

Universal Periodic Review, 10th Session
Christian Solidarity Worldwide – Stakeholder Submission
MYANMAR

INTRODUCTION

1. Christian Solidarity Worldwide (CSW) is a human rights NGO specialising in freedom of religion or belief. CSW monitors the human rights situation in Myanmar and its border regions and undertakes regular fact-finding visits to the state, documenting the grave and egregious violations of human rights which have been perpetrated and continue to be committed in Myanmar.
2. Severe restrictions on access to parts of the country, and severe restrictions on freedom of information, expression and association, make it very difficult to obtain accurate statistics and information. Nevertheless, first-hand testimonies obtained by CSW through interviews with refugees, internally displaced peoples, former political prisoners and Myanmar army defectors; conducted on the Thailand-Myanmar border, inside the conflict zones of eastern Myanmar, inside Kachin State in northern Myanmar close to the border with China, on the India-Myanmar border and the Bangladesh-Myanmar border; conducted inside Myanmar's cities, particularly Yangon, and with Burmese and ethnic civil society groups inside the country and along its borders; and in consultation with many other international NGOs, have led CSW to the conclusion that these violations, which are widespread and systematic, amount to war crimes and crimes against humanity.
3. In light of Myanmar's obligations under international law to observe, respect and protect human rights, particularly the rights of women and children, this submission focuses on the grave violations perpetrated by the ruling military regime, the State Peace and Development Council (SPDC), and the military, known as the *Tatmadaw*. CSW notes that the UN Special Rapporteur on the Situation of Human Rights in Myanmar recently concluded that the violations occurring in Myanmar may amount to crimes against humanity and war crimes, and has recommended that the UN should consider establishing a Commission of Inquiry to conduct an investigation.
4. **Recommendation: The UN General Assembly should take note of the conclusions and recommendations of the UN Special Rapporteur on the Situation of Human Rights in Myanmar, and establish a commission of inquiry to investigate reports of war crimes and crimes against humanity.**

SCOPE OF INTERNATIONAL OBLIGATIONS

5. Myanmar, among other commitments, is legally bound by the 1949 Geneva Conventions, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child, and has obligations to uphold

the Universal Declaration of Human Rights and the Declaration on the Elimination of Intolerance and Discrimination Based on Religion or Belief.

6. **Recommendation: CSW urges Myanmar to ensure that state legislation, policy and practice throughout its territory is wholly reflective of the international conventions to which it is bound and the declarations to which it bears obligation to uphold.**

COOPERATION WITH HUMAN RIGHTS MECHANISMS

7. Despite permitting limited access to parts of the country for the Special Rapporteur on the Situation of Human Rights in Myanmar, despite two visits to Myanmar by the UN Secretary-General, and despite some co-operation with the International Labour Organisation, the SPDC has displayed an extremely strong recalcitrance towards engaging with international bodies. This is particularly exhibited in its restrictions on the activities of NGOs, denying access to some parts of the country, restricting the distribution of humanitarian assistance and restricting the activities of the International Committee of the Red Cross (ICRC).
8. **Recommendation: Myanmar is urged to provide necessary access for international human rights monitors and humanitarian organisations throughout its territory in line with its human rights and humanitarian obligations.**

ARBITRARY AND SYSTEMATIC HUMAN RIGHTS VIOLATIONS

Life, liberty and security

9. The Myanmar army, the *Tatmadaw*, has a documented history of killing unarmed, peaceful civilians, sometimes shooting villagers, including women and children at point-blank range. In 2007, peaceful protests by Buddhist monks and lay people were brutally suppressed with gunfire.
10. Since 1996, it is estimated that at least 3,500 villages in eastern Myanmar have been destroyed. In some cases villages are looted and burned down by the *Tatmadaw*, while in other cases villages are forcibly relocated.
11. Furthermore, the use of rape as a weapon of war by the *Tatmadaw* has been widely documented, notably in reports by ethnic women's organisations including the Shan Women's Action Network (SWAN), the Karen Women's Organisation (KWO), the Human Rights Foundation of Monland, the Women's League of Chinland (WLC) and the Women's League of Burma (WLB). CSW has also interviewed victims of rape in Shan State, Karen State and Kachin State.
12. **Recommendation: Myanmar must observe and promote the right to life, liberty and security for everyone within its territory, without distinction or**

discrimination. Myanmar must end its policy and practice of the widespread and systematic use of rape. 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.

Forced labour and the recruitment of child soldiers

13. CSW has received numerous testimonies of forced labour and forced portering, in Karen, Karenni, Shan, Chin, Kachin and Arakan states. These reports continue to be documented by the International Labour Organisation.
14. Additionally, there is abundant and widespread evidence that the Myanmar army forcibly recruits children, some as young as nine or ten years old, to be soldiers. Typically, children are abducted from street corners, bus stops and train stations, on their way home from school or on their way to visit friends or relatives. CSW has interviewed several former child soldiers who have escaped to Myanmar's borders, and their testimonies provide clear evidence that this practice continues, in clear violation of the Convention on the Rights of the Child.
15. **Recommendation: Myanmar should co-operate fully with the International Labour Organisation, working to end the practice of forced labour and the recruitment of child soldiers. The culture of impunity must be addressed, with clear action taken to penalise military commanders and officers at regional levels whose units continue to engage in these actions.**

Torture and other cruel, inhuman or degrading treatment or punishment

16. Torture and cruel, inhuman and degrading treatment is widespread in Myanmar. It is not limited to the prisons, where it is especially acute. Those in detention face barbaric torture, dire living conditions, cramped cells, poor rations, and many have reportedly been denied medical treatment.
17. Torture is often used as a tool for political suppression. In September 2007, tens of thousands of Buddhist monks and civilians took part in demonstrations calling for change, in what became known as the "Saffron Revolution". The regime responded with a brutal crackdown in which thousands were arrested and many were beaten, tortured and killed.
18. Similarly, in 2008 the SPDC held a referendum on a new constitution. Although a campaign for a 'no' vote was organised by the opposition, those who opposed the draft constitution did so at significant risk of imprisonment and torture.
19. Other cruel and inhuman treatment employed by Myanmar's state security apparatus includes reports that when the Myanmar army attacks a village, they lay landmines around the village and in the surrounding area. Villagers are sometimes then forced to walk ahead of the *Tatmadaw* soldiers, to clear the mines for the military, losing their limbs and sometimes their lives in the process.

20. **Recommendation: Myanmar must end its use of torture in all circumstances. CSW urges Myanmar to issue an invitation to the UN Special Rapporteur on Torture to visit its territory to investigate reports of torture being carried out in prisons and by the *Tatmadaw*, particularly in the ethnic border regions.**

Arbitrary arrest, detention or exile

21. At least 2,157 prisoners of conscience are in prison in Myanmar. Between September and December 2008, at least 400 activists were sentenced to prison terms of between 24 and 65 years for their involvement in the 2007 protests. Many political prisoners are denied medical treatment and held in dire conditions.
22. Nobel Peace Prize recipient Aung San Suu Kyi, leader of the National League for Democracy (NLD), remains under house arrest. Other prominent pro-democracy activists such as Min Ko Naing, Ko Ko Gyi, Su Su Nway, Mya Aye and Zarganar remain in prison, many serving sentences of 65 years or more.
23. **Recommendation: Myanmar must protect against arbitrary arrest, detention or exile and should immediately release all of its prisoners of conscience. CSW urges Myanmar to invite the International Committee of the Red Cross (ICRC) to visit its prisons, and should allow humanitarian organisations unimpeded access to its prisons in line with its humanitarian obligations.**

Thought, Conscience and Religion

24. The SPDC uses religion as a political tool. The military elite parade themselves as devout Buddhists, visiting monasteries publicly to give alms. However, when Buddhists themselves challenge the regime, the authorities suppress such dissent brutally. Buddhist monks who protested in 2007 were cruelly beaten, tortured and in some cases killed, and the predominantly Buddhist Shan find their ethnic Shan expressions of Buddhism attacked.
25. Non-Buddhist religious minorities face serious restrictions, discrimination and persecution. Christians, particularly among the Chin, Kachin, Karen and Karenni, sometimes face physical persecution, with religious symbols torn down and replaced with Buddhist signs. For example, Christians have been forced to destroy crosses on mountain-sides in Chin State, and build Buddhist pagodas in their place, often contributing the labour, resources and costs of such construction.
26. In addition, Christians are subject to state-sponsored discrimination. In the Myanmar army, for example, Christians cannot rise above the rank of Major at the divisional level, and are unable to gain positions at the central level. Christians are often encouraged to change their religion in order to obtain promotion, and those who do change their religion are rewarded. One Chin Christian man who had served in the Myanmar Army told CSW: “I had a colleague who was a Chin, who became a Buddhist and he was promoted. I was told to change my religion if I wanted to get promotion. I refused to convert.”

27. The SPDC has a policy of ‘Burmanisation’ and ‘Buddhist-isation’, which is enforced in a variety of ways. In some areas of Chin State, particularly Matupi Township and Mindat Township, the SPDC has reportedly organised a Buddhist mission to convert Chin Christians to Buddhism. Buddhist-run orphanages and schools are used to lure Chin Christians with the promise of education, but the children are then forced to convert and become novice Buddhist monks.
28. In January 2009, CSW received reports of a serious crackdown on churches in Yangon. Local authorities ordered at least 100 churches to stop holding worship services, and 50 pastors were forced to sign at least five documents promising to cease church services. This was directed primarily at house churches meeting in apartment and office buildings, not established churches with their own buildings, but it was claimed that this amounted to 80 per cent of the churches in the city. Christian-run children’s homes were also forced to close.
29. In northern Arakan, the predominantly Muslim Rohingyas face severe persecution on ethnic and religious grounds. Despite living in Myanmar for generations, the Rohingyas are denied citizenship, and as a result they face severe restrictions on freedom of movement, marriage, access to education, religious freedom, as well as being specifically targeted for extortion, forced labour and land confiscation. One Rohingya leader told CSW that “we are a people at the brink of extermination.”
30. Furthermore, Christians and Muslims in government service in Myanmar are denied promotion, and churches and mosques face severe restrictions, including difficulties in obtaining permission to hold events other than their weekly worship, restrictions on renovation or repair to existing buildings, and denial of permission for the construction of new churches, church function buildings or mosques.
31. **Recommendation: Myanmar must observe and protect the right to freedom of thought, conscience and religion. 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.**