



NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE (ECLJ)

**UNIVERSAL PERIODIC REVIEW
2020**

**STATUS OF HUMAN RIGHTS IN MYANMAR
FOR THE 2020 UNIVERSAL PERIODIC REVIEW**

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ holds Special Consultative Status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding the status of human rights, including threats to religious freedom, in Myanmar for the 2020 Universal Periodic Review (UPR), highlighting reports from our on the ground sources.

Background

2. Myanmar home to over 54 million people, and is a majority Buddhist country, with nearly 88% of the population practicing Buddhism. In contrast, only 6.2% of the population practice Christianity. Myanmar faces the need for significant political and economic reform, which are indeed challenges as Myanmar is also working to transition from authoritarian rule to democracy. One of its greatest challenges is to correct the continuing violation of human rights perpetrated by the government, including its own military. According to a human rights watch group, Myanmar is the 19th worst place in the world for Christians to live¹. This ranking primarily stems from increasing pressure faced by religious converts as well as pressure from Buddhist extremists who desire for Myanmar to be a Buddhist nation. Furthermore, the Myanmar army restricts and minimizes the rights of Christians².

3. Myanmar's previous review was held on 6 November 2015. As a result of the review, "93 Member States made a total of 281 recommendations, out of which 124 recommendations enjoyed the immediate support of Myanmar"³. According to the report, many of the recommendations made by Member States revolved around the issue of "strengthening the national human rights institution," strengthening religious tolerance, and ratifying core international human right instruments -- including the repeated recommendation that Myanmar sign and ratify the International Covenant on Civil and Political Rights (ICCPR)⁴.

4. Myanmar indicated that it supported the repeated recommendations that it sign and ratify the ICCPR⁵. In addition to recommendations made on the signing and ratifying of the ICCPR, Myanmar received numerous recommendations that it take action to "provide guarantee[s] for freedom of religion in Myanmar, in line with Article 18 of the Universal Declaration of Human Rights," and that it "[e]nsure human rights protection to all people in Myanmar including the Rohingya"⁶. These recommendations were "noted" by Myanmar.

5. Sadly, in the four years since its review, Myanmar has refused to follow through on the recommendation it supported – the adoption of the ICCPR. According to reports, in September of 2019, Myanmar's Parliament voted down a motion to join the ICCPR, indicating that its reason for doing so was that that "the ICCPR . . . is an instrument of the UN Human Rights Committee (UNHRC)." Myanmar has expressed its displeasure with the HRC, and has banned Yanghee Lee, its special rapporteur on human rights in Myanmar⁷, from entering the country.

6. Furthermore, on the ground sources have reported continued violence against religious and ethnic minorities since 2015, which may be an indication as to why the Myanmar government has prohibited the Special Rapporteur of the Human Rights Council on the situation of human rights in Myanmar from entering the country to engage in fact finding missions.

Legal Framework

7. Myanmar's Constitution does not contain provisions that serve to guarantee freedom of religion. As noted above, one of the many recommendations made to Myanmar by Member States was that its Constitution be amended to bring it into alignment with its international human rights obligations, which are to be found in the U.N. Charter, human rights treaties, and general and customary international law.

8. Religious freedom in Myanmar is not only vulnerable due to the lack of protection in Myanmar's Constitution, the government has actually attacked it directly. In 2015, Myanmar passed the Protection of Race and Religion Bills which do nothing to protect religion, rather they do they exact opposite and provide extensive regulation and government oversight on religious conversions⁸. Numerous countries during the last UPR cycle also raised concerns over these laws, and asked that Myanmar work to repeal them⁹. Unfortunately, to date these laws are still in effect. Under Article 5 of the Religious Conversion law:

Everyone who wants to convert his or her religion must –

- a) be over 18 years old
- b) be converting of their own free will
- c) submit the following personal details to the Registration Board –
 - (1) Name
 - (2) Age and date of birth
 - (3) National Registration Card no.
 - (4) Father's name and religion
 - (5) Mother's name and religion
 - (6) Spouse's name and religion
 - (7) Current religion
 - (8) Religion he/she wants to convert to
 - (9) Reason to convert to new religion
- (d) Undergo questioning by the Registration Board to ascertain whether the person truly believes the said religion¹⁰.

9. While neither its own Constitution nor its legislation contain provisions promoting or protecting religious freedom, Myanmar *has* signed the Universal Declaration of Human Rights (UDHR), and *is* a party to the Convention on the Prevention and Punishment of the Crime of Genocide; the Convention on the Rights of the Child (CRC); the Convention on the Rights of Persons with Disabilities (CRPD); and the International Covenant on Economic, Social and Cultural Rights (ICESCR). All which protect religious freedom by prohibiting government discrimination on the basis of religion.

10. Article 2 of the Universal Declaration of Human Rights (UDHR) provides that:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, *without distinction of any kind*, such as . . . *religion*, political or other opinion, national or social origin, property, birth or other status.

The remaining international covenants in paragraph 9 above, all have similar provisions. Article 18 of the UDHR provides further protection for religious freedom:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

11. Currently, Myanmar’s domestic law does not hold up to the standard set by the UDHR, and other international covenants to which it is a party and has agreed to abide. Myanmar has a duty to respect, protect and fulfil its human rights obligations. As such, Myanmar should refrain from engaging in activity that curtails its citizens’ enjoyment of human rights, including the right to freedom of religion. Myanmar also has an obligation to act in ways that protect that same right for all its citizens.

Violence and Threats to Religious Freedom

12. In its 2020 World Watch List Report on religious freedom issues around the world, Open Doors ranked Myanmar as the 19th worst place to live for Christians¹¹. Christians and other religious minorities face Buddhist extremism, discrimination, persecution, violence at the hands of a dictatorial military, and even ethnic cleansing. Civilians, who are not necessarily targeted because of their faith, also face violence and trauma because of the ongoing conflicts in Myanmar.

13. Similarly, in August 2019, the Special Rapporteur of the Human Rights Council on the situation of human rights in Myanmar reported that Christians in Myanmar are “facing discrimination and the curtailment of the right to freedom of religion owing to forced conversion to Buddhism.” Furthermore, reports indicate that “parents of children from Chin Christian families continue to be coerced into sending their children to Buddhist boarding schools . . . ,” which “operate under the authority of the military-run Ministry of Border Affairs instead of the Ministry of Education”¹².

Once sent to these schools, children are not able to see their families, use their Christian names, attend church or use Chin dialects. Buddhist worship is compulsory, and many children are initiated into the monkhood or nunhood. After graduating, government employment is reportedly available only on the condition of conversion to Buddhism¹³.

Government employment conditioned on adherence to Buddhism is another practical example of why Myanmar's Protection of Race and Religion laws are so problematic and actually do not protect religion. Further, non-Buddhist citizens in Myanmar, such as Christians of Kachin or Chin ethnicity, are not given equal access to documentation which allows them to access state services and apply for jobs.

14. Sigal Mandelker, the Treasury Under Secretary for Terrorism and Financial Intelligence for the United States also condemned the human rights violations in a 2018 report:

[Myanmar] security forces have engaged in violent campaigns against ethnic minority communities across [Myanmar], including ethnic cleansing, massacres, sexual assault, extrajudicial killings, and other serious human rights¹⁴.

15. According to our on the ground sources, horrific and continued violence is perpetrated against civilians in Myanmar by the Myanmar Army, despite the recommendations from this body in 2015. "The [Myanmar] Army uses rape as a weapon of war. Sexual violence has become a hallmark of the prolonged civil conflict and an indisputable tactic of the [Myanmar] Army against ethnic women. After several failed domestic and international agreements, the [Myanmar] Army continues to rape with impunity..."¹⁵ For example, in 2015, two Kachin girls were raped and beaten to death by troops of the Myanmar Army. The girls were 20 and 21 years old, and were volunteer Christian missionaries from the Kachin Baptist Convention. Villagers heard the screams of the girls and went to their aid, but by the time they arrived, the troops were gone and the girls were dead. The murders were reported to the police in the area, but there was no action taken.¹⁶ Throughout the years, these kinds of horrific acts have been far from unique. More recently, on 9 December 2019, two Myanmar Army soldiers "raped 17-year-old Dashi Hkawn Tsin, in Bhamo Township, Kachin State. She was later admitted to the Bhamo Hospital in critical condition"¹⁷.

16. In 2018, nearly 7,000 Christians living in Kachin were forced to flee from their homes as violence between Myanmar security forces and rebel groups escalated¹⁸. In May 2018, Myanmar security forces used fighter jets to bomb a Baptist Mission School in the predominately Christian Kachin State¹⁹. Hkun Htoi Layang of the Kachin Relief Fund stated, "It is outrageous that the [Myanmar] army targets a Kachin Baptist mission school. We are very concerned that the [Myanmar] army is targeting more civilians throughout the Kachin State, with impunity"²⁰.

17. According to our sources, throughout 2019, conflicts between ethnic groups and the Myanmar Army were quite frequent, with civilian lives being claimed as well. In April 2019, "seven civilians, including a 9-year-old and a 3-year-old, were murdered in Win Ye Township, Doo Playa District," in Karen State by two Myanmar Army soldiers "from Battalion 339"²¹. In October 2019 alone, there were 15 clashes between the Myanmar Army and ethnic groups. In one such incident occurring on 23 October near the Kutkai Township in the Shan State, approximately 231 villagers were forced to flee from their homes and seek safety. And in Arakan State, in 2019 alone, 39,000 people have been displaced due to aggressive action on the part of Myanmar security forces. In total, over 700,000 Rohingya have fled Arakan State. One Rohingya woman, a refugee who fled the Myanmar Army in her home state of Arakan stated: "I had to flee . . . [the Army] kills, rapes, steals and beats people as they like; it is impossible to stay. I tried, but it was no use.

No one is there to help us, no one can protect us. . . . It is wrong what the . . . Army is going, but there is no one standing against them”²².

18. Additionally, our sources report that in the same region, Myanmar security forces indiscriminately fired on villages, conducted airstrikes, and placed landmines in civilian areas. In November 2019, 18 different conflicts occurred. One particularly common form of attack by the Myanmar Army is to use remote detonated land mines, which injure or kill both civilians and ethnic armed organization members. Additionally, Myanmar Army soldiers confiscated gold mining boats and equipment from civilians, who desperately rely upon this equipment to provide for themselves and their families. In December 2019, there were 9 clashes between the Myanmar Army and ethnic groups. These incidents ranged from troop relocation to the military demanding money from members of a local Catholic church.

19. An 18-year-old medic from Karen State described her experience growing up in a conflict zone:

When the [Myanmar] Army comes into my village they rape girls and women. This happened when I was eight. My cousin got raped by the [Myanmar] Army. My cousin was shot in the head during fighting so the [Myanmar] Army caught her and raped her. She got raped and afterwards she died. . . . [she] was only 12 years old.

...

A [Myanmar Army] soldier arrested my grandfather once. They poured hot water through my grandfather’s nose and ears and pulled all of his fingernails. The [Myanmar Army] tortured my grandfather in front of me.

...

When there was fighting, the Burmese military shelled big mortars at my village. A big mortar hit half of my house. . . . My mom was tired from farming all day so she was taking a nap. I was having my dinner when I heard the mortars but I grabbed a pack and ran. . . . My brother jumped into the bushes to hide and get away from the fighting and fire. Since then I haven’t seen him. I don’t know if he is alive or not. I lost my mom because while she was sleeping the mortar shells hit my house and burned [it] with my mom inside. My mom was burned alive²³.

20. Furthermore, our on the ground sources report that in northern Wa State, it is illegal for anyone to share about Jesus or pray in a group, and the celebration of Christmas is not allowed. Two-hundred Christian churches have been shut down, worship is prohibited, and pastors have been arrested. Currently, five pastors are still being held and have been told that they will not be released until they renounce their faith. According to reports, “[t]he main church in Pangsang, the Wa capital was closed and desecrated. A witch doctor was brought in to throw blood in the church and curse it to drive out the spirit of Jesus”²⁴.

21. Finally, the COVID-19 crisis affecting the world is also affecting Myanmar, yet, the Myanmar Army has continued its attacks on civilians. According to our on the ground sources, Myanmar Army jet fighters have open fired on villages across Paletwa Township in Chin State.

On March 15, 2020, the Myanmar Army dropped bombs into Wohma Village, Chin State, killing nine people and wounding 12 more. Since March 16, 2020, recent clashes between the Myanmar Army and Arakan Army in Chin state have displaced 61,000 people. In May 2020, the Myanmar Army burned down four COVID-19 public health screening points and drove families out of three villages in Karen State.

22. These are just a few examples of incidents that have occurred in the last year, not to mention the last four years since Myanmar's 2015 UPR.

Conclusion

23. Despite the numerous recommendations made in its previous UPR cycle, Myanmar has not adopted the ICCPR, nor has it adjusted its own law to guarantee its citizens the human right of freedom of religion. To the contrary, the continued conflict and increasing persecution of Christians and other religious and ethnic minorities in Myanmar is deeply concerning. Internal conflict has caused loss of life, and created a massive humanitarian crisis. It is critical that Myanmar fulfill its basic obligations to protect its citizens from violence and the abuse of the military, which is perpetrating violence against its own citizens. Additionally, we respectfully urge Myanmar to reform its laws and policies to ensure that everyone is free to adopt and practice their religion of choice without government interference or persecution.

¹ *World Watch List: Myanmar*, OPEN DOORS, https://www.opendoorsusa.org/wp-content/uploads/2020/01/2020_World_Watch_List.pdf.

² *Id.*

³ HUMAN RIGHTS COUNCIL, REPORT OF THE WORKING GROUP ON THE UNIVERSAL PERIODIC REVIEW: MYANMAR, A/HRC/31/13 (23 Dec. 2015).

⁴ UPR of Myanmar – Second Cycle Thematic List of Recommendations A/HRC/31/13.

⁵ *Id.*

⁶ *Id.*

⁷ El El Toe Lwin, *Parliament Rejects Motion to Join International Civil Rights Treaty*, MYANMAR TIMES (12 Sept. 2019), <https://www.mmtimes.com/news/parliament-rejects-motion-join-international-civil-rights-treaty.html>.

⁸ *The Law and Police Reforms Myanmar Needs to Combat Intolerance and Discrimination Based on Religion or Belief*, FORBES, (18, Nov. 2019), <https://www.forbes.com/sites/ewelinaochab/2019/11/18/the-law-and-policy-reforms-myanmar-needs-to-make-to-combat-intolerance-and-discrimination-based-on-religion-or-belief/#4c24553778de>.

⁹ UPR of Myanmar – Second Cycle Thematic List of Recommendations A/HRC/31/13 – Para 145.

¹⁰ Religious Conversion Law, Art. 5, (Unofficial translation by the Chin Human Rights Organization), *available at* http://www.burmalibrary.org/docs18/2014-Draft_Religious_Conversion_Law-en.pdf.

¹¹ *World Watch List: Myanmar*, OPEN DOORS, https://www.opendoorsusa.org/wp-content/uploads/2020/01/2020_World_Watch_List.pdf.

¹² SITUATION OF HUMAN RIGHTS IN MYANMAR: REPORT OF THE SPECIAL RAPPORTEUR OF THE HUMAN RIGHTS COUNCIL, A/74/342 (30 Aug. 2019).

¹³ *Id.*

¹⁴ *Treasury Sanctions Commanders and United of the Burmese Security Forces for Serious Human Rights Abuses*, U.S. DEPARTMENT OF THE TREASURY, (17 Aug. 2018) <https://home.treasury.gov/news/press-releases/sm460>.

¹⁵ RAPE AS A WEAPON OF WAR AND THE WOMEN WHO ARE RESISTING: A SPECIAL REPORT BY THE FREE BURMA RANGERS 3 (2019), available at <https://www.freeburmarangers.org/wp-content/uploads/2019/12/Rape-as-a-Weapon-of-War.pdf>.

¹⁶ *Burma Army Rapes and Kills Two Kachin Girls and Attacks Multiple Villages in Kachin State*, FREE BURMA RANGERS (22 Jan. 2015), <https://www.freeburmarangers.org/2015/01/22/burma-army-rapes-and-kills-two-kachin-girls-and-attacks-multiple-villages-in-kachin-state/>.

¹⁷ *Northern Burma: Heavy Fighting in Kachin and Northern Shan States Despite a New Ceasefire*, FREE BURMA RANGERS: GLOBAL DAY OF PRAYER FOR BURMA 2020,16 (2020).

¹⁸ *Myanmar: 7,000 Kachin Displaced as Violence Escalates*, WORLD WATCH MONITOR, (15 May 2018), <https://www.worldwatchmonitor.org/2018/05/myanmar-7000-kachin-displaced-as-violence-escalates/>.

¹⁹ *Burma Army Targets Kachin Christian Mission School*, CSW, (15 May. 2018), <https://www.csw.org.uk/2018/05/15/news/3972/article.htm>.

²⁰ *Id.*

²¹ *Karen State: New Burma Army Camps and Continuing Ceasefire Violations Throughout 2019*, FREE BURMA RANGERS: GLOBAL DAY OF PRAYER FOR BURMA 2020, 23 (2020).

²² *Pray, Act in Love and Never Give Up: Meeting Rohingya Refugees and ARSA*, FREE BURMA RANGERS (5 Apr. 2018), <https://www.freeburmarangers.org/2018/04/05/pray-act-love-dont-give-meeting-rohingya-refugees-arsa/>.

²³ *Voices from Burma: An 18-year-old Medic from Karen State Shares Her Experience Growing up in a Conflict Zone*, FREE BURMA RANGERS: GLOBAL DAY OF PRAYER FOR BURMA 2020,24-25 (2020).

²⁴ Marcus Young, *Wa State: Updates on Religious Persecution in Wa State*, FREE BURMA RANGERS: GLOBAL DAY OF PRAYER FOR BURMA 2020, 20 (2020).