



**JUBILEE CAMPAIGN
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**United Nations Human Rights Council
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The Republic of the Union of Myanmar

Submission by
Jubilee Campaign USA, Inc.

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**United Nations Human Rights Council
Universal Periodic Review of the Republic of the Union of Myanmar**

I. Background

1. Jubilee Campaign, in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in the Republic of the Union of Myanmar as a contribution to the Universal Periodic Review of UNHRC member-state Myanmar.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies.

2. Myanmar has ratified the Convention on the Elimination of All Forms of Discrimination against Women; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography; and the Convention on the Rights of Persons with Disabilities.
3. Myanmar has not ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the International Covenant on Civil and Political Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; the Convention for the Protection of All Persons from Enforced Disappearance; the International Convention on the Elimination of All Forms of Racial Discrimination; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Recommendation(s)

Jubilee Campaign urges the state of Myanmar to:

4. Ratify the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the International Covenant on Civil and Political Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; the Convention for the Protection of All Persons from Enforced Disappearance; the International Convention on the Elimination of All Forms of Racial Discrimination; and the International Convention on the Protection of the Rights of All Migrant Workers and Member of Their Families.

III. Violations of international human rights law

A. Freedom of thought, conscience, and religion

5. Article 361 of the 2008 Constitution of Myanmar states that “The Union recognizes [the] special position of Buddhism as the faith professed by the great majority of the citizens of the Union.”¹ This section does not formally establish a national religion.
6. Article 34 of the 2008 Constitution of Myanmar states that “every citizen is equally entitled to freedom of conscience and the right to freely profess and practice religion subject to public order, morality or health and to the other provisions of this Constitution.”
7. Despite protection of religious freedom in the Constitution of Myanmar, in 2015 the government of Myanmar ratified the Religious Conversion Bill and the Monogamy Bill, the first of which “will enable the state to regulate religious profession and conversion” by requiring that any Myanmar citizen who wishes to convert to a new religion must be at least 18 years old and must fill out an application for state approval.²
8. The Monogamy Bill prohibits polygamy and consensual sexual affairs between individuals who are not married.³
9. Myanmar is ranked the 18th most dangerous country in which to be a Christian, according to Open Doors World Watch List 2019.⁴
10. Myanmar is a Tier 1 Country of Particular Concern in the United States Commission on International Freedom’s 2019 Annual Report due to the plight of the Rohingya Muslims.⁵
11. A UN commission has decided that standards for genocide and crimes against humanity against the Rohingya Muslims have been met.⁶
12. A January 2018 trip in which USCIRF staff visited Bangladesh refugee camps in order to interview Rohingya Muslims revealed that the most common

¹ *Constitution of the Republic of the Union of Myanmar*, 2008, Chapter VIII, Article 361, available at: https://www.burmalibrary.org/docs5/Myanmar_Constitution-2008-en.pdf, accessed 6 March 2020.

² Human Rights Watch, *Burma: Discriminatory Laws Could Stoke Communal Tensions*, 24 Aug. 2015, available at: www.hrw.org/news/2015/08/23/burma-discriminatory-laws-could-stoke-communal-tensions [accessed 6 March 2020].

³ *ibid.*

⁴ Open Doors International, *Myanmar: Country Dossier*, January 2019, available at: <http://opendoorsanalytical.org/wp-content/uploads/2019/01/Myanmar-WWR-COUNTRY-DOSSIER-January-2019-update.pdf> [accessed 6 March 2020].

⁵ United States Commission on International Religious Freedom, *USCIRF Annual Report 2019 - Tier I: USCIRF-recommended Countries of Particular Concern (CPC) - Burma*, 25 April 2019, available at: https://www.uscifr.gov/sites/default/files/Tier1_BURMA_2019.pdf [accessed 6 March 2020]

⁶ *ibid.*

obstacles and hardships faced by religious minorities in Myanmar include: “institutionalized discrimination,” “increasing anti-Muslim sentiment and the related rise of Buddhist nationalism,” and “a culture of impunity and lack of accountability for human rights abuses.”⁷

13. The same trip revealed that Rohingya Muslims are strictly limited in terms of gaining citizenship, finding jobs, acquiring health care and education, and political involvement, among the other existing restrictions on religious practice.⁸
14. Other violations against minorities (both ethnic and religious), as explained by the UN General Assembly, include “statelessness, disenfranchisement, economic dispossession, marginalization, deprivation of livelihood and restrictions on freedom of movement for persons belonging to the Rohingya community.”⁹
15. Apart from born Christians and Rohingya Muslims, converts to Christianity from Islam also face a great deal of persecution: from Buddhist radicals as a result of their being a religious and an ethnic minority; and from their Muslim families for ‘abandoning’ the religion.¹⁰
16. All Burmese children are required to attend schools that teach Buddhist curriculums, recite religious texts and passages, and in Buddhist festivals and holidays.¹¹
17. The United Wa State Army, the military limb of the ruling entity of the unofficial Wa State, has used the goal of eliminating “religious extremism” as an excuse for its interrogations of religious minorities, burning and shutting down of places of worship, and even forced recruitment of Christian students into the army.¹²

Recommendation(s)

Jubilee Campaign urges the state of Myanmar to:

18. Uphold Article 34 of the 2008 Constitution of Myanmar with respect to its provision for freedom of religion.

⁷ United States Commission on International Religious Freedom, *Burma Country Report*, April 2018, available at: <https://www.uscirf.gov/sites/default/files/2018-Burma-Country-Update-508.pdf> [accessed 6 March 2020]

⁸ *ibid.*

⁹ General Assembly resolution 73/264, *Situation of human rights in Myanmar*, A/RES/73/264 (22 January 2019), available at: undocs.org/en/A/RES/73/264.

¹⁰ *Open Doors International*, *supra* note 4.

¹¹ *ibid.*

¹² *ibid.*

19. Repeal both the Religious Conversion Bill and the Monogamy Bill or amend it to not target religious converts and religious minorities.
20. Cease all discrimination against and persecution of religious and ethnic minorities, with specific focus on Christians and Rohingya Muslims.
21. Publicly condemn misinformed anti-Muslim sentiment.
22. Provide for political, economic, and social equality of Rohingya Muslims.
23. Place unbiased and trained police and protective forces in states of Myanmar that display high rates of discrimination, persecution, and violence towards ethnic and religious minorities.

B. Sexual and Gender-Based Violence

24. A report by the United Nations Human Rights Council reveals that, in 2017- a year during which government officials and radical Buddhists cracked down on Rohingya Muslims in the Rakhine State- rape, gang rape, “burning of genitals and nudity,” and murder of Rohingya Muslim women and girls- as well as women and girls of ethnic minorities by Tatmadaw troops- had been very common. The HRC concludes that these acts constitute “crimes against humanity of torture, inhumane acts and persecution.”¹³
25. The relatively low rate of sexual violence committed by Tatmadaw during other incursions compared to the extremely high rate of sexual violence towards Rohingya Muslim women and girls shows that rape was used as a “strategy to degrade the population.”¹⁴

Recommendation(s)

Jubilee Campaign urges the state of Myanmar to:

26. Publicly condemn all acts of sexual and gender-based violence.
27. Punish all perpetrators of sexual and gender-based violence, including Tatmadaw troops.

C. Human Trafficking and Exploitation of Labor and Sex

¹³ UN Human Rights Council, *UN Human Rights Council: Report of the independent international fact-finding mission on Myanmar*, A/HRC/42/50 (8 August 2019), available at: undocs.org/en/A/HRC/42/50 [accessed 6 March 2020].

¹⁴ UN Human Rights Council, *supra* note 23.

28. The government of Myanmar adopted an Anti-Trafficking in Persons Law in 2005, which works “to prevent, and suppress the trafficking in persons as a national duty as it damages the pride and pedigree of Myanmar nationality that should be valued safeguarded by Myanmar race.”¹⁵
29. Women and teenage girls from Myanmar’s northern Kachin State are sometimes promised jobs in China by brokers, only to be sold as brides. These women and girls often face abuse from their spouses and are used only to bear and raise children.¹⁶
30. There are also problems in Myanmar regarding internal trafficking, through which “men and boys are trafficked for forced labor in industrial and agricultural sites. Women and girls in villages are trafficked to urban areas and other locations, such as fishing villages, border towns, mining areas, and military camps for sexual exploitation.”¹⁷
31. The U.S. State Department reveals that “there were reports that government officials were complicit in both sex- and -labor trafficking, including by hindering law enforcement efforts against the perpetrators, and by subjecting incarcerated populations to unlawful prison labor.”¹⁸

Recommendation(s)

Jubilee Campaign urges the state of Myanmar to:

32. Uphold the 2005 Anti-Trafficking in Persons Law and effectively work towards the elimination of all internal, transnational, and international exploitation and trafficking of labor and sex.
33. Prosecute all perpetrators of trafficking and exploitation, including government officials that have direct and/or indirect ties to or are complicit in the trafficking of humans.

D. Internally Displaced Persons

¹⁵ The Union of Myanmar the State Peace and Development Council, *The Anti Trafficking in Persons Law*, 13 September 2005, available at: <http://un-act.org/wp-content/uploads/2015/10/The-Anti-Trafficking-in-Persons-Law.pdf> [accessed 6 March 2020] at Chapter II, Article 4 (a).

¹⁶ UN Women, *Tackling Human Trafficking in Myanmar*, 3 January 2019, available at: <https://www.unwomen.org/en/news/stories/2019/1/feature-tackling-human-trafficking-in-myanmar> [accessed 6 March 2020].

¹⁷ *ibid.* at p.1.

¹⁸ US Department of State, *Trafficking in Persons Report June 2019*, June 2019, available at: <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf> [accessed 6 March 2020].

34. In the first half of 2019, around 81,000 new displacements were recorded in Myanmar, of which 42,000 were the result of conflict and 39,000 were due to disasters.¹⁹
35. The new displacements caused by natural disasters were primarily due to Monsoon-triggered flooding and landslides, while the displacements related to conflict were due to fighting between the national military and separate groups.²⁰
36. More than half of the population of internally displaced persons in Myanmar have not received humanitarian aid.²¹
37. “The shrinking humanitarian space has heightened the vulnerability of internally displaced persons, with an acute impact on women and children, who are exposed to landmines, arbitrary arrests and sexual violence while looking for food or farming their land in conflict-affected areas.”²²

Recommendation(s)

Jubilee Campaign urges the state of Myanmar to:

38. Make steps towards eradicating the main causes of internal displacement, such as ethnic violence and religious violence, and make steps to alleviate the effects of industrialization, poverty, and natural disasters on vulnerable communities.
39. Extend humanitarian access to include non-government-controlled areas.

IV. Freedom of Expression and Assembly

A. Political Expression

40. The government of Myanmar has the authority to deny operational licenses to media outlets whose output is considered to be dangerous to national security.²³
41. As criticism of the ruling National League for Democracy (NLD) has increased, government officials have charged multiple (at least 61) critics and protestors with defamation using the Telecommunications Act Section 66(d), which states

¹⁹ Internal Displacement Monitoring Center, *Mid-Year Figures Internal Displacement from January to June 2019*, 12 September 2019, available at: https://www.internal-displacement.org/sites/default/files/inline-files/2019-mid-year-figures_for%20website%20upload.pdf [accessed 6 March 2020].

²⁰ Internal Displacement Monitoring Center, “Myanmar Country Information”, 2019, available at: <http://www.internal-displacement.org/countries/myanmar> [accessed 6 March 2020].

²¹ UN Human Rights Council, *supra* note 23, at para 62.

²² *ibid.*, at para. 62.

²³ Freedom House, *Freedom in the World 2019: Country Report Myanmar*, 2019, available at: <https://freedomhouse.org/country/myanmar/freedom-world/2019>, at Chapter D Freedom of Expression and Belief, Subheading D1, Are there free and independent Media? [accessed 6 March 2020].

that “anyone found guilty of extorting, coercing, restraining wrongfully, defaming, disturbing, causing undue influence or threatening any person by using any telecommunications network shall be punished with a maximum of three years in prison, a fine or both.”²⁴

42. Human Rights Watch reports that “in the past two and a half years, an increasing number of journalists have been arbitrarily arrested, detained, imprisoned, and physically attacked.”²⁵
43. Free Expression Myanmar surveyed approximately 200 Burmese journalists regarding the repression of free press, and this survey revealed that most journalists reported a decrease in their freedom to report on critical issues and an increase in violence directed towards journalists.²⁶

Advanced Questions

44. Myanmar supported recommendations 144.80 and 144.81 by Belgium and Ghana respectively, promising to commit to review the News Media Law and the Printing and Publication Enterprise Law of 2014 to ensure it conforms to international human rights standards with regards to the goal of enhancing freedom of speech in the country. How has Myanmar worked to implement these recommendations? Have they faced any challenges?
45. Myanmar also supported recommendation 143.99 to further ensure that those who legitimately exercise their rights to freedom of expression and freedom of assembly are not subject to reprisals. What other areas, apart from reviewing laws, does Myanmar believe need reform or review to ensure the full right to freedom of expression for its citizens?

Recommendation(s)

Jubilee Campaign urges the state of Myanmar to:

46. Cease the unfair application of the Telecommunications Act Section 66(d) to arbitrarily arrest and charge activists, protestors, and critics in line with Myanmar’s prior commitments at the 23rd Session review.

²⁴ Burma Campaign UK, *Burma’s Repressive Laws: Section 66 (D) of the Telecommunications Law*, 2017, available at: <https://burmacampaign.org.uk/take-action/free-political-prisoners/section-66-d-of-the-telecommunications-law/> [accessed 6 March 2020].

²⁵ Human Rights Watch, *Dashed Hopes: Criminalization of Peaceful Expression in Myanmar*, 31 January 2019, available at: <https://www.hrw.org/report/2019/01/31/dashed-hopes/criminalization-peaceful-expression-myanmar> [accessed 6 March 2020] at

²⁶ Free Expression Myanmar, *Myanmar’s media freedom at risk*, May 2018 available at: <http://freexpressionmyanmar.org/wp-content/uploads/2018/05/myanmars-media-freedom-at-risk.pdf> [accessed 6 March 2020].

47. Train judges to interpret and apply laws favorable to international standards, allowing for freedom of expression, as recommended by Burmese journalists, during the next reporting period.

B. Freedom of Assembly

48. Myanmar ratified the Peaceful Assembly and Peaceful Procession Law in 2011, which, although only requiring protestors to notify authorities in advance of the event, leads officials to “often treat this process as a request for permission in practice.”²⁷
49. The law gives police the authority to put an end to assemblies that they feel meet certain vague qualifications of a “threat,” and the police are allowed to use force if and when 'necessary' to respond to such assemblies.
50. Government officials and police have put off approvals of assemblies to a later date than the day of the assembly, so that when protestors hold the assembly, officials can explain that they did not give the protestors permission to hold an assembly. This occurs despite the fact that the act of informing officials should only be a notification, not a request for approval.²⁸

Recommendation(s)

Jubilee Campaign urges the state of Myanmar to:

51. Cease the unfair and illegal application/interpretation of the Peaceful Assembly and Peaceful Procession Law.
52. Prohibit police from using force to disperse peaceful assemblies.

V. Rights of Children

A. Health and Disease

53. “The under-five mortality rate of 50 per 1,000 live births is one of the highest in the ASEAN region, with many of those deaths preventable and half of all deaths occurring among newborns.”²⁹
54. About 29% of children younger than five years old face growth stunting.³⁰

²⁷ Freedom House, *supra* note 39, at Chapter E Associational and organizational rights, subheading E1, Is there freedom of assembly?.

²⁸ Progressive Voice, *supra* note 46, at p. 6.

²⁹ UNICEF, *Children in Myanmar*, available at: <https://www.unicef.org/myanmar/children-myanmar> [accessed 6 March 2020].

³⁰ UNICEF, *Children in Myanmar*, 2016, available at: <https://www.unicef.org/myanmar/children-myanmar> [accessed 6 March 2020].

55. “Maternal undernutrition poses serious risks for both mother and child, including low birth weight for the newborn child and susceptibility to disease.”³¹

Recommendation(s)

Jubilee Campaign urges the state of Myanmar to:

56. Teach safe sex practices and discourage needle sharing among drug users to prevent the spread of HIV/AIDS which has lasting, detrimental effects on the health of the entire community, particularly children.

57. Install additional and better water, sanitation, and hygiene (WASH) provision services in destitute regions and communities and promote good hygiene practices to prevent the spread of illnesses such as polio and diarrhea.

58. Provide free pre-natal care and nutrition services to vulnerable women and pregnant mothers.

59. Continue to expand immunization and vaccination efforts.

B. Child Labor and Exploitation

60. The government of Myanmar failed to release any confirmation that perpetrators of child labor recruitment and exploitation were prosecuted.³²

61. According to the Department of Labor’s 2018 Findings on the Worst Forms of Child Labor report, “at least 174 unverified cases of recruitment [of children] into Tatmadaw ranks were under review at the end of 2018”³³

62. Various other armed coalitions were confirmed to be recruiting children as soldiers.³⁴

63. “Children in Burma are required to attend school only up to age 10. This standard leaves children ages 10 through 13 vulnerable to child labor because they are not required to attend school but are not legally permitted to work.”³⁵

³¹ UNICEF, *Health and Nutrition*, 2016, available at: <https://www.unicef.org/myanmar/health-and-nutrition> [accessed 6 March 2020].

³² *ibid.*

³³ *ibid.*, at p. 2.

³⁴ *ibid.*

³⁵ *ibid.*

Recommendation(s)

Jubilee Campaign urges the state of Myanmar to:

64. Prosecute all violators of child rights, including perpetrators of child labor recruitment and exploitation.
65. Be transparent about recorded perpetrators of child exploitation and any related prosecution.
66. Condemn all acts of child exploitation and labor recruitment and punish government and police officials that are complicit in the crime.

C. Education

67. As most schools and universities are in major cities with higher average incomes, the cost of transportation for poor students from rural areas often amounts to more than they can afford to pay.³⁶
68. Burmese families tend to value education for their sons more than for their daughters, and often times they will remove their daughters from schooling when there is not enough money to pay for education fees.³⁷

Recommendation(s)

Jubilee Campaign urges the state of Myanmar to:

69. Dedicate more of the national budget to developing educational facilities and to education in general.
70. Promote equal education for all and encourage families to educate their daughters at the same level as their sons.

VI. Summary of Recommendations

71. Uphold Article 34 of the 2008 Constitution of Myanmar with respect to its provision for freedom of religion.
72. Repeal both the Religious Conversion Bill and the Monogamy Bill or amend it to not target religious converts and religious minorities.
73. Punish all perpetrators of sexual and gender-based violence, including Tatmadaw troops.

³⁶ <http://www.oxfordburmaalliance.org/education-in-burma.html>

³⁷ <http://www.oxfordburmaalliance.org/education-in-burma.html>

74. Uphold the 2005 Anti-Trafficking in Persons Law and effectively work towards the elimination of all internal, transnational, and international exploitation and trafficking of labor and sex.
75. Prosecute all perpetrators of trafficking and exploitation, including government officials that have direct and/or indirect ties to or are complicit in the trafficking of humans.
76. Cease the unfair application of the Telecommunications Act Section 66(d) to arbitrarily arrest and charge activists, protestors, and critics.
77. Cease the unfair and illegal application/interpretation of the Peaceful Assembly and Peaceful Procession Law.
78. Provide free pre-natal care and nutrition services to vulnerable women and pregnant mothers.
79. Prosecute all violators of child rights, including perpetrators of child labor recruitment and exploitation.
80. Dedicate more of the national budget to developing educational facilities and to education in general.
81. Promote secondary schooling and encourage children to continue their education after their 5-year minimum requirement.