

Mandates of the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right to food; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on minority issues; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on violence against women, its causes and consequences

Ref.: AL OTH 11/2022
(Please use this reference in your reply)

14 March 2022

Dear General Min Aung Hlaing,

We address you in our capacities as Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the right to food; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on minority issues; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on freedom of religion or belief and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 41/15, 44/5, 32/8, 43/4, 43/14, 43/8, 43/36, 40/10 and 41/17.

We are writing to you in light of your role as Commander in Chief of the Tatmadaw/Myanmar Armed Forces, and in particular, with respect to the role the Tatmadaw has played in forcibly displacing Myanmar citizens and rendering conditions in their home areas unsuitable for return.

In this connection, we would like to bring to your attention information we have received concerning **violations of human rights and international humanitarian law committed in the context of Tatmadaw operations across Myanmar, which have included deliberate attacks against civilians, summary executions, indiscriminate attacks on population centers, arbitrary detentions, the widespread destruction of civilian homes and structures and the looting of civilian property, gender-based violence against women, including sexual violence, the use of civilians as human shields, the occupation of medical facilities and threats against healthcare workers, the obstruction of humanitarian aid, the use of starvation as a weapon of war, the targeting of religious personnel and persecution of minorities and individuals based on their perceived religious affiliation, and mass forced displacement with limited prospects for durable solutions.**

According to the information received:

The Myanmar Military carried out an illegal coup d'état on 1 February 2021, alleging fraud during elections held in Myanmar in November 2020. The junta

General Min Aung Hlaing

subsequently arrested democratically elected President U Win Myint, State Counselor Daw Aung San Suu Kyi, and the majority of ministers, deputies, and members of Parliament affiliated with the governing party, the National League for Democracy (NLD). Tens of thousands of Myanmar citizens protested those actions by holding rallies nationwide demanding the restoration of democracy, with local professional groups including medical workers, engineers, and teachers, as well as labour unions and other civil society organizations organizing peaceful protests and labour strikes in resistance under the umbrella of the Civil Disobedience Movement (CDM).

The Tatmadaw responded with deadly force against the protesters, opening fire on peaceful protests and allegedly arbitrarily detaining suspected protesters, pro-democracy activists and members of the CDM and their family members during raids. At least 1,500 people have been killed by the military since the coup, while over 9,000 people have reportedly been arrested, charged, or sentenced for political reasons. Of these at least 290 individuals have reportedly died in custody due to the use of torture and violent interrogation tactics by the security forces, lack of medical care in prison, and COVID-19 outbreaks in detention. In response to the Tatmadaw's illegal coup and campaign of violence, locally organized defence forces have arisen across Myanmar, often called "People's Defence Forces" (PDFs). Those groups, as well as more established ethnic armed organizations (EAOs), have been engaging in armed resistance to the Myanmar military throughout the country, but possess only a fraction of the Tatmadaw's military capabilities.

The Tatmadaw began undertaking mass offensives across the country, targeting suspected members of PDFs as well as civilians in the surrounding areas. The Tatmadaw has used a long-established "four cuts" strategy that seeks to deprive insurgents of food, funds, recruits and intelligence. According to reports received, these operations have entailed the indiscriminate use of heavy artillery, landmines, and airstrikes against populated areas, as well as mass arrests, torture, and summary executions. Reports received suggest a systematic pattern of human rights violations and violations of international humanitarian law (IHL) by the Tatmadaw, including the deliberate targeting of civilians, extrajudicial killings, arbitrary detentions, the widespread destruction of civilian homes and structures and the looting of civilian property, and mass forced displacement.

Further reports received regarding human rights violations and violations of IHL include reports of gender-based violence against women and girls, including conflict-related sexual violence and rape attributed to Tatmadaw forces, the occupation of medical facilities by Tatmadaw forces and threats against healthcare workers, the use of civilians as human shields and for forced labor, the use of starvation as a weapon of war, the targeting of religious personnel and the persecution of minorities and individuals based on their religious beliefs. There have also been reports of children being recruited as soldiers, including from IDP camps, by the Tatmadaw. As a result of such policies, families have felt forced to separate, as teen-aged male children are seen as susceptible to recruitment and are sent into hiding by their families.

Clashes and insecurity engendered by the Tatmadaw's crackdown on protesters and attacks against local PDFs have led to the internal displacement

of an estimated 453,000 people across Myanmar since 1 February 2021, including 91,900 IDPs in Kayah State, 146,500 IDPs in Sagaing Region, 71,400 IDPs in Kayin State, 34,000 IDPs in Chin State, 66,700 IDPs in Shan State, 21,400 IDPs in Magway Region, 7,500 IDPs in Mon State, 9,800 IDPs in Kachin State, 2,600 IDPs in Tanintharyi Region, and 800 IDPs in Bago Region, as of 15 February 2022¹. Those figures add to the estimated 370,500 people living in protracted internal displacement prior to February 2021, including 237,000 IDPs in Rakhine State, 94,600 in Kachin State, 16,000 in Bago Region, 13,000 in Chin State, and 9,900 in Shan State, bringing the total number of IDPs across Myanmar to approximately 823,000².

Living conditions for IDPs are reported to be unsafe and inadequate, with severely constrained access to medical facilities and treatment, food, clean water, and adequate shelter. Humanitarian access is also extremely limited due to conflict and unrest, and checkpoints, road blocks, and restrictive travel authorizations to reach conflict-affected areas and areas not under Tatmadaw control. Humanitarian actors have also faced logistical constraints due to the disruption of banking services, which limits their ability to procure relief supplies and fund cash assistance programmes. Prices for food, medicine, and other essential goods have reportedly risen due not only to the economic crisis provoked by the conflict and attendant currency devaluation but also due to Tatmadaw blockades preventing the entry of food and other essential goods into certain areas, as well as the looting and destruction of food and livestock by Tatmadaw forces. In some areas, families are reportedly not able to access harvest sites due to ongoing clashes in those areas. Civilians seeking to flee their homes have reportedly been unable to reach IDP sites due to insecurity along transit routes.

Reports have been received suggesting that the Tatmadaw has carried out attacks including airstrikes deliberately targeting IDP camps, leading to civilian fatalities, including the deaths of children. Prospects for durable solutions have been jeopardized by the Tatmadaw's destruction of civilian homes following forced displacement, impinging on IDPs' right of return. Since 1 February 2021, more than 2,200 homes and civilian properties have reportedly been burnt down or otherwise destroyed, including 800 in Chin State, 654 in Kayah State, 529 in Sagaing Region, and 223 in Magway Region.³ Reports received suggest that the Tatmadaw has deliberately planted landmines in previously populated areas to prevent the return of displaced villagers to those areas.

A number of reports have been received regarding forced displacement in specific locations, as described below.

¹ UNHCR (2022, February 15). [Myanmar Emergency Regional Update - 15 February 2022](#). Global Focus. Retrieved March 11, 2022.

² Ibid.

³ OCHA Myanmar (2022, January 17). [Myanmar Humanitarian Update no. 14. ReliefWeb](#). Retrieved March 11, 2022.

Chin State

Mindat Township

On 15 May 2021, the Tatmadaw took the town of Mindat after imposing martial law on the area a few days earlier. The Tatmadaw's seizure of the town followed three days of clashes, during which the military reportedly mounted heavy artillery and aerial attacks against the town, and subsequently raided and fired indiscriminately on civilian homes. Tatmadaw soldiers reportedly used civilians as human shields while entering the town, looted and ransacked civilian homes, destroyed valuables and slaughtered livestock when taking control of the town. There were also reports of gender-based violence, including sexual assault and rape, perpetrated against women and girls.

After taking control of Mindat, the Tatmadaw reportedly imposed a blockade on the town, cutting off all routes to and from the town, blocking local supply routes, refusing entry to humanitarian aid convoys and preventing the delivery of essential goods including fuel, food, and medicine, interrogating and arresting civilians entering the town to purchase goods, and cutting off access to the internet. Food prices rose significantly as a result of the blockade. The Tatmadaw reportedly took over the sale of essential goods from displaced vendors, and leveraged this monopoly to resell their goods at inflated prices. Persons attempting to buy more than their allotted rations of food and medicine were accused of supporting PDFs, running the risk of arrest. The principal hospital in Mindat was reportedly closed and used as a barracks by the Tatmadaw, preventing civilians in Mindat and the surrounding areas from accessing medical care. Those affected by the hospital's closure included elderly persons and persons with disabilities.

Reports suggest that over 10,000 IDPs fled Mindat and are currently resident in camps and villages surrounding the town. Living conditions for IDPs around Mindat are inadequate. Many IDPs initially fled to the surrounding jungle, where they lacked access to shelter, blankets, safe drinking water, and food besides what could be foraged from the forest. Infants and pregnant women were reportedly unable to receive nutritional supplements. IDPs living in the jungle faced an increased risk from communicable diseases including cholera, malaria, diarrhea, and COVID-19, yet lacked access to medicines and medical care. Some IDPs, including children, reportedly died of underlying conditions without access to medical treatment, while others perished as a result of snakebites in the jungle or untreated injuries sustained during the Tatmadaw's assault on Mindat. Even those IDPs who managed to reach shelter outside of the jungle faced overcrowded conditions, food shortages, and lack of access to medical care.

IDPs fleeing Mindat also reportedly came under attack from Tatmadaw forces. Some of those fleeing the town were allegedly unable to access IDP camp sites, due to active conflict along transit routes. There have been several reports of Tatmadaw forces actively targeting IDP camps and villages sheltering IDPs with small arms fire and artillery attacks. Local aid groups and citizens attempting to provide humanitarian assistance to IDPs have allegedly also been harassed, arbitrarily detained, and surveilled by Tatmadaw forces, and local residents report fear of reprisal should they be found assisting the

displaced.

Kayah State

Hpruso Township

On 24 December 2021, Tatmadaw forces killed 35 civilians, including IDPs, four children and two humanitarian aid workers, and set fire to their vehicles in Hpruso township.

On 17 January 2022, Tatmadaw airstrikes reportedly struck two IDP camps in Hpruso township, one of which was empty at the time. The airstrike on the second IDP camp, which was reportedly home to 200 IDPs, killed at least three people, including two children, and forced the rest of the IDPs to flee in different directions following the attack. There are estimated to be over 10,000 IDPs in Hpruso township alone, out of 104,400 IDPs in Kachin State overall.

Demoso Township

Talks brokered by religious leaders between the Tatmadaw and the Karenni Nationalities Defence Force (KNDF) reportedly led to a humanitarian ceasefire, declared by the KNDF on 15 June 2021, in order to enable IDPs to return home and gather supplies as well as allow for the delivery of humanitarian aid to IDPs by local aid organizations. Reports received suggest that the Tatmadaw immediately reneged on this ceasefire, firing artillery shells at the town on 16 June. The Tatmadaw also reportedly entered the town to carry out clearance operations against those who had returned, including indiscriminate artillery and small arms attacks against civilians. Reports also indicate that the Tatmadaw blocked the delivery of humanitarian aid to affected IDPs, including through seizing and destroying humanitarian aid supplies, and on occasion killing those suspected of attempting to provide assistance to the displaced, including IDPs bringing assistance to their peers.

On 17 January 2022, helicopter gunship reportedly attacked an IDP site in Nan Mae Khone village, Demoso Township, and killed three medical volunteers.

Kayin State

In Doo Tha Htoo (Thaton), Kler Lwee Htoo (Nyaunglebin), Mergui (Tavoy), Mu Traw (Hpapun), and Dooplaya Districts, the Tatmadaw has reportedly carried out numerous indiscriminate attacks leading to the death and displacement of civilians, including through the use of artillery attacks and airstrikes. In Mu Traw and Dooplay Districts, we have received reports of at least ten airstrikes carried out against populated areas in the last week of 2021 and first two weeks of 2022 alone, including at least two incidents in which medical facilities were damaged or destroyed. Airstrikes and artillery attacks have reportedly destroyed civilian infrastructure and assets, including food storage facilities, agricultural inputs, livestock, schools, homes, clinics, and educational and religious facilities.

According to the reports received, the Tatmadaw has directly and indirectly obstructed the delivery of humanitarian aid to displaced populations. The Tatmadaw has reportedly enacted blockades on certain localities, preventing the delivery of humanitarian aid, while in other instances the intensity of artillery and airstrikes has reportedly prevented aid from being delivered, as local and international aid organizations cannot safely pass through these active conflict zones. The Tatmadaw has also reportedly looted civilian goods and property from villages where it has carried out security operations.

We have also received reports indicating the use of torture against civilians in the affected regions, reportedly leading to death in at least one instance.

Sagaing Region

Beginning in October 2021, the Tatmadaw reportedly escalated its operations in Sagaing Region, along with neighboring Chin State and Magway Region, allegedly as part of “Operation Anawrahta”, a major offensive effort as yet unacknowledged by the military that was intended to root out opposition to the Tatmadaw in northwestern Myanmar. Civilians in Sagaing Region caught up in conflict between PDFs and the Tatmadaw were forced to flee from the towns and smaller villages throughout the region.

According to reports received, the Tatmadaw mounted attacks and airstrikes on the targeted towns and villages, while Tatmadaw soldiers on the ground ransacked and subsequently burned down civilian homes, looted valuables, and committed gender-based violence against women and girls, including sexual assault and rape. Tatmadaw forces reportedly also planted landmines on transit routes leading to and from the targeted localities. Beginning on 28 November 2021, the Tatmadaw reportedly mounted an aerial campaign against as many as 15 villages in Depayin Township, using up to 5 helicopter gunships. An estimated 26,000 people were displaced in Sagaing Region during the week of 23-29 November 2021 alone, accounting for well over half the total of 41,000 IDPs in Sagaing as of 29 November 2021. Those displaced, including children and the elderly, faced inadequate living conditions, including food security and a lack of adequate medical care. Health care workers who continued to attend to IDPs reported fear of reprisal from the Tatmadaw, particularly for treating injured PDF members.

Religious minorities

According to the reports received, certain minorities facing displacement appear to have been targeted on the basis of their religious affiliation, whether actual or perceived. In addition to the vast numbers of mostly Muslim Rohingya minority living in protracted displacement, 144,000 as IDPs in Myanmar and approximately 1 million as refugees in neighboring countries, the latest wave of conflict and displacement led by the Tatmadaw appears to have targeted Christian communities. Chin State, Kayah State, and Kachin State have the largest concentrations of members of the Christian minority per Myanmar’s most recent census; IDPs displaced since 1 February 2021 in these three states alone represent over half of the total number of IDPs newly displaced since the Tatmadaw assumed power. Churches have reportedly been targeted by artillery fire, looted by Tatmadaw soldiers, and used as military

bases, and Christian organizations and individuals attempting to provide humanitarian assistance to displaced persons have allegedly been obstructed, threatened, or arrested.

Some of the reported instances of religiously-based attacks on Christian minority communities by the Tatmadaw are detailed below.

Kachin State

Reports indicate that IDPs from several villages in Kachin State were confronted in their homes by Tatmadaw soldiers who claimed to be looking specifically for Kachin Christians to summarily execute on the basis of their suspected affiliation with the Kachin Independence Army. Christian residents of these villages reportedly felt the need to conceal any religious paraphernalia within their homes to avoid being targeted. The majority of those IDPs were Catholic, with some Buddhists and Baptists among them. As in other instances of forced displacement, soldiers entering these villages fired indiscriminately upon civilians and slaughtered livestock upon entering the village. IDPs who fled these villages again reportedly faced inadequate living conditions, including lack of access to water and sanitation facilities, overcrowding, and food insecurity.

Chin State

On 18 September 2021, PDF fighters attacked a Tatmadaw base in the predominantly Christian minority town of Thantlang in northwestern Chin State, reportedly killing 30 soldiers. The Tatmadaw responded by shelling the town and firing at civilian targets, setting as many as 20 houses in the town on fire. A well-known local Baptist pastor was reportedly shot by Tatmadaw forces, who then sawed off his finger and stole his wedding ring. Tatmadaw soldiers reportedly returned to the town several times over the next month to loot abandoned homes of food, cash, and alcohol. During the same assault, reports indicate that unaccompanied children were trapped in the town for several days with limited food, due to the level of indiscriminate violence. In response to the alleged capture of a Tatmadaw soldier by PDF forces on 29 October 2021, Tatmadaw forces reportedly shelled Thantlang once again and set homes and churches in the town ablaze, eventually destroying 600 buildings or over a third of the entire town.

Kayah State

We have received reports that on 22 November 2021, more than 200 soldiers and police officers affiliated with the Myanmar Military raided the Mercy Clinic at the Christ the King Catholic Church compound in Loikaw, where some IDPs had taken refuge after fleeing conflict. Military and police officials reportedly arrested 18 healthcare workers, accusing them of helping opposition groups. The officials also forced between 40 and 60 patients, including pregnant women and COVID-19 patients, to move to hospitals under Tatmadaw control.

Looting, pillage, and property destruction

There have been numerous reports of security forces looting, pillaging, and destroying property and possessions belonging to civilians, businesses, religious organizations, and humanitarian aid organizations across the country, including in Chantharywa, Mindat, and Yangon. Soldiers have reportedly demanded money from civilians and beaten those who failed to comply, seized livestock to consume and sell for their own profit, and stolen electronics, furniture, food, and fuel from churches and private homes. Reports indicate that soldiers have also looted private businesses, entering shops and taking food, electronics, and motor vehicles by force.

In Chin State, Kayah State, and Sagaing Region, we have received reports suggesting that soldiers have destroyed homes vacated by IDPs, as well as killed livestock, and destroyed food stores, reportedly even urinating and defecating on rice to render it unusable. Winter clothing, medicine, and food sent to IDPs has been looted or destroyed by soldiers en route to its destination. Reports indicate that looting and pillage are systematic tactics of the Tatmadaw, with convoys of military trucks reportedly entering civilian areas empty and departing filled with despoiled goods.

Without prejudging the accuracy of the information received, we wish to express our extreme concern about the reports of serious violations of human rights and international humanitarian law by the Tatmadaw, including deliberate attacks against civilians, summary executions, indiscriminate attacks on population centers, arbitrary detentions, the widespread raiding and destruction of civilian homes and structures, the placing of landmines to prevent return, the deliberate blockage of towns to prevent essential items and aid from reaching the civilian population, the looting of civilian property, gender-based violence against women and girls, including sexual violence, the use of civilians as human shields, the occupation of medical facilities and threats against healthcare workers, the obstruction of humanitarian aid, the use of starvation as a weapon of war, the targeting of minority religious personnel and persecution of groups and individuals based on their perceived religious affiliation, and mass forced displacement with limited prospects for durable solutions.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As we continue to monitor and evaluate the developments of this situation, it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, please provide your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on any measures taken to protect the civilian population in Myanmar, prevent human rights violations and ensure respect for international humanitarian law and international

human rights law, particularly for targeted ethnic and religious minorities and individuals, and put an end to the violence in Myanmar.

3. Please provide information on any measures taken to prevent and respond to forced displacement, and to support durable solutions for internally displaced persons. In particular, please provide information on measures envisaged to provide shelter to internally displaced persons and to those whose homes have been destroyed, and urgently resume essential services across all of Myanmar, including in healthcare, electricity, water and sanitation, communications and banking sectors.
4. Please provide information on measures taken or envisaged to ensure access to humanitarian assistance to civilians in need, including internally displaced persons, and to facilitate rapid and unimpeded access by humanitarian actors to populations in need by removing any remaining barriers to humanitarian access.
5. Please provide information on steps taken to carry out independent, impartial, prompt, thorough, effective, credible and transparent investigations into all alleged cases of extrajudicial arbitrary and summary executions. Please include specific information on the number of individuals who have died in custody, the investigations undertaken and the outcome of any investigations. Please also provide specific information on the reported killing of 35 civilians in Hpruso Township, Kayah State.
6. Please provide information on the factual and legal basis for the arrest of the 18 health care workers allegedly detained from the Mercy Clinic at the Christ the King Catholic Church compound in Loikaw and how these measures are compatible with applicable international norms and standards, as well as on the whereabouts and access to adequate medical care of the 50 to 60 patients, including pregnant women, allegedly removed from the said clinic.
7. Please provide information on measures taken to combat gender-based violence against women and girls, including conflict-related sexual violence and ensure that victims/survivors have effective access to comprehensive psychosocial support services, medical treatment, mental health care and adequate reparations
8. Please provide information on any measures taken or envisaged to investigate allegations of violations of human rights and international humanitarian law and bring perpetrators to justice in an impartial manner and in full respect for fair trial guarantees.

This communication and any response properly received from you will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We emphasize that the human rights of individuals and groups must be respected, protected and fulfilled, irrespective of the character of the perpetrator(s). At a minimum, actors exercising either government-like functions or de facto control over territory and population must respect and protect the human rights of individuals and groups.

We may publicly express our concerns in the near future as, in our view, the information upon which any press release would be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with you to clarify the issue/s in question.

Finally, we stress that this letter does not in any way imply the recognition, as a matter of international law, of Tatmadaw as the legitimate government of Myanmar, and is without prejudice to the United Nations positions on these matters.

Yours sincerely,

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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

In this regard, we would like to refer to article 3 of the Universal Declaration of Human Rights which provides that every individual has the right to life, liberty and security of the person. The right to life constitutes a jus cogens, peremptory norm from which no derogation is permitted. It applies at all times including during armed conflicts. We further highlight that an integral part of the right to life is the conduct of thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. We would also refer to article 12 of the UDHR recognizing the right of everyone not to be subjected to arbitrary interference with his or her privacy, family, home or correspondence.

Furthermore, we would like to draw your attention to article 11.1 of the International Covenant on Economic Social and Cultural Rights (ICESCR), to which Myanmar acceded on 6 October 2017, which recognizes the right of everyone to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions. In its General Comment No. 4, the Committee on Economic, Social and Cultural Rights (CESCR) stated that the right to housing “should be seen as the right to live somewhere in security, peace and dignity” (par. 7) and set out that the concept of “adequate housing” includes the following elements: a) security of tenure, b) availability of services, c) affordability, d) habitability, e) accessibility, f) location, and g) cultural adequacy (par.8). It should be noted that the obligation to protect and fulfil the right to adequate housing remains applicable in contexts of armed conflict.

Article 12.1 of the ICESCR recognizes the “right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” In this connection, we would like to refer to General Comment 14 of the Committee on Economic, Social and Cultural Rights, which clarifies the obligation to refrain from limiting access to health services as a punitive measure, e.g. during armed conflicts in violation of international humanitarian law. (GC 14, Para.34) We recall that refusal to treat persons wounded in conflict or violence constitutes a direct violation of the right to health. Health professionals must provide impartial care and services to all those affected or involved in conflict or violence. Therefore, doctors and other health-care workers must not be arrested, charged or sentenced for acting within their professional duty of ensuring medical impartiality ([A/68/297](#)). Arrests and other forms of attacks against healthcare workers not only violate the right to health of people affected by crisis situations, but may also cripple the healthcare system as a whole ([A/68/297](#), paras 27-29). We would further like to recall that customary international humanitarian law establishes that medical personnel exclusively assigned to medical duties must be respected and protected in all circumstances, and that wounded and sick must be taken care of. In particular, resolution [37/194](#) of the United Nations General Assembly on the Principles of Medical Ethics stipulates that persons shall not be punished for carrying out medical activities compatible with medical ethics, regardless of the person benefiting therefrom, under any circumstances.

The above articles must be read in conjunction with Article 2.2 of the ICESCR, which provides for the exercise of the rights enunciated under the Covenant without discrimination of any kind, including on the grounds of religion, political or other opinion, and national or social origin. We wish to emphasize that no derogation is permitted under the ICESCR due to emergency, and thus the above rights must be observed under all circumstances, even if martial law is legitimately invoked.

We would like to remind you of the explicit recognition of the human rights to safe drinking water by the UN General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9), which derives from the right to an adequate standard of living, protected under, inter alia, article 25 of the Universal Declaration of Human Rights, and article 11 of ICESCR. In its General Comment No. 15, CESCR clarified that the human right to water means that everyone is entitled to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. In particular, CESCR has noted that international humanitarian law requires the protection of objects indispensable for the survival of the civilian population, including drinking water installations and supplies.

The Declaration on the Elimination of Violence against Women, adopted by the United Nations General Assembly, states that women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. Especially, we would like to bring to your attention article 4 (c & d) of the Declaration, which calls for due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. Moreover, Article 4 (g) notes the importance of ensuring that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling, and health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation

In this context, we also like to recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its General Recommendation No. 19 (1992), updated by General Recommendation No. 35 (2017), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women, ratified by Myanmar on 22 July 1997, whether perpetrated by a State official or a private citizen, in public or private life.

The CEDAW Committee considers that parties are under an obligation to act with due diligence to investigate all crimes perpetrated against women and girls, to prosecute and punish perpetrators, and to provide effective reparations without delay. In General Recommendation No. 35, the Committee clarifies that parties are responsible for acts or omissions of its organs and agents that constitute gender-based violence against women. This includes the acts or omissions of officials in its executive, legislative and judicial branches. Furthermore, parties are responsible for investigating, prosecuting and applying appropriate legal or disciplinary sanctions, as well as providing reparation, in all cases of gender-based violence against women, including those constituting international crimes, and in cases of failure, negligence or

omission on the part of public authorities. The Committee also indicates that gender-based violence against women, including rape, can amount to torture or cruel, inhuman or degrading treatment in certain cases, and that some forms of gender-based violence may constitute international crimes (see also General Recommendation No. 30 on this).

The Committee recommended that sexual assault, including rape, should be characterized as a crime against the right to personal security and physical, sexual and psychological integrity and time limitations, where they exist, should prioritize the interests of the victims/survivors and give consideration to circumstances hindering their capacity to report the violence suffered to the competent services or authorities. It also recommended to provide effective reparations to victims/survivors of gender-based violence against women, which should include different measures, such as monetary compensation, the provision of legal, social and health services, including sexual, reproductive and mental health services for a complete recovery, and satisfaction and guarantees of non-repetition, in line with previous recommendations (i.e., Nos. 28, 30 and 33).

We wish to draw your attention also to the provisions of international humanitarian law. According to customary international humanitarian law applicable in non-international armed conflict, attacks must not be directed against civilians (see ICRC Study on Customary International Humanitarian Law, Rule 1). Civilians only lose their protection against attack when, and for such time as, they take a direct part in hostilities (see Rule 6). Every effort should be made to distinguish between civilians and combatants (Rule 1). In the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects. All feasible precautions must be taken to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects (Rule 15). Indiscriminate attacks are prohibited (see Rule 11) as are area bombardment (Rule 13), violence aimed at spreading terror among the civilian population (Rule 2), and attacks where collateral damage to civilians and civilian objects would be excessive in relation to the military advantage anticipated (Rule 14).

The following acts, among others, are also prohibited: murder (Rule 89, Common article 3 to the Geneva Conventions, to which Myanmar is a party, and article 4(2)(a) of Additional Protocol II), rape and other forms of sexual violence (Rule 93, Common article 3 and article 4(2)(e) of Additional Protocol II), arbitrary deprivation of liberty (Rule 99), pillage (Rule 52 and article 4(2)(g) of Additional Protocol II), attacks against objects indispensable to the survival of the population such as foodstuff, agricultural areas for the production of foodstuff, crops, livestock, drinking water installations and supplies (Rule 54, and article 14 of Additional Protocol II), the destruction or seizure of private property, except where required by imperative military necessity (Rule 51), the use of starvation of the civilian population as a method of warfare (Rule 53), obstructing humanitarian relief for civilians in need (Rule 55), limiting the movements of humanitarian personnel except in the case of imperative military necessity (Rule 56), the use of chemical weapons (Rule 74) and the indiscriminate placement of landmines (Rule 81). The Geneva Conventions also call on parties to respect and protect medical personnel (Rule 25), medical facilities (Rule 28), and religious personnel (Rule 27).

Ordering the displacement of the civilian population, in whole or in part, for reasons related to the conflict is prohibited, unless the security of the civilians

involved or imperative military reasons so demand; and the parties to a conflict have the duty to prevent displacement caused by their own acts, such as terrorizing the civilian population or carrying out indiscriminate attacks (Rule 129 and article 17 of Additional Protocol II to the Geneva Conventions). This includes the prohibition of ethnic cleansing, which aims to change the demographic composition of a territory through the displacement of the civilian population and/or other acts such as attacks against civilians, murder and sexual violence.

International humanitarian law also provides that, in case of displacement, all possible measures must be taken in order that the civilians concerned are received under satisfactory conditions of shelter, hygiene, health, safety and nutrition and that members of the same family are not separated (Rule 131 and Additional Protocol II, article 17). Displaced persons have a right to return and their property rights must be respected (Rules 132 and 133). Women and children are entitled to special protection (Rules 134 and 135). Each party to the conflict must respect and ensure respect for international humanitarian law by its armed forces (Rule 139), and war crimes allegedly committed by nationals or armed forces must be investigated and the suspects prosecuted (Rule 158).

We would also like to refer to the 1998 Guiding Principles on Internal Displacement, which establish the need to respect and ensure respect for international human rights law to prevent and avoid conditions that might lead to the displacement of persons (Principle 5). We moreover stress that according to the Guiding Principles, every human being shall have the right to be protected against being arbitrarily displaced from his or her home, including situations of armed conflict and based on policies resulting in altering the ethnic or religious composition of a population (Principle 6). It is incumbent upon the authorities undertaking displacement to ensure proper accommodation is provided to displaced persons, under satisfactory conditions of safety, nutrition, health, and hygiene, and that members of the same family are not displaced (Principle 7). Displacement should not be carried out in a manner that violates the right to life, dignity, liberty, and security of the displaced (Principle 8). Indigenous peoples and minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands should be particularly protected from displacement (Principle 9). Internally displaced persons should be protected against genocide, murder, summary execution, indiscriminate acts of violence, starvation as a method of combat, use as shields, attacks against their camps and settlements, landmines, rape, and arbitrary detention (Principles 10-12).

Internally displaced persons should enjoy adequate standard of living, which includes basic shelter and housing, food and water, and access to medical services (Principles 18-19). The property rights of internally displaced persons must be respected, and their property and possessions should in all circumstances be protected from pillage, indiscriminate attacks, destruction as a form of collective punishment, and arbitrary and illegal appropriation, occupation, or use (Principle 21). All authorities concerned should not impede the passage of humanitarian assistance to internally displaced persons, and humanitarian workers and supplies must be respected (Principles 25-26). Internally displaced persons are entitled to a durable solution of their choice, i.e. safe, voluntary and dignified return to their places or origin, settlement elsewhere in the country or local integration (Principles 28-30).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.