ABOUT THE CHIN HUMAN RIGHTS ORGANIZATION

The Chin Human Rights Organization (CHRO) is committed to protecting and promoting human rights through monitoring, research, documentation, education and advocacy on behalf of the Chin indigenous people and other oppressed and marginalized communities in Burma/Myanmar. Through our work, we envision meaningful social change and the full enjoyment of human rights in a just, free and democratic society, where the equal dignity of all human beings is respected and upheld. CHRO was founded in 1995, by a group of Chin activists committed to documenting and exposing years of systematic human rights violations by State actors, previously unreported and unknown to the international community.

ABOUT THE CHIN PEOPLE OF BURMA/MYANMAR

Around 500,000 Chin indigenous people live in the northwestern area of Chin State in Burma/Myanmar. More Chin live in areas outside of Chin State, such as Arakan State, Sagaing, Magwe, Bago, and Rangoon Regions. The Chin self-identify as indigenous people, and are ethnically and dialectally very diverse. Despite such diversity, the Chin are unified through a shared history, cultural heritage, 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. Many communities continue to practice traditional forms of animism, while a small minority in Chin State follow Buddhism.

Chin State is one of the most underdeveloped and isolated regions in Burma/Myanmar, with inadequate road infrastructure, communication systems, healthcare and education facilities, electricity and running water. Over 70 percent of the Chin people live below the poverty line. Shifting cultivation is the primary subsistence livelihood for the largely rural communities of Chin State, who account for over 90 percent of the population.

In spite of a ceasefire agreement in effect in Chin State since 2012, CHRO continues to document serious human rights violations. An estimated 150,000 Chin are still seeking refuge in India and Malaysia.
A. Introduction

1. This submission was prepared for the Universal Periodic Review (UPR) of the Republic of the Union of Myanmar in July 2020 by the Chin Human Rights Organization (CHRO). Section B evaluates the implementation of recommendations made to the Government of Myanmar (GoM) in its previous UPR and assesses the national human rights framework. Section C details the human rights situation on the ground since the last UPR. Section D puts forward a number of recommendations to the State under Review (SUR) in order to address the human rights challenges outlined in this report.

B. National Human Rights Framework

2. Despite supporting 3 recommendations to combat impunity, Article 445 of Myanmar’s constitution continues to shield authorities from legal action relating to “any act done in the execution of their respective duties,” and the SUR has not taken significant steps to address systemic impunity for human rights abuses committed by state officials and members of the Burmese military (Tatmadaw). The SUR has regressed on the issue of forced labour which it committed to ending by 2015.2

3. The SUR supported 2 recommendations calling for full humanitarian access and provision of basic services for Internally Displaced Persons (IDPs).3 Meanwhile, the Tatmadaw maintain blockades on humanitarian access to IDPs in conflict areas, implemented under the military’s notorious “Four Cuts Policy” which seeks to cut food supplies, new recruits, intelligence sources and funds to ethnic rebels in the context of counter-insurgent operations. Furthermore, a fifth cut has been instituted via section 77 of the Telecommunications Law which has been used to initiate an on-going internet blackout in Chin State’s, Paletwa Township.

4. Having supported 1 recommendation on the need to ensure the “race and religion laws” did not undermine ethnic minorities, the package of laws remain unimplemented by the SUR.4 The indirect consequences, having not been amended or repealed, however, have further reinforced religious discrimination. Moreover, the “special position” toward Buddhism, codified in Article 361 of the 2008 Constitution and limitations on religious freedom outlined in section 34 under “public order, morality or health and to the other provisions of [the] Constitution,” continue to maintain a de-facto Buddhist State.

5. The National Education Strategic Plan (NESP) 2016-2021, giving effect to 8 supported recommendations, broadly relating to equal access to education, does not make reference to obligations under the rights to education enshrined in CRC and ICESCR.5 It also fails to acknowledge Indigenous Peoples as such. Although currently in review, this process so far has not allowed for meaningful consultation or participation.6
6. A lack of legal recognition of Indigenous Peoples in Myanmar/Burma negatively impacts on the rights to consultation for Indigenous Peoples in decision-making processes. The Ethnic Rights Protection Law 2015, the first national law which mentions *htanay-taing-yin-tha* (Indigenous Peoples) was left out entirely of the final version of the by-law despite Indigenous Peoples and CSOs advocating for its inclusion during national-level consultations.

**C. Human Rights on the Ground**

**War Crimes and Crimes against Humanity**

7. A conflict which began in 2015 between the Tatmadaw and the non-state armed group, the Arakan Army (AA) has led to widespread and systematic abuses of human rights perpetrated against the Chin people in Paletwa Township and for Chin people living in parts of northern Rakhine State. Since 2015, CHRO has documented 47 civilian deaths as a result of the conflict.

*Indiscriminate targeting of civilian infrastructure*

8. In March 2020, 3 civilians died in Tatmadaw airstrikes which hit civilian infrastructure in Pwee Wone village. On 16 March 2020, 21 civilians were killed as Tatmadaw fighter jets launched indiscriminate attacks on Ma Weik Sa village, a further 37 were injured and rushed to Samee Town for urgent medical assistance. A further 7 people were killed on 7 April 2020, as 2 Tatmadaw jets bombed the village of Hnan Chaung.

9. On 22 April 2020, heavy artillery was fired into Paletwa Town which detonated next to a nursery school, killing 3. In April 2019, an elderly lady was killed and several others injured as Tatmadaw forces bombed a civilian residence with heavy artillery in War Gyi Taung village, Ann Township, Rakhine State.

10. Since 2015, CHRO has documented instances of extra-judicial killings. On 10 June 2020, Myo Thant, an Internally Displaced Person (IDP) was shot dead outside the village of Tha Htay Kone as he and 21 others attempted to pick up food items from a deserted village for humanitarian purposes. Despite having been authorized by the tactical commander to undertake the journey, soldiers from Light Infantry Division (LID) 22 opened-fire on the lorry as it approached the village. On 28 May 2020, Daw Hawi Khin was shot dead in Mee Let Wa as she attempted to retrieve firewood from the deserted village, close to Paletwa Town. Sources informed CHRO that LIB 289 were responsible for the killing.

*Torture and other forms of ill-treatment and degrading treatment*

11. Chin civilians in northern Rakhine and Paletwa Township are actively targeted by both Tatmadaw and AA forces. Accused of collaborating with the other party to the conflict, local Chin people are often subjected to torture and other forms of inhuman and degrading treatment in conflict-affected areas.
12. On 4 Jan 2020, a Chin woman and her son were tortured by troops from LIB 371 and 372 in Ann Township, Rakhine State. Daw Ma Hla, was arrested together with her son after troops had searched the family-owned shop, having suspected her husband to be storing weapons for the AA. While detained within a school building in Kha Maung Taw village, the Tatmadaw poured boiling water onto her leg and lacerated her ankles.  

13. On 8 Jan 2020, AA soldiers tortured three members of a Chin family, including two women from Kyee Lay village in Paletwa Township. Having suspected, U Muang Kyi, a village headman, to have provided information to the Tatmadaw, his two daughters were tied to a tree by their necks and hands and beaten with bamboo. Later, U Maung Kyi was also beaten with bamboo, kicked and punched repeatedly. 

14. During the reporting period, enforced disappearance and arbitrary arrest and detention have become commonplace in southern Chin State, 12 civilians remain missing at the time of writing.

**Forced Labour**

15. The fighting in Paletwa Township has resulted in the re-emergence of conflict portering in Chin State. CHRO has documented forced labour exacted by the Tatmadaw, including soldiers forcing villagers to guide them or carry loads while acting as human shields.

16. Between Feb and April 2019, CHRO documented widespread and systematic use of civilians in the reinforcement of the LID 77, stationed in Kamaungwa village, Paletwa Township. Local villagers and IDPs were regularly engaged in a 15-mile supply line connecting Kamaungwa village and Paletwa Town, via Miza Town by civilian-owned boats and Cuanchaungwa by foot.

17. In March 2016, soldiers from LIB 538 made regular demands to Chin civilians to support the reinforcement of positions between Pikhyang, Laymyo Chau, Upae and Kawae villages located close to the Bangladesh border.

**Indiscriminate Use of Landmines**

18. Since 2015, CHRO has documented 9 landmines cases, resulting in 5 confirmed deaths. The indiscriminate use of landmines represents an attack on livelihoods where local communities rely on subsistence farming and animal husbandry, as well as threats to life.

19. On 16 November 2016, a Chin community member based in Pikhyang, a village close to the Bangladesh border in the north-west of Paletwa Township, was killed after stepping on a landmine. He was portering for the Tatmadaw who were on patrol in the area.

**Freedom of Religion and Belief**

20. During the second UPR cycle the SUR supported 17 recommendations directly related to FoRB, focused largely on the promotion of inter-faith harmony and to ensure independent investigations of all cases of violence perpetrated toward religious minority. Discrimination against religious minorities, under the General Administrative Department and Ministry of
Religious Affairs and Culture’s land registration processes, continues to impede the ability of Christians to obtain legal permission for registration of Church land. Due to this, Christian congregants are forced to circumvent laws and undertake private house worship. This leaves Chin Christians vulnerable in areas outside of Chin State from majority Buddhist communities who often see such activity as illegal, or oppose it violently, emboldened by members of Buddhist monasteries and local authorities.

**Freedom to manifest one’s religion or beliefs**

21. In December 2018, Christian people engaged in Christmas celebrations in Rakhine State and Magway Region, were attacked by mobs led by local Buddhist monks. Around a dozen Chin families which make up a small Christian community had gathered for a Christmas event outside of Sappie Village, Ann Township when approximately 40 people arrived, led by 3 Buddhist monks and ordered them to stop. A fight ensued leaving two people from the Chin community injured.22

22. Similarly, Christian worshippers were attacked by a mob of 70 people inside a house as they were gathered inside for a Christmas event in Paw Le Village, Gangaw, Magway Region. During the attack, 7 people were injured and 1 was taken to hospital in a critical condition. Although police were called, the dispute was later settled via “informal processes”.23

23. On 7 July 2017, a mob attacked Christian congregants leaving four people injured and houses belonging to local Christian families destroyed as four Christian converts refused to re-convert to Buddhism, in Teetaw Village, Sagaing Region. The police implied to the local pastor that the case should not be taken further once they had been called to disperse the mob.24

**Freedom to adopt, change or renounce a religion or belief**

24. In June 2019, CHRO documented attempts made by local authorities, in collaboration with local Buddhist monks to forcibly convert Christians in Ann Township, Rakhine State. In Padekyaw village, Christians were summoned to meetings and asked to sign documents verifying their conversion to Buddhism under threat of eviction. Local authorities also began enforcing restrictions on renting land, trading or communicating with Christians, across the entire village-tract.25

25. In 2017, four residents of Teetaw village, Sagaing Region were subjected to long term harassment and intimidation by local authorities in collaboration with the local monastery after they found out they had converted to Christianity. After refusing to re-convert to Buddhism, the village administrator requested the township authorities to banish the family from the village as the Buddhist villagers did not want to live side by side with anyone worshipping a foreign god.26

26. In 2018, the missionary pastor for Min Yua Village Tract, Magway Region reported that local authorities planned to expel a family who converted to Christianity out of Po Lay village. According to the pastor, six monks, the village tract administrator and two policemen called the recent converts to a meeting. They were informed they would be expelled from the village with
“all the communities consent”. According to the pastor, Buddhist monks from four villages in the area held meetings in order to make the cluster of villages Buddhist only.27

**Religious assembly and association**

27. In 2017, the Ministry of Home Affairs had reportedly issued orders to the GAD to monitor Christian and Muslim religious activities, such as how they are funded and with whom religious leaders are meeting.28 Since 2017 in Matupi and 2019 in Mindat Townships, permission for religious conventions or trainings are required to undergo a strict and intrusive application process. The directives state that religious events and activities require permission granted first by village tract, township and district level administrations, and then authorized by the State Department of Religious Affairs. Police authorization must also be sought. Within the application, required 2 weeks prior to the event, an affirmation letter of applicants, biography of trainers, summary of the subject matter, banner of the training, number of trainees, as well as the date and time of the training are to be submitted.29

**Internally Displaced People**

28. Since 2015, CHRO has documented instances of forced displacement as a result of the conflict in Paletwa Township. Currently, there are over 11,000 IDPs in Paletwa Township.30

29. During this period, the Tatmadaw has maintained humanitarian blockades, resulting in food shortages across Paletwa Township and 31 affecting Chin communities in Ann Township, Rakhine State.32 Furthermore, movement restrictions and an internet blackout within the Township since July 2019 has been enforced. Restrictions on information have been maintained throughout the COVID-19 pandemic.33

**Indigenous Peoples’ Rights**

**Right to Education**

30. The Chin State education system is both underfunded and due to the policy of Myanmar/Burmese language as the medium of instruction, inaccessible to Chin indigenous children whose mother tongue language is not Burmese. In the 2015/16 academic year, Chin State’s national matriculation pass rate was the lowest in the country, at 14.36%. Pass rates have remained well below the national average of 33.89% each year. Since 2017, the GoM has neglected to fill over 200 authorized teaching posts each year in Chin State.34

31. Due to the conflict circumstances, Paletwa Township has the highest frequency of unfilled teaching posts annually and figures for matriculation pass rates are particularly low, fluctuating between 7% and 11% since 2015. According to the Chin State Government, 55% of schools in the township are closed currently and a further 100 operate without a posted teacher.35 In March
2020, 61,000 students failed to sit the matriculation nationally which will mean forecasts for pass rate for 2020 will be yet lower than in previous years.  

32. Due to prevailing low socio-economic conditions in Chin State, rural communities remain vulnerable to state-sponsored cultural assimilation programmes. The Border Areas National Races Youth Development Training, (Na Ta La) schools, operating under the military-dominated Ministry for Border Affairs continue to target impoverished Chin children, offering the chance to undertake education at boarding schools. Students at the schools remain prevented from practising Christianity and have faced coercion to convert to Buddhism as well as prohibited from speaking local dialects.

**Right to Land and Natural Resources**

33. The Kaladan Multi-Modal Phase II which consists of a road that links Myanmar and India through Paletwa Township in Chin State has, to date, not been implemented with an environmental impact assessment or free, prior and informed consent with local indigenous landowners. Although local government explained that compensation packages would be granted for the road, which have only been partially honored, negotiations were not in line with national or international guidelines on free, prior and informed consent. More than 20 landowners from 4 villages of Yee Lar Wa Village Tract have still not received any compensation for lost land.

**Recommendations for the SUR:**

R.1 The SUR should sign and ratify the ICCPR, CAT, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.

R.2 Thoroughly and impartially investigate all instances of extrajudicial/unlawful killings, torture, and other forms of human rights abuse in order to bring the perpetrators to justice and to provide reparation to the victims or to their families.

R.3 Strictly abide by the Geneva Convention and international humanitarian law within conflict circumstances by ceasing the practices of; forced labour of local Chin civilians in conflict areas; indiscriminate laying landmines; the disruption of goods and supplies to IDPs and allow unhindered humanitarian access.

R.5 Allow unhindered access for international and national organizations who can provide humanitarian assistance to forcibly displaced people in Paletwa Township. Cease orders which create blanket restrictions on freedom of movement, assembly and information. Ensure special funding for the schooling of IDP children is provided.
R.6 In order to limit violence perpetrated toward ethno-religious minorities and ensure the ability to worship freely, land registration procedures in regard to religious infrastructure should be made public and transparent.

R.7 Ensure independent investigations of all cases of violence and discrimination against ethnic and religious minorities take place and are in line with international standards and ensure compliance with due process and respect for the rule of law.

R.8 In order to address the low educational attainment of children from Chin State, ensure all teaching posts are filled. Introduce special measures, including significantly increased funds and resources for schools in Chin State which support culturally appropriate methods of teaching and mother-tongue based curriculum development.

R.9 Institute an effective monitoring mechanism to provide oversight of the “Natala” school system to ensure observance of SUR’s obligations under CRC, especially those rights relating to religion, ethnicity, culture and language under Article 20 and 29 of CRC.

R.10 Conduct full EIA, SIA and FPIC with local indigenous people and compensate those who have lost land and livelihoods associated to the Kaladan Project. Clear information on benefit sharing should be provided in consultation and full participation with project affected indigenous communities. Undertake comprehensive conflict and risk assessments plans to mitigate negative impacts related to the Kaladan project.

1 Report of the Working Group on the Universal Periodic Review, Myanmar, A/HRC/25/10, 143.80 (Senegal) and 143.82 (Argentina)
3 Report of the Working Group on the Universal Periodic Review, Myanmar, A/HRC/25/10, 143.122 (Panama) and 143.121 (Kuwait)
5 Report of the Working Group on the Universal Periodic Review, Myanmar, A/HRC/25/10, 143.94 (Indonesia); 143.111 (Timor Leste); 143.112 (Nigeria); 143.113 (Iran); 143.114 (Brunei Darussalam); 143.115 (Lao People’s Democratic Republic); 143.116 (Democratic People’s Republic of Korea); 143.117 (Sri Lanka).
9 Chin Human Rights Organization, “7 Civilians killed as clashes between Tatmadaw and AA Continue” 8 April 2020
12 Chin Human Rights Organization, “IDP Shot Dead by Tatmadaw as Truck on Aid Mission is Attacked In Paletwa Township” 12 June 2020 https://us7.admin.mailchimp.com/campaigns/show?id=4157108
17 Ibid at page 22
19 CHRO: Annual Report, 2019 at p. 19, also see, CHRO: Stable and Secure, 2018 at p.16
20 Ibid
21 Report of the Working Group on the Universal Periodic Review, Myanmar, A/HRC/25/10 143.23 (Russia); 143.25 (Holy See); 143.25 (Holy See); 143.63 (Japan); 143.78-143.79 (Iceland); 143.27 (Ethiopia) 143.89 (Sudan);143.90 (Malaysia); 143.91 (Turkey); 143.92 (China) 143.93 (Korea); 143.88 (Botswana); 143.94 (Indonesia); 143.95 (Egypt); 143.96 (Holy See); 143.97 (Poland)
22 CHRO: Annual Report, 2019 at p.6
23 Ibid
24 Ibid
25 Ibid
27 Ibid
29 CHRO: Annual Report, 2019 at p.3
30 Recent figures, unpublished.
also see CHRO: Stable and Secure, 2018
34 Information provided by the Chin Education Initiative (CEI)
35 ibid
36 Myanmar Times “Over 61,000 students absent on first day of matriculation exam” 13 March 2020