

**United Nations Human Rights Council
Universal Periodic Review
Burma**



**Submission of Jubilee Campaign USA, Inc.
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A Vital Voice for Those Suffering in Silence
9689-C Main Street · Fairfax, VA 22031-3746 TEL: (703) 503-0791 FAX: (703) 503-0792 EMAIL:
jubilee@jubileecampaign.org
P.O. Box 700 · Addlestone · Surrey, KT15 9BW · United Kingdom
JUBILEE CAMPAIGN IS A NON-PROFIT, TAX EXEMPT, CHARITABLE ORGANIZATION IN THE UNITED STATES

Jubilee Campaign promotes the human rights and religious liberty of ethnic and religious minorities; advocates the release of prisoners of conscience; and protects and promotes the freedom and safety of children from bodily harm and sexual exploitation.

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United Nations Human Rights Council
Universal Periodic Review of Member-State Burma (Officially the Union of Myanmar)

Jubilee Campaign USA, Inc., in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in the Union of Myanmar, commonly known as “Burma,” as a contribution to the Universal Periodic Review of UNHRC member-state Burma.

Freedom of Religion

1. The Constitution of the Republic of the Union of Myanmar, drafted in 2008, provides that every citizen is equally entitled to the right to “freely profess and practise religion” (Article 34). It recognizes “Christianity, Islam, Hinduism and Animism as the religions existing in the Union” (Article 362) and prohibits discrimination of citizens based on religion (Article 348, 352, 368). However, Burma recognizes Buddhism as the utmost religion among all and as the predominant faith professed by the great majority of the citizens, and therefore grants it a “special position” (Article 361, 363). Indeed, approximately eighty-nine percent of Burmese citizens are Buddhist. Additionally, the abuse of religion for political purposes is forbidden (Article 364) and the practice of the religion is under the control of the Union within the purview of “public order, morality or health and other provisions of the Constitution” (Article 34). This grants broad discretion to the military junta, officially known as the State Peace and Development Council (SPDC), to inhibit freedom of religion. Therefore, despite provisions of the Constitution indicating otherwise, in reality, there is no guarantee of religious freedom for minority religions in Burma, other than Theravada Buddhism, the majority religion.¹
2. As the 2010 parliamentary election —the exact date of which is still unknown yet— in Burma approaches, it is reported that the junta’s attacks and restrictions will be intensified and strengthened, especially in the Karen state and Chin state, where the majority of citizens are Christians. Many Karen and Chin Christians belong to the Karen National Union and the Chin National Front, armed resistance groups that demand freedom and autonomy for their states. Because these Christian minority groups raise their voices for freedom and demand a fair and free election, the junta sees them as a threat to the existence of its regime and consequently is using more excessive force to suppress them.²
3. The United States Commission on International Religious Freedom notes that the regime “has one of the world’s worst human rights records.”³ Burmese government authorities destroy Christian churches and attack pastors and church-members without legitimate reasons. For example, in January 2009, churches in the Rangoon area were ordered to stop holding services and pastors were forced to sign documents promising to cease

¹ The Constitution of the Union of Republic of the Union of Myanmar, September 2008. Accessed June 22, 2010, *available at* <http://aceproject.org/ero-en/regions/asia/MM/Myanmar-Constitution-2010/view>.

² See Compass Direct News. January 20, 2010. Accessed June 22, 2010, *available at* <http://www.compassdirect.org/english/country/burma/14251/>

³ See Religious Persecution Update. December 11, 2009. Accessed June 22, 2010, *available at* <http://spectator.org/archives/2009/12/11/religious-persecution-update>.

worship services. Furthermore, the regime restricts proselytizing, evangelizing, and importing or printing religious literature including the Bible and the Qur'an. Many religious materials are under censorship. The government also requires Christians and Muslims to request permission for and report religious gatherings or worship services two to three months in advance so they can be monitored by the government.⁴

4. Rohingya Muslims in Rakhine State are not eligible for government-issued National Registration Cards (NRCs), which denies them access to education in state-run schools. As an effort to promote freedom through citizenship, UNHCR is working with the local authorities on the issuance of Temporary Registration Cards (TRCs) to Muslim residents of Rakhine State.⁵
5. It is extremely difficult for Christians or Muslims to find employment in Burma, especially in higher positions in the government. Even if they find employment, it is almost impossible for a religious minority to get promoted unless they convert to Buddhism.⁶
6. Unless registered with the government, religious organizations cannot buy or sell property or open bank accounts.⁷
7. Even the Buddhist clergy, known as Sangha, are not free from abuses by the junta if they show opposition to the regime. According to the Assistance Association of Political Prisoners in Burma (AAPP), for example, some Buddhist monks were killed during the regime's violent suppression of a 2007 pro-democracy demonstration. Many monks were arrested after the demonstration, imprisoned without fair and just legal proceedings, and treated inhumanely while detained in prison. Since the 2007 demonstration, the regime prohibits all Buddhist clergy from involvement in any political activities because it sees them as a hindrance to its continued succession in power.⁸
8. Jubilee Campaign calls for an end to the oppression and discrimination against individuals who associate themselves with minority religions and for the protection of religious freedom for all individuals in Burma.

Persecution of Ethnic Minorities

1. Ever since the military regime came into power in 1962, it planned to wipe out ethnic opposition groups in order to suppress any resistance that might arise. As a result, there are at least 500,000 Internally Displaced Persons (IDPs) in Burma, most of which

⁴ See US State Department's International Religious Freedom Report on Burma. October 26 2009. Accessed June 22, 2010, available at <http://www.state.gov/g/drl/rls/irf/2009/127266.htm>.

⁵ See 2010 UNHCR country operations profile – Myanmar. Accessed June 22, 2010, available at <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e4877d6>

⁶ See US State Department's International Religious Freedom Report on Burma. October 26 2009. Accessed June 22, 2010, available at <http://www.state.gov/g/drl/rls/irf/2009/127266.htm>.

⁷ *Id.*

⁸ *Id.*

have relocated to the jungles along the border. The junta often tracks down IDPs in hiding and commits various human rights abuses against them, including forced relocations, extrajudicial killings, arbitrary arrests or detentions, rape, village destruction, forced labor and portering. The government does not provide food, education, or security to IDPs.⁹

2. Since July 2009, over 500 houses were destroyed and burned down in the military attacks in Shan State, where ethnic groups live in fear. Almost 40 villagers were forcibly displaced. At least three villagers have been killed and over 100 villagers have been arrested and tortured.¹⁰

3. In late January and early February 2010, seven Burma Army battalions attacked villagers in Ler Doh Township in Western Karen State. Three villagers were killed and over 2,100 were displaced. Fourteen schools were abandoned and 140 buildings and houses were destroyed and burned.¹¹

4. Jubilee Campaign calls for the protection of the ethnic minorities' security in order for them to enjoy lives of integrity and dignity.

Political Oppression of Freedom of Expression

1. Arbitrary arrests or detentions of political activists are pervasive in Burma. Family members are not informed of their whereabouts or the reason for their arrests. Once they are detained, the majority is denied due process and rarely heard in the court. Moreover, the activists face life-threatening conditions in the unhygienic prisons and detention centers, which provide poor health care services and medical treatments, and inedible food. Also, extrajudicial and unlawful killings of political dissidents are not uncommon in Burma.¹²
2. On March 18, 2010, Nyi Nyi Aung, a Burmese-born American democracy activist, was released after serving five weeks of a five-year jail term, during which he endured repeated torture and was blocked access to his lawyer. He was reportedly arrested without any legitimate evidence to support the alleged charges of forgery and immigration

⁹ See US State Department's Human Rights Report on Burma. March 11, 2010. Accessed June 22, 2010, available at <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/135987.htm>; See also Mass Atrocities Against Ethnic Minority Civilians. Accessed June 23, 2010, available at <http://uscampaignforburma.org/learn-about-burma/attacks-eastern-burma>; Internally Displaced People. Accessed June 22, 2010, available at <http://www.burmaissues.org/En/idp.html>.

¹⁰ See Progress report of the Special Rapporteur on the situation of human rights in Myanmar. March 10, 2010, Accessed June 23, 2010 available at http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.48_en.pdf

¹¹ See FBR Report: 2,100 Displaced, Villages Burned, Schools Abandoned as Seven Burma Army Battalions Attack. 12 February, 2010. Accessed June 23, 2010, available at <http://www.freeburmarangers.org/Reports/2010/20100212.html>

¹² See US State Department's Human Rights Report on Burma. March 11, 2010. Accessed June 22, 2010, available at <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/135987.htm>

offenses for which he was arrested. He was likely imprisoned because of his previous involvement in the pro-democracy protests of 2007.¹³

3. A new election law was passed in Burma in March 2010, barring any citizen who has served time in prison from running in the polls and voting in the election. In anticipation of this year's elections, the junta imprisons political activists under the pretext of minor offenses. Therefore, approximately 2,100 political prisoners of conscience will be precluded from the election which will make it easier for the regime to maintain its power.¹⁴
4. Jubilee Campaign asserts that physical attacks and the illegal detainment of political dissidents are unacceptable and that the government of Burma must allow for the free expression of political opinion and association in the context of the elections. We call for the release of all political prisoners being held on false charges or being held without charges and for the abolition of the election law that disqualifies ex-convicts from voting.

Women's Rights

1. In Karen State in Eastern Burma, women are increasingly taking on the role of village chief because male village chiefs are more likely to be killed by the Burmese Army. Most female chiefs suffer from gender-based violence, including gang-rape, rape-murder, abuse while pregnant or nursing, water torture, and beheadings.¹⁵
2. Soldiers of the Burmese Army systematically rape women, many of whom are ethnic minorities, captured inside or outside of territory, every night, after forcing them to do hard labor during the day. These abuses last until they are killed or they die.¹⁶
3. Jubilee Campaign asks for the restoration of women's rights, especially in regards to protection of their bodily freedom from sexual invasion.

Children's Rights

1. The military junta claims that it provides free public education for children up to the age of ten. Yet it allocates minimal resources to public education, making free education unattainable to those who cannot afford it.¹⁷

¹³ See American Nyi Nyi Aung Released From Prison in Burma. March 18, 2010. Accessed June 22, 2010 available at <http://www.freedom-now.org/home.php>.

¹⁴ See Myanmar Deports Jailed Burmese-American Activist, March 18, 2010, Accessed June 23, 2010, available at <http://www.reuters.com/article/idUSTRE62H4HH20100318>; See also Burma's 2010 Elections: Implications of the New Constitution and Election Laws, April 29, 2010, Accessed June 23, 2010, available at http://assets.opencrs.com/rpts/R41218_20100429.pdf

¹⁵ See Walking Amongst Sharp Knives. February 2010, Accessed June 23, 2010, available at <http://www.karenwomen.org/Reports/WalkingAmongstSharpKnives.pdf>

¹⁶ See Rape as a weapon of war. Accessed June 23, 2010, available at <http://uscampaignforburma.org/rape-as-a-weapon-of-war>

¹⁷ See US State Department's Human Rights Report on Burma. March 11, 2010. Accessed June 22, 2010, available at <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/135987.htm>

2. It is reported that children are frequently sexually abused and exploited. Children that resort to prostitution in order to survive are exposed to HIV/AIDS.¹⁸

3. Burma has the largest number of child soldiers in the world.¹⁹ Burma's army continuously recruits thousands of young children under the age of eighteen, which is the minimum age of enlistment. Some soldiers are as young as 11~14.²⁰

4. Jubilee Campaign asserts that Burmese government should protect children's right to education and protect children from sexual abuse or recruitment for the army.

Summary of Recommendations

1. Burma must take active steps to rid its legal and political system of discriminatory and inhumane practices against individuals of minority religions and ethnic groups.
2. Burma must release all prisoners of conscience and guarantee freedom of political opinion and the right to vote for the 2010 elections. Furthermore, Burma must take actions to protect political dissidents and activists from arbitrary arrest and detention in the future.
3. Burma must protect more rights for women and individuals of minority groups. Security for those under attack is an absolute necessity.
4. Burma must abolish the practice of recruiting underage child soldiers and guarantee children's rights to education. It must, also, protect vulnerable children from sexual abuse and hard labor.
5. Burma must implement additional reforms to comply with international human rights standards to prevent future violation of human rights against its citizens. The SPDC should make efforts to hold a tripartite dialogue with the NLD and minority ethnic groups.
6. Burma must accept international intervention and supervision in the reformation of the current regime from a military regime to democracy, especially in light of the upcoming elections and must recognize the ethnic pro-democracy governments (KNU, SSA, KNPP, etc.), some in Burma for 60 years or more. Ethnic participation in politics is a necessity for durable peace.
7. The Burmese regime should release activist and political leader An Sung Suu Kyi from her house-imprisonment of more than 14 years.

¹⁸ *Id.*

¹⁹ See Burma Human Rights Yearbook 2008. Accessed June 23, 2010, *available at* http://www.burmalibrary.org/docs08/HRDU_YB-2008/pdf/children.pdf

²⁰ *Id.*

8. Immediate cross border relief to IDPs is needed in Burma, coordinated with the resistance groups, as all aid already goes through them.