

# **BURMA 2021 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Burma's military overthrew the democratically elected civilian government via a coup d'état on February 1, declaring a state of emergency and transferring all executive, legislative, and judicial authorities to the State Administration Council, an authoritarian military-run administrative organization led by armed forces commander in chief Min Aung Hlaing. The military detained key elected civilian leaders and dissolved all national and subnational legislatures, including the Union Parliament, forcing many elected members to flee their homes and offices or face potential arrest. On February 5, elected parliamentarians from the National League for Democracy and allied political parties formed the Committee Representing the Union Parliament, which subsequently declared the regime "illegitimate" and the 2008 constitution abolished before proclaiming a "National Unity Government" on April 16.

The Myanmar Police Force is primarily responsible for internal security. The Border Guard Police is administratively part of the Myanmar Police Force but operationally distinct. Both fall under the regime's Ministry of Home Affairs, led by an active-duty military general and itself subordinate to the military command. The armed forces under the Ministry of Defense are responsible for external security but are engaged almost exclusively in internal activities, including combat against ethnic armed groups. Members of the regime security forces continued to commit numerous gross violations of human rights.

Regime security forces arrested State Counsellor Aung San Suu Kyi, President Win Myint, and other leading members of the civilian government and National League for Democracy on February 1. Nationwide prodemocracy protests following the coup and the Civil Disobedience Movement, continuing as of November, opposed and disrupted efforts by the regime to exert full administrative control over governing institutions. The regime responded with repressive tactics such as the mass arrest of its political opponents and the use of widespread lethal violence against unarmed persons, including men, women, and children. Fighting between the military and ethnic armed organizations escalated, and the National

Unity Government announced on April 16 that it would establish armed People's Defense Force groups that would cooperate with various ethnic armed organizations.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; forced disappearances; torture and cruel, inhuman, or degrading treatment and punishment by the regime; gender-based violence by the regime; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; politically motivated reprisals against individuals in another country; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; punishment of family members for offenses allegedly committed by an individual; serious abuses in a conflict, including reportedly unlawful or widespread civilian harm, enforced disappearances or abductions, and torture and physical abuses or punishment; unlawful recruitment or use of child soldiers; serious restrictions on free expression and media, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, and censorship; and the existence of criminal libel laws; substantial interference with the freedoms of peaceful assembly and association; particularly severe restrictions on religious freedom; restrictions on freedom of movement; the inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; lack of investigation of and accountability for gender-based violence; trafficking in persons; crimes involving violence or threats targeting members of national and ethnic minority groups; the existence of laws criminalizing consensual same-sex sexual conduct between adults, although those laws were rarely enforced; significant restrictions on workers' freedom of association, including violence and threats against labor activists; and the use of forced and child labor, including the worst forms of child labor.

There continued to be almost complete impunity for abuses by the regime security forces. There was no credible information that the regime took actions to prosecute or punish officials responsible for human rights abuses or corruption.

Some ethnic armed organizations and Peoples Defense Force groups or members committed human rights abuses, including killings, disappearances, physical abuse

and degrading treatment, and failure to protect local populations in conflict zones.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were numerous reports that regime security forces committed arbitrary or unlawful killings of civilians, prisoners, and other persons in their power. According to the Assistance Association for Political Prisoners (AAPP), which noted that the actual number was likely to be much higher, there were 1,300 verified reports of persons killed by the regime as of November 22. Some ethnic armed organizations (EAOs) and Peoples Defense Force (PDF) groups or members committed human rights abuses, including killings, disappearances, physical abuse and degrading treatment, and failure to protect local populations in conflict zones (see also section 1.g.). Examples include the following.

On February 9, Mya Thwate Khaing was shot in the head by police while peacefully protesting the military coup in the capital, Nay Pyi Taw. She was taken to the hospital but died of her injuries several days later. Her death was widely considered the first fatality in the protest movement that began on February 2.

On February 28, regime security forces killed as many as 26 persons in eight cities and injured scores during a day of massive nationwide demonstrations against the regime. According to multiple media reports, eyewitnesses accounts, and documentary evidence, police arrested hundreds and used tear gas, flash-bang grenades, rubber bullets, and live rounds in confronting demonstrators.

On March 11, regime security forces shot and killed at least 11 persons in five cities according to multiple media reports, eyewitness accounts, and photographic evidence. Regime security forces used live rounds against unarmed demonstrators in addition to the use of tear gas, flash-bang grenades, and rubber bullets.

On March 27, a national holiday known as Armed Forces Day, regime security forces killed more than 100, including 13 children, across the country according to media reports, eyewitness accounts, and social media posts. Regime security forces met demonstrations on March 28 with further violence, killing at least 22

more individuals.

According to media reports, in April regime security forces continued to kill demonstrators and other civilians, including, on April 9, at least 28 persons in Bago Region. The killing came as regime security forces confronted demonstrators and sought to clear residents' makeshift barricades.

In May the Chin Human Rights Organization reported that the military cremated the bodies of two civilians who were allegedly tortured to death by regime security forces in Chin State's capital Hakha.

In July local media reported the death of 40 civilians allegedly killed by the military in Sagaing's Kani Township. According to a local resident who spoke with the news website *Irrawaddy*, "Junta troops raided our villages. We fled and found corpses when we came back to the villages."

In July local media reported the rape and killing of a 55-year-old woman by three soldiers in Kachin State. The military acknowledged the incident after the family filed a complaint, but no action was known to have been taken against the alleged perpetrators.

In September local media reported the King Cobra civilian defense group killed an alleged regime informant in Sagaing Region. King Cobra claimed its members committed 26 other killings.

AAPP alleged that at least 100 political prisoners died due to torture inflicted by authorities between February 1 and September 9. Well-known poet Khet Thi, who wrote the line, "They shoot in the head, but they don't know the revolution is in the heart," was reportedly tortured to death by regime security forces. The 45-year-old was detained on May 8 and died the following day in transit to the hospital in Monywa, Magway Region.

## **b. Disappearance**

There were numerous reports of disappearances allegedly committed by the regime.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or**

## **Punishment**

The law prohibits torture; however, members of regime security forces reportedly tortured and otherwise abused suspects, prisoners, detainees, and others. Such incidents occurred, for example, during interrogations and were widely documented across the country. Alleged harsh interrogation techniques were designed to intimidate and disorient and included severe beatings and deprivation of food, water, and sleep. Other reported interrogation methods described in news reports included rubbing salt into wounds and depriving individuals of oxygen until they passed out.

A 19-year-old prodemocracy supporter told local media that on April 9, he was taken to a military compound on the outskirts of Bago Township, Bago Region where “the commander tied my hands from the back and used small scissors to cut my ears, the tip of my nose, my neck and my throat.”

In April media reported regime forces struck Wai Moe Naing, a high-profile Muslim protest leader and a Muslim, with an unmarked vehicle during a motorbike demonstration in Monywa.

Transgender writer Han Nwe Oo shared on social media that while in detention she was ridiculed for being transgender, sexually assaulted, and faced “atrocious” interrogation for two days at a military camp inside Mandalay Palace, Mandalay Region in September.

According to nongovernmental organizations (NGOs), women in custody were subjected to sexual assault, gender-based violence, and verbal abuse. Police in some cases verbally abused women who reported rape. Women who reported sexual assault faced further abuse by police and the possibility of being sued for impugning the dignity of the perpetrator. On July 19, the UN special rapporteur on the situation of human rights defenders noted “[w]omen human rights defenders are particularly at risk in remote rural areas and are often beaten and kicked before being sent to prison where they may face torture and sexual violence with no medical care provided.”

In one case in April, Human Rights Watch (HRW) reported that security force members severely beat and sexually assaulted a female detainee accused of

involvement in small-scale bomb attacks against regime targets in Rangoon. Her injuries were so severe she struggled to eat or urinate. Her cellmate reported similar treatment.

Also in April, local media reported that a high school student from Rangoon was arrested with her mother and described how she was “touched by a police officer who told me he could kill me and make me disappear.”

In Rangoon a journalist detained in March told media he witnessed police burn a detained female journalist with cigarettes and threaten to rape her if she did not provide information on her involvement in prodemocracy activities.

Impunity for rights abuses was pervasive for security force leaders and members. There was no credible evidence that the regime took action to investigate incidents or punish alleged perpetrators of abuses or to include human rights training as part of its overall training of regime security forces. The regime routinely denied responsibility for atrocities. For example, in April local media reported that the regime issued a blanket denial of abuses during a meeting with the UN special envoy for Burma, rejecting her allegations as “one-sided,” while denying it had killed children, among other atrocities.

### **Prison and Detention Center Conditions**

Conditions in prisons, labor camps, and military detention facilities were reportedly harsh and frequently life threatening due to overcrowding; degrading and abusive treatment; and inadequate access to medical care (including COVID-19 treatment) and basic needs, including food, shelter, and hygiene.

**Physical Conditions:** There were 48 known prisons and 50 known labor camps in 2020. Women and men were held separately. Some prisons held pretrial detainees together with convicted prisoners. Children were sometimes held in pretrial detention with adults. More than 20,000 inmates were serving court-mandated sentences in labor camps located across the country in 2020; data were not available for the reporting year. The Associated Press reported on October 28 that the military had transformed dozens of public facilities (e.g., community halls) into interrogation centers across the country after the coup.

Several reports document poor conditions within prison facilities, including inadequate sewage systems, insufficient – and often inedible – rations, and a lack of basic necessities. Overcrowding was reportedly a serious problem in many prisons and labor camps. According to AAPP, occupancy at Insein Prison, the country’s largest, was nearly three times its intended capacity prior to the military coup.

Medical care was inadequate, and this reportedly contributed to deaths in custody. Prisons failed to adopt measures to protect prisoners from COVID-19, and there were widespread reports of COVID-19 transmission, illness, and deaths among prisoners. Despite regular regime reporting at national and subnational levels on COVID-19 cases and deaths, the regime failed to make data available on the impact of COVID-19 in prisons. According to AAPP, COVID-19 vaccinations were limited only to high-profile prisoners. In addition to COVID-19, prisoners suffered from other health problems, including malaria, heart disease, high blood pressure, tuberculosis, skin diseases, and intestinal illnesses caused or exacerbated by unhygienic conditions and spoiled food. There were also numerous reports of political prisoners being denied medical services.

Former prisoners complained of poorly maintained physical structures that provided no protection from the elements and were infested with rodents, snakes, and molds.

Conditions for women were deplorable, with a lack of access to sufficient toilets and no privacy. Prison guards denied requests for sanitary products for menstruation and other basic hygiene products. After the coup, sexual violence, gender harassment, and humiliation by officials increased.

In September human rights watchdog Just Power reported that a prominent human rights activist suffered from deteriorating health conditions as a result of her “unjust arrest and detention.” According to the report, regime security forces denied her access to health services, including to medicines provided by her family.

**Administration:** Prisoners and detainees could sometimes submit complaints to judicial authorities prior to the coup, but there was no clear legal or administrative

protection for this right. There is no credible evidence of prisoners and detainees submitting complaints after the coup. Some prisons prevented full adherence to religiously based codes of personal conduct, ostensibly due to space restrictions and security concerns.

In April local media reported that a journalist fasting in observance of Ramadan was accused of staging a hunger strike and sent to solitary confinement at Insein Prison.

**Independent Monitoring:** The Department of Corrections in the Ministry of Home Affairs operated the prisons and labor camp system.

The International Committee for the Red Cross had no access to prisons, labor camps, or military detention sites during the year. After March 2020, the Ministry of Home Affairs under the deposed civilian government claimed it could not allow access because of COVID-19 prevention measures. After the coup, the military continued to deny access to all prisons and detention sites.

The UN Office on Drugs and Crime did not have access to prisons or labor camps and on February 1, ended cooperative capacity-building programs with the Department of Corrections. The drug and crime office continued to provide limited COVID-19-related personal protective equipment and primary basic health care assistance (e.g., infection prevention and control supplies) directly to the prisons.

#### **d. Arbitrary Arrest or Detention**

The law does not prohibit arbitrary arrest. Persons held generally did not have the right to appeal the legality of their arrest or detention either administratively or before a court. The law allows authorities to order the detention without charge or trial of anyone they believe is performing or might perform any act that endangers the sovereignty and security of the state or public peace and tranquility.

#### **Arrest Procedures and Treatment of Detainees**

Incommunicado detention was common. Since the coup, the regime detained politicians, election officials, journalists, activists, protesters, and Civil



Disobedience Movement (CDM) members and refused to confirm their locations in violation of international law, according to HRW. In August AAPP reported that an estimated 5,000 individuals listed by the regime as “under detention” were in unknown locations, accounting for approximately 82 percent of arrests since the coup. Even when the whereabouts of prisoners was known, prisoners were regularly denied access to lawyers and family members.

After the coup, the military regime suspended aspects of privacy protection law to legalize arrests and private property searches without a warrant.

Authorities may hold suspects in pretrial detention for two weeks (with a possible two-week extension) before bringing them before a judge or informing them of their charges. The regime is not, however, obliged to respect this provision of the law. There is a functioning bail system, although the courts regularly denied bail to prodemocracy supporters. There were numerous reports that authorities did not inform family members or attorneys of arrests in a timely manner, did not disclose their location, and regularly denied family visitations.

**Arbitrary Arrest:** There were numerous reports of arbitrary arrest, including detention by the regime in unknown locations. Since the coup, regime security forces have made at least 8,000 arrests and more than 6,500 of those individuals remain in some form of detention.

In May, HRW reported the arrest of a lawyer defending a deposed local political leader after a court hearing in Nay Pyi Taw and the arrest of lawyer defending a political prisoner in Ayeyarwady Region. In June, HRW reported the arrest of a lawyer defending more than 120 political prisoners in Kachin State.

In July, UN human rights experts expressed concern about the arbitrary arrest of human rights defenders, citing credible information of such treatment of human rights defenders, including labor rights and student activists.

According to AAPP, among those the regime detained as of September were more than 175 family members of prodemocracy supporters, including 15 children. In August, for example, a family member delivering food and medicine to a political prisoner was detained at Insein Prison for six days. In September regime security forces reportedly arrested the wife and young child of a human rights activist to

coerce his surrender. The activist was charged under terrorism legislation for supporting the CDM. His wife and child were missing as of December.

According to the independent news service *Myanmar Now*, a 14-year-old boy was detained in Taungtha Township, Mandalay Region in September by the regime to coerce his father, a former local National League for Democracy (NLD) leader, to turn himself in to police. The boy's mother told a reporter, "They came for my husband and took the kid, saying they needed him to show them where dad was....I keep waiting for his release. I don't want anything else; I just want my son back."

**Pretrial Detention:** Prior to the coup, judges and police sometimes colluded to extend detentions. According to the Independent Lawyers' Association in 2020, arbitrary and lengthy pretrial detentions resulted from lengthy, complicated legal procedures and widespread corruption. These problems continued following the coup, worsened by the regime's ability to detain persons indefinitely without trial. For those facing trial, detention prior to and during trials sometimes equaled or exceeded the sentence after conviction. The regime amended the legal aid law in May, removing the right to legal aid services during pretrial detention. Additional amendments limited legal aid for stateless persons, asylum seekers, foreigners, and migrant workers.

#### **Detainee's Ability to Challenge Lawfulness of Detention before a Court:**

Although habeas corpus exists in national law, regime security forces violated this law by arresting and detaining individuals without following proper procedures. Arbitrary arrest or detention was drastically increased to suppress political dissent, according to AAPP and detainees had limited ability to meaningfully challenge the lawfulness of detention before a court due to its lack of judicial independence from the regime.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, a protection the regime has not respected. On February 4, the regime dismissed five NLD-appointed justices of the Supreme Court and replaced them with justices who support the regime. The remaining four justices, including the chief justice, were holdovers from the

previous military junta.

In February the regime declared martial law in numerous townships across the country and transferred judicial (and executive) power to regional military commanders in several cities. In martial law courts, defendants have few or no rights, including access to legal counsel and the right of appeal (except in cases involving the death penalty, which may be appealed to armed forces commander in chief Min Aung Hlaing). The hearings are abbreviated, the verdict is reached within one or two sessions, and the sentences are typically the maximum penalties allowed. According to regime public announcements, by November, 61 cases were heard in martial law courts, with 280 defendants convicted and sentenced, including at least 80 defendants sentenced to death.

Judicial corruption was a significant problem. According to NGOs, officials at all levels received illegal payments at all stages of the legal process for purposes ranging from influencing routine matters to substantive decisions, such as fixing the outcome of a case.

### **Trial Procedures**

Although no formal changes to trial procedures in civilian courts were made following the coup, the lack of judicial independence leaves much to the interpretation of the regime. The law provides for the right to a fair and public trial but also grants broad exceptions, effectively allowing the regime to violate these rights at will. While the right to counsel remains in the law, many defense lawyers were unwilling to handle prodemocracy cases due to fear for their personal safety. According to HRW, at least six lawyers handling political cases were arrested since the coup. Defendants do not enjoy a presumption of innocence or, even when the law provides for them, the rights to be informed promptly and in detail of the charges against them; to be present at their trial; to free interpretation; or to receive adequate representation. There is no right to adequate time and facilities to prepare a defense. Trial procedures were also affected by COVID-19 pandemic mitigation measures.

### **Political Prisoners and Detainees**

The regime detained and arrested politicians, election officials, journalists,

activists, protesters, religious activists, and CDM members. Political prisoners were not always held separately from the prison's general population. Many political prisoners were held incommunicado.

Many former political prisoners were subject to surveillance and restrictions following their release, including the inability to secure identity or travel documents. AAPP estimated that there were more than 6,000 political prisoners as of year's end.

Deposed state counsellor Aung San Suu Kyi was arrested on February 1 and held in an unknown location. She faced 11 separate charges for a range of offenses running from interacting with a crowd during the COVID-19 pandemic to sedition. Her trial was closed to the public and the regime placed a gag order on her attorneys so that the attorneys could not communicate with the public about her case. On December 6, she was convicted of inciting unrest and violating COVID-19 restrictions and sentenced to four years in prison. Also arrested February 1, deposed president Win Myint, was tried on the same charges and also convicted and sentenced to four years' imprisonment. Just hours after the news of guilty verdicts for Aung San Suu Kyi and Win Myint broke on December 6, state media announced that the regime had "reduced [their] sentences...by two years." The regime announcement also highlighted that the two would remain detained in their unknown locations, in conditions reportedly equivalent to house arrest.

**Amnesty:** The regime included some political prisoners among the more than 23,000 inmates released to mark Union Day on February 12. The regime released all those who met set criteria (e.g., not charged under Section 505 of the penal code, which criminalizes disseminating information that could agitate or cause security forces or state officials to mutiny), with no specific leniency for political prisoners. According to some human rights activists, the regime used the general pardon order to make space available for more political prisoners.

Amnesty was also granted to several high-profile ethnic Rakhine politicians, including Aye Maung and writer Wai Hin Aung, sentenced to long jail sentences for high treason under the deposed NLD government. In September the regime also released controversial ultranationalist Buddhist monk Ashin Wirathu, charged with sedition by the deposed government for comments he made during a 2019

promilitary rally.

## **Politically Motivated Reprisal against Individuals Located Outside the Country**

**Bilateral Pressure:** There were credible reports that the regime attempted to pressure the Thai government to impose stricter control on movement across the border with Burma to undermine the ability of prodemocracy supporters from organizations, including the National Unity Government (NUG) and the Committee Representing the Union Parliament that created it, to depart the country.

## **Civil Judicial Procedures and Remedies**

The law allows complainants to use provisions of the penal code and laws of civil procedure to seek civil remedies for human rights abuses. Individuals and organizations may not appeal an adverse decision to regional human rights bodies but may make complaints to the Myanmar National Human Rights Commission. After the coup, the ability of complainants to raise human rights abuses through the judicial system or the commission was limited.

## **Property Seizure and Restitution**

Under the 2008 Constitution the state owns all land, although there is a limited amount of freehold land, and the law allows for registration and sale of private land ownership rights. Most land is held in long-term lease, meaning that while the government still owns this leasehold, private parties may lease land on a long-term basis with a general expectation that the leasehold would automatically roll over upon its expiration. The law provides for compensation when the government acquires privately held land for a public purpose; however, the postcoup situation is unclear. The government may also declare land unused or “vacant” and assign it to foreign investors or designate it for other uses. There is no judicial review of land ownership or confiscation decisions; administrative bodies subject to regime control make final decisions on land use and registration. The law does not favor recognition of traditional land tenure systems (customary tenure). There were numerous reports that the regime used its authority to seize property of prodemocracy supporters.

In March the regime reportedly seized assets worth approximately \$3.8 million from staff members of a foundation accused of financially supporting the CDM.

In September the regime Anti-Terrorism Central Committee released a public notice requiring landlords to provide a list of tenants to their ward administration offices or face confiscation of the property.

As of November 15, credible media reports indicated that the regime has seized approximately 70 properties owned by NLD officials. The regime's amendment of three laws enabled the extrajudicial seizure of property owned by defendants. The regime has also seized properties belonging to members of the Committee Representing the Union Parliament and NUG or their families.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law protected privacy and the security of the home, but enforcement of these rights was limited after the coup. Unannounced nighttime household checks were common. The law does not protect the privacy of correspondence or other communications. The regime regularly monitored private electronic communications through online surveillance; there were numerous reports that the regime monitored prodemocracy supporters.

On March 1, the *New York Times* reported that the military employed invasive dual-use surveillance, hacking, and forensic technologies to monitor and target critics and protesters. Before the coup, the military built an “electronic warfare capability” and bought surveillance technology, including cell phone-hacking tools to monitor prodemocracy activists.

In July local news outlet *Frontier Myanmar* reported that the regime ordered mobile phone companies to install equipment to enable them to monitor calls, text messages, and locations of selected users, flagging each time they use words such as “protest” or “revolution.” Mention of these words may trigger heavier surveillance or be used as evidence against those being watched. The regime also monitored social media use, including data from visited websites, as well as conversations in public and private chat groups. According to the magazine

*Frontier Myanmar*, this “cybersecurity team” was based inside the police’s Special Branch, a notorious surveillance department that heavily monitored suspected dissidents in the previous era of junta rule.

### **g. Conflict-related Abuses**

After the coup, escalating conflict between the regime and joint EAOs-PDF groups focused on the northwest part of the country, with frequent fighting in Chin State and Sagaing and Magway Region. Conflict was also reported in Kachin, Kayah, and Karen States and in the Mandalay, Bago, and Tanintharyi Regions. Conflict between the military and the Arakan Army (AA) in Rakhine State declined following the coup because of a pre-coup de facto ceasefire. In March the regime removed the Arakan Army from its designated list of terrorist organizations; however, local media reported clashes between the AA and the military on November 9 after the military entered an AA-controlled area in the border area of Maungdaw Township.

Fighting between EAOs in Shan State continued.

Reports of killings, disappearances, excessive use of force, disregard for civilian life, sexual violence, and other abuses committed by regime security forces and some EAOs and PDF groups were common.

The NUG issued a code of conduct for PDF groups in June and included a call to respect human rights in its September 7 “people’s defensive war” declaration. No data was available to measure the impact of the NUG’s efforts to prevent human rights abuses by PDF groups.

**Killings:** Deliberate killings and deaths due to excessive or unjustified use of force by the regime were reported. For example:

On March 3, regime security forces killed at least 24 persons across the country in confrontations with peaceful demonstrators. In one Rangoon neighborhood alone, at least seven protesters died and 17 were critically wounded in a confrontation with regime security forces. Over the March 13-14 weekend, regime security forces shot and killed demonstrators indiscriminately across the country, killing at least 42.

In May a young mother in Magway's Salin Township reportedly died from indiscriminate military fire during a raid. According to *Myanmar Now*, the raid was in response to prodemocracy graffiti.

In July, NUG-designated Minister for Human Rights Aung Myo Min reported that the military killed at least 32 civilians and displaced more than 6,000 residents from 13 villages in Sagaing's Debeyin Township during intensified military operations targeting EAO and PDF strongholds.

In September the military was suspected of killing and mutilating five civilians in Magway's Gangaw Township. According to the *Irrawaddy*, the victims were shot, and in some cases mutilated or showed signs of torture.

Also in September, the *Irrawaddy* reported on the killing of 18 civilians in Magway's Yaw village perpetrated by the military. One resident recalled, "Most of them were shot in the head. Their heads were broken, and their brains spilled out like a ripe papaya that has fallen from a tree." An 86-year-old resident was found tied up, with signs that he had been beaten to death.

In late September, according to a Radio Free Asia report, security forces responding to an attack by local defense forces in Thantlang, Chin State, shot and killed Baptist pastor Cung Biak Hum as he and others tried to extinguish fires the forces set. When his body was recovered, his ring finger was cut off and the wedding ring apparently stolen.

On December 5, regime security forces violently suppressed prodemocracy protesters in Rangoon. Tactics included, according to numerous reports, ramming a police vehicle directly into a crowd, killing five and injuring another 15. Escalating violence between the military and EAOs exposed many children to violence. AAPP reported in September that 61 children were killed in military-EAO conflicts.

**Physical Abuse, Punishment, and Torture:** There were reports of such abuses by EAOs and PDF forces. In December *Myanmar Now* reported the targeting of alleged military informants and others seen as sympathetic to the regime. In June commanders of the Karen National Defense Army, the armed wing of the Karen National Union, confirmed Karen National Defense Army soldiers killed 25



alleged military spies and detained 22 others for approximately one week near Waw Lay, Myawaddy Township, Karen State.

**Child Soldiers:** The military and some EAOs (Kachin Independence Army, AA, Ta'ang National Liberation Army, Karen National Liberation Army, Shan State Army, and Arakan Rohingya Salvation Army) were listed in the UN secretary-general's *2021 Annual Report on Children and Armed Conflict* as perpetrators of the unlawful recruitment and use of children. There were no data on PDF groups. Meaningful use of the National Complaint Mechanism, focused on the elimination of forced labor but which also prohibits the use and recruitment of child soldiers, was limited after the coup. There was no credible evidence that the regime or EAOs prosecuted offenders.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/trafficking-in-persons-report/](http://www.state.gov/trafficking-in-persons-report/).

**Other Conflict-related Abuse:** According to numerous local media reports, UN counterparts, and NGOs the regime restricted the passage of relief supplies, including medical supplies, and access by international humanitarian organizations to conflict-affected areas including in Kachin, Chin, Kayah, Karen, Tanintharyi, and Shan States. HRW reported on December 13 that restrictions on humanitarian assistance imposed by the regime since the coup were creating a “nationwide humanitarian catastrophe.” The United Nations estimated that the number of persons needing assistance would go from one million before the coup to 14.4 million by 2022. On November 8, the United Nations stated, “access to many people in desperate need across the country remains extremely limited due to bureaucratic impediments put in place by the armed forces.” HRW further reported that the military has seized food deliveries meant for displaced populations and arrested individuals on “suspicion of supporting aid efforts.” Visas for aid workers have also been delayed or denied. UNICEF reported in October that “the need to procure travel authorization [from the regime] remains a major access impediment and a high constraint factor for the humanitarian partners’ capacity to reach people in need.”

The regime reportedly forced civilians to act as human shields, carry supplies, or serve in other support roles. In September the Karen National Union reported to a

local media outlet that approximately 300 civilians, including a number of women and children, were forced by regime security forces to perform military support duties. In September, Democratic Voice Burma reported that more than 100 soldiers abducted five local residents to act as guides for regime security forces in Kachin State.

As of September, the World Health Organization reported 260 attacks on health-care workers since the coup, representing 39 percent of such attacks globally during the year. In a February case, a doctor was arrested in Rangoon for providing first aid to prodemocracy supporters who had been shot while peacefully protesting. In July the *Irrawaddy* reported that the regime arrested five volunteer doctors working on COVID-19 prevention activities after luring them to a house under false pretenses.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The 2008 Constitution provides that “every citizen shall be at liberty in the exercise of expressing and publishing freely their convictions and opinions,” but it contains the broad and ambiguous caveat that exercise of these rights must “not be contrary to the laws enacted for national security, prevalence of law and order, community peace and tranquility, or public order and morality.” The postcoup regime led a full-scale crackdown on freedom of expression.

**Freedom of Expression:** Freedom of speech was severely limited. Those who spoke openly against the regime or in favor of the NLD, NUG, or democracy more broadly risked abuse and punishment by authorities. On September 4, poet and activist Maung Saungkha was convicted under Section 19 of this law after he placed a banner over a highway during a protest marking the one-year anniversary of restrictions on mobile internet communications in parts of Rakhine and Chin States. Maung Saungkha chose to pay a fine of 30,000 kyat (\$22.50) rather than serve a 15-day prison sentence.

The regime used the Law Protecting the Privacy and Security of the Citizens to

allow authorities to review content on individuals' cell phones at checkpoints and during neighborhood raids. The regime reportedly employed violence and targeted killings to silence critics in civil society. Violence against persons engaged in speech deemed antiregime was allegedly used by proregime ultranationalist Buddhist groups as well as security forces and included maiming, kidnapping, and torture. The regime intimidated many prodemocracy voices among the public who previously spoke openly about politically sensitive topics. (See also "Internet Freedom," below.)

A prodemocracy activist in Rangoon said during a media interview that regime security forces beat him as authorities transported him to a local interrogation center in February. The next morning, he was unable to eat due to injuries he had sustained during his first night in detention. He reported being tortured for days and only released after signing a statement denying the use of torture by the regime.

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** Prior to the coup, independent media outlets were active and able to operate despite many official and unofficial restrictions, economic hardship, and an uncertain business environment. After the coup, analysts reported the closure of 71 media outlets, ranging from well-known national, regional, and ethnic media to small Facebook pages. Regime crackdowns on media resulted in the arrest, detention, loss of work, and forced exile of more than 1,000 journalists, editors, and media staff – approximately 50 percent of pre-coup total. For example, two Kamayut Media journalists were arrested in March, one was released on June 15 and the other remained in detention at year's end. In Mandalay the regime arrested and subsequently released freelance journalists. Eleven media and the *Voice Daily* self-censored and avoided criticism of the regime. The *Myanmar Times* and *Union Daily* have ceased publication, and *Irrawaddy*, *Frontier*, and *Myanmar Now* operated mostly in exile from outside the country.

In May the regime banned satellite dishes to restrict access to international news. The regime offered three public television channels – two controlled by the Ministry of Information and one controlled by the military. Two private companies that had strong links to the previous military regime continued to broadcast six free-to-air television channels. The regime and regime-linked

businesspersons controlled eight FM radio stations. In August the NUG launched Radio NUG, a clandestine service that provided two 30-minute reports daily with prodemocracy content.

**Violence and Harassment:** The regime subjected journalists and other media workers to violence, harassment, detention, and intimidation for their reporting. According to AAPP, at least 95 journalists were unjustly arrested after February, and more than half of those remained in detention as of November. Among journalists detained by the regime were reporters from the Associated Press, the *Ayeyarwady Times News*, and many more outlets. In April the *New York Times* reported that many journalists stopped wearing helmets or vests marked with the word “PRESS,” did not publish under their own names, and avoided sleeping at home. On December 14, local media reported that freelance photojournalist and graphic designer Soe Naing died in regime custody after his arrest on December 10 while covering the “Silent Strike.” Soe Naing reportedly died after a violent interrogation, marking the first known death of a journalist while in regime custody since the coup.

Authorities arrested Polish photojournalist Robert Bociaga on March 11 in Shan State and deported him after he was held in detention for 13 days.

In April authorities detained Yuki Kitazumi, a Japanese freelance journalist, and accused him of supporting prodemocracy protests. Authorities released and deported Kitazumi in May.

**Censorship or Content Restrictions:** After the coup, the regime banned independent media outlets that did not self-censor reporting on the prodemocracy movement. The regime also banned using certain terminology in reporting, such as “junta,” “coup d’etat,” and “military council.” The *Myanmar Times* suspended publication on February 21 after many of its staff quit to protest the leadership’s decision to follow the regime order not to describe the military takeover as a “coup.” On March 8, the regime banned broadcast, online, and print media *Mizzima*, *Democratic Voice Burma*, *Khit Thit Media*, *Myanmar Now*, and *7Day News* from broadcasting or reporting on any platform. Each of these media organizations had extensively covered the protests, including on their social media pages. The regime later revoked the licenses of three ethnic-minority-run outlets:

*Myitkyina News Journal* from Kachin State, Tachileik News Agency from Shan State, and 74 other media outlets suspended their operations in response.

**Libel/Slander Laws:** Even before the coup, the military could and did use various legal provisions, such as a criminal defamation clause in the telecommunications law, to restrict freedom of expression. After the coup, the regime primarily relied on Section 505 of the penal code to prosecute journalists. Following his arrest on March 3 in Bago Region, a reporter covering prodemocracy protests from the radio and television company *Democratic Voice Burma* was the first after the coup to be charged under this section of the law. According to media reports, he was brutally beaten and seriously injured during his arrest. On May 3, he was sentenced to three years in prison. In June two other journalists were sentenced to two years in prison. According to the Committee to Protect Journalists, at least 24 journalists were facing charges under the broadened Section 505A that includes penalties for spreading “false news.”

**National Security:** Although the regime prosecuted some media critics using laws related to national security, in general the regime used other methods to pursue its critics. The regime designated the NUG and related prodemocracy groups as terrorist organizations but as of November had not arrested or tried any members of these on terrorist charges.

## **Internet Freedom**

The regime surveilled and censored online content, restricted access to the internet, and prosecuted its online critics. Even before the coup, the telecommunications law included broad provisions giving the government the power to temporarily block and filter content for the “benefit of the people.” According to Freedom House, the regime, the military, and promilitary groups pressured users to remove antiregime and prodemocracy content. Myanmar law does not explicitly include provisions to force the removal of content or provide for intermediary liability, although some sections of law are so overly broad and vague that they may be used to justify forced content removal. Regime authorities instead used, or threatened to use, other criminal provisions of law to pressure internet users to remove content.

The regime limited users’ ability to communicate anonymously by requiring users

to register all SIM cards. Subscribers were required to provide their name, national registration document, birthday, address, citizenship, and gender to register a SIM card; noncitizens must provide their passports. Telecommunications companies reportedly required some subscribers to include information beyond the bounds of the regulations, including their ethnicity.

Telecommunications and internet surveillance allegedly contributed to violent crackdowns on citizens, including physical assaults and enforced disappearances in retaliation for online and offline activities.

During the February protests, social media was a crucial vehicle for demonstrators and activist leaders to organize and encourage support for the prodemocracy movement. That month the regime censored social media websites, such as Facebook and Twitter, used by prodemocracy groups and protesters to resist the regime. Throughout the period since the coup, authorities allegedly arrested Facebook users found to have posted antiregime content or used profile photos with text supporting, for example, recognition of the NUG at the United Nations. Amnesty International reported in October that the regime arrested a prodemocracy supporter from his home in Rangoon for posting a picture on Facebook showing someone stepping on a photo of commander in chief Min Aung Hlaing. Authorities also reportedly arrested and detained individuals who followed Facebook, Twitter, and other pages of prodemocracy actors. Online news sites such as those of the BBC, Singapore-based CNA, and CNN were banned after the coup. Most individuals relied on virtual private networks to access independent online news.

In the days following the coup, Netblocks, a London-based service that tracks internet disruptions, reported “a near-total internet shutdown,” with connectivity falling to just 16 percent of normal levels. While internet connectivity later largely returned, occasional reports of targeted cuts across the country continued. For example, on September 15, the *Irrawaddy* reported that the regime cut off internet access in several townships in Sagaing and Mandalay Regions believed to be PDF strongholds.

In May media reported that the regime shared a “whitelist” of at least 1,200 approved websites with local internet service providers and telecommunications

companies. The approved “whitelist” included nearly 50 companies in the banking and financial sector, more than 20 delivery services, and more than 60 entertainment sites, including Instagram, YouTube, Netflix, and Tinder. The whitelist further specified that some social media sites were permitted if “used by many customers for business purposes.”

Following the coup, the regime twice imposed nationwide internet blackouts to suppress the prodemocracy movement, followed by nightly internet blackouts for an extended period. The regime routinely used internet blackouts as a tool against its opponents including in Chin State and Sagaing and Magway Regions. These measures hampered daily business activities and consumer spending. The NGO Freedom House singled out the country for heavy criticism in its *Freedom on the Net 2021* report due to the military’s shutting down the internet, blocking social media, and forcing tech companies to hand over personal data as part of its efforts to consolidate power after the coup. Freedom House documented a 14-point decline in internet freedom indicators, the largest ever recorded in its report.

### **Academic Freedom and Cultural Events**

The regime restricted academic freedom and cultural events. Violent crackdowns by the regime on student and teacher prodemocracy supporters affected at least 60 schools and university campuses across the country. The regime reportedly dismissed or arrested dozens of university staff, and suspended thousands more for their involvement in the CDM. In May the *Irrawaddy* reported that the regime Education Ministry dismissed 41 striking staff members, including 14 officials from the Higher Education Department. The Institute for International Education Scholar Rescue Fund reported receiving numerous requests for support from academic personnel targeted by the regime since the coup. The regime also targeted prominent prodemocracy cultural figures including filmmakers, writers, singers, and actors. In March organizers of the Wathan Film Festival issued a statement on behalf of visual artists, cartoonists, comedians, actors, writers, and poets, calling on the global creative community to show solidarity with the population.

In November *Myanmar Now* reported that a teacher from Mandalay Region participating in the CDM died hours after his arrest. A colleague of the 40-year-

old high school teacher shared, “We were only told that he died during the interrogation...his body was all wrapped up with only his face exposed.”

## **b. Freedoms of Peaceful Assembly and Association**

The regime curtailed the exercise of the freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

In the initial days after the coup, hundreds of thousands of individuals took to the streets peacefully to protest the military takeover and demand the release of Aung San Suu Kyi. On February 8, the regime ordered curfews and restrictions on the size of gatherings that effectively banned peaceful public demonstrations across the country, although demonstrations continued, nonetheless. Regime security forces met protesters with increasing violence and lethal force. According to numerous reports in local media, small-scale prodemocracy protests continued across the country as of November despite violent intimidation and suppression by security forces.

### **Freedom of Association**

The regime restricted the right to freedom of association. The law on registering organizations stipulates voluntary registration for local NGOs and removes punishments for noncompliance for both local and international NGOs. Prior to the coup, the government interpreted the law as requiring NGOs that received foreign funding to register with the government. After the coup, the regime required banks to report on all foreign funds received by both local and international NGOs.

## **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

## **d. Freedom of Movement and the Right to Leave the Country**

The law does not protect freedom of internal movement, foreign travel, emigration,



or repatriation. Local regulations limit the rights of citizens to settle and reside anywhere in the country. Authorized officials may require the registration of foreigners' movements and require foreigners to register every change of address exceeding 24 hours.

**In-country Movement:** Regional and local orders, directives, and instructions restricted freedom of movement. The regime increased restrictions on freedom of movement after the coup. Numerous local media reports described regime security force roadblocks and the random searches of private cars and taxis. Nightly curfews in Rangoon and several other cities also restricted movement, as did a reinstated requirement that all visitors register with the local ward administrator. Local media reported that the regime harassed, including by seizing ambulances, health-care workers when medical emergencies required them to break curfew. Due to escalating conflict with the military, the NUG and EAOs warned civilians to travel only in case of an emergency. For example, the Thantlang Revolutionary Campaign informed residents in September not to go out after 7 p.m., not to go hunting or into the jungle unless absolutely necessary, and to take extra care when traveling. COVID-19 mitigation regulations also contributed to restriction of movement.

Limitations on freedom of movement for Rohingya in Rakhine State were unchanged. Rohingya may not move freely; they must obtain travel authorization to leave their township. In contrast to the pre-coup rule that Rohingya traveling without documentation could return to their homes without facing immigration charges, the regime's General Administration Department issued a directive resuming legal actions against Rohingya traveling without permission in Sittwe and Kyauktaw.

**Foreign Travel:** The regime restricted foreign travel by prodemocracy supporters and expanded measures to increase oversight. According to an official order dated May 13, "The authorities have directed airlines that all bookings for departures from Myanmar must be made at least 10 days in advance of the intended departure and be shared with [the] Ministry of Foreign Affairs." The regime also reportedly cancelled, or refused to issue, passports to prodemocracy supporters. The regime notified the diplomatic community in Thailand and India that it had taken this action against multiple prodemocracy leaders. Numerous prodemocracy

supporters expressed concern for their security and safety if they tried to leave the country by air, and at least one person reported being denied boarding because she was related to an NLD member. COVID-19 mitigation efforts also restricted foreign travel.

### **e. Status and Treatment of Internally Displaced Persons**

The Office of the UN High Commissioner for Refugees (UNHCR) estimated that 296,000 recently arrived individuals were living as internally displaced persons (IDPs) as of December 17 due to postcoup violence in Southeast Burma, Kachin and Shan States, and Northwest Burma. A total of 666,000 persons were internally displaced in the country as of December 1. Decades of conflict between the central government and ethnic communities, exacerbated by the coup and the COVID-19 pandemic, resulted in large numbers of primarily ethnic-minority IDPs in ethnic-dominated parts of the country.

In June the United Nations estimated that more than 100,000 persons had fled their homes to escape conflict and risked starving in Kayah State alone. *Myanmar Now* reported on June 16 that the Karenni Nationalities Defense Force announced the temporary suspension of attacks on the military amid the growing crisis.

The regime has systematically obstructed humanitarian relief. In June local media reported that the military burned bags of rice, barrels of cooking oil, and other staples that locals from southern Shan State gathered to support those displaced from an escalation in fighting. In September, for example, amid an escalation in conflict, the military blocked humanitarian supply routes to 50,000 IDPs in Chin State, according to Radio Free Asia. According to local media, fighting erupted in Lay Kay Kaw Township, Karen State, the evening of December 14 between opposition forces and regime security, displacing at least 4,000 individuals including local residents and prodemocracy supporters seeking safe haven in the area. Democratic Voice Burma news reported that regime security forces continued to shoot at civilians as they fled for safety. HRW reported in December that the regime has imposed travel restrictions on humanitarian workers, blocked access roads and aid convoys, and destroyed nonmilitary supplies.

## **f. Protection of Refugees**

The regime did not always cooperate with UNHCR or other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, or other persons of concern.

**Access to Asylum:** The law does not provide for granting asylum or refugee status, and the government has not established a system for providing protection to refugees. UNHCR did not register any asylum seekers during the year.

## **g. Stateless Persons**

The law defines a “national ethnic group” as a racial and ethnic group that can prove origins in the country dating back to 1823, a year prior to British colonization, and the regime officially recognized 135 “national ethnic groups” whose members are automatically granted full citizenship. The law also establishes two forms of citizenship short of full citizenship: associate and naturalized. Citizens in these two categories are unable to run for political office; form a political party; serve in the military, police, or public administration; inherit land or money; or pursue certain professional degrees, such as medicine and law. Only members of the third generation of associate or naturalized citizens are able to acquire full citizenship.

Rohingya, most of whom are Muslim, are not recognized as a “national ethnic group” and the vast majority are stateless as a result. Following the forced displacement of more than 740,000 Rohingya to Bangladesh in 2017, up to 600,000 Rohingya were estimated to remain in Rakhine State. Some Rohingya may be technically eligible for full citizenship. The process involves additional official scrutiny and was complicated by logistical difficulties, including travel restrictions and significant gaps in understanding the Burmese language. In practice this also required substantial bribes to regime officials, and even then, it did not result in equality with other full citizens. In particular, only Rohingya were required to go through an additional step of applying for the National Verification Card, through which they receive identity documents that describe them as “Bengali.” Regime officials treat Rohingya with the presumption of noncitizenship. This could lead to discrimination in access to public services and a

wide range of societal discrimination.

There were also significant numbers of stateless persons and persons with undetermined nationality, including persons of Chinese, Indian, and Nepali descent. Although these latter groups did not face the same level of official and social discrimination as Rohingya, the regime granted members of these groups only the lesser rights, and imposed the greater restrictions, of associate and naturalized citizenship. The regime did not single these groups out the same way as Rohingya when obtaining citizenship.

The law does not provide any form of citizenship (or associated rights) for children born in the country whose parents are stateless.

### **Section 3. Freedom to Participate in the Political Process**

Prior to the coup, the constitution provided citizens a limited ability to choose their government through elections held by secret ballot. The military deposed the democratically elected parliament and dissolved the Union Election Commission (UEC), appointing a former military major general to replace the ousted UEC chairman. On July 26, the military regime UEC announced that it had annulled the results of the November 2020 general elections, which domestic and international observers assessed as largely reflective of the will of the electorate, despite some identified irregularities and local election cancellations in some ethnic areas.

On October 16, the regime UEC announced that upcoming regional elections were cancelled across most of Rakhine State and in various other ethnic areas in Kachin State, Shan State and elsewhere.

The regime used laws against terrorism to arrest and punish groups and individuals who were active in the country's precoup political life. The regime designated the NUG, the Committee Representing the Union Parliament, and PDF groups as unlawful terrorist organizations. According to the law, anyone associated with these groups could face 10 years to life in prison, although no one had come to trial as of year's end.

## **Elections and Political Participation**

**Recent Elections:** Observers considered the 2020 national elections to be generally reflective of the will of the population, notwithstanding some structural shortcomings. The NLD, chaired by Aung San Suu Kyi, won more than 80 percent of the 1,150 contested seats at the state, regional, and union levels in those elections. The NLD won 396 of 476 races for national assembly seats; a military-affiliated party won 33, and various ethnic parties took 47 seats. The 2008 constitution bars Aung San Suu Kyi from the presidency due to her marriage to a British national.

**Political Parties and Political Participation:** Political parties faced narrowing political space amid regime investigations and threats to ban them from competing in elections. Political parties not aligned with the military were denied the rights to assemble and protest peacefully. The military regime, moreover, conducted politically motivated investigations into prodemocracy political parties and their leaders, particularly the NLD. In May the UEC began investigations into the 93 registered political parties, including financial audits. In an August 27 letter, the UEC threatened that if political parties did not submit financial statements, their party registration could be suspended.

**Participation of Women and Members of Minority Groups:** No laws limit the participation of women in the political process, and they did participate in elections. Laws limiting the citizenship status of many ethnic minority groups (see “Stateless Persons” above) also limited their rights to participate in political life. Women and members of historically marginalized and minority groups were underrepresented in government prior to the coup. Some policies (as opposed to laws and regulations) limited women’s participation in practice.

In the 2020 general elections, 194 women were elected to parliament.

## **Section 4. Corruption and Lack of Transparency in Government**

Since the coup, the Anti-Corruption Commission has regularly targeted deposed NLD politicians and other former civilian government leaders for prosecution

under anticorruption law. As of November, the commission charged at least 45 former NLD and civilian government officials, including Aung San Suu Kyi, former president Win Myint, union-level ministers, and state and region ministers appointed by the previous government. Most observers considered these charges baseless.

Corruption was widespread in all dimensions of political life, including especially the judicial system. Petty extortion by police was paralleled by more serious graft at higher levels, such as demanding bribes from victims to conduct criminal investigations.

**Corruption:** Although corruption was widespread, unlike the civilian government it overthrew, the regime used corruption laws almost exclusively against opponents, as noted. Such cases, which often relied on coerced testimony, did not provide an accurate picture of actual corruption.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

The regime did not allow domestic human rights organizations to function independently. Human rights NGOs were able to open offices and operate, but reported harassment, monitoring by authorities, and arbitrary detention. The regime, for example, sometimes pressured hotels and other venues not to host meetings organized by activists or civil society groups. Regime security forces also raided and damaged NGO offices. These restrictions went beyond standard COVID-19 mitigation efforts.

**The United Nations or Other International Bodies:** The regime systematically denied attempts by the United Nations and other international organizations and NGOs to investigate human rights abuses or to access the locations of alleged abuses. Foreign human rights activists and advocates, including representatives from international NGOs, continued to be restricted to short-term visas that required them to leave the country periodically for renewal. Several international NGOs' local partners were repeatedly asked to show financial statements and other documents that revealed their relationship with foreign funders.

The regime refused to cooperate with or grant access to the Independent Investigative Mechanism for Myanmar created by the UN Human Rights Council to investigate alleged atrocities in the country.

The regime continued to refuse entry to the UN special rapporteur on the human rights situation in the country. While the prior civilian government permitted the UN secretary-general's special envoy for Burma to open an office in the country in 2019, the regime denied the envoy and her staff permission to enter the country after the coup.

**Government Human Rights Bodies:** The Myanmar National Human Rights Commission has the power to conduct independent inquiries, and in some cases may call for investigations into abuses. In fact the commission had limited ability to operate as a credible, independent mechanism. Before the coup, the commission investigated some incidents of human rights abuses, but no investigations took place after February 1. The commission released photos of commission members visiting prisons, labor camps, and police detention facilities between May and June. No findings from the visits were released. The NUG established a Human Rights Ministry, which pledged to document human rights abuses committed by regime security forces. The Independent Commission of Enquiry for Rakhine State has not been active since the coup.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** Rape of women and men is illegal but remained a significant problem, and the regime did not enforce the law effectively. Rape of a woman outside of marriage carries a maximum sentence of 20 years in prison. Spousal rape is not a crime unless the wife is younger than the legal age of marriage (which may vary according to ethnicity or religion), and the penalty is a maximum of two years in prison. The law prohibits committing bodily harm against another person, but there are no laws specifically against domestic violence or spousal abuse unless the wife is younger than the legal age of marriage. Overlapping and at times contradictory legal provisions complicated implementation of these limited protections.

Domestic violence against women, including spousal abuse, remained a serious problem. Abuse within families was prevalent and considered socially acceptable. Spousal abuse or domestic violence was difficult to measure because the government did not maintain comprehensive statistics and survivor typically did not report it, although the government attempted to document cases, and reported cases were on the rise.

**Sexual Harassment:** The law prohibits sexual harassment and prescribes a maximum penalty of two years in prison if the harassment involves physical contact. Harassment is punishable by a fine or up to one year in prison. The regime did not report information on the prevalence of the problem, and many of these crimes were unreported. NGOs reported regime police investigators were not sensitive to survivors and rarely followed through with investigations or prosecutions.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. The law allows the government to impose coercive birth-spacing requirements – 36 months between children – if the president or national government designates “special regions” for health care based on factors such as population, migration rate, natural resources, birth rates, and food availability. In such special regions, the government may create special health-care organizations to perform various tasks, including establishing family planning regulations. The government did not designate any such special regions.

In Rakhine State, local authorities prohibited Rohingya families from having more than two children, although some Rohingya with household registration documents reportedly circumvented the law.

The law otherwise limits the right of individuals to manage their reproductive health. Access to sexual and reproductive health services, including emergency contraception, for sexual violence survivors through public and private facilities was very limited and further exacerbated by the collapse of the public-health system after the coup. While September reports from Population Services International indicated that demand for oral contraceptives increased significantly in Rangoon after the coup, access to family planning was limited in rural areas. Economic hardship and security concerns in conflict-affected regions also limited



access to family planning.

The Department of Social Welfare adapted gender-based violence services to COVID-19 restrictions, including expanding virtual platforms for online training.

The United Nations estimated in 2017 that the maternal mortality rate nationwide was 250 deaths per 100,000 live births. No more recent reliable data were available. The 2017 *National Maternal Death Surveillance and Response Report* stated that the maternal mortality ratio was highest in Shan, Chin, and Ayeyarwady States. NGOs regularly reported throughout the year that humanitarian access and movement restrictions among Rohingya limited access to health-care services and contributed to maternal mortality rates in Rakhine State being higher than the national average. Complications resulting from unsafe abortions were also a leading cause of maternal deaths.

Other major factors influencing maternal mortality included poverty; the high rate of home births (63 percent; a number that likely rose after the coup); limited availability of and access to comprehensive sexual and reproductive health services and information, including contraception, and maternal and newborn health services; low coverage of antenatal care visits; and the lack of access to services from appropriately trained and skilled birth attendants and other trained community health workers.

**Discrimination:** By law women enjoy the same legal status and rights as men, including property and inheritance rights and religious and personal status, but regime officials did not enforce the law. Communities around the country implemented customary law to address matters of marriage, property, and inheritance that differed from the provisions of statutory law and which was often discriminatory against women. The law requires equal pay for equal work, but the formal sector did not respect this requirement, and the regime did not actively enforce it. NGOs reported other forms of workplace discrimination were common (see also section 7.d.). The law restricts the ability of Buddhist women to marry non-Buddhist men by requiring public notification prior to any such marriage and allowing objections to the marriage to be raised in court. The law was rarely enforced. Poverty affected women disproportionately.

## **Systemic Racial or Ethnic Violence and Discrimination**

Wide-ranging governmental and societal discrimination against members of minority groups persisted, including in areas such as education, housing, employment, and access to health services. Members of ethnic minority groups constituted 30 to 40 percent of the population. The seven ethnic minority states comprised approximately 60 percent of the national territory, and a significant number of minorities also resided in majority ethnic Burmese regions. Rohingya continued to face severe discrimination based on their ethnicity and religion, although conflict between the military and ethnic Rakhine populations de-escalated.

### **Children**

**Birth Registration:** The law automatically confers full citizenship to children when both parents are from one of the 135 recognized national ethnic groups and to some children who meet other citizenship requirements. Second generation children may acquire full citizenship if at least one parent has full citizenship. Third generation children of associate or naturalized citizens may acquire full citizenship. Many long-term residents in the country, including Rohingya, are not among the recognized national ethnic groups, and thus their children are not automatically conferred citizenship (see also section 2.g.). There were significant rural-urban disparities in birth registration, with an informal or almost nonexistent process in small, rural villages. Birth registration is required to obtain a national identification card, and it can provide important protections for children, particularly against child labor, early marriage, and underage recruitment into the armed forces and ethnic armed groups.

**Education:** By law, education is compulsory, free, and universal through the fourth grade (up to age 10). This leaves children ages 10 through 13 vulnerable to child labor, since they are not required to attend school and are not legally permitted to work (the minimum age for work is 14). Burmese is the mandatory language of instruction in public schools. The national education plan does not allow for other languages of instruction, although some public schools taught ethnic languages as extra subjects. Schools were often unavailable in remote communities and conflict areas, and access to them for internally displaced and

stateless children was also limited.

In June the regime ordered all primary and secondary schools to reopen, after closing in 2020 due to the COVID-19 pandemic. According to the Myanmar Teacher's Federation, more than 90 percent of students did not return on June 2 as mandated. The teachers' federation reported that almost one-third of teachers from the primary to university level were suspended for participating in the CDM. A suspended teacher from Rangoon told international media in May, "I'm not afraid of arrest and torture. I'm afraid of becoming a teacher who teaches the students propaganda." In early July the regime ordered all primary and secondary schools closed due to the third wave of COVID-19; the schools reopened before year's end.

UNICEF reported in July that the regime and prodemocracy groups conducted 180 attacks against schools and school personnel and that the military used education facilities for military purposes in at least 157 cases.

**Child Abuse:** The laws were neither adequate to deter child abuse nor enforced. The United Nations reported in July that hundreds of children were killed or maimed and approximately 1,000 arrested in postcoup demonstrations and clashes. The chairperson of the Child Rights Convention described children as "under siege" since the coup.

**Child, Early, and Forced Marriage:** The law stipulates different minimum ages for marriage based on religion and gender. The minimum age for Buddhists is 18, while the minimum age for non-Buddhists is 16 for boys and 15 for girls. Child marriage occurred, especially in rural areas. There were no reliable statistics on forced marriage.

**Sexual Exploitation of Children:** End Child Prostitution in Asian Tourism (ECPAT), a Bangkok-based international NGO, characterized the problem of children experiencing sexual abuse and violence as "widespread," despite the scarcity of data. Lifetime migrants constituted 20 percent of the country's population, and the children who accompany them faced higher risks of sexual exploitation, forced marriage, and trafficking, according to UNICEF.

The law prohibits the commercial sexual exploitation of children, including

pimping; separate provisions within the penal code prohibit sex with a minor younger than 14. The penalty for the purchase and sale of commercial sex acts from a child younger than 18 is 10 years in prison. The law prohibits child pornography and specifies a minimum penalty of two years' imprisonment and a modest fine. The law on child rights prescribes a penalty of one to seven years in prison, a substantial fine, or both, for sex trafficking and forced marriage. If a survivor is younger than 14, the law considers any sexual act to constitute statutory rape. The maximum sentence for statutory rape is two years in prison when the survivor is between ages 12 and 14, and 10 years to life in prison when the survivor is younger than 12. The law against trafficking in persons requires a demonstration of force, fraud, or coercion to constitute a child sex-trafficking offense. The deposed civilian government introduced these laws. ECPAT cited a lack of monitoring and evaluation mechanisms as well as publicly available data to ascertain the effectiveness of implementation.

**Displaced Children:** The United Nations estimated that as of October there were more than 589,000 IDPs, approximately 37 percent of whom were children.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

There was one synagogue in Rangoon serving a very small and primarily expatriate Jewish population. There were no reports of anti-Semitic acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory,

intellectual, and mental disabilities. While the law requires job protection, equal access to education, and access to public transportation, there was no meaningful enforcement. According to the Eden Center for Disabled Children, children with disabilities had a lower school attendance rate than their peers. COVID-19 mitigation restrictions and the coup further limited access to services, including education and programs focused on reducing stigma and discrimination against persons with disabilities.

Military veterans with disabilities in urban areas received official benefits on a priority basis, usually a civil service job at pay equivalent to rank. Official assistance to civilians with disabilities in principle included two-thirds of pay for a maximum of one year for a temporary disability and a tax-free stipend for permanent disability.

## **HIV and AIDS Social Stigma**

Official and societal violence and discrimination, including employment discrimination, against persons with HIV or AIDS, continued. Reports of abuse included verbal insults, harassment, threats, and physical assault. Significant legal, social, and financial barriers impeded access to services for persons with HIV or AIDS. These barriers included stigma, unhelpful gender norms, poor infrastructure, an entrenched drug trade, political instability, and the COVID-19 pandemic. Laws criminalizing behaviors that increased the risk of acquiring HIV or AIDS fueled stigma and discrimination against persons engaged in these behaviors and impeded their access to HIV prevention, treatment, and care services.

The regime paused most high-level efforts to address these matters due to political instability and reduced engagement with the regime by persons and groups concerned with them.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

Although consensual sexual activity between men remained a criminal offense, political reforms in prior years made it easier for the lesbian, gay, bisexual,

transgender, queer, and intersex (LGBTQI+) community to hold public events and openly participate in society. Discrimination, stigma, and a lack of acceptance among the general population persisted. Transgender persons, for example, were subject to police harassment, and their identity was not recognized. After the coup, reported violence against LGBTQI+ persons increased. As of July the NUG minister of human rights claimed at least 12 LGBTQI+ community members died and another 73 were arrested while peacefully protesting against the regime. As of November, at least 65 LGBTQI+ community members remained in detention, and 28 were either in hiding or had fled to areas not under regime control. According to Radio Free Asia, LGBTQI+ prodemocracy supporters were targeted for humiliation by regime after arrest including sexual insults, taunts, mocking of clothing, and physical abuse.

There were reports of discrimination based on sexual orientation and gender identity in employment. Many LGBTQI+ individuals faced significant barriers to education and employment if they were vocal or visible about their status. LGBTQI+ persons reported facing discrimination from health-care providers, including public shaming.

A 2019 report by the British Council found mixed views on whether LGBTQI+ persons could be accepted in the culture: fifty percent of respondents rejected the idea. Overall, those polled were more willing to accept LGBTQI+ persons in the abstract but were less so when the person in question was a specific individual, such as a relative or politician.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

After the military coup on February 1, the regime committed widespread abuses against organized labor, including the unlawful detention and extrajudicial killing of labor union leaders and members for exercising their fundamental freedoms and basic human rights. After the coup, labor laws often went unenforced or were enforced primarily against organized labor and labor activists and in the interests of business owners and the regime.

The military declared at least 16 labor unions illegal and issued arrest warrants for more than 85 union leaders, including 11 of the Confederation of Trade Unions of Myanmar, and many union leaders remained in prison or missing. There were numerous reported raids of trade union offices and union leaders' homes. More than a dozen union leaders were killed.

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct strikes. The law permits labor organizations to demand the reinstatement of workers dismissed for union activity, but it does not explicitly prohibit antiunion discrimination in the form of demotions or mandatory transfers, nor does it offer protection for workers seeking to form a union. The law does not provide adequate protection for workers from dismissal before a union is officially registered. The law prohibits civil servants and personnel of the security services and police from forming unions. The law permits workers to join unions only within their category of trade or activity, and the definition of trade or activity lacks clarity. Basic labor organizations must have a minimum of 30 workers and register through township registrars via the Chief Registrar's Office of the regime Ministry of Labor, Immigration, and Population (Ministry of Labor). The law permits labor federations and confederations to affiliate with international union federations and confederations.

The law provides for voluntary registration for local NGOs, including labor NGOs working on labor matters, as long as they do not receive foreign funding. The military authorities interfered in the operations of the International Labor Organization (ILO) country office, including through the continued imposition of banking restrictions, the denial of visa extensions for ILO officials, and the denial of tax exemptions.

The law provides unions the right to represent workers, to negotiate and bargain collectively with employers, and to send representatives to a conciliation body or tribunal; however, there were reports that employers dismissed union leaders with impunity or with military support. The law stipulates that a management committee, including government and nongovernmental representatives, in the special economic zones be the first instance arbiter in disputes between employers and employees.

In March, however, the military took control and imposed martial law over two major industrial zones located in Hlain Thar Yar and Shwe Pyi Thar Townships, Rangoon Region, as well as other townships with a high concentration of industrial and manufacturing enterprises. Labor representatives alleged that some employers hired military-affiliated security guards to harass and intimidate workers, sometimes leading to fatal violence when disputes arose. On March 16 at Xing Jia shoe factory, the employer reportedly called in police to deal with a dispute with a group of workers seeking their pay. The police opened fire and killed at least six workers.

The law provides the right to strike in most sectors with significant requirements such as the permission of the relevant labor federations. The law prohibits strikes addressing problems not directly relevant to labor matters. The law does not permit strikes or lockouts in essential services such as water, electric, or health. Lockouts are permitted in public utility services (including transportation; cargo and freight; postal; sanitation; information, communication, and technology; energy; petroleum; and financial sectors), with a minimum of 14 days' notice provided to the relevant labor organizations and conciliation body. Strikes in public utility services generally require the same measures as in other sectors, but seven days' advance notice and negotiation between workers and management is required before the strike takes place in order to determine maintenance of minimum service levels.

The government did not effectively enforce labor laws related to freedom of association. Penalties for violations of related labor laws were commensurate with those for other laws involving denials of civil rights; however, laws were enforced primarily against independent trade unions and not employers.

After the coup, strikes and collective worker action led to retaliation by the military, including workers forced to return to work at gunpoint. On February 19, shipping and jetty workers in Mandalay went on strike to support the CDM. There were reports that the military tried, at gun point, to force the workers back to work, but large crowds gathered to block and drive the military away. The military fired into the crowd, killing protesters. The military evicted striking railway worker and their families, forcing them to flee.



After a national work stoppage began on March 8, the military publicly stated that all public sector workers must return or face criminal charges. There were reports of at least 1,100 public-sector workers from various departments receiving some form of threat or discipline because of participation in the CDM.

Workers at some unionized factories negotiated leave agreements so they would be granted leave to attend the demonstrations. Employer refusal, in some cases, led to work stoppages. There are numerous reports of workers fired for participating in the CDM. Many reported postings at factories saying workers would be fired if they participated in the CDM.

Worker organizations reported that formal dispute settlement and court procedures were not effective at enforcing labor laws. After the coup, there were multiple reports of worker disputes handled with military interference.

Labor organizations also reported that local labor offices imposed unnecessary bureaucratic requirements for union registration that were inconsistent with the law.

The Confederation of Trade Unions in Myanmar reported the arrest and harassment of trade unionists by regime security forces after the coup, including the secretary general of Myanmar Infrastructure, Craft and Service who was detained in June when the regime raided the infrastructure, craft, and service union office in Mandalay. Labor sources reported the secretary general was not allowed to meet any visitors or access legal aid while in detention. In a separate case, regime authorities detained the director of the Solidarity Trade Union of Myanmar at his office in April. Labor sources reported the regime denied the director access to medicine and other necessary health care to manage her chronic illness while in detention. The regime released the director in October as part of a general amnesty and without pursuing formal charges. On October 12, a military tribunal also sentenced two union organizers, U Yen Tu Htauk and Ma Kyi Par Lay, to life in prison.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits most forms of forced or compulsory labor, although insufficient barriers exist for the use of forced labor by the military and penal institutions. The

law also provides for the punishment of persons who impose forced labor on others. The law provides criminal penalties for forced labor violations; penalties differ depending on whether the military, the government, or a private citizen committed the violation. The penalties were commensurate with analogous serious crimes such as kidnapping. The regime did not effectively enforce the law, particularly in the areas where significant conflict was occurring.

In early 2020 the government established a forced-labor complaints mechanism under the Ministry of Labor. There were no data available on the functioning of or the number of cases reported to or processed by the mechanism since the coup. The ILO expressed profound concern over practices of the military authorities, including the use of forced labor.

The regime threatened CDM members with criminal charges if they did not return to work (see also section 7.a.).

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor, although the regime did not meaningfully enforce the law. The law sets the minimum age at 14 for work in certain sectors, including shops and factories; the law establishes special provisions for “youth employment” for those older than 14. There is, however, no minimum age for work for all sectors in which children were employed, including agriculture and informal work. The law prohibits employees younger than 16 from working in a hazardous environment, but the government did not issue a list of hazardous jobs. Some sector-specific laws identify activities that are prohibited for children younger than 18. Penalties under the Child Rights Law were analogous to other serious crimes, such as kidnapping.

Children worked mostly as street vendors, refuse collectors, restaurant and teashop attendants, garment workers, and domestic workers. Children often worked in the informal economy, in some instances exposing them to drugs and petty crime, risk of arrest, commercial sexual exploitation, HIV, AIDS, and other sexually transmitted infections (see also section 6). Children were also vulnerable to forced

labor in teashops, agriculture and forestry, gem production, begging, and other fields. In rural areas children routinely worked in family agricultural activities, occasionally in situations that potentially involved forced labor. Child labor was also reported in the extraction of rubies and jade and the manufacture of rubber and bricks.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

#### **d. Discrimination with Respect to Employment and Occupation**

Labor laws and regulations do not prohibit employment discrimination. Restrictions against women in employment exist based on social and cultural practices and beliefs. Women remained underrepresented in most traditionally male-dominated occupations (forestry, carpentry, masonry, and fishing) and were effectively barred from them by hiring practices and cultural barriers. Women were not legally prohibited from any employment except in underground mines. The law governing hiring of civil service personnel states that nothing shall prevent the appointment of men to “positions that are suitable for men only,” with no further definition of what constitutes positions “suitable for men only.”

There were reports that government and private actors practiced discrimination that impeded Muslim-owned businesses' operations and undercut their ability to hire and retain labor, maintain proper working standards, and secure public and private contracts. There were reports of discrimination based on sexual orientation and gender identity in employment, including the denial of promotions and firing of LGBTQI+ persons. Activists reported limited job opportunities for many openly gay and lesbian persons and noted a general lack of support from society. Activists reported that in addition to general societal discrimination, persons with HIV or AIDS faced employment discrimination in both the public and private sectors, including suspensions and the loss of employment following positive results from mandatory workplace HIV testing.

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The official minimum daily wage was above the poverty line. The minimum wage covers all sectors and industries and applies to all workers in the formal sector except those in businesses with fewer than 15 employees. The law requires the minimum wage to be revised every two years. The government also established tripartite committees in the Special Economic Zones responsible for setting wage levels and an inspector for each zone.

The workweek is 44 hours per week for factories. For shops and other establishments, it is 48 hours per week. Although the law in general states that overtime should not exceed 12 hours per work week, the law allows up to 16 hours of overtime when special matters require additional overtime. Overtime for factory workers is regulated under a separate directive that limits overtime to 20 hours per week. The law also stipulates that an employee's total working hours cannot exceed 11 hours per day (including overtime and a one-hour break). Laws did not apply to those in the informal sector or self-employed.

**Occupational Safety and Health:** The 2019 Occupational Safety and Health law sets standards for occupational safety, health, and welfare. The Ministry of Labor has the authority to suspend businesses operating at risk to worker health and safety until risks are remediated.

Labor unions reported instances in which workers could not remove themselves from situations that endangered their health or safety without jeopardizing their employment. Unions reported that workers concerned about COVID-19 positive cases in factories were nonetheless required to work.

The Ministry of Labor's Factories and General Labor Laws Inspection Department oversees labor conditions in the private sector. Inspectors were authorized to make unannounced inspections and initiate sanctions.

The regime did not effectively enforce the law. Penalties for wage and hour violations were commensurate with those for similar violations, but penalties for safety and health violations were not. The number of labor law inspectors and factory inspectors was insufficient to address wage, salary, overtime, occupational safety and health standards, and other matters adequately. In some sectors other

ministries regulated occupational safety and health laws (e.g., the Ministry of Agriculture, Livestock, and Irrigation).

**Informal Sector:** Observers agreed the great majority of the country's workers were in the informal sector. Wage, hours and occupational safety and health laws did not apply to those in the informal sector or self-employed.

Informal workers' jobs were less secure during the COVID-19 pandemic. For example, in April 2020 the Ministry of Health ordered that no more than 50 workers could be present at a construction site. One of the largest employers of informal labor was the construction sector. The postcoup regime retained the policy.

Informal-sector jobs usually lacked basic benefits such as social and legal protections. In at-risk industries – defined as having occupational hazards, volatile payment structures, and ease in exploiting labor rights – on average, one in five workers had an informal work arrangement, although the proportion was even higher in manufacturing, construction, recreation, and personal services. In addition, nearly two-thirds of the workers in medium- to high-risk industries were employed informally.