

INTRODUCTION

1. Christian Solidarity Worldwide (CSW) is a human rights organisation specialising in freedom of religion or belief. CSW monitors the human rights situation in Myanmar and undertakes fact-finding visits to the country, as well as raising awareness of human rights concerns and advocating for the full protection of human rights in Myanmar. This submission seeks to draw attention to particular concerns over the right to freedom of religion or belief in Myanmar.
2. This submission will first outline the lack of legal protection for religious and ethnic minorities; it will then go on to illustrate the discrimination and persecution they face, the internal violence and conflict in Myanmar, the abuse of laws intended to protect religion from insult, poor treatment of Special Rapporteurs and human rights defenders, and gender based violence.

LEGAL PROTECTION

3. Myanmar has continued to violate both de jure and de facto realization of fundamental human rights to its people, and its national legislation remains discriminatory against ethnic and religious minorities. Furthermore, despite accepting the recommendations during the last UPR to implement and ratify the core universal human rights treaties, the state has failed to do so. These treaties include the International Covenant on Civil and Political Rights and the Convention against Torture, which have significant potential to provide legally-binding human rights guarantees for the people of Myanmar in the country's transition to democracy.
4. The state has overseen religious discrimination, and even played an active role in advancing it. For instance, the 'National Race and Religion Protection' legislative package is thought to legitimize and encourage religious discrimination. The package of four bills would restrict inter-faith marriage and religious conversion, and allow the government to regulate family planning and birth spacing in some areas. The package of laws severely restricts the basic rights of non-Buddhists and women in Myanmar, and has been opposed by civil society in Myanmar as well as the international community. Civil society activists opposing the proposed bills have faced threats.
5. The state has continued to deny Rohingya Muslims their citizenship rights, rendering them stateless, as the 1982 Citizenship Law remains in force. The law has a very serious impact on the country's Rohingya population, around one million, who continue to live in the country without citizenship rights such as the right to vote, to move freely, or to access basic services. The question of citizenship has wider societal consequences as well, as it remains one of the many issues fuelling recent violence between the majority Buddhist Rakhine people and the predominantly Muslim Rohingyas in Rakhine (Arakan) State. As the general elections approach, restrictions on the citizenship rights seem to increase. On 11 February the President announced the expiry of temporary 'white cards' used mostly by ethnic minority groups such as Rohingya Muslims. The incentive for this action may well be the state's desire to prevent minorities voting in the constitutional referendum and in the general elections.

6. **Recommendation: The 1982 Citizenship Law should be repealed. A new law on citizenship rights should be founded on the principles of non-discrimination and equality providing full citizenship for people adhering to any religious affiliation. Myanmar should also abandon the National Race and Religion Protection legislative package and ratify without further delay the International Covenant on Civil and Political Rights and the Convention against Torture.**

DISCRIMINATION AGAINST AND PERSECUTION OF RELIGIOUS AND ETHNIC MINORITIES

7. Religious and ethnic minorities have continued to face discrimination in all parts of the country, and persecution in several regions. Persecution is strongly institutionalized and human rights violations against minorities continue in a context of impunity. Hate speech against minorities, fuelling religiously-motivated violence and discrimination, continues to be widespread.
8. The Rohingya Muslims are among the most persecuted people groups in the world. They are disproportionately represented in Internally Displaced Person (IDP) camps and have faced continuous persecution by the state. Rohingyas have fled the country, risking their lives in boats on the open sea, or are living in camps for displaced people, with inadequate aid and assistance, and no freedom of movement. Furthermore, the state has restricted the access of humanitarian aid in Arakan state, leaving the Rohingya Muslims in dire hardship.
9. In some areas of Myanmar, for instance Chin, Kachin, and Arakan States, religious minorities, namely Christians and Muslims, are denied their rights to religious freedom and freedom of expression. Religious minorities face restrictions on freedom of assembly and freedom of movement, on education and publishing religious materials. The restoration or building of mosques and churches are also severely restricted.
10. In 2012 the Chin Human Rights Organisation published *Threats to Our Existence: Persecution of Ethnic Chin Christians in Burma* – a report which documents restrictions on religion and documents the destruction of 13 crosses. Four have been removed under the current government. In January 2015 the authorities in Hakha, Chin state, ordered the destruction of a 54 foot-high cross on a hill; and on 1 February 2015, a cross was destroyed from a Roman Catholic mission's prayer mountain in Kachin state. The destruction of Christian crosses has been used by the authorities to repress Christianity for long time. Furthermore, Christians are often forced to build Buddhist pagodas.
11. **Recommendation: The government of Myanmar must ensure basic religious freedom and remove all legal and bureaucratic restrictions for minorities. CSW urges the government of Myanmar to take steps to prevent violence, intervene swiftly and effectively to stop violence where it occurs, protect religious minorities, and address hate speech and incitement to hatred and violence without delay. CSW urges Myanmar to issue an invitation to the UN Special Rapporteur on freedom of religion or belief to visit Myanmar to investigate reports of violations of religious freedom.**

INTERNAL VIOLENCE AND CONFLICT

12. Since the last UPR review of Myanmar, war has resumed in Kachin and Shan states and is continuing into its fourth year. The state has backpedaled on its initial agreement to the United Nationalities Federal Council (UNFC – the latest coalition of ethnic minorities) and the army has not stopped offensives repeatedly attacking Kachin villages. State-sponsored violence has left at least 140,000 people displaced, living in IDP camps under gross inhuman conditions. Hundreds of people have been killed during the last four years. 200 villages have been destroyed along with 66 churches.
13. A movement known as ‘969’ was founded by monks in Mon state, and is currently closely associated with a prominent ultranationalist Buddhist monk, U Wirathu. 969 has grown in influence and visibility in recent months, and a new wave of anti-Muslim violence has erupted. On 20 March 2013 an argument between a Muslim shop owner and two Buddhist customers triggered riots in Meikhtila, Mandalay division, that divided the town. Violence continued in Meikhtila for two days, with a mob attack on a Muslim school in Mingalar Zayong quarter on 21 March. The attack left 32 students aged between 14 and 24, and four teachers, dead. Anti-Muslim violence then spread to other parts of the country, including Oakkan, Lashio, Bago and Mandalay. In effect a form of ethnic or religious ‘cleansing’ has occurred, with the Muslims having either fled to families in other cities or been removed from the town and relocated to camps for displaced people. There is a disturbing level of religious intolerance, particularly directed at Muslims, within wider Myanmar society.
14. Since breaking the ceasefire the army and the government of Myanmar have committed a myriad of human rights violations with absolute impunity. Among the more heinous abuses are credible allegations of war crimes and crimes against humanity, which merit immediate investigation. These criminal acts include grave breaches of the Geneva Conventions such as the deliberate targeting of civilians by military forces, rape and other forms of sexual violence, extrajudicial executions, arbitrary detention, torture, and restrictions on the provision of humanitarian assistance. Such violations could amount to war crimes and crimes against humanity. Furthermore, the state has restricted humanitarian aid and left the already vulnerable minorities in dire hardship, especially in Kachin, northern Shan, and Rakhine states.
15. **Recommendation: An immediate, thorough and impartial investigation into these and all allegations of serious human rights abuses must be conducted. Suspected perpetrators must answer for their crimes before a competent judicial authority, and victims of serious rights abuses must be afforded the justice they deserve. CSW calls for the urgent protection of IDPs, and for the government and army to immediately cease its attacks on Kachin State. The government of Myanmar must end military offences against the Kachin people and engage in a genuine political dialogue and peace process. Anti-Muslim attitudes must be addressed through long-term initiatives involving public awareness, education, dialogue and reconciliation.**

ALLEGED BLASPHEMY CASES

16. CSW expresses grave concern over the use of existing laws to prosecute people deemed to have insulted religion. In December 2014 a New Zealand bar manager, Phil Blackwood, was arrested along with his two Burmese colleagues and charged with insulting religion, after using an image of Buddha to promote their bar in Rangoon. The men were charged under Articles 295 and 295(a) of the penal code, respectively: ‘Injuring or defiling place of worship, with intent to insult the religion of any class’; and ‘Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs’.
17. In a separate case, Htin Lin Oo, an author and former official of the National League for Democracy (NLD), was arrested and imprisoned for criticising extremist Buddhist monks for preaching hatred. He argued that religious intolerance spread by groups such as Ma Ba Tha is incompatible with Buddhism. He was charged with religious defamation under Articles 295(a) and 298 of the penal code. He remains in detention.
18. **Recommendation: Myanmar must observe and protect the right to freedom of thought, conscience and religion, and ensure that all citizens have access to lawyers and appropriate legal advice when facing charges. CSW urges the government of Myanmar to release the people imprisoned for ‘insulting’ Buddhism, and repeal Article 295(a) and Article 298 of the penal code.**

TREATMENT OF SPECIAL RAPPORTEURS AND HUMAN RIGHTS DEFENDERS

19. Even though Myanmar has provided limited access to the country for the Special Rapporteur on the situation of human rights in Myanmar, the freedom and safety of both international and national human rights observers and defenders remains a key concern.
20. In 2013 Tomas Ojea Quintana, UN Special Rapporteur on the situation of human rights in Myanmar, was left unprotected when a 200-strong mob attacked his car during his visit in Meikhtila, central Myanmar. The current Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, also experienced sexist intimidation during her visit to the country in January 2015.
21. The treatment of Special Rapporteurs reflects the general environment of intimidation and harassment experienced by human rights defenders and observers. According to Special Rapporteur Yanghee Lee “there are signs that since her last visit, restrictions and harassment on civil society may have worsened.”
22. **Recommendation: Myanmar must undertake immediate efforts to end the harassment of human rights defenders, and to provide safe and unhindered access for both international and national human rights monitors throughout its territory, to document human rights violations and disseminate information. The government should continue to cooperate with the UN Special Rapporteur on the situation of human rights in Myanmar, and should invite other special procedures mandate holders that have requested access to visit the country to observe its human rights situation. The government should also take all possible measures to tackle hate speech, and publicly denounce and condemn all incidents of hate speech against any group.**

GENDER-BASED VIOLENCE

23. Violence against women and the use of rape as a weapon of war remain widespread in Myanmar. The government has continued to violate its international legal obligations to prosecute and punish the perpetrators and provide effective redress and protection to victims. Violence against women, many from already marginalized groups such as religious and ethnic minorities, continues in a culture of silence and impunity.
24. The Kachin Women's Association Thailand (KWAT) has documented over 70 cases of gang rape, rape and attempted sexual violence by Myanmar Army troops in Kachin and northern Shan states since the Myanmar Army broke a 17-year ceasefire with the Kachin Independence Army (KIA) in June 2011. Furthermore, sexual violence continues to be perpetrated by the army. The Women's League of Burma published a new report last year, titled *If they had hope, they would speak*, which documents 118 cases of sexual violence by the Myanmar Army since 2010. However, the real figure is believed to be much higher.
25. In early 2015 CSW reported the rape and murder of two Christian women, Maran Lu Ra, aged 20, and Tangbau Hkawn Nan Tsin, 21. The women were teachers from Myitkyina, working with the Kachin Baptist Convention. They were brutally attacked by Myanmar Army soldiers in Kawng Hka Shabuk village, Muse District, northern Shan State, gang raped and murdered. Although officials promised to launch an investigation, little appears to have been achieved to bring justice. Furthermore, after the incident, the army warned that allegations of killings against the army would lead to legal action.
26. **Recommendation: Myanmar must implement the provisions in the Declaration of Commitment to End Sexual Violence in Conflict and in General Recommendation 19 of the Convention on the Elimination of All Forms of Discrimination against Women. The culture of impunity must be addressed, with clear action taken to investigate and prosecute those responsible for the killings of civilians and perpetrators of rape.**