



Karen Human Rights Group
Documenting the voices of villagers in rural Burma

**Submission for the UN Universal Periodic Review (UPR):
Human rights concerns in KHRG research areas**

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Executive summary

1. In this submission, KHRG provides information concerning human rights issues in Myanmar, following the *General Guidelines for the Preparation of Information under the UPR*. Organisational information will be addressed first in a brief summary of KHRG and its operations. KHRG's research and data collection methodology will then be detailed, followed by information regarding activities of the Government of Myanmar (GOM) in areas researched by KHRG, including: On-going development projects, militarisation, torture/violent abuse and killings, forced labour, arbitrary taxation and demands, landmines, drugs and religious discrimination. Throughout, specific recommendations pertaining to each issue type will be provided.

Organisational information

2. KHRG is an independent, local organisation committed to improving the human rights situation in Myanmar by projecting the voices of villagers and supporting their strategies to claim human rights. We train locals to document villagers' stories and gather evidence of human rights abuses, disseminate this information worldwide, and work with local villagers to enhance strategies to resist human rights abuses. KHRG has documented abuses since 1992 and is recognised internationally as a leading authority on human rights in eastern Myanmar.

Methodology

Sources:

3. This submission draws on information from both raw data reports published by KHRG online, as well as thematic reports published both online and in print. The citations provide reference to examples of the particular abuse type or issue area. Further information and additional examples can be found on KHRG's online database.ⁱ

Geographic area:

4. Research was conducted in eastern Myanmar in an area locally referred to as 'Karen State'. KHRG divides this region into seven research areas.ⁱⁱ According to designations used by the GOM, these research areas include all or portions of Kayin and Mon states and significant parts of Bago Region and Tanintharyi Division.

Research methods and verification:

5. Research was conducted by both full-time and volunteer researchers. Reports draw on information from photographic and film documentation, as well as qualitative interviews with civilians of ethnic groups including but not limited to Kayin, Kayah, Mon, Shan and Myanmar. A formalised incident reporting system, field notes and trend monitoring are used to gather this information. Credibility of information was assessed according to corroboration across multiple sources; where not possible, information was checked against local trends, first by field researchers aware of local conditions and then by KHRG's information processing office.

Independence:

6. Though KHRG often operates in or through areas controlled by various armed groups, including the GOM Army and Non State Armed Groups (NSAGs) like the Karen National Liberation Army (KNLA) and Democratic Karen Benevolent Army (DKBA),ⁱⁱⁱ KHRG *is* independent. KHRG has, on occasion, made use of armed KNLA escorts in areas with a

likelihood of armed conflict.

Selection bias:

7. Given the precarious situation faced by human rights defenders within Myanmar and their continued ill treatment by the GOM, KHRG must take precautions to ensure that people interviewed will not reveal their identity to GOM authorities. The result is that the views of ‘supporters’ of the GOM and ‘opponents’ of the KNLA are less represented in KHRG research. Although this limits conclusions about KNLA practices, it does not detract from the evidence gathered regarding GOM activities. While there is a risk individuals interviewed provided inaccurate information, the large sample size and verification practices ensure inaccuracies are minimized.

Human rights violations and issue specific recommendations

Infrastructure and commercial development

8. Since 2011, the impact on local communities of infrastructure and commercial development projects^{iv} has been substantial, causing significant changes to lands used for livelihood activities or the natural environment. Projects include large-scale agriculture plantations, natural resource extraction (NRE) and infrastructure development.^v These have had severe consequences for villagers, with similar patterns of abuse taking place across all types of projects. Such projects are typically planned and initiated unilaterally,^{vi} without consultation of villagers^{vii} and without opportunities to negotiate standards for project implementation or compensation.^{viii} As rural inhabitants depend on access to land for agrarian livelihood activities,^{ix} the loss or destruction of land limits a community’s ability to support itself.^x

Recommendations:

The Government of Myanmar must ensure transparent environmental and livelihood impact assessments are conducted in cooperation with local communities, before they undertake large-scale development projects. Projects should not proceed without consent of affected communities, who should be educated on how the project will affect them, including translations of impact assessments into local languages, and any necessary technical assistance.

Ongoing militarisation:

9. The GOM Army is maintaining and strengthening their presence in eastern Myanmar.^{xixii} KHRG has documented: new army bases;^{xiii} the strengthening of existing bases;^{xiv} the ongoing rotation of troops;^{xv} resupplying of rations, weapons and ammunition;^{xvi} and skirmishes between armed actors during the preliminary ceasefire period.^{xvii} These actions have caused internal displacement of villagers.^{xviii} Furthermore, any actions strengthening the position of the GOM Army and Border Guard Forces (BGFs) in eastern Myanmar were viewed with extreme suspicion by villagers during the ceasefire period.^{xix} This demonstrates villagers’ insecurity due to military activity and leads villagers to question the sustainability of the ceasefire.^{xx}

Recommendations:

The Government of Myanmar Army and BGF should demilitarise these areas, particularly positions close to villages, by reducing troop numbers, army bases, checkpoints and weapon stockpiles. The

GOM Army should formalise limited operation areas by writing them into a Code of Conduct^{xxi} and ensure soldiers abide by these rules.

Torture/Violent abuse and killing:

10. Torture^{xxii} and killings^{xxiii} have been mainly perpetrated by the GOM Army^{xxiv} and BGF forces.^{xxv} In 2011, KHRG received 13 extrajudicial killing cases^{xxvi} and nine cases of torture/violent abuses.^{xxvii} Although KHRG has not documented systematic military operations targeting civilian settlements or buildings since the January 2012 ceasefire, there have been three documented cases of deliberate attacks on civilians by the GOM Army in that period.^{xxviii} In addition, villagers in five out of seven research areas reported the extrajudicial killings of civilians in the same period,^{xxix} while villagers in three research areas reported incidents where civilians were killed by indiscriminate mortar fire and small arms during clashes between armed groups.^{xxx} Since January 2012, researchers and villagers have reported GOM Army and BGF soldiers intentionally inflicting physical pain on villagers as punishment for supposed collusion with the KNLA.^{xxxi}

Recommendations:

The Government of Myanmar should immediately ratify the United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (UNCAT); prohibit torture and violent abuse; and transparently investigate all cases of extrajudicial killing, impartially prosecuting those responsible.

Forced labor:

11. Forced labour was documented in all seven research areas.^{xxxii} Demands for labour were often issued verbally at face-to-face meetings, usually between a GOM Army commander and a village head, who then passed on the order to his or her community.^{xxxiii} In addition, KHRG also collected a total of 46 order letters issued by military and civilian officials of the GOM to village heads in six research areas.^{xxxiv} In some cases, demands were backed by explicit threats of violence or punishment for noncompliance.^{xxxv} Reports of forced labour to KHRG have decreased following the 2012 ceasefire.

Recommendations:

The Government of Myanmar should allow the International Labour Organisation (ILO) safe and free access to government-controlled, rural areas; provide adequate salaries and supplies for soldiers; and ensure proper training for soldiers to prevent the use of forced labour.

Arbitrary taxation and demands:

12. Oral or written demands issued by civilian or military authorities on an *ad hoc*, irregular and unpredictable basis for the provision of villagers' money, food or possessions were reported.^{xxxvi} Villagers faced arbitrary taxes and demands by the GOM Army,^{xxxvii} BGF^{xxxviii} and GOM officials.^{xxxix} Taxes were collected from people passing by military bases on foot, by truck, or by motorbike,^{xl} while river checkpoints were used to tax boats.^{xli} Taxes were levied on a wide variety of industries and commodities,^{xlii} including buffalo traders^{xliii} and the purchase of grain.^{xliv} These demands put pressure on village heads who are asked by armed actors to collect funds or goods from their villages.^{xlv}

Recommendations:

The Government of Myanmar should direct military authorities to ensure arbitrary taxation ceases immediately, and hold accountable those who continue to commit this abuse.

Landmines:

13. KHRG has documented extensive use of antipersonnel and other mines throughout the last two decades, by a range of actors throughout KHRG's research areas, which continue to pose a threat to villagers and their livelihoods.^{xlvi} These exist alongside new landmines which have been planted by GOM forces since 2011.^{xlvi}

Recommendations:

The Government of Myanmar should immediately ratify the 1997 Ottawa Treaty and adhere to its stipulations. The GOM Army should cease future use of landmines and conduct consultations with villagers regarding demining in contaminated areas. The GOM must provide support to civilian landmine victims and their families.

Drugs:

14. Since the 2012 ceasefire, KHRG has received an increasing number of reports about methamphetamine abuse and sale.^{xlvi} Reports regarding drug sales,^{xlix} drug use,¹ and their respective consequences^{li} have been reported throughout eastern Myanmar, especially near the Thai-Myanmar border.^{lii} BGF commanders and GOM Army soldiers were the most commonly reported perpetrators of drug-related abuses.^{liii}

Recommendations:

The Government of Myanmar must take responsibility for the production and sale of drugs by GOM Army and BGF soldiers and enforce existing laws.

Religious discrimination:

15. KHRG has received numerous reports regarding discrimination^{liv} against Muslims in four research areas.^{lv} Discriminatory practices have been promoted by Buddhist clergy.^{lvi} KHRG has received reports of land confiscation targeting Muslim villagers,^{lvii} contributing to animosity between religious communities.^{lviii}

Recommendations:

The Government of Myanmar should ensure religion can be practiced freely and people should be free to construct places of worship. State authorities should identify settlements or regions with religious tensions and provide protection for potential victims of violence. The Government of Myanmar and religious actors should not impose restrictions on interaction based on religion or ethnicity. Villagers should not be prevented or restricted from obtaining identification cards based on religion or ethnicity.

Endnotes

- ⁱ Reports on KHRG's website are organized according to year, location, report medium, and issue. All of the issues discussed in this report are recognized as distinct issue types on KHRG's website. For more information, visit: <http://www.khrg.org/reports>.
- ⁱⁱ The seven research areas in Karen state are locally defined Thaton, Toungoo, Nyaunglebin, Mergui-Tavoy, Hpapun, Dooplaya and Hpa-an districts.
- ⁱⁱⁱ DKBA formed its political wing KKO (Klohtoobaw Karen organisation) on 1 April 2012. The DKBA changed its name from the Democratic Karen Buddhist Army to Democratic Karen Benevolent Army on 4 April 2012.
- ^{iv} For more information on development please see: <http://khrg.org/reports/issue/development-project>
- ^v In March 2013, KHRG released a comprehensive thematic report related to land conflicts and collective action in eastern Myanmar, titled *Losing Ground*.
- ^{vi} "Dooplaya Interview: Ma A---, May 2013," KHRG, January 2015; "Papun Situation Update: Dwe Lo Township, March 2012 to March 2013," KHRG, July 2013.
- ^{vii} "Toungoo Incident Report: Stone mining in Thandaunggyi Township, June 2013," KHRG, August 2014.
- ^{viii} "Toungoo Situation Update: Tantabin and Than Daung Townships, September to December 2012," KHRG, March 2013; "Mergui-Tavoy Situation Update: Te Naw Th'ri Township, August 2012 to March 2013," KHRG, August 2013.
- ^{ix} Agrarian livelihoods include hill and flat field paddy farming, animal husbandry and small scale cash crop plantations. For more information, see "Nyaunglebin Interview: Daw U---, December 2012," KHRG, July 2014.
- ^x "Dooplaya Interview: Naw A---, July 2013," KHRG, October 2014.
- ^{xi} "Ongoing militarisation of southeastern Burma/Myanmar, since the January 2012 ceasefire agreement between the Karen National Union (KNU) and the Burma/Myanmar government," KHRG, February 2015.
- ^{xii} For more information on militarisation please see: <http://khrg.org/reports/issue/militarisation>
- ^{xiii} "Toungoo Situation Update: Than Daung and Tantabin townships, February to July 2013," KHRG, January 2014.
- ^{xiv} Hpapun Incident Report: Tatmadaw's mortar shelling and military activities in Lu Thaw Township, December 2013," KHRG, June 2014.
- ^{xv} "Ongoing militarisation of southeastern Burma/Myanmar, since the January 2012 ceasefire agreement between the Karen National Union (KNU) and the Burma/Myanmar government," KHRG, February 2015.
- ^{xvi} "Ongoing militarisation of southeastern Burma/Myanmar, since the January 2012 ceasefire agreement between the Karen National Union (KNU) and the Burma/Myanmar government," KHRG, February 2015.
- ^{xvii} "Incident Report: Two children injured from DKBA and BGF fighting in Hlaing Bwe, April 2013," KHRG, October 2013.
- ^{xviii} "Hpapun Incident Report: Tatmadaw's mortar shelling and military activities in Lu Thaw Township, December 2013," KHRG, June 2014.
- ^{xix} "Toungoo Situation Update: Than Daung and Tantabin townships, February to July 2013," KHRG, January 2014.
- ^{xx} *Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire*, KHRG, May 2014, pg. 114.
- ^{xxi} A Code of Conduct is a set of rules that parties to a ceasefire agree to, in respect to maintaining the ceasefire agreement. Both the KNU and Government of Myanmar have discussed the implementation of a code of conduct, but as of March 2015, one had not been agreed between the two parties.
- ^{xxii} For more information on torture/violent abuse please see: <http://khrg.org/reports/issue/torture> and <http://khrg.org/reports/issue/violent-abuse>
- ^{xxiii} For more information on killing cases please see: <http://www.khrg.org/reports/issue/killing>
- ^{xxiv} "Mergui-Tavoy Incident Report: Tatmadaw tortures villager and demands forced labour in Ler Muh Lah Township, 2002 – 2011," KHRG, May 2014.
- ^{xxv} "Torture and killing in Thaton District," KHRG, October 2012.
- ^{xxvi} "Human rights violations by BGF Cantonment Area Commander Kya Aye in Paingkyon Township, Hpa-an District, February 2013 to July 2014," KHRG, September 2014.
- ^{xxvii} "Papun Situation Update: Bu Tho Township, August to September 2012," KHRG, April 2013.
- ^{xxviii} "Hpapun Incident Report: Attack on villager in Bu Tho Township, January 2013," KHRG, June 2014.
- ^{xxix} "Par Gyi killing highlights continuing impunity in southeast Myanmar Press Release," KHRG, September 2014.

^{xxx} Hpa-an: “Villagers return home four months after DKBA and Border Guard clash, killing one civilian, injuring two in Pa’an,” KHRG, June 2012; Toungoo: “Toungoo Interview: Saw D--, September 2011,” KHRG, January 2012; Hpapun: “Mother of newborn shot and killed in Papun District,” KHRG, January 2011.

^{xxxi} “Toungoo Incident Report: Arbitrary arrest and detention, and violent abuse in Thandaunggyi Township, December 2005,” KHRG, October 2014.

^{xxxii} “Hpa-an Field Report: January to December 2013,” KHRG, January 2015.

^{xxxiii} The GOM Army will typically give orders to a village head. It is then the village heads responsibility to communicate this to his/her villagers and determine who and how many villagers will undertake the orders.

^{xxxiv} *All the information I've given you, I faced it myself: Rural testimony on abuse in eastern Burma since November 2010*, KHRG, December 2011.

^{xxxv} “Thaton Situation Update: Bilin, Thaton, Kyaikto and Hpa-an townships, September to November 2014,” KHRG, February 2015.

^{xxxvi} For more information on arbitrary taxation and demands please see: <http://khr.org/reports/issue/arbitrary-taxation-and-demands>

^{xxxvii} “Nyaunglebin Field Report: Human rights conditions during the ceasefire, January to December 2013,” KHRG 2014.

^{xxxviii} “Hpa-an Field Report: January to December 2013,” KHRG 2015.

^{xxxix} *Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire*. Appendix 1: Raw data testimony (January 2012 to November 2013). Source #218.

^{xl} “Hpa-an Situation Update: Painkyon Township, June to November 2013,” KHRG 2014.

^{xli} “Hpapun Situation Update: Bu Tho Township, January to June 2014,” KHRG 2014.

^{xlii} *Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire*. Appendix 1: Raw data testimony (January 2012 to November 2013). Source #186.

^{xliii} “Thaton Situation Update: Bilin and Hpa-an Townships, June to November 2014,” KHRG, 2015.

^{xliv} “Dooplaya Situation Update: Kawkareik Township and Kya In Township, April to June 2012,” KHRG, September 2014.

^{xlvi} *Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire*. Appendix 1: Raw data testimony (January 2012 to November 2013). Source #234.

^{xlvii} “Toungoo Field Report: January to December 2013,” KHRG: 2014; see also: “Nyaunglebin Field Report: Human rights condition during the ceasefire, January to December 2013,” KHRG 2014; “Hpapun Situation Update: Lu Thaw Township, March to May 2014,” KHRG, 2014; “Dooplaya Situation Update: Kawkareik Township and Kya In Township, April to June 2012,” KHRG 2012; “Hpa-an Field Reports: January to December 2013,” KHRG 2015.

^{xlviii} For more information on landmines please see: <http://khr.org/reports/issue/landmines>

^{xlviii} “Negative impacts of dam building and drug use in Paingkyon and Nabu townships, Hpa-an District, May 2014,” KHRG, July 2014.

^{xlix} “Negative impacts of dam building and drug use in Paingkyon and Nabu townships, Hpa-an District, May 2014,” KHRG, July 2014.

^l “Dooplaya Situation Update: Kyonedoe Township, September to December 2013,” KHRG, September 2014.

^{li} “Women raped and killed in Pa’an District, October 2012,” KHRG, December 2012.

^{lii} “Hpa-an Field Report: January to December 2013,” KHRG, January 2015.

^{liii} “Chapter: Drug production, use and the social impacts in Southeast Myanmar since the January 2012 ceasefire,” KHRG, June 2014. For more information regarding drug cases please see: <http://khr.org/reports/issue/drug-production-sale-or-use>

^{liv} For more information on religious discrimination please see: <http://khr.org/reports/issue/religious-discrimination>

^{lv} *Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire*, KHRG, May 2014. P 143-149.

^{lvi} “Hpa-an; Situation Update: Ta Kreh and T’Nay Hsah Townships, December 2012,” KHRG, April 2013.

^{lvii} “Hpa-an Situation Update: Hlaingbwe, Don Yin and Hti Lon townships, April 2014,” July 2014,

^{lviii} “Incident Report: Religious discrimination and restrictions in Papun District, September 2012,” KHRG, March 2013.