burma since the first confirmed COVID-19 case mid-March. The data and analysis in this report are based on the answers to 23 questions from the following ND-Burma organizations: All Arakan Students' and Youths' Congress (AASYC), Future Light Center (FLC), Association of Human Rights Defenders and Promoters (HRDP), Human Rights Foundation of Monland (HURFOM), the Ta'ang Women's Organization (TWO), Ta'ang Students and Youth Union (TSYU), the Tavoyan Women's Union (TWU) and the following affiliate member organizations: Chin Human Rights Organization (CHRO), East Bago-Former Political Prisoners Network (FFPS-EB) and the Pa-O Youth Organization (PYO).

<sup>1</sup> "Myanmar confirms first coronavirus cases," 24 March 2020, The Bangkok Post, <https://www.bangkokpost.com/world/1884820/myanmar-confirms-first-coronavirus-cases>

<sup>2</sup> "NRPC Provides K50 million in coronavirus aid to ALP and families," 01 August 2020, Burma News International [www.bnionline.net/en/news/nrpc-provides-k50-million-coronavirus-aid-alp-and-families](http://www.bnionline.net/en/news/nrpc-provides-k50-million-coronavirus-aid-alp-and-families)

<sup>3</sup> Ibid

<sup>4</sup> "Quarter of a Million Myanmar Workers Left Jobless Due to COVID-19," 26 June 2020, The Irrawaddy, <https://www.irrawaddy.com/news/burma/quarter-million-myanmar-workers-left-jobless-due-covid-19.html>

<sup>5</sup> "Overcoming as One: COVID-19 Economic Relief Plan," 27 April 2020, Government of the Republic of the Union of Myanmar <https://www.moi.gov.mm/moi:eng/?q=news/28/04/2020/id-21511>

<sup>6</sup> Ibid



# Part 1: Frequency of Human Rights Violations

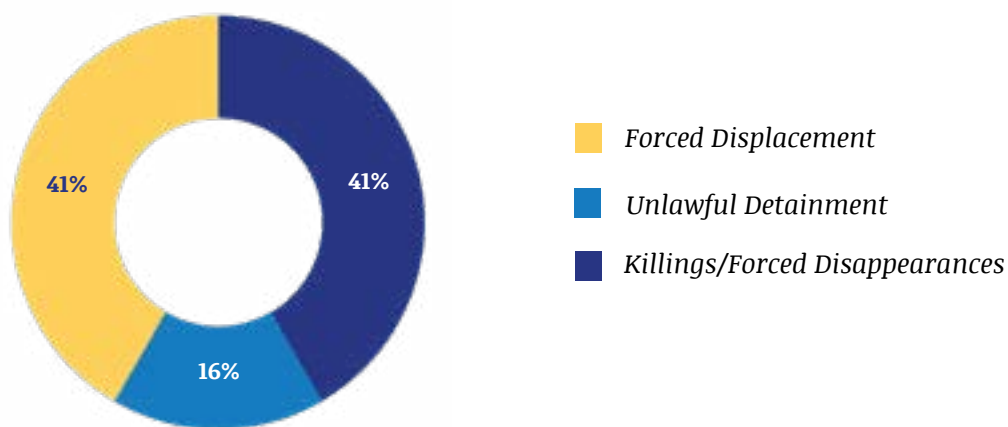
COVID-19 has continued to further expose the quickly deteriorating human rights situation in Burma. The safety of at-risk populations has already been made evident by increases in domestic violence, food shortages, and inadequate community shelters for quarantine purposes. Civil-society organizations have been working overtime to fill the gaps and facilitate food, basins for hand washing and disinfection sprayers.

Despite the United Nations General-Secretary Antonio Guterres calls for a global ceasefire, the Burma Army has failed to do so.<sup>7</sup> They have also rejected calls for ceasefires from the Brotherhood Alliance and the Chin National Front.<sup>8</sup> Clashes remain active across Burma's ethnic States indicating that COVID-19 has not changed the rules of combat. Further, the escalation of fighting amid the pandemic has allowed more human rights violations to take place with impunity. The main human rights violations ND-Burma members observed were an increase in were killings and forced disappearances (more than 5 cases per month), unlawful detainment (more than 5 cases per month) and forced displacement. According to AASYC, an average of 2000 people per month were forcibly displaced in areas of Kyaukaw, Mrauk-U, Paletwa, Minbya, Myebon, Ann, Ponnagyun, Rathedaung and Buthidaung Townships.

<sup>7</sup> COVID-19: UN chief calls for global ceasefire to focus on 'the true fight of our lives' 23 March 2020, UN News, 23 March 2020 <https://news.un.org/en/story/2020/03/1059972>

<sup>8</sup> Conflict, Health Cooperation and COVID-19 in Myanmar," International Crisis Group, 19 May 2020 <https://www.crisisgroup.org/asia/south-east-asia/myanmar/b161-conflict-health-cooperation-and-covid-19-myanmar>

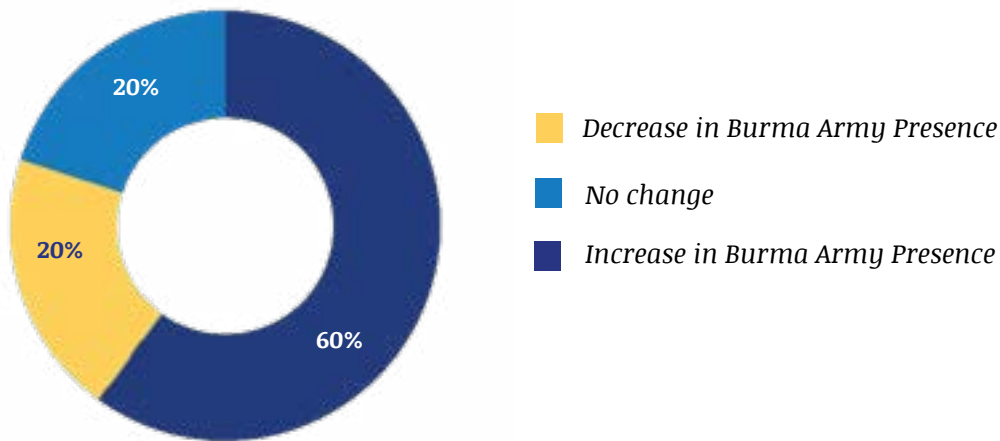
**Graph 1: Human rights violations during COVID-19**



The majority of the members reported an increase in the number of Burma Army troops in civilian areas, leading to an overall sense of insecurity and instability, particularly for those living in Western Burma. Member organization, HRDP, reported that during the COVID-19 pandemic there has been an exceptional amount of active conflict, and many civilians arbitrarily detained experience torture. Notwithstanding calls from civil society organizations (CSOs) and the interNational community to sign and ratify the United Nations Convention Against Torture, Burma has not done so. As a result, this brutal tactic is used in warfare commonly often on innocent civilians who are subsequently denied pathways to justice. Protection measures, such as access to courts and local authorities, have been minimized due to the many travel restrictions in place, particularly in remote areas.

ND-Burma member organizations noted that civilians do not feel safe and yet remain extremely limited in their capacities to themselves against the pandemic. Increased fighting in northern Shan, Rakhine and Chin States has created a vulnerability crisis that has left those least prepared to handle the pandemic with the fewest resources needed to uphold their dignity, rights and well-being. Realities that have made daily life more difficult include food shortages and road blocks needed to transport for food and materials. In several townships in Rakhine and Chin States, citizens are still experiencing unjustified denied access to the Internet – which could offer lifesaving information amid the pandemic. This has all been compounded further with several ND-Burma members including AASYC, FFPS-EB, FLC, TSYU, TWO, CHRO saying that their organizations had witnessed an increase of Burma Army troops in civilian areas.

**Graph 2: Increase in Burma Army presence in civilian areas**



There were no reported increases in cases of rape and other forms of sexual violence. However, HURFOM and TWO observed an increase in forced prostitution/human trafficking.



*During COVID19, there has been a lot of active conflict and civilians have experienced torture, which makes it difficult to get information about the situation on the ground.*

***People do not feel safe.***



## Part 2: Targeting of Human Rights Defenders, Civilians and Journalists

The abuse of emergency powers beyond the principles of necessity undermines the legitimacy that the Burma Army and government have in extending surveillance measures. While human rights law permits some justified restrictions during a pandemic, the exploitation of such decrees by the Burma Army has seen increased operations in civilian areas.

All ND-Burma members shared a concern for journalists in conflict areas amid the pandemic, with several groups including AASYC, HURFOM, PYO, and CHRO indicating that the media had been targeted for covering the conflict and the pandemic. In Rakhine States, ND-Burma member, AASYC observed that journalists were targeted for their news coverage of the conflict. Media access in Western Burma, particularly in townships where the Internet has been shut down by the Ministry of Transport and Communications, has been limited under the current restrictions, making it even more difficult to know of the true realities and experiences happening on the ground. The decision by the Burma government to continue to impose the ban in seven townships in Rakhine and Paletwa Township in Chin State has contributed to rising concerns over the safety of civilians who need life-saving information amid the pandemic, and yet are living in active conflict areas. Additionally, freedom of expression in Burma, notably has declined even more so during the pandemic leading the United Nations High Commissioner for Human Rights, Michelle Bachelet to call for the stop of misinformation in parts of Asia-Pacific.<sup>9</sup>

Of additional concern for journalists was the decision by the Burma government to block access to 221 websites, which were accused of sharing a fabrication of truth related to the pandemic.<sup>10</sup> This list has still not been made public. The COVID-19 pandemic has created more opportunities for the Burma government and military to target media outlets who are critical of their policies and overall response to the pandemic. In addition to journalists being threatened, HURFOM, PYO and CHRO said civilians have also been intimidated by the Burma Army for accepting aid, resources and information from EAOs, or non-States authorities.

The Burma Army has affirmed itself as a key responder and authority in crisis-management in response to COVID-19, which they are using to legitimize their increased presence in ethnic areas. Given the instability in the Region that has been heightened since the first confirmed case of COVID-19, it is perhaps no surprise that none of the ND-Burma members and affiliate members, nor their communities and beneficiaries, as defined by the organization's mission and vision, felt safe.

<sup>9</sup>Asia: Bachelet alarmed by clampdown on freedom of expression during COVID-19," 3 June 2020, United Nations Human Rights Office of the High Commissioner <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25920&LangID=>

<sup>10</sup> Myanmar blocks "fake news" websites amid COVID-19 pandemic," OONI, 5 June 2020 <https://ooni.org/post/2020-myanmar-blocks-websites-amid-covid19/>



***The decision by the Burma government to continue to impose the ban in townships in Rakhine and Chin States has contributed to rising concerns over the safety of civilians who need life-saving information amid the pandemic, and yet are living in active conflict areas.***

In what has emerged as a vulnerability crisis, ND-Burma members working on labor rights including FFPS-EB, FLC, HURFOM, and TSYU indicated that laborers had faced an increase in abuse, threats and intimidation. This also is not surprising as several governments across Asia-Pacific in the wake of the pandemic have resorted to blaming minority groups for the spread of the virus. This tactic is used systematically to divert blame for the poor handling of the virus and to harness military control where there may be uprisings and protests to such decisive narratives.

The crackdown on rights defenders and the media has led many to approach with caution in their reporting on COVID-19 to specifically protect at risk groups. Therefore, it is with the utmost urgency that the Burma government must ensure that any emergency laws in place do not under any circumstance prohibit fundamental human rights. All restrictions and blockages to information must be lifted and reliable access to information and various channels must not be blocked. Violations perpetrated against journalists, civilians and human rights defenders must be properly investigated through an independent judicial process that upholds the victim's dignity in a transparent manner.

## Challenges for Rights Defenders During COVID-19

The civil war in Rakhine and Chin States has shown no signs of abating as civilians and rights defenders remain more worried about being killed in the crossfire, than COVID-19.



Shrinking space for journalists and freedom of expression, and surveillance for those inside Burma. The restrictions imposed limit the areas that health workers and media can safely access to deliver life-saving materials and information.

Suspension of civil liberties – the military will continue to use and abuse their power to expand presence in ethnic areas.

Lack of justice and protection pathways – courts closed, protection measures have disappeared and are not being enforced.





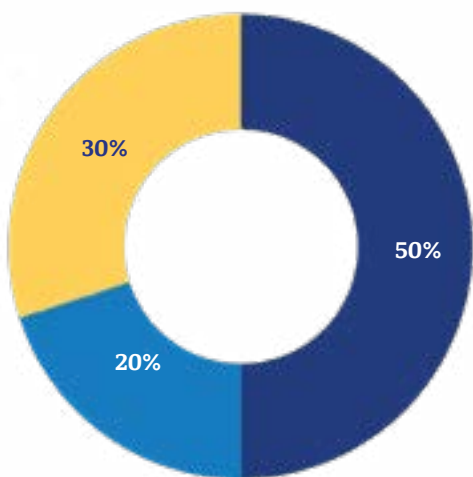
## Part 3: Stakeholder Response to COVID-19

Several stakeholders in Burma have responded through different approaches in the wake of the pandemic. However, what has remained concerning is the backdrop of civil war amid the public health crisis. CSOs and human rights defenders have noted that the prolonged conflict is killing more civilians than COVID-19.<sup>11</sup> Testing for the virus has been limited due to many being out of reach of adequate health infrastructure, or living in a conflict area where restrictions on movement are compromising travel to anywhere. Frontline volunteers have also spoken out, saying gaps remain in the COVID-19 response and are appealing to the NLD government to provide safety equipment and training to those supporting the relief effort.<sup>12</sup>

Most of the ND-Burma members felt that the National and States/Regional level governments had made efforts to ensure there were hand-washing stations and places for self and group quarantine, as well as had made information available. However, PYO and TWU felt these efforts were not successful where as HURFOM, TWO and CHRO believed these stakeholders had done a mediocre job.

<sup>11</sup> "Myanmar military steps up attacks as coronavirus spreads," 16 April 2020, Al Jazeera <https://www.aljazeera.com/news/2020/04/myanmar-military-steps-attacks-coronavirus-spreads-200416060255091.html>  
<sup>12</sup> "Civil society grapples with Covid-19 impact in Myanmar's ethnic areas," 4 May 2020, Myanmar Mix <https://www.myanmarmix.com/en/articles/civil-society-grapples-with-covid-19-impact-in-myanmars-ethnic-areas>

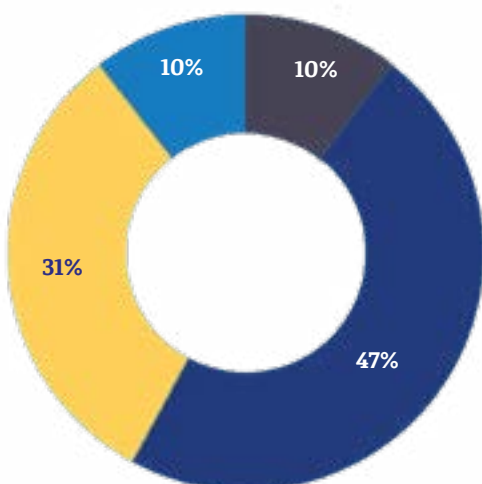
**Graph 3: Satisfaction with the Pandemic Response by National, States/Regional governments**



- The National, States/Regional governments have done a mediocre job at attempting to deliver services and meet the needs of the people.
- Yes, the National, States/Regional governments have provided personal protective equipment and made efforts to ensure there are handwashing stations, places for self and group quarantine and made information available.
- No, the National, States/Regional governments have failed to properly respond to prevention and protection measures needed to combat COVID-19.

As ND-Burma members are spread out geographically across different Regions and States, the organizations had different viewpoints on who the main responder to COVID-19 was. However, the majority felt that civil society was the primary focal point in filling government gaps in the pandemic response.

**Graph 4: Main Responder to COVID-19**



- National Government
- Ethnic Armed Organizations
- Civil Society Organizations
- States/Regional Governments

Despite many local human rights organizations being under resourced and under funded – and particularly more compromised during the outbreak, they have nonetheless made significant efforts to ensure the needs of their communities are met. Some of the outreach ND-Burma organizations are doing include HURFOM, who has been organizing food distribution and basic goods to eight villages in IDP areas. HURFOM made calls in May 2020 for the government to work more closely with CSOs and volunteers on the ground.<sup>13</sup> The majority of ND-Burma members felt that the States and Regional authorities had attempted to work with civil society, in contrast to only a few believing that the National government had made the same effort.

EAOs and CSOs have been vocal in their calls for more practical action on the ground from the government, and to specifically engage in a collective effort to combat the virus. Gaps identified include a need to provide more personal protective equipment to communities in remote areas as well as for more awareness information in ethnic languages. Much of this need emerged from the fact the many rights groups had to limit their operations to be in line with prevention and protection measures. On 23 March, TSYU made the decision to stop all meetings, training, workshops, consultations, and projects until May 19, but continued to share information and personal protective equipment to 18 ownships in northern and southern Shan State.<sup>14</sup>

All ND-Burma members except TWU agreed that perpetrators of human right violations had not been held accountable. Although, TWU noted that accountability largely depended on the case. AASYC said that sometimes the Burma Army claims they are taking legal action against military personnel, but these proceedings are rarely transparent. As the Commander in Chief has the final say in the military courts, it is unlikely justice will be served.

The exclusion of armed groups, especially in areas of heavy conflict, to ceasefire agreements, also fails to show any kind of genuine commitment to the prevention of further spread of COVID-19. This was made evident when just days after the Burma Army announcing a unilateral ceasefire (that notably excluded the Arakan Army), the Burma Army attacked the Ta'ang National Liberation Army in northern Shan State.<sup>15</sup> The Burma Army also burned down several Karen National Union COVID-19 screening posts<sup>16</sup> and pressured the New Mon State Party to withdraw their COVID-19 screening point.<sup>17</sup> The United Nations Security Council European member States and Britain, denounced violence continuing to escalate in Rakhine – especially over concern of the pandemic spreading in conflict areas.<sup>18</sup> ND-Burma affiliate member, Progressive Voice, observed the lack of sincerity behind the Burma Army's announcement of a unilateral ceasefire as conflict remains present despite rising concerns over the pandemic.<sup>19</sup>

<sup>13</sup> Ibid

<sup>14</sup> Ibid

<sup>15</sup> "Tatmadaw Fight With TNLA After Announcing Unilateral Ceasefire," 16 May 2020, Burma News International <https://www.bnionline.net/en/news/tatmadaw-fight-tnla-after-announcing-unilateral-ceasefire>

<sup>16</sup> "Burma Army Burns KNU Covid-19 Screening Posts – Pandemic Causes Peace Process Further Fractures," 8 May 2020, Karen News <http://karennews.org/2020/05/burma-army-burns-knu-covid-19-screening-posts-pandemic-causes-peace-process-further-fractures/>

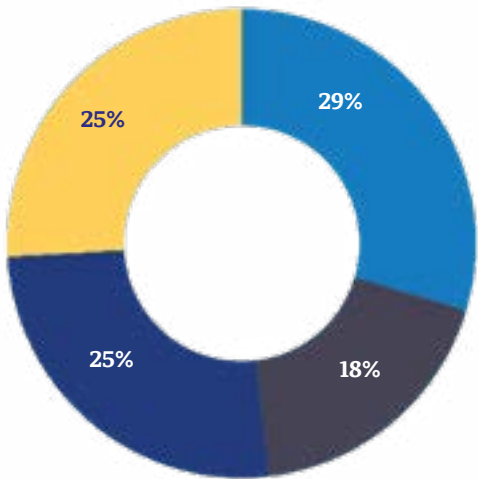
<sup>17</sup> "Tatmadaw Pressures NMSP To Withdraw C-19 Medical Checkpoint Near TPP Border," 16 May 2020, Mon News Agency <http://monnews.org/2020/05/16/tatmadaw-pressures-nmsp-to-withdraw-c-19-medical-checkpoint-near-tpp-border/>

<sup>18</sup> "EU, Britain denounce Myanmar violence at UN Security Council," 15 May 2020, The Straits Times <https://www.straitstimes.com/world/United-States/eu-britain-denounce-myanmar-violence-at-un-security-council>

<sup>19</sup> "A Whitewash of a Truce and the Pandemic," Progressive Voice Weekly Highlight, 25 May 2020 <https://progressivevoicemyanmar.org/2020/05/25/a-whitewash-of-a-truce-and-the-covid-19-pandemic/>

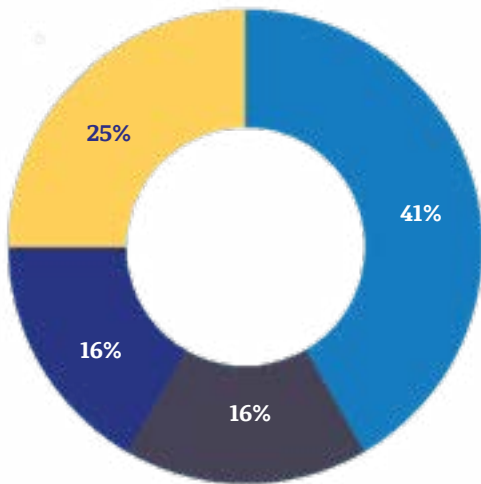


**Graph 5: How States authorities failed to protect civilians during COVID-19**



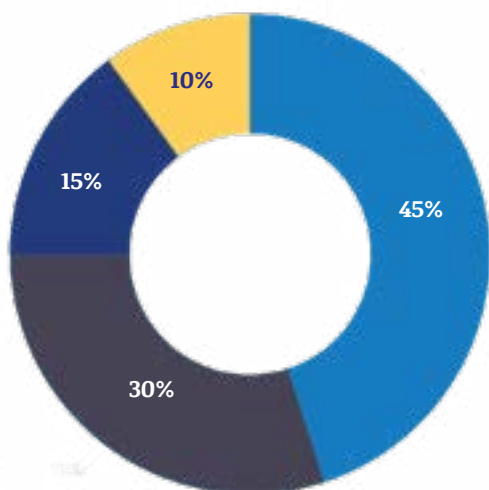
- Insufficient allocation of personal protective equipment to ethnic States, specifically rural areas.
- Authorisation of increased military presence.
- Lack of information shared.
- Lack of screening stations and place for safe quarantine.

**Graph 6: How Regional authorities failed to protect civilians during COVID-19**



- Insufficient allocation of personal protective equipment to ethnic States, specifically rural areas.
- Authorisation of increased military presence.
- Lack of information shared.
- Lack of screening stations and place for safe quarantine.

**Graph 7: How National authorities failed to protect civilians during COVID-19**



- Insufficient allocation of personal protective equipment to ethnic States, specifically rural areas.
- Authorisation of increased military presence.
- Lack of information shared.
- Lack of screening stations and place for safe quarantine.

All ND-Burma members agreed that Regional authorities had not attempted to work with EAOs in their respective areas. Whereas, most of the members felt that the National authorities had not attempted to work with EAOs.

ND-Burma members felt that the States and Regional authorities did not sufficiently allocate enough personal protective equipment to ethnic States, particularly in rural areas. A few organizations including CHRO, FFPS-EB, FLC, AASYC and TSYU also felt the States and Regional authorities had illegitimately justified an increased militarized presence. Meanwhile, at a National level there was a strong consensus by members that the National authorities felt that the biggest failure was the lack of personal protective equipment provided.

As COVID-19 exposes Burma's underfunded and ill-equipped health infrastructure, the health ministry has transformed public spaces to be used for quarantine sites and temporary medical facilities. However, concerns about the spread and containment of the virus has not ceased fighting. Even in the early stages of the pandemic, it was clear that the military was prioritizing their own safety and agenda before those of citizens in the country. The Burma Army is well funded through their capitalist ventures and crony interests which generate a profit through many military owned businesses. With their own budget and facilities for health care, which are inaccessible to the majority of the population, they were able to ensure a sense of protection in the early stages of the virus spreading. This further exposed cracks in Burma's public health system, which has struggled to have enough ventilators and personal protective equipment due to a lack of funding from the government.

## **Part 4: Conclusion**

Health and human rights are interconnected and access to affordable and quality health care for all must be granted. Unfortunately, in Burma the response to COVID-19 has become politicized and used as yet another tool for the Burma Army to advance its 'divide and rule' tactics. The continued advancement and expansion of soldiers in civilian areas shows the lack of concern the Burma Army has for upholding the protection of citizens, in favor of prolonging the civil war – even in the midst of a pandemic

# Recommendations

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## *To the NLD Government*

1. Extend efforts in working with civil society organizations and ethnic armed organizations working to respond and offer relief to communities in remote, ethnic areas.
2. Immediately lift the year-long Internet shutdown in Rakhine and Chin States to ensure civilians have access to life-saving information amid the pandemic and conflict.
3. Put pressure on the Burma Army to withdrawal troops and work together on an inclusive ceasefire that grants protection for all citizens.

## *To the Burma Army*

1. Withdrawal all battalions and troops from civilian areas and adhere to an inclusive, nationwide ceasefire at the very least until the pandemic is determined over by international health experts.
2. Accountability for crimes against civilians, including those which have been perpetrated under the information blackout in Rakhine and Chin States.
3. An immediate lift on all humanitarian aid blockages and restrictions, which are currently threatening the safety and overall well-being of civilians in conflict-areas.

## *To the International Community*

1. Continue to put pressure on the military to lift humanitarian aid blockages to ensure that lifesaving support can reach those who need it most.
2. Steadfast engagement and commitment to the efforts of local partners and grassroots civil society organizations who need personal protective equipment and information raising materials for rural communities in hard to reach areas.





## **Rights in Reverse**

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*[www.nd-burma.org](http://www.nd-burma.org)*

