

[Joint Statement] Myanmar: Myanmar National Human Rights Commission Must Ensure Human Rights are Protected amid COVID-19 Pandemic

(Bangkok/Yangon, 27 May 2020) – The Myanmar National Human Rights Commission (MNHRC) needs to fully exercise its powers and functions effectively, efficiently and fearlessly to make up for its disappointing lack of intervention on human rights violations exacerbated by the COVID-19 pandemic, rights groups said today.

The Asian NGO Network on National Human Rights Institutions (ANNI), an initiative of the Asian Forum for Human Rights and Development (FORUM-ASIA), together with 21 rights organisations in Myanmar said that MNHRC's Commissioners, appointed in January 2020, have proven to be apathetic and unwilling to act on human rights abuses.

'The MNHRC needs to show greater action, not only in promoting, but protecting and ensuring respect for human rights, democratic principles and the rule of law in all circumstances and without exception,' the rights groups said in a joint statement.

The Paris Principles¹ and the Kyiv Declaration on the Role of National Human Rights Institutions (NHRIs) in Conflict and Post-Conflict Situations² provide for the MNHRC as an NHRI to have a duty to monitor, document and respond to human rights violations regardless of who the perpetrators are.

'In fragile situations such as in the COVID-19 pandemic, the MNHRC should take measures to prevent and address human rights abuses, especially those committed against the most vulnerable and marginalised, as well as minority groups,' the groups said.

They added that the MNHRC, however, has been silent as the pandemic continues to exacerbate existing vulnerabilities and human rights violations brought on by the conflict in the country.

'The inaction of the MNHRC is a clear indication that it has neither the political will nor sufficient independence to adequately protect the rights of people in Myanmar,' the groups said.

To date, human rights abuses and violations continue to escalate in all parts of Myanmar due to intensifying offensives by the Myanmar military, while the country grapples with a global health crisis. The number of civilian casualties has spiked while many communities have been cut off from access to healthcare.

The Myanmar military burnt down COVID-19 screening posts built by the Karen National Union (KNU) in Karen state in April.³ In Shan state, the Myanmar military launched an attack on a COVID-19 awareness-

¹ The Paris Principles ("Principles Relating to the Status of National Human Rights Institutions") set out the minimum standards required by national human rights institutions to be considered credible and to operate effectively.

² <https://www.asiapacificforum.net/resources/kyiv-declaration/>

³ http://karennews.org/2020/05/burma-army-burns-knu-covid-19-screening-posts-pandemic-causes-peace-process-further-fractures/?fbclid=IwAR3fLbnViqVN8G_6wHzhsxfF3yWlPdFaaOQx_WaPFRqTzLxDAPvC4SxFUzA

raising and monitoring activity organised by the Restoration Council for Shan State (RCSS).⁴ Both KNU and RCSS are ethnic armed organisations that have signed the Nationwide Ceasefire Agreement with the Myanmar Government. In Rakhine state, a driver was killed when a World Health Organization (WHO) vehicle was attacked, while one other was left injured. The vehicle was said to have been carrying COVID-19 test samples.⁵

The Myanmar military has continued its offensives despite the Three Brotherhood Alliance – comprised of the Arakan Army (AA), the Ta'ang National Liberation Army (TNLA) and the Myanmar National Democratic Alliance Army (MNDAA) – having declared a unilateral ceasefire on 3 May in the face of the pandemic.

The conflict between the Myanmar military and the AA has intensified amid ongoing internet shutdowns in eight townships in the Rakhine and Chin states.⁶ A disturbing video depicting the beating of civilians who have been arbitrarily detained in Rakhine state recently surfaced, shedding light on the Myanmar military's human rights violations.⁷

'We are appalled by the failure of the MNHRC to intervene on these blatant human rights abuses arising from escalating conflict in all parts of Myanmar,' the rights groups stated. 'The MNHRC should heed the Aide Memoire on NHRIs, Human Rights and Covid-19 released by the UN High Commissioner for Human Rights, which emphasises NHRIs' important role in ensuring that the needs of groups who may have been left out of COVID-19 responses are addressed.'

These groups include Internally Displaced Persons (IDPs) and conflict-affected ethnic nationalities and religious minorities in Myanmar, who already suffer systematic and institutional violence and have the least access to protective mechanisms.

In April, 24,896 prisoners were released in a Presidential pardon. However, the rights groups lambasted the Government for including only 26 political prisoners in Myanmar's largest mass pardon in recent years.⁸

At least 50 political prisoners continue to serve their sentences while 137 activists await trial behind bars. As of April, rights groups have documented the total number of political activists facing trial, both inside and outside prison, to have reached an alarming 587 – a number that continues to rise.⁹

Given a NHRIs' important role in identifying risks faced by persons deprived of their liberty and advocating for mitigation measures amid the COVID-19 pandemic, the MNHRC, while welcoming the release of prisoners, should have called for the release of all political prisoners.

⁴ <https://www.bnionline.net/en/news/burma-army-attacks-rcss-while-shan-medics-perform-covid-19-wellness-checks>

⁵ <https://www.aljazeera.com/news/2020/04/attack-vehicle-killed-myanmar-driver-condemned-200422011858564.html>

⁶ <https://www.forum-asia.org/?p=3137>

⁷ <https://www.rfa.org/english/news/myanmar/unlawful-interrogation-05122020184850.html>

⁸ <https://www.irrawaddy.com/news/burma/myanmar-presidential-pardon-condemned-exclusion-political-prisoners.html>

⁹ <https://aappb.org/2020/05/aapps-monthly-chronology-of-april-2020-and-current-political-prisoners-list/>

The MNHRC has been heavily criticised in most aspects, particularly on its lack of protection of human rights. It is the time for the MNHRC to prove its legitimacy through its performance, and in particular, its impact or ability to render justice for victims of violations and abuses.

For more information, please contact:

- Aung Myo Min, Equality Myanmar, +95 (0) 9448015306, myominburma@gmail.com
- Aung Zaw Oo, Association of Human Rights Defenders and Promoters, +95 (0) 9421039493, 2012hrdpnetworks@gmail.com
- Lway Poe Kamaekhour, Ta'ang Women's Organization, +95 (0)9256128582, poekamaekhour2013@gmail.com
- Rin Fujimatsu, Progressive Voice, +66 (0) 835511446, rin@progressive-voice.org.
- Shanna Priangka Ramadhanti, ANNI Secretariat, anni@forum-asia.org

The joint statement is endorsed by:

1. Action Committee for Democracy Development (ACDD)
2. Asian NGOs Network on National Human Rights Institutions (ANNI)
3. Assistance Association for Political Prisoners (AAPP)
4. Association of Human Rights Defenders and Promoters (HRDP)
5. Athan: Freedom of Expression Activist Organization
6. Burma Monitor (Research and Monitoring) (BM)
7. Equality Myanmar (EQMM)
8. Future Light Center (FLC)
9. Generation Wave (GW)
10. Genuine People's Servant (GPS)
11. Human Rights Foundation of Monland (HURFOM)
12. Human Rights Educators Network (HREN)
13. Karen Human Rights Group (KHRG)
14. Karenni Human Rights Group (KnHRG)
15. Kachin Women's Association Thailand (KWAT)
16. Loka Ahlinn (Social Development Network)
17. Metta Campaign – Mandalay
18. Myanmar People Alliance (Shan State) (MPA-SS)
19. Progressive Voice (PV)
20. Synergy - Social Harmony Organization
21. The Seagull: Human Rights, Peace & Development
22. Ta'ang Women's Organization (TWO)

About the Asian NGOs Network on National Human Rights Institutions (ANNI):

The Asian NGOs Network on National Human Rights Institutions (ANNI) was established in December 2006. It is a network of Asian non-governmental organisations and human rights defenders working on issues

related to National Human Rights Institutions (NHRIs). ANNI has members that are national organisations from all over Asia. ANNI currently has 33 member organisations from 21 countries or territories. The work of ANNI members focuses on strengthening the work and functioning of Asian NHRIs to better promote and protect human rights as well as to advocate for the improved compliance of Asian NHRIs with international standards, including the Paris Principles and General Observations of the Sub-Committee on Accreditation (SCA) of the Global Alliance of NHRIs (GANHRI). The Asian Forum for Human Rights and Development (FORUM-ASIA) has served as the Secretariat of ANNI since its establishment in 2006.

<http://l.forum-asia.org/ANNI>