



MYANMAR

UPDATED ASSESSMENT OF R2P
IMPLEMENTATION 2022



Asia-Pacific Centre for the
Responsibility to Protect



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The following Updated Assessment Annex provides an overview of Myanmar's efforts in implementing R2P as of 2022. For a full description of the methodology used in this study, see Part II of 'Implementing the Responsibility to Protect in the Asia Pacific: An Assessment of Progress and Challenges', available [here](#). For more information on R2P implementation in the Asia Pacific in 2022, see the updated assessment [here](#).

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Myanmar continues to endure armed conflict and atrocity crimes in the wake of the February 2021 coup. The country's armed forces continue to commit violence and atrocities against the Rakhine, other ethnic minorities, and the broader civilian population. Myanmar remains one of the region's worst performers for R2P implementation, coming ahead only of the DPRK.

They are still awarded a 'Fair' ranking in two Indicators, in acknowledgement of the country's continued participation in the UPR process, as well as the efforts of the civilian-led National Unity Government (NUG) in promoting atrocity prevention at the UN General Assembly.

The actions of the NUG are also responsible for Myanmar to increase in two Indicators, from 'Very Weak' to 'Weak', where NUG representatives have supported atrocity prevention measures in Myanmar and have implored the UN to do more to prevent further violence.

However, domestically, Myanmar has manifestly failed to protect its populations from atrocity crimes. It has also failed to reduce risk or address past crimes. Underlying risks are significant and are exacerbated by the Tatmadaw government's policies and practices.

The law continues to provide inadequate legal protection for women, minorities, and other vulnerable groups, and actually serves to entrench discrimination. The government continues an apartheid type system in Rakhine state.

Overall, Myanmar faces significant challenges with respect to its national resilience to atrocity crimes, and performs very weakly with respect to human rights and the legislative protection of vulnerable populations.

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| Assessment | Indicator |
|---|---|
| Fair | Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council |
| | Participate in international, regional and national discussions on the further advancement of R2P |
| Weak | Sign, ratify and implement relevant instruments of international law |
| | Prevent nationals committing atrocity crimes overseas |
| | Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system |
| | Support preventive actions on atrocity crimes |
| Very Weak | Protection of populations from atrocity crimes |
| | Reduction of atrocity crime risks |
| | Dealing with past atrocities |
| | Appoint national R2P Focal Point |
| | Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships |
| | Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect |
| | Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court |
| | Establish and maintain National Human Rights Institutions in accordance with the Paris Principles |
| | Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination |
| | Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations |
| | Ensure equal access to justice |
| | Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity |
| | Take measures to counter and prevent violent extremism |
| | Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence |
| | Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law |
| | Conduct a national assessment of risk and resilience |
| | Cultivate and protect an active, diverse and robust civil society |
| | Ensure a legitimate, effective and civilian controlled security sector |
| | Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness |
| | Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect |
| Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy | |

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| | Strengthen regional and international networks for atrocity crime prevention |
| | Strengthen the role and capacity of regional organisations |
| | Support the development and work of regional human rights and other preventive capacities |
| | Support atrocity prevention through development and assistance partnerships |
| | Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P |
| | Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate) |
| | Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping |
| | Support the Kigali Principles |
| | Support UN Security Council veto restraint on issues relating to atrocity prevention |

Myanmar 2022 Score: 6

Myanmar 2019 Score: 6.5 (7)

Difference: - 1 

In 2017, Myanmar's armed forces (the Tatmadaw) unleashed a campaign of crimes against humanity and genocide against the country's Rohingya population. In 2021, the Tatmadaw rejected the re-election of Aung San Suu Kyi's civilian government and took power in a coup, which provoked widespread civilian unrest. Since then, Myanmar has descended into chaos, with atrocities being levelled not just at the Rohingya, but also other ethnic minorities and the civilian population.

| Thematic Area | Indicator | Assessment | Notes |
|--|---|------------------------|--|
| Basic Compliance | Protection of populations from atrocity crimes. | Very Weak Unchanged | The situation in Myanmar has deteriorated following the Tatmadaw's coup on 1 February 2021. After a general election where the party of Aung San Suu Kyi, the National League for Democracy (NLD), won by a significant margin, the military overtook the government, citing widespread voting fraud. Aung San Suu Kyi and other top NLD ministers were arrested, and a state of emergency was called. In response, thousands began protesting for her release and recognition of the civilian government by the Tatmadaw. The Tatmadaw responded with brutality, killing and imprisoning peaceful protestors. The National Unity Government (NUG) was formed soon after by ousted members of the NLD and others from Burmese society to oppose the Tatmadaw both politically and militarily. ¹ The military junta is now fighting its own people to maintain power, committing human rights violations and atrocity crimes as it does so. |
| | Reduction of atrocity crime risks. | Very Weak Unchanged | Since the coup, the risk of atrocity crimes occurring in Myanmar has increased from an already high level. The Tatmadaw are now fighting not only ethnic minorities but anyone who opposes their rule. Myanmar has thus slid into civil war, where violence and atrocity crimes are widespread. ² |
| | Dealing with past atrocities. | Very Weak Unchanged | Myanmar has continued to not address past violations and atrocity crimes committed in the country. The ruling junta is focussed on maintaining power through violence, rather than reconciliation. |
| Policy Mechanisms | Appoint national R2P Focal Point. | Very Weak Unchanged | Myanmar has yet to appoint a national R2P focal point. ³ |
| | Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships. | Very Weak Unchanged | There appears to be no evidence of Myanmar having taken these steps. |
| | Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect. | Very Weak Unchanged | Under the current regime, there appears no mechanisms in place to ensure the junta upholds their responsibility to protect. |
| International Human Rights Obligations | Sign, ratify and implement relevant instruments of international law. | Weak Unchanged | Myanmar's ratification remains at five out of the twelve key international human rights laws that are relevant to R2P. They have still neither signed nor ratified: |

¹ Goldman, Russell, 2022. 'Myanmar's Coup, Explained'. *The New York Times*, 10 January. Available at: <https://www.nytimes.com/article/myanmar-news-protests-coup.html>; BBC, 2022. 'Myanmar: What has been happening since the 2021 coup?' *BBC News*, 1 February. Available at: <https://www.bbc.com/news/world-asia-55902070>.

² Myanmar has had a long history of low-intensity armed conflicts. Since the coup, the dynamics of these conflict has changed and spread. Information on the situation can be found here: Maizland, Lindsay, 2022. *Myanmar's Troubled History: Coups, Military Rule, and Ethnic Conflict*, <https://www.cfr.org/backgrounder/myanmar-history-coup-military-rule-ethnic-conflict-rohingya#chapter-title-0-9>; Tonnesson, Stein, 2021. *The New Pattern of Conflict in Myanmar*, <https://blogs.prio.org/2021/12/the-new-pattern-of-conflict-in-myanmar/>; International Crisis Group, 2022. *Myanmar's Coup Shakes Up Its Ethnic Conflicts*, <https://www.crisisgroup.org/asia/south-east-asia/myanmar/319-myanmars-coup-shakes-its-ethnic-conflicts>.

³ Global Centre for the Responsibility to Protect (GCR2P), 2020. *Members of the Global Network of R2P Focal Points*, <https://www.globalr2p.org/resources/members-of-the-global-network-of-r2p-focal-points/>.

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| | | <ul style="list-style-type: none"> • <i>Geneva Protocol I</i>.⁴ • The <i>1951 Refugee Convention</i> and its <i>1967 Protocol</i>.⁵ • The <i>Arms Trade Treaty</i> [ATT].⁶ • The <i>Rome Statute of the International Criminal Court</i>.⁷ • The <i>International Covenant on Civil and Political Rights</i> [ICCPR]. • The <i>Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment</i> [CAT]. • The <i>International Convention on the Elimination of All Forms of Racial Discrimination</i> [CERD].⁸ |
| Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court. | Very Weak Unchanged | Myanmar remains a non-signatory to the <i>Rome Statute</i> . |
| Establish and maintain National Human Rights Institutions in accordance with the Paris Principles. | Very Weak Decrease | Myanmar possess the Myanmar National Human Rights Commission (MNHRC). It retains a ‘B’ ranking from GANHRI, illustrating partial compliance with the Paris Principles. ⁹ |
| | | <p>However, this rating relates to the last year in which the MNHRC was reviewed, which was November 2015.¹⁰ As such it does not account for the conduct of the institution since the beginning of mass killings of the Rohingya. In this context, the MNHRC has been widely criticised by the UN and human rights observers for failing to uphold their mandate. In submissions for Myanmar’s most recent UPR, the MNHRC has been characterized “...by inaction and a lack of independence, and remained ineffective to deal with human rights violations” in the wake of widespread violence by the Tatmadaw.¹¹</p> <p>In the wake of the military coup, the conduct of the MNHRC was further criticised, as it “...often shielded the military from accountability for its atrocities against vulnerable groups, especially ethnic and religious minorities”.¹² A joint submission by the Burmese NGO ‘The CSO Working Group on MNHRC Reform’ to Myanmar’s UPR highlighted several areas of</p> |

⁴ International Committee of the Red Cross, n.d. *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesParties&xp_treatySelected=470.

⁵ United Nations Treaty Collection (UNTC), 2022. 2. *Convention relating to the Status of Refugees*, https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-2&chapter=5&Temp=mtdsg2&clang=en.

⁶ UNTC, 2022. 8. *Arms Trade Treaty*, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-8&chapter=26.

⁷ International Criminal Court (ICC), n.d. *The States Parties to the Rome Statute*, https://asp.icc-cpi.int/en_menus/asp/states%20parties/pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#M.

⁸ United Nations Human Rights (UNOHCHR), n.d. *View the ratification status by country or by treaty*, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=119&Lang=EN.

⁹ Global Alliance of National Human Rights Institutions (GANHRI), 2021. *Members*, <https://ganhri.org/membership/>.

¹⁰ GANHRI, 2021. *Chart of the Status of National Institutions Accredited by the Global Alliance of National Human Rights Institutions*, p. 12, https://ganhri.org/wp-content/uploads/2022/02/StatusAccreditationChartNHRIs_28.12.21.pdf.

¹¹ United Nations, Human Rights Council (HRC), Summary of Stakeholders’ submissions on Myanmar, 12 November 2020, A/HRC/WG.6/37/MMR/3, para. 6.

¹² Asian NGOs Network on National Human Rights Institutions (ANNI), 2021. *Myanmar National Human Rights Commission (MNHRC) Must Denounce the Military Coup and Uphold Fundamental Rights of Peoples*, <https://www.forum-asia.org/?p=33900>.

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| | <p>Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.</p> | <p>Very Weak Unchanged</p> | <p>concern¹³ that showed Myanmar had “...failed to adequately implement the recommendations that it supported during the second cycle of the UPR”.¹⁴</p> <p>Myanmar’s human rights record has further deteriorated in the last two years, due to the ongoing genocide of the Rohingya and the spreading violence over the country following the military coup in February 2021.</p> <p>With the formation of a shadow government and civilian resistance groups to the Tatmadaw’s coup, along with existing ethnic militias that have fought against the government for decades, Myanmar has become a patchwork of competing jurisdictions and armed groups where no one faction has a monopoly on the workings of government. Furthermore, sanctions by the international community and the junta’s economic mismanagement, together with a resurgent COVID-19 pandemic have seen a collapse of the economy and public services. Due to this circumstance and widespread and consistent violence throughout the country, Myanmar has been considered a failed State.¹⁵</p> <p>The political and strategic implications of civil war in Myanmar for the region and wider international community is beyond the scope of this annex, yet it is important to note as it has provided grounds for the commission of human rights violations and the commission of atrocity crimes by the Tatmadaw, namely war crimes and crimes against humanity.¹⁶</p> <p>Therefore, the Tatmadaw is actively working against the promotion and protection of human rights in the country to maintain power and has committed atrocity crimes to do so.</p> |
| | <p>Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.</p> | <p>Fair Unchanged</p> | <p>Myanmar participated in its third UPR in November 2020. At the time of writing (March 2022), answers to advance questions put to Myanmar by State parties and a summary of the interactive dialogue between these has yet to be published.</p> <p>Compilations of UN and other stakeholder information (including Myanmar NGOs and</p> |

¹³ These issues regarded the credibility and independence of the MNHRC (or lack thereof), and included how commissioners were selected and appointed, the powers and operational independence of the commission, and its accountability and publication of its findings.

¹⁴ The CSO Working Group on MNHRC Reform, 2020. *Burma/Myanmar Joint Submission to the UN Periodic Review 37th Session of the Working Group: Myanmar National Human Rights Commission*, p. 3, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=8189&file=EnglishTranslation>.

¹⁵ Renshaw, Catherine, 2022. ‘Can the world stop Myanmar from becoming a failed state?’ *The Conversation*, 1 February. Available at: <https://theconversation.com/can-the-world-stop-myanmar-from-becoming-a-failed-state-174868>; Kurlantzick, Joshua, 2021. *Myanmar Is A Failing State – and Could Be a Danger to Its Neighbors*, <https://www.cfr.org/in-brief/myanmar-failing-state-covid-19-crisis-global-response>; Lee, Yanghee, Chris Sidoti and Marzuki Darusman, 2021. ‘Myanmar Is Not a Failed State, But a Failed Coup’. *The Diplomat*, 3 August. Available at: <https://thediplomat.com/2021/08/myanmar-is-not-a-failed-state-but-a-failed-coup/>.

¹⁶ A selection of resources detailing the human rights violations and atrocity crimes follows: Ryan, Sophie, and Genevieve Feely, 2021. *Atrocity Crimes in Myanmar? Assessing violence in the wake of the 1 February attempted coup*, https://r2pasiapacific.org/files/7634/2021_atrocities_in_Myanmar_200921.pdf; Amnesty International, 2021. *Myanmar 2020*, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-east-asia-and-the-pacific/myanmar/report-myanmar/>; Human Rights Watch (HRW), 2022. *Myanmar Events of 2021*, <https://www.hrw.org/world-report/2022/country-chapters/myanmar-burma>; United Nations, 2021. ‘Human rights “catastrophe” in Myanmar: UN calls for urgent action’. *UN News*, 23 September. Available at: <https://news.un.org/en/story/2021/09/1100922>; United Nations, 2021. ‘Rights abuses in Myanmar “deepening on an unprecedented scale”’. *UN News*, 10 December. Available at: <https://news.un.org/en/story/2021/12/1107642>.

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| | | | international observers) make note of widespread human rights violations and curtailment of freedoms, along with continued discrimination of ethnic and religious minorities. ¹⁷ |
| | Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations. | Very Weak Unchanged | Myanmar has had a large number of visits by UN Special Rapporteurs and many, up until 2015, have been reported on and completed. Visits by mandate holders after this date are either inactive or pending, with the most recent requested one week after the coup. ¹⁸ |
| | Ensure equal access to justice. | Very Weak Unchanged | Myanmar has still not extended a standing invitation to UN mandate holders. The Tatmadaw's influence in Myanmar's courts, as it was in the pre-coup parliament, was pervasive, and widespread corruption and manipulation of the courts was commonplace and arbitrary arrest was widespread. ¹⁹ |
| | Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity. | Very Weak Unchanged | Since the coup and seen with the trial of Aung San Suu Kyi, these circumstances have worsened, ²⁰ and "...the military has steadily stripped the courts of any vestige of the independence they once had". ²¹ Atrocity crimes are used in Myanmar as a tool of State repression, and with the impunity granted by courts subservient to the Tatmadaw, justice for these crimes has not been readily forthcoming. ²² A decision in September 2021 by the NUG to accept the jurisdiction of the International Criminal Court may offer a potential future remedy. The NUG accepted the ICC for all international crimes committed in Myanmar since 2002, ²³ paving the way for potential prosecution of Tatmadaw personnel for atrocity crimes committed against the Rohingya and after the coup. Perhaps strangely, the Tatmadaw added a law to Myanmar's <i>Penal Code</i> in 2021 criminalising genocide. According to official sources, this was to honour their commitments as a signatory to the <i>Genocide Convention</i> . Yet, most observers see it as a way for the junta to lessen international pressure on them after The Gambia brought at charge of genocide against Myanmar at the International Court of Justice in 2019. ²⁴ |

¹⁷ Links to these documents can be found here: UPR-Info, 2022. *Myanmar*, <https://www.upr-info.org/en/review/Myanmar/Session-37---January-2021>.

¹⁸ UNOHCHR, n.d. *View Country visits of Special Procedures of the Human Rights Council since 1998*, <https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=MMR&Lang=en>.

¹⁹ U.S Department of State, 2021. *2020 Country Reports on Human Rights Practices: Burma*, 'Section 1. Respect for the Integrity of the Person, Including Freedom from: Arrest Procedures and Treatment of Detainees; Trial Procedures', <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/burma/>.

²⁰ HRW, 2021. 'Myanmar: Post-Coup Legal Changes Erode Human Rights'. *Human Rights Watch*, 2 March. Available at: <https://www.hrw.org/news/2021/03/02/myanmar-post-coup-legal-changes-erode-human-rights>.

²¹ Lin, Nyan Hlaing, 2021. 'As Suu Kyi stands trial, her judge – and Myanmar's judiciary – come under scrutiny'. *Myanmar Now*, 7 November. Available at: <https://www.myanmar-now.org/en/news/as-suu-kyi-stands-trial-her-judge-and-myanmars-judiciary-come-under-scrutiny>. See also: Plunkett, Anna B., 2021. 'Aung San Suu Kyi trial: how Myanmar's judicial system is stacked against the deposed leader'. *The Conversation*, 17 June. Available at: <https://theconversation.com/aung-san-suu-kyi-trial-how-myanmars-judicial-system-is-stacked-against-the-deposed-leader-162901>.

²² U.S Department of State, 2021. *2020 Country Reports on Human Rights Practices: Burma*, 'Executive Summary'.

²³ Simpson, Adam, 2021. 'Myanmar's exile government signs up to ICC prosecutions'. *East Asia Forum*, 17 September. Available at: <https://www.eastasiaforum.org/2021/09/17/myanmars-exile-government-signs-up-to-icc-prosecutions/>.

²⁴ The Irrawaddy, 2021. 'Myanmar Junta Enacts Genocide Law'. *The Irrawaddy*, 26 August. Available at: <https://www.irrawaddy.com/news/burma/myanmar-junta-enacts-genocide-law.html>; UCA News Reporter, 2021. 'Myanmar junta

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| | <p>Take measures to counter and prevent violent extremism.</p> | <p>Very Weak Unchanged</p> | <p>Myanmar's efforts against terrorism focus on the myriad of ethnic armed militias that have been waging war against the government for decades. They focus on the Arakan Rohingya Salvation Army, whose attacks on police stations initiated the "clearance operations" in 2017 by the Tatmadaw and the subsequent genocide of Rohingyas. At the 74th session of the UN General Assembly, the Myanmar delegation emphasised "...that Myanmar is committed to combat[ing] terrorism in all of its forms and manifestations".²⁵</p> <p>Since the coup in 2021, this commitment has included launching attacks against their own citizens on a large scale, not just ethnic minorities, to ensure the Tatmadaw stays in power. The violence perpetrated in these attacks can constitute terrorist acts according to Myanmar's own law.²⁶ The Tatmadaw has subsequently changed the country's counter-terrorism law to be more restrictive of those critical of the military government, forcing those prosecuted to prove that they are not supporters of terrorist groups or terrorist activities.²⁷</p> <p>Myanmar's efforts, both militarily and legally, to counter terrorism in the country arguably make the situation worse and lead to greater levels of violence and insecurity. The Tatmadaw's refusal to address the citizenship concerns of the Rohingya go to the heart of the Rohingya conflict. Tightening laws and continuing violence against their own citizens instead of addressing this issue only worsens the ongoing conflict.</p> |
| | <p>Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence.</p> | <p>Very Weak Unchanged</p> | <p>Myanmar's capacity to protect vulnerable groups remains deplorable, with continued violence against Rohingyas, including sexual violence, being carried out by the Tatmadaw and resulting in an ongoing risk of genocide.²⁸ Widespread sexual and gender-based violence (SGBV) has also been committed in the violence after the coup by the military government.²⁹ Given laws relating to sexual violence and discrimination in Myanmar remain poor, justice for survivors is incredibly limited.</p> |

enacts law to prevent genocide'. *ucanews*, 27 August. Available at: <https://www.ucanews.com/news/myanmar-junta-enacts-law-to-prevent-genocide/93896>.

²⁵ Myanmar, 2019. *Statement by Ambassador Hau Do Suan, Permanent Representative of Myanmar to the United Nations on Agenda Item 109 "Measure to Eliminate International Terrorism" at the Sixth Committee of the 74th Session of the United Nations General Assembly*, p. 2 – 3, https://www.un.org/en/ga/sixth/74/pdfs/statements/int_terrorism/myanmar.pdf.

²⁶ Special Advisory Council of Myanmar, 2021. *SAC-M Briefing Paper: The Myanmar Military is a Terrorist Organisation Under Law*, <https://specialadvisorycouncil.org/wp-content/uploads/2021/12/SAC-M-Briefing-Paper-Myanmar-Military-Terrorist-Organisation-ENGLISH.pdf>.

²⁷ The Irrawaddy, 2021. 'Myanmar Coup Chief Amends Counterterrorism Law'. *The Irrawaddy*, 3 August. Available at: <https://www.irrawaddy.com/news/burma/myanmar-coup-chief-amends-counterterrorism-law.html>; Al Jazeera, 2021. 'Myanmar charges US journalist with "terrorism" and sedition'. *Al Jazeera*, 10 November. Available at: <https://www.aljazeera.com/news/2021/11/10/danny-fenster-myanmar-files-new-charges-against-us-journalist#:~:text=The%20counterterrorism%20law%20criminalises%20contacts,to%2020%20years%20of%20imprisonment..>

²⁸ United States Holocaust Memorial Museum, 2021. *Atrocities Against Burma's Rohingya Population*, <https://encyclopedia.ushmm.org/content/en/article/atrocities-against-burmas-rohingya-population>.

²⁹ European Parliament, 2022. *European Parliament resolution of 10 March 2022 on Myanmar, one year after the coup*, paras. F, G, https://www.europarl.europa.eu/doceo/document/TA-9-2022-0079_EN.html; U.S Department of State, 2021. *2020 Country Reports on Human Rights Practices: Burma*, 'Section 6. Discrimination, Societal Abuses, and Trafficking in Persons: Women'; Amnesty International, 2021. *Myanmar 2020*, 'Violence against women and girls'; HRW, 2022. *Myanmar Events of 2021*, 'Threats to Women's and Girls' Rights'.

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| | Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law. | Very Weak Unchanged | Given Myanmar's military government is responsible for the vast majority of refugees and displaced persons in the country, they unsurprisingly show little regard for their plight. ³⁰ The country has still not signed the <i>1951 Refugee Convention</i> and its <i>1967 Protocol</i> . |
| Domestic Implementation | Conduct a national assessment of risk and resilience. | Very Weak Unchanged | No evidence was found of a national assessment having taken place. |
| | Cultivate and protect an active, diverse and robust civil society. | Very Weak Decrease | The civil society sector in Myanmar has been effectively destroyed in the military coup of February 2021. The pervading influence of the military in Burmese politics has meant civic space in the country was always tenuous, yet under the NLD there was a turn for the better with limited freedoms of expression, assembly, and association (albeit for the Buddhist majority). These freedoms were crushed with the Tatmadaw's coup and declaration of a state of emergency in the country, which was legal under Burmese law. Large portions of the population which have opposed the coup and protested in the streets have been met with violence and arbitrary imprisonment. A media blackout and other restrictions on public gatherings means average Burmese face large restrictions in every facet of their daily lives. ³¹ Due to the coup, civic space within Myanmar has been set back by a decade. |
| | Ensure a legitimate, effective and civilian controlled security sector. | Very Weak Unchanged | Myanmar's constitution has stipulated in the past that a quarter of seats in the legislature belong to the military, with serving officers required to fill certain defence-oriented ministerial portfolios. Since the military coup, the Tatmadaw has become Myanmar's government, and members of the previous NLD have either been arrested or become part of the NUG. Such a circumstance allows the Tatmadaw to act with impunity and continue to commit atrocity crimes. ³² |
| | Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness. | Very Weak Unchanged | Education is free and compulsory for children up to 10 years of age, yet access for children with disabilities, those of ethnic minorities or those in rural areas is limited. Furthermore, the low age of compulsory education makes children vulnerable to child labour and trafficking. ³³ Unsurprisingly, the coup and ensuing violence in Myanmar has obstructed the effectiveness of the country's education system, already under strain from the COVID-19 pandemic. While some schools and universities have reopened under military rule, |

³⁰ U.S Department of State, 2021. *2020 Country Reports on Human Rights Practices: Burma*, 'Section 2. Respect for Civil Liberties, Including: E. Status and Treatment of Internally Displaced Persons, F. Protection of Refugees, G. Stateless Persons'.

³¹ Freedom House, 2022. *Freedom in the World 2022: Myanmar*, <https://freedomhouse.org/country/myanmar/freedom-world/2022>; Amnesty International, 2021. *Myanmar 2020*, 'Freedoms of expression, association and assembly, Access to information'; U.S Department of State, 2021. *2020 Country Reports on Human Rights Practices: Burma*, 'Section 2. Respect for Civil Liberties, Including: A. Freedom of Expression, Including for the Press'; Reporters Without Borders, 2021. *Myanmar*, <https://rsf.org/en/myanmar>.

³² HRW, 2022. *Myanmar Events of 2021*, 'Post-Coup Crimes against Humanity'.

³³ U.S Department of State, 2021. *2020 Country Reports on Human Rights Practices: Burma*, 'Section 6. Discrimination, Societal Abuses, and Trafficking in Persons, Children'.

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| | | | attendance has been strictly limited, and there is no sense of academic freedom. ³⁴ |
| | Prevent nationals committing atrocity crimes overseas. | Weak Unchanged | No updated information could be found on Myanmar criminalising atrocity crimes committed overseas by its nationals. While it has instituted a genocide law into its <i>Penal Code</i> (see earlier Indicator), no information could be found on whether such a law carries over State borders. |
| Bilateral and Multilateral Relations | Participate in international, regional, and national discussions on the further advancement of R2P. | Fair Unchanged | No information could be found on representatives from the junta discussing the advancement of R2P. However, Myanmar's delegate, on behalf of the NUG, implored UN member states to use R2P to protect the people of Myanmar from the actions of the Tatmadaw, at the plenary meeting of the UN General Assembly in May 2021. ³⁵ |
| | Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect. | Very Weak Unchanged | The UN has currently deferred recognising the Tatmadaw as official representatives of Myanmar (along with the Taliban in Afghanistan). ³⁶ As the UN also does not recognise the NUG, Myanmar has been considered a non-voting country in resolutions referencing R2P. |

UN General Assembly Resolutions:³⁷

- 2018: Extrajudicial, summary or arbitrary executions A/RES/73/172: **did not vote.**
- 2018: Situation of human rights in the Democratic People's Republic of Korea A/RES/73/180: **adopted without vote.**
- 2018: Situation of human rights in the Syrian Arab Republic A/RES/73/182: **did not vote.**
- 2019: Situation of human rights in the Democratic People's Republic of Korea A/RES/74/166: **adopted without vote.**
- 2019: Situation of human rights in the Syrian Arab Republic A/RES/74/169: **did not vote.**
- 2020: Situation of human rights in the Democratic People's Republic of Korea A/RES/75/190: **adopted without vote.**
- 2020: Extrajudicial, summary or arbitrary executions A/RES/75/189: **did not vote.**
- 2020: Situation of human rights in the Syrian Arab Republic A/RES/75/193: **did not vote.**
- 2021: Promoting a culture of peace and tolerance to safeguard religious sites A/RES/75/258: **adopted without vote.**
- 2021: The responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity A/RES/75/277: **did not vote.**

³⁴ San, Soe, 2021. *Beyond the Coup in Myanmar: Don't Let the Light of Education Be Extinguished*, <https://www.justsecurity.org/76921/beyond-the-coup-in-myanmar-dont-let-the-light-of-education-be-extinguished/>; Freedom House, 2022. *Freedom in the World 2022: Myanmar*, 'Civil Liberties: D. Freedom of Expression and Belief'.

³⁵ United Nations, 2021. *Speakers Differ over Implementation of 'Responsibility to Protect' Principle, as General Assembly Considers Draft Resolution on Atrocity Crime Prevention*, <https://www.un.org/press/en/2021/ga12323.doc.htm>.

³⁶ Putz, Catherine, 2021. 'Afghanistan's Taliban, Myanmar's Tatmadaw Denied UN Seats, For Now'. *The Diplomat*, 3 December. Available at: <https://thediplomat.com/2021/12/afghanistans-taliban-myanmars-tatmadaw-denied-un-seats-for-now/>.

³⁷ GCR2P, 2021. *UN General Assembly Resolutions Referencing R2P*, <https://www.globalr2p.org/resources/un-general-assembly-resolutions-referencing-r2p-2/>. (Voting records for each resolution were accessed using the UN's Digital Library: General Assembly of the United Nations, n.d. *Voting Records*, <https://www.un.org/en/ga/documents/voting.asp>.)

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| Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy. | Very Weak Unchanged | <p>The Tatmadaw has not fulfilled its responsibility to protect regarding ethnic minorities or its own citizens during the post-coup violence. As the ruling government, the Tatmadaw "... has manifestly failed to uphold its responsibility to protect and bears responsibility for the commission of war crimes, crimes against humanity and genocide".³⁸</p> <p>While the Tatmadaw have failed to invoke or support R2P, the anti-coup protests that have engulfed the country have seen ordinary Burmese calling out for the international community to apply the norm. As it stands, the application of R2P, and the international response to the violence and conflict in Myanmar overall, has been ineffectual.³⁹</p> |
| Strengthen regional and international networks for atrocity crime prevention. | Very Weak Unchanged | No evidence could be found of Myanmar supporting atrocity prevention networks. |
| Strengthen the role and capacity of regional organisations. | Very Weak Unchanged | While Myanmar is a member of regional organisations, most notably ASEAN, its actions have caused friction within the bloc and have done nothing to strengthen their capacity. Most notably, representatives from the junta have been excluded from the organisation's meetings in October 2021 ⁴⁰ and in February 2022. ⁴¹ |
| Support the development and work of regional human rights and other preventive capacities. | Very Weak Unchanged | The current Myanmar government remains reticent to work towards improving human rights in the country or in the region, and actively violates them to remain in power. As the violence and conflict has continued since the coup, the extent of human rights violations has continued to increase. ⁴² |
| Support atrocity prevention through development and assistance partnerships. | Very Weak Unchanged | <p>The Tatmadaw do not support atrocity prevention measures through development partnerships. They are using humanitarian aid as a weapon in their fight against anti-government forces in the country.⁴³</p> <p>Following the coup, donors of humanitarian aid to Myanmar have been looking to adopt a new approach so aid does not benefit the military regime.⁴⁴</p> |

³⁸ GCR2P, 2022. *Myanmar (Burma)*, <https://www.globalr2p.org/countries/myanmar-burma/>.

³⁹ See: United Nations, 2022. "'Urgent, renewed effort" needed to restore civilian rule in Myanmar: Bachelet'. *UN News*, 28 January. Available at: <https://news.un.org/en/story/2022/01/1110792>; Gareth Evans, 2022. 'Most Read of 2021: The Responsibility to Protect and the People of Myanmar'. *Australian Institute of International Affairs*, 7 January. Available at: <https://www.internationalaffairs.org.au/australianoutlook/the-responsibility-to-protect-the-people-of-myanmar/>; Thakur, Ramesh, 2021. *Myanmar pleads for the world to honour the responsibility to protect*, <https://www.aspistrategist.org.au/myanmar-pleads-for-the-world-to-honour-the-responsibility-to-protect/>.

⁴⁰ Kapur, Roshni, 2022. 'ASEAN and Myanmar: No sign of progress'. *The Interpreter*, 31 January. Available at: <https://www.lowyinstitute.org/the-interpreter/asean-and-myanmar-no-sign-progress>.

⁴¹ Al Jazeera, 2022. 'Myanmar military barred from ASEAN foreign ministers' meeting'. *Al Jazeera*, 3 February. Available at: <https://www.aljazeera.com/news/2022/2/3/myanmar-military-barred-from-asean-foreign-ministers-meeting>.

⁴² United Nations, 2022. 'Myanmar: "Appalling" violations demand "unified and resolute international response"'. *UN News*, 15 March. Available at: <https://news.un.org/en/story/2022/03/1113972>.

⁴³ Strangio, Sebastian, 2021. 'Report: Myanmar Junta Restricting 'Lifesaving' Humanitarian Aid'. *The Diplomat*, 14 December. Available at: <https://thediplomat.com/2021/12/report-myanmar-junta-restricting-lifesaving-humanitarian-aid/>.

⁴⁴ Decobert, Anne, 2021. 'Myanmar's coup might discourage international aid, but donors should adapt, not leave'. *The Conversation*, 19 February. Available at: <https://theconversation.com/myanmars-coup-might-discourage-international-aid-but-donors-should-adapt-not-leave-154742>; Australian Government Department of Foreign Affairs and Trade, 2021. *Australia's development assistance to Myanmar*, <https://www.dfat.gov.au/geo/myanmar/development-assistance/development-assistance-in-myanmar>; Tarpey, Fiona, 2021. 'Walking the Tightrope: Humanitarian Assistance in Myanmar'. *Australian Institute in International Affairs*, 8 September. Available at: <https://www.internationalaffairs.org.au/australianoutlook/walking-the-tightrope-humanitarian-assistance-in-myanmar/>.

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| United Nations, prevention, Peacekeeping, and assistance | Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P. | Very Weak Unchanged | No evidence could be found of Myanmar supporting any such initiative. |
| | Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system. | Weak Increase | As mentioned in a previous Indicator, Myanmar's delegation to the UN, on behalf of the NUG, has supported stronger measures from the UN to protect the people of Myanmar from atrocity crimes. This contrasts with the junta, which has given no indication of supporting human rights or atrocity prevention measures at the UN or anywhere else. |
| | Support preventive actions on atrocity crimes. | Weak Increase | As with the previous Indicator the military junta in Myanmar shows no evidence of preventing atrocity crimes as they are actively engaged in committing them. However, the NUG and the people protesting against the coup clearly support the prevention of atrocity crimes and the application of R2P. |
| | Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate). | Very Weak Unchanged | Myanmar's Tatmadaw currently has no troops deployed to peacekeeping missions. |
| | Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping. | Very Weak Decrease | The Tatmadaw have been actively committing atrocities for years and are engaged in combat operations with ethnic armed groups, the People's Defence Force of the NUG, and unarmed civilians. There is no evidence they have developed any such capacities for peacekeeping or civilian protection. |
| | Support the Kigali Principles. | Very Weak Unchanged | Myanmar does not support the Kigali Principles. |
| | Support UN Security Council veto restraint on issues relating to atrocity prevention. | Very Weak Unchanged | Myanmar remains neither a signatory to the ACT Code of Conduct, ⁴⁵ nor the French/Mexican initiative on the suspension of veto in the case of mass atrocities. ⁴⁶ |

⁴⁵ GCR2P, 2019. *List of Signatories to the ACT Code of Conduct*, <https://www.globalr2p.org/resources/list-of-signatories-to-the-act-code-of-conduct/>.

⁴⁶ GCR2P, 2020. *List of Supporters of the Political Declaration on the Suspension of Veto*, <https://www.globalr2p.org/resources/list-of-supporters-of-the-political-declaration-on-suspension-of-veto/>.