

Submission to the UN Office of the High Commissioner for Human Rights for the
consideration of the Universal Periodic Review of the Republic of the Union of Myanmar
during the 23rd Session

SUBMITTED BY:

Unrepresented Nations and Peoples Organization

Contact Information:

Unrepresented Nations and Peoples Organization (UNPO)

Laan van Meerdervoort 70

2517 AN The Hague

The Netherlands

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I. Introduction

This report, submitted by the Unrepresented Nations and Peoples Organization (UNPO) on the occasion of the 23rd session of the Universal Periodic Review, during which the Republic of the Union of Myanmar is under consideration, will focus on the main human rights violations occurring in the country, with a special emphasis on the situation of minority groups, and particularly the Chin. First, the report will open with a brief introduction to the Chin. Second, it will outline the main human rights violations taking place in Myanmar in the context of the international human rights treaties signed and ratified by the State, with a particular focus on the violations suffered by the Chin people. Last, it will present a series of recommendations to facilitate constructive discussions during the 23rd Session of the UPR.

Chin

As a consequence of 50 years of military rule, one third of the population of Myanmar lived below the poverty line in 2005. In the Chin State, the poverty rate is the highest of the country: in 2012, the poverty rate in Chin State was 73 %¹ and it has not improved since. Even though Myanmar has signed and ratified several of the most important international human rights treaties, its compliance with them, especially with regards to the situation in Chin State, raise significant concerns. In addition, accessing information from Chin State is extremely difficult, due to the facts that the area is very isolated and the infrastructure very poor. Moreover, electricity and access to internet and (mobile) phones remains limited.²

The Chin population consists of approximately 500.000 people, corresponding to 0.9% of the totals population of Myanmar (which is 51 million in total).³ The community inhabits mainly the West of Myanmar, near the border with India, and it is one of the most persecuted minority groups in the country.⁴ The Chin are ethnically and linguistically very diverse: there are at least six primary Chin tribal groups that can be further divided into 63 smaller tribes. Besides, there are at least twenty mutually unintelligible dialects. Originally, the Chin territory was not limited to the Chin Hills, but it also included parts of neighbouring regions in Myanmar, Bangladesh, and India's north-eastern states. The occupation of the British at the end of the 18th century,

¹ The Myanmar Times, 2012: <http://www.mmtimes.com/index.php/national-news/3113-myanmar-s-child-mortality-still-highest-in-region-unicef.html>

² CHRO, 2011-2012: http://www.chro.ca/images/stories/files/PDF/special_reports/Forced_labour_2011-2012.pdf

³ The Population and Housing Census of Myanmar, 2014:

http://unstats.un.org/unsd/demographic/sources/census/2010_phc/Myanmar/MMR-2014-08-28-provres.pdf

⁴ BBC, 2010 April 19: <http://news.bbc.co.uk/2/hi/asia-pacific/8626008.stm>

however, meant the end of the free and unified Chin land. As a result of military intervention, the British assumed control over a large part of Chin land and divided the territory into separate administrative zones. In 1948, Myanmar became independent from Britain, which resulted in a further division of the Chin people as the international boundaries were demarcated. In 1962, a military coup ended Myanmar's democratic system and over 50 years of military rule followed.⁵ Nowadays, the rights of the Chin are still continuously violated. As the majority of the Chin are Christian, while the *de facto* State religion in Myanmar is Buddhism, the Chin are still being discriminated against. According to Myanmar's 2008 Constitution, Buddhism has a special position within the State, while other religions in the country are merely recognised as existing.⁶

II. Human Rights Violations

Although Myanmar's President Thein Sein and his representatives described the human rights violations in the country as 'past mistakes', the government has failed to conduct any fully independent or impartial investigation into these violations. Ethnic and religious minorities still face serious human rights violations under the current authorities and in particular the Christian Chin people still face violations of religious freedom, and have fallen victim to forced labour, sexual violence, and extra-judicial killings.⁷

Myanmar has ratified several UN treaties, including the UN Charter, the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the UN Convention on the Rights of the Child (CRC), and the UN Declaration of Commitment to End Sexual Violence in Conflict. However, Myanmar has not ratified the International Covenant on Civil and Political Rights (ICCPR) nor the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

1. Violation of Religious Rights

One of the major problems that the Chin are facing is the violation of their freedom of religion. Christian religious practices are still hindered by the Buddhist driven government policies, even in Chin State, where the majority of the population is Christian. Moreover, those who declare themselves Christians face religious discrimination from the Buddhist government authorities. This includes forced evictions from villages, bans on holding worship services, and assaults. In 2013,

⁵ Human Rights Watch, 2009: http://www.hrw.org/sites/default/files/reports/burma0109web_0.pdf

⁶ CHRO, 2014, January 21: http://www.chro.ca/images/CHRO_FoRB_2013_1.pdf

⁷ Chin Human Rights Organization, 2013, April 8: <http://www.burmapartnership.org/2013/04/human-rights-violationsperpetrated-against-the-chin-in-burma/>

thirteen instances of abuses related to religion were reported.⁸ Other religious violations in 2013 included the scheduling of official events and visits on Sunday mornings in Chin State to disturb the population's right to celebrate the Christian festivity and threats by the government to burn down houses of Christian Chins who assembled for Christian worships.⁹

In 2014, the government of Myanmar published the draft of a "Religious Conversion Bill". The law has been adopted by the Upper House of Myanmar's Parliament in January 2015.¹⁰ The bill is part of the "Pyidaungsu Hluttaw" - four pieces of legislation that the Government of Myanmar is currently considering to introduce reforms. Although the Government states that the legislation will protect Myanmar's variety of ethnicities and religions, the laws are likely to violate and obstruct religious and women's rights. Besides the Religious Conversion Bill, the remaining three pieces of legislation that form the 'Pyidaungsu Hluttaw' are:

- The Buddhist Women's Special Marriage Bill.
- The Population Control Healthcare Bill.
- The Monogamy Bill.¹¹

If the "Religious Conversion Bill" is adopted, all Burmese people will have to submit an official application before they can change their religion. Chapters 5 and 6 of the draft legislation describe in detail the prohibitions and the penalties in which those who violate the law might incur, which amount to up to two years of imprisonment for violations of Chapter 5 (14): *"No one is allowed to apply for conversion to a new religion with the intent of insulting, degrading, destroying, or misusing any religion"*.¹²

The remaining Bills are also in violation with various provisions of international law, not only with regards to the Chin community and other minorities, but also more in general. Currently [March 2015], the four bills are being discussed in the Parliament of Myanmar. However, a specific date for the vote has not yet been set¹³. If the said legislation is passed, Myanmar will be in violation of several international treaties, including:

- Article 18 of the Universal Declaration of Human Rights;
- UN Convention on the Rights of the Child;
- Article 18 of ICCPR. However, Myanmar has not ratified this Convention;

⁸ Arterbury, J. 2014, February 4 : <http://karennews.org/2014/02/chin-human-rights-group-condemns-religiousdiscrimination.html/>

⁹ CHRO, 2013: http://www.chro.ca/images/CHRO_FoRB_2013_1.pdf

¹⁰ Christian Aid Mission, 2015, January 29: <http://www.christianaid.org/News/2015/mir20150129.aspx>

¹¹ East Asia Forum, 2015, March 12: <http://www.eastasiaforum.org/2015/03/12/buddhist-nationalism-threatens-myanmars-democratic-transition/>

¹² CHRO, Unofficial translation: <http://www.chro.ca/images/Religious-conversion-bill-CHRO-translation.pdf>

¹³ DJILP, 2015, March 9: <http://djilp.org/5459/critical-analysis-myanmar-religion-law-restricts-conversion-and-criminalizes-adultery/>

- 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;
- Convention on the Elimination of all Forms of Discrimination against Women

The deprivation of religious rights that the Chin are subjected to, is not only in violation of international law, but also of the Constitution of the Republic of Myanmar (2008). Article 34 of the Constitution states that: *“Every citizen is equally entitled to freedom of conscience and the right to freely profess and practise religion subject to public order, morality or health and to the other provisions of this Constitution.”* This limitations of the population’s freedom of religion are also in violation of articles 347, 348, 362, 363 and 346 of the Constitution .¹⁴

2. Sexual Violence

Sexual violence is also a significant problem in Myanmar. In 2011, a high number of women in Chin State have been raped and killed.¹⁵ It is believed that more than 100 women have been raped by members of the Burmese Army since 2010. In July 2014, more than 130 Chin female activists demonstrated against the widespread and systematic sexual abuses by the Burmese Army.¹⁶ During the protest, however, many of the activists were arrested as the authorities stated that they had not received the required permission for the demonstration.¹⁷ Although Myanmar has ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), sexual violence in the country has not diminished. Similarly, Myanmar has also signed the UN Declaration of Commitment to End Sexual Violent in Conflict, but it does not seem that the country has taken any steps towards the implementation of this Declaration.¹⁸

3 Arbitrary Detention and Torture

In September 2014, six Chin farmers were detained and tortured by the Burmese Army, because they had offered meals to members of the Chin National Front (CNF). The farmers were held in custody for nine days, during which they were beaten, tortured, and questioned about their affiliation to the CNF. After forcibly signing a statement pledging that they would never be in contact with the CNF again, they were released.

¹⁴ The Constitution of the Republic of Myanmar (2008): http://www.burmalibrary.org/docs5/Myanmar_Constitution-2008-en.pdf

¹⁵ The Chinland Guardian: <http://www.chinlandguardian.com/news-2009/1649-81-women-raped-36-killed-by-burma-army-soldiers-wlb.html>

¹⁶ The Irrawaddy, 2014, June 25: <http://www.irrawaddy.org/burma/women-protest-sexual-violence-soldiers-chin-state.html>

¹⁷ Karen News, 2014, July 9: <http://karennews.org/2014/07/burma-making-zero-progress-on-ending-sexual-violence.html/>

¹⁸ Burma Partnership, 2014, November 24: <http://www.burmapartnership.org/2014/11/if-they-had-hope-they-would-speak-the-ongoing-use-of-state-sponsored-sexual-violence-in-burmas-ethnic-communities-2/>

Torture, abuse by soldiers, threats and forced confessions are common in the area and soldiers are rarely held accountable for their actions.¹⁹ Following the release of the farmers discussed above, a press conference was held on 18 September 2014. During the conference, accusations of illegal detention and use of torture were presented against the Burmese Army. Consequently, the farmers were arrested again and, according to sources in Chin State's Palatwa Township, forced to sign a document in which they stated that they would retract these allegations.²⁰

4 Forced Labour

Despite being in violation with article 359 of the Constitution of the Republic of Myanmar (2008), which states that: *"The Union prohibits forced labor except hard labor as a punishment for crime duly convicted and duties assigned by the Union in accord with the law in the interest of the public"*, the Chin are still facing forced labour.²¹ Between 2011 and 2012, twenty incidents of forced labour were reported, with the Burmese Army being involved in 50% of them and local authorities were involved in the other half. However, it is likely that the number is much higher, as incidents are likely to have gone undocumented, due to the poor infrastructure in Chin State.²²

III. Recommendations

Given the above-mentioned human rights situation in the Republic of the Union of Myanmar, the Unrepresented Nations and Peoples Organization urge the Government of Myanmar to consider the following recommendations:

- *Ratify the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Cultural and Social Rights (ICECSR), as well as other relevant human rights treaties to which it is not a party;*
- *Refrain from adopting the proposed 'Religious Conversion Law' or the remainder of the so-called "Pyidaungsu Hluttaw" plan;*
- *Reform its Constitution, which currently discriminates between different religions and especially against minorities;*

¹⁹ The Irrawaddy, 2014: <http://www.irrawaddy.org/?p=68707>

²⁰ The Irrawaddy, 2014: <http://www.irrawaddy.org/burma/chin-farmers-re-arrested-accusing-burma-army-torture.html>

²¹ The Chinland Guardian, 2011: <http://www.chinlandguardian.com/news-2009/1623-forced-labour-extortion-persist-in-chin-state.html>

²² Reliefweb, 2012: <http://reliefweb.int/report/myanmar/chin-group-documents-forced-labor-incidents-report>

- *Improve the infrastructure and the telecommunications in Chin State, as it is very difficult both to get access to the area and to communicate with its inhabitants from abroad and therefore to assist them and try to improve their situation;*
- *Adopt new and/or improved legislation related to sexual violence, forced labour, religious minorities and arbitrary detention and torture, to make violations of the legislation more difficult, and for the promotion and protection of the human rights of the Chin and other minorities in Myanmar.*