

UNIVERSAL PERIODIC REVIEW 2010

MYANMAR

NGO: European Centre for Law and Justice
4, Quai Koch 67000 Strasbourg France

RELIGIOUS FREEDOM IN THE UNION OF MYANMAR (BURMA)

In a country with a population consisting of eighty-nine percent Buddhists and only eight percent Christians or Muslims,¹ Myanmar continues to persecute religious and tribal minorities despite the United Nations' Human Rights Council's intervention. The military regime has reportedly scheduled an election in 2010 which will likely be a sham election since the candidate for the primary opposition party is not permitted to run and the military regime has set up front parties.² Christians within the country have little hope that the persecution will cease. Christians are losing their lives, their homes, and their faith.

SECTION 1: *Legal Framework*

I. THE PROPOSED CONSTITUTION

The Burmese Army suspended Myanmar's Constitution following a military coup in 1988.³ The present military regime, the State Peace and Development Council (SPDC), drafted a new Constitution in May 2008 through a corrupt process, according to international observers.⁴ The drafting of the new Constitution was highly exclusive, with an overwhelming percentage of delegates either directly representing or obligated to the military regime.⁵ This Constitution becomes effective following elections reportedly scheduled to occur on October 10, 2010.⁶

II. CONSTITUTIONAL PROVISIONS REGARDING RELIGIOUS LIBERTY

The draft Constitution discusses the religious freedom afforded to Myanmar's citizenry, but any right granted is then subject to ambiguous caveats, such as "public order" and "morality." The Constitution enumerates specific religious freedoms that the government is ostensibly prepared to uphold, but each freedom remains subject to limitations. For example, Article 34 makes a strong declaration of religious freedom by stating, "[e]very citizen is equally entitled to freedom of conscience and the right to freely profess and practise religion"⁷ However, this right is

¹ CENTRAL INTELLIGENCE AGENCY, THE WORLD FACTBOOK: BURMA (May 18, 2010), *available at* <https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html> (last visited May 27, 2010).

² Simon Roughneen, *Burma's Looming Election Sham*, INTERNATIONAL RELATIONS AND SECURITY NETWORK, Feb. 22, 2010, <http://www.isn.ethz.ch/isn/Current-Affairs/Security-Watch/Detail/?lng=en&id=112923> [hereinafter *Election Sham*].

³ U.S. DEP'T OF STATE, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, BACKGROUND NOTE: BURMA (January 31, 2010), <http://www.state.gov/r/pa/ei/bgn/35910.htm>.

⁴ *Id.*

⁵ See HUMAN RIGHTS WATCH, VOTE TO NOWHERE: THE MAY 2008 CONSTITUTIONAL REFERENDUM IN BURMA 44–48 (May 2008), *available at* <http://www.hrw.org/en/node/62239/section/6> [hereinafter VOTE TO NOWHERE] (describing the draft constitution as an effort by the military to legitimize and perpetuate its power by embedding it in a permanent constitution).

⁶ Radio Australia, Reports of an Election in Burma Later This Year (June 10, 2010), <http://www.radioaustralia.net.au/asiapac/stories/201006/s2924076.htm>; *Election Sham*, *supra* note 2.

⁷ CONST. OF THE REP. OF THE UNION OF MYANMAR art. 34.

“subject to public order, morality or health and to other provisions of [Myanmar’s] Constitution.”⁸ Article 360 diminishes the right further:

- (a) The freedom of religious right given in Section 34 shall not include any economic, financial, political or other secular activities that may be associated with religious practice.
- (b) The freedom of religious practice so guaranteed shall not debar the Union from enacting law for the purpose of public welfare and reform.⁹

The full extent of the ambiguous limitations Article 360 places on freedom of conscience and religion may only be determined over time.

Additionally, the draft Constitution officially recognizes the “*special position of Buddhism* as the faith professed by the great majority of the citizens of the Union.”¹⁰ The draft constitution also acknowledges “Christianity, Islam, Hinduism and Animism as the religions existing in the Union at the day of the coming into operation of this Constitution.”¹¹ The Union “*may* assist and protect the religions it recognizes to its utmost.”¹² However, this protection is only permissive, not mandatory. Thus, the draft Constitution only illusively protects “recognized” religions.

The draft Constitution could encroach on religious liberties by restricting freedom of expression and thought. For example, Article 365 gives individuals “the right to freely develop literature . . . and traditions they cherish.”¹³ However, the superior government interest in “national solidarity” supersedes this right.¹⁴ Additionally, Article 33 declares that “[t]he Union shall strive for youth to have [a] strong and dynamic patriotic spirit, the *correct way of thinking* and to develop the five noble strengths.”¹⁵ The draft constitution fails to define the “correct way of thinking” or the “five noble strengths.” The Union could easily use this broad legal authority to promote its agenda at the expense of religious freedom.

Article 354, the most significant affirmation of the free exercise of religion, also places significant limits on religious freedom:

Every citizen shall be at liberty in the exercise of the following rights, *if not contrary to the laws*, enacted for Union security, prevalence of law and order, community peace and tranquility *or public order and morality*:

- (a) to express and publish freely their convictions and opinions;
- (b) to assemble peacefully without arms and holding procession;
- (c) to form associations and organizations;

⁸ *Id.*

⁹ CONST.OF THE REP.OF THE UNION OF MYANMAR art. 360.

¹⁰ CONST.OF THE REP.OF THE UNION OF MYANMAR art. 361 (emphasis added).

¹¹ CONST.OF THE REP.OF THE UNION OF MYANMAR art. 362.

¹² CONST.OF THE REP.OF THE UNION OF MYANMAR art. 363 (emphasis added).

¹³ CONST.OF THE REP.OF THE UNION OF MYANMAR art. 365.

¹⁴ *Id.* (“Every citizen shall, in accord with the law, have the right to freely develop literature . . . and traditions they cherish. In the process, they shall avoid any act detrimental to national solidarity.”)

¹⁵ CONST.OF THE REP.OF THE UNION OF MYANMAR art. 33 (emphasis added).

(d) to develop their . . . religion they profess[] and customs without prejudice to the relations between one national race and another or among national races and to other faiths.¹⁶

Thus, in the draft Constitution's one and only affirmative guarantee of the rights to expression, assembly, association, and religion, the drafters inserted broad conditions, subjecting all rights to public order and morality. The broad concept of public order and morality could be enforced by laws targeting religious practice. The ambiguity in other clauses provides the government with the authority to prohibit other religious activities. For example, the draft Constitution gives the government the power to punish religious activities it deems "likely to promote feelings of hatred, enmity or discord between racial or religious communities and sects."¹⁷

III. LEGISLATIVE RESTRICTIONS ON CITIZENS' RELIGIOUS FREEDOM

A number of Myanmar's domestic laws cut against religious freedom, particularly when administered by an absolutist military government. These include the 1908 Unlawful Associations Act and the 1975 State Protection Act, as well as Sections 143, 145, 152, 295(A), 505, and 505(b) of the Penal Code.¹⁸ Other laws suppress freedom of the press, conscience, association, assembly, and expression.¹⁹ These include, but are not limited to, the Official Secrets Act, the Emergency Provisions Act, and the Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention Against Disturbances and Oppositions.²⁰

Specifically, the Unlawful Associations Act of 1908 makes illegal any association that "interferes or has for its object interference with the administration of the law and order, or that it constitutes a danger to the public peace."²¹ Additionally, Article 10(b) of the 1975 State Protection Law permits the Union to detain persons whom it deems to be a "threat to the sovereignty and security of the State and the peace of the people" for as many as five years.²² Other statutes burdening religious freedoms include the Printers and Publishers Registration Law, the Television and Video Act, and the Computer Science Development Law, which require government pre-approval of printed and televised materials and any computer use.²³

Section 124(a) of Myanmar's Penal Code serves effectively as Myanmar's seditious law. Section 124(a) punishes one who "brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection" towards the government.²⁴ Because of this broad language, the

¹⁶ CONST.OF THE REP.OF THE UNION OF MYANMAR art. 354 (emphasis added).

¹⁷ CONST.OF THE REP.OF THE UNION OF MYANMAR art. 364.

¹⁸ Irrawaddy, *Chronology of Burma's Laws Restricting Freedom of Opinion, Expression and the Press*, THE IRRAWADDY, May 1, 2004, available at http://www.irrawaddy.org/research_show.php?art_id=3534 (Thail.) [hereinafter *Chronology of Burma's Laws*]; Special Rapporteur, *Report of the Special Rapporteur on the Situation of Human Rights in Myanmar*, Tomás Ojea Quintana, ¶47, delivered to the Human Rights Council and the General Assembly, U.N. Doc. A/HRC/10/193 (Mar. 11, 2009) [hereinafter *Situation of Human Rights in Myanmar*].

¹⁹ *Chronology of Burma's Laws*, supra note 18; *Situation of Human Rights in Myanmar*, supra note 18.

²⁰ *Chronology of Burma's Laws*, supra note 18.

²¹ Unlawful Associations Act § 16 (1957) (Myan.) (emphasis added).

²² Special Rapporteur, *Report of the Special Rapporteur on the Situation of Human Rights in Myanmar*, Tomás Ojea Quintana, on the Implementation of Council Resolutions S-5/1 and 6/33, ¶ 28, delivered to the Human Rights Council and the General Assembly, U.N. Doc. A/HRC/8/12 (Jun. 3, 2008) [hereinafter *Implementation of Council Resolutions*] (quoting Burma State Prot'n Law 175, art. 10(b)).

²³ *Chronology of Burma's Laws*, supra note 18; *Situation of Human Rights in Myanmar*, supra note 18.

²⁴ VOTE TO NOWHERE, supra note 5, at 37.

government could interpret any religious exercise to “excite disaffection.” Also, the Penal Code prohibits groups of five or more people from gathering together when it would threaten the “public tranquility.”²⁵ This provision could effectively prohibit religious services simply by deeming services a threat to tranquility. Thus, Myanmar can prohibit any religious expression it deems unfavorable to national solidarity by exploiting vagueness in the law.

IV. International Agreements of which Myanmar is a Member

Myanmar has submitted a number of reports in response to the Human Rights Council’s requests for more political and religious freedom, but the SPDC remains unresponsive to the Council’s concerns, urgings, and recommendations, which include requests for the country to allow freedom of assembly and association and freedom of opinion and expression.²⁶ The SPDC, continues to ignore the “four core human rights elements” proposed by the international community.²⁷ Additionally, the SPDC fails to respect the fundamental rights guaranteed by the following treaties to which Myanmar has agreed:²⁸ 1) Myanmar signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on July 22, 1997 with a reservation to Article 29, which stipulates an arbitration requirement;²⁹ 2) Myanmar signed the Convention on the Rights of the Child on July 15, 1991, reserving the interest of maintaining order and unity against Articles 15 and 37, but quickly removed those reservations following several objections from other member states.³⁰

SECTION 2: *Incidents of Religious Persecution or Discrimination*

The following examples describe recent incidents of religious persecution or discrimination in Myanmar. Although the primary motivation behind the persecution stems from tribalism, religious minorities bear the brunt of the persecution. The Appendix contains excerpts of each news story.

I. Persecution Incidents

A. Persecution against Christians

1. Christian rock band ministering to Christians in Myanmar through Christian Freedom International claims they almost lost their lives during a standoff with army officials who threatened to cut their throats.³¹
2. Karen villagers, the majority of whom are Christian,³² continue to suffer from brutal attacks by the Myanmar regime using arms supplied primarily by China. The military regime has burned homes, raped women, and forced many into slave labor.³³

²⁵ *Id.*

²⁶ *See Situation of Human Rights in Myanmar, supra note 18; Implementation of Council Resolutions, supra note 22.*

²⁷ United Nations Human Rights Council [HRC], *Progress Report of the Special Rapporteur on the Situation of Human Rights in Myanmar*, ¶ 14, U.N. Doc. A/HRC/13/48 (March 5, 2009) [hereinafter *Progress Report*] (“the release of all prisoners of conscience; review and reform of specific national legislation, in compliance with international human rights standards; reform of the judiciary to assure independence and impartiality; and specific measures by the military and police including respecting international human rights and humanitarian law and establishing a permanent and meaningful training programme on human rights.”)

²⁸ *See Id.*

²⁹ Convention on the Elimination of all Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13.

³⁰ Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3.

³¹ Posting of Steve Almsy to Belief Blog, *Christian Band: We Were Spared Death by Myanmar General*, CNN, <http://religion.blogs.cnn.com/author/cnnsteve15/> (May 19, 2010, 15:17 EST).

3. The military regime forced Christians to destroy their own churches and graveyards. The Christians were then forced to build Buddhist temples.³⁴
4. Chin, mainly Christians, were subjected to forced labor, torture, rape, arbitrary arrest and extra-judicial killings throughout the year.³⁵
5. 2,000 Christians in Karen were forced to flee attacks from the Burmese army. One person was found decapitated, and four were shot.³⁶
6. A Christian orphanage was destroyed by the Burmese army immediately after the orphanage had been completed, displacing many Christian orphans.³⁷
7. The Burmese army regularly tortures Christians by beating them with sticks, forcing them to crawl over stones, and holding them under water.³⁸

B. Other Minority Religious Discrimination

1. The Burmese army discriminates against Rohingya Muslims: restricting movement; limiting permission to marry; extorting and arbitrarily taxing; confiscating and forcibly evicting them from land; and restricting access to medical care, food and adequate housing.³⁹
2. Hundreds of Muslims were forced into exile. Completely emaciated, the Muslims suffered brutal attacks from the Burmese military while at sea. The Myanmar regime refuses citizenship to Rohingya because they are “dark skinned” and “ugly as ogres.”⁴⁰
3. Burma is denying basic necessities and medical attention to imprisoned protest leader, Ko Mya Aye.⁴¹
4. Monks are prohibited from making public speeches or literature critical of the regime. The military regime has the power to try monks by military tribunal.⁴²
5. Children are continuously used as soldiers and women are brutally raped.⁴³

³² Christian Telegraph, *Karen Christians Pressed Between Thailand and Myanmar*, Feb. 5, 2010, <http://www.christiantelegraph.com/issue8568.html>.

³³ INST. FOR DEMOCRACY AND ELECTORAL ASSISTANCE, CHALLENGES TO DEMOCRATIZATION IN BURMA: PERSPECTIVES ON MULTILATERAL AND BILATERAL RESPONSES (2001), http://www.idea.int/asia_pacific/burma/upload/challenges_to_democratization_in_burma.pdf; Scott Johnson, *Peace a Long Way Coming for Burma's Ethnic Minorities*, PERSECUTION.ORG, May 18, 2010, <http://www.persecution.org/suffering/newssummpopup.php?newscode=12369&PHPSESSID=010fe63ef8d0ac1b54d09ec271da282c>.

³⁴ U.S. COMM’N ON INT’L RELIGIOUS FREEDOM, ANNUAL REPORT 33 (May 2010), available at http://www.uscirf.gov/images/annual_report_2010.pdf [hereinafter INT’L RELIGIOUS FREEDOM REPORT].

³⁵ Sam Bagnall, *Burma's 'Forgotten' Chin People Suffer Abuse*, BBC NEWS, Apr. 19, 2010, <http://news.bbc.co.uk/2/hi/asia-pacific/8626008.stm>.

³⁶ Michael Ireland, *2,000 Karen Villagers Forced to Flee Attacks by Burmese Army*, PERSECUTION.ORG, Jan. 26, 2009, <http://www.persecution.org/suffering/newsdetail.php?newscode=11616>.

³⁷ International Christian Concern, *ICC Orphanage in Burma Attacked by Burmese Government Forces*, June 5, 2009, <http://www.persecution.org/suffering/newsdetail.php?newscode=10217>.

³⁸ HUMAN RIGHTS WATCH, “WE ARE LIKE FORGOTTEN PEOPLE” (Jan. 2009), available at <http://www.hrw.org/en/reports/2009/01/27/we-are-forgotten-people>.

³⁹ INT’L RELIGIOUS FREEDOM REPORT, *supra* note 34, at 34.

⁴⁰ HUMAN RIGHTS WATCH, PERILOUS PLIGHT: BURMA’S ROHINYA TAKE TO THE SEAS 7 (May 2009), <http://www.hrw.org/en/node/83381/section/1>.

⁴¹ Press Release, Christian Solidarity Worldwide, CSW Calls for Urgent Action to Provide Medical Treatment for Burmese Political Prisoner Ko Mya Aye (Apr. 29, 2010), <http://dynamic.csw.org.uk/article.asp?t=press&id=985&search=>.

⁴² INT’L RELIGIOUS FREEDOM REPORT, *supra* note 34, at 32.

⁴³ *Progress Report*, *supra* note 27.

UNIVERSAL PERIODIC REVIEW 2010

MYANMAR

NGO: European Centre for Law and Justice
4, Quai Koch 67000 Strasbourg France

RELIGIOUS FREEDOM IN THE UNION OF MYANMAR

APPENDIX

SECTION 2

A. Persecution against Christians

1. CNN Belief Blog

May 29, 2010

<http://religion.blogs.cnn.com/2010/05/19/christian-band-we-were-spared-death-by-myanmar-general/>

[*excerpt*]

They had illegally sneaked into Myanmar knowing full well the danger, but it wasn't completely apparent to the members of the Irish Christian band Bluetree that the screaming general down below the balcony wanted them dead.

They could tell it was a very tense situation. High-ranking members of two different military units were pointing at them and yelling in a language they didn't understand, according to lead singer Aaron Boyd. Their interpreter clammed up and the president of the NGO that had brought the band into the country said, "This is bad. This is really, really bad."

It was only when they left the country and returned to Thailand that the band members were told it was their fates being debated by those troops down below.

"We were told later their general said we're not even going to waste our bullets with them, we're just going to slice their throats," Boyd said Tuesday by telephone from his home in Belfast, Northern Ireland. "Bottom line was our guy, whatever he did, whatever he said, managed to calm the whole thing down."

2. Persecution.org

May 18, 2010

<http://www.persecution.org/suffering/newssummpopup.php?newscode=12369&PHPSESSID=010fe63ef8d0ac1b54d09ec271da282c>

[*excerpt*]

In early 2010 I ventured into Karen State, the disputed territory between the Burmese regime and ethnic Karens. Here in a jungle camp I visited the Karen soldiers defending their people who are trying to rebuild their villages. The area is located near the Thai border and the villages were attacked with mortars and burned by Burmese troops in 2009. The village defenses were impressive given the KNU [Karen National Union] is virtually unsupported by other countries. Burma on the other hand receives an ample supply of weapons and military hardware from many countries including China, Russia and North Korea.

The KNU have taken upon it themselves to reintegrate their refugees back to their ancestral lands, with a Karen volunteer force to defend the returnees from further attacks. Village life offers a welcome change for former refugees who can escape the drudgery of refugee camps that are now birthing a second generation of stateless people. The rebuilding was work in progress however and charred remains of destroyed huts could still be seen. There were even markers pointing out areas yet un-cleared of Burmese landmines.

In the nearby military camp I met the commander of these “Special Force” troops guarding the villages. The commander was none other than the son of legendary Karen General and former KNU president Bo Mya. General Mya began his career in World War II fighting with the British having served with the famous 136 Brigade.

3. U.S. Commission of International Religious Freedom 2010 Annual Report – Myanmar
May 2010
<http://www.uscirf.gov/images/ar2010/burma2010.pdf>

[*excerpt*]

In the past year, minority religious groups, especially Muslims and Christians, continued to face serious abuses of religious freedom and other human rights by the military. In some localities, military commanders have conscripted members of ethnic and religious minorities against their will for forced labor. Those who refuse conscription are threatened with criminal prosecution or fined. Those who do not carry out their tasks have been shot or beaten to death. Christians and Muslims have been forced to engage in the destruction of mosques, churches, and graveyards and to serve as military porters. They reportedly have also been forced to “donate” labor to build and maintain Buddhist pagodas and monasteries. There are reports from NGOs and international media that two Muslim activists seeking to document religious freedom and related human rights violations were arrested. Their whereabouts are unknown.

...

Christian groups in Burma continue regularly to experience difficulties in obtaining permission to build new churches, hold public ceremonies or festivals without permission, and import religious literature. A government regulation promulgated in early 2008 bans religious meetings in unregistered venues, such as homes, hotels, or restaurants.

In January 2009, the SDPC took steps to enforce the regulation, ordering 100 churches and religious meeting places in Rangoon to stop holding services and forcing Protestant leaders to sign pledges to that effect. There are additional reports of church closings in Mandalay.

Christian groups in ethnic minority regions, where low-intensity conflicts have been waged for decades, face particularly severe and ongoing religious freedom abuses. The Burmese military has destroyed religious venues, actively promoted conversion to Buddhism, confiscated land, and mandated forced labor. The Chin, Naga, Kachin, Shan, Karen, and Karenni peoples, each with sizable Christian populations, have been the primary targets of these abuses. In the past year, for instance, authorities in Kachin state halted attempts by the Shatapru Baptist Church to build a Christian orphanage. In late 2007, a military general in Shan state confiscated land from a Catholic diocese and destroyed the home of the bishop. No compensation has been awarded. In ethnic minority areas, Christians are required to obtain a permit for any gathering of more than five people outside of a Sunday service. Permission is regularly denied, or secured only through bribes.

There are credible reports that government and military authorities continue efforts actively to promote Buddhism among the Chin and Naga ethnic minorities as part of its pacification program. Although forced conversions reportedly have decreased in recent years, refugees continue to claim that government officials encourage conversion through promises of economic assistance or denial of government services. Chin families who agree to convert to Buddhism were offered monetary and material incentives, as well as exemption from forced labor. Chin women are particularly vulnerable, as there are a growing number of credible reports that the Burmese military encourages or condones rape by its soldiers as an instrument of war. Burmese Buddhist soldiers are also offered financial and career incentives to marry and convert Chin Christian women.

Chin Christians claim that the government operated a high school that only Buddhist students could attend; students were guaranteed jobs upon graduation. Also, NGOs reported that Christian students in the Kachin state are not only forced to learn the Burmese language, but to become Buddhist, without their parents' knowledge or consent.

In 2007, a Christian pastor was arrested for writing a letter to General Than Shwe, the chief of the military junta, urging an end to the persecution of Christians. Naga Christian refugees leaving Burma report that members of the army, together with Buddhist monks, closed churches in their villages and attempted to force adherents to convert to Buddhism.

Over the past five years, the Burmese military has expanded operations against ethnic minority militias in parts of eastern Burma, reportedly destroying schools, hospitals, religious sites, and homes, killing civilians, and raping women. New refugees have entered India and Thailand, where they face squalid conditions and possible forced relocation. According to international media and NGO reports, an estimated 100,000 Chin Christians fled to India during the past year, in hopes of escaping persecution. In early January 2010, international NGOs reported that more than 2000 Karen villagers were forced to flee following attacks by the Burmese Army.

- 4. A BBC News Broadcast posted on the BBC News website**
18 April 2010
<http://news.bbc.co.uk/2/hi/asia-pacific/8626008.stm>

[*excerpt*]

The Chin are mainly Christians, having converted to the faith when the British ruled the area before independence after World War II.

The Chin are unsafe in Burma and unprotected in India, but just because these abuses happen far from Delhi and Rangoon does not mean the Chin should remain 'forgotten people'

Human Rights Watch

The persecution of the Chin dates back to the military takeover of Burma in the 1960s.

According to the US State Department, Burmese troops and officials have tried to forcibly convert the Chin from Christianity to Buddhism.

They have also destroyed churches, and arrested and even killed Christian Chin clergy, who now often work undercover.

The Chin also suffer from acute food shortages.

The United Nation's World Food Programme believes that food consumption in Chin State is the lowest in Burma. In recent years food shortages have been further exacerbated by a plague of rats, which have devastated Chin crops.

There is little in the way of medical facilities in Chin State. The villagers said that they had not seen a doctor for 10 years.

The Christian NGO Free Burma Rangers is one of the few sources of medical aid.

They give training to local volunteers who take basic drugs and medical equipment to the remote villages. The danger of running into a Burmese army patrol is ever present.

Free Burma Rangers give medicines to the Chin in secret

"If they catch us they will kill us," one volunteer inside Burma said.

In the neighbouring Indian state of Mizoram, Chin refugees receive little help from the Indian authorities or aid agencies.

Instead they face discrimination and hostility, and are often forcibly repatriated to Burma.

"The Chin are unsafe in Burma and unprotected in India, but just because these abuses happen far from Delhi and Rangoon does not mean the Chin should remain 'forgotten people'," said Human Rights Watch in its report.

Burmese refugees from other persecuted ethnic groups who can flee from the south and east of the country into neighbouring Thailand receive international help and assistance.

Human Rights Watch has called for better treatment for the Chin and for Chin refugees who arrive in India.

Burma's military rulers intend to hold an election later this year, but most opposition leaders are banned from taking part.

The most famous is Aun Sang Suu Kyi, whose National League for Democracy (NLD) won a landslide victory in the elections of 1990.

Burma's military leaders refused to accept the results and she has spent most of the last two decades in detention. The NLD says it will boycott these elections.

Amnesty International has warned that ethnic groups, like the Chin, face increased repression at the hands of the Burmese military.

The Burmese regime has previously denied repressing ethnic groups.

5. Persecution.org

6 January 2009

<http://www.persecution.org/suffering/newsdetail.php?newscode=11616>

[*excerpt*]

More than 2,000 Karen villagers have been forced to flee their homes in the past week following attacks by the Burma Army, according to the Free Burma Rangers (FBR), a relief organization working in the conflict zones of eastern Burma.

At least four villagers have been shot and one body has been found decapitated, said Christian Solidarity Worldwide (CSW), citing the FBR report.

6. Persecution.org

5 June 2009

<http://www.persecution.org/suffering/newsdetail.php?newscode=10217>

[*excerpt*]

Burmese government forces attacked two internally displaced people's camps along the Thai border last night in a heightened effort to defeat the Karen. According to our initial reports, there were at least 400 people ...

Burmese government forces attacked two internally displaced people's camps along the Thai border last night in a heightened effort to defeat the Karen. According to our initial reports, there were at least 400 people who were being sheltered between the two camps, including 200 children. Deaths have been reported, but full details are still being confirmed.

Soldiers attacked the first camp during the middle of the night, crossed the river into Thailand, then returned and attacked the second camp from the Thai side of the border. ICC has received reports that all of the Karen soldiers who were guarding the children were killed. The children were trapped and could not flee into Burma because of landmines that were placed around their camp, so they were forced to attempt to swim the river into Thailand in the middle of the night. Many of the children were very small and could not swim, but initial reports indicate that most have survived.

ICC had recently finished construction of an orphanage (dorms, a school, and church building) in one of the camps that was attacked. In addition to the orphans, ICC had recently taken in another 60 persecuted and war-traumatized Karen children at the orphanage.

We are anxiously awaiting further news from our representatives on the ground who are in transit to the affected areas to assess the situation. The victims' immediate needs are rice, clothing, blankets, and sheets of plastic to help shelter them from the rain.

Because Thailand will sometimes send refugees back into the war zones they have fled, we would like to ask you to contact the Thai embassy in your own country, alert them to this situation, and politely request that they allow these refugees to be re-settled in Thailand.

ICC president Jeff King said, "This latest attack is part of the Burmese government's attempt at a final push at victory over the Karen people. The mode and brutality of these attacks is tragic yet unfortunately all too familiar. Rape and the killing of civilians and children seem to be their favorite methods of subduing the populace."

7. Human Rights Watch: Report on Persecution of Christian in Burma

27 January 2009

<http://www.hrw.org/en/node/79892/section/6>

[excerpt]

"In my village [in Chin State] there are only 60 households left. All the others have fled. There was a time when we had about 400 households. No one can live there because of these activities of the army. There are no more young people left...People are so poor now that none of us ever has a proper meal. We mostly have to live on watery gruel." (Quote from Chin Woman in Burma)

The Burma Army arrested me. They tortured me and put me in jail for one week. They beat me on my head and ears-I still have a hearing problem. Then the army forced me to work at road construction and repair the army camp. I spent one month in the army camp." (Quote from Christian Chin man who fled Burma in 2004.)

A Chin pastor who left Burma in February 2005 and is now living in New Delhi told Human Rights Watch, "When we meet the army we are shaking. There's no law for them. Whatever they want is law."

Extrajudicial killings by the Tatmadaw in Chin State often occur in conjunction with other human rights abuses, such as arrest, torture, or forced labor. The Tatmadaw particularly target village headmen and those suspected of having contact with ethnic opposition groups, such as the Chin National Front (CNF) or its armed branch, the Chin National Army (CNA), for extrajudicial killings.

When interrogating detainees, security forces use torture to extract information and to punish, intimidate, and degrade anyone perceived as a potential threat to the military government—” [The police] beat me with a stick and they used the butt of their guns. They hit me in my mouth and broke my front teeth. They split my head open and I was bleeding badly. Repeatedly, they hit me in my back with their guns.” (Quote from Chin Christian)

C. Other Minority Religious Discrimination

1. U.S. Commission of International Religious Freedom 2010 Annual Report - Myanmar <http://www.uscirf.gov/images/annual%20report%202010.pdf>

[*excerpt*]

In 2004, the UN Committee on the Rights of the Child expressed concern over the plight of Rohingya children, particularly with regard to the denial of their right to food, health care, and education, as well as to their ability to survive, develop, and enjoy their own culture and be protected from discrimination.

In 2007, a panel of UN experts, including the UN Special Rapporteur on Human Rights in Myanmar and the UN Special Rapporteur on Racism, Racial Discrimination, and Xenophobia, declared that the Burmese government’s denial of citizenship to Rohingya Muslims “has seriously curtailed the full exercise of their civil political, economic, social and cultural rights and led to various discriminatory practices.”

Enforcement of discrimination policies targeting Muslims widened in the past year...[T]he Burmese government maintained a campaign to create “Muslim Free Areas” in parts of Rakhine state. Military commanders have closed mosques and *madrassas*, stoked ethnic violence, and built pagodas in areas without a Buddhist presence, often with forced labor.

An estimated 300,000 Muslim Rohingya live in refugee camps in Bangladesh, Thailand, and other Southeast Asian countries. They often live in squalid conditions and face discrimination, trafficking, and other hardships. In April 2009, 800 additional Rohingyas fled to Bangladesh, complicating an already dire refugee situation. In July 2009, Bangladeshi security forces destroyed the dwellings of Rohingya refugees and began repatriating them to Burma. In December 2009, 9000 Rohingyas were repatriated, reportedly as part of a new energy agreement between Bangladesh and Burma. In 2008, the Thai military began pushing back out to sea the boats of Rohingya asylum seekers.

2. Human Rights Watch: Report on the Oppression of Rohingya Muslims in Myanmar

26 May 2009

<http://www.hrw.org/en/node/83381/section/3>

[*excerpt*]

The Rohingya often are viewed as beneath even this level of disdain. This was starkly in evidence recently in a February 2009 letter from the Burmese Consul-General in Hong Kong, Ye Myint Aung, to his fellow heads of mission: “In reality, Rohingya are neither ‘Myanmar People’ nor Myanmar’s ethnic group. You will see in the photos that their complexion is ‘dark brown’. The complexion of Myanmar people is fair and soft, good looking as well... They are as ugly as ogres.”

Even in Burma’s dreadful human rights landscape, the ill-treatment of the Rohingya stands out. For decades they have borne the brunt of the military government’s brutal state-building policies.

Some Rohingya communities have been confined to the outskirts of SPDC constructed “new villages,” called *Na Ta La* (which stands for the SPDC’s Ministry for Development of Border Areas and National Races, which administers the new village projects). This allows the military to monitor the Rohingya and seize their land for military-connected business projects. An estimated 100 new villages have been set up in northwestern Arakan, predominately for ethnic Burmese and Arakanese settlers who are given seized land and property. Displaced Rohingya populations often have to live close to these villages to be monitored by the settlers, and reports of human rights violations by *Na Ta La* settlers against Rohingya are widespread.

3. Christian Solidarity Worldwide, *reprinted by, Persecution.org*

29 April 2010

<http://www.persecution.org/suffering/newsdetail.php?newscode=12231>

A press release urging counties to demand Myanmar’s government give food and water to a monk imprisoned for political activism.

4. U.S. Commission of International Religious Freedom 2010 Annual Report - Myanmar

<http://www.uscirf.gov/images/annual%20report%202010.pdf>

[*excerpt*]

In April 2009, authorities arrested two monks, U Chit Phay and U Aung Soe Wai, after they led a prayer meeting for the release of the democratic political activist leader Aung San Suu Kyi. Also in April, a group of approximately 50 members of the opposition National League for Democracy were arrested after assembling for prayer at the Zee Phyu Village pagoda in Rakhine province.

In March 2009, two monks were arrested and sentenced to five years imprisonment with hard labor for allegedly planning to hold a ceremony to support the All Burma Monk’s Association.

In August 2008, authorities arrested monks U Damathara and U Nandara, both from the Thardu monastery in Rangoon. Their current whereabouts are unknown.

The importance of Buddhism in Burma's life and culture is critical to understanding the significance of the September 2007 protests. Following the arrest, detention, and beating of activists who organized the initial protests against government increases in fuel prices, Buddhist monks took over the leadership of growing demonstrations. The monks broadened the scope of the protests and began calling for the release of all political prisoners and the initiation of a process leading to democratization in the country. In the ensuing weeks, Buddhist monks organized peaceful demonstrations in most of Burma's major cities. After the SPDC ordered the military to crack down on the monk-led demonstrations, there were reports of at least 30 deaths, although some experts estimate that the actual number was much higher. Journalists and activists in Burma state that at least 4,000 people, an unknown portion of whom were monks, were arrested during the crackdown, with estimates that between 500 and 1,000 remained in detention months later. Many of the detained reportedly have been mistreated or tortured. Given the lack of transparency in Burma, it is difficult to determine how many people remain in prison or are missing. A September 2009 Human Rights Watch report claims that, at that time, 240 monks were still in prison for their roles in the 2007 protests. In addition, since the crackdown, hundreds of Buddhist monks have fled to Thailand seeking asylum. They have reported torture, forced defrocking, hard labor, and other deprivations during detention.

5. UN Human Rights Council Special Rapporteur on the situation of human rights in Myanmar

<http://daccess-dds.ny.un.org/doc/UNDOC/GEN/G10/119/15/PDF/G1011915.pdf?OpenElement>

[excerpt]

The Committee on the Elimination of Discrimination against Women has expressed deep concern at the high prevalence of sexual and other forms of violence, including rape, perpetrated against rural women from the Shan, Mon, Karen, Palaung and Chin ethnic groups by members of armed forces. The Committee also expressed concern at the apparent impunity of the perpetrators of such violence, although a few cases have been prosecuted, and at reports of threats against and intimidation and punishment of the victims.

Despite measures by the Government of Myanmar to prevent and halt the recruitment and use of child soldiers, these practices still persist in the military and by non-State actors. Children from vulnerable poor families are particularly at risk of being lured into the military with promises of jobs and food. There have been reports of threats of arrests to children who refuse to join the military.

Non-State armed groups have recruited and used children, including through forced recruitment. Although the situation has been well documented by several NGOs, due to the restrictions in access to the border areas the United Nations has been unable to monitor and verify the presence of children in these groups. A United Nations country task force has been established as a monitoring and reporting mechanism, but the effective functioning of such a mechanism requires strengthened capacity, unhindered access, freedom of movement and witness protection

guarantees. The ILO complaint mechanism on forced labour encompasses recruitment of child soldiers and should be given the conditions and means to operate effectively, including strengthened capacity of the office.

The Special Rapporteur is aware of reports of human rights abuses associated with large-scale development projects in Myanmar, in relation to oil and gas industries, mining and the building of large-scale dams. The alarming depletion of resources in Myanmar is of concern, as is the relationship between the extractive industries and a vast array of human rights violations. In Myanmar the mining of gold, gemstones, copper and other plentiful mineral resources has been linked to land confiscation, forced labour, and violations of the right to a healthy environment and the right to water.