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Panel: Religion, Culture and Rights

Persecution and coerced conversion of ethnic Chin Christians in Burma

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Abstract

Around 500,000 indigenous Chin live in the north western area of Chin State in Burma. The Chin are ethnically very diverse, speaking more than 20 distinct languages. Despite such diversity, the Chin are unified through a common history, geographical homeland, traditional practices, ethnic identity and religion. Today the Chin are 90 percent Christian, in a country that is predominantly Buddhist, and Christianity is largely viewed as an integral part of the Chin identity.

For decades, the Chin people have been marginalized and impoverished under military rule in Burma. Today, under the current nominally-civilian Union government, they continue to face ongoing deep-rooted discrimination on the dual basis of ethnicity and religion. This paper tracks the pattern of religious freedom violations perpetrated against the Chin people in Burma over the past decade; a root cause of flight. This includes the arbitrary arrest and torture of Christian pastors, missionaries and church workers; deliberate destruction of Christian infrastructure carried out or ordered by State authorities; and restrictions on freedom of religious assembly.

This paper also explores the ways in which successive military regimes have attempted to force the Chin to assimilate, as part of a misguided effort to create a single national identity rooted in Buddhism. This includes forced labour to construct Buddhist infrastructure, and threats and inducements to convert to Buddhism at the government's 'Border Areas National Races Youth Development Training Schools', which appear to operate as a cornerstone of an unwritten forced assimilation policy still being implemented today.

Finally, this paper briefly tracks the forced migration of the Chin people to India and Malaysia in search of a safe haven. The majority of Chin refugees¹ in India are still unable to access UNHCR, and in

¹ For simplicity the term "refugee" is used in this paper as including asylum-seekers, except where it is necessary to make a distinction.

both India and Malaysia Chin refugee communities face significant challenges. This paper draws on primary research conducted during 2010-2012.

Methodology

This paper is based on a 160-page report written by the same author for the Chin Human Rights Organization, entitled “‘*Threats to Our Existence*’: Persecution of Ethnic Chin Christians in Burma”, published in September 2012. Both the report and this paper draw on over 100 in-depth qualitative interviews², primarily covering incidents that took place between March 2004 and April 2012. Thirty-four of the interviews were conducted in Chin State in 8 out of the 9 main townships³, plus Kalaymyo town in Sagaing Region and Saw township in Magway Region, where sizeable Chin populations live. The other interviews were carried out with Chin refugees⁴ who have fled Burma and now live in Mizoram, Northeast India, New Delhi, and Malaysia. They were from all nine townships of Chin State, and some interviewees had been living in Rangoon or Arakan State at the time they experienced human rights abuses. In addition, this report draws on information collected by CHRO fieldworkers since 2004, published in CHRO’s bi-monthly *Rhododendron News*.

Chin State is a very remote, isolated part of western Burma. Conducting human rights documentation work in the area is very challenging. Infrastructure in Chin State is very poor, with no fully paved roads, making access difficult. There is no road at all connecting the north and southwest of Chin State.⁵ Many villages in Chin State are only accessible on foot, via a network of small tracks. As a result, most human rights violations are documented days or weeks after the fact, if at all. In addition, Chin State is heavily militarized. At the time of writing, there are 54 Burma Army camps in the area, with troops frequently on patrol.

As interviewees and their families face the threat of reprisals if identified, CHRO has withheld the names of interviewees and other potentially identifying information in order to protect them. Where testimony is quoted, the interviewee is identified only as pastor A, church worker B, villager C, farmer D etc.

² In Chin State, the majority of the interviews were done in the interviewee’s native language, although occasionally Burmese was substituted. The other interviews were conducted in English, with interpretation into the interviewee’s native language, although occasionally Burmese was used if a native language interpreter was not available.

³ For security reasons, it was not possible for CHRO’s researcher to visit Matupi township area.

⁴ In cases where the interviewee was either an asylum-seeker or recognised refugee, the researcher also explained that the interview and the testimony given would not affect their claim for refugee status with the United Nations High Commissioner for Refugees (UNHCR) either positively or negatively.

⁵ For example, to reach Paletwa township in the southwest of Chin State from the northern township of Tedim by road would require travelling to Kalaymyo in Sagaing Region, down to Mandalay in Mandalay Region, on to Sittwe the capital of Arakan State and by boat up the Kaladan river from Kyauktaw township in Arakan State to reach Paletwa town, a journey which takes around 6 days.

The month and year of the incident and the township area it took place in follows the quotation in brackets e.g. [December 2009, Village 1, Thantlang township]. The date and location of the interview itself are referenced in footnotes. CHRO has made extensive efforts to corroborate the testimony quoted in this paper. This was primarily done by checking key facts with another individual from the same village, unrelated to the original interviewee, with knowledge of the incident.

Chin political identification with Christianity

The Chin effectively governed their homeland under a tribal chief system of rule undisturbed for several centuries, until the British invasion of Chinland beginning in 1871, which instigated a crisis for the Chin and marked the turning point in Chin socio-political history.⁶ The British occupation of Chinland united the different Chin tribes against a common enemy, and Chin resistance was fierce.^{7 8} In 1896 the British promulgated the 1896 Chin Hills Regulation, which recognized the common historical and cultural heritage of the Chin tribes and referred to their collective name “Chin”.^{9 10} It divided Chinland into three administrative districts, which would later see the division of the Chin people into three separate countries following the end of British colonial rule (the Chin Hills District, present-day Chin State in Burma; the Lushai Hills District, Mizoram State in India; and the Chittagong Hill Tracts of Bangladesh).¹¹

Other powers, such as the surrounding Bengali, Indian or Burman, had never conquered the Chin, and by extension Islam, Hinduism and Buddhism had never reached the Chin.¹² The British occupation of Chinland gave rise to the arrival of the first Christian missionaries from the American Baptist denomination in 1899, and ultimately led to the relatively rapid conversion of the Chin to Christianity. While this undoubtedly meant the loss of traditional spiritual beliefs, practices, and ways of life, it served to further unify the Chin.

⁶ For several decades prior to this, since 1826 and the British occupation of Arakan, Assam and Manipur, the Chin made an increasing number of raids on nearby British territory, which arguably led to the British invasion of Chinland. See *In Search of Chin Identity, A Study in Religion, Politics and Ethnic Identity in Burma*, Nordic Institute of Asian Studies, 2003, pp.86-7.

⁷ See *In Search of Chin Identity*, pp.95.

⁸ See *In Search of Chin Identity*, pp.101.

⁹ See *In Search of Chin Identity*, pp.102.

¹⁰ This was the de-facto constitution for British administration of the Chin and other territories, which was entirely separate from their rule over Burma Proper. This included the Naga in the then Naga Hills District. See *In Defence of Identity – the Ethnic Nationalities’ Struggle for Democracy, Human Rights and Federalism in Burma – A Collection of Writings and Speeches, 2001-2010*, Lian H. Sakhong, Orchid Press, Thailand, 2010.

¹¹ See *In Search of Chin Identity*, pp.102.

¹² *In Search of Chin Identity*, pp.85.

With conversion to Christianity, a new consciousness and political awareness of Chin cultural homogeneity developed, which provided a new framework for Chin nationalism.¹³ In other words, “Chin self-awareness and common identity, especially after the colonial period, mirrored Chin political identification with Christianity.”¹⁴ Today, Christianity is largely viewed as an integral part of the Chin identity.

Burman nationalism and Buddhism

The turn of the 20th century saw the first anti-colonial Burman nationalist movements in Burma proper, led by monks and religious organizations like the Young Men’s Buddhist Association (YMBA), angry at the British colonial rulers’ lack of respect for Buddhism. An anti-colonialist motto called on Burmans to protect ‘a-myo-ba-tha tha-thatana’ – race, language, religion. Under successive military regimes in Burma, this has now become synonymous with “Burmanization”, an unwritten policy of forced assimilation in the name of ‘nation-building’. This attempt to assimilate all ethnic minorities into mainstream Burman culture, in order to create a single national identity, is also known as the three Bs or “one race (Burman), one language (Burmese) and one religion (Buddhism)” policy.

Many leaders of the Burman nationalist movement had been either monks or lay religious leaders until General Aung San emerged as a new, visionary leader.¹⁵ At the heart of Aung San’s vision for nation-building was a radical non-racial, non-religious, inclusive approach.¹⁶ This, together with his acknowledgement of the ethnic nationalities’ right to self-determination, won the trust of ethnic leaders and was a key factor in their engagement with him at the historic conference to discuss independence from British colonial rule at Panglong in 1947.¹⁷ At Panglong, Aung San convinced the Chin, Kachin and Shan leaders of territories or homelands governed separately by the British to come together with the Burmans on an equal footing, to jointly create the independent Union of Burma.

After the assassination of Burma’s independence hero Aung San in 1947, his federal, secular vision for the Union of Burma was overshadowed by a return to Burman ‘traditional nationalism’, rooted in the

¹³ See *Religious Persecution: A Campaign of Ethnocide Against Chin Christians in Burma*, CHRO, 2004, pp.27.

¹⁴ Dr. Lian H. Sakhong, *Religion and Politics Among the Chin People of Burma (1896-1949)*, Uppsala University, Sweden, quoted in *Religious Persecution: A Campaign of Ethnocide Against Chin Christians in Burma*, CHRO, 2004, pp.133.

¹⁵ *In Search of Chin Identity*, pp.187.

¹⁶ *In Search of Chin Identity*, pp.192.

¹⁷ See *In Search of Chin Identity*, pp.209. Prior to the Panglong Conference, the Chin had hoped to be administered by the British under a province of the Commonwealth encompassing the whole of Chinland. However, this and other proposals to administer the non-Burman nationalities separately were vetoed by Clemence Attlee’s Labour government. Faced with this betrayal of their loyalty to the British, on arrival at Panglong the Chin had little choice but to make the best of the situation. For further discussion of the 1941 Crown Colonial Scheme, see *In Search of Chin Identity*, pp.186-187 and 210-211.

importance of Buddhism, during Prime Minister U Nu's era after Burma gained independence from British colonial rule.¹⁸

U Nu's government abandoned Aung San's secular, "unity in diversity" approach, preferring to adopt "unity in culture" – meaning religious and cultural assimilation into Burmese Buddhism - as a form of national integration, and by 1961 Buddhism was promulgated as the state religion.¹⁹ For the predominantly Christian Kachin and Chin in particular, this was wholly unacceptable and thousands of people protested.²⁰ Buddhism as state religion gave rise to Chin and Kachin armed rebellion in the 1960s to defend their people from forced assimilation.²¹

Following the military coup in 1962, successive military regimes viewed Christianity as a foreign religion, and therefore a threat to creating a homogenous national identity for citizens of the Union of Burma.^{22 23} Chin political identification with Christianity has arguably been at the root of extreme Burman nationalist resentment towards the Chin. The denial of religious freedom in Burma today, particularly for minority groups like Chin Christians, is rooted in discrimination on the dual basis of ethnicity and religion. This endemic discrimination is arguably a product of extreme Burman nationalism characterized by the State Law and Order Restoration Council / State Peace and Development Council (SLORC/SPDC) regime.

Widespread restrictions on freedom of religion were a central pillar of SLORC/SPDC's drive to ethnically, culturally, linguistically, and religiously homogenize the ethnic minority areas of the Union of Burma as part of the policy of "Burmanization".²⁴ In 1991, the Department for the Promotion and Propagation of the Sasana was established under the Ministry of Religious Affairs by the SLORC regime, and hundreds of Buddhist monks were dispatched to Chin State (and other ethnic minority areas) as part of the Hill Regions Buddhist Mission, using State funds.²⁵ Monks dispatched to Chin State at that time were undoubtedly loyal to military rule. Many cooperated closely with Burma Army soldiers, and there is

¹⁸ See *In Search of Chin Identity*, pp.192-193.

¹⁹ Historically, Buddhism had played an important role in promoting understanding between diverse ethnic groups such as the Burman, Mon, Shan and Rakhine / Arakanese. See *Human Rights Violations and the Denial of Minority Rights in Burma*, Lian H. Sakhong, in *Religious Persecution: A Campaign of Ethnocide against Chin Christians in Burma*, CHRO, 2004.

²⁰ Thousands of people demonstrated in Kachin State, and in Falam and Mindat townships of Chin State. See Zomi Theological College, *Chin Church History*, 2007, Falam, Chin State, pp.148-151.

²¹ See *Human Rights Violations and the Denial of Minority Rights in Burma; Christianity and Chin Identity; and The Future of Indo-Burma Relations: A View From Divided Peoples*, Chapters 3, 16 and 17 in *In Defence of Identity*.

²² See *Human Rights Violations and the Denial of Minority Rights in Burma*, Lian H. Sakhong, in *Religious Persecution: A Campaign of Ethnocide against Chin Christians in Burma*, CHRO, 2004.

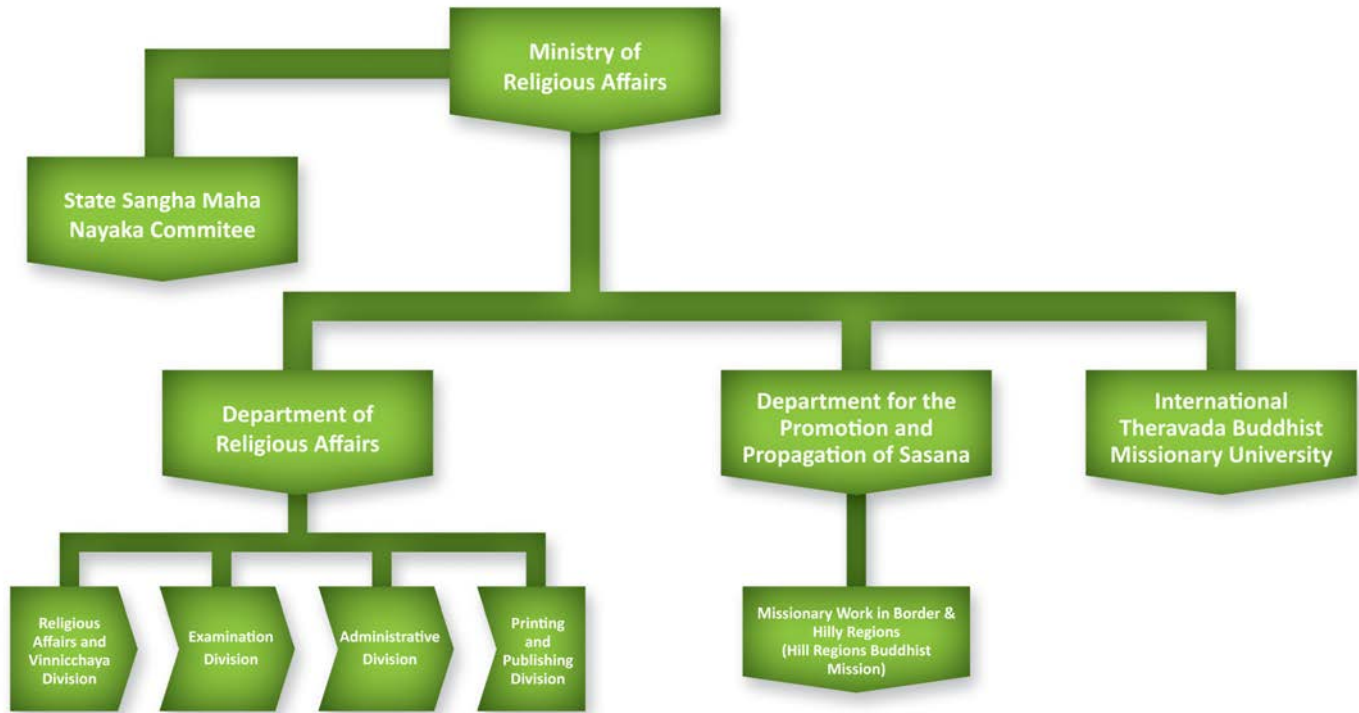
²³ *The Future of Indo-Burma Relations: A View From Divided Peoples*, in *In Defence of Identity*, pp.295.

²⁴ *Crimes Against Humanity in Western Burma: the Situation of the Rohingyas*, Irish Centre for Human Rights, pp.132.

²⁵ From the Ministry of Religious Affairs website: "In religious sector, for implementation of the three objectives of purification, perpetuation and propagation of the Sasana, it is necessary to strive for development of promotion and propagation of the Sasana in hilly regions with added momentum." See http://www.mora.gov.mm/mora_sasana1.aspx, accessed 4 August 2012.

evidence to suggest that at least some of them were Military Intelligence agents.²⁶ As described below, Burma Army soldiers exacted forced labour from Chin Christians to build pagodas, and monasteries for the monks.

Figure 2 : Overview of the Ministry of Religious Affairs



This document first appeared in Chin State in 1992, and is still in circulation today.

²⁶ See *Religious Persecution: A Campaign of Ethnocide against Chin Christians in Burma*, CHRO, 2004.

**Figure 6 : "The Facts to Attack Christians"
Missionaries, Honorable Monks, Cleansing Organization**

1. *To attack Christian families and the progress of Christians.*
2. *To criticize against the sermons which are broadcast from Manila, Philippines.*
3. *To criticize God as narrow-minded and egotistical who himself claimed that "There is no god except eternal God."*
4. *To be against corrupted youth and inappropriate fashion.*
5. *To criticize the preaching of Christians wherever it has penetrated.*
6. *To criticize Christianity by means of pointing out its delicacy and weakness.*
7. *To stop the spread of the Christian movement in rural areas.*
8. *To criticize by means of pointing out "it is not salvation but purchased by blood."*
9. *To counterattack by means of pointing out Christianity's weakness and overcome this with Buddhism.*
10. *To counter the Bible after thorough study.*
11. *To criticize that "God loves only Israel but not all the races."*
12. *To point out ambiguity between the two testaments.*
13. *To criticize on the point that Christianity is partisan.*
14. *To criticize Christianity's concept of the Creator and compare it with the scientific concept.*
15. *To study and access the amount given in offerings.*
16. *To criticize the Holy Spirit after thorough study.*
17. *To attack Christians by means of both non-violence and violence.*

Recopy, Myo Chit, Wah Mah Tah, 2639 True Copy (Sa Win).¹¹⁸

The right to freedom of religion under international human rights law

The 1948 Universal Declaration of Human Rights (UDHR), together with the International Covenants on Civil and Political Rights and Economic, Social, and Cultural Rights, form the so-called International Bill of Human Rights.²⁷ Article 18 of UDHR proclaims:

“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.”

The right to freedom of religion or belief is widely recognized as having customary international law status. It is guaranteed under Article 18 of ICCPR, which has been described by the Human Rights Committee, the monitoring body for the ICCPR, as “far-reaching and profound”.²⁸ It is also given legal form in the various regional human rights instruments.²⁹

In addition, since 1986 the UN Commission on Human Rights (now the UN Human Rights Council, HRC) has mandated a Special Rapporteur on religious intolerance, now known as the Special Rapporteur on freedom of religion or belief. The primary instruments upon which the Special Rapporteur on freedom of religion or belief bases his activities are article 18 of the 1948 UDHR, article 18 of the 1966 ICCPR, and also the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (hereinafter referred to as the 1981 Declaration on Religion), which further addresses the issue of religious discrimination. In June 2010, the HRC extended this mandate for a further three years in recognition of the ongoing need for the important contribution of the Special Rapporteur to the protection, promotion and universal implementation of the right to freedom of religion or belief.³⁰

Both the Human Rights Committee and the Special Rapporteur on freedom of religion or belief have sought to clarify particular aspects of the right to religious freedom. The Human Rights Committee has clarified that freedom of thought, conscience and religion (known as *forum internum*) i.e. **the right to choose a religion** is an absolute right and cannot be interfered with in any way.³¹

²⁷ See *International Human Rights Law* at www.ohchr.org, accessed 31 July 2012.

²⁸ See General Comment No.22: The right to freedom of thought, conscience and religion (Art.18): 07/30/1993 CCPR/C/21/Rev.1/Add.4, Human Rights Committee.

²⁹ These include Art. 8 of the 1981 African Charter on Human and Peoples’ Rights; Art. 9 of the 1990 African Charter on the Rights and Welfare of the Child; Art. 12 of the 1969 American Convention on Human Rights; Art. 9 of the 1950 European Convention on Human Rights; and Arts. 7 & 8 of the 1995 Framework Convention for the Protection of National Minorities.

³⁰ See Resolution 14/11 adopted by the Human Rights Council - *Freedom of religion or belief: mandate of the Special Rapporteur on freedom of religion or belief* A/HRC/RES/14/11.

³¹ Human Rights Committee general comment 22, paras. 3 & 5, quoted in *Rapporteur’s Digest on Freedom of Religion or Belief: Excerpts of the Reports from 1986 to 2011 by the Special Rapporteur on Freedom of Religion or Belief Arranged by Topics of the Framework for Communications*, 2011.

The Special Rapporteur on freedom of religion or belief has noted:

*“Special attention must be given to the forum internum component of freedom of religion or belief, which enjoys the status of an absolute guarantee under international human rights law. With regard to the freedom to manifest one’s religion or belief, both the positive and negative aspects of that freedom must be equally ensured, i.e. the freedom to express one’s conviction as well as the freedom not to be exposed to any pressure, especially from the State authorities or in State institutions, to practice religious or belief activities against one’s will.”*³²

Article 18.2 of the ICCPR proclaims: “No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.”³³ According to the Special Rapporteur on freedom of religion or belief, “[A]ny form of coercion by State and non-State actors aimed at religious conversion is prohibited under international human rights law, and any such acts have to be dealt with within the remit of criminal and civil law.”³⁴

The right to manifest one’s own religion or belief (known as *forum externum* including, but not limited to, the construction of places of worship and religious symbols) is set out in full in article 6 of the 1981 Declaration on Religion. Article 18.3 of ICCPR qualifies: “Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.” However, the Human Rights Committee has noted that, “limitations... must be directly related and proportionate to the specific need on which they are predicated. Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner.”³⁵

Under international human rights law, special attention is given to the situation of children and minorities. Article 14 of the 1989 Convention on the Rights of the Child, CRC (to which Burma is a State party) sets out the right of the child to freedom of thought, conscience and religion, while Article 30 states:

“In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group,

³² *Rapporteur’s Digest on Freedom of Religion or Belief*, pp.37 para.57, op cit.

³³ The Human Rights Committee has clarified that this freedom cannot be restricted. Human Rights Committee general comment 22, paras. 5 & 8, *ibid*.

³⁴ *Rapporteur’s Digest on Freedom of Religion or Belief*, pp.33 para.67, op cit.

³⁵ Human Rights Committee general comment 22, quoted in *Rapporteur’s Digest on Freedom of Religion or Belief*, pp.98, op cit.

*to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.”*³⁶

In response to Burma’s 3rd and 4th national reports to the Committee on the Rights of the Child, in February 2012 the Committee reiterated its ongoing concern about multiple forms of discrimination in the country, particularly against children from ethnic and religious minority groups.³⁷

Article 1 of the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities proclaims, “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity. States shall adopt appropriate legislative and other measures to achieve those ends.” Article 8 of the 2007 Declaration on the Rights of Indigenous Peoples goes even further by stating, “Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture. States shall provide effective mechanisms for prevention of, and redress for any form of forced assimilation or integration.”

The intersection between ethnicity and religion

As the former Special Rapporteur on religious intolerance has noted, “religions are systems of beliefs and practices, myths, rites and worship that have the effect of uniting members of a group and ensuring the group’s existence **and often even its ethnic identity** [emphasis added].”³⁸ As explored above, this is particularly true for the Chin, as Christianity helped to unify them and create a shared common identity as ethnic Chin.

The preamble to the 1981 Declaration on Religion establishes a causal link between religious freedom and the elimination of racial discrimination in stating, “...freedom of religion and belief should also contribute [...] to the elimination [...] of racial discrimination”.³⁹ Article 5 of the 1965 International Convention on the Elimination of Racial Discrimination, ICERD (to which Burma is not a State party), further establishes this link:

“...States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the

³⁶ Similar language is also contained in Article 27 of ICCPR.

³⁷ Para. 35, CRC/C/MMR/CO/3-4, 3 February 2012.

³⁸ *Racial Discrimination and Religious Discrimination: Identification and Measures*, study prepared by Mr. Abdelfattah Amor, Special Rapporteur of the Commission on Human Rights on religious intolerance, presented at the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Geneva 1-5 May, 2000, pp.9.

³⁹ Amor, *Racial Discrimination and Religious Discrimination*, op cit, pp.17 para.56.

enjoyment of the following rights: [...] (vii) the right to freedom of thought, conscience and religion.”

In 2000, the former Special Rapporteur on religious intolerance argued that racial discrimination aggravated by religious discrimination (and vice versa) constituted a new more serious offence of ‘aggravated discrimination’, often perpetrated against minorities. Although there is no explicit recognition of this concept under international human rights law, it is very useful in understanding the intersection between ethnicity and religion, which is of particular relevance for the Chin, and discrimination on this dual basis:

“A person who is a victim of discrimination based on religion or belief [...] may be subjected to aggravated discrimination if he or she belongs to a readily identifiable group of people [...] Discrimination is all the more aggravated because it is so difficult to determine which of the two co-existing characteristics is targeted by the person guilty of discrimination.”⁴⁰

Under Burma’s 2008 Constitution, “the Union recognizes special position of Buddhism [sic] as the faith professed by the great majority of the citizens of the Union” (Article 361). As the former Special Rapporteur on religious intolerance points out, “aggravated discrimination tends to intensify or become more likely to occur when the State itself officially adopts the religion of the majority... **or subscribes to a particular ideology** [emphasis added].”⁴¹ In practice, the nominally-civilian Union government in Burma openly subscribes to Theravada Buddhism, and state resources are allocated to the aggressive propagation of the faith while other religions are subjected to restrictions and repression.

The former Special Rapporteur on religious intolerance has also noted that, “the overlap between racial and religious discrimination is a common phenomenon that is especially grave and often has very tragic consequences.”⁴²

A prima facie analysis of CHRO’s documentation - violations of religious freedom, often cross-cutting with other serious human rights violations, perpetrated by State actors against Chin Christians on the dual basis of their ethnicity and religion - indicates that it would meet the widely-accepted definition of persecution under customary international law; namely the severe deprivation of fundamental rights on discriminatory grounds.⁴³ As such, the Chin have a “well-founded fear of persecution” as set out under the

⁴⁰ Amor, *Racial Discrimination and Religious Discrimination*, op cit, paras. 9 & 36.

⁴¹ Amor, *Racial Discrimination and Religious Discrimination*, op cit, para.119.

⁴² *Rapporteur’s Digest on Freedom of Religion or Belief*, op cit, pp.50.

⁴³ William A. Schabas, ‘The International Criminal Court, A Commentary on the Rome Statute’, Oxford University Press, 2010, p. 175.

1951 UN Convention Relating to the Status of Refugees and the 1967 Protocol. As described below, tens of thousands of Chin have fled Burma, although many face difficulties in accessing UNHCR to seek protection.

Discriminatory restrictions on constructing and renovating Christian infrastructure

“[P]laces of worship are an essential element of the manifestation of the right to freedom of religion or belief... [A]ttacks or other forms of restriction on places of worship or other religious sites and shrines in many cases violate the right not only of a single individual, but the rights of a group of individuals forming the community... [emphasis added].”

[UN Special Rapporteur on Freedom of Religion or Belief]⁴⁴

Complex bureaucratic procedures must be followed in order to construct Christian infrastructure, including building churches or planting crosses. First of all, land ownership must be ascertained by the local land registration and township administration offices, and form 105 must be approved. Those applying to construct or renovate a church, or plant a cross, must then also approach the local religious affairs office for a second tier of permission. Requests are made via a separate document, form 106, which is forwarded by the local religious affairs office to the central Ministry of Religious Affairs [MoRA] in the capital Naypyitaw for approval. Other arbitrary requirements are also often imposed.⁴⁵

For Christian organizations, such permissions are notoriously hard to obtain from MoRA in Naypyitaw. There are usually excessively long delays in the process, and requests are frequently ignored, denied, or no decision is ever made by MoRA. According to the interviews conducted by CHRO, such bureaucratic procedures and lengthy delays are only applicable to religious minorities like Chin Christians. Decisions are arbitrary, and powerful monks loyal to military rule backed up by the Ministry of Religious Affairs often wield considerable influence.⁴⁶ Even when official permission is secured – more often than not, verbally – it can be revoked at any time. This is an example of the ‘misrule’ of law in Burma: the arbitrary and unfair application of draconian laws and procedures designed to control and subjugate certain sectors of the population.⁴⁷

Pastors B and C explain:

⁴⁴ *Rapporteur’s Digest on Freedom of Religion or Belief*, pp.20 paras.50-51, op cit.

⁴⁵ Interviews KMO1, 17 September 2010, Shillong, India; KMO3, 16 June 2010, Sagaing Region.

⁴⁶ Sources: interviews MI2, F3, KPT1, KPT4, and P9.

⁴⁷ See Case Studies One and Two in “*Threats to Our Existence*”: Persecution of Ethnic Chin Christians in Burma”, CHRO, September 2012. Also interview TH18, 24 March, Chiang Mai, Thailand.

“If you want to construct a church building, permission must be obtained from the Ministry of Religious Affairs. You will never get it even if you ask. It is important that an understanding is established with the local authorities, so that the matter does not go any further, beyond the local government level. All of this can only be done through personal understanding and friendship; there is no change in the religious policy in terms of constructing church buildings.” [March 2012, Thantlang town]⁴⁸

CHRO has documented twenty-four separate incidents in almost every township of Chin State, and areas of Magway and Sagaing Regions with sizeable Chin populations, where permission to construct (or in a few cases, renovate) a church or other Christian building has been either refused by the central Ministry of Religious Affairs, or effectively blocked by delays lasting months and years.⁴⁹ Such restrictions must also be understood in the context of State-sponsored, rapid expansion of Buddhist infrastructure in Chin State, often by extorting local Chin Christians and exacting forced labour from them.

Destruction of large Christian crosses

The Human Rights Council urges States, *“To exert the utmost efforts... to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction* [emphasis added].”⁵⁰

In Burma, State actors have been directly responsible for the destruction of Christian crosses. CHRO has documented the destruction of thirteen crosses - many of them large structures over 20 feet tall - in each of the main townships of Chin State.⁵¹ Four of those incidents have taken place since President Thein Sein’s

⁴⁸ Interview TH18, 24 March, Chiang Mai, Thailand.

⁴⁹ Sources: interviews F3, 3 June 2010, Chin State; TE2, 13 June 2010, Chin State; TO3, 8 June 2010, Chin State; TH2, 12 June 2010, Delhi, India; MA7, 30 November 2011, Kuala Lumpur, Malaysia; MI2, 17 May 2010, Chin State; P2 & P5 4 May 2010, Chin State; H8, 15 October 2011, Chiang Mai, Thailand; KPT1, 29 November 2010, Kuala Lumpur, Malaysia; KPT2, 16 September 2010, Shillong, India; KPT3, 13 May 2010, Chin State; KPT4, 13 May 2010, Chin State; KMO1, 17 September 2010, Shillong, India; KMO2, 31 May 2010, Aizawl, Mizoram; KMO3, 16 June 2010, Sagaing Region; *Construction of Baptist Church Ordered to Halt in Matupi*, Rhododendron News, CHRO, May-June 2004; *Partially Constructed Church Building Ordered Shut*, Rhododendron News, CHRO, Jan-Feb 2009; *Students Held Decennial at ‘Junta-Banned’ Church*, Rhododendron News, May-June 2010; *Pastors Ordered to Stop Church Construction*, Rhododendron News, CHRO, Nov-Dec 2010; *Church Ordered to Stop Construction, Worship Service and School by Authorities*, Rhododendron News, CHRO, Jan-Feb 2011; *Christian Religious Building Ordered to Stop Construction*, Rhododendron News, CHRO, Jan-Feb 2011.

⁵⁰ Human Rights Council resolution 6/37, cited in *Rapporteur’s Digest on Freedom of Religion or Belief*, pp. 17, op cit.

⁵¹ For cross destruction in Tonzang, Hakha, Thantlang and Falam townships, see *Religious Persecution: A Campaign of Ethnocide Against Chin Christians in Burma*, CHRO, 2004, op cit. In Matupi township (where two major crosses have been destroyed), see *Christian Cross Destroyed by SPDC in Matupi*, Rhododendron News, CHRO, May-June 2004 and *Burmese Army Destroyed a Christian Cross in Matupi Township*, Rhododendron News, Jan-Feb 2005. In Mindat township, see *CHRO Condemns Destruction of Christian Cross in Chin State*, press release by CHRO, 24 August 2010. Two crosses were destroyed in Kanpetlet township in July 2011; see Case Study Two. In Paletwa town a cross was destroyed in 2007 by local Buddhists. It had been built a few months

government took power in March 2011. Most of the crosses were on hilltops overlooking towns, on land considered to be sacred according to the Chin tradition. For Chin Christians, the planting of crosses on sacred sites is a very important manifestation of their religious beliefs. As noted above, the procedures are onerous, and in the vast majority of cases the Ministry of Religious Affairs in Naypyitaw simply doesn't respond to requests to build Christian infrastructure in Chin State. As a result, many Christian organizations no longer apply for permission, or else negotiate or pay a bribe to officials at the local level.

The Chief Minister of Chin State, former Brigadier-General Hung Ngai has been implicated in orders to destroy Christian crosses in Chin State. In 2010, as leader of the Chin State Peace and Development Council, he was implicated in the order to destroy a cross in the Mindat area in July of that year.⁵² Two crosses were destroyed in a village in Kanpetlet township in July 2011 on the orders of the Chin State government, of which he is Chief Minister.⁵³

Other earlier orders to destroy crosses have also come from senior levels of government in Chin State, including former Tactical Commanders in the Burma Army.⁵⁴ Such orders have also involved officials from the Ministry of Religious Affairs.⁵⁵ The orders are variously implemented by Burma Army soldiers, local authorities, the police, and local people themselves who are forced to follow orders under threat of punishment – typically arrest - if they refuse.

Violations of freedom of religious assembly

The right to freedom of religion explicitly includes the freedom, “to worship or assemble in connection with a religion or belief.”⁵⁶ In Chin State today, permission to hold large Christian gatherings usually needs to be obtained at least one month in advance from the township-level or nearest Religious Affairs office. Locally-based Burma Army soldiers must also be informed of the event.⁵⁷ Without such official permission, large gatherings face interruption or in some cases are prevented from going ahead.⁵⁸

earlier local Christians. Nobody dared to complain about the incident, and no action was taken by the authorities over its destruction.

⁵² See Case Study Four in “*Threats to Our Existence*”: Persecution of Ethnic Chin Christians in Burma”, CHRO, September 2012.

⁵³ See Case Study Three in “*Threats to Our Existence*”: Persecution of Ethnic Chin Christians in Burma”, CHRO, September 2012.

⁵⁴ For example, the destruction of one of the Matupi crosses was ordered by then-Tactical Commander Col. Hla Swe. The second Matupi cross was destroyed on the orders of Col. San Aung, another Tactical Commander. Sources: *ibid*.

⁵⁵ See Case Study Four in “*Threats to Our Existence*”: Persecution of Ethnic Chin Christians in Burma”, CHRO, September 2012.

⁵⁶ Article 6(a) of the 1981 Declaration of the UN General Assembly on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

⁵⁷ Interview TH18, 24 March 2012, Chiang Mai, Thailand.

⁵⁸ Cases documented in Hakha town, April 2008 (interview TH2, 12 June 2010, New Delhi, India); Matupi town, April and May 2006 (interview MA1, 3 June 2010, Chin State) and May 2010 (interview MA7, 30 November 2010, Kuala Lumpur, Malaysia).

Case Study A: Christian conference disrupted, Chin State⁵⁹

[March 2012] On 10 March 2012, more than 1,000 delegates from 80 local branches of a particular church gathered at _ _ _ _ _ village in a remote area of Matupi township, southern Chin State, close to Burma's border with India. Organizers of the event had obtained prior permission for the event from the Matupi Township General Administrative Office.

Several Burma Army soldiers, including Captain Aung Zaw Hteik and Captain Myo Min Hteik from Matupi-based Light Infantry Battalion 140 who are stationed at an army camp in the village, disrupted the gathering and publicly rebuked the village headman for not reporting the event to the army camp.

Pu Van Cin, a Member of Parliament from the Ethnic National Development Party elected to the Chin State parliament in the November 2010 elections, saw the soldiers confronting the village headman. He tried to intervene and introduced himself as an MP to the officers. According to witnesses, Captain Aung Zaw Hteik was in uniform but Captain Myo Min Hteik, who is in charge of the army camp next to the village, was only wearing civilian clothes. Captain Myo Min Hteik pointed a gun at Pu Van Cin's stomach and said, "Who do you think you are? What are you talking about? I will kill you. I don't give a [expletive] about you being a Member of Parliament. We are not under the control of the Chin State authorities. We take orders from the North Western Regional Command."

The soldiers continued to disrupt the conference for the next 24 hours by patrolling in the village, disrupting worship service, and spending the night in the village, although their army camp is just a short distance away. Pu Van Cin apparently reported the incident to Colonel Zaw Min Oo, Minister for Border and Security Affairs in Chin State, but it is unclear whether or not the Minister intervened to allow the conference to continue. At the time of writing, CHRO understands that no disciplinary action has been taken against the soldiers from LIB140.

Arbitrary arrest, detention, torture and ill-treatment of church workers, pastors and missionaries

Chin church workers, pastors and missionaries run the risk of arbitrary arrest and detention. Particularly severe punishment is meted out to pastors, missionaries, or church workers who take a stand against the authorities in some way, typically by refusing to allow patrolling soldiers to spend the night in the

⁵⁹ See CHRO press release, *Burma Army Soldiers Disrupt Christian Conference; Threaten Chin MP at Gunpoint*, 20 March 2012, available at <http://www.chro.ca/media/press-releases/79-2011.html> and VOA Burmese language interview with Pu Van Cin available at http://www.voanews.com/burmese/news/chin_chritian_meeting-143487306.html accessed 31 May 2012.

local church.⁶⁰ Often, pastors and missionaries are clearly targeted simply on the basis of their Chin Christian identity, and their work to proselytize.⁶¹

The prohibition on torture is absolute and a norm of customary international law, which is binding on all States.⁶² CHRO documented more than forty separate incidents of torture⁶³ or ill-treatment⁶⁴ perpetrated by State actors against Chin Christians, including Chin pastors, church workers and missionaries. These incidents followed a pattern of torture or ill-treatment based on discrimination, on the dual basis of ethnicity (Chin) and religion (Christian).⁶⁵

Case Study B: Torture and rape, Chin State⁶⁶

[March 2010] 35 year-old farmer Q is a lay preacher from a village in the northern township of Tonzang. Farmer Q told CHRO that in 1996 his father R, a Christian pastor, refused to follow orders from Burma Army soldiers to destroy a cross the villagers had built on a nearby prayer mountain. As a result, his father was badly tortured and later passed away from his injuries. Efforts by CHRO to independently

⁶⁰ For example, refusing to perform forced labour (*Three Chin Christian Pastors Detained One Night for Defying SPDC Order*, Rhododendron News, May-Jun 2004); building a church without permission (interview F3, 3 June 2010, Chin State); refusing to allow soldiers to spend the night in the church (interviews C1 & C2, 21 May 2011, Kuala Lumpur, Malaysia)

⁶¹ Interviews MI7, 4 July 2011, Kuala Lumpur, Malaysia; R3, 12 June 2010, New Delhi, India.

⁶² Such rules apply in Burma, despite the fact that the government has not ratified CAT. The rules of customary international law derive from consistent state practice and the consistent view among states, courts, and experts that these rules are universally binding, regardless of any individual state's treaty status. See *The Repression of Ethnic Minority Activists in Myanmar*, Amnesty International, February 2010, pp.11.

⁶³ According to CHRO's documentation, 24 of the incidents would meet the definition of torture under Art. 1 of CAT. Sources: Interviews: TH1, 12 June 2010, New Delhi, India; TH2, 12 June 2010, New Delhi, India; TH5, 20 June 2010, Chin State; TH14, 17 April 2011, Chin State; TH15, 21 July 2011, Chin State; TH16, May 2011, Chin State; TE5, 24 May 2011, Kuala Lumpur, Malaysia; TE6, 2 July 2011, Cameron Highlands, Malaysia; C3, 21 May 2011, Kuala Lumpur, Malaysia; C5, 22 May 2011, Kuala Lumpur, Malaysia; R2, 12 June 2010, New Delhi, India; R3, 12 June 2010, New Delhi, India; F2, 12 June 2010, New Delhi, India; H2, 1 June 2010, Mizoram, India; MA3, 30 September 2010, Kuala Lumpur, Malaysia; MA9, 2 July 2011, Cameron Highlands, Malaysia; MA10, 2 July 2011, Cameron Highlands, Malaysia; MA11, 2 July 2011, Cameron Highlands, Malaysia; MA13, 2 July 2011, Cameron Highlands, Malaysia; TO1, 12 June 2010, New Delhi, India; TO6, 21 May 2011, Kuala Lumpur, Malaysia; Case Study Five (multiple incidents); Case Study Six.

⁶⁴ 19 of the incidents would be defined as cruel, inhuman or degrading treatment (Art. 16 of CAT) or ill-treatment, widely accepted to include the three elements of a) significant pain or suffering, whether physical or mental; b) inflicted intentionally by c) a State actor. See Human Rights Documentation Manual Series: Documenting Torture and Other Forms of Ill-Treatment in Burma, ND-Burma, 2008, pp.9. Sources: Interviews: MA2, 1 October 2010, Kuala Lumpur, Malaysia; MI2, 17 May 2010, Chin State; MI3, 17 May 2010, Chin State; MI6, 4 July 2011, Kuala Lumpur, Malaysia; MI8, 1 July 2011, Cameron Highlands, 2011; MI10, 1 July 2011, Cameron Highlands, Malaysia; MI11, 9 August 2011, phone interview; MI13, 2 July 2011, Cameron Highlands, Malaysia; MI14, 1 July 2011, Cameron Highlands, Malaysia; MI15, 1 May 2012, phone interview; MI16, 12 June 2012, Chiang Mai, Thailand; R1, 29 September 2010, Kuala Lumpur, Malaysia; S2, 17 May 2010, Magway Region; P6, 4 May 2010, Chin State; TE6, 2 July 2011, Cameron Highlands, Malaysia; TH3, 29 May 2010, Chin State; TH6, 22 May 2011, Kuala Lumpur, Malaysia; TH10, 23 May 2011, Kuala Lumpur, Malaysia; TO5, 23 May 2011, Kuala Lumpur, Malaysia.

⁶⁵ CHRO has also documented many other incidents of torture perpetrated against Chin by State actors in other contexts, primarily during arrest and detention on suspicion of support for Chin armed groups. See CHRO's *Individual Submission to the UN Universal Periodic Review of Burma*, July 2010.

⁶⁶ Interview TO1, 12 June 2010, New Delhi, India.

corroborate his testimony revealed that his father was also detained in Tonzang and Hkamti prisons and died in prison. While no further information could be obtained from the prison authorities about the cause of death, it is widely believed that he died as a result of torture.

“After my father passed away, I served as an evangelist in my village; I tried to follow in my father’s footsteps. In Cikha town nearby my village there is an army camp. On 28 March 2010 the soldiers raided my village. It wasn’t the first time. The soldiers had already told me to stop my preaching many times. When I came back from my farm at around 6pm that day, there were four Burma Army soldiers at my home. They had raped my wife. I believe they did that to bring shame on my family, and to disrupt my work as a lay preacher by causing scandal. After I found them at my home, one of them tortured me; he beat me really hard with the butt of his gun.

They took me to the village headman’s house and held me there. The village council members killed a pig for the soldiers and provided alcohol for them. After they were all drunk and passed out, many of the villagers took the opportunity and fled to Mizoram. In our village, there were 40 households but almost everyone fled to Mizoram, only two families are left. Those two families converted to Buddhism in 1999, they receive help and assistance from the Burmese soldiers themselves.”

The imposition of Buddhism as a State tool of oppression

State-sponsored propagation of Buddhism began in Chin State in the 1970s during General Ne Win’s era with the construction of pagodas and temples in urban areas.⁶⁷ The construction of Buddhist infrastructure stepped up under SLORC and SPDC to the point where - according to statistics obtained from the Ministry of Religious Affairs in 2010 - there are now 192 Buddhist *kyaung* (a term used to describe monasteries or Buddhist learning centres) across Chin State.⁶⁸ This aggressive propagation of Buddhism using State resources has been accompanied by human rights abuses.

CHRO has documented 15 separate incidents of monasteries and pagodas being built with forced labour exacted from Chin Christians between 1992 and 2009.⁶⁹ Most of these incidents took place in towns in the early-mid 1990s. Later incidents primarily involved forced labour to build either pagodas or

⁶⁷ See *In Defence of Identity*, op cit, pp.56.

⁶⁸ See Appendix A in “‘*Threats to Our Existence*’: Persecution of Ethnic Chin Christians in Burma”, CHRO, September 2012.

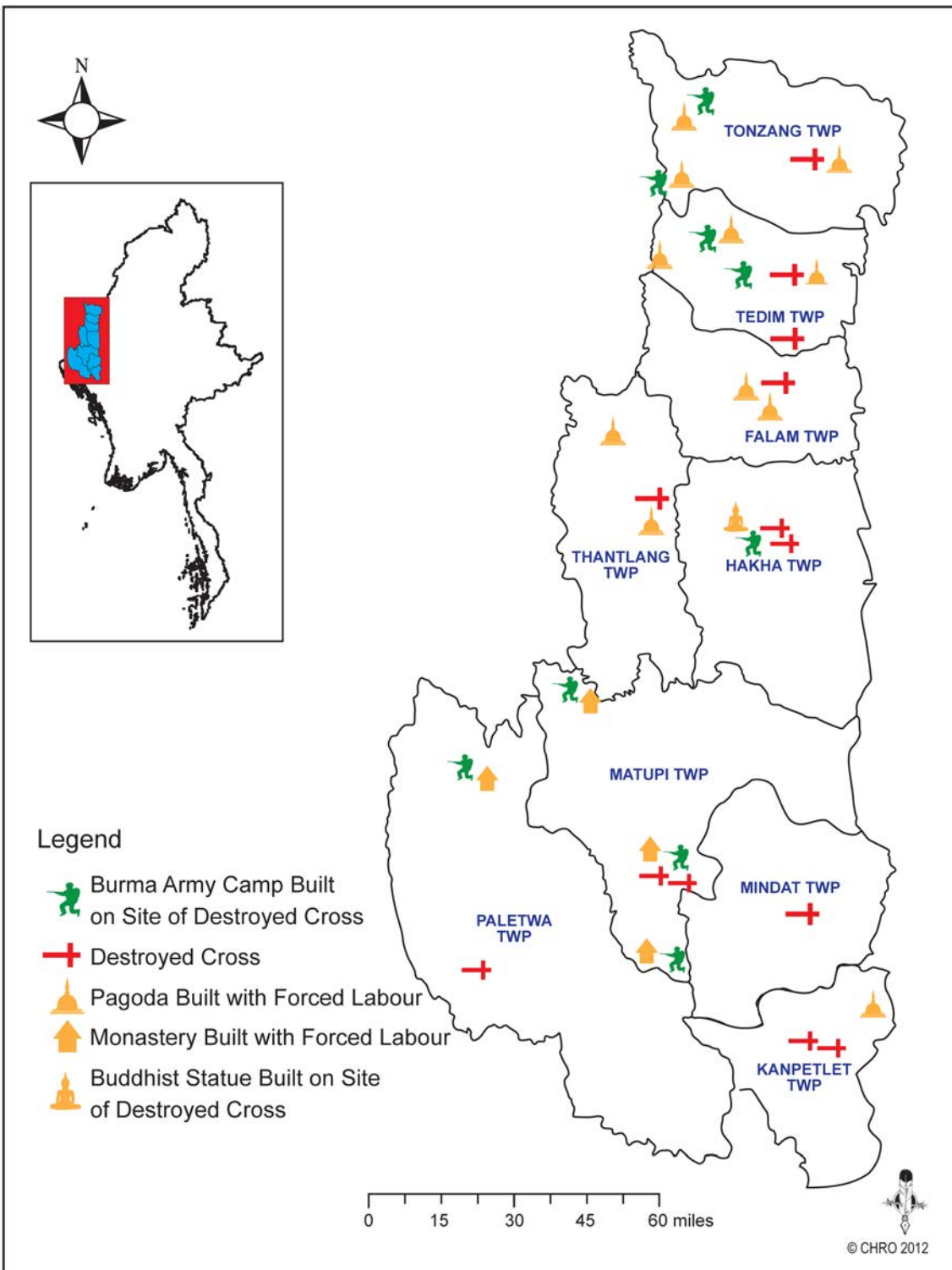
⁶⁹ Sources: Interview TO1, TO1, 12 June 2010, New Delhi, India; TO2, 16 June 2010, Chin State; TO3, 8 June 2010, Chin State; TO5, May 2011, Kuala Lumpur, Malaysia; TO6, 21 May 2011, Kuala Lumpur, Malaysia; TE2, 13 June 2010, Chin State; TE3, 12 June 2010; F3, 3 June 2010, Chin State; F5, 1 June 2010, Mizoram, India; MA8, 24 May 2011, Kuala Lumpur, Malaysia; KPT1, 29 November 2010, Kuala Lumpur, Malaysia; KPT3, 13 May 2010, Chin State; TH6, TH7, TH8, TH9, TH10, 22 May 2011, Kuala Lumpur, Malaysia; TH4 29 May 2010, Chin State; Religious Persecution, CHRO, 2004, op cit; Rhododendron News, Jan-Feb and May - Jun 2005; Rhododendron News, Mar - Apr 2007.

monasteries inside or very close to Burma Army camps in rural areas. There is a clear pattern of soldiers, local authorities and monks working together to exact the forced labour. In at least one location, a pagoda was built using forced labour on the very site where a Christian cross had been destroyed by Burma Army soldiers. In the towns, high school students were frequently ordered to provide the labour, severely disrupting their right to education.⁷⁰ In the rural areas, in several cases more than one village at a time was ordered to provide the labour.⁷¹ In all cases, the forced labour was exacted under threat of punishment or monetary fine, and usually performed under the guard of Burma Army soldiers.

⁷⁰ This documented as happening in Tonzang town in 1992; Falam town in 1994; Thantlang town in 1995; and Kanpetlet town in 2000.

⁷¹ See for example *Chin Christians Forced to Contribute Money and Labor for Construction of Buddhist Monastery*, Rhododendron News, Jan – Feb 2005.

Figure 11 : Map of destroyed crosses, and pagodas and monasteries built with forced labour in Chin State, 1992 – 2012



Border Areas National Races Youth Development Training Schools

*“Subject on Union spirit is mainly lectured at the training schools....By inculcating Union Spirit into them, youth forces equipped with strong Union Spirit that could safeguard Our Three Main National Causes at the risk of their lives...”*⁷²

[Union Minister for Border Affairs Lt.-Gen. Thein Htay, September 2011, Rangoon]

As well as violations of the right to manifest their religion, proselytize, and assemble for religious gatherings, the Chin have also been subjected to induced and coerced conversion by State actors. With more than 70 percent of Chin people living below the poverty line according to UN figures⁷³, abject poverty and an ongoing food security crisis in southern Chin State have left the Chin particularly vulnerable to induced and coerced conversion.

Of paramount concern to the Chin people today are the government’s “Border Areas National Races Youth Development Training Schools” (known locally as Na Ta La schools, as Na Ta La is the Burmese acronym for Progress of the Border Areas and National Races Development Programme), run under the Education and Training Department within the military-dominated Ministry for Border Affairs, in collaboration with the Ministry for Religious Affairs.⁷⁴

The Ministry for Border Affairs is responsible for implementation in accordance with instructions from a Central Committee headed by Burma’s President Thein Sein. The Education and Training Department under the command of Burma Army Colonel Myo Hlaing effectively functions as an alternative, State-funded education system specifically targeted at the country’s ethnic and religious minorities like the Chin. Chronic underfunding of the mainstream State education system means that families must typically pay costs such as annual fees, uniforms, school materials and supplementary income for teachers.⁷⁵ These constitute significant economic barriers to accessing education for impoverished Chin.

The first of the Na Ta La schools opened in around 1994 mandated by a 1993 SLORC decree, which provided for the promotion and propagation of Buddhism and ‘vocational training’.^{76 77} At the time of writing there are 29 such residential schools across Burma, with more than one-third located in Chin State

⁷² *The New Light Of Myanmar*, Wednesday 14 September 2011, pp.9.

⁷³ 73 percent of Chin live below the poverty line, rising to 80 percent in rural areas. While the national average of 25 percent has fallen by six percentage points since 2005, in Chin State it has remained the same. Source: *Poverty Profile*, Integrated Household Living Conditions Survey in Myanmar (2009-2010), June 2011, UNDP.

⁷⁴ Diagram below drawn from information contained in *Civil & Military Administrative Echelon*, July 2011, a Burmese-language compilation of information drawn from official government documents secretly obtained, published by Network for Democracy and Development.

⁷⁵ See *Overview of the Right to Education for the Chins in Burma*, CHRO, January 2011.

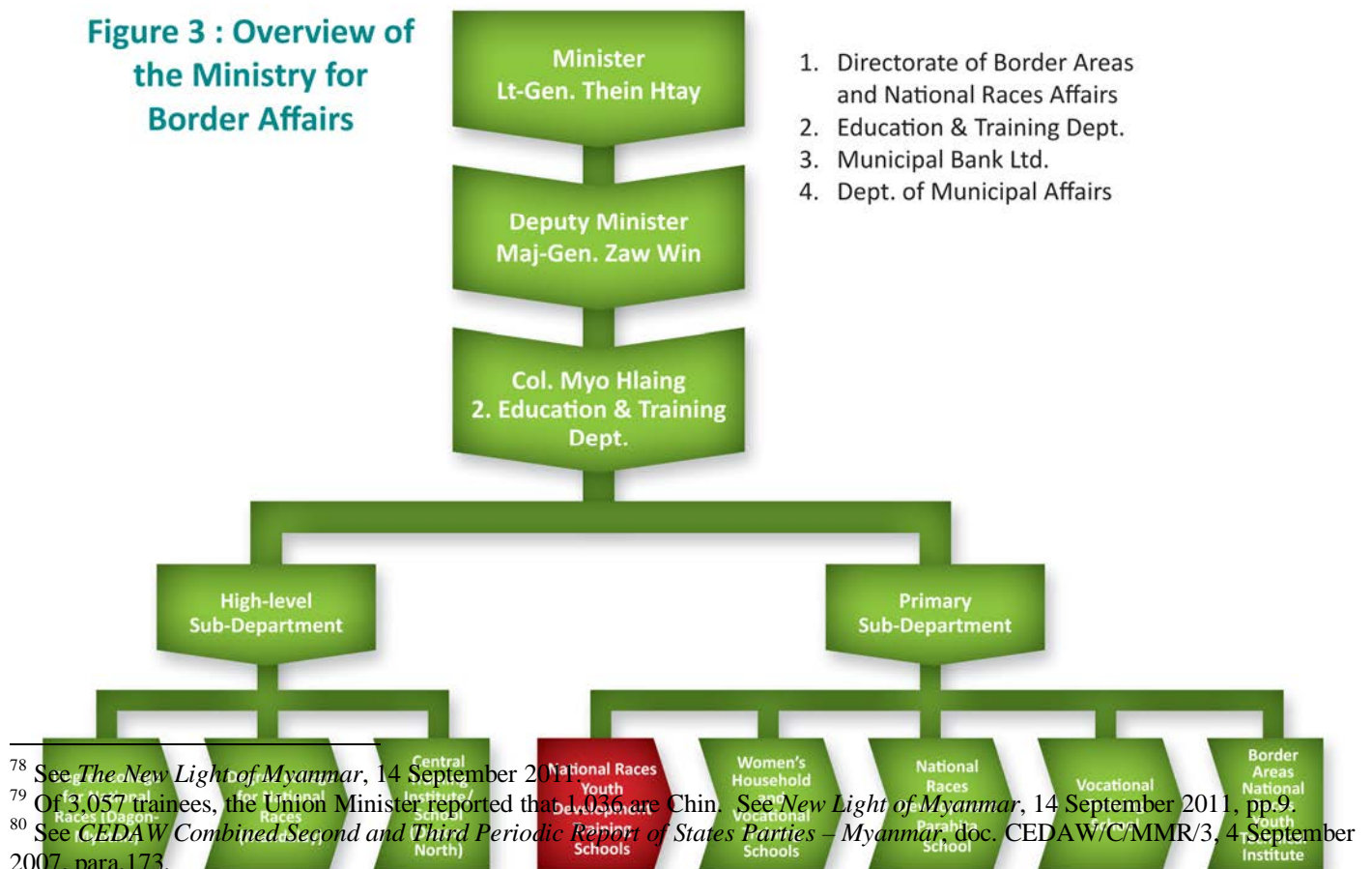
⁷⁶ SLORC Law no. 11/93 *The Development Of Border Areas and National Races Law (1993)*, Chapter V Duties and Powers of the Ministry, art. (g), (h) and (i).

⁷⁷ For example, in 1994 Chin Christians were targeted for recruitment to one such school in Rangoon. See *Religious Persecution*, CHRO, 2004, op cit.

and Sagaing Region.⁷⁸ One-third of Na Ta La trainees in the 29 schools are also Chin, indicating that the Chin are specifically targeted for recruitment to the schools.⁷⁹ CHRO's documentation illustrates that monks and Buddhist laymen from the Hill Regions Buddhist Mission under the Ministry of Religious Affairs are involved in recruitment to the Na Ta La schools. Entry to the schools is usually free and trainees are offered the incentive of a guaranteed local government position after graduation. They are not informed of any requirement to convert to Buddhism.

The government has described the Na Ta La schools as a key component of a '30-year master plan for the development of border areas and national races'⁸⁰ - the language used to assert that the government is actively promoting ethnic and religious minority rights as part of its obligations under the Convention on the Rights of the Child (CRC).⁸¹ The government has also claimed that the schools facilitate cultural exchange between the diverse ethnic groups, and that students have the right to follow their chosen religion at the schools.⁸²

Figure 3 : Overview of the Ministry for Border Affairs



⁷⁸ See *The New Light of Myanmar*, 14 September 2011, pp. 9-10.
⁷⁹ Of 3,057 trainees, the Union Minister reported that 1,036 are Chin. See *New Light of Myanmar*, 14 September 2011, pp. 9-10.
⁸⁰ See *CEDAW Combined Second and Third Periodic Report of States Parties – Myanmar*, doc. CEDAW/C/MMR/3, 4 September 2007, para. 173.

⁸¹ See *Report of the Working Group on the Universal Periodic Review – Myanmar*, doc. A/HRC/17/9, 24 March 2011, para. 100, published in *UPR Reports 2011*, op cit, pp. 79; and also *Union of Myanmar CRC Third and Fourth National Report on the Implementation of the Convention on the Rights of the Child (2001-2006)*, doc. CRC/C/MMR/3-4, paras. 317-329, published in *CRC Report 2011*, Human Rights Education Institute of Burma, 2011, pp. 180-181.

⁸² See *Union of Myanmar CRC Third and Fourth National Report on the Implementation of the Convention on the Rights of the Child (2001-2006)*, doc. CRC/C/MMR/3-4, para. 329.

CHRO conducted in-depth interviews between 2010 and 2012 with twelve Chin Christians who attended the Na Ta La schools at various times, either as students or teachers. Na Ta La attendees told CHRO that they faced forced conversion to Buddhism at the Na Ta La schools via the threat of military conscription and other coercive methods. Students are often ordered to shave their heads and wear monks' or nuns' robes. Their testimony shows that monks, Buddhist laymen in the employ of the Hill Regions Buddhist Mission and Burma Army soldiers have worked together to track down Na Ta La attendees who fled from the schools.⁸³ Today, the government's Border Areas National Races Youth Development Training schools arguably function as a cornerstone of an unwritten policy of forced assimilation.

Case Study C: Coerced conversion, Rangoon⁸⁴

[June-August 2010] A.Z. and A.F.A. were recruited to Na Ta La school in Rangoon by members of the Hill Regions Buddhist Mission in 2010 when they were 17 and 19, at the height of the rat infestation and food shortages in their village. Their families were persuaded to send them to Rangoon with the promise of free education, 50,000 kyats [US\$50] and two sacks of rice (which their families never received). They spent several days at a monastery in Mindat, before travelling to Rangoon via Pakokku. They reported that there were over 250 students in the school. At the time, most were Burmese, but there were also some Chin (over 30) and Naga (around 10).

A.F.A. explained, *"For the first three of four weeks, the teachers were really kind to us. They brought us to the cinema, the zoo, the Shwedagon and Sule pagodas, the National Museum, and the Ethnic Nationalities Village. We even got new shirts and trousers, and a watch. But after that, I felt like I was in prison, because they wouldn't let us go out. They forced us to do hard labour to build one new dormitory. We had to dig the construction site, carry bricks, and move heavy planks of wood. The Burmese students were mostly working in the kitchen or flower garden [A.Z. also said that only the Chin and Naga were required to do the hard labour]. It was so unfair. We were also forced to memorize and recite Pali."*

A.Z. related, *"The man in charge of the school wore plain clothes during the daytime, but then at night-time he changed into soldier's uniform. I couldn't see the battalion number as he wore a jacket over the uniform. But I recognised the uniform, because I have seen soldiers before in the Mindat area. If we couldn't memorize the Pali properly, or refused to bow down before the Buddha image, he would punish us."*

⁸³ For more detailed information, see Chapter Five of *"Threats to Our Existence": Persecution of Ethnic Chin Christians in Burma*", CHRO, September 2012.

⁸⁴ A.Z. and A.F.A. were interviewed separately by CHRO. Interview MI10 with A.Z., 1 July 2011, Cameron Highlands, Malaysia; and MI11 with A.F.A., 9 August 2011, by phone.

He ordered us to do 'stand-up-sit-down' exercises about 3,000 times. He said to us, 'If you are so stubborn and refuse to be Buddhist, you need to exercise like this so that you will be strong when you are in military training.' Later on, we were so afraid of him, that we just did whatever he asked us to do. But we did not believe in Buddhism in our minds.

After two months, he asked us, 'Do you regard yourself as a monk?' and we replied 'No, we are Christians.' Then he said, 'Those who want to be a monk, go to that side, and those who do not, move to the other side,' and we were divided into two groups. He said, 'If you don't want to be a monk, you must join the military.' And just in front of us, he was saying to the other teachers, 'If they don't want to do either of those two choices, it means they are opposing the government.' And he made us do the exercises."

After enduring three months of intolerable pressure to convert to Buddhism and cruel and inhuman treatment, the two young men escaped from the Na Ta La school and fled to Malaysia.

Case Study D: Coerced conversion, Chin State⁸⁵

[May 2011] 20 year-old A.G.A. attended Na Ta La school in Mindat from 2010-2011. She described her experiences at the school:

"If I wanted to finish my high school education, I had to attend Na Ta La school in Mindat town; if I didn't go to the Na Ta La school, I wouldn't be able to continue my education. There was an order issued for that. We were also promised positions as government servants at Na Ta La school. As I wanted to finish my high school education, and I believed that attending Na Ta La school was the only way to do it, I had to join the school even though I had heard from others that I would have to practise Buddhism. [Note: during the corroboration process, CHRO confirmed that an announcement rather than an order was issued].⁸⁶

The man in charge of the school is U Kee Ling Maung, another Mindat Chin. He is not a monk, but he is trusted by the monks. He is part of the Hill Regions Buddhist Mission, which is the same as Na Ta La. We had to wear robes for nuns; the boys had to wear monks' robes. There are two schools, West and East. In total we were 932 students, from pre-school – even some three-year old kids – up to 10th standard. The

⁸⁵ Interview MI8, 1 July 2011, Cameron Highlands, Malaysia.

⁸⁶ An announcement was made that high school students could secure a government job easily if they went to Na Ta La school. There were also some conditions for Christian students whereas Buddhist students could easily join the school. Conditions for Christian students included for example, obey all orders; commit to the rules, regulations and procedures of Na Ta La schools even after matriculation; and rules must be obeyed without complaint. It is likely A.G.A. and her family understood this as an order, especially if they had no way to support her education beyond 10th Standard.

younger students were mostly Buddhist, but those in 9th and 10th standard were mainly Christian. We were 21 girls and 19 boys who were Christians.

We Christian students received worse treatment than the Buddhists. We were accused of not following the rules and regulations properly.⁸⁷ Besides the usual subjects, we had to recite Pali and other Buddhist scriptures. If we couldn't get it exactly we were beaten by the monks. They slapped me about the face, or beat me with sticks on my legs and back.

As a Christian girl it was not appropriate for me to carry on living at that Na Ta La school, so I ran away. I took off my nuns' robes and left them there. I ran to _____ village, 20 miles from Mindat town. The monks from the Na Ta La school came there with soldiers from LIB274, looking for me. They told me, 'You have to come back to the school in Mindat, or else you will be forced to join the army.' They told me there is an order for that; even women aged 18-35 have to perform military service, and men aged 18-45. They said there is no choice, everyone has to be a soldier. [Note: in January 2011 the People's Military Service Law SPDC Law No. 27/2010, signed and dated 4 November 2010, was published in the Union of Myanmar Gazette. The law was therefore promulgated but is not being enforced at the time of writing.] At the time I was sick, so I pretended to promise them that I would definitely come back in three days, when I was better. I realized that as long as I am in the country, the soldiers have good connections and so they can trace me wherever I am. So I had no choice but to flee the country.”

Forced migration⁸⁸

Pervasive human rights violations such as those outlined in this paper have forced thousands of Chin to flee their homeland. At the time of writing, there are an estimated 50,000 Chin refugees and asylum-seekers in Malaysia;⁸⁹ 12,000 in New Delhi;⁹⁰ and as many as 100,000 Chin living in Mizoram, Northeast India.⁹¹

Malaysia is not a signatory to the 1951 UN Convention Relating to the Status of Refugees or the 1967 Protocol, and there is no recognition of refugees under Malaysian law. UNHCR does however have a significant presence in the country by negotiation with the government, and has primary responsibility for assessing claims for refugee status. In Malaysia, community-based organizations (CBOs) are now the main

⁸⁷ Ibid.

⁸⁸ Information obtained during periodic visits to the Chin refugee communities in Malaysia and India by CHRO between 2010 - 2012.

⁸⁹ Figure provided by Chin refugee community-based organizations in Malaysia. According to UNHCR statistics, 34,420 Chin are registered with UNHCR. See http://www.unhcr.org/my/About_Us_-@-Figures_At_A_Glance.aspx, accessed 9 September 2012.

⁹⁰ Figure provided by CHRO's office in New Delhi. According to figures from UNHCR available in January 2011, around 5,000 had refugee status. The number of Chin refugees and asylum-seekers in New Delhi has tripled since 2009. See *Waiting on the Margins: An Assessment of the Situation of the Chin Community in Delhi, India*, CHRO, April 2009.

⁹¹ See *Seeking Refuge: The Chin People in Mizoram State, India*, December 2011.

access point to UNHCR. Chin asylum-seekers must contact one of the two main Chin community-based organizations to register and receive a community card. The CBOs compile lists of new arrivals and forward them to UNHCR, who periodically call asylum-seekers for registration and refugee status determination. At the time of writing, Chin refugees who arrived from 2009 onwards are still waiting for UNHCR registration.

Refugees are treated as illegal immigrants by the Malaysian authorities. Community card-holders, who don't yet have refugee status, are particularly vulnerable to arrest, abuse, and extortion by RELA (volunteer corps), police and immigration forces. UNHCR card-holders, who have refugee status, are not exempt from arrest but are usually released within 14 days pending verification that their UNHCR card is genuine. Community-card holders in particular are at risk of being transferred to immigration detention camps, subjected to inhuman punishments such as judicial caning, and held there for prolonged periods in appalling conditions. Although UNHCR has access to the camps to assess claims for refugee status, and can secure the release of nationals from Burma, the lack of resources means that Chin community card-holders may remain in immigration detention camps for a year or more. Refugees do not have any right to work under Malaysian law, but most are able to find informal employment in construction, factories, in restaurants or on plantations. They are frequently exploited by employers and run the risk of arrest for working illegally.

Chin refugees overwhelmingly reject voluntary repatriation as a durable solution. When CHRO interviewed refugees about this prospect the typical response was, 'Why would I go back to my village when the Burma Army soldiers who abused me are still there?' In recognition of the extremely difficult circumstances for refugees in Malaysia, UNHCR Malaysia primarily pursues a policy of third country resettlement as the best durable solution for the Chin community (the largest refugee community from Burma in Malaysia). In a welcome move, Australia has recently increased the number of resettlement places from Malaysia, with Chin refugees as a key beneficiary group.

Like Malaysia, India is not a signatory to the 1951 UN Convention Relating to the Status of Refugees or the 1967 Protocol. The north eastern Indian state of Mizoram which borders Chin State has been the primary destination for Chin to seek refuge for the last 20 years. The close ethnic kinship between the Chin and Mizo people allows for Chin refugees to assimilate with the local community. However, the Chin in Mizoram lack any form of legal protection as they are not recognized as refugees by the Indian government or the UN High Commissioner for Refugees. In addition to not being a party to the 1951 Convention, India has not permitted the UNHCR in New Delhi access to Mizoram. As a result, the Chin in Mizoram have no protection or access to humanitarian assistance. Their undocumented status continues to expose them to

constant protection threats such as mass arrest and forced return at the hands of both the authorities and local communities.⁹²

The only option available to Chin refugees to access UNHCR is to make the long and expensive journey from Mizoram to New Delhi. After approaching UNHCR for a first registration interview, it can take up to two years for a Refugee Status Determination decision to be issued by UNHCR. Only recognized refugees are given a Subsistence Allowance for each dependent, for a period of 3 months. It is very difficult for asylum-seekers and refugees to find work in New Delhi, and they are frequently exploited by employers and house-owners. Over the past two years, Chin refugees have reported an increasing number of violent physical attacks by local people.⁹³ Women in particular are highly vulnerable to sexual assault. Access to healthcare and education services are very limited for refugees. All of these conditions mean that Chin asylum-seekers and refugees in New Delhi face a daily struggle for survival. In spite of the appalling conditions faced by Chin refugees in Delhi, over the past 10 years UNHCR India has pursued a policy of local integration as the primary durable solution. As a result of UNHCR India's focus on local integration as the primary durable solution, third country resettlement options for the Chin from India are very limited, leaving thousands of Chin facing a very uncertain and insecure future.

Conclusions

The Chin in Burma face ongoing persecution on the dual basis of their ethnicity and religion. There is a long road ahead in Burma to ensure the protection and promotion of fundamental human rights, particularly for the country's ethnic and religious minorities like the Chin. Concrete measures need to be taken at all levels of government and within State institutions like the Burma Army to tackle deep-rooted discrimination, and protect and promote human rights. This should include far-reaching reforms of government ministries, including the abolition of the Ministry of Religious Affairs and the Education and Training Department within the Ministry of Border Affairs. In addition, the government must devise and implement a plan for the staged withdrawal of Burma Army troops from ethnic areas, to begin before the country's next general elections in 2015. As long as areas such as Chin State are heavily militarized, the risk of human rights abuses perpetrated by Burma Army soldiers against civilians remains high.

In light of the fact that voluntary repatriation will not be a durable solution for Chin refugees in the foreseeable future, and that Chin communities in Malaysia and India face ongoing security and protection

⁹² See *Chin Eviction Case Reaches India's National Human Rights Commission*, Chinland Guardian, 27 May 2011, accessed 9 September 2012.

⁹³ See *Delhi Chin Refugee Couple Gang-Assaulted by Landlord*, Chinland Guardian, 21 March 2012, accessed 9 September 2012.

concerns, UNHCR India must adopt a cohesive policy of third country resettlement as the primary durable solution for Chin refugees. In addition, UNHCR India must press the Indian government for unfettered access to Mizoram State to assess the conditions of Chin refugees in the State, in order to ensure that those with genuine refugee claims are accorded international legal protection.

Bibliography

Chin Human Rights Organization, *Religious Persecution – A Campaign of Ethnocide Against Chin Christians in Burma*, February 2004.

Chin Human Rights Organization, *Critical Point: Food Scarcity and Hunger in Burma's Chin State*, July 2008.

Chin Human Rights Organization, *On the Edge of Survival: The Continuing Rat Infestation and Food Crisis in Chin State, Burma*, September 2009.

Chin Human Rights Organization, *Waiting on the Margins: An Assessment of the Situation of the Chin Community in Delhi, India*, CHRO, April 2009.

Chin Human Rights Organization, *Burma/Myanmar Individual Submission to the UN Universal Periodic Review*, July 2010.

Chin Human Rights Organization, *Overview of the Right to Education for the Chins in Burma*, 2010.

Christian Solidarity Worldwide, *Carrying the Cross: The military regime's campaign of restriction, discrimination and persecution against Christians in Burma*, January 2007.

Human Rights Education Institute of Burma, *UPR Reports*, 2011.

Human Rights Education Institute of Burma, *CRC Reports*, 2011.

Human Rights Watch, *"We Are Like Forgotten People" - The Chin People of Burma: Unsafe in Burma, Unprotected in India*, January 2009.

Human Rights Watch, *The Resistance of the Monks: Buddhism and Activism in Burma*, September 2009.

Images Asia, Karen Human Rights Group, and The Open Society Institute's Burma Project, *All Quiet on the Western Front? The Situation in Chin State and Sagaing Division*, Burma, January 1998.

Integrated Household Living Conditions Survey in Myanmar (2009 – 2010) – *Poverty Profile*, June 2011.

Khin Maung Win, *Religious Freedom in Burma: A divisive and suppressive practice of the military regime*, in *Legal Issues on Burma Journal* No.4 October 1999.

Lambrecht, Curtis, *Destruction and violation: Burma's border development policies*, in *Mekong Articles: Mekong Region Watershed* Vol.5. No.2. November 1999 – February 2000.

Lambrecht, Curtis, *Oxymoronic Development: The Military as Benefactor in the Border Regions of Burma*, in *Civilizing the Margins: Southeast Asian Government Policies for the Development of Minorities*, ed. Duncan, Christopher R., National University of Singapore Press, 2008.

Lian H. Sakhong, *In Search of Chin Identity: A Study in Religion, Politics and Ethnic Identity in Burma*, Nordic Institute of Asian Studies, 2003.

Lian H. Sakhong, *In Defence of Identity: The Ethnic Nationalities' Struggle for Democracy, Human Rights and Federalism in Burma, a Collection of Writings and Speeches, 2001-2010*, Orchid Press, 2010.

Myanmar Institute of Theology, *Rays – Journal of Theology*, January 2006, Vol. 7.

Myanmar Institute of Theology, *Our Theological Journey: III – Writings in Honour of Prof. Rev. Dr. Sang Awr*, 2009.

Physicians for Human Rights, *Life Under the Junta: Evidence of Crimes Against Humanity in Burma's Chin State*, January 2011.

Project Maje, *Ashes and Tears: Interviews with Refugees from Burma on Guam*, 2001.

Schreiber, Anne, *Human Rights in Myanmar/Burma: the Church Under Military Dictatorship*, 2004.

Special Rapporteur on freedom of religion or belief, *Rapporteur's Digest on Freedom of Religion or Belief*, 2011.

State Peace and Development Council, *Chronicle of National Development: Comparison Between Period Preceding 1988 and After (Up to 31-12-2007)*, 2008.

United Nations Human Rights Office of the High Commissioner, *Minority Rights: International Standards and Guidelines for Implementation*, 2010.

US State Department International Religious Freedom Reports on Burma, 2004 – 2011.

Women's League of Chinland, *Unsafe State: State-sanctioned sexual violence against Chin women in Burma*, March 2007.

World Food Programme, *Emergency Food Security Assessment in Southern Chin State*, March 2012.

Zomi Theological College, *Chin Church History*, 2007.

Collected reports of the UN Special Rapporteur on the situation of human rights in Myanmar.

Seeking Refuge: The Chin People in Mizoram State, India, December 2011.