

## Country Summary: Myanmar

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### Introduction

The COVID-19 pandemic led to significant restrictions on civic freedoms in Myanmar. As COVID-19 cases and deaths climbed in 2020, authorities used the pandemic to justify arresting opponents and labor leaders, limiting the publication of and access to information, selectively dispersing protests, and increasing its tools to monitor its population and police ‘false’ information. After the 2021 coup, the military stepped up attacks on healthcare facilities and personnel and increased discrimination against vulnerable minorities like the Rohingya.

#### ARBITRARY ARRESTS AND TARGETING OF OPPONENTS

By May 2020, Myanmar authorities had already sentenced at least 500 people (including children) to between one month to one year in prison for violating curfews, quarantines, or other movement control orders (Human Rights Watch, [2020](#)). Most were sentenced under the National Disaster Management Law, Prevention and Control of Communicable Diseases Law, and various penal code provisions.

Six labor rights activists, including two union leaders, were sentenced to three months imprisonment for leading strikes which violated Covid-19 orders. Among other charges, they were sentenced for “wilful failure to comply” with government directives for “natural disaster management,” for defying the government ban on gatherings of five people or more; and for violating a night-time curfew (Frontier Myanmar, [2020](#)).

As part of the military’s February 2021 coup, deposed President U Win Myint was charged with Section 25 of Natural Disaster Management Law for allegedly waving to a passing National League for Democracy convoy from outside the Presidential Palace – a supposed violation of COVID-19 prevention rules issued by the Ministry of Health and Sports for election campaigning, punishable by up to three years’ imprisonment (Frontier Myanmar, [2021](#)).

#### RESTRICTIONS ON THE FREEDOM OF EXPRESSION

##### Prohibitions of and disproportionate sanctions for spreading “false” information

Myanmar’s authorities used laws such as the Penal Code to control pandemic-related information, sometimes applying disproportionate sanctions for sharing false information. For example, in May 2020, a court sentenced the chief editor of a news agency to two years of prison for publishing an update about a COVID-19-related death that was later proved inaccurate (Article 19, [2020](#)). The court convicted the editor under Section 505(b) of the Penal Code, which criminalizes publishing or circulating information with the intent to cause or which is likely to cause public fear or alarm.

Others who criticized the government response to Covid-19 were also held on numerous charges (spreading misinformation, defamation, sedition, “causing fear or alarm to the public”) based on different provisions of Myanmar’s Penal Code, Telecommunications Act, or Natural Disaster Management Law (Article 19, [2020](#)).

Authorities also adopted new laws to prohibit spreading false information. After the 2021 coup, the military unilaterally amended the Electronic Transactions Law to criminalize the spread of “fake news or disinformation” online with the intent to “defame, divide an association, alarm the public, or destroy public trust” (Myanmar Now, [2021](#)). Authorities used the amended law and other legal provisions on spreading false news to arrest journalists and shut down media outlets (AP News, [2022](#)). These prosecutions likely had a chilling effect on pandemic-related reporting, as individuals, journalists, and media houses feared imprisonment for sharing information that could later be shown to be inaccurate or that the government deemed to be “false.”

Authorities also blocked access to media sites representing minority ethnic groups, claiming that these sites were spreading “false news” about the pandemic (Article 19, [2020](#)). Phadu Tun Aung, the editor-in-chief of Development Media Group (DMG), stated that the government effectively silenced ethnic Rakhine voices by blocking the only two ethnic-Rakhine media outlets (The Irrawaddy, [2020](#)). Blocking these websites likely impacted minority ethnic groups’ access to pandemic-related and other information, a key aspect of the freedom of expression.

#### Internet shutdowns and blocking websites

Myanmar authorities also continued to order internet shutdowns, which they had begun to do in 2019 in response to the Arakan Army conflict. Additionally, in less than a fortnight in March 2020, Myanmar authorities issued three directives to block a total of 2,147 websites under Section 77 of the Telecommunications Law. Section 77 grants the government broad powers to suspend telecommunications networks (Amnesty, [2020](#)). Authorities banned some of these sites for sharing “fake news.”

#### Targeting the media

During the pandemic, authorities excluded media personnel from the list of essential workers exempt from stay-at-home orders during the pandemic-related lockdown, making it more difficult to cover Myanmar’s national election (New York Times, [2020](#)). Law enforcement also prevented reporters from covering a vaccine drive among Myanmar’s Rohingya population in Rakhine State (IFJ, [2021](#)). These kinds of barriers made it more difficult for journalists to accurately report on the pandemic and other matters of public interest.

Authorities also raided media houses and journalists’ homes, which may have deterred the media from reporting on sensitive subjects out of fear of retaliation by authorities. For

example, authorities raided Narinjara News’ offices, seizing computers and arresting three of its reporters. Police also raided the residence of the editor-in-chief of Khit Thit Media, an independent news site in Yangon (New Mandala, [2020](#)).

#### RESTRICTIONS ON THE FREEDOM OF PEACEFUL ASSEMBLY

Authorities limited protests in response to the pandemic, but appeared to apply protest restrictions selectively. For example, authorities allowed a pro-military protest which drew around 400 attendees to proceed despite having officially capped the event to 29 people to prevent the spread of COVID-19 (Myanmar Now, [2020](#)). By contrast, security forces responded violently to protests against the military rule during the pandemic (CNN, [2021](#)).

#### INFRINGEMENTS ON PRIVACY RIGHTS

To combat the spread of COVID-19, Myanmar’s Ministry of Transport and Communication and Ministry of Health and Sports launched the Saw Saw Shar (Stay Safe) contact tracing app. The app could access users’ location, photos, videos, files, and cameras. The app raised privacy concerns because the public could not access information about how the data collected by the app was stored (SAFENet, [2023](#)). The app added to the military’s growing toolbox of surveillance technology, with Myanmar’s military and police seeking to buy surveillance technology from Chinese and Western companies between 2018 and 2021, including the procurement of a forensic tool to extract data from smartphones (Engage Media, [2022](#)).

#### ATTACKS ON CIVIL SOCIETY, HEALTH PROVIDERS, AND VULNERABLE GROUPS

Following the military coup, the World Health Organization (WHO) global surveillance system noted 158 reported attacks on health care, resulting in 11 deaths and 51 injuries – the majority of reported attacks on health care services worldwide that year. At least 139 doctors believed to be participating in civil disobedience were reportedly charged under Section 505 (a) of Myanmar’s Penal Code (UN, [2021](#)). These trends reflected the overall closing of civic space and persecution of civil society organizations—many of whom were critical providers of health services throughout the country—in the post-coup period.

In addition, the military discriminated against the Rohingya in the national vaccination program (Irrawaddy, [2021](#)), and later barred reporters from covering a vaccine amongst the Rohingya in Rakhine State (IFJ, [2021](#)).

## Conclusion

The COVID-19 pandemic demonstrated the vulnerability of civic freedoms in times of crisis. In Myanmar, the government’s response to the pandemic included measures that significantly encroached upon expression, protests, and privacy. These disproportionately affected vulnerable populations, and further destabilized the country during a time of conflict.