



# Chin Human Rights Organization

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## **Burma/Myanmar**

**Individual Submission to the UN Universal Periodic Review, July 2010**

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### **ABOUT THE CHIN HUMAN RIGHTS ORGANIZATION**

The Chin Human Rights Organization (CHRO) is a non-governmental, non-profit advocacy organization legally registered in Canada. It was formed in 1995 on the India-Burma border by a group of Chin activists committed to promoting democracy in Burma, and documenting previously unreported human rights abuses being perpetrated against the Chin people by the Burma/Myanmar army, an instrument of the State Peace and Development Council (SPDC). CHRO is the primary rights-based advocacy organization for the Chin.

### **ABOUT THE CHIN PEOPLE OF BURMA/MYANMAR**

1. Around 500,000 ethnic Chin live in the northwestern area of Chin State in Burma/Myanmar. The Chin are ethnically very diverse. The six main tribes of Aso, Cho (Sho), Khuami (M'ro), Laimi, Mizo (Lushai), and Zomi (Kuki) can be further broken up into at least 60 different sub-tribal categories. The Chin speak more than 20 mutually distinct languages. Despite such diversity, the Chin are unified through a common history, geographical homeland, traditional practices, and ethnic identity. The missions of the American Baptist Church starting in the late 1800s served to further unify the Chin people through religion. In a country that is predominantly Buddhist, the Chin are 90 percent Christian with most belonging to the American Baptist Church.<sup>1</sup>
2. Chin State is one of the most underdeveloped and isolated regions in Burma/Myanmar, with little in the way of road infrastructure, communication systems, healthcare facilities, electricity or running water. 70 percent of the Chin people live below the poverty line; 40 percent are without adequate food sources; and malnutrition and child mortality rates in Chin State are among the highest in the country. Shifting cultivation or slash-and-burn farming remains the primary method of cultivation for the largely rural communities of Chin State, who account for over 90 percent of the population.<sup>2</sup>
3. Since 1988, rapid militarization in Chin State combined with widespread ethnic and religious discrimination has resulted in a litany of human rights violations perpetrated by the Burma/Myanmar army. More than 150,000 Chin are currently seeking refuge in India and Malaysia, while hundreds of thousands are estimated to have moved to other areas of Burma/Myanmar, outside of Chin State.<sup>3</sup>

## **EXECUTIVE SUMMARY**

In this submission, CHRO provides information in accordance with the guidelines set out in the OHCHR document, *Working With the United Nations Human Rights Programme: a Handbook for Civil Society*.

- Under Section B, CHRO highlights Burma/Myanmar's obligations under international law and human rights instruments, and articles of the 2008 Constitution that contradict those obligations.
- Section C focuses on the widespread and systematic nature of human rights violations perpetrated by the Burma/Myanmar army in Chin State documented by CHRO. CHRO is particularly concerned about forced labour, land confiscation, the lack of access to humanitarian services and the denial of religious freedom for the Chin people. The Chin are facing forced assimilation and denial of their collective rights as indigenous peoples, and are fleeing their traditional homeland in large numbers.
- In Section D, CHRO makes a number of recommendations for action by the SPDC to improve the human rights situation in Burma/Myanmar, with a particular focus on Chin State.

## **B. NORMATIVE AND INSTITUTIONAL FRAMEWORK OF THE STATE**

4. Burma/Myanmar has signed the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of Discrimination Against Women (CEDAW). Burma/Myanmar is also legally bound by the 1949 Geneva Conventions and the Convention on the Prevention and Punishment of the Crime of Genocide. In practice the State army continues to commit human rights violations with impunity in Chin State, in violation of the SPDC's obligations under international law. Article 445 of the 2008 Constitution protects government officials from prosecution "in respect of any act done in the execution of their respective duties."<sup>4</sup>
5. Contrary to its international obligations under 1930 Forced Labour Convention (No.29), and in spite of the complaints mechanism contained in the Supplementary Understanding reached with the International Labour Organization (ILO) in 2007, the SPDC has done little to eliminate forced labour in Chin State or prosecute perpetrators.
6. Burma/Myanmar also has obligations to uphold the UN Charter, the UDHR, the Declaration on the Elimination of Intolerance and Discrimination Based on Religion or Belief and the Declaration on the Rights of Indigenous Peoples. This includes the obligation to accord these rights and freedoms in national legislation and in practice. The 2008 Constitution stipulates that "the Union is the ultimate owner of all lands and natural resources",<sup>5</sup> and makes no mention of indigenous peoples or their collective rights.

## **C. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

Restrictions on freedom of movement, expression, association and assembly combined with poor infrastructure make it challenging to collect comprehensive information about the human rights situation in Chin State. CHRO is one of the few organizations able to document HRVs in the area. Due to the difficult operating environment, it is likely that the true figures for human rights abuses are in fact considerably higher.

## **Extrajudicial Killings and Gender-based Violence**

7. Since 2006, CHRO has documented the deaths of seven Chin men, extra-judicially killed on suspicion of support for or involvement with rebel group the Chin National Army (CNA). LIB 140 based in the Matupi area was implicated in the majority of the cases.<sup>6</sup>
8. Since 2006, at least four Chin women have been raped and one sexually assaulted by soldiers serving in the Burma/Myanmar army. Two of the incidents took place in Sagaing Division, where one woman was recently raped and murdered.<sup>7</sup>

## **Torture, Arbitrary Arrest and Detention**

9. Since 2006, CHRO has documented more than 30 arbitrary arrests in Chin State. Arrests have taken place in connection with alleged support for the CNA; alleged connections with pro-democracy groups in exile; and of villagers who refused to serve as village headmen; village headmen who did not comply with orders issued by the SPDC; politicians; and activists who campaigned for a 'No' vote in the 2008 constitutional referendum.<sup>8</sup>
10. 18 separate incidents of torture have been documented by CHRO in Chin State since 2006, perpetrated by members of the Burma/Myanmar army and the police against alleged sympathizers of the CNA; family members of those with alleged connections to the CNA; village headmen who did not comply with orders issued by the SPDC; and people with alleged involvement in political activities.<sup>9</sup>

## **Forced Labour**

11. In Chin State the use of forced labour by the military and local authorities is widespread and systematic. Since 2006 more than 70 incidents of forced labour have been documented by CHRO, some involving orders to 40 villages at a time. Civilians - including women and children - are frequently forced to porter for the State army, conduct sentry duty, and to construct and repair army camps, numbering 50 in Chin State. Forced labour on infrastructure projects is also common. Local people are not compensated for their work, and face retribution including the threat of physical violence and financial penalties if they refuse to perform the work.<sup>10</sup>
12. Around 90% of Chin people are Christian, but in several cases have been ordered to work on Buddhist infrastructure without compensation and against their will. In 2007, villagers from seven villages in the Matupi township area were ordered to construct a Buddhist monastery by Lieutenant Colonel San Aung, commander of Tactical Command II.<sup>11</sup>
13. Forced labour ordered by Light Infantry Battalions 99, 140, 266, 268, 269, 289, and 538 has contributed to the ongoing food crisis in Chin State by interfering with local agricultural practices and undermining livelihoods.<sup>12</sup>

## **Military Conscription**

14. Since 2006, hundreds of civilians in the Paletwa and Matupi township areas of southern Chin State have been forcibly conscripted and/or made to participate in militia training, including minors. The training has mainly been carried out by LIB 538 and 550 based in Arakan State, and LIB 140 based in the Matupi area. Orders are typically sent for 20-30 villagers from multiple village tracts to participate in the training.<sup>13</sup>
15. Since September 2009 CHRO has received new reports of forced military conscription and training from Paletwa, Matupi and Falam townships in Chin State, as well as Kalay township

in Sagaing Division, where many Chin live. The mobilization of local militia is apparently a security measure ahead of forthcoming elections; local militia are expected to support army units in providing security.<sup>14</sup>

### **Ethnic and Religious Minorities; Indigenous People**

16. The persistent, widespread and systematic denial of religious freedom in Chin State may amount to religious persecution. In 1993 four Chin Christians were extra-judicially killed by the Burma/Myanmar army. In the late 1990s and early 2000s Chin pastors were arrested, tortured and imprisoned. Harassment, inhuman treatment and torture of Chin Christian missionaries is ongoing, particularly in remote areas of Chin State. Deliberate destruction of Christian infrastructure like crosses and churches has been widespread in Chin State, carried out or ordered by the Burma/Myanmar army.<sup>15</sup>
17. Official permission to rebuild or renovate Christian infrastructure is withheld, or rebuilding is halted after permission has been granted. Church services and religious celebrations have been interrupted by demands for portering and forced labour by the Burma/Myanmar army and there are restrictions on freedom of religious assembly. Restrictions on Christian worship and the closure of churches frequented by Chin people have also been documented by CHRO in Sagaing Division, Irrawaddy Division, and Rangoon Division.<sup>16</sup>
18. The Chin people of Burma/Myanmar are facing forced assimilation. In breach of Article 30 of CRC, the use of ethnic Chin languages is restricted, and attempts to preserve Chin identity, history, language, and culture are disrupted. Buddhist missions have been established in Chin State by the SPDC to convert Chin Christians to Buddhism. Buddhist-run orphanages and schools are used to attract Chin Christians with the promise of education, but the children are then forced to convert to Buddhism. Buddhist infrastructure has been built in sites where Christian infrastructure once stood. Land has been destroyed and confiscated without compensation for the building of Buddhist infrastructure. Forced labour and extortion have also been exacted to build Buddhist infrastructure.<sup>17</sup>

### **Right to Land, Natural Resources, and Development**

19. In most cases state infrastructure projects in Chin State are underfunded by the SPDC, and only completed by exacting forced labour and arbitrary taxes from the local population. In many cases, taxes are collected for projects which don't start or are never completed. Frustrated at the lack of infrastructure in their local areas, and in an effort to avoid orders for forced labour and arbitrary taxes for state projects, Chin communities have initiated their own infrastructure projects. However in some cases local people still face extortion, and even the threat of legal action.<sup>18</sup>
20. The SPDC's agricultural policies, which seek to forcibly replace Chin people's traditional subsistence farming of staple foods to commercial production of cash crops such as tea and jatopha, have led to land confiscation. In some instances land is confiscated without compensation to create plantations, and local people are then ordered to work on the plantations without pay. As of July 2009, over 15,000 acres of land have been transformed into tea plantations, the majority of which have been confiscated from local communities who relied on the land to cultivate staple foods, such as corn, bean and potatoes.<sup>19</sup>
21. The SPDC has annexed resource-rich land traditionally belonging to the Chin people by re-demarcating state boundaries without the consent of the local population. In September 2008, a total of 45,502 acres of land measuring 71 miles in length and one mile in breadth was annexed to neighbouring Magwe Division. The area is abundant with teakwood, and

widespread logging activity by companies linked to the SPDC has reportedly taken place since February 2009.<sup>20</sup>

### **Poverty and Access to Humanitarian Services**

22. In 2006 the *Melocanna baccifera* bamboo which covers approximately one-fifth of Chin State began to flower and produce fruit, a process which happens once every 50 years. The fruit attracts forest rats, which then reproduce at a rapid rate. The effects of this process started to be seen at the end of 2007. When the fruit supply was exhausted, the rats turned on people's farms and fields, quickly depleting rural villagers of their primary food supplies. The consequences of this process are long-lasting, while people struggle with the explosion in the rat population, the destruction of their livelihoods, increased hunger, malnutrition and disease. More than 100,000 people or one-fifth of the population in Chin State are estimated to have been affected by the food crisis, with around 60,000 people in southern Chin State still in need of food aid. To date more than 54 people have reportedly died due to disease, illness, and complications related to severe malnutrition, the majority of them children.<sup>21</sup>
23. To date, the SPDC has not provided any direct food aid to the people of Chin State. Requests for technical preventative assistance have been ignored. Instead the SPDC has obstructed foreign relief aid. In July 2009, Chairman of Chin State Peace and Development Council Colonel Hung Ngai issued an order to all Township Peace and Development Councils of Chin State, forbidding them from receiving foreign assistance.<sup>22</sup>

### **D. RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW**

24. Protect and promote the right to life, liberty and security for everyone within its territory, without discrimination. Ensure that suspected perpetrators of HRVs – including commanding officers who may have issued orders to carry out such acts – are brought to justice in proceedings which meet international standards of fairness. Provide human rights training to State actors at all levels. Remove Article 445 from the 2008 Constitution.
25. Cooperate fully with the ILO to end the practice of forced labour. With the ILO, reproduce leaflets about the individual complaints mechanism against forced labour in ethnic Chin languages; distribute them throughout Chin State; and hold awareness-raising seminars about the individual complaints mechanism against forced labour in Chin State.
26. End the policy and practice of religious persecution, discrimination and forced assimilation against Chin Christians and other religious and non-Burman ethnic groups. Unconditionally lift all restrictive and discriminatory measures placed on the activities of Christian churches, pastors and missionaries in Chin State. Invite the UN Special Rapporteur on freedom of religion or belief to visit Burma/Myanmar to investigate reports of denial of religious freedom, and cooperate fully with her mandate.
27. Amend the 2008 Constitution to recognize indigenous peoples and their collective rights. Cooperate with the Myanmar UN Country Team to ensure that all infrastructure and development projects are developed and implemented according to the 2008 United Nations Development Group *Guidelines on Indigenous Peoples' Issues*.
28. Devise and implement preventative measures to protect crops from destruction by rats, birds and locusts in areas of southern Chin State as yet unaffected by the food crisis. Refrain from obstructing relief efforts for the food crisis and allow aid organizations and relief teams to operate without hindrance or interference in Chin State.

## END NOTES

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<sup>1</sup> See *Waiting on the Margins: An Assessment of the Situation of the Chin Community in Delhi, India*, CHRO, April 2009; *Religious Persecution: A Campaign of Ethnocide Against Chin Christians in Burma*, CHRO, February 2004.

<sup>2</sup> There are only eight permanent clinics to serve a population of 500,000. See *On the Edge of Survival: the Continuing Rat Infestation and Food Crisis in Chin State, Burma*, CHRO, September 2009 and *Critical Point: Food Scarcity and Hunger in Burma's Chin State*, CHRO, July 2008.

<sup>3</sup> As of July 2010, up to 100,000 Chin are estimated to be living in India's northeastern state of Mizoram, while another 7,000 have travelled to Delhi to seek protection from the UNHCR. More than 45,000 Chin asylum-seekers and refugees are currently living in Malaysia.

<sup>4</sup> Article 445 of the 2008 Constitution.

<sup>5</sup> Article 37(a) of the 2008 Constitution.

<sup>6</sup> See Rhododendron News, Jan-Feb 2006; May-Jun 2006; Jul-Aug 2006; Mar-Apr 2007 and Sep-Oct 2007.

<sup>7</sup> See Rhododendron News, May-Jun 2006; May-June 2008; Jan-Fen 2009; Mar-Apr 2009; and May-Jun 2010.

<sup>8</sup> See Rhododendron News, all editions 2006-2008.

<sup>9</sup> See Rhododendron News, all editions 2006-2008.

<sup>10</sup> For information on orders to multiple villages, see Rhododendron News, Sep-Oct 2009, and Mar-Apr 2010, CHRO.

<sup>11</sup> See Rhododendron News, Mar-Apr 2007, CHRO.

<sup>12</sup> See all editions of Rhododendron News published by CHRO, and *On the Edge of Survival*.

<sup>13</sup> See Rhododendron News published by CHRO, especially Mar-Apr, Jul-Aug, Sep-Oct, and Nov-Dec 2006; Mar-Apr, May – Jun and Nov-Dec 2007; and Jan-Feb 2008.

<sup>14</sup> See Rhododendron News Sep-Oct 2009 and Jan-Feb 2010.

<sup>15</sup> See *Religious Persecution*.

<sup>16</sup> See all editions of Rhododendron News published by CHRO, especially Jan– Feb, Mar –Apr, and Nov-Dec 2006; Jan– Feb and Jul – Aug 2009.

<sup>17</sup> See all editions of Rhododendron news published by CHRO, especially Jul-Aug 2006; Mar-Apr and Sep-Oct 2007; May-Jun and Jul-Aug 2009; and Mar-Apr 2010.

<sup>18</sup> See Rhododendron, especially May-Jun 2009 and Jan-Feb 2010, CHRO.

<sup>19</sup> See Rhododendron News, Jan-Feb and May-Jun 2009, CHRO.

<sup>20</sup> Rhododendron News, Jan –Feb 2009, CHRO.

<sup>21</sup> See *On the Edge of Survival*.

<sup>22</sup> *On the Edge of Survival*; Rhododendron News Jul-Aug 2009, CHRO.