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Myanmar*

The present report is a summary of 47 stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

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Information provided by stakeholders

A. Background and framework

1. Scope of international obligations

1. A number of organizations pointed out that, during its first UPR in 2011, Myanmar had supported recommendations to consider signing and ratifying core human rights treaties, but had made no significant progress.[2]

2. Institute for Human Rights and Business (IHRB) recommended that Myanmar ratify the remaining five of the eight ILO Fundamental Conventions and ILO Convention No. 169 on Indigenous and Tribal Peoples.[3]

3. Joint Submission 1 (JS1) and Karen Human Rights Group (KHRG) recommended that Myanmar immediately ratify the 1997 Anti-Personnel Mine Ban Treaty[4] (Ottawa Treaty).[5]

2. Constitutional and legislative framework

4. Asian Legal Resource Centre (ALRC) stated that, under the Constitution, the military was placed outside of the judicial authority.[6] Joint Submission 5 (JS5) indicated that 25 per cent of the seats in the legislative bodies were reserved for the military and that those appointed members of military effectively held a veto over any legislation or constitutional amendments.[7]

3. Institutional and human rights infrastructure and policy measures

5. Myanmar National Human Rights Commission (MNHRC) noted that it had been established by the Presidential Ordinance in September 2011. In order to be in compliance with the Paris Principles, the MNHRC Law had been enacted by Parliament in March 2014 as Law No. 21/2014.[8]

6. JS1 stated that MNHRC did not guarantee total independence from the Executive.[9] Joint Submission 4 (JS4) stated that the selection and appointment of MNHRC members lacked transparency. MNHRC also included officials from the previous military regime. Furthermore, MNHRC had failed to effectively investigate human rights violations, including the January 2014 Du Chee Yar Tan violence, in which at least 48 Rohingya had reportedly been killed, as well as attacks against civilians in Kachin and Shan States.[10]

7. Joint Submission (JS13) indicated that the MNHRC did not ensure confidentiality of complaints, which particularly impacted women who were victims of sexual violence.[11]

B. Cooperation with human rights mechanisms

1. Cooperation with special procedures

8. Christian Solidarity Worldwide (CSW) stated that, in 2013, the Special Rapporteur on the situation of human rights in Myanmar had been left unprotected when a 200-strong mob attacked his car during his visit in Meikhtila. The subsequent Special Rapporteur on the situation of human rights in Myanmar had also experienced sexist intimidation during her visit to the country in January 2015.[12] International Service for Human Rights (ISHR) recommended that Myanmar cooperate promptly, substantively and fully with the Special Procedures of the Human Rights Council.[13]

2. Cooperation with the Office of the United Nations High Commissioner for Human Rights

9. A number of organizations indicated that Myanmar had not followed up on the invitation for OHCHR to establish a country office, despite promises made by President Thein Sein and recommended that Myanmar facilitate the establishment of an OHCHR office, which would be able to operate throughout the country with a full promotion and protection mandate.[14]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

10. Joint Submission 10 (JS10) and JS13 stated that women had been effectively excluded from participating in negotiations for peace in relation to the Government's conflicts with ethnic groups.[15]

11. Lutheran World Federation (LWF) indicated that, in October 2013, the Myanmar Government had published the National Strategic Plan for the Advancement of Women 2013-2022. However, little progress had been made to implement it, largely due to the lack of financial and human resources as well as poor coordination between government departments.[16]

12. IHRB stated that women often did not receive equal pay for work of equal value.[17]

13. A number of organizations expressed serious concern about a package of four laws aimed at "protecting race and religion".[18] Amnesty International (AI) noted that, in January 2015, Parliament had begun consideration of these laws. However, they were discriminatory, and two of them – the Religious Conversion Bill and the Buddhist Women's Special Marriage Bill – were inherently flawed. The Population Control Healthcare Law lacked sufficient safeguards against all forms of discrimination, while the Monogamy Bill prohibited extramarital affairs and cohabitation.[19]

14. Society for Threatened Peoples International (STPI) indicated that these four bills had been proposed by an extremist Buddhist organization, which was connected to the nationalist Buddhist monk Wirathu and the 969 movement.[20] Open Doors International (ODI) stated that these bills had been demanded by the 969 movement, but were also supported by more than one million signatures of citizens across the country.[21]

15. According to STPI, the Buddhist Women's Special Marriage Bill prescribed Buddhist women to get permission from both parents and local government officials before marrying men from another religious faith, while non-Buddhist men were forced to convert to Buddhism before marrying Buddhist women.[22] ADF International stated that the bill made it more onerous for a non-Buddhist man to marry a Buddhist woman.[23]

16. STPI reported that, according to the Population Control Bill, the Government put a limit to the number of children people could have.[24] SEDF stated that this bill stipulated that women wait 36 months between having children, indirectly forcing birth control mechanisms. This was unacceptable to some religious groups.[25]

17. As for the Monogamy Bill, SEDF stated that it disallowed extramarital affairs and punished those caught engaging in them. This bill could unfairly target religious minorities.[26]

18. Justice Trust (JT) stated that leaders of the 969 movement were able to travel and deliver messages of hate freely throughout the country and hold mass rallies.[27] Joint

Submission 11 (JS11) stated that measures to prevent or at least mitigate incitement were non-existent.[28]

19. Smile Education and Development Foundation (SEDF) noted that the institutionalization of racist policies extended to the composition of the Government and authorities. Senior government offices and military ranks were unofficially reserved for Buddhists. Local police in most regions lacked religious diversity as they were primarily composed of Buddhists.[29]

20. Women Peace Network – Arakan (WPNA) stated that anti-Muslim sentiment was increasing throughout the country as evidenced by the growth of the 969 and Ma Ba Tha movements and by violence in 2013 outside of Mandalay and in other locations throughout the country.[30] Organization for Defending Victim of Violence (ODVV) reported that the Rohingyas continued to face restrictions on the freedom of movement, on access to land, food, water, education and health care, and on marriages and birth registration.[31]

21. According to LWF, 76 per cent of children in Chin State did not possess a birth certificate and 35 per cent of children affected by armed conflict were unregistered.[32] WPNA stated that Rohingya children, whose parents were alleged to have violated restrictions on marriage or birth rate or committed other unapproved acts, had been denied birth certificates.[33]

22. Kaleidoscope Australia Human Rights Foundation (KAHRF) stated that Myanmar law expressly discriminated against LGBTI persons. Consensual same-sex conduct had been a crime under the 1860 Penal Code.[34]

2. Right to life, liberty and security of the person

23. AI and Joint Submission 3 (JS3) stated that the death penalty remained part of the legislative framework and courts continued to impose death sentences.[35]

24. KHRG noted the extensive use of antipersonnel and other mines by a range of actors.[36] JS4 indicated that Myanmar still produced landmines and that troops actively used them against civilians in violation of international humanitarian law.[37]

25. JS1 and Fortify Rights (Fortify) indicated that, in February 2015, the Myanmar Army and Myanmar National Democratic Alliance Army had commenced fighting in the Kokang region of northern Shan State, forcing tens of thousands of civilians to flee. According to Joint Submission 2 (JS2) and Fortify, the Myanmar Army had been implicated in attacks on civilians and extrajudicial killings in the area.[38]

26. JS4 indicated that, since the last UPR, the *Tatmadaw* (Myanmar Army) had broken a 17-year ceasefire with the Kachin Independence Army and resumed hostilities against other ethnic armed groups in Kachin and Northern Shan States. The *Tatmadaw* also conducted military operations against ethnic armed groups in Karen and Mon States, in violation of a 2012 ceasefire with Karen groups.[39]

27. JS4 continued that abuses committed by the *Tatmadaw* in the context of ongoing armed conflicts included: extrajudicial killings; rape and sexual violence against women and girls; arbitrary arrests; torture; forced displacement; the use of human shields and minesweepers; forced labour; the recruitment of child soldiers; and enforced disappearances.[40]

28. CIVICUS stated that, since Myanmar's first UPR in 2011, security forces had continued to use excessive, indiscriminate and even deadly force to disrupt and disperse public protests.[41] AI reported the police's use on 29 November 2012 of white phosphorus munitions against monks and villagers who had been peacefully protesting against the Letpadaung mine in central Myanmar.[42] The Assistance Association for Political Prisoners

(AAPP) and Fortify stated that the National Education Law protests standoff in Latpadan in March 2015 had ended in the arrest of approximately 127 people and the use of excessive force by police.[43] FLD (Frontline Defenders) and JS8 raised similar concern.[44]

29. KHRG noted that torture and killings had been mainly perpetrated by the government army and the Border Guard Force (BGF).[45] JS4 indicated that torture was still used during interrogations in prisons and in conflict areas. It noted reports of civilians being arrested and tortured for their alleged affiliation with ethnic armed groups.[46]

30. AAPP stated that, although ICRC was permitted a degree of access to some prisons, their ability to improve prison conditions was severely limited. According to AAPP, the current poor prison conditions were tantamount to a form of torture.[47]

31. JS4 stated that more than 1,000 political prisoners had been released in presidential amnesties. In July 2013, President Thein Sein had pledged to release all remaining political prisoners by the end of 2013. By the start of 2014, however, approximately 40 political prisoners had remained behind bars. By the end of January 2015, there were 159 convicted political prisoners in jail, and another 213 awaiting trial.[48]

32. FLD expressed concern about the criminalisation of legitimate and peaceful protests by communities affected by development projects. Farmers and land rights defenders had been harassed, arbitrarily detained, and in some cases killed for challenging land confiscation.[49]

33. The Arakan Project (AP) stated that, in the months following the unrest in Maungdaw Township on 8 June 2012, more than 1,000 Rohingyas had been arrested and detained. At least 62 died in custody in Buthidaung Jail from torture and beatings. 72 children had been among those jailed.[50]

34. WPNA stated that NaSaKa—a BGF made up of army, police, immigration, and customs officials—had arbitrarily arrested and detained thousands of Rohingyas in the years following the first UPR. While NaSaKa had been disbanded in 2013, many of the same practices had continued.[51]

35. Referring to Recommendations 104.11[52], 104.32[53], 104.36[54], 104.39[55], 105.3[56], 105.8[57] and 105.10[58] on violence against women, MNHRC noted that the Prevention of Violence Against Women Law was being drafted.[59]

36. CSW stated that violence against women and the use of rape as a weapon of war remained widespread.[60] University of Hawaii Law School (UHLS) indicated that sexual violence against ethnic women by the Burmese military was systematic.[61] Gender Equality Network (GEN) stated that women living in conflict affected areas in Kachin State, Rakhine State, and in the southeast were particularly at risk of gender-based violence.[62]

37. Akhaya Women (AW) stated that the colonial era Penal Code remained the primary legislation concerning violence against women. Sexual violence was criminalized on the basis that it offended a women's 'modesty'.[63]

38. LWF and UHLS indicated that Myanmar lacked a specific law criminalizing domestic violence. Rape was illegal but spousal rape was not, unless the wife was under 14 years of age.[64]

39. Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that corporal punishment of children was lawful, despite repeated recommendations to prohibit it by the Committee on the Rights of the Child and during the 1st cycle UPR.[65] It was unlawful as a sentence for crime but it was lawful in the home, alternative care settings, day care, schools and penal institutions.[66]

40. IHRB indicated that child labour was widespread in various sectors. Children also ended up as beggars on the streets, bus and railway stations and at tourist attractions.[67]

41. ODVV reported that more than 5,000 children were serving in the military, not including those who had been recruited as children but were now past their 18th birthdays.[68]

42. Joint Submission 8 (JS8) stated that, in 2012, Myanmar had signed a Joint Action Plan with the Country Task Force on Monitoring and Reporting (CTFMR) to end the recruitment of children into the armed forces. Some 600 children had since been released from the armed forces. However, CTFMR had not been granted full and free access to conflict areas and areas controlled by ethnic minority group.[69]

43. Joint Submission 14 (JS14) welcomed the submission to Parliament of the draft legislation repealing the Towns Act and the Village Act of 1907.[70] Myanmar had signed the Memorandum of Understanding with ILO on 16 March 2012 for the elimination of all forms of forced labour by 31 December 2015. However, according to JS14, many industries and private sectors were not prepared to implement this.[71]

44. JS8 stated that children were trafficked for many different purposes, including for forced conscription into the State army and non-State armed groups; begging; drug-related crimes; forced labour; domestic servitude; sexual exploitation; and forced marriages.[72]

45. Joint Submission 6 (JS6) indicated that the Ministry of Immigration and Population spearheaded Myanmar's migration policy, however, that the policies adopted had been insufficient to address issues of trafficking and exploitation.[73]

3. Administration of justice, including impunity, and the rule of law

46. ALRC noted that, despite Recommendation 104.37[74], Myanmar had failed to initiate any step in ensuring the country's judicial independence.[75] According to International Commission of Jurists (ICJ), judges rendered decisions based on orders coming from government and military officials.[76] Corruption was prevalent.[77]

47. ICJ stated that more than 1,000 lawyers had been disciplined over the past 20 years, with many having their licenses revoked or suspended. As many as 200 lawyers who had been disbarred for political reasons might remain without licenses.[78] International Bar Association's Human Rights Institute (IBAHRI) expressed similar concern.[79]

48. IBAHRI indicated that Myanmar guaranteed access to legal aid only in cases attracting the death penalty.[80]

49. ALRC noted that, in Myanmar, the police did not perform its functions as a discrete professional civilian force but as a paramilitary and intelligence agency under command of the armed forces.[81]

50. ICJ stated that the Writ of Habeas Corpus was guaranteed in article 378 (a) of the Constitution. However, it had never been issued and nobody appeared to have been able to bring proceedings to challenge the lawfulness of their detention before a court.[82]

51. Joint Submission 9 (JS9) stated that political prisoners had been released with no programme of restorative justice. They still had criminal records, and received no compensation, and no support for the medical care they needed to recover from torture and other ill-treatment.[83]

52. Harvard Law School International Human Rights Clinic (HLS IHRC) highlighted that the military had perpetrated crimes against humanity and war crimes during the first year of the 2005-2008 military offensive ("Offensive") in Kayin State and that there was sufficient evidence satisfying the arrest warrant standard of the ICC for Lieutenant General Ko Ko and two other commanders.[84]

53. Joint Submission 13 (JS13) indicated that, since 2011, systematic sexual violence against ethnic populations by the Myanmar military had continued, with near total impunity.[85] Impunity for military perpetrators was enshrined in Article 445 of the 2008 Constitution.[86] JS10 stated that prosecution of cases involving human rights violations by the military was undertaken in private through the court-martial system and that the vast majority of women and girls did not receive redress.[87]

54. Chin Human Rights Organization (CHRO) stated that point 12 of the May 2012 agreement between the Chin National Front (CNF) and the Government provided for immunity from retrospective criminal prosecution for CNF members.[88]

55. AI stated that the authorities had yet to conduct an independent, impartial and effective investigation in to the large-scale and widespread violence erupted between Buddhist communities and mostly Rohingya communities in Rakhine State in 2012, or to bring all those responsible to justice.[89]

56. KHRG noted an increasing number of reports about methamphetamine abuse and sale. BGF commanders and Myanmar army soldiers were the most commonly reported perpetrators of drug-related abuses.[90] JS10 stated that the Government had failed to prosecute those involved in the cultivation of opium and the production of synthetic drugs.[91]

57. JS1 indicated that the age of criminal responsibility was 7 years, which did not conform to the international standards.[92]

4. Right to privacy, marriage and family life

58. Privacy International (PI) indicated that Myanmar had yet to draft laws that governed the interception of communications by law enforcement.[93] PI also noted lack of transparency of agencies conducting surveillance. These included the Office of Chief of Military Intelligence and the police force.[94] Furthermore, Myanmar did not have a law regulating the protection of personal data.[95]

59. WPNA stated that local authorities in Northern Rakhine State (NRS) applied burdensome requirements to Muslim marriages and limited the number of children that Muslim families were allowed to have.[96] AP stated that Rohingyas in NRS were the only community who must apply for official permission to marry.[97]

5. Freedom of movement

60. FLD stated that prominent human rights defenders were not able to obtain passports. The Ministry of Home Affairs had refused to issue passports to former political prisoners.[98]

61. AP stated that Rohingya must apply for a special permit to travel between townships even within NRS. Many new road check-posts had been established after the 2012 violence. This, combined with curfew regulations, had further reduced freedom of movement for the Rohingya.[99]

6. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

62. SEDF stated that religious minorities' sacred spaces, clergy and religious traditions/holidays were often monitored and controlled. Officials had censored Islamic sermons, ceremonies and festivals and denied permission to build new Mosques in some areas.[100]

63. Unrepresented Nations and Peoples Organization (UNPO) indicated that Christian religious practices were still hindered by the Buddhist driven government policies, even in

Chin State, where the majority of the population was Christian.[101] CHRO raised similar concern.[102]

64. ADF International informed that the Religious Conversion Bill, part of the package of four bills, required anyone who wanted to convert to another religion to get approval from a government committee.[103] The bill also criminalized applying for a religious conversion "with an intent to insult, disrespect, destroy, or to abuse a religion". However, it was unclear how this determination could be made.[104]

65. JS9 stated that criminal defamation was still on the statutes. Various national security provisions also remained in place, which had been used to imprison journalists and other writers.[105]

66. JS9 indicated that the Printing and Publications Enterprise Law was unclear in its purpose and objective, and definitions as to who the law applied to were vague, as were articles on content restriction.[106] Under this law, publications were required to register with the Ministry of Information.[107]

67. JS12 stated that the News Media Law had entrenched State controls over the print media and failed to guarantee minimum standards of press independence and freedom.[108]

68. JS11 indicated that access to even the most basic information was largely unattainable, even at the highest levels of the Government. Members of Parliament (MPs) could not get access to government or administrative information. Requesting access was particularly dangerous for journalists and MPs, as it quickly resulted in the threat of criminal sanctions under the Penal Code.[109]

69. CIVICUS stated that NGOs continued to face unwarranted restrictions under the 2014 Association Registration Law.[110] Under this law, the authorities were endowed with excessive discretion to deny registration to NGO on vague and unspecified grounds.[111]

70. JS11 indicated that, since the first UPR, the Government had adopted and later amended the Law on the Right to Peaceful Assembly and Peaceful Procession (LRPAPP). However, the 2014 amendment had failed to bring it into line with international standards.[112] AAPP stated the LRPAPP had repeatedly been used to imprison peaceful protesters.[113]

71. ISHR recommended that Myanmar amend the LRPAPP by repealing the article 4 requirement for organisers of a protest to seek permission from police, together with article 18, which criminalised participation in an unauthorised protest.[114]

72. JT stated that villagers who sought to voice legitimate opposition to illegal land grabs were often violently put down by police and local authorities.[115] AI indicated that the Government had used Article 144 of the Code of Criminal Procedure to block access to land, allowing the authorities to arbitrarily arrest farmers and to restrict any assembly in those areas.[116]

73. AP stated that a September 2014 amendment to the 2010 Political Parties Registration Law required party leaders to be full citizens, and party members to be full or naturalised citizens, thereby excluding the Rohingyas to form or join political parties.[117]

74. According to JS5, for the registration of political parties, the legal framework included ambiguous and subjective requirements to respect "national solidarity" and to be "loyal to the State".[118]

75. Referring to Recommendation 105.1[119], MNHRC noted that the Election Commission was preparing for ensuring free, fair and transparent elections to be held in November 2015. MNHRC recommended that the Election Commission consider inviting the local and international observers to monitor the elections.[120]

76. JS13 indicated that Myanmar's military-drafted 2008 Constitution contained provisions affirmatively excluding women from civil service, creating a fundamental barrier to participation of women in public and political life on an equal basis with men.[121] GEN stated that, in 2014, women made up just 4.6 per cent of parliamentary representatives at the national level, and held only 2.9 per cent of seats in state and regional legislatures.[122]

7. Right to work and to just and favourable conditions of work

77. IHRB stated that a non-judicial labour dispute settlement system to resolve disputes between workers and employers was in place, but implementation was still weak due to lack of adequate knowledge about newly-enacted labour laws and labour rights in general.[123]

78. JS14 stated that, in August 2012, Parliament had revised the Social-Security Law of 1954. However, the minimum wage and equal rights of domestic workers, migrant workers and seafarers were not clearly mentioned in this law.[124]

8. Right to social security and to an adequate standard of living

79. UNPO and ODI stated that the poverty rate was the highest in Chin State.[125] According to ODI, poverty drove mothers to marry off their daughters to insurgents. It also forced Chin to work in poppy farms owned by the insurgents.[126]

80. Concerning recommendation 104.42[127], JS2 stated that livelihood, right to food and security for rural communities were severely compromised by large-scale infrastructure development projects, creating poverty rather than sustainable livelihood opportunities.[128]

81. AI reported forced evictions of people from their home and farmland between 2011-2014, due to the land acquisition for the Letpadaung mine, which was part of the Monywa project in Sagaing Region.[129]

82. According to LWF, ambiguous laws and their inconsistent application, managing and monitoring water supply systems and sources remained serious barriers to access and availability of safe water for communities.[130]

9. Right to health

83. AW stated that there were few female reproductive and sexual healthcare services. The lack of comprehensive sexuality education, combined with this service gap, resulted in a range of poor female sexual and reproductive health practices and outcomes, such as high rates of unsafe abortions.[131]

84. CHRO noted that basic health care facilities in Chin State were completely inadequate and understaffed. Discrimination, corruption, arbitrary taxation and extortion, and the lack of basic road infrastructure also negatively affected healthcare provision and resulted in preventable deaths.[132]

10. Right to education

85. JS8 noted that the National Education Law had been adopted in 2014, but with limited input from students and education actors.[133]

86. CHRO indicated that the lack of adequate school facilities was a major barrier to accessing education for the Chin. In many rural areas, one school was shared by up to four to five villages.[134]

87. IHRB stated that discrimination against women and girls in education was widespread. Female students must receive higher marks in exams to enter engineering and medicine university studies than their male counterparts.[135]

88. AP stated that, since June 2012, Rohingya youths and children had had little to no access to education. All Muslim religious education institutions had been closed down. Government schools had mostly reopened but Rohingya and Rakhine students remained segregated in some schools. Rohingya students who had successfully passed high school had no opportunity to pursue higher studies, as they were not allowed to travel to and enrol anywhere else in the country.[136]

11. Persons with disabilities

89. Concerning recommendation 104.21[137], JS8 stated that children with disabilities continued to be disadvantaged in Myanmar's education system, as there were very few specialized schools for them, and they were rarely well-integrated in mainstream public schools.[138]

90. JS8 continued that the high-school rate among persons with disabilities was low. Only 2 per cent had attended high-school. This was because parents were not encouraged to send their children to school, and they lacked an understanding of the special needs of children with disabilities, as did teachers in general.[139]

91. JS8 also indicated that girls with disabilities were particularly vulnerable to sexual violence even in schools.[140]

12. Minorities and indigenous peoples

92. SEDF stated that, in NRS, the Rohingya had experienced severe violence and displacement since June 2012 in retaliation to the rape and murder of a Rakhine Buddhist girl. By October, attacks against Muslims extended beyond Rohingya to include Muslim Kaman, an ethnic group officially recognized by the Government. According to SEDF, the Government responded inadequately to this violence. It launched an investigation, which yielded little results and no reparations for Rohingya Muslims.[141]

93. ODVV indicated that the Government continued to reject a United Nations report of the break out of violence in Rakhine State in January 2014, in which men, women, and children had been reportedly killed.[142]

94. CSW stated that the Rohingya Muslims continued to be denied their citizenship rights, as the 1982 Citizenship Law remained in force. The law had a very serious impact on the country's Rohingya population, which was estimated at around one million and which continued to be stateless.[143]

95. AP reported that a proposal to reform the 1982 Citizenship Law had been submitted to Parliament in November 2012. However, in July 2013, President Thein Sein confirmed that there would be no amendment to that law.[144]

96. The Equal Rights Trust (ERT) noted that the term 'Rohingya' was rejected by Myanmar and that the Rohingya had not been allowed to self-identify in national census in 2014. This resulted in outbreaks of violence and the vast majority of Rohingya not being recorded in the census.[145]

97. AP stated that, in July 2014, the Government had started a citizenship verification process in Rakhine State, in which Rohingyas had to self-identify as Bengali to apply. A draft Rakhine State Action Plan indicated that those who refused to participate and those who did not meet required criteria would be relocated to camps or deported elsewhere.[146]

98. AP continued that a law allowing a referendum to amend the Constitution was approved by Parliament on 2 February 2015, reaffirming the right of white card (temporary ID card) holders to vote. However, the Government subsequently announced that white cards would expire on 31 March 2015 and would have to be handed over by 31 May 2015.

On 17 February, the Constitutional Tribunal ruled that allowing white card holders the right to vote was unconstitutional.[147]

99. ERT stated that restrictions for the Rohingya on marriages and birth had led to thousands of unregistered children. They were denied evidence to support future applications for citizenship, thus increasing the numbers of stateless persons in Rakhine State.[148]

100. JS7 stated that there was no accurate information about the number of indigenous peoples in Myanmar/Burma. The Government claimed that all full citizens of Myanmar/Burma were 'indigenous' (taing yin tha), and on that basis, denied the applicability of the UN Declaration on the Rights of Indigenous Peoples to Myanmar/Burma.[149]

13. Migrants, refugees and asylum seekers

101. JS2 and JS4 indicated that ongoing conflict and loss of land and livelihoods, caused in part by the presence of landmines, had prevented a large number of IDPs and refugees from returning home.[150]

102. JS10 indicated that the Government had proposed repatriation of refugees to areas affected by conflict. The increased presence of the military around five proposed resettlement sites in Karen (Kayin) State would increase the threat of violence towards women.[151]

103. WPNA stated that, over 140,000 Rohingya and Kaman Muslims remained internally displaced within Rakhine State, while others had fled to neighbouring countries.[152] JS14 recommended that Myanmar allow Muslim-Rakhines who had fled Myanmar to return to the country and assist their reintegration.[153]

14. Internally displaced persons

104. Internal Displacement Monitoring Centre (IDMC) estimated that, as of 31 December 2014, there were up to 645,000 IDPs as a result of conflict and violence in various regions in Myanmar, including Kachin, Shan, Kayin and Rakinne States.[154]

105. IDMC indicated that, in some areas of Kachin and northern Shan States, the *Tatmadaw* had given IDPs' land over to agribusinesses. As many IDPs did not have documentary proof of their ownership or tenancy rights, they had little chance of recovering it or obtaining compensation.[155]

106. AI noted that IDPs in Rakhine State, mainly Rohingya, were living in deplorable conditions in makeshift camps. Humanitarian aid organizations had had limited access, with the expulsion of some organizations in February and March 2014, and the withdrawal of others following attacks against them in March 2014.[156]

15. Right to development, and environmental issues

107. ICJ stated that the 2012 Environmental Conservation Law allowed government departments and private business broad exemptions from environmental protection obligations.[157]

108. AI indicated that there were ongoing concerns over the environmental impacts of the Monywa copper mining project. The Government had failed to protect people living in the vicinity from pollution.[158]

109. JS2 and JS7 noted that, in 2012, the Government passed the Farmland Law and the Vacant, Fallow, and Virgin Land Law, which established that any land not officially

registered with the Government could be allocated to domestic and foreign investors. These laws had effectively legalized and facilitated land grabs.[159]

110. JS1, JS2 and JS7 stated the 'Draft Land Use Policy' released in 2014 ostensibly sought to address the issues of land confiscation, yet it primarily served to benefit big business at the expense of smallholder farmers.[160]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.
Civil society
Individual submissions:

AAPP	The Assistance Association for Political Prisoners (Burma), Mae Sot, Thailand;
ADF International	ADF International, Geneva Switzerland;
AI	Amnesty International, London, United Kingdom of Great Britain and Northern Ireland;
ALRC	Asian Legal Resource Centre, Hong Kong Special Administrative Region, China;
AP	The Arakan Project, Bangkok, Thailand;
AW	Akhaya Women, Yangon, Myanmar;
CHRO	Chin Human Rights Organization, Yangon, Myanmar;
CIVICUS	CIVICUS: World Alliance for Citizen Participation, Johannesburg, South Africa;
CSW	Christian Solidarity Worldwide, New Malden, United Kingdom of Great Britain and Northern Ireland;
ERT	The Equal Rights Trust, London, United Kingdom of Great Britain and Northern Ireland;
FLD	Front Line Defenders - The International Foundation for the Protection of Human Rights Defenders, Dublin, Ireland;
Fortify	Fortify Rights, Aurora, United States of America;
GEN	Gender Equality Network, Yangon, Myanmar;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom of Great Britain and Northern Ireland;
HLS IHRC	Harvard Law School International Human Rights Clinic, Cambridge, United States of America;
IBAHRI	International Bar Association's Human Rights Institute, London, United Kingdom of Great Britain and Northern Ireland;
ICJ	International Commission of Jurists, Geneva, Switzerland;
IDMC	Internal Displacement Monitoring Centre, Geneva, Switzerland;
IHRB	Institute for Human Rights and Business, London, United Kingdom of Great Britain and Northern Ireland;
ISHR	International Service for Human Rights, Geneva, Switzerland;
JT	Justice Trust, New York, United States of America;
KAHRF	Kaleidoscope Australia Human Rights Foundation, Clayton, Victoria, Australia;
KHRG	Karen Human Rights Group, Mae Sot, Thailand;
LWF	Lutheran World Federation, Geneva, Switzerland;
ODI	Open Doors International, Harderwijk, Netherlands;
ODVV	Organization for Defending Victim of Violence, Tehran, Iran (Islamic Republic of);
PI	Privacy International, London, United Kingdom of Great Britain and Northern Ireland;
SEDF	Smile Education and Development Foundation, Yangon, Myanmar;
STPI	Society for Threatened Peoples International, Goettingen, Germany;
UHLS	International Human Rights Advocacy Group, William S. Richardson School of Law, University of Hawaii at Manoa, Honolulu, United States of America;
UNPO	Unrepresented Nations and Peoples Organization, The Hague, Netherlands;
WPNA	Women Peace Network – Arakan, Yangon, Myanmar;

Joint submissions:

JS1	Joint submission 1 submitted by: The Burma/Myanmar UPR Forum, composed by ACT; Arakan Student and Youth Congress; Arakan Women Peace Network, United; Assistance Association for Political Prisoners-Burma (AAPP-B); Burma Partnership (BP); Chin Human Rights Organization; Color Rainbow; Development Force; Equality Myanmar (EQMM); Gender Development Institute; Human Rights Defender and Promoter-HRDP; Humanity Institute; Kachin Legal Aid Network; Kachin Peace Network, Kachin Women Peace Network, Karen Human Rights Group, Myanmar LGBT Network; Magwe Social Initiate Group; Network for Human Rights Documentation-Burma (ND-Burma); Myanmar Teacher Union Federation; Pyi Gyi Khin (PGK); Seagull; Shwe Danu; Shwe Min Tha Foundation; SIT Myanmar; Smile Education and Development Foundation; Spirit in Education Movement; Tavoy Women Union, Tavoy Youth Organization; YMCA (Mandalay);
JS2	Joint submission 2 submitted by: Burma Partnership (BP), Karen Human Rights Group (KHRG), Burma Medical Association (BMA), Karen Community Based Organizations (KCBOs), Karen Environmental and Social Action Network (KESAN), Karenni Refugee Committee (KnRC);
JS3	Joint submission 3 submitted by: International Federation for Human Rights (FIDH) and World Coalition against the Death Penalty (WCADP);
JS4	Joint submission 4 submitted by: Alternative ASEAN Network on Burma (ALTSEAN-Burma) and the International Federation for Human Rights (FIDH);
JS5	Joint submission 5 submitted by: Pandita Development Institute and People´s Alliance for Credible Elections;
JS6	Joint submission 6 submitted by: Humanitarian Organization for Migration Economics (HOME) and Migrant Worker Rights Network (MWRN);
JS7	Joint submission 7 submitted by: All Arakan Students' Youths' Congress (AASYC), Bago Yoma Care, Chin Human Rights Organization (CHRO), Karen Environmental and Social Network (KESAN), Karen Human Rights Group (KHRG), Karen Lawyer Network (KLN), KMSS-Loikaw, Karen River Watch (KRW), Lisu Youth Development Organization, Myanmar Indigenous Peoples/Ethnic Nationalities Network (Myanmar IP/EN Network), Myay Latt Community Forestry (Magwe Region), Mon Multi-media Institute (M3I), Mro Youth Action Group (MYAG), Mon Youth Forum (MYF), Mrauk U Environmental Conservation Association, Naga Students and Youth Federation-Myanmar (NSYF-M), Naga Students and Youth Federation-Yangon (NSYF-M), Pantanaw Karen Literature and Culture Committee, Pantanaw Karen Youth (PKY), Promotion of Indigenous and Nature Together (POINT), SHANAH, Youth Circle (YC), and Won-Lark Rural Development Foundation (Arakan);
JS8	Joint submission 8 submitted by: Child Focus Network, Equality Mandalar, Equality Myanmar, Heart of Youth, Myanmar Education Consortium, Phoo Pwint Wai, Ratna Mahal Education Care group, Sympathetic Hands Network, United ACT, and Women Empowerment Program;
JS9	Joint submission 9 submitted by: PEN Myanmar, PEN Norway, PEN America and Myanmar ICT for Development Organisation (MIDO);

JS10	Joint submission 10 submitted by: Women's League of Burman (WLB) consisting of Burmese Women's Union, Kachin Women's Association Thailand, Karen Women's Organization, Karenni National Women's Organization, Kayan Women's Organization, Kuki Women's Human Rights Organization, Lahu Women's Organization, Palaung Women's Organization, Pa-O Women's Union, Rakhaing Women's Union, Shan Women's Action Network, Tavoy Women's Union and Women's Rights & Welfare Association of Burma;
JS11	Joint submission 11 submitted by: ARTICLE 19, Myanmar Independent Living Initiative, and Myanmar Trade Union Federation;
JS12	Joint submission 12 submitted by: ARTICLE 19, Myanmar Journalists' Association (MJA), Myanmar Journalists' Network (MJN), and Myanmar Journalists' Union (MJU);
JS13	Joint submission 13 submitted by: Global Justice Center, Leitner Center for International Law and Justice;
JS14	Joint submission 14 submitted by: Caritas Internationalis, The Congregation of Our Lady of Charity of the Good Shepeherd, Dominican for Justice and Peace, Franciscans International, Pax Romana and Other local organizations: Community Agency for Rural Development (CAD); JMC Innlay; Justice and Peace Commission – Myanmar; KMSS - Caritas Myanmar; Kristina Company Myanmar; MEWA; Myanmar Maritime Workers' Federation (MMWF); Pa-Oh Youth Organization (PYO); Religions for Peace – Myanmar (RfP-M); Smile Education and Development Foundation;

National human rights institution(s):

MNHRC	Myanmar National Human Rights Commission, Yangon (Myanmar).

[2] AI, p. 6. / ERT, para. 3. / FLD, para. 25. / KHRG, para. 13. / MNHRC, para. 6. / ODVV, para. 20. / JS1, p. 15. / JS2, para. 6. / JS3, p. 3. / JS4, paras. 5-6 / JS9, para. 7. / JS11, para. 4. / JS12, para. 5.

[3] IHRB, p. 7.

[4] Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

[5] KHRG, para. 19. / JS1. P. 11. See also JS2, p. 7

[6] ALRC, para. 11.

[7] JS5, para. 8. See also JS1, para. 12.

[8] MNHRC, para. 1.

[9] JS1, para. 24. See also IHRB, p. 6./ JS7, para. 10.

[10] JS1, para. 25. / JS4, paras. 52-53. See also WPNA, para. 13. JS10, p. 7.

[11] JS13, para. 33.

[12] CSW, para. 20.

[13] ISHR, p. 3. See also JS11, para. 56 ii. / JS12, paras. 6 and 33 ii.

[14] AI, p. 6. / Fortify, para. 22. / JS2, para. 7. / JS4, para. 7.

[15] JS10, p. 8. / JS13, para. 41.

[16] LWF, para. 17. See also GEN, para. 3./ JS13, para 39.

[17] IHRB, p. 5.

[18] ADF International, paras. 11-15. / AW, p.2./ CSW, para. 4. / GEN, paras. 7-8. / JT, paras. 16 – 17. / ODI, para 9. / SEDF, pp. 2-4. / STPI, pp. 1- 3. / UNPO, p. 2. / WPNA, para. 8. / / JS2, paras. 44-48./ JS4, para. 32. / JS11, para. 31. / JS13, paras. 13 – 15.

[19] AI, p. 3.

[20] STPI, para. 2.

[21] ODI, para. 9.

[22] STPI, para. 3.

[23] ADF, para. 15.

[24] STPI, para. 3.

[25] SEDF, para. 3. See also AP, para. 18.

[26] SEDF, para. 3. See also STPI, para.3.

[27] JT, para. 15.

[28] JS11, para. 35.
[29] SEDF, p. 4.
[30] WPNA, para. 5.
[31] ODVV, para. 15.
[32] LWF, para. 12.
[33] WPNA, para. 9. See also JS8, section 6).
[34] KAHRF, paras. 1.2 and 1.3.
[35] AI, p. 6. / JS3, para. 8.
[36] KHRG, para. 18.
[37] JS4, para. 27.
[38] JS1, para. 27. / JS2, para. 13. / Fortify, para. 3.
[39] JS4, para. 24.
[40] JS4, para. 50.
[41] CIVICUS, para. 3.7.
[42] AI, p. 4.
[43] AAPP, p. 6. See also Fortify, para. 18.
[44] FLD, / JS8, section 5).
[45] KHRG, para. 12.
[46] JS4, paras. 45 and 47. See also AAPP, pp. 3-4.
[47] AAPP, p. 9.
[48] JS4, para. 18. See also JS1, para. 38.
[49] FLD, para. 4.
[50] AP, para. 21.
[51] WPNA, para. 6.
[52] *Establish and enforce strict legislation criminalizing rape in every context, including marital rape (Portugal),* para. 104, 11, A/HRC/17/9.
[53] *Ensure that violence against women and girls, including domestic violence and all forms of sexual abuse, constitutes a criminal offence, and that perpetrators are prosecuted and punished (Norway),* para. 104,32, A/HRC/17/9.
[54] Adopt strict legislation which criminalizes rape in every context and which ensures legal punishment of the perpetrators including those from the police, military and other authorities (Hungary), para. 104.36, A/HRC/17/9.
[55] *Conduct an investigation, bring perpetrators to justice and provide reparation to the victims of sexual violence involving members of the armed forces (Brazil),* para. 104.39, A/HRC/17/9.
[56] *Further strengthen its national machinery to ensure gender equality (Azerbaijan),* para. 105.3, A/HRC/17/9.
[57] *Adopt effective measures to fight violence against women (Slovenia),* para. 105.8, A/HRC/17/9.
[58] *Increase its efforts to prevent and combat violence against women and human trafficking and adopt a National Plan of Action for the advancement of the human rights of women (Iran),* para. 105.10, A/HRC/17/9.
[59] MNHRC, para. 10.
[60] CSW, para. 23.
[61] UHLS, para. 4.
[62] GEN, para. 7.
[63] AW, p. 2.
[64] LWF, para. 20. / UHLS, para. 13.
[65] GIEACPC, p. 1.
[66] GIEACPC, p. 2. See also JS8, p. 2.
[67] IHRB, p. 4.
[68] ODVV, para. 9.
[69] JS8, section 4).
[70] JS14, para. 31.
[71] JS14, paras. 29-30.
[72] JS8, section 2).
[73] JS6, para. 22.

[74] *Ensure the independence and impartiality of the judiciary and guarantee due process of law (Italy)*, para. 104.37, A/HRC/17/9.
[75] ALRC, para. 14c. See also JS1, paras. 5, 6, and 10.
[76] ICJ, para. 8.
[77] ICJ, para. 9. See also JS1, paras. 7. And 10.
[78] ICJ, para. 12. See also IBAHRI, para. 3.7.
[79] IBAHRI, para. 3.7.
[80] IBAHRI, para. 3.11.
[81] ALRC, para. 13.
[82] ICJ, paras. 34-36.
[83] JS9, para. 38. See also AI, p. 4. / FLD, para. 1.
[84] IHRC, paras. 3- 4.
[85] JS13, para. 19. See also JS4, para. 39.
[86] JS13, paras. 20-21.
[87] JS10, p. 3. See also JS13, paras. 21-22.
[88] CHRO, paras. 5 and 8.
[89] AI, p. 5.
[90] KHRG, para. 20.
[91] JS10, p. 10.
[92] JS1, para. 13.
[93] PI, para. 14.
[94] PI, paras. 28-30.
[95] PI, para. 31.
[96] WPNA, para. 7.
[97] AP, para. 29.
[98] FLD, para. 3.
[99] AP, para. 20.
[100] SEDF, p. 6. See also CSW, para. 9.
[101] UNPO, p. 3. See also ODI, paras. 11-17.
[102] CHRO, para. 20.
[103] ADF, para. 11.
[104] ADF, para.13.
[105] JS9, paras. 11 and 13.
[106] JS9, para. 16.
[107] JS9, para. 17. See also JS4, para. 12. / JS12, para. 26.
[108] JS12, para 23. See also JS4, para. 12. / JS9, paras. 19-22.
[109] JS11, paras. 50-53.
[110] CIVICUS, para. 2.1. See also FLD, para. 6. / JS, para. 17.
[111] CIVICUS, para. 2.2. See also FLD, para. 7. / JS1, para. 17.
[112] JS11, para. 18. See also JS1, para. 16.
[113] AAPP, p. 3. See also CIVICUS, paras. 3.3. and 3.6. / FLD, para. 6.
[114] ISHR, p. 3. See also JS9, p. 14.
[115] JT, paras. 5-6.
[116] AI, p. 4.
[117] AP, para. 15. See also WPNA, para. 16. / JS5, para. 7.
[118] JS5, para. 7.
[119] *Take legislative and practical steps to ensure a political process and elections that are free and democratic (Austria)*, para. 105.1, A/HRC/17/9.
[120] MNHRC, para. 8.
[121] JS13, paras. 35 and 37.
[122] GEN, para. 4.
[123] IHRB, p. 6. See also JS1, para.36.
[124] JS14, para. 33.
[125] UNPO, p. 2. / ODI, para. 13.
[126] ODI, para. 13.

[127] *Take appropriate measures and develop an action plan while continuing the cooperation with the international community to implement the MDGs, in particular poverty reduction, the right to food and food security (Viet Nam),* para. 104.42, A/HRC/17/9.
[128] JS2, para. 23.
[129] AI, p. 4.
[130] LWF, para. 8.
[131] AW, p. 3.
[132] CHRO, paras. 26-27.
[133] JS8, section 5).
[134] CHRO, para. 28.
[135] IHRB, p. 5.
[136] AP, para. 33.
[137] *Accelerate the effective implementation of the National Plan 2010-2012 on persons with disabilities including providing them with employment opportunities (Sudan),* para. 104.21, A/HRC/17/9.
[138] JS8, section 5).
[139] JS8, section 5).
[140] JS8, section 5).
[141] SEDF, p. 5.
[142] ODVV, para. 11.
[143] CSW, para. 5.
[144] AP, para. 8.
[145] ERT, para. 12.
[146] AP, para. 13.
[147] AP, para. 16. See also JS4, para. 33.
[148] ERT, para. 18.
[149] JS7, paras. 1 and 4.
[150] JS2, paras. 3 and 20. / JS4, para. 27.
[151] JS10, p. 6.
[152] WPNA, para. 5.
[153] JS14, para. 35 (8).
[154] IDMC, pp. 2, 3, 7, and 9.
[155] IDMC, p. 9.
[156] AI, p. 5. See also ERT, para. 16. / JS4, para. 35.
[157] ICJ, para. 17. See also AI, p. 3. / IHRB, p. 4.
[158] AI, p. 4.
[159] JS2, para. 26. / JS7, para. 7. See also IHRB, p. 3. / JS13, para. 38.
[160] JS1, para. 31. / JS2, para. 26. / JS7, para. 8. See also JS14, para. 38.