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Human rights situations that require the Council's attention

Written statement* submitted by Human Rights Now, a non-governmental organization in special consultative status

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

[3 February 2024]

* Issued as received, in the language of submission only.

Three Years after the Coup in Myanmar, Indiscriminate Violence against Civilians is Escalating and Must End

As the third anniversary of Myanmar's coup passes on 1 February 2024, Human Rights Now (HRN) is deeply concerned about the Myanmar military's escalating violence against civilians and the worsening humanitarian crisis, particularly since autumn 2023, informed by our recent visit with Myanmar human rights defenders near the Thai-Myanmar border in January 2024.

HRN implores states to pressure Myanmar's military to end its violence and restore the democratically elected government, and to greatly increase humanitarian assistance, then follow their words with action. We further urge states to implement targeted sanctions and related restrictions, including on arms, financial services and jet fuel, to greatly increase humanitarian aid to Myanmar, and to ensure companies end any business links that may support the military.

1. Human Rights Now's Visit with Myanmar Human Rights Defenders

In January 2024, HRN spoke with Myanmar human rights defenders (HRDs), aid workers and ethnic minority organizations in Mae Sot and Mae Hong Son, Thailand, to discuss Myanmar's current situation. According to them, the escalation in conflict in nearby Kayah state led to 80-90% of the area's population being forcibly displaced.[1] Following the escalation, many displaced people lived in IDP camps in the forests, fearing airstrikes, shootings, and landmines, and living without food, electricity, water and medical care. They particularly noted the challenges pregnant women faced being forced to move place to place to avoid airstrikes without any medical assistance or treatment. There have also been reports of widespread sexual violence against women and girls, including gang rapes and rape killing by Myanmar's military in occupied areas.[2]

2. Gross Violations of Human Rights

Even three years after its coup, Myanmar's military continues to arbitrarily imprison its opposition. It postponed an election for the fourth time last August without announcing a new one, and there are legitimate fears that any election organized by the military will not be fair. However, the indefinite extension of its illegal rule only continues the violence and human rights abuses.

The military has killed over 4,380 people since the coup, and over 20,000 political prisoners have been detained.[3] This includes 68 journalists, the second most globally, with female photojournalist Sai Zaw Thaik receiving a 20 year sentence in September 2023, the heaviest for a journalist since the coup.[4] The military also arrested or detained more than 142 aid workers in 2023.[5]

3. Military Violations during Conflict

Meanwhile, the international crimes of Myanmar's military in conflict, which include strong evidence of mass executions, sexual violence, torture and child soldiers, have become "increasingly frequent and brazen" over 2023, as the Independent Investigative Mechanism for Myanmar documented.[6] The recent escalation was a response to coordinated opposition counteroffensives in multiple states in October and November 2023, which prompted the military to greatly increase its attacks on civilian areas in those areas, including air and artillery strikes and ransacking villages.[7] This has led to greater civilian deaths, destruction of civilian areas, significant displacement, and a worsening humanitarian crisis.

Notable recent military attacks include the attack of an IDP camp in Kachin State on 10 October 2023, killing at least 29 people, including 11 children, in an artillery strike described as the deadliest in Kachin state's 63 years of conflict[8] and a raid of Taw Kan in

Sittwe Township, Rakhine state, on 16 January 2024 which burned 80 houses and killed residents by gunfire, including an elderly stroke-victim.[9] In the same day, Paletwa Township in Chin State was jet bombed, killing four civilians including a five-year-old from a displaced family.[10]

4. Humanitarian Crisis

The mounting violence only exacerbates the existing humanitarian calamity in Myanmar.[11] As of December 2023, an estimated third of the population, 18.6 million people, are in humanitarian need.[12] More than 2.2 million people have been displaced within Myanmar due to military violence,[13] an increase of 1.6 million people since September 2023. Half a million more people were displaced from November to December 2023 alone. More than 600,500 people have also been displaced to neighboring countries.

Most IDPs lack adequate shelter and clean water. There are food shortages, with 12.9 million people food insecure, and medical and education systems are in turmoil.[14] Supply roads are blocked, and flooding from Cyclone Mocha and in October 2023 further damaged agriculture and infrastructure, displacing even more people. Since the coup, the military has also restricted internet access, hindering service and information delivery.

Despite the great need, available resources are highly insufficient. Coupled with the detention of aid workers, the UN's 2023 Myanmar Humanitarian Response plan was grossly underfunded by nearly 70 percent.[15]

5. Global Response

a) Japan

Despite the Special Rapporteur on Myanmar's call for globally coordinated sanctions,[16] Japan is the only G7 country not to impose sanctions against Myanmar, and Japan continues to provide a large amount of non-humanitarian official development assistance (ODA) to the military.[17] In April 2023 the Special Rapporteur on Myanmar, in his report on his visit to Japan that month, urged the Japanese government to terminate programs supporting the military, including some ODA programs and a military program, and to impose targeted economic sanctions.[18] However, many of the recommendations have not been implemented.

It was reported that 413 Japanese companies remained in Myanmar in 2023, most of them without having assessed human rights risks in their operations.[19] While the Japanese government called for voluntary measures among companies, it is clear that it must implement mandatory measures for companies to respect the UN Guiding Principles on Business and Human Rights (UNGPs), which was also urged by the Special Rapporteur on Myanmar in his report.

b) International Community

Despite the worsening situation, Myanmar is dropping from the global agenda. We urge states to continue making statements condemning the military's violence and its illegitimate rule. We further urge states to implement appropriate measures such as targeted sanctions, restrictions on jet fuel supplies, a global arms embargo, and restrictions of financial services for government enterprises to prevent financial flows to the military or to banks or companies linked to the military, as well as to end existing embargo loopholes.

We also urge transnational companies with business in or links to Myanmar to respect UNGP standards in all aspects of their business, to restrict currency flows to Myanmar entities linked to the military (in particular for banks and financial institutions), to assess the risk of human rights violations by them and their business links, including suppliers, and to end any business that may support the military.

6. Recommendations

HRN strongly condemns the escalating, widespread violence against civilians by Myanmar's military, as well as the torture, arbitrary arrests, and persecution of civil society, and we call on Myanmar's military to:

- End the arbitrary arrests, death sentences, abuse, and harassment of all persons peacefully opposing the military, including protestors, HRDs, journalists, lawyers, and members of the political opposition, release those arbitrarily detained, and restore the democratically elected government;
- End all military strikes in civilian areas;
- Ensure displaced people have access to humanitarian assistance.

We urge states, including the Japanese government, to:

- Impose targeted economic sanctions and related measures against Myanmar's military;
- End all non-humanitarian ODA or other support that may empower the military;
- Require companies with business links or suppliers in conflict areas, including Myanmar, to assess their risks of human rights violations with rigorous due diligence, and end any business or links enabling such violations;
- Greatly increase contributions to humanitarian efforts in Myanmar, and support the rebuilding of destroyed civilian areas and the safe resettlement of displaced people.

[1] Kha, "Operation 1111 'Close to Securing All of Kayah State for Myanmar Resistance' ", Irawaddy, 28 Nov. 2023, <https://www.irawaddy.com/in-person/interview/operation-1111-close-to-securing-all-of-kayah-state-for-myanmar-resistance.html>; <https://karennihumanrights.org/reports/>.

[2] Quadrini, "As the crisis in Myanmar continues, no justice for victims of sexual violence", 5 Oct. 2022, <https://southeastasiaglobe.com/as-the-crisis-in-myanmar-continues-no-justice-for-victims-of-sexual-violence/>.

[3] AAPP, <https://aappb.org/?p=27349>.

[4] CPJ, "Myanmar Now photojournalist Sai Zaw Thaike sentenced to 20 years in prison on multiple charges", 6 Sept. 2023, <https://cpj.org/2023/09/myanmar-now-photojournalist-sai-zaw-thaike-sentenced-to-20-years-in-prison-on-multiple-charges/>; Reporters sans Frontiers, "2023 Round-Up", 14 Dec. 2023, <https://reliefweb.int/report/world/2023-round-journalists-killed-detained-held-hostage-and-missing-enptruuk>.

[5] OCHA, "Myanmar Humanitarian Update No. 35", 12 Jan. 2024, <https://www.unocha.org/publications/report/myanmar/myanmar-humanitarian-update-no-35-2023-year-review>.

[6] IIMM, "Annual Report", 8 Aug. 2023, <https://iimm.un.org/wp-content/uploads/2023/08/G2312500-1.pdf>.

[7] Michaels, "Operation 1027 reshapes Myanmar's post-coup war", Nov. 2023, <https://myanmar.iiss.org/updates/2023-11>.

[8] Head, "Myanmar: 29 killed in artillery strike on camp for displaced people," 10 Oct. 2023, <https://www.bbc.com/news/world-asia-67061964>.

[9] Zan, "Six Civilians Killed by Myanmar Junta in Day: Arakan Army", 16 Jan. 2024, <https://www.irawaddy.com/news/burma/six-civilians-killed-by-myanmar-junta-in-day-arakan-army.html>.

[10] Id.

[11] OCHA, *supra*, note 5.

- [12] OCHA, “Myanmar Humanitarian Needs and Response Plan 2024 (December 2023)”, 18 Dec. 2023, <https://reliefweb.int/report/myanmar/myanmar-humanitarian-needs-and-response-plan-2024-december-2023-enmy>
- [13] UNHCR, “Myanmar displacement overview”, 15 Jan. 2024, <https://data.unhcr.org/en/documents/details/106137>.
- [14] WFP, “Myanmar emergency”, <https://www.wfp.org/emergencies/myanmar-emergency>.
- [15] OCHA, supra, note 5.
- [16] NHK, “The dilemma posed by Myanmar's ruling military junta”, 24 July 2023, <https://www3.nhk.or.jp/nhkworld/en/news/backstories/2568/>.
- [17] JFM, Statement on Myanmar, 1 Dec. 2023, <https://www.justiceformyanmar.org/press-releases/statement-calling-on-the-japanese-government-to-stop-oda-and-publicly-funded-projects-benefiting-the-myanmar-military>.
- [18] OHCHR, “UN expert urges Japan to step up pressure on Myanmar junta”, 28 Apr. 2023, <https://www.ohchr.org/en/press-releases/2023/04/un-expert-urges-japan-step-pressure-myanmar-junta>.
- [19] Ishida, Jen, Koh, “Taiwanese, Japanese firms in Myanmar staying put despite political unrest, but are laying low”, 3 Feb. 2023 <https://www.channelnewsasia.com/asia/taiwanese-japanese-businesses-myanmar-staying-3252031>.