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Myanmar: Query Response

The situation in Chin State and Sagaing Region

March 2019 (COI between 1 January 2016 and 19 February 2019)

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Explanatory Note

Country of Origin Information (COI)

This report presents Country of Origin Information (COI) on Myanmar focusing on the current situation in **Chin State** and **Sagaing Region** on issues identified to be of relevance in refugee status determination for individuals from those two regions. Research concentrated on events that took place between 1st January 2016 and 19th February 2019.

It should be read in conjunction with ARC's [Query Response: Chin State](#), published in July 2017, which provided COI (within the timeframe 1st January 2016 and 11th July 2017) and testimony from country experts on Myanmar on the following topics:

- Forced labour
- Forced recruitment
- Punishment for deserting military service
- Land confiscation and land restitution
- Land mines and other unexploded ordnances
- Treatment of returnees/rejected asylum seekers
- Treatment of Zomi or other ethnic minority groups among the Chin population
- Access to documentation for Chin returnees/rejected asylum seekers
- Location of schools and health facilities in Chin State

In relation to the accessibility of information and data on Myanmar in general, it should be noted that the UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, was informed in December 2017 by the Government of Myanmar that all access to the country had been denied and cooperation withdrawn for the remaining duration of her tenure, which was formalized on 3rd January 2018.¹ The denial of access and lack of cooperation continued into 2018 as highlighted in her latest report published at the end of August 2018.² In January 2019 it was reported that Myanmar continued to refuse entry to Yanghee Lee as she visited Thailand and Bangladesh investigating abuses committed in Myanmar, especially in Rakhine state.³

The April 2018 'Myanmar Conflict Update' from the Armed Conflict Location and Event Database (ACLED) highlighted the following data concerns in Myanmar:

Coverage– [...] International organizations often need to rely on after-the-event reporting from affected parties, rather than reporting in situ and in real time. As a result, single witnesses and inconsistent reports are common. This results if an under-reporting of conflicts where IDPs, rather than cross border movements, are common. In contexts where civilians have been attacked by local militias and/or government troops, few survivors are likely to relay the information about the location, extent and perpetrators of the attack. Often, improved information on events is available after the fact.

Bias– the reporting for many peripheral ethnic conflict, and those with a religious dimension- such as the Rakhine conflict- are subject to a large degree of biased reporting from the main media serving the Myanmar majority. [...]

¹ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 9 March 2018, I. Introduction, paras. 2/3

² UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 20 August 2018, I. Introduction, para. 2

³ Eurasia Review, [Myanmar Denies Entry Of UN Human Rights Expert](#), 16 January 2019

Misinformation– the actions of the Myanmar government have come under significant question in the duration of the Rakhine conflict in particular, but can be extended to other violent contexts across the state. On several occasions- [...] the governments campaign of misinformation has been evident.”⁴

Moreover, a Myanmar expert, who contributed in writing to this report, detailed how the Chin State remains ‘inaccessible’ for ‘foreigners’ especially actors involved in developmental work and humanitarian assistance:

from the outlook that Chin State has been a forbidden areas for any foreigners for so long (I am not sure if this status remains until to date. This year [2018] I have not gone to Chin) and no one understood the reasons behind it, is a telling in itself that Chin State was discriminated in certain way out of lack of access by international community, particularly development/humanitarian actors. I further understand that even if access was granted to few international agencies, it was on exceptional basis, and still with very tight control on term of freedom of movement. As a result Chin State is known as being isolated from foreign eyes for decades, and only few foreigners /international organizations were allowed to access that state.⁵

Similarly, a Chin based NGO representative, which also contributed to this report, noted that:

Due to poor infrastructure and difficult terrain, documenting human rights violations in Chin State is extremely challenging. Human rights violations presented in a handful of X [name of contributing Chin based NGO who wants to remain anonymous] reports will almost certainly represent the tip of the iceberg. Those wishing to understand human rights and Chin State do not have the wide array of resources and local development networks, publishing widely on human rights related agendas, like in Eastern Burma. Unless one has travelled in Chin State, particularly during rainy season – June to October – it is hard to appreciate just how difficult movement can be away from the main towns (Falam, Hakha and Kanpetlet for example).

It should also be stated that any research that looks to understand human rights issues in Chin State needs to go beyond this kind of survey [set of questions sent by ARC] – translating this survey into Burmese and/or local chin dialect would be one way of reaching out to local CSO/NGO that may be able to shed more light on some of the topics [...] Due to extremely poor connectivity in the areas where fighting is breaking out in Paletwa, retrieving information from there poses significant problems.⁶

Amy Smith, Executive Director of Fortify Rights, who was interviewed by ARC in February 2019 stated:

Another point I would like to raise is the challenges of obtaining information on the situation in Chin State. Most information on Chin State comes from Hakha and Falam, which are larger towns located along one of Chin State’s only major road. Most information provides just a snapshot from those two areas, and there is little information available about the situation in rural areas, especially from northern and southern Chin State. This is largely due to the lack of infrastructure, language barriers, and the lack of strong networks of human rights monitors in Chin State, which makes it extremely difficult to know what human rights violations are taking place and fosters an environment of impunity for perpetrators of violations. Often refugees are strong sources of information on violations taking place in remote or inaccessible areas of Chin State; however, most Chin refugees who have made long journeys to Malaysia in recent years lacked opportunities or outlets to share their story or information. Chin refugees arriving to Malaysia after 2010 have not had access to UNHCR registration mechanisms. In some cases, Chin refugee community organizations collect information from new Chin

⁴ Armed Conflict Location & Event Data Project, [Myanmar: Conflict Update](#), 5 April 2018

⁵ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018

⁶ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019

arrivals about the situation in Chin State, but these organizations are rarely consulted for Country of Origin Information. As a result, the human rights situation in areas outside of Chin State's main towns is unknown.⁷

The COI presented in this report is illustrative, but not exhaustive of the information available in the public domain, nor is it determinative of any individual human rights or asylum claim. All sources are publicly available and a direct hyperlink has been provided.

A list of sources and databases consulted is also provided in this report, to enable users to conduct further research and source assessments. Annual reports covering the situation in 2016, 2017 and 2018 in Myanmar have been included where relevant but research focused on **events** from 1st January 2016 to 19th February 2019 in **Chin State and Sagaing Region**. All sources included in this report were accessed between November 2018 and February 2019.

In order to provide contextual background and by way of introducing particular issues, some information has been included in certain sections⁸, which is not specific to Chin State or Sagaing Region. Caution should be exercised in drawing inferences from these more generalised pieces of information given the great diversity of Myanmar.

The following reports which pre-date the timeframe for this report have been included as they provide useful contextual and background information:

- ❖ Child Soldiers International, [*Under the radar: Ongoing recruitment and use of children by the Myanmar army*](#), January 2015
- ❖ The Sangai Express, [*Origin of Khunchai \(Kuki\) Tribes of Kangleipak*](#), 16 May 2015
- ❖ Child Soldiers International, [*A dangerous refuge: Ongoing child recruitment by the Kachin Independence Army*](#), 14 July 2015
- ❖ Reuters, [*Myanmar Signs Ceasefire with Eight Armed Groups*](#), 15 October 2015
- ❖ Chin Committee for Emergency Response and Rehabilitation, [*The Chin State Floods & Landslides: A Community-Led Response and Assessment*](#), 3 December 2015
- ❖ Myanmar Information Management Unit, [*Village Tract Population of Areas affected by the 2015 Floods: Chin State*](#), 30 December 2015

Contributions by country experts

To supplement the information found in the public domain ARC undertook to identify country experts willing to contribute their written opinion on the Chin State and Sagaing Region in relation to the following issues:

1. *Forced labour*
2. *Forced recruitment into the military*
3. *Deserted enforced military service/draft evaders and/or those who have escaped forced labour*

⁷ Annex E: Notes from a Skype interview conducted with Amy Smith, Executive Director of Fortify Rights on 20th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [*Explanatory Note*](#).

⁸ See 1. *Information on the armed military forces*, 2. *Information on ethnic armed groups*, 4. *Overview of the political situation*, 5. *Overview of the human rights situation*, 6. *Housing, Land and Property rights*, 7. *Violence against women*, 8. *Violence against children*, 9. *Freedom of Religion*, 11.2. *Underage recruitment (children)*, 11.3. *Forced labour (adults)*, 11.4. *Desertion of enforced military service/Draft evaders/Escape from forced labour*, 12.3.1. *Access to mental health facilities*, and 13. *Access to Documentation (Citizenship Scrutiny Card/National Registration Card)*.

4. *Land confiscation*
5. *Freedom of religion or religious conversion*
6. *Internal violence and fighting*
7. *Chin returnee/rejected asylum seekers*
8. *Illegal exit*
9. *'Na Ta La' education programme*
10. *Access to:*
 1. *Education*
 2. *Labour market*
 3. *Medical facilities*
 4. *Language training*
 5. *Livelihood*

A list of experts on Myanmar was drawn up by ARC in October 2018 with the assistance of UNHCR, comprising: Country experts who have provided testimony in UK country guidance hearings, experts listed on the websites of the [Electronic Immigration Network](#) and the [Rights in Exile Programme](#), as well as personal recommendations from those initially contacted. In total 51 individuals were contacted between late October 2018 and February 2019 ranging from: local NGOs; civil society organisations and international organisations with a presence in Chin state/Sagaing region and those with a presence more generally in Myanmar; national journalists; academics; think tanks; human rights organisations; and human rights consultants. The full testimony of all interlocutors who consented to contribute have been included in this report.

[Annex I](#) provides the list of questions that was put to experts. ARC's 'Information Sheet for Experts' is available on our website, which includes a consent form guaranteeing interlocutors' desired level of anonymity throughout the research and publication process. Interviews were conducted by telephone or written responses were provided. Following the receipt of written contributions, clarifications were sought where necessary, and in the case of the oral interview, the notes taken by the interviewer were signed off by the interviewee, all of which have been integrated into the final contributions as attached in *Annex A-Annex E*. A final draft version of this report was shared with all contributors for approval and they were given the opportunity to add to, amend or remove any of their initial comments.

In addition, UNHCR Myanmar conducted interviews with a range of local contacts between November 2018 and February 2019 in which they asked particular questions from the list outlined in *Annex I* according to the interlocutor's areas of expertise. The people interviewed have agreed to be identified as follows:

- A government official who has been working for more than 10 years in Chin State, November 2018
- A government official who has been working for more than 20 years in Chin State, November 2018
- Mr. Sang Hnin Lian, Director for Human Rights Education and Freedom of Religion & Belief (FoRB) Programme, Chin Human Right Organization, Hakha, Chin State, 7 November 2018 & 29 January 2019
- Mr. Kyi Lwin, Secretary of External Parliament Anti-Corruption Commission's [sic], Naypyitaw, 13 November 2018 and 29 January 2019
- A Civil Society staff member who has been working for more than 19 years for a Human Rights Organization in Sagaing region, 21 December 2018
- Mr. Hram Dun, Bethzatha Disable Development Organization, Hakha, 7 January 2019
- A local NGO staff member who has been working for more than 20 years in Chin State, 23 January 2019

- A government official who has been working for more than 20 years in Sagaing region, 23 January 2019
- A local NGO staff member who has been working for more than 10 years in Chin state and Sagaing region, 24 January 2019
- Mr. An No Bik, Chin Youth Organization, Matupi, 29 January 2019
- A NGO staff member who has been working for more than 3 years in Chin State, 29 January 2019
- A Civil Society staff member who has been working for more than 10 years focusing on Chin State, 30 January
- A Civil Society staff member who has been working for more than 20 years in Chin State, 30 January 2019
- A Civil Society staff member who has been working for more than 20 years in Paletwa, Chin State, 30 January 2019
- A local staff member of an NGO who has worked for more than 20 years in Chin State, 30 January 2019
- Mr. Thang Sei, President of Kuki Affair Council, Tamu, Sagaing region, 30 January 2019
- A government official who has been working for more than 20 years in Sagaing region, 30 January 2019
- Mr. GS Mang, Area Peace and Development Forward, Civil Society Organization, Kalay, 31 January 2019
- Dr. Lhukhopao, Spokesperson of Kuki Affair Council, Tamu, Sagaing region, 6 February 2019
- A retired government official who has been working for more than 30 years at the education department, in Sagaing region, 14 February 2019.⁹

UNHCR Myanmar conducted the interviews and sent ARC the written notes as presented in *Annex F*. All of the interviewees consented verbally with UNHCR Myanmar to the sharing of their responses and understood in what capacity this information would be used. The final draft version of the report was not shared with those interviewees as UNHCR, due to practical difficulties, with many of the interviewees not having access to email, no functioning post, and the impossibility to arrange face-to-face meetings. However, UNHCR informed ARC that “all those who consented to sharing the information with UNHCR for the publication of the document understand and trust that UNHCR will not be altering their statements accordingly”.¹⁰

The full written contributions received can be accessed in Annex A-Annex G as set out here:

- Annex A: A Myanmar Expert
- Annex B: Sena Galazzi Lian, Convener, Chin State Academic Research Network
- Annex C: A Chin based NGO representative
- Annex D: An Academic
- Annex E: Amy Smith, Executive Director of Fortify Rights
- Annex F: Various; Interviews conducted by UNHCR Myanmar
- Annex G: Tina L. Mufford, Deputy Director of Research and Policy at the U.S. Commission on International Religious Freedom¹¹

⁹ See Annex F for the interview notes compiled by UNHCR.

¹⁰ Email received from UNHCR Myanmar on 15th February 2019.

¹¹ Note that Tina L. Mufford from the U.S. Commission on International Religious Freedom was only asked one specific question in relation to freedom of religion for Christian minorities in Burma – see [Annex G](#).

Disclaimer

This document is intended to be used as a tool to help to identify relevant COI and the COI referred to in this report can be considered by decision makers in assessing asylum applications and appeals. **This report is not a substitute for individualised case-specific research and therefore this document should not be submitted in isolation as evidence to refugee decision-making authorities.** Whilst every attempt has been made to ensure accuracy, the authors accept no responsibility for any errors included in this report.

Sources and databases consulted

Not all of the sources listed here have been consulted for each issue addressed in the report. Additional sources to those individually listed were consulted via database searches. This non-exhaustive list is intended to assist in further case-specific research. To find out more about an organisation, view the 'About Us' tab of a source's website.

Databases

[Asylos's Research Notes](#) [subscription only]

[EASO COI Portal](#)

[European Country of Origin Information Network \(ECOI\)](#)

[Rights in Exiles Newsletter](#)

[Relief Web](#)

[UNHCR Refworld](#)

News sources

[Al Jazeera](#)

[Asian Correspondent](#) [Burma pages]

[Asia Times](#)

[Burma News International](#)

[Democratic Voice of Burma](#)

[Eleven Myanmar](#)

[Frontier Myanmar](#)

[Inter Press Service](#)

[The Irrawaddy](#) [Burma pages]

[Karen News](#)

[Khonumthung News](#)

[Mizzima](#)

[Myanmar Times](#)

[Radio Free Asia](#) [Myanmar pages]

[Radio Free Europe/Radio Liberty](#)

[Reuters](#)

Sources

[Alternative Asean Network on Burma \(ALTSEAN\)](#)

[Amnesty International](#) [Myanmar pages]

[Armed Conflict Location & Event Date Project \(ACLED\)](#)

[Asian Human Rights Commission](#) [Burma/Myanmar pages]

[Asian Legal Resource Centre](#) [Burma/Myanmar pages]

[Asia Society](#) [Myanmar pages]

[The Border Consortium](#)

[Burma Partnership](#)

[Carnegie Endowment for International Peace](#) [Myanmar page]

[Catholic Relief Services](#)

[Centre for Humanitarian Dialogue](#)

[Centre for Security Governance](#)

[Centre for Strategic & International Studies, cogitASIA](#) [Burma/Myanmar pages]

[Child Soldiers' International](#) [Myanmar pages]

[Chin Human Rights Organization \(CHRO\)](#)

[Christian Solidarity Worldwide](#)

[Community Agency for Rural Development \(CAD\)](#)

[Community Care for Emergency Response and Rehabilitation](#)

[Department of Foreign Trade and Affairs, Australia](#) [Myanmar pages]

[Eurasia Review](#)

[Fortify Rights](#)

[Free Burma Rangers](#)

[Freedom House](#) [Freedom in the World 2018 – Myanmar pages]

[Gender Concerns International](#)

[Global Fund for Peace](#)

[Global Initiative on Psychiatry](#)

[GlobalSecurity.org](#)

[Global Witness](#) [Myanmar pages]

[Governance Social Development Humanitarian Conflict \(GSDRC\)](#)

[Humanitarian Aid Relief Trust](#) [Burma pages]

[Human Rights Watch](#) [Burma pages]

[Immigration and Refugee Board of Canada](#)

[Institute for the Study of War](#)

[Institute for War and Peace Reporting](#)

[Integrated Regional Information Networks \(IRIN\)](#) [Myanmar pages]

[International Crisis Group](#) [Myanmar pages]

[International Federation for Human Rights](#) [Burma pages]

[International Refugee Rights Initiative](#)

[International Rehabilitation Council for Torture Victims](#)

[International Rescue Committee](#)

[International Work Group for Indigenous Affairs \(IWGIA\)](#)

[IPI Global Observatory](#)

[Jamestown Foundation](#)

[Landmine and Cluster Munitions Monitor](#) [Myanmar/Burma pages]

[Local Resource Centre](#)

[Mineaction.org](#)

[Minorities at Risk Project](#)

[Minority Rights Group International](#)

[Myanmar Information Management Unit](#)

[Myanmar Institute for Integrated Development](#)

[Myanmar Peace Monitor](#)

[Norwegian Institute of International Affairs](#)

[Peace Research Institute Oslo](#)

[Saferworld](#)

[South Asia Human Rights Documentation Centre](#)

[Transnational Institute](#)

[UK Foreign and Commonwealth Office](#) [Annual Human Rights Report 2017]

[United Nations Human Rights Council](#)

[United Nations News Centre](#)

[United Nations Office of the High Commissioner for Human Rights \(OHCHR\)](#) [Myanmar pages]

[United Nations Secretary General](#)

[United Nations Special Rapporteur on freedom of religion or belief](#)

[United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#)

[United Nations Special Rapporteur on the situation of human rights defenders](#)

[United Nations Special Rapporteur on the situation of human rights in Myanmar](#)

[United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#)

[United States Congressional Research Service](#)

[United States Department of State](#) [Annual human rights report; annual religious report; annual labour report; annual trafficking report; annual terrorism report]

[United States Institute of Peace](#) [Burma pages]

[United States Overseas Security Advisory Council](#)

[Unrepresented Nations and People's Organisation](#)

[Validity](#)

[War Resisters' International](#)

[Women's League of Burma](#)

[World Organisation Against Torture](#)

List of acronyms

AA	Arakan Army
ACLED	Armed Conflict Location and Event Database
ALA	Arakan Liberation Army
ALP	Arakan Liberation Party
ARSA	Arakan Rohingya Salvation Army
CARSV	Conflict and Atrocity-Related Sexual Violence
CHRO	Chin Human Rights Organization
CNA	Chin National Army
CNF	Chin National Front
CPTF	Chin Peace and Tranquility Committee
CSC	Citizenship Scrutiny Cards
EAGs	Ethnic Armed Groups
EAOs	Ethnic Armed Organisations
KIA	Kachin Independence Army
KIO	Kachin Independence Organisation
KNU/KNLA	Karen National Union/Karen National Liberation Army
MNDAA	Myanmar National Democratic Alliance Army
NCA	National Ceasefire Agreement
NLD	National League for Democracy
NRC	National Registration Card
PRIO	Peace Research Institute Oslo
TNLA	Ta-ang National Liberation Army
UNFC	United Nationalities Federal Council
USCIRF	United States Commission on International Religious Freedom

Map of Myanmar

The Republic of the Union of Myanmar published the following ‘Map of Myanmar by States, Regions and Districts’, in its May 2015 publication on the 2014 ‘Myanmar Population and Housing Census’¹²:



¹² The Republic of the Union of Myanmar, [*The 2014 Myanmar Population and Housing Census, Chin State, Census Report Volume 3-D*](#), May 2015, p. i

Map of Chin State

The Republic of the Union of Myanmar published the following 'Map of Chin State by Districts and Townships', in its May 2015 publication on the 2014 Myanmar Population and Housing Census¹³:



Additional maps in relation to Chin State can be found on the website of the Myanmar Information Management Unit (MIMU) [here](#).¹⁴

¹³ The Republic of the Union of Myanmar, [The 2014 Myanmar Population and Housing Census, Chin State, Census Report Volume 3-D](#), May 2015, p. ii

Following the 2014 Census, the following figures emerged on Chin State:

Population (March 2014)

Total 478,801

Male 229,604 (48%)

Female 249,197 (52%)

Sex ratio 92 males per 100 females

Urban 99,809 (21%)

Rural 378,992 (79%)

% of total population 0.93%

Population Density 13.3 persons per Km².¹⁵

Information provided on the website MIMU noted with regards to Chin State's demographics:

Chin State shares international borders with India and Bangladesh, as well as with three national States/ Regions- Rakhine, Magway, and Sagaing. Chin comprises 9 townships and covers 36,072 km² and the capital city is Hakha.¹⁶

The website also includes information on 'Organizations' Presence at Township Level by Sector Projects Under Implementation as of August 27, 2018', which can be viewed [here](#).¹⁷

Map of Sagaing Region

The Republic of the Union of Myanmar published the following 'Map of Sagaing Region by Districts and Townships', in its May 2015 publication on the 2014 Myanmar Population and Housing Census¹⁸:

¹⁴ See Myanmar Information Management Unit (MIMU), Chin, Undated [Last accessed: 22 January 2019], *Maps*

¹⁵ The Republic of the Union of Myanmar, [2014 Myanmar Population and Housing Census, A Changing Popultion: Chin State Figures at a Glance](#), May 2015, p. 1

¹⁶ Myanmar Information Management Unit (MIMU), Chin, Undated [Last accessed: 22 January 2019]

¹⁷ See Myanmar Information Management Unit (MIMU), [CHIN STATE All Projects Under Implementation \(Village Tract Level\)](#), 27 August 2018, p. 2

¹⁸ The Republic of the Union of Myanmar, [The 2014 Myanmar Population and Housing Census, Sagaing Region, Census Report Volume 3-E](#), May 2015, p. ii



Additional maps in relation to Sagaing Region can be found on the website of the Myanmar Information Management Unit (MIMU) [here](#).¹⁹

Following the 2014 Census, the following figures emerged on Sagaing Region:

Population (March 2014)

¹⁹ See Myanmar Information Management Unit (MIMU), [Sagaing](#), Undated [Last accessed: 22 January 2019], *Maps*

Total 5,325,347
Male 2,516,949 (47.3%)
Female 2,808,398 (52.7%)
Sex ratio 89.6 males per 100 females
Urban 911,335 (17%)
Rural 4,414,012 (83%)
% of total population 10.3%
Population Density 56.8 persons per Km².²⁰

Information provided on the website MIMU noted with regards to Sagaing's demographics:

Sagaing Region is an administrative region located in the north-west of Myanmar. It shares an international border with India's Naga land and Manipur states, as well as internal state borders with Kachin, Shan (North), Mandalay, Magway, and Chin with the Ayeyarwady River providing much of its eastern and southern boundary. It is geographically Myanmar's second largest state after Shan State, covering 94,621km² delineated as 37 townships, 3 of which form the Naga Self-administered Zone bordering India. Sagaing has the fourth largest state/region population at 5.13 million (2011 HMIS data), and a density of 54 people per square kilometre. 15% of the population live in urban areas, and the remaining 83% in rural areas. The state capital, Sagaing, is located close to the state's southern border with Mandalay.²¹

The website also includes information on 'Who is doing What, Where', which can be viewed [here](#).²²

²⁰ The Republic of the Union of Myanmar, [2014 Myanmar Population and Housing Census, A Changing Population: Sagaing Region Figures at a Glance](#), May 2015, p. 1

²¹ Myanmar Information Management Unit (MIMU), Chin, Undated [Last accessed: 22 January 2019]

²² See Myanmar Information Management Unit (MIMU), [The MIMU 3W: Who is doing What, Where?](#), Undated [Last accessed: 22 January 2019]

1. Information on the armed military forces

1.1. Tatmadaw

To find out more about the range of human rights violations committed by the Tatmadaw consult section [5. Overview of the human rights situation](#) and section [11. Forced Recruitment and Forced Labour](#).

Beyond information included in section [3. Overview of the security situation](#) documenting ongoing conflict between the Tatmadaw and non-state armed groups in Chin State, no further specific information was located amongst the sources consulted within the specified time frame on the Tatmadaw's composition in Chin State and Sagaing Region.

The UN Special Representative of the Secretary-General for children and armed conflict provided the following background information on the Tatmadaw in its report covering the period from February 2013 to June 2017:

The Myanmar Armed Forces consist of the Tatmadaw Kyi, the navy (Tatmadaw Yay) and the air force (Tatmadaw Lay). The Tatmadaw Kyi represents by far the largest branch. Auxiliary forces supporting the Tatmadaw include the border guard forces and the people's militias. The border guard forces were created by the Government in 2009 and incorporate former armed groups into the Tatmadaw. Twenty-three armed groups accepted their conversion to border guard forces, although it required them to relinquish most of their operational and command autonomy. Once converted to border guard forces, former armed groups are included as a regular military force. The people's militias, however, maintain differing forms of affiliation with the Tatmadaw. While some units appear to be under the command and supervision of the Tatmadaw, others appear to operate as Tatmadaw-supported village militias, without a formal military structure.²³

With regards to its recruitment strategies, the same source noted that "The Government of Myanmar signed a Joint Action Plan with the United Nations in June 2012 to end and prevent the recruitment and use of children in the Tatmadaw. Previously, Myanmar Defence Council directive 13/73 (1974) had required that, in order to be recruited, future soldiers be older than 18 years, with the exception of an elite programme that had allowed trainees to be recruited after they had reached the age of 16. In November 2013, the Tatmadaw released directive 3/1/131/Yay1(B), abolishing any recruitment of those younger than 18, although the application of the directive remains a challenge".²⁴

In September 2017 the UN Secretary General reported on the Special Rapporteur's observations on human rights abuses perpetrated by the Tatmadaw in Myanmar without specifying the location or context of these:

The Special Rapporteur was told by groups working with affected communities that reports of serious human rights violations are increasing. These include reports of killings, torture and even the use of

²³ UN Special Representative of the Secretary-General for children and armed conflict, [Report of the Secretary-General on children and armed conflict in Myanmar](#), 22 December 2017, C. Parties to conflict in Myanmar, 1. Parties to conflict listed as perpetrators of recruitment and use, paras. 15 and 16

²⁴ UN Special Representative of the Secretary-General for children and armed conflict, [Report of the Secretary-General on children and armed conflict in Myanmar](#), 22 December 2017, C. Parties to conflict in Myanmar, 1. Parties to conflict listed as perpetrators of recruitment and use, para. 17

human shields by the Tatmadaw, allegedly in some cases accompanied by threats of further violence if incidents are reported.²⁵

With regards to Tatmadaw's military operations, the Peace Research Institute of Oslo in their February 2018 report stated that:

The main targets of Tatmadaw's military operations are now the four members of the Northern Alliance: KIA, AA, MNDAA, and TNLA [Kachin Independence Army; Arakan Army; Myanmar National Democratic Alliance Army; Ta'ang National Liberation Army] – all of whom get support from Myanmar's largest EAO, the UWSA, who is keen to ward off any possibility that the Tatmadaw gain sufficient control of the China border to directly threaten its autonomous Wa zone.²⁶

The same source further noted that "the armed forces (Tatmadaw) have stepped up military operations against Ethnic Armed Organizations (EAOs) in Chin, Kachin and Shan State".²⁷

The Independent International Fact-Finding Mission on Myanmar focused on the human rights situation of Kachin, Rakhine and Shan States since 2011, but provides some useful contextual information in its September 2018 report on Tatmadaw operations in general [emphasis added]:

Since 2011, numerous reports have drawn attention to policies, tactics and conduct of the Tatmadaw and associated security forces that have resulted in serious violations of international law committed in the context of their operations in Kachin and Shan States. These reports invariably point at the devastating impact of military operations on the civilian population. **The Mission is able to confirm patterns of attacks directed by the Myanmar military against civilians and civilian or other protected objects, as well as indiscriminate attacks. These have often been carried out in civilian populated residential areas and in the absence of an apparent military objective justifying the use of these tactics, in flagrant disregard of life, property and the well-being of the civilian population.** Attacks resulted in the deaths and injuries of civilians. Widespread looting, as well as the destruction and burning of homes and property, have often accompanied military operations. **The picture that emerges is one of a military that systematically fails to apply the fundamental international humanitarian law principles of distinction and precaution, and shows sheer contempt for basic human rights. This conduct was observed in most conflict-affected areas, especially in or around territory under the control of ethnic armed organizations, and throughout the period under review.**

The Mission identified at least four common characteristics of Tatmadaw operations, including operations conducted jointly with other Myanmar security forces. These can be considered as "hallmarks". These common characteristics establish the Tatmadaw's basic methodology – its strategies and tactics – and enable conclusions to be made about its performance, or rather its lack of performance, of its obligations under international law [...]

Targeting of civilians: [...] Tatmadaw-led operations consistently fail to respect international human rights law and the international humanitarian law principles of distinction, proportionality and precaution. They not only primarily affect civilians; often civilians are simply targeted [...] **While the present report outlines violations against civilians from many ethnic groups in Kachin, Rakhine and Shan States, the contempt shown by the Tatmadaw for human life, integrity and freedom and for international law generally should be of concern to the entire population of Myanmar. The number of refugees from areas outside these three States attests to the existence of similar concerns elsewhere in the country [...]**

²⁵ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 8 September 2017, para. 28

²⁶ Peace Research Institute Oslo (PRIO), [Still a Chance for Peace in Myanmar?](#), February 2018, *Increased Fighting in Chin, Kachin and Shan States*, p. 2

²⁷ Peace Research Institute Oslo (PRIO), [Still a Chance for Peace in Myanmar?](#), February 2018, *Increased Fighting in Chin, Kachin and Shan States*, p. 1

Sexual violence: [...] In 2011, in a video statement on sexual violence in conflict, Daw Aung San Suu Kyi, since 2016 State Counsellor, said, “Rape is used in my country as a weapon against those who only want to live in peace, who only want to assert their basic human rights. It is used as a weapon by armed forces to intimidate the ethnic nationalities and to divide our country.” The Mission, based on all information gathered, has concluded that Daw Aung San Suu Kyi’s views are correct. The use of rape and other sexual violence has continued unabated in the years since her statement [...] The scale, brutality and systematic nature of these violations, over this period of time, indicate that rape and sexual violence are part of a deliberate strategy to intimidate, terrorise or punish a civilian population, and are used as a tactic of war. This level of normalisation is only possible in a climate of long-standing impunity. When rapes and sexual violence are committed by, or in the presence of, senior military officers, with no sanction or consequence, it is easy to see how all Tatmadaw soldiers may consider themselves similarly authorised. The Myanmar authorities’ failure to address the widespread perpetration of sexual and gender-based violence by its security forces has certainly contributed to women and girls, rather than being relegated to the side-lines of conflict and protected from its effects, becoming its frontline victims [...]

Exclusionary and discriminatory rhetoric: The Tatmadaw has historically cast itself as the protector of the nation, preserving “national unity in the face of ethnic diversity”, while prioritising Bamar-Buddhist identity and interests. Discrimination against ethnic and religious minority groups has been well documented for decades [...]

Command climate and impunity: [...] The Tatmadaw acts with complete impunity and has never been held accountable for the violations of international law it is consistently involved in. Although occasionally a very small number of individual soldiers may be prosecuted for their actions, the Tatmadaw leadership and the Tatmadaw as an institution enjoy complete impunity. The widespread and systemic nature of the violations committed by the Tatmadaw, across the country, is linked to the command climate within the Tatmadaw which, explicitly or implicitly, authorises these violations. Impunity for offences is one element that contributes to such command climate [...] The Tatmadaw leadership has consistently failed to attribute responsibility for serious human rights violations. It has reinforced its message to troops that they will face no consequences. This explains the recurrence of such violations across the country, and over such an extensive timeframe. The leadership refuses to accept responsibility itself. If, as the Tatmadaw Inspector-General found, “all security members abided by the orders and directions of superior bodies”, then those “superior bodies”, right up to the Commander-in Chief, are responsible for the gravest crimes under international law and should be held accountable.²⁸

2. Information on ethnic armed groups

The Myanmar Peace Monitor has compiled a ‘list of active resistance groups from 2009 to present [2016]’, presented in the following order: ‘New Ceasefire groups, Combatant groups, BGF transformed groups, PMF transformed groups, Special Case groups and Defunct groups’ and include information amongst others on the area they control, strength, current status, recent conflicts, and affiliations.²⁹ It is best viewed [here](#).

²⁸ UN Human Rights Council, [Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar](#), 17 September 2018, IV. Emblematic situation 1: Kachin and Shan States, A., 1. Conduct of hostilities in flagrant disregard of civilian life and property, para. 115 and VII. Hallmarks of Tatmadaw operations, particularly paras. 1361, 1362, 1370, 1371, 1374, 1375, 1380, and 1384.

²⁹ See Myanmar Peace Monitor, [Armed Ethnic Groups](#), Undated [Last amended: 22 January 2018]

Burma News International published its 'Reference Guide' on Myanmar's Peace Process in January 2017, which included a map on the location of non-state armed groups operating in Myanmar, which can be viewed [here](#).³⁰

In October 2017, the Asia Foundation included a useful map in its publication 'The Contested Areas of Myanmar, Subnational Conflict, Aid, and Development' showing the location of the main armed groups operating in Myanmar as of 2016, which can be viewed [here](#).³¹

To find out more about the range of human rights violations committed by non-government armed groups consult section [5. Overview of the human rights situation](#) and section [11. Forced Recruitment and Forced Labour](#).

In April 2018, the Armed Conflict Location & Event Data Project (ACLED) in its 'Myanmar Conflict Update' reported:

Myanmar hosts dozens of violent non-state groups, some of which conduct extremely local attacks, others that are increasingly operating outside of their typical geographic ethnic space [...] The Asia foundation suggests that at least eleven of Myanmar's fourteen states and regions experience latent or subnational conflict (over 118 of Myanmar's 330 townships); these large areas make up approximately ¼ of the state's population. In recent years, the conflicts have centred in Shan, Kachin and Rakhine states, whereas previously they had mainly been located in the South.³²

The same report provides a list of active groups and their main characteristics at Table 1, whilst Figure 3 highlights the most frequent active groups [a direct hyperlink has been provided in the footnote].³³

2.1. Arakan Army (AA)

The Irrawaddy reported that the "AA troops are based in Laiza, at the headquarters of the Kachin Independence Army. However, since 2014 they have been operating in the border area at Paletwa. The AA has continued to operate out of parts of Arakan near Bangladesh despite the Myanmar Army's efforts to oust it from these areas".³⁴

The Peace Research Institute Oslo (PRIO) reported in its February 2018 policy brief that the Arakan Army (AA) "has established itself in the hills of southern Chin State, near Rakhine State. Both before and after the violent attacks on the Rohingya in the Maungdaw, Buthidaung and Rathedaung townships of northern Rakhine, the Tatmadaw was involved in a number of clashes with the AA in Palewa [sic] of southern Chin".³⁵

³⁰ See Burma News International, [Deciphering Myanmar's Peace Process, A Reference Guide 2016](#), January 2017, [no page number provided but located between p. 6 and 7]

³¹ The Asia Foundation, [The Contested Areas of Myanmar, Subnational Conflict, Aid, and Development](#), 16 October 2017, Figure 2.4, p. 27

³² Armed Conflict Location & Event Data Project, [Myanmar: Conflict Update](#), 5 April 2018

³³ For Table 1 see: <https://www.acleddata.com/wp-content/uploads/2018/04/ACLED-Myanmar-Conflict-Update-Table-1.pdf>. For Figure 3 visit https://www.acleddata.com/2018/04/05/myanmar-conflict-update/#_ftn2.

³⁴ The Irrawaddy, [AA Says 2 Members Killed, At Least 4 Wounded in Latest Round of Fighting](#), 21 November 2017

³⁵ Peace Research Institute Oslo (PRIO), [Still a Chance for Peace in Myanmar?](#), February 2018, *Increased Fighting in Chin, Kachin and Shan States*, p. 2

In May 2018, a The Irrawaddy article provided the following information on the Arakan Army (AA):

The AA is a member of the seven-member Federal Political Negotiation and Consultative Committee (FPNCC), an alliance based in northeastern Myanmar. Some of the FPNCC members are holding separate peace talks with the government this year, despite its initial stated policy of only holding peace talks with the government as a bloc.

Khine Thukha said the AA still upholds the FPNCC's policy negotiating for peace as an alliance. Military leaders have repeatedly said that the Myanmar Army would not hold peace talks with the AA unless it disarmed because it was established only after Myanmar had elected a quasi-civilian government, under former President U Thein Sein in 2011.

The AA, which has taken part in fighting by allying with Kachin, Ta'ang and Kokang troops in Kachin Independence Army-controlled areas in northern and northeastern Myanmar since 2011, has said its troops have been mobilized since 2009.³⁶

The Chin Human Rights Organization described in its October 2018 report that since 2016 the Arakan Army (AA) has "drastically up scaled military activities after establishing ties to other Ethnic Armed Organizations under the Brotherhood of the Northern Alliance together with the Kachin Independence Army, Ta'ang National Liberation Army and the Myanmar National Democratic Alliance Army. In the longer term, the AA has developed a strong political aim, ousting the Arakan Liberation Army (ALA) from strategic bases and has a firm nationalistic ideology which goes beyond Rakhine State. The AA claims that both the Southern Township of Paletwa in Chin State and areas of the Chittagong Hill Tract region of Bangladesh is part of Arakan, despite the vast majority of people in Paletwa self-identifying as belonging to various sub-groups of Chin".³⁷

In January 2019 The Irrawaddy noted that "More than nine years after it was formed by 26 Arakanese (Rakhine) youths, the Arakan Army (AA) today is a 7000-member strong army which is gaining progress in its bid to establish a stronghold in its homeland, Rakhine State".³⁸ The same source reported further "Ethnic affairs analysts estimate that around 3,000 AA soldiers have infiltrated Kyauktaw, Buthidaung, Rathedaung and Ponnagyun townships in northern Rakhine State and Chin State's Paletwa Township".³⁹

Asia Tmes stated in February 2019 that "In a tribute to its ingenuity and persistence, the AA has evidently since 2014 managed to infiltrate men and weapons by motor road into both Rakhine state and neighboring Paletwa township of southern Chin state, where the group has reportedly set up a network of camps".⁴⁰

2.2. Arakan Liberation Army (ALA)

The Norwegian Institute of International Affairs noted that the Arakan Liberation Army (ALA) is the armed wing of the Arakan Liberation Party (ALP) and "has operated as a small mobile force in the Arakan and Chin Hills, and also has some troops with the KNU/KNLA [Karen National Union/Karen National Liberation Army] on the Thai border".⁴¹

³⁶ The Irrawaddy, [Renewed Clashes Leave 4 Dead in Chin State: AA Spokesman](#), 4 May 2018

³⁷ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, 1. *Conflict in Paletwa Township, Chin State*, p. 11

³⁸ The Irrawaddy, [Analysis: Arakan Army - A Powerful New Threat to the Tatmadaw](#), 8 January 2019

³⁹ The Irrawaddy, [Analysis: Arakan Army - A Powerful New Threat to the Tatmadaw](#), 8 January 2019

⁴⁰ Asia Times, [Why Myanmar's military will win the Rakhine war](#), 5 February 2019

⁴¹ The Norwegian Institute of International Affairs, [Myanmar: A Political Economy Analysis](#), 13 February 2018, *Political parties*, p. 27

In December 2017 the Centre for Security Governance estimated the Arakan Liberation Party's military strength to be less than 100 combatants.⁴²

2.3. Chin National Army (CNA)

The Norwegian Institute of International Affairs noted in its report on Myanmar published in February 2018 that the Chin National Army (CNA) is the armed wing of the Chin National Front (CNF) and both were founded in 1988.⁴³ The same source further noted that the CNF signed a ceasefire in 2012 and the National Ceasefire Agreement (NCA) in 2015, "after which it was suspended from the UNFC [United Nationalities Federal Council]" .⁴⁴

In December 2017 the Centre for Security Governance estimated the Chin National Front's military strength to be around 200+ combatants.⁴⁵

2.4. Arakan Rohingya Salvation Army (ARSA)

Al Jazeera reported in September 2017 that the Arakan Rohingya Salvation Army (ARSA) "formerly known as Harakatul Yakeen, first emerged in October 2016 when it attacked three police outposts in the Maungdaw and Rathedaung townships, killing nine police officers".⁴⁶ According to the same source, Ataullah Abu Amar Jununi, is the group's leader.⁴⁷ Unlike other non-state armed groups operating in Myanmar, Maung Zarni, adviser to the European Center for the Study of Extremism, ARSA is "not a terrorist group aimed at striking at the heart of Myanmar society as the government claims it is [...] they're a group of hopeless men who decided to form some kind of self-defence group and protect their people who are living in conditions akin to a Nazi concentration camp".⁴⁸

2.5. Kachin Independence Army (KIA)

The Peace Research Institute Oslo (PRIO) reported in its February 2018 policy brief that "the Tatmadaw has also engaged in offensives against the KIA [Kachin Independence Army] with the apparent aim to take control of territories that were not recognized as KIA-controlled in the 1994 ceasefire agreement between the KIO [Kachin Independent Organization] and the former junta. The Tatmadaw may also aim to reduce the KIO's ability to tax trade in jade, amber and timber".⁴⁹ The report did not specify whether these clashes occurred in Chin State.

⁴² Centre for Security Governance, [Managing Armed Groups in Myanmar's Peace Process: Security Sector Governance as a Way Forward](#), September 2017, Figure 2: Selected EAOs with Significant Number of Troops, p. 12

⁴³ The Norwegian Institute of International Affairs, [Myanmar: A Political Economy Analysis](#), 13 February 2018, *Political parties*, p. 27

⁴⁴ The Norwegian Institute of International Affairs, [Myanmar: A Political Economy Analysis](#), 13 February 2018, *Political parties*, p. 27

⁴⁵ Centre for Security Governance, [Managing Armed Groups in Myanmar's Peace Process: Security Sector Governance as a Way Forward](#), September 2017, Figure 2: Selected EAOs with Significant Number of Troops, p. 12

⁴⁶ Al Jazeera, [ARSA: Who are the Arakan Rohingya Salvation Army?](#), 13 September 2017

⁴⁷ Al Jazeera, [ARSA: Who are the Arakan Rohingya Salvation Army?](#), 13 September 2017

⁴⁸ Al Jazeera, [ARSA: Who are the Arakan Rohingya Salvation Army?](#), 13 September 2017

⁴⁹ Peace Research Institute Oslo (PRIO), [Still a Chance for Peace in Myanmar?](#), February 2018, *Increased Fighting in Chin, Kachin and Shan States*, p. 2

In December 2017 the Centre for Security Governance estimated the Kachin Independence Army's military strength to be around 10,000 combatants and 10,000 reservists.⁵⁰

With regards to recruitment practices, the UN Special Representative of the Secretary-General for children and armed conflict reported in its report covering the period from February 2013 to June 2017 that "KIA is the armed wing of the Kachin Independence Organization (KIO), founded in 1961, and is the second-largest armed group in Myanmar. KIA is currently engaged in active fighting against the Government in Kachin and Shan States and has been listed since 2007 as perpetrating the recruitment and use of children. In November 2016, KIA announced the formation of NA-B along with three other armed groups, TNLA, MNDAA and AA".⁵¹

In April 2018, ACLED in its 'Myanmar Conflict Update', reported:

Most violence in Kachin and Shan states engages the *Kachin Independence Organization–KIO*. KIO is the KIA's political wing and did not sign the government's nationwide ceasefire agreement (NCA) in 2015. The KIA and government have fought since 2011 after a 17-year bilateral cease-fire agreement between the two sides broke down. Clashes between both have displaced about 100,000 people over the past six-plus years, and fatalities estimated in the hundreds.⁵²

3. Overview of the security situation

It should be noted that the lack of access for international non-governmental organisations to certain areas of Myanmar including Chin state and Sagaing region appear to severely impact on reporting the security and human rights issues in these areas. To illustrate, the UN Special Rapporteur on the situation of human rights in Myanmar reported in its March 2018 report that "Humanitarian access by international agencies continued to decline throughout 2017 and is currently at the lowest point in four years [...] Since May 2016, the Government has not permitted international humanitarian access to non-government controlled areas to deliver assistance. Access to areas under Government control also declined in 2017".⁵³ Similarly, the Chin Human Rights Organization (CHRO) noted in its October 2018 report that "human rights documentation remains extremely challenging, whereby, human rights violations may very often go undocumented, or reported weeks later, if at all" in Chin state and that human rights fieldworkers, such as CHRO's team, are "at risk of arrest and detention by the authorities during the course of their work to document human rights violations in Chin State".⁵⁴

⁵⁰ Centre for Security Governance, [Managing Armed Groups in Myanmar's Peace Process: Security Sector Governance as a Way Forward](#), September 2017, Figure 2: Selected EAOs with Significant Number of Troops, p. 12

⁵¹ UN Special Representative of the Secretary-General for children and armed conflict, [Report of the Secretary-General on children and armed conflict in Myanmar](#), 22 December 2017, C. Parties to conflict in Myanmar, 1. Parties to conflict listed as perpetrators of recruitment and use, para. 19

⁵² Armed Conflict Location & Event Data Project, [Myanmar: Conflict Update](#), 5 April 2018

⁵³ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 9 March 2018, D. Conflict-related rights violations and the peace process, para. 35

⁵⁴ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, Methodology, p. 11

3.1. Chin State

Note that the sources listed here do not differentiate between northern and/or southern Chin State unless specifically stated.

2016

The Bertelsmann Stiftung report noted that in April 2015, January 2016 and April/June 2016 there were “heavy clashes between government forces and the Arakan Army” in Southern Chin State.⁵⁵ Similarly, the 2018 report by the Paung Sie Facility noted that fighting between the Arakan Army (AA) and the Tatmadaw broke out at the border between Rakhine and Chin State in 2015 and 2016.⁵⁶ The Chin Human Rights Organization (CHRO) noted in its newsletter covering January/February 2016 that clashes between the AA and the Burma Army have taken place since March 2016; “forcing nearly 400 Chin residents to flee their village”.⁵⁷

In November 2016 the Center for Strategic & International Studies (CSIS) stated that “In spite of recent progress in the peace process, the past year has witnessed frequent, mostly low-intensity conflict in the north and northeast as well as in western Rakhine State. Of the country’s 21 recognized ethnic armed groups (EAGs), six were actively fighting in the first half of 2016. From January to June the Ta’ang National Liberation Army (TNLA) was engaged in 81 clashes with the Tatmadaw (Myanmar’s military), the Kachin Independence Army (KIA) in 28, and the Arakan Army in 16”.⁵⁸ The source did not specify the exact location of these clashes, but it can be assumed that some of these took place in Chin State due to AA’s involvement, who are mainly based in Chin State and neighbouring states.

In December 2016 there were “clashes between the Arakan Army and the Tatmadaw (Army of Myanmar) in Chin State [...] displacing 200 people” according to the UN Special Rapporteur on human rights in Myanmar.⁵⁹

2017

The U.S. Department of State’s annual report on human rights stated that throughout 2017 clashes among the national ceasefire agreement (NCA) signatory, nonsignatory groups, and the military “continued [in southern Chin State], with credible allegations of abuse of civilian populations by both the military and ethnic armed groups”.⁶⁰

Similarly, Human Rights Watch noted in its annual report covering 2017 that “Sporadic fighting in Chin State with the Arakan Army, comprised of ethnic Rakhine Buddhists, endangered civilians, forcing hundreds from their homes”.⁶¹

⁵⁵ Bertelsmann Stiftung, [BTI 2018: Myanmar Country Report](#), 2018, I. Political transformation, 1. Stateness, p. 7

⁵⁶ Paung Sie Facility, [Unlocking Civil Society and Peace in Myanmar: Opportunities, obstacles and undercurrents](#), 2018, Annex 3: Overview of contemporary dynamics of peace and conflict, p. 73

⁵⁷ Chin Human Rights Organization (CHRO), [Rhododendron News, Volume XVIII, Issue 1, January – February 2016](#), Undated [Last accessed: 21 November 2018], *Arbitrary Taxation, Extortion & Detention*, p. 3

⁵⁸ Center for Strategic & International Studies (CSIS), [Holding the Line on Myanmar’s Peace Process](#), 2 November 2016

⁵⁹ UN Special Rapporteur on human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 14 March 2017, D. Conflict and the peace process, 1. Displacement and access, para. 49

⁶⁰ U.S. Department of State, [Country Reports on Human Rights Practices for 2017: Burma](#), 20 April 2018, Section 1., g. Abuses in Internal Conflict

⁶¹ Human Rights Watch, [World Report 2018: Burma – Events of 2017](#), 18 January 2018, *Ethnic Conflicts and Forced Displacement*

In its Burma (Myanmar) 2018 Crime and Safety Report, published on 13 June 2018, the US Overseas Security Advisory Council (OSAC) stated that whilst clashes are “sporadic [...] violence has escalated significantly with EAGs in Chin, Kachin, Rakhine, and Shan states. In the latter half of 2017, clashes between the Burmese military and EAGs resulted in casualties on both sides”.⁶²

In November 2017 the UK Foreign & Commonwealth Office reported that fighting broke out in southern Chin State, (without providing any further details).⁶³ The UN Special Rapporteur on the situation of human rights in Myanmar reported that during this episode of violence “1,300 people fled Chin State into Mizoram State in India following clashes between the Tatmadaw and Arakan Army”.⁶⁴

2018

The Peace Research Institute Oslo (PRIO) reported in its February 2018 policy brief that “The armed forces (Tatmadaw) have stepped up military operations against Ethnic Armed Organizations (EAOs) in Chin, Kachin and Shan State”, particularly mentioning clashes between the Tatmadaw and the Arakan Army in its base area in southern Chin State.⁶⁵

The Institute of Peace and Conflict Studies reported that May 2018 “saw intense clashes between the Tatmadaw and the Rakhine-based AA in Chin state, inflicting heavy casualties on both sides and displacing nearly 1200 civilians into India’s Mizoram state. For the first time in years, a conflict inside Myanmar could directly threaten India’s overseas interests: a connectivity project node in Chin’s Paletwa township falls in the main conflict zone and could be at risk of sabotage”.⁶⁶

Following UNHCR’s decision to implement a policy to end refugee status of Chin refugees from Myanmar in June 2018, the Asia Pacific Refugee Rights Network (APRRN) raised its concern about the “ongoing military presence [in Chin State], documented evidence of recent military skirmishes [in Chin State], and a high likelihood that large numbers of returnees may exacerbate simmering national tensions”.⁶⁷

In the second quarter of 2018 ACLED reported “In Chin, 8 incidents killing 4 people were reported. The following locations were among the affected: Kon Pyin, Paletwa, Ta Woe Pwi”.⁶⁸ No further information was provided as to the type of incident or who the perpetrators were.

The Chin Human Rights Organization noted in its October 2018 report that “The first six months of 2018 has seen escalations of fighting in almost all corners of the country [...] Besides escalation of

⁶² US Overseas Security Advisory Council, [Burma \(Myanmar\) 2018 Crime and Safety Report](#), 13 June 2018

⁶³ UK Foreign & Commonwealth Office, [Human Rights and Democracy: the 2017 Foreign and Commonwealth Office report](#), 16 July 2018, *Burma*

⁶⁴ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 9 March 2018, D. *Conflict-related rights violations and the peace process*, para. 31

⁶⁵ Peace Research Institute Oslo (PRIO), [Still a Chance for Peace in Myanmar?](#), February 2018, *Brief Points*, p. 1 and *Increased Fighting in Chin, Kachin and Shan States*, p. 2

⁶⁶ Institute of Peace and Conflict Studies, [Myanmar’s Ethnic Armed Conflict: Emerging Trends in Violence](#), 12 June 2018

⁶⁷ Asia Pacific Refugee Rights Network (APRRN), [APRRN STATEMENT: SUSPEND POLICY TO END REFUGEE STATUS OF CHIN REFUGEES FROM MYANMAR](#), 4 September 2018

⁶⁸ Armed Conflict Location & Event Data Project (ACLED), [Update on conflict-related incidents according to the Armed Conflict Location & Event Data Project \(covering 2nd quarter 2018\) – updated 2nd edition](#), 20 December 2018, *Localization of conflict incidents*, p. 4

conflict in Kachin State, there has been an upscale in operations and ceasefire regulation breaking in Shan State, Chin State, Rakhine State, Karen State and Tanintharyi region”.⁶⁹

In September 2018 Burma News International stated that “Recent clashes have occurred between the Arakan Army (AA) and Burma Army, with Arakanese men being detained near the Indian border under the suspicion of having ties to the armed group, AA officials said”.⁷⁰

According to the Armed Conflict Location & Event Data Project (ACLED), in the third quarter of 2018 “4 incidents killing 16 people were reported [in Chin State]. The following locations were among the affected: Kon Pyin, Nga Tein, Ohn Thee Wa, Shin Ma Dein Wa”.⁷¹ No further information was provided as to the type of incident or who the perpetrators were. In its updated 2nd edition of 20 December 2018 the same source noted that “In Chin, 5 incidents killing 20 people were reported. The following locations were among the affected: Hta Run Aing (New), Nga Tein, Ohn Thee Wa, Paletwa, Shin Ma Dein Wa”.⁷² Again no further background information on these incidents was provided by the source.

The Irrawaddy reported at the end of December 2018 that “AA [Arakan Army] spokesperson U Khine Thukha said that the AA clashed with military troops in four locations—two in Rathedaung Township [northern Rakhine State] and two in Chin State’s Paletwa Township. He confirmed a number of casualties on the military’s side but refused to reveal the death toll from clashes on Tuesday and Wednesday. He said the military randomly fired heavy howitzer artilleries into the forest in Rathedaung Township continuously for five hours”.⁷³

2019

According to a civil society staff member who has been working for more than 20 years in Chin State and who was interviewed by UNHCR Myanmar in January 2019: “Nobody can predict the situation of an active fighting between the two groups AA and Tatmadaw. There are clashes in southern Chin state. Due to this active fighting, the communities are in need of assistance among others food supplies, safety and security”.⁷⁴

At the end of 2018 ACLED made a prediction for 2019 that Myanmar is “Most likely to see expanded ethnic armed conflict” and that “The temporary ceasefire called by Myanmar’s military covering Kachin and Shan states is undermined by the conflict in Rakhine and Chin states. The ongoing conflict complicates the possibility of formal peace talks with EAOs that have not signed the NCA, including the FPNCC. Meanwhile, formal talks with EAOs that have signed the NCA have been stalled. All this takes place against a backdrop of rising fighting between EAOs themselves. A resolution to

⁶⁹ Chin Human Rights Organization, [*Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar*](#), 9 October 2018, *Current Context*, pages 8/9

⁷⁰ Burma News International, [*Arakan Army Clashes with Tatmadaw in Chin State*](#), 26 September 2018

⁷¹ Armed Conflict Location & Event Data Project (ACLED), [*Update on conflict-related incidents according to the Armed Conflict Location & Event Data Project \(covering 3rd quarter 2018\)*](#), 12 November 2018, *Localization of conflict incidents*, p. 4

⁷² Armed Conflict Location & Event Data Project (ACLED), [*Update on conflict-related incidents according to the Armed Conflict Location & Event Data Project- Updated 2nd edition*](#), 20 December 2018, *Localization of conflict incidents*, p. 4

⁷³ The Irrawaddy, [*Military Using Villagers as Human Shields in N. Rakhine Battles Villagers*](#), 28 December 2018

⁷⁴ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [*Explanatory Note*](#).

these many conflicts is unlikely in the short-term, thus raising the possibility of intensified unrest throughout 2019”.⁷⁵

On 18th January 2019 the UN’s human rights expert on Myanmar “expressed alarm at the escalating violence in northern and central Rakhine State and Chin State” and noted further that “since November 2018 the Myanmar military, known as the Tatmadaw, and Arakan Army (AA), an ethnic armed organisation, have been engaged in heavy fighting, resulting in deaths and injuries to civilians. At least 5,000 people have been displaced from their homes”.⁷⁶ Moreover, “Yanghee Lee, the UN Special Rapporteur on the situation of human rights in Myanmar, condemned an attack by the AA on the four Border Guard Police posts on 4 January 2019 in Rakhine State], and expressed concern at the Tatmadaw’s disproportionate response to the attack ‘It is unacceptable for the Tatmadaw and the Arakan Army to conduct hostilities in a manner that impact civilians’”.⁷⁷ According to the same source “Following the 4 January AA attack, the Tatmadaw deployed a large number of troops to the region. Reports say heavy weapons and artillery, as well as helicopters, have been used in civilian areas, leading to civilian deaths and injuries”.⁷⁸

Al Jazeera noted in February 2019 that “outbreaks of violence between the armed forces and the Arakan Army, a rebel Buddhist group, are spilling over into Chin State, a rural, mountainous region that borders India” from Rakhine state.⁷⁹ The same source further noted that “Edith Mirante, who has worked on Chin issues since the 1980s and has visited the area a number of times, says the Arakan Army has used the southern part of the state as a training ground. ‘They drew the Tatmadaw (the Myanmar army) in and that sent Chin people fleeing across the border in late 2017,’ she told Al Jazeera. ‘The Tatmadaw presence is quite high throughout the state. Every town has a garrison of troops. It’s certainly a very intimidating presence for the Chin’”.⁸⁰

On 8th February 2019 UNHCR reported that it was “aware of reports of escalating violence and a deteriorating security situation in southern Chin State and Rakhine State”.⁸¹

3.1.1. General level of militarisation (Chin State)

See also information included in section [7. Violence against women](#).

To find out more about the range of human rights violations committed as part of the conflict in Chin State consult sections [3.1.4. Impact upon civilians](#) (in 3. Overview of the security situation) and [5.1. Chin State](#) (in 5. Overview of the human rights situation).

A U.S. Commission on International Religious Freedom (USCIRF) special report of December 2016 focusing on the situation and treatment of Christian minorities in Burma found the following with

⁷⁵ ACLED, [Ten conflicts to worry about in 2019](#), February 2019, *Myanmar: Most likely to see expanding ethnic armed conflict*

⁷⁶ UNOHCHR, [Myanmar: UN expert expresses alarm at escalating conflict, calls for civilian protection](#), 18 January 2019

⁷⁷ UNOHCHR, [Myanmar: UN expert expresses alarm at escalating conflict, calls for civilian protection](#), 18 January 2019

⁷⁸ UNOHCHR, [Myanmar: UN expert expresses alarm at escalating conflict, calls for civilian protection](#), 18 January 2019

⁷⁹ Al Jazeera, [UN urged to suspend Myanmar return plan for Chin amid unrest](#), 6 February 2019

⁸⁰ Al Jazeera, [UN urged to suspend Myanmar return plan for Chin amid unrest](#), 6 February 2019

⁸¹ UNHCR, [UNHCR concerned about the humanitarian impact of continuing violence in southern Chin State and Rakhine State in Myanmar, and stands ready to offer support](#), 8 February 2019

regards to Chin State and the town of Paletwa in particular “Paletwa Township in southern Chin State has seen increased militarization and troop movement since early 2015, including periodic church occupations by the Tatmadaw”.⁸²

The Chin Human Rights Organization (CHRO) noted in its October 2018 report that Chin State “remains heavily militarized, particularly Matupi township, whilst there remain “at least 54 Burma Army camps in the area, 20 of them in Paletwa Township”.⁸³ The same source further highlighted the following human rights abuses occurring in Paletwa Township due to the militarization there:

instances relating to civilians being caught in the crossfire between sporadic but sustained and drawn out conflict between the Arakan Army (AA) and the Burmese Army (Tatmadaw) including; killings, forced labour, human shields, indiscriminate laying of landmines, forced displacement, cruel inhuman and degrading treatment, attacks on livelihoods and threats and intimidation. Both the AA and the Tatmadaw continue to bring civilian populations into their activities.⁸⁴

According to Sena Galazzi Lian, Convener of the Chin State Academic Research Network, “I am not aware of any recent efforts at documenting locations of Tatmadaw bases in Chin State, not after a 2013 CHRO [Chin Human Rights Organisation] map included in the report *Threats to our Existence*. The Joint Monitoring Mechanism required by the NCA [National Ceasefire Agreement] has yet to be established, and although there are documented violations of this ceasefire carried out by both Chin National Army and Tatmadaw, it is hard to quantify specific levels of militarization. In Paletwa areas, there remain landmines and fighting. Matupi is also heavily militarized. The present situation makes it impossible to determine whether there is a durable prospect for stability and/or peace”.⁸⁵

A Chin based NGO representative stated that:

There are no maps, as far as we are aware, on current locations of Tatmadaw military bases in Chin State. The last accurate map of this will likely be CHRO’s 2013 “*Threats to Our Existence*” publication. It is unlikely this will have changed much.⁸⁶

The CNF and government ceasefire remains in place, but in order to produce this report X did do a very brief interview with a member of the Chin Peace and Tranquility Committee (CPTC) to obtain perspective on how this is currently being observed. The CPTC acted as the mediator between Government and the CNF during the ceasefire negotiations. Under the National Ceasefire Agreement, 2015 there is a required Joint Monitoring Mechanism to be established. This has not been established yet. Also, under the 2013 ceasefire agreement, a state-level mechanism is supposed to have been formed. As these are neither funded nor formed, the CPTC has undertaken some self-financed monitoring. In doing so, they have documented 11 violations by government and 5 violations by the CNF/CNA.

Government violations include the entering of CNF army camps bearing arms, the entering of CNF designated areas (Thantlang) without prior notification and bearing arms, and an unresolved rape case in Rezuwa involving a member of the Tatmadaw (this clearly goes beyond just the breaking of ceasefire regulations but was raised by the member of the CPTC as such)

⁸² U.S. Commission on International Religious Freedom (USCIRF), [*Hidden Plight: Christian minorities in Burma*](#), 13 December 2016, *Occupation, desecration, and destruction of churches and crosses*, p. 16

⁸³ Chin Human Rights Organization, [*Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar*](#), 9 October 2018, *Methodology*, p. 10

⁸⁴ Chin Human Rights Organization, [*Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar*](#), 9 October 2018, *Summary of Violations*, p. 9

⁸⁵ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [*Explanatory Note*](#).

⁸⁶ See Chin Human Rights Organization, [*Threats to Our Existence: Persecution of Ethnic Chin Christians in Burma*](#), 2013.

According to CPTC, the 5 instances where CNF are accused of ceasefire regulation breaking include public consultations beyond their jurisdiction (Kalay in Sagaing Region) and ongoing recruitment in certain areas.

It is the opinion of the CPTC that due to the fact that there is Disarmament Demobilization and Reintegration DDR and/or Security Sector Reform SSR, the ceasefire is not durable in nature.⁸⁷

3.1.2. Security situation: Paletwa

2016

A U.S. Commission on International Religious Freedom (USCIRF) special report of December 2016 provided the following context with regards to the security situation in Paletwa: “Since March 2015, the Tatmadaw has sporadically clashed with ethnic armed group the Arakan Army operating in Paletwa township in southern Chin State, bordering Arakan State, forcing hundreds of Chin villagers to flee. Chin civilians continue to be caught in the crossfire”.⁸⁸

According to the Armed Conflict Location & Event Data Project (ACLED), in the second quarter of 2016 “1 incident killing 0 people was reported. The following location was affected: Paletwa”.⁸⁹ No further information was provided as to the type of incident or who the perpetrators were. In its report covering the fourth quarter of 2016 the same source noted that there had been “1 incident killing 10 people”.⁹⁰

The Democratic Voice of Burma reported in December 2016 that the Arakan Army clashed with the Burmese government forces in Paletwa, killing at least 10 Burmese soldiers⁹¹ and displacing some 200 people reported the Myanmar Times⁹².

2017

According to ACLED, in the first quarter of 2017 “1 incident killing 0 people was reported. The following location was affected: Paletwa”.⁹³ No further information was provided as to the type of incident or who the perpetrators were.

In March 2017 Radio Free Asia reported that the Arakan Army (AA) clashed with the government’s 34th Infantry in Paletwa leaving “at least two Myanmar soldiers dead”.⁹⁴

⁸⁷ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁸⁸ U.S. Commission on International Religious Freedom (USCIRF), [Hidden Plight: Christian minorities in Burma](#), 13 December 2016, *Chin Context*, p. 7

⁸⁹ Armed Conflict Location & Event Data Project (ACLED), [MYANMAR, SECOND QUARTER 2016: Update on incidents according to the Armed Conflict Location & Event Data Project \(ACLED\) - Revised 2nd edition for 2016 Q2](#), 22 February 2017, *Localization of conflict incidents*, p. 2

⁹⁰ Armed Conflict Location & Event Data Project (ACLED), [MYANMAR, FOURTH QUARTER 2016: Update on incidents according to the Armed Conflict Location & Event Data Project \(ACLED\)](#), 8 February 2017, *Localization of conflict incidents*, p. 2

⁹¹ Democratic Voice of Burma, [Arakan Army claims 10 kills against Tatmadaw in Paletwa](#), 13 December 2016

⁹² The Myanmar Times, [Chin State civilians flee Arakan Army, Tatmadaw fighting](#), 15 December 2016

⁹³ Armed Conflict Location & Event Data Project (ACLED), [MYANMAR, FIRST QUARTER 2017: Update on incidents according to the Armed Conflict Location & Event Data Project \(ACLED\)](#), 22 June 2017, *Localization of conflict incidents*, p. 2

⁹⁴ Radio Free Asia, [No Resettlement of IDPs Without Ethnic Peace in Myanmar’s Kachin State: Aung San Suu Kyi](#), 28 March 2018

Radio Free Asia further reported that at the end of August 2017 “the ethnic Rakhine Arakan Army (AA) clashed with military troops” in Paletwa “in a spillover of the violence that has gripped adjacent Rakhine state”.⁹⁵ According to the same source it was “not immediately clear if any casualties were suffered on either side” following AA’s attack of a “column of soldiers that was conducting ‘security and stability’ operations in the region”.⁹⁶

ACLED noted that in November 2017 the government launched an offensive against the AA, “one of several large-scale assaults on the regional group”.⁹⁷ According to Mizzimar’s report of November 2017 “Two civilians were shot by AA. One is a female, and another one is a student. Moreover, two more civilians were killed by landmines. Another civilian was killed by a landmine yesterday. Three civilians were injured in the clashes”.⁹⁸ Reporting on the same time-period of clashes, the Myanmar Times stated that “the fighting has intensified in the areas at the border between Rakhine and Chin states”.⁹⁹

2018

A report by the UN Special Rapporteur on the situation of human rights in Myanmar stated that “clashes in May [2018] between the Tatmadaw and Arakan Army resulted in the deaths of five civilians. Further clashes in May and June [2018] led to the internal displacement of approximately 1,000 people, in addition to the approximately 1,300 people who had been displaced to India in late 2017 and who reportedly have not returned home”.¹⁰⁰

In September 2018, Myanmar Peace Monitor reported on further clashes between the AA and the Tatmadaw in Paletwa Township.¹⁰¹

Burma News International reported in October 2018 that “Clashes broke out between the Burma Army and the Arakan Army (AA) in Paletwa Township in Chin State [...] the fourth round of battles in recent days”.¹⁰² The same source further stated that “According to Khaing Thukha, who is in charge of the AA information department [...] clashes are expected to continue in the area, as the government forces have reportedly sent additional troops to Paletwa”.¹⁰³ ACLED documented that in October 2018 the AA and the Myanmar military clashed twice in Paletwa.¹⁰⁴

The Chin Human Rights Organization (CHRO) described in its October 2018 report that Paletwa “remains a war zone”, where both “Tatmadaw and the Arakan Army (AA) continue to involve civilians in their military activities”.¹⁰⁵ The same source further noted that

⁹⁵ Radio Free Asia, [Nearly 400 Rohingya Insurgents Killed in Rakhine Violence: Myanmar Military Chief](#), 1 September 2017

⁹⁶ Radio Free Asia, [Nearly 400 Rohingya Insurgents Killed in Rakhine Violence: Myanmar Military Chief](#), 1 September 2017

⁹⁷ Armed Conflict Location & Event Data Project (ACLED), [Myanmar: Conflict Update](#), 5 May 2018

⁹⁸ Mizzimar, [News from Myanmar, Civilian Casualties Reported in AA Paletwa Clashes](#), 30 November 2017

⁹⁹ The Myanmar Times, [Villager Killed by Landmine in Paletwa, Refugees Flee to India](#), 30 November 2017

¹⁰⁰ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 20 August 2018, A. Armed conflict and situations of violence from March 2018, 4. Chin State in May and June 2018, para. 47

¹⁰¹ Myanmar Peace Monitor, [Arakan Army Clashes with Tatmadaw in Chin State](#), 26 September 2018

¹⁰² Burma News International, [Tatmadaw, Arakan Army Clash in Chin State Paletwa](#), 29 October 2018

¹⁰³ Burma News International, [Tatmadaw, Arakan Army Clash in Chin State Paletwa](#), 29 October 2018

¹⁰⁴ Armed Conflict Location & Event Data Project (ACLED), [Regional Overview - Asia](#), 23 October 2018

¹⁰⁵ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, 1. Conflict in Paletwa Township, Chin State, p. 11

Since the report 'Armed Conflict in Paletwa, southern Chin State' in 2015, CHRO has witnessed both an increase and expansion of AA military activities in Paletwa which has negatively affected a wider proportion of civilians who continue to be caught in the crossfire of skirmishes with Tatmadaw forces and AA military activities. As a result of AA and Tatmadaw actions, CHRO has documented, killings, cruel, inhuman and degrading treatment, looting and theft, indiscriminate laying of landmines, forced labour, human shields, attacks on livelihoods, movement restrictions and arbitrary demands. These violations of human rights have led to a present situation of approximately 6000 Chin community members internally displaced or fleeing into the Mizoram area of neighboring India as refugees.¹⁰⁶

A Chin based NGO representative stated that:

In Paletwa violence continues between the Arakan Army and the Burmese Tatmadaw. In November [2018] there have been another three cases relating to landmines and the AA claim to have killed four Tatmadaw personnel in skirmishes between the two military forces [...]

Fighting between AA and Tatmadaw intensified in November 2017 as the Tatmadaw went on the offensive with 30 battalions and attacked using helicopter gunships along the Paletwa-Bangladesh and Paletwa-Indian border. On 18th November 2017, continued fighting between AA and Tatmadaw forces, forced approximately 1,300 villagers to flee Paletwa and seek shelter in Mizoram, India.

Paul Keenan, an expert on the peace process and lead researcher at the Euro Burma Office (EBO) has surmised that this situation will be one of the major barriers to the peace process moving forward. It is unclear how the CNF/CNA will respond in the long term, but they did issue a warning to AA forces to leave Chin State in Feb, 2017.

The Arakan Army however has a long term ideological claim to Paletwa, along with areas of the Chittagong Hill Tract region of Bangladesh where they operate largely unopposed. The militia, for the large part, treats the non-Arakanese population with disdain. As a result of AA and Tatmadaw actions, X has documented, killings, cruel, inhuman and degrading treatment, looting and theft, indiscriminate laying of landmines, forced labour, human shields, attacks on livelihoods, movement restrictions and arbitrary demands. These violations of human rights led to approximately 6000 Chin community members internally displaced as of July, 2018 or fleeing into the Mizoram area of neighboring India as refugees.

Although not covered in the media as much as other conflict related circumstances in Myanmar, the now banned Special Rapporteur on human rights in Myanmar, Yanghee Lee, raised this as part of her Situation of Human Rights in Myanmar report to the UN Human Rights Council in March and Sept, 2018 as a particular area of concern, in what she described as "escalating violence" in the same context of war in Kachin State.¹⁰⁷

2019

According to a civil society staff member who has been working for more than 20 years in Paletwa and who was interviewed by UNHCR Myanmar in January 2019: "Due to the armed conflict between the AA and Tatmadaw in southern part of Chin State (Paletwa), the civilians face many difficulties to access livelihood and education. Because of lack of official arrangement in the IDP Camps by the local authority in Paletwa, most of the victims fled to their relatives and friends, where they could find safety and security. The real situation in Paletwa is difficult to estimate because of lack of information. Local authorities have not recognized all the IDPs and have not registered them. There are information gaps between the GAD and some other organizations/CSOs when it comes to

¹⁰⁶ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, 1. *Conflict in Paletwa Township, Chin State*, p. 12

¹⁰⁷ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

support and assistance for the IDPs. Local authorities claim that all the assistance should be collaborated with them; otherwise, assistance packaged will not be delivered to the IDPs”.¹⁰⁸

On 6th February 2019 The Irrawaddy reported that “About 250 newly displaced Arakanese and ethnic Chin from Chin State’s Paletwa Township were driven from their homes into neighboring Bangladesh last week by fierce fighting between the Myanmar military and the Arakan Army (AA). Some of the children in the group are reportedly gravely ill as the refugees lack food, clothing and shelter in the area’s cold conditions, a rights worker said”.¹⁰⁹ According to people fleeing, “the Myanmar military (or Tatmadaw) torched homes in Kha Maung Wa village and Kin Tha Lin village in the upper Paletwa region”.¹¹⁰

3.1.3. Security situation: Matupi

The Chin Human Rights Organization (CHRO) noted in its October 2018 report that “Matupi Township, remains heavily militarized” and that civilians there have been subjected to “cruel, inhuman and degrading treatment by army personnel living in camps close to villages and towns, child soldier recruitment and the issuing of shoot-on-sight orders for attempting to practice traditional forms of livelihoods”.¹¹¹

The Chin based NGO representative highlighted that “While the Tatmadaw remain outside of civilian courts, unreformed and outside of civilian control they are capable of violence at any moment. In Matupi, X [the Chin based NGO] documented instances whereby local military officials who illegally run businesses selling alcohol to other armed personnel, subjected local Chin people to threats and cruel, inhuman and degrading treatment. There is no all-out conflict in Matupi Township or other areas of Chin State but that is not to suggest that peace has been given long enough to make a valid assessment on whether the situation is durable in nature”.¹¹²

In February 2019 the Chin based NGO representative noted that “On Feb 6th [2019] movement restrictions and curfews were imposed on villagers from Matupi Township as Tatmadaw reinforced positions in Chin State in order to launch offensives against AA positions in Paletwa. On 6th Feb 2019, villagers from Nga Leng and Pha Neng, Matupi Township, Chin State, reported that they had been banned from leaving their houses between 5 pm and 7 am. According to sources, the order was announced by the Tactical Commander from Chin State and is still ongoing. People are also restricted from stopping, using mobile phones or taking pictures along the highway close to the military base”.

¹⁰⁸ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

¹⁰⁹ The Irrawaddy, [Hundreds of Arakanese, Chin Flee to Bangladesh as Army, AA Clash in Paletwa](#), 6 February 2019

¹¹⁰ The Irrawaddy, [Hundreds of Arakanese, Chin Flee to Bangladesh as Army, AA Clash in Paletwa](#), 6 February 2019

¹¹¹ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, *Summary of Violations*, pages 9 and 12

¹¹² Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

On 11th February 2019 the Myanmar Times reported that “Chin State authorities have warned residents in Matupi township to avoid a military camp and refrain from hunting with guns at night and in the early morning, in what appeared to be a prelude to a military operation”.¹¹³

No additional information was located specifically on Matupi within the sources consulted in the time-frame for this report.

3.1.4. Impact upon civilians (Chin state)

This section should be read in conjunction with sections [3.1.1. General level of militarisation \(Chin State\)](#), [3.1.2. Security situation: Paletwa](#) and [5. Overview of the human rights situation, 5.1. Chin State](#).

A detailed description of individual incidences of forced displacement, the laying of landmines, killings and enforced movement restrictions, as well as destruction of property/looting all as a result of the ongoing conflict can be found [here](#).¹¹⁴

The Chin based NGO representative highlighted the issue of “movement restrictions” affecting civilians in Chin state:

The AA continues to impose movement restrictions on civilians coming and going from villages on both sides of the Bangladesh border. As small and sporadic skirmishes break out between AA and Tatmadaw forces, in some circumstances male villagers who have fled these areas are subsequently accused of being spies and in league with Tatmadaw. The AA has issued threats against civilians they believe to have been operating as spies, making it too dangerous to return to their families. The imposition of movement restrictions impacts both the ability to continue livelihood activities and ignores obligations under IHL rules in relation to the respect of family life.

On 8th November 2017 one civilian was killed and three injured as AA open fired on a boat carrying civilians along the Kaladan River in Paletwa. According to an aid worker based in the area, the AA mistook boat passengers on the Kaladan River for Tatmadaw soldiers, there were five people on board, one male was killed and three female passengers were injured who were subsequently taken to Paletwa hospital for treatment. The AA spokesman U Khine Thu kha, while not denying the AA was responsible for the death of the civilian, stated that they had informed villagers not to travel along a stretch of the river, very close to Paletwa Town.¹¹⁵

Furthermore, “theft and looting” was also emphasized by the Chin based NGO representative:

On 18th June 2016 3 houses in the village of Kin Ta La, 30 miles North of Paletwa Town, were deliberately set ablaze during skirmishes between Tatmadaw and AA forces. The owners of the houses lost all possessions inside. The Tatmadaw had sought shelter in the village households while on patrol in the area. Afterward villagers complained that they were frustrated because of tight security measures in the area as a consequence of the conflict.

Villagers from Pikyung Village, while reporting the death caused by landmines case described above, informed X that AA soldiers had very often deliberately killed the livestock of Chin civilians in Pikyung

¹¹³ Myanmar Times, [Chin refugees stranded in border area](#), 19 February 2019

¹¹⁴ See Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, I. Forced Displacement as a Result of Ongoing Conflict, pages 13-15; III. Indiscriminate Laying of Landmines by the AA, p. 16; IV. Killings and Enforced Movement Restrictions by the AA, pages 16/17; and V. Destruction of property/Looting by the AA, p. 17

¹¹⁵ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

and other villages, constituting a direct attack on livelihoods in communities that rely solely on farming and animal husbandry.

In May 2018, X received reports of theft and beatings carried out by the AA along the Bangladesh, Myanmar border areas. According to anonymous sources, AA members entered the village of Tawoepwee in the Shinmadein Village Tract of Paletwa Township on 17th May 2018. Villagers were accused of informing the Tatmadaw about AA troop movements. During a village interrogation, six male villagers were beaten. The AA also took many of the villagers' mobile phones, 10 chickens, 2 pairs of gold earrings, and 51 lakhs (5.1 million kyats worth approximately 3500 USD) of village development money. During the village raid, the AA demanded no Burmese be spoken and shouted, "Rakhine language only".¹¹⁶

3.1.4.1. Landmines (Chin State)

See also section 8 in [ARC, Myanmar: Query Response: The Chin State, 31 July 2017](#) for views expressed on this issue by country experts on Myanmar.

The Landmine & Cluster Munition Monitor reported that "For the first time, in August 2016, the Ministry of Health and Sports released data on landmine fatalities. The ministry reported that that 101 people had died as a result of antipersonnel landmine incidents in Myanmar during the 18-month period from January 2015 to June 2016. Of the total reported, 74 deaths due to landmines occurred in Kachin state, 14 in Shan state, 11 in Chin state, and one each in Kayah and Rakhine states. It appears that this number includes only civilian fatalities and not military and other combatants killed".¹¹⁷

The Myanmar Times reported in November 2017 that a villager was killed after stepping on a landmine in Paletwa township, "site of intense fighting between the AA [Arakan Army] and government troops".¹¹⁸

On 10 January 2018, The Irrawaddy provided an overview of the status of landmines in Myanmar, including Chin state and reported:

Yeshua Moser-Puangsuwan, Myanmar Research Coordinator for Landmine and Cluster Munition Monitor, launched the group's 19th report at the Royal Rose restaurant in Yangon. The anti-personnel landmine watchdog compiled casualty figures from medical assistance groups and non-governmental organizations, as well as information obtained by its own local researcher during visits to refugee camps on the Bangladesh border.

[...] Do we believe [that these figures represent a full accounting]? No. We get most of the information from medical assistance groups. Guess what. They don't give medical assistance to dead people," Moser-Puangsuwan said. According to the report, 71 townships from 10 states and regions of Myanmar are affected by antipersonnel mines. Shan, Chin, Kachin, Karen, Mon and Rakhine states are the worst affected. It said both the government and ethnic armed groups plant landmines in the areas under their control, adding that the issue of mine clearance had not been seriously addressed at peace negotiations.

[...] The timeline for mine clearance is still vague, as the signatories to the Nationwide Ceasefire Agreement are as yet still unwilling to give up what they see as a key defensive weapon.¹¹⁹

¹¹⁶ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

¹¹⁷ Landmine & Cluster Munition Monitor, [Myanmar Burma: Casualties](#), Last updated: 30 October 2017

¹¹⁸ The Myanmar Times, [Villager killed by landmine in Paletwa, refugees flee to India](#), 30 November 2017

Khonumthung News reported in September 2018 that “A 28-year-old woman was killed after stepping on a landmine while searching for yams in southern Chin State’s Paletwa Township”.¹²⁰

In November 2018 Free Burma Rangers reported that “Chin Free Burma Ranger teams have reported incidents of civilian landmine victims and displacement from fighting in just the last two months”.¹²¹ Detailed description of individual incidences can be found [here](#).¹²² Khonumthung News reported in November 2018 that “A second landmine victim in as many months in Chin State’s Paletwa Township has been transferred to an out-of-state hospital to treat injuries described as critical”.¹²³

According to Sena Galazzi Lian, Convener of the Chin State Academic Research Network, the conflict in Chin State is “‘long’ and ‘complex’ and the impact should not be underestimated especially the the incredible ongoing risks to remaining populations due to landmines, risks to both personal safety as well as to their ability to manage their livelihoods”.¹²⁴

A Chin based NGO representative stated that:

The laying of landmines by AA forces has resulted in four deaths and one man losing the use of his legs during the documentation period. On 7th January 2017, a community member stepped on a landmine while he was working together with some friends on jhum cultivation in a nearby forest close to Pikhyang Village. He suffered serious injuries to both of his legs, requiring surgery and a blood transfusion. He was taken to hospital over the border in Bangladesh and released almost three months later after recovering from an operation on both his legs. The man can no longer walk [...]

In October 2018, X documented two cases involving indiscriminate laying of landmines. This has resulted in two confirmed deaths and one injury. Interlocutors surmised that the landmines were likely laid by AA forces operating in the area as the AA do not warn civilians on landmine positions. The indiscriminate laying of landmines by the AA presents significant risks, not only to the personal safety of Chin civilians but in their ability to practice traditional livelihoods. Community members also reported to X that many domestic animals step on landmines in grazing areas around certain villages. The dangers posed by landmines not only make jhum cultivation a potentially life and death decision for villagers but constitute a direct attack on livelihoods.¹²⁵

The Myanmar Times reported in December 2018 that according to a report released by the International Campaign to Ban Landmines “There is no systematic effort being conducted by the government to clear landmines in the country” and that “Townships in Chin State and Sagaing Region along the Indian border are also believed to be heavily mined”.¹²⁶

¹¹⁹ The Irrawaddy, [Govt Hides Rohingya Landmine Incidents on Intl Stage, but Devices Continue to Be Used at Home](#), 10 January 2018

¹²⁰ Khinunthung News, [Woman Killed by Landmine in Paletwa](#), 26 September 2018

¹²¹ Free Burma Rangers, [Landmine Casualties and Civilian Displacement Continue in Chin State](#), 9 November 2018

¹²² See Free Burma Rangers, [Landmine Casualties and Civilian Displacement Continue in Chin State](#), 9 November 2018

¹²³ Khonumthung News, [Most Recent Paletwa Landmine Victim in Critical Condition](#), 1 November 2018

¹²⁴ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

¹²⁵ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

¹²⁶ Myanmar Times, [No systematic effort to clear landmines in Myanmar: watchdog](#), 21 December 2018

3.1.4.2. Displacement (Chin State)

The joint annual report covering 2017 by the Norwegian Refugee Council and the Internal Displacement Monitoring Centre noted that “Nearly 22,000 new displacements were also recorded in Kachin, Shan and Chin states, areas where ethnic minorities have been in armed conflict with the Myanmar state for nearly seven decades”.¹²⁷

The Chin Human Rights Organization (CHRO) raised its deep concern in May 2017 about the “displacement of hundreds of Chin civilians, mostly women and children from the Mara, Chin community in Paletwa Township” as a result of ongoing Arakan Army (AA) activities in the region.¹²⁸ It estimated that at least “500 people from four villages fled their homes, as they feared being perceived to be supporting AA activities as AA soldiers demanded 50 sacks of rice from these villagers which they did not have”.¹²⁹ Mizzima noted that according to the New Indian Express “insurgent Arakan Army held back male villagers”.¹³⁰ Mizzima reported in the same month that “Some 340 refugees from Myanmar, who had crossed over to Mizoram [India] less than a week ago to evade the Arakan Army, have been repatriated” in order to “avert a major refugee crisis that could have lingered in Mizoram” officials of the Assam Rifles stated.¹³¹

Frontier Myanmar reported in its article published in November 2017 that “About 1,300 villagers have crossed from Chin State to India to escape fighting between the Tatmadaw and Arakan Army insurgents”.¹³² The same source further noted that “the villagers had been displaced by fighting around Paletwa in southern Chin, near its border with Rakhine State. It [an article in Indian newspaper] said those who crossed the border were Buddhists and Christians who spoke the same tribal language as southern Mizoram residents. The report quoted an official in Mizoram’s Lawngtlai district as saying it was the fourth time in the recent past that people had crossed the border from Myanmar to escape unrest”.¹³³ Mizzima reported in September 2018 that “Over 200 Myanmar refugees fleeing armed conflict between Myanmar Army and Arakan Army (AA) militants are still languishing in south Mizoram’s Lawngtlai district [in India] [...] although the Myanmar government has asked them to return to their respective villages saying armed conflict had subsided, about 238 people, including 69 children from 60 families still remain in Mizoram and were reluctant to return to their villages because the conflict may begin again at any time”.¹³⁴

Radio Free Asia reported in May 2018 that following “growing tensions between the AA [Arkan Army] and government forces in Paletwa township of western Myanmar’s Chin state have forced about 60 people from several households to flee their homes” whilst “About 1,000 people from Chin state have fled to neighboring India because of fighting between the AA and the government army since November 2017”.¹³⁵

¹²⁷ Norwegian Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC), [*2018 Global Report on Internal Displacement - East Asia and Pacific*](#), 16 May 2018, *East Asia and Pacific*, p. 28

¹²⁸ Chin Human Rights Organization, [*CHRO: Concerns of Forced Displacement of Chin Civilians as a Result of Arakan Army Activities*](#), 26 May 2017

¹²⁹ Chin Human Rights Organization, [*CHRO: Concerns of Forced Displacement of Chin Civilians as a Result of Arakan Army Activities*](#), 26 May 2017

¹³⁰ Mizzima, [*300 people forced to flee to India*](#), 22 May 2017

¹³¹ Mizzima, [*Chin refugees in Mizoram repatriated*](#), 26 May 2017

¹³² Frontier Myanmar, [*1,300 Chin State villagers flee to India to escape Tatmadaw, Arakan Army clashes*](#), 29 November 2017

¹³³ Frontier Myanmar, [*1,300 Chin State villagers flee to India to escape Tatmadaw, Arakan Army clashes*](#), 29 November 2017

¹³⁴ Mizzima, [*Refugees from Chin State refuse to return*](#), 12 September 2018

¹³⁵ Radio Free Asia, [*Myanmar to Postpone Third Round of Peace Talks With Ethnic Militias*](#), 21 May 2018

Chin World reported in September 2018 that 51 residents from nine households have been forced to relocate from Shin Ma Dein Village to nearby villages after they were driven out of their village by the Arakan Army in Paletwa Township.¹³⁶

The CHRO noted in its October 2018 report that following the escalations of fighting in the first half of 2018 more than 22,000 civilians have been displaced in Shan State, Chin State, Rakhine State, Karen State and Tanintharyi region”.¹³⁷ The same source noted that “Fatality numbers are still unknown due to Tatmadaw policy of limiting access to independent organisations and humanitarian service providers”.¹³⁸ It further found that:

As a result of AA and Tatmadaw actions, CHRO has documented, killings, cruel, inhuman and degrading treatment, looting and theft, indiscriminate laying of landmines, forced labour, human shields, attacks on livelihoods, movement restrictions and arbitrary demands. These violations of human rights have led to a present situation of approximately 6000 Chin community members internally displaced or fleeing into the Mizoram area of neighboring India as refugees. While AA activities are largely confined to the Paletwa Township of Southern Chin State and the Chittagong Hill Tract region of Bangladesh, Tatmadaw human rights abuses are still ongoing in other areas, as Chin State, particularly Matupi Township, remains heavily militarized.¹³⁹

In November 2018 Free Burma Rangers reported that “Chin Free Burma Ranger teams have reported incidents of civilian landmine victims and displacement from fighting in just the last two months”.¹⁴⁰ Detailed description of individual incidences can be found [here](#).¹⁴¹

According to Sena Galazzi Lian, Convener of the Chin State Academic Research Network, the impact the conflict in Chin State is having on local populations “cannot be overestimate. In November 2017 alone, 1,300 villagers fled Paletwa and took shelter in Mizoram, India. This is a long complex conflict that is unlikely to go away any time soon, as the AA have long-standing claims to the area. At present, it is estimated around 6000 Chin people are either IDPs or have fled into Mizoram”.¹⁴²

A Chin based NGO representative stated that:

There are at least four instances where Mara and Khumi Chin have been forced into India’s Mizoram State during 2017 as a result of clashes between Tatmadaw and AA forces. In July 2018, X reported that over 6000 IDPs from 20 villages in the Pikhyang area, close to the Bangladesh border have been blockaded by Tatmadaw forces. There are also 362 refugees sheltering in Hmawngbuchhuah Village, Mizoram, India - on 26th July 2018, it was reported that an outbreak of malaria had taken place. IDPs in Paletwa, are presently spread out in at least 20 villages with approximately 100 households from Kha Way Village Tract, 40 from Yat Kyaung Village Tract, 56 from Phat Kyaung Village Tract, 50 from

¹³⁶ Chin World, [Arakan Army drives out residents of Shin Ma Dein Village in Paletwa Township](#), 5 September 2018

¹³⁷ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, *Current Context*, p. 9

¹³⁸ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, *Current Context*, p. 9

¹³⁹ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, 1. *Conflict in Paletwa Township, Chin State*, p. 12

¹⁴⁰ Free Burma Rangers, [Landmine Casualties and Civilian Displacement Continue in Chin State](#), 9 November 2018

¹⁴¹ See Free Burma Rangers, [Landmine Casualties and Civilian Displacement Continue in Chin State](#), 9 November 2018

¹⁴² Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

Bebung Village, 50 from Kandiwa, 40 from Yetakhun village, 45 from Latpanpya village, 48 from Kying Kyuang, 45 from Nyaung Kyuang village, and at least 20 households from other villages.

According to sources, on 12th July 2018 IDPs from Kha Way village, under the command of the Tatmadaw Western Regional Command of Rakhine State, had been imposed with limits on how much rice villagers can purchase as a family or individual, 12 Pyi (24 kg) per individual per month. The present concentration of the IDPs from the Pikhayang area need to travel approximately 90 miles by waterway with a small boat to get rice for daily survival in Kyauktaw, Rakhine State.¹⁴³

UNICEF in its annual report covering 2018 stated that “In Chin, small displacements, generally due to fighting between the Arakan Army and Government of Myanmar resulted in displacement of 384 people”.¹⁴⁴

On 18th January 2019 the UN’s human rights expert on Myanmar “expressed alarm at the escalating violence in northern and central Rakhine State and Chin State” and noted further that “since November 2018 the Myanmar military, known as the Tatmadaw, and Arakan Army (AA), an ethnic armed organisation, have been engaged in heavy fighting, resulting in deaths and injuries to civilians. At least 5,000 people have been displaced from their homes”.¹⁴⁵

Early February 2019 Radio Free Asia reported that 24 villagers displaced by the armed conflict in Chin State were arrested in Rakhine state “along with the couple who was hosting them”.¹⁴⁶

On 8th February 2019 UNHCR reported that it was “aware of reports of escalating violence and a deteriorating security situation in southern Chin State and Rakhine State. This has reportedly led to internal displacement and a number of new arrivals from Myanmar seeking safety in the Bandarban border region of Bangladesh”.¹⁴⁷ Two days earlier The Irrawaddy reported that “More than 120 residents of Chin State’s Paletwa Township displaced by fighting between the Myanmar military and Arakan Army (AA) are taking shelter in territory under the control of the ethnic armed group near the border with India, a spokesman for the group said [...] He said that clashes from Jan. 20 [2019] through Monday [February 2019] have displaced people in seven villages including Khamaungwa, Kin Talin, Khaw Sa and Tawagu. But only those from Khamaungwa and Kin Talin have arrived in AA-controlled territory, he added, with the whereabouts of the others unknown”.¹⁴⁸

On 19th February 2019 the Myanmar Times reported that “More than 200 refugees from Paletwa township in Chin State who fled to Bangladesh from fighting between the Tatmadaw (military) and Arakan Army (AA) on February 3 are stranded at the border and need aid, said U Win Thein, head of the Refugee Rescue Committee of Bangladesh. U Win Thein said the 280 refugees – including ethnic Chin, Khami, Mro and Rakhine from Paletwa, Kintalin and Kha Maung Wa villages – are camped on a hill near Ruma township in Bandarban district in Bangladesh”.¹⁴⁹ According to the same source ““The

¹⁴³ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

¹⁴⁴ UNICEF, [Myanmar, Humanitarian End of Year Situation Report, 1 January to 31 December 2018](#), 9 February 2019, p. 2

¹⁴⁵ UNOHCHR, [Myanmar: UN expert expresses alarm at escalating conflict, calls for civilian protection](#), 18 January 2019

¹⁴⁶ Radio Free Asia, [Police Arrest 24 Villagers Displaced by Armed Conflict in Myanmar’s Chin State](#), 4 February 2019

¹⁴⁷ UNHCR, [UNHCR concerned about the humanitarian impact of continuing violence in southern Chin State and Rakhine State in Myanmar, and stands ready to offer support](#), 8 February 2019

¹⁴⁸ The Irrawaddy, [Families Displaced by Fighting in Chin State Flee Toward Indian Border: Arakan Army](#), 6 February 2019

¹⁴⁹ Myanmar Times, [Chin refugees stranded in border area](#), 19 February 2019

Bangladeshi border security forces said they would not allow any refugees from Myanmar into the country and they cannot stay where they are now,” said U Win Thein, adding that Bandarban district authorities told a press conference on February 12 that the refugees must leave within three days”.¹⁵⁰

3.2. Sagaing Region

2016

According to the Armed Conflict Location & Event Data Project (ACLED), in the second quarter of 2016 “4 incidents killing 0 people were reported. The following locations were affected: Monywa, Sagaing”.¹⁵¹ No further information was provided as to the type of incident or who the perpetrators were.

For the year 2016 the same source noted that “6 incidents killing 0 people were reported. The following locations were affected: Monywa, Sagaing”.¹⁵² No further information was provided as to the type of incident or who the perpetrators were.

2017

In the first quarter of 2017 the same source reported that in Sagaing “2 incidents killing 0 people were reported. The following locations were affected: Letpadaung, Salingyi”.¹⁵³ No further information was provided as to the type of incident or who the perpetrators were.

2018

In the first quarter of 2018 ACLED found that “2 incidents killing 0 people were reported. The following locations were among the affected: Hkamti, Wet Hmay”.¹⁵⁴ No further information was provided as to the type of incident or who the perpetrators were.

In the second quarter of 2018 the same source reported “5 incidents killing 1 person were reported. The following locations were among the affected: Kale, Lahe, Lay Shi, Monywa, Tamu”.¹⁵⁵ No further information was provided as to the type of incident or who the perpetrators were.

For the third quarter of 2018 ACLED reported “4 incidents killing 0 people [...] The following locations were among the affected: Kawlin, Lahe, Monywa, Sagaing”.¹⁵⁶ No further information was provided

¹⁵⁰ Myanmar Times, [Chin refugees stranded in border area](#), 19 February 2019

¹⁵¹ Armed Conflict Location & Event Data Project (ACLED), [MYANMAR, SECOND QUARTER 2016: Update on incidents according to the Armed Conflict Location & Event Data Project \(ACLED\) - Revised 2nd edition for 2016 Q2](#), 22 February 2017, *Localization of conflict incidents*, p. 2

¹⁵² Armed Conflict Location & Event Data Project (ACLED), [MYANMAR, YEAR 2016: Update on incidents according to the Armed Conflict Location & Event Data Project \(ACLED\)](#), 9 February 2017, *Localization of conflict incidents*, p. 2

¹⁵³ Armed Conflict Location & Event Data Project (ACLED), [MYANMAR, FIRST QUARTER 2017: Update on incidents according to the Armed Conflict Location & Event Data Project \(ACLED\)](#), 22 June 2017, *Localization of conflict incidents*, p. 2

¹⁵⁴ Armed Conflict Location & Event Data Project (ACLED), [Update on conflict-related incidents according to the Armed Conflict Location & Event Data Project \(covering 1st quarter 2018\) – updated 2nd edition](#), 20 December 2018, *Localization of conflict incidents*, p. 4

¹⁵⁵ Armed Conflict Location & Event Data Project (ACLED), [Update on conflict-related incidents according to the Armed Conflict Location & Event Data Project \(covering 2nd quarter 2018\) – updated 2nd edition](#), 20 December 2018, *Localization of conflict incidents*, p. 5

as to the type of incident or who the perpetrators were. In its updated 2nd edition of 20 December 2018 the same source noted that “n Sagaing, 8 incidents killing 0 people were reported. The following locations were among the affected: Kawlin, Lahe, Monywa, Sagaing, Tigyaing”.¹⁵⁷ Again no further background information on these incidents was provided by the source.

2019

In February 2019 The Irrawaddy reported that “The Myanmar Army has taken control of the headquarters of the National Socialist Council of Nagaland-Khaplang (NSCN-K) in the Naga Self-Administered Zone of Sagaing Region without a shot being fired”.¹⁵⁸

3.2.1. General level of militarisation (Sagaing Region)

No information was located within the sources consulted and in the allocated time-frame for this report.

3.2.2. Impact upon civilians (Sagaing Region)

No information was located within the sources consulted and in the allocated time-frame for this report.

This section should be read in conjunction with section [5. Overview of the human rights situation, 5.2. Sagaing Region.](#)

3.3. National Ceasefire Agreement

A U.S. Commission on International Religious Freedom (USCIRF) special report of December 2016 provided the following context with regards to the peace process in Chin State:

In 2012, ethnic armed group the Chin National Front (CNF) and its armed wing, the Chin National Army (CNA), and the government signed ceasefire agreements, the most comprehensive out of all the bilateral agreements. The CNF is also a signatory to the October 2015 Nationwide Ceasefire Agreement signed by eight armed groups. The bilateral ceasefire agreements explicitly prohibit human rights abuses by both the Tatmadaw and the CNF [...] The bilateral agreements also provide for the full enjoyment of all tenets of religious freedom, and specify the right to own land for religious purposes, freely construct churches, and proselytize.¹⁵⁹

The National Ceasefire Agreement (NCA)¹⁶⁰ was signed in October 2015 by eight of the fifteen armed ethnic groups which had originally been involved in the process.¹⁶¹

¹⁵⁶ Armed Conflict Location & Event Data Project (ACLED), [Update on conflict-related incidents according to the Armed Conflict Location & Event Data Project \(covering 3rd quarter 2018\)](#), 12 November 2018, *Localization of conflict incidents*, p. 5

¹⁵⁷ Armed Conflict Location & Event Data Project (ACLED), [Update on conflict-related incidents according to the Armed Conflict Location & Event Data Project- Updated 2nd edition](#), 20 December 2018, *Localization of conflict incidents*, p. 5

¹⁵⁸ The Irrawaddy, [Tatmadaw Occupies NSCN-K Headquarters](#), 1 February 2019

¹⁵⁹ U.S. Commission on International Religious Freedom (USCIRF), [Hidden Plight: Christian minorities in Burma](#), 13 December 2016, *Chin Context*, p. 7

¹⁶⁰ See [The Nationwide Ceasefire Agreement](#) between the Government of the Republic of the Union of Myanmar and the Ethnic Armed Organizations

With respect to members of the ceasefire agreement, Radio Free Asia reported in September 2018 that:

The China-backed UWSA leads a political coalition called the Federal Political Negotiation and Consultative Committee (FPNCC) with six other non-signatory groups — the National Democratic Alliance Army (NDAA), Shan State Army-North (SSA-N), Kachin Independence Army (KIA), Ta'ang National Liberation Front (TNLF), Arakan Army (AA), and Myanmar National Democratic Alliance Army (MNDAA). The FPNCC was created in April 2017 to hold political negotiations and discuss peace-building. Myanmar's first fully civilian government in decades is trying to reach an accord with the UWSA and other ethnic armies to end seven decades of civil war and forge peace and stability in its lawless border regions.¹⁶²

In its Burma (Myanmar) 2018 Crime and Safety Report by the US Overseas Security Advisory Council (OSAC) published on 13 June 2018 it stated that:

Since 2011, the government has negotiated cease-fire agreements with 14 Ethnic Armed Groups (EAGs), though clashes continue (including those involving some of the groups who had agreed to the ceasefire). In October 2015, the government and eight EAGs signed the Nationwide Ceasefire Agreement (NCA); however, numerous EAGs, primarily in the north and northeast, did not sign on. Ongoing clashes between the government and EAGs do not always correspond to NCA signatory areas; non-signatory groups in the southeast have existing bilateral ceasefires and have not engaged in clashes with the government in many years, while fighting has occurred in parts of Kachin, Kayah, and Shan states covered by the NCA.¹⁶³

The Irrawaddy reported in February 2019 that “On Dec. 21 [2018] the military announced a unilateral ceasefire with armed groups in the northeast to last until April. 30 [2019]. It said it left Rakhine State out because of the ongoing threat posed by the Arakan Rohingya Salvation Army. On Jan. 4 [2019] the AA [Arakan Army] attacked four border guard police posts in Buthidaung, seizing more than 40 arms and thousands of rounds of ammunition. Thirteen police and nine others were injured in the attack. Afterward, the President's Officer ordered the military to crush the AA. The government's National Reconciliation and Peace Center is meanwhile taking steps to hold talks with the Northern Alliance, of which the AA is a member”.¹⁶⁴

4. Overview of the political situation

4.1. National peace process

Burma News International published in January 2017 its ‘Reference Guide 2016’ on Myanmar's Peace Process specifically describing and analysing the ‘Peace Process Roadmap’ and the ‘complementary peace processes’ with non-signatories of the Nationwide Ceasefire Agreement, which can be viewed [here](#).¹⁶⁵

¹⁶¹ Reuters, [Myanmar Signs Ceasefire with Eight Armed Groups](#), 15 October 2015

¹⁶² Radio Free Asia, [Ethnic Army Targets Christian Clergy, Churches in Myanmar's Shan State](#), 17 September 2018

¹⁶³ US Overseas Security Advisory Council, [Burma \(Myanmar\) 2018 Crime and Safety Report](#), 13 June 2018

¹⁶⁴ The Irrawaddy, [Families Displaced by Fighting in Chin State Flee Toward Indian Border: Arakan Army](#), 6 February 2019

¹⁶⁵ See Burma News International, [Deciphering Myanmar's Peace Process, A Reference Guide 2016](#), January 2017

The UN Commissioner for Human Rights provided the following background information with regards to the peace process:

On 15 October 2015, the Government and eight of the more than 20 ethnic armed groups in Myanmar signed a nationwide ceasefire agreement. Nonetheless, armed conflict persists in Kachin and northern Shan States, while sporadic skirmishes have broken out in Chin, Kayah and Rakhine States. The new Government – the most ethnically diverse Government in decades – has proposed a “twenty-first-century Panglong Conference” to advance the peace process.¹⁶⁶

In November 2016 the Center for Strategic & International Studies (CSIS) stated that “Myanmar’s peace process is at a critical juncture, a year since the signing of the nationwide ceasefire agreement and two months after the much anticipated 21st century Panglong Conference. Limited but persistent conflict continues in the country’s north and a host of challenges threaten to disrupt the momentum of the peace process”.¹⁶⁷

It should be noted that the UN Special Rapporteur on the situation of human rights in Myanmar found in her report published in March 2018 that “the peace process appears to be losing its momentum. Ethnic armed organizations have complained that the reason for this is largely due to the failure of the Government and the Tatmadaw to take steps to earn the trust of stakeholders”.¹⁶⁸

According to the detailed findings of the Independent International Fact-Finding Mission on Myanmar published in September 2018:

Since 2016, the NLD-Government has led a peace process, the ‘Union Peace Conference-21st Century Panglong’; sessions have been held in August 2016, May 2017 and July 2018. In the run up to the third session in July 2018, the United Nations Special Rapporteur on Myanmar expressed concern that ‘the peace process appears to be losing its momentum’, with ‘ethnic armed organizations’ pointing to a failure by the Government and the Tatmadaw to take steps to earn the trust of stakeholders, and through their blocking of internal consultations by parties to the Conference. Nevertheless, all members of the Federal Political Negotiation and Consultative Committee, who had previously not been invited, were invited to and attended the third session of the Conference. This has been identified as a positive development.¹⁶⁹

With regards to the May 2017 conference, the Myanmar Times reported that “The government and ethnic armed groups signed a total of 33 agreements” on a range of issues.¹⁷⁰

The Chin Human Rights Organization noted in its report that “after four postponements, the third installment of the Panglong Peace Accord (Previously held in August 2016 and May 2017) continued on in ‘great difficulty’ on the 11th June 2018. Over 700 delegates attended, including the majority ethnic armed organisations who are non-signatories to the National Ceasefire Agreement which represents 80% of all troops of Ethnic Armed Groups in Myanmar. 14 principles were approved, seven involved social matters, four on political arrangements, two related to land and environment

¹⁶⁶ UN High Commissioner for Human Rights, [Situation of human rights of Rohingya Muslims and other minorities in Myanmar](#), 29 June 2016, II. Context, para. 8

¹⁶⁷ Center for Strategic & International Studies (CSIS), [Holding the Line on Myanmar’s Peace Process](#), 2 November 2016

¹⁶⁸ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 9 March 2018, D. Conflict-related rights violations and the peace process, para. 40

¹⁶⁹ UN Human Rights Council, [Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar](#), 17 September 2018, III. Context, B. Ethnic and religious diversity, 1. Ethnic diversity and insurgencies, para. 86

¹⁷⁰ The Myanmar Times, [Govt, ethnic groups sign 33 agreements at the end of second Panglong](#), 30 May 2017

and one on economic matters”.¹⁷¹ Frontier Myanmar reported that “one area where there was no formal progress was on security issues”.¹⁷² The same source further noted that in a statement published following the conference it was decided to hold another peace conference in 2018 and two in 2019.¹⁷³

In October 2018 Radio Free Asia reported that “The 10 ethnic armed groups [including the Chin National Front] that have signed a nationwide peace accord with the Myanmar government agreed in principle [...] to extend dialogue to ethnic armies outside the cease-fire agreement and to a key military demand that they fold their militias into a single national army”.¹⁷⁴

ACLEED reported in its noted of December 2018 that “Over the past few months, battles between the Myanmar military and the Arakan Army (AA) have increased in Rakhine and Chin states. Initially during the Union Solidarity and Development Party (USDP) administration, and now during the National League for Democracy (NLD) administration, ethnic armed organizations (EAOs) that once had limited numbers and military capabilities have gained in strength by allying with more powerful EAOs, posing a challenge to the peace process. The continued insistence by the government and military that all EAOs sign the Nationwide Ceasefire Agreement (NCA) before engaging in further substantive dialogue has only exacerbated the many armed conflicts in the country”.¹⁷⁵ The same source further stated that “Along with ongoing fighting in Kachin and northern Shan state, the clashes in Rakhine and Chin states come as the peace process is faltering even among groups who are already signatories to the NCA”.¹⁷⁶

Amy Smith, Executive Director of Fortify Rights, who was interviewed by ARC in February 2019 stated:

The process of developing a Nationwide Ceasefire Agreement has completely stalled, and ethnic leaders are losing hope that the process will result in any meaningful guarantees of peace or rights for ethnic minorities in the country. Armed conflict is continuing unabated in various parts of the country, notably in Rakhine State, Kachin State, and northern Shan State where the military is committing war crimes with impunity. Although there is a preliminary ceasefire agreement between the Chin National Front and the Myanmar military, there is no official monitoring body to ensure compliance with its terms and no enforcement mechanisms when violations take place. There are no guarantees that conflict will not resume in Chin State.¹⁷⁷

4.1.1. Regional peace process

The Joint Peace Fund explained that the ‘National Dialogues’ are a core part of Myanmar’s peace process and that as of May 2018 “there have been nine National Dialogues held in Myanmar since

¹⁷¹ Chin Human Rights Organization, [*Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar*](#), 9 October 2018, *Current Context*, p. 9

¹⁷² Frontier Myanmar, [*Controversy, progress at the third Panglong conference*](#), 16 July 2018

¹⁷³ Frontier Myanmar, [*Controversy, progress at the third Panglong conference*](#), 16 July 2018

¹⁷⁴ Radio Free Asia, [*Ethnic Armies, Myanmar Military Make Headway in Preparatory Peace Talks*](#), 16 October 2018

¹⁷⁵ ACLED, [*MYANMAR: PEACE TALKS BELIED BY ONGOING CONFLICT IN RAKHINE AND CHIN STATES*](#), 14 December 2018

¹⁷⁶ ACLED, [*MYANMAR: PEACE TALKS BELIED BY ONGOING CONFLICT IN RAKHINE AND CHIN STATES*](#), 14 December 2018

¹⁷⁷ Annex E: Notes from a Skype interview conducted with Amy Smith, Executive Director of Fortify Rights on 20th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [*Explanatory Note*](#).

the first round of dialogues were initiated in February 2017. Four of these dialogues have been Ethnic-Based dialogues, and aimed at particular ethnic groups with Chin, Karen and Pa-O ethnic groups holding dialogues in 2017, and most recently the Mon National Dialogue. Three dialogues have been State or Region-Based Dialogues, held in Bago Region, Shan State, and Tanintharyi Region. Additionally, two Issue-Based dialogues have also been held in Nay Pyi Taw”.¹⁷⁸

Back in February 2017 Radio Free Asia reported that a “joint committee overseeing the drafting process of the framework for political dialogue in Myanmar suspended regional-level discussions by the Arakan Liberation Party (ALP) and the Chin National Front (CNF) in Chin state before the 21st-Century Panglong Conference without providing any reasons”.¹⁷⁹

The Chin Human Rights Organization noted in its October 2018 report that “the peace dialogues, now in their third session have failed to bring the majority of ethnic armed organizations into the fold. The fact that the CNF [Chin National Front] is still a political entity at all indicates the ongoing instability and necessity of its existence. The CNF-Government Ceasefire Agreement confirms that the armed outfit continues to be an illegal entity within the laws of the country whereby its designation should be done away with ‘once a sufficient level of confidence has been built toward lasting peace’”.¹⁸⁰

4.2. Freedom of Assembly

Further relevant information on how freedom of assembly is being curtailed can be found in section [6.3. Land confiscation and restitution](#).

Contextual background information covering Myanmar as a whole

In March 2016 the UN Special Rapporteur on the situation of human rights in Myanmar reported that “In an attempt to protect their rights, people have increasingly resorted to public protests against land confiscations. Unfortunately, some of those exercising their right to peaceful assembly, including farmers and land rights activists, continue to face harassment, intimidation and criminal prosecution. Such prosecutions should cease immediately, and those detained for peaceful protests should be released”.¹⁸¹ In her August 2016 report the UN Rapporteur stated that “While there has not been the same frequency and scale of arrests, problematic legal provisions continue to be applied against civil society actors and land and labour rights activists”.¹⁸²

According to the U.S. Department of State’s annual report on human rights covering 2017 the government of Myanmar restricted the right to freedom of assembly and further documented that:

The constitution provides the right to peaceful assembly, and peaceful protests were generally permitted around the country, although in November [2017], the Rangoon region security and border affairs minister instructed police in 11 Rangoon townships to temporarily deny all applications for processions or assemblies, and sometimes the law was used to restrict peaceful protests if prior

¹⁷⁸ Joint Peace Fund, [National Dialogues and Public Consultations explained](#), 11 June 2018

¹⁷⁹ Radio Free Asia, [Two Myanmar Ethnic Groups From Strife-torn Areas Not Allowed to Hold Advance Talks](#), 6 February 2017

¹⁸⁰ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, *Current Context*, pages 7/8

¹⁸¹ UN Human Rights Council, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 18 March 2016, *F. Development and economic, social and cultural rights*, para. 66, p. 15

¹⁸² UN Special Rapporteur on human rights in Myanmar, [Situation of human rights in Myanmar](#), 29 August 2016, *D. Enhancing the democratic space*, para. 35

notification had not been granted or if conducted on private property. Farmers and social activists continued to hold protests over land rights and older cases of land confiscation throughout the country, and human rights groups continued to report cases in which the government arrested groups of farmers and those supporting them for demanding the return of confiscated land. Many reported cases involved land seized by the military under the former military regime and given to private companies or persons with ties to the military. The government also arrested some peaceful ultranationalist protesters¹⁸³

Freedom House, in its annual report covering 2017/2018, also reported on restrictions placed on freedom of assembly: “Under the 2014 revised Peaceful Assembly and Peaceful Procession Law, unauthorized demonstrations are punishable with up to six months in prison; a variety of other vaguely worded violations can draw lesser penalties”.¹⁸⁴

In August 2018 the UN Special Rapporteur on the situation of human rights in Myanmar reiterated her concern about the “Peaceful Assembly Act and notes that its provisions regarding the notification of assemblies, including the requirement that detailed but unnecessary information, such as the contents of signs and slogans that will be used, be submitted in advance, do not comply with international standards. She also notes that amendments to the Act proposed in February 2018 have passed the Amyotha Hluttaw (upper house of the parliament) and that their enactment would result in further undue restrictions on the right to freedom of peaceful assembly, including a requirement that organizers submit information about funding sources”.¹⁸⁵

4.2.1. Chin State

No additional information to that included in section [6.3.1. Chin State](#) (in 6.3. Land confiscation and restitution) was found in relation to Chin State within the consulted sources and the time-frame for this report.

4.2.2. Sagaing Region

According to the U.S. Department of State’s annual report on human rights covering 2016 “On February 29 [2016], Myanmar Veneer and Plywood Private Ltd. terminated 128 workers in Sagaing after the workers reportedly demanded overtime pay and better working conditions. This action led to formation of an informal workers association, the Freedom Labor Organization, which organized a march demanding better pay and working conditions. Dozens of workers marched from Sagaing to Naypyidaw starting on April 29. Although police initially allowed the march to take place, as protesters neared the capital on May 18, media reports indicated that 200 police officers dispersed the protest and arrested 71 persons. Authorities released 20 without charge and 36 more on June 1 after dropping the original charges. As of October the remaining 15 persons--10 workers and five student sympathizers--remained in detention pending trial facing a range of charges under the penal code, including unlawful assembly, incitement, and rioting”.¹⁸⁶ The Democratic Voice of Burma

¹⁸³ U.S. Department of State, [Country Reports on Human Rights Practices for 2017: Burma](#), 20 April 2018, Section 2., b. *Freedoms of Peaceful Assembly and Association*

¹⁸⁴ Freedom House, [Freedom in the World: Myanmar](#), 1 August 2018, E1. *Is there freedom of assembly?* 2 / 4

¹⁸⁵ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 20 August 2018, II. *Shrinking democratic space*, para. 13

¹⁸⁶ See U.S. Department of State, [Country Reports on Human Rights Practices for 2016: Burma](#), 3 March 2017, Section 7., a. *Freedom of Association and the Right to Collective Bargaining*

reported at the end of October 2016 that these 15 workers had been given five months prison sentences each for the unlawful assembly charges and the sedition charges.¹⁸⁷

Mr. GS Mang from the Area Peace and Development Forward, a civil society organization in Kalay, Sagaing region, interviewed by UNHCR in January 2019 noted that “The Township Administration Department in Kalay Township has ordered every village/village leaders to inform Local Authority for any activities from any CSOs [Civil Society Organisation], NGO for meetings and assemblies and has requested them to get an approval from the General Administration Department [GAD]. After an approval, organizations can organize assemblies and meetings. However, civil society actors organizing meetings and other activities like workshops and training on human rights face challenges to get permission”.¹⁸⁸

4.3. Freedom of Expression

Contextual background information covering Myanmar as a whole

In May 2016 Amnesty International found that “Since the quasi-civilian government of President Thein Sein came to power in March 2011, Myanmar has embarked on a series of key economic, political and social reforms” including “the relaxation of some of the restrictions on freedom of expression, association and peaceful assembly through the passing of new laws and the release of hundreds of individuals imprisoned on politically motivated grounds”.¹⁸⁹ However, the same source further noted that “Yet, as people have begun to exercise these new freedoms to assert their rights, the authorities have increasingly cracked down on peaceful expression. Since the start of 2014 hundreds of people have been arrested, charged, arbitrarily detained or imprisoned in politically motivated cases. They include student protesters, political activists, media workers and human rights defenders and, in particular land and labour activists”.¹⁹⁰

Similarly, Human Rights Watch concluded in its report of June 2016 focusing on the criminalization of freedom of expression that “The past five years have been a time of liberalization and change in Burma. The abolition of prior censorship and a loosening of licensing requirements has led to a vibrant press, and the shift from formal military rule has emboldened civil society. The change has not been without conflict, however, and, under President Thein Sein, those who embraced the new freedoms to vocally criticize the government or military too often found themselves arrested and in prison. The backlash against critics was facilitated by a range of overly broad and vaguely worded laws that violate internationally protected rights to expression and peaceful assembly, some dating from the British colonial era, some enacted under successive military juntas, and others the products of reform efforts, or ostensible reform efforts, by the Thein Sein government”.¹⁹¹

It should be noted that both these reports were written after the general election of November 2015 and published shortly after the new Burmese government came into office in April 2016, led by Aung San Suu Kyi’s National League for Democracy (NLD). They thus provide accounts of historical human

¹⁸⁷ Democratic Voice of Burma, [Sagaing marchers get prison for May protests](#), 25 October 2016

¹⁸⁸ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

¹⁸⁹ Amnesty International, [New Expression Meets Old Repression: Ending the cycle of political arrests and imprisonment in Myanmar](#), 24 March 2016, 1. Executive Summary, p. 6

¹⁹⁰ Amnesty International, [New Expression Meets Old Repression: Ending the cycle of political arrests and imprisonment in Myanmar](#), 24 March 2016, 1. Executive Summary, p. 7

¹⁹¹ Human Rights Watch, [“They Can Arrest YOU at Any Time”: The Criminalization of Peaceful Expression in Burma](#), June 2016, Summary, p. 1

rights violations, as well as contextual information regarding the laws in place at the time of the most recent governmental transition, some of which are still in operation today.

The UN Special Rapporteur on the situation of human rights in Myanmar noted in her August 2016 report that “While many people are hopeful that continuing restrictions on these rights will soon be fully lifted, recent incidents are worrying signs that these trends persist [...] A recent United Nations report highlighted the fact that outdated laws restricting freedom of expression continue to be selectively used to silence the media and civil society, in particular in cases relating to issues deemed politically sensitive or too close to the interests of powerful constituencies, such as the military”.¹⁹² The same source further highlighted that she had “previously raised concerns regarding the arrest and prosecution of individuals exercising their fundamental rights, creating a new generation of political prisoners. While there has not been the same frequency and scale of arrests, problematic legal provisions continue to be applied against civil society actors and land and labour rights activists”.¹⁹³

The same source noted her concern with regards to the availability of freedom of expression in her report published in March 2018 and specifically stated that “While the historic election of a civilian government for Myanmar promised a new era of openness, transparency and the expansion of democratic space, the Special Rapporteur has only seen that space shrink, with journalists, members of civil society and human rights defenders placed in an increasingly perilous position. The repressive practices of previous military governments are returning as the norm once more”.¹⁹⁴ In August 2018 the same source reported that “Democratic space in Myanmar today continues to shrink and is characterized by declining media freedom, increasing intimidation and harassment of those who speak out in favour of human rights and against injustices and an enveloping culture of silence and self-censorship [...] Violations of the right to freedom of expression online are increasing”.¹⁹⁵

According to the U.S. Department of State’s annual report on human rights covering 2017 “Authorities arrested, detained, convicted, and imprisoned citizens for defaming religion and expressing political opinions critical of the government, the military, and ultranationalist Buddhist groups, generally under the charges of defamation, protesting without a permit, or violating national security laws. Freedom of expression was more restricted during the year compared with 2016. This included a higher number of detentions of journalists using various laws, including laws carrying more severe punishments than those used previously”.¹⁹⁶

Freedom House also reported in its annual report covering 2017/2018 on restrictions placed for freedom of expression “Free private discussion is constrained by state surveillance and laws that inhibit online speech. Numerous defamation cases involving online commentary have been filed under Article 66(d) of the 2013 Telecommunications Law, which includes broadly worded bans on online activity deemed to be threatening or defamatory. The rights organization Free Expression Myanmar found 106 cases of complaints made under Article 66(d) of the Telecommunications Act between November 2015 and November 2017, most of which were filed under the NLD government.

¹⁹² UN Special Rapporteur on human rights in Myanmar, [Situation of human rights in Myanmar](#), 29 August 2016, *D. Enhancing the democratic space*, paras. 30/31

¹⁹³ UN Special Rapporteur on human rights in Myanmar, [Situation of human rights in Myanmar](#), 29 August 2016, *D. Enhancing the democratic space*, para. 35

¹⁹⁴ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 9 March 2018, *B. Democratic Space*, para. 12

¹⁹⁵ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 20 August 2018, *II. Shrinking democratic space*, paras 4 and 8

¹⁹⁶ U.S. Department of State, [Country Reports on Human Rights Practices for 2017: Burma](#), 20 April 2018, Section 2., *b. Freedoms of Peaceful Assembly and Association*

The law was amended in August 2017 to reduce the maximum penalty for violations to two years, from three previously”.¹⁹⁷

With regards to media freedom the same source found that “Media freedoms have improved since the official end of government censorship and prepublication approval in 2012. However, existing laws allow authorities to deny licenses to outlets whose reporting is considered insulting to religion or a national security danger, and the threat of prosecution under criminal defamation laws encourages self-censorship. Journalists and social media users continued to face defamation cases in 2017. Surveillance of journalists by the military-controlled Home Affairs Ministry remains a common practice”.¹⁹⁸

Amnesty International noted in its annual report that “The rights to freedom of expression, association and peaceful assembly remained subject to severe restrictions. There was a surge in the number of people charged with “online defamation” under Section 66(d) of the 2013 Telecommunications Act.⁵ Following national and international pressure, Parliament adopted minor amendments to the law. However, “online defamation” remained a criminal offence. Human rights defenders, lawyers and journalists – in particular those speaking out about the situation of the Rohingya, religious intolerance and violations by the military – faced surveillance, intimidation and attacks”.¹⁹⁹

In December 2017 Free Expression Myanmar published a report focusing on Article 66 (d) of the 2013 Telecommunications Law, which “has become the most notorious symbol of the unsuitability of the legal framework, regularly appearing in the media and online as a tool to repress and punish those speaking truth to power”, which was slightly amended in 2017 by the government.²⁰⁰ The report found that despite these minor changes, including “reducing the number of grounds for making a complaint, lowering the prison sentence, increasing the likelihood of bail, and stopping third parties from making a complaint”, the law continues to give the Myanmar security services “disproportionate surveillance powers and harshly criminalises users for what they say online, without any of the safeguards for freedom of expression and privacy that are necessary and expected in a democracy”.²⁰¹

The UN Special Rapporteur on the situation of human rights in Myanmar noted her concern with regards to the use of the colonial-era Penal Code against those speaking out about abuses perpetrated by the military in her report published in March 2018 and covering the period since the previous reports of March and June 2017.²⁰² She specifically stated that “Human rights defender Khaing Myo Htun was convicted of disturbing public tranquility and incitement under Sections 505(b) and (c) in October 2017 [in Rakhine State] for allegations he made about forced labour by the Myanmar Armed Forces, the Tatmadaw, and after 19 months he was finally released on 22 February 2018. Former child soldier Aung Ko Htwe [from Yangon] has reportedly been charged with disturbing public tranquility under Section 505(b) after speaking to journalists about his experiences as a child

¹⁹⁷ Freedom House, [Freedom in the World: Myanmar](#), 1 August 2018, D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4 (-1)

¹⁹⁸ Freedom House, [Freedom in the World: Myanmar](#), 1 August 2018, D1. Are there free and independent media? 2 / 4

¹⁹⁹ Amnesty International, [The State of the World's Human Rights 2017/2018](#), 22 February 2018, Freedom of Expression, Association and Assembly, p. 271

²⁰⁰ Free Expression Myanmar, [66\(d\): No real change](#), December 2017, Introduction, p. 6

²⁰¹ Free Expression Myanmar, [66\(d\): No real change](#), December 2017, Introduction, p. 6 and *The Telecommunications Law*, p. 11

²⁰² UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 9 March 2018, B. Democratic Space, para. 15

soldier in the Tatmadaw. The Special Rapporteur calls for the charge to be dropped”.²⁰³ As way of update – Amnesty International reported in November 2018 that “Former child soldier Aung Ko Htwe has been acquitted of the latest in a series of charges against him after he gave a media interview about being forcibly recruited by the Myanmar military when he was only 13. Despite this acquittal, he remains in prison serving two years and six months on other politically motivated charges. He should be immediately and unconditionally released”.²⁰⁴

According to the detailed findings of the Independent International Fact-Finding Mission on Myanmar published in September 2018:

Since 2011, there has been a remarkable opening up of democratic space in Myanmar compared with the preceding 50 years, including a more open environment for people to express themselves and to participate in protests, a freer media environment, and increased access to and freedom for Internet users, including through social media [...] However, while Myanmar has made significant strides, challenges and negative trends have emerged too, especially since 2015. The democratic transformation of the country remains in its early stages. Indeed it has barely begun with the military maintaining a dominating role in politics. Observers reported increased restrictions on the rights to freedom of expression, association and peaceful assembly; continuing arrest and detention of individuals in relation to the exercise of these rights; and an increasing intimidation, monitoring and surveillance of human rights defenders. Despite the release of many political prisoners, their number was still reported as “alarmingly high”.²⁰⁵

The same source concluded that “The Mission observed at least three aspects of a broader trend to deliberately silence critical voices, negatively affecting democratic space: the continued use of a range of domestic laws criminalising the peaceful exercise of fundamental freedoms; the intimidation of and reprisals against individuals for their (perceived) engagement with the United Nations and other international actors; and the curtailment of peaceful protests”.²⁰⁶ More detailed information on the curtailment of freedom of expression at national level can be found in the relevant chapter of the same report.²⁰⁷

A Myanmar Expert, who contributed his written opinion on a range of issues covered in this report noted with regards to freedom of expression:

Situation in Myanmar with regard to freedom of expression remains unpredictable. The Government applied inconsistent practice with regard to human rights application. It preached rule of law, but then arrested those who speak up about human rights violation. This would be summed that there is no real consistent application of rule of law in Myanmar, the determination to democratize political philosophy appeared flimsy and compromised as it clashed directly with the power of the de facto power of the country – the Tatamdaw. Myanmar government in 2012 declared reform agenda to move toward “Discipline flourishing democracy” – which does mean it never was in the purview of

²⁰³ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 9 March 2018, B. Democratic Space, para. 15

²⁰⁴ Amnesty International, [MYANMAR: FURTHER INFORMATION: ACQUITTED FORMER CHILD SOLDIER REMAINS JAILED: AUNG KO HTWE](#), 15 November 2018

²⁰⁵ UN Human Rights Council, [Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar](#), 17 September 2018, VI. Emblematic situation 3: Democratic space and the exercise of fundamental freedoms, paras. 1287 and 1288

²⁰⁶ UN Human Rights Council, [Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar](#), 17 September 2018, VI. Emblematic situation 3: Democratic space and the exercise of fundamental freedoms, A. Silencing of critical voices, para. 1290

²⁰⁷ See UN Human Rights Council, [Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar](#), 17 September 2018, VI. Emblematic situation 3: Democratic space and the exercise of fundamental freedoms, A. Silencing of critical voices, pages 317-321

*thinking of the old power to let go of the power. It was expected to remain in power to continue with “discipline” bit of the concept of democracy. It is worthwhile noting that the concept of democracy in Myanmar as originally plan is not democracy, but “disciplined flourishing democracy”. However, when the election changed hands that hold power by the NLD winning landslide in the last election, the landscape of democratization therefore could be expected to be not along the discipline philosophy. As such the new government therefore appeared not to be able to liberate the country the way it made in its political manifesto, and the old power would need to make sure that their original plan was not too badly impacted. This appeared to be the scenario where activists were arrested, politicians cannot express themselves to their constituents. Well, this is my personal analysis of the situation. I could be wrong.*²⁰⁸

4.3.1. Chin State

No specific information was located within the sources consulted and in the allocated time-frame for this report.

4.3.2. Sagaing Region

According to the U.S. Department of State’s annual report on human rights covering 2016 “The military continued to practice zero-tolerance regarding perceived misreporting by the media. Authorities charged Wai Phyo, chief editor of *Daily Eleven* newspaper for defamation in a Sagaing Region court in June. A soldier sued the newspaper because of an April 2015 article that included a photograph of the soldier while noting an excursion beyond enemy lines by the military. The newspaper issued a clarification on May 4, after the army filed a complaint through the Myanmar Press Council (MPC), and sent copies of the letter to the commander in chief and to the chairperson of the army’s information division. *Daily Eleven* said the army and the MPC did not respond, and the military subsequently sued the journalist a year later”.²⁰⁹

The UN Special Rapporteur on the situation of human rights in Myanmar specifically reported on an incident that occurred in May 2016 and involved factory workers exercising their right to protest:

In May 2016, 71 factory workers from Sagaing Division were arrested during a march protesting working conditions. Fifteen people were later charged under various sections of the Penal Code, with the charges including disturbing public order and unlawful assembly. In July, the 15 protestors boycotted their trials and were subsequently found to be in contempt of court and subjected to one month’s imprisonment or a fine of 5,000 kyats. Their trials are currently pending.²¹⁰

In December 2016 “Moe Moe Tun, a reporter for Eleven Media, was found dead with head injuries in Monywa in the northwestern Sagaing region” following his reporting on illegal wood smuggling, among other issues” noted Freedom House in its annual report.²¹¹ According to the same source

²⁰⁸ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

²⁰⁹ See U.S. Department of State, [Country Reports on Human Rights Practices for 2016: Burma](#), 3 March 2017, Section 2., a. Freedom of Speech and Press

²¹⁰ UN Special Rapporteur on human rights in Myanmar, [Situation of human rights in Myanmar](#), 29 August 2016, D. Enhancing the democratic space, para. 38. See also Amnesty International, [MYANMAR: 15 PROTESTERS CHARGED AND STILL DETAINED](#), 18 July 2016

²¹¹ Freedom House, [Freedom on the Net 2017: Myanmar](#), 14 November 2017, *Violations of User Rights, Intimidation and Violence*. See also World Organization Against Torture, [Myanmar \(ex-Burma\): Murder of journalist and land rights defender Soe Moe Tun](#), 16 December 2016; U.S. Department of State, [Country](#)

“Less than a week before he was killed, he republished his own Facebook post from 2014 that included photos of a notebook with the names and contact information of alleged smugglers. His colleagues suspect that the murder is related to his online activities and reporting, though the murder was unsolved in mid-2017”.²¹²

Khonumthung News reported in July 2017 that “A report said that the authority of Union Ethnic Youths Development College in Ongtaw village, Sagaing town of Sagaing region had expelled Salai Nang Thun for related with political issue on 28 July from the college” despite Salai Nang Thun claiming that “I have no connection with politics and nationalism, and I’m not a member of any political parties. I just used to write some comments about politics and other issues on Facebook using ‘Hnaphetmhinluhta’ account name. I think, it is just sharing my opinions to others. But they had charged me as involving in political activities”.²¹³ According to the same source “The collage authority had already informed all 800 students from different ethnics must be free from political activity during academic period in the collage before”.²¹⁴

5. Overview of the human rights situation

For additional information on specific human rights abuses see the relevant sections in this report:

- [6.3. Land confiscation and restitution](#)
- [7. Violence against women](#)
- [8. Violence against children](#)
- [9. Freedom of religion](#)
- [11. Forced recruitment and Forced Labour](#)

Contextual background information covering Myanmar as a whole

2016

In June 2016, the UN Commissioner for Human Rights provided the following background information with regards to impunity for human rights violations in Myanmar and access to justice:

Access to justice for victims of human rights violations and abuses has, in the meantime, been sorely lacking. The military and other security forces have generally enjoyed impunity. Endemic corruption and limited capacity and will to conduct effective investigations and prosecutions add to a general lack of public trust in the administration of justice. Structural issues affecting the independence of the judiciary and legal professionals remain. Judicial independence has been further undermined by the undue influence of the executive branch and its interference in politically sensitive cases. Social and cultural stigma deters victims of sexual and gender-based violence from reporting. Minorities face other obstacles that limit further their access to justice, including language, geography and fear of reprisal.²¹⁵

[Reports on Human Rights Practices for 2017: Burma](#), 20 April 2018, Section 2., a. Freedom of Expression, Including for the Press

²¹² Freedom House, [Freedom on the Net 2017: Myanmar](#), 14 November 2017, *Violations of User Rights, Intimidation and Violence*

²¹³ Khonumthung News, [College authority expel Chin student for political issue](#), 31 July 2017

²¹⁴ Khonumthung News, [College authority expel Chin student for political issue](#), 31 July 2017

²¹⁵ UN High Commissioner for Human Rights, [Situation of human rights of Rohingya Muslims and other minorities in Myanmar](#), 29 June 2016, II. Context, para. 12

The same source further noted that in the context of armed conflict allegations of violations of international humanitarian law and human rights law involving the military have included:

the deliberate targeting of and indiscriminate attacks against civilians, the use of child soldiers, forced displacement, the summary execution of civilians and captured fighters, forced labour, arbitrary arrest and detention, torture and ill-treatment, and sexual violence. Credible reports detail practices that include military personnel ordering civilians to walk before them as “human mine sweepers”; a policy of categorizing certain zones as “black areas”, giving the military free rein to target anyone in that area, including civilians, contrary to the principle of distinction; and the “live off the land” policy, resulting in the confiscation by the military of land, livestock or harvested crops from civilians.²¹⁶

With regards to abuses by ethnic armed groups against civilians, the same source found that this included “the forced recruitment and use of children in hostilities, forced displacement of the population, torture, ill-treatment and the summary execution of captured Tatmadaw personnel and ongoing reports of harassment, arbitrary detention, and extortion by some of these groups [...] There are also ongoing reports of the use by both the military and ethnic armed groups of civilians as porters, sentries, guides and human shields, and also the use of anti-personnel mines in civilian areas”.²¹⁷

The UN Special Rapporteur on the situation of human rights in Myanmar noted in her August 2016 report that “Conflict-related human rights violations continue to be reported, including attacks against civilians, extrajudicial killings, torture, inhuman and degrading treatment, forced labour, looting and property confiscation and destruction”.²¹⁸ The same source reported that “Violations are reportedly committed by all sides, including by militias, some of which are supported by the Tatmadaw”.²¹⁹

2017

In March 2017 the same source expressed its concern at continuing reports of “conflict-related violations committed by all parties, including torture, inhuman and degrading treatment, sexual and gender-based violence, arbitrary killings, abductions, including for forced labour and use as human shields, looting and property confiscation [...] There has also been a worrying trend of reportedly indiscriminate attacks in or near civilian areas, including displacement sites, schools and in some cases, areas where there are no known legitimate military targets”.²²⁰

The UN Special Rapporteur on the situation of human rights in Myanmar was informed in December 2017 by the Government of Myanmar that all access to the country had been denied and cooperation withdrawn for the remaining duration of her tenure, which was formalized on 3rd January 2018.²²¹

²¹⁶ UN High Commissioner for Human Rights, [Situation of human rights of Rohingya Muslims and other minorities in Myanmar](#), 29 June 2016, C. Violations and abuses against other minorities, para. 57

²¹⁷ UN High Commissioner for Human Rights, [Situation of human rights of Rohingya Muslims and other minorities in Myanmar](#), 29 June 2016, C. Violations and abuses against other minorities, para. 59

²¹⁸ UN Special Rapporteur on human rights in Myanmar, [Situation of human rights in Myanmar](#), 29 August 2016, A. The impact of conflict and looking towards peace, para. 43

²¹⁹ UN Special Rapporteur on human rights in Myanmar, [Situation of human rights in Myanmar](#), 29 August 2016, A. The impact of conflict and looking towards peace, para. 43

²²⁰ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 14 March 2017, 2. Conflict-related violations, paras. 54/55

²²¹ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 9 March 2018, I. Introduction, paras. 2/3

2018

This denial of access and lack of cooperation continued long into 2018 as highlighted in her latest report published end of August 2018.²²²

In her March 2018 The UN Special Rapporteur stated that “As the world’s attention is drawn to the recent crisis in Rakhine State, scant attention has been afforded to continued and escalating violence in Kachin, Shan and other conflict affected States in Myanmar. These armed conflicts continue to have a devastating impact on civilian populations, with clashes occurring in close proximity to civilian areas and internally displaced persons (IDPs) camps. The Tatmadaw is accused of using advanced military hardware, including fighter jets and helicopter gunships, as well as unmanned drones for surveillance”.²²³

The same source further highlighted the problem of landmines and other explosive devices and noted that “Civilians, including children, continue to be killed and maimed by landmines and other explosive devices in different parts of the country. In 2017, a total of 176 casualties were reported, with 52 deaths, including eight children. Over the last two years, there was a landmine victim on average every three days, with a child victim out of every three. In 2017, there were reports of the new use of landmines and resulting casualties along the Myanmar and Bangladesh border”.²²⁴ The same source highlighted in its August 2018 report that “Myanmar has the second highest number of antipersonnel landmine casualties in Asia”.²²⁵

In August 2018 the UN Special Rapporteur on the situation of human rights in Myanmar condemned the “widespread and systematic violations of human rights and international humanitarian law that are alleged to have been perpetrated by the Tatmadaw in several places around the country for decades. Those violations, including killing, rape, torture, looting, arson, enforced disappearances and forced displacement, may amount to genocide, crimes against humanity and war crimes. Ethnic armed organizations are also alleged to have committed serious violations of international humanitarian law and human rights law, including the forced recruitment and use of child soldiers. The recurring clashes between the Tatmadaw and those armed groups, resulting in the loss of civilian lives and displacement, suggest that the parties to the conflict do not meet their obligations under international humanitarian law in the conduct of hostilities”.²²⁶

5.1. Chin State

For additional information on specific human rights abuses in Chin State see the relevant sections in this report:

²²² UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 20 August 2018, I. Introduction, para. 2

²²³ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 9 March 2018, D. Conflict-related rights violations and the peace process, para. 31

²²⁴ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 9 March 2018, D. Conflict-related rights violations and the peace process, para. 34

²²⁵ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 20 August 2018, A. Armed conflict and situations of violence from March 2018, 6. Landmine use, para. 49

²²⁶ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 20 August 2018, A. Armed conflict and situations of violence from March 2018, para. 36

- [6.3. Land confiscation and restitution, 6.3.1. Chin State](#)
- [7. Violence against women, 7.1. Chin State](#)
- [8. Violence against children](#)
- [9. Freedom of religion, 9.2. Situation and treatment in Chin State](#)
- [11. Forced recruitment and Forced Labour, 11.1.1. Chin State, 11.2.1. Chin State, and 11.3.1. Chin State](#)

Sena Galazzi Lian, Convener of the Chin State Academic Research Network, who provided her expert opinion on issues of relevance to this report, highlighted that “A proper assessment of the situation requires recent and in depth travel to specific areas, obviously not solely or even primarily alongside government officials. Such on the ground full picture is something that almost nobody has, we can only have snippets of the whole situation, ie. if 5 cases of a particular human rights abuse have been documented, there are likely to be another 50 similar ones that were not documented. Therefore, assuming to have a sense of the situation on the ground after consulting a handful of experts is likely to be misleading”.²²⁷

2016

According to the U.S. Department of State’s annual report on human rights covering 2016 “in Chin State and most of the southeast, widespread and systematic violent abuses of civilian populations in ethnic minority areas continued to decline, largely due to a number of bilateral cease-fire agreements reached with ethnic armed groups”.²²⁸

The Chin Human Rights Organization (CHRO) noted in its newsletter covering January/February 2016 that two mothers were returned to their village, following the arrest by AA soldiers with no apparent reason. The same source noted that the AA were currently detaining more than seven villagers in the jungle.²²⁹ The same source further highlighted the following human rights violations: extortion of money from traders by the Arakan Liberation Party; extortion of food and livestock of villagers by soldiers of the Arakan Army; and forced labour of villagers.²³⁰

2017

The U.S. Department of State reported a similar situation in its annual report covering 2017.²³¹ In July 2017 a letter was sent to the Chin State chief minister by a group of Chin youth accusing the Tatmadaw and the Arakan Army of forcibly recruiting villagers and using civilians as human shields.²³² Following a visit to Paletwa township in June 2017 the youth reported that residents from the township’s ten villages told them about “regular abuses they reportedly have suffered at the hands of soldiers” including “physical assault, forceful recruitment of residents as porters or guides, robberies and the use of residents as human shields”.²³³ Moreover, “According to the letter,

²²⁷ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

²²⁸ See U.S. Department of State, [Country Reports on Human Rights Practices for 2016: Burma](#), 3 March 2017, Section 1., g. *Abuses in Internal Conflict*

²²⁹ Chin Human Rights Organization (CHRO), [Rhododendron News, Volume XVIII, Issue 1, January – February 2016](#), Undated [Last accessed: 21 November 2018], *Arbitrary Taxation, Extortion & Detention*, p. 3

²³⁰ Chin Human Rights Organization (CHRO), [Rhododendron News, Volume XVIII, Issue 1, January – February 2016](#), Undated [Last accessed: 21 November 2018], pages 4, 5, 10, 13, 14

²³¹ See U.S. Department of State, [Country Reports on Human Rights Practices for 2017: Burma](#), 20 April 2018, Section 1., g. *Abuses in Internal Conflict*

²³² Myanmar Peace Monitor, [Chin youth accuse AA, Tatmadaw of committing human rights violations](#), 5 July 2017

²³³ Myanmar Peace Monitor, [Chin youth accuse AA, Tatmadaw of committing human rights violations](#), 5 July 2017

hundreds of residents from Pi Taung, Sat Ta Laing Wa, Kin Ta Lin, and Pyaing So villages have fled to nearby villages, while schools in Sat Laing Wa, Sat Ta Laing Wa, Pi Taung, and Kin Ta Lin villages have been closed due to the teachers' safety concerns".²³⁴

2018

The Irrawaddy published an article in May 2018, based on an online local publication 'Online Chin World' entitled 'Chin Villagers Accuse AA Soldiers of Torture, Extortion' which stated that the "The Arakan Army (AA) allegedly made off with about 6.7 million kyats in money and valuables extorted from villagers after torturing administrative officials and a Christian preacher in Chin State's Paletwa Township".²³⁵ In response, a spokesperson for the Arakan Army denied the allegations "The AA spokesman denied that any AA personnel had committed extortion or torture against ethnic Chin in the region, adding that seeking protection money and extortion are prohibited by the group. He said that a group of people wanting to tarnish the reputation of the AA has occasionally carried out such raids. The AA has previously blamed such raids on the Arakan Liberation Army (ALA), a signatory to the Nationwide Ceasefire Agreement based in the Paletwa mountains".²³⁶

The CHRO found in its October 2018 report that "As a result of AA and Tatmadaw actions, CHRO has documented, killings, cruel, inhuman and degrading treatment, looting and theft, indiscriminate laying of landmines, forced labour, human shields, attacks on livelihoods, movement restrictions and arbitrary demands. [...] While AA activities are largely confined to the Paletwa Township of Southern Chin State and the Chittagong Hill Tract region of Bangladesh, Tatmadaw human rights abuses are still ongoing in other areas, as Chin State, particularly Matupi Township, remains heavily militarized."²³⁷ A detailed description of individual incidences regarding forced displacement, the laying of landmines, killings and enforced movement restrictions, as well as destruction of property/looting all as a result of the ongoing conflict can be found [here](#).²³⁸

The same source further noted in its October 2018 report with regards to collecting information on Paletwa township that "The lack of basic infrastructure in Chin State, and Paletwa township in particular, makes it extremely difficult to collect timely information. As a result, most human rights violations are documented days or weeks after the fact, if at all".²³⁹ Similarly, an article published by Frontier Myanmar in October 2017 confirmed that Chin's "isolation and atrocious roads that are in such state of disrepair that journeys of just a few kilometres can take several hours".²⁴⁰ CHRO also noted that "human rights documentation remains extremely challenging, whereby, human rights violations may very often go undocumented, or reported weeks later, if at all" and where human rights fieldworkers, such as CHRO's team, are "at risk of arrest and detention by the authorities during the course of their work to document human rights violations in Chin State".²⁴¹

²³⁴ Myanmar Peace Monitor, [Chin youth accuse AA, Tatmadaw of committing human rights violations](#), 5 July 2017

²³⁵ The Irrawaddy, [Chin Villagers Accuse AA Soldiers of Torture, Extortion](#), 23 May 2018

²³⁶ The Irrawaddy, [Chin Villagers Accuse AA Soldiers of Torture, Extortion](#), 23 May 2018

²³⁷ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, 1. Conflict in Paletwa Township, Chin State, p. 12

²³⁸ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, I. Forced Displacement as a Result of Ongoing Conflict, pages 13-15; III. Indiscriminate Laying of Landmines by the AA, p. 16; IV. Killings and Enforced Movement Restrictions by the AA, pages 16/17; and V. Destruction of property/Looting by the AA, p. 17

²³⁹ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, Summary of Violations, p. 4

²⁴⁰ Frontier Myanmar, [The Chin media is in a poor state](#), 24 October 2017

²⁴¹ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, Methodology, p. 11

The same source highlighted the following human rights abuses in Paletwa Township:

instances relating to civilians being caught in the crossfire between sporadic but sustained and drawn out conflict between the Arakan Army (AA) and the Burmese Army (Tatmadaw) including; killings, forced labour, human shields, indiscriminate laying of landmines, forced displacement, cruel inhuman and degrading treatment, attacks on livelihoods and threats and intimidation. Both the AA and the Tatmadaw continue to bring civilian populations into their activities.²⁴²

With regards to the rest of Chin State, in particular Matupi Township, the same source noted that civilians there have been subjected to “cruel, inhuman and degrading treatment by army personnel living in camps close to villages and towns, child soldier recruitment and the issuing of shoot-on-sight orders for attempting to practice traditional forms of livelihoods”.²⁴³ Specific incidences of physical assaults and inhuman and degrading treatment, as well as Shoot-on-Sight orders by the Tatmadaw have been documented by the CHRO and can be found [here](#).²⁴⁴

A Myanmar Expert summarised the following human rights violations taking place in Chin State:

The severe lack of proper system in all things should be considered the trigger of all lacks and violations took place in this state, as it led to forced labour practice, financial extortion, severe lacks of most of social services, infrastructure, severely discriminated on religion ground as most of the population are Christians and as such are not aligned with the mainstream Buddhism in the rest other Burmese regions. Lacking infrastructure/road accessibility is an implied form of restriction of freedom of movement. In conclusion, Chin state was left isolated and unattended in all areas of development.²⁴⁵

The same expert further noted that in relation to fighting that occurred in Paletwa area in 2017 “People were threatened if not supporting AA [Arakan Army] would be in trouble, in the meantime if they were found supporting AA, they would also be in trouble as well”.²⁴⁶

According to Sena Galazzi Lian, Convener of the Chin State Academic Research Network: “Mostly, as far as I can say the major violations will be first of all related to armed conflict between the Arakan Army and the Tatmadaw, where civilians are regularly caught in the middle. The same applies in the context of CNF [Chin National Front]-Tatmadaw relations. Although there is a ceasefire, both sides have broken it. Secondly, limitations to religious freedom remain an extremely serious issue for people in Chin State. Finally, the environmental and social impact of development projects that are

²⁴² Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, *Summary of Violations*, p. 9

²⁴³ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, *Summary of Violations*, p. 9

²⁴⁴ See Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, II. *Physical Assaults and Inhuman and Degrading Treatment by Tatmadaw in Matupi*, pages 20 and 21 and III. *Shoot-on-Sight order Declared by the Tatmadaw*, p. 21

²⁴⁵ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

²⁴⁶ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

increasingly being started in Chin State is progressively having an impact on Chin people' livelihoods and safety".²⁴⁷

A Chin based NGO representative, who also contributed to this report, noted that:

Although we recognize the timespan stipulated is from Jan 2016 to Oct 2018, it is nonetheless useful to contextualize the background to the human rights situation at present. In 2013 the CNF and its armed wing the CNA signed a comprehensive ceasefire agreement after state-wide consultations were held amongst Chin communities. The key human rights issues raised during the dialogues consisted of freedom of religion, to cease being brought into armed conflict, to be included in development activities in the form of internationally recognized best practice related to free, prior and informed consent and to be free from assimilation programmes which threaten the Chin identity. Each and every one of those core concerns related to being a religious and ethnic minority in an underdeveloped part of Burma/Myanmar, are still a way from being implemented to an adequate degree.

As the preceding questions request a more detailed summary of violations we shall just bullet point the main concerns related to human rights:

- Institutional barriers to freedom of religion and belief persist.
- Chin State remains a conflict zone where both the Tatmadaw and the Arakan Army (AA) regularly bring civilians into their activities ignoring obligations under international customary law.
- Chin people are still not adequately consulted in development projects, without due consideration of Social/environmental impact assessments with full observance of free, prior and informed consent.
- Although not presently monitored by any officially mandated organization, we are aware of ceasefire regulations being broken by both CNF and the Tatmadaw.²⁴⁸

2019

A local staff member of an NGO who has worked for more than 20 years in Chin State and who was interviewed by UNHCR Myanmar in January 2019 stated that with regards to what they considered to be the main human rights violations: "The main actor violating human rights during the past 10 years was military /Tatmadaw who had full sovereignty to rule over the communities/public affairs. Many human rights violations took place based on sex, religion, ethnicity, political opinion, membership of social group. The power of Tatmadaw to rule over people has declined, consequently also the human rights violations".²⁴⁹

Amy Smith, Executive Director of Fortify Rights, who was interviewed by ARC in February 2019 noted the following when asked what the main human rights violations are in Chin State:

I want to highlight several concerns that are continuing in Chin State:

- Situation in Paletwa: The conflict is still ongoing and intensifying. Information about human rights violations are being recorded;

²⁴⁷ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

²⁴⁸ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

²⁴⁹ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

- Civilians are finding themselves in crossroads of the conflict between the Tatmadaw and the Arakan Army, especially in Paletwa. There is no rule of law and army battalions based in the area used civilians as forced porters and guides;
- Forced labour by the Tatmadaw – CHRO [Chin Human Rights Organisation] and the ILO [International Labour Organisation] should be able to provide more information about specific instances;
- Landmines: Civilians continue to be injured by landmines. No one knows who is planting them, but they are mainly based in active conflict zone areas.²⁵⁰

5.2. Sagaing Region

No publicly available COI on human rights abuses committed in specifically Sagaing Region could be located within the sources located and in the time-frame of this report. See [section 5](#) for information pertaining to abuses in conflict areas of Myanmar more generally.

For additional information on specific human rights abuses in Sagaing Region see the relevant sections in this report:

- [6.3. Land confiscation and restitution, 6.3.2. Sagaing Region](#)
- [7. Violence against women, 7.2. Sagaing Region](#)
- [8. Violence against children](#)
- [9. Freedom of religion, 9.3. Situation and treatment in Sagaing Region](#)
- [11. Forced recruitment and Forced Labour, 11.1.2. Sagaing Region, 11.2.2. Sagaing Region, and 11.3.2. Sagaing Region](#)

A Myanmar Expert summarised the following human rights violations taking place in Sagaing Region:

the ILO complaints mechanism received a total of 227 cases from this region alone. Within these complaint, 122 of which are considered within the ILO mandates on forced labour (under categories of underage recruitment, traditional forced labour, human trafficking into forced labour, forced adult recruitment into armed forces and police forces), 105 other cases are complaints related to other issues outside of ILO forced labour elimination mandate such as alleged land confiscation, authorities abused of power, labour exploitation and wages mismanagement.²⁵¹

According to Sena Galazzi Lian, Convener of the Chin State Academic Research Network: “In Sagaing the Chin are the minority which impacts them in many ways, the most serious probably being freedom of religion/belief, for example they are forced to carry out house-worship due to limitations to their right to own land for religious purposes. They are at times subjected to threats and violence, and thus not able to freely practice their religion, and authorities never take any action even when such incidents are reported”.²⁵²

A Chin based NGO representative stated that:

²⁵⁰ Annex E: Notes from a Skype interview conducted with Amy Smith, Executive Director of Fortify Rights on 20th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

²⁵¹ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

²⁵² Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

From X's [our] documentation, Sagaing and other regions which border Chin State, where Chin are more vulnerable as religious and ethnic minority on a day to day basis - freedom of religion and belief remains the primary concern and main human rights violation. Chin people are essentially blocked from the right to own/register land for their religious purposes. This usually means they are forced to undertake house worship in circumventing these restrictions. This can lead to violent situations in communities, particularly those bordering the current boundaries of Chin State where Chin people represent the minority and act as migration hotspots for work, health, education or missionary activities. In the last several years X has documented instances whereby local authorities and the local monkhood have either restricted religious freedom, quashed religious practice, sometimes violently and/or threatened Christian worshippers. In all cases, local law enforcement has failed to investigate any complaint or hold those accountable.

The term "Kalar" is now usually taken as a derogatory term for those who have a darker shade of skin, of a perceived Bengali or Indian descent. Historically, this term refers to anything which is foreign. Very often things of a foreign nature, particularly religion are seen as something invasive, something to be rejected and which may threaten Burmese culture. Christianity is seen as Kalar religion to many people – most importantly, personnel within military-headed administrative departments and more nationalistic Buddhist monks which are very often closely linked.²⁵³

6. Housing, Land and Property rights

Contextual background information covering Myanmar as a whole

The Chin Human Rights Organization (CHRO) provides a useful detailed summary with regards to land rights over time in Myanmar in its October 2018 report, which can be accessed [here](#).²⁵⁴

The UN High Commissioner for Human Rights noted in June 2016 that "Violations of housing, land and property rights, including through development-induced displacement, have also been increasingly documented since 2012. Private local commercial interests, often with strong links to the military, have allegedly engaged in land grabbing and forced evictions".²⁵⁵

The International Working Group for Indigenous Affairs (WGIA) noted in its April 2018 report that in relation to ongoing land reforms in Myanmar, "2017 saw the continuation of competing interests over land, characterised by a lack of free, prior and informed consent, inadequate compensation for relocation and a lack of transparent, judicial remedies. Compounding the problem further, there are 17 different departments related to land governance, not including ethnic armed administrations, meaning that indigenous lands and territories continue to be vulnerable to state-sponsored cronyism, which is as prevalent as ever".²⁵⁶ The same source further noted that "It is worth noting that military-backed land confiscation continues to take place purely in the pursuit of recreational activities".²⁵⁷

²⁵³ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

²⁵⁴ See Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, 5. *Right to Land and Livelihoods*, pages 35/36

²⁵⁵ UN High Commissioner for Human Rights, [Situation of human rights of Rohingya Muslims and other minorities in Myanmar](#), 29 June 2016, C. *Violations and abuses against other minorities*, para. 61

²⁵⁶ International Working Group for Indigenous Affairs (WGIA), [The Indigenous World 2018](#), April 2018, *Ongoing legacies of military rule*, p. 343

²⁵⁷ International Working Group for Indigenous Affairs (WGIA), [The Indigenous World 2018](#), April 2018, *Ongoing legacies of military rule*, p. 343

Frontier Myanmar reported in November 2018 that the government has committed to “establishing a National Land Law in line with the principles of the widely lauded National Land Use Policy”, which provides “principles on how to implement, manage, and carry out land use and tenure rights in the country. While not legally binding, it is considered one of the most socially progressive policies in Myanmar, and includes the recognition of customary land rights, the inclusion of women in land governance and the acknowledgement of the rights of ethnic minority groups”.²⁵⁸

With regards to the use of the ‘Virgin Vacant and Fallow Land law’, the same source noted in a later article that “an amended law governing vacant, fallow and virgin land threatens to turn millions of smallholder farmers into criminal trespassers”.²⁵⁹ The article explains further:

GOVERNMENT PAPERWORK would have you believe that a third of Myanmar’s landmass, totalling almost 50 million acres, is “vacant”, “virgin” or “fallow”. This is ostensibly idle land and its potential for generating food and revenue for the country is being wasted. As foreign investment declines and the domestic economy slows, unproductive land is a luxury that Myanmar seemingly cannot afford. However, the maps and land registers that sit in the dusty local offices of the Department of Agricultural Lands Management and Statistics are radically at odds with the facts on the ground. According to the department’s statistics, 82 percent of the land classified as vacant, virgin or fallow is in Myanmar’s ethnic nationality states. Much of this land is being used for farms, gardens, orchards, productive forests and communal village land – often in accordance with customary law and practice, with minimal intrusion by the state.

Customary land tenure systems vary substantially among Myanmar’s ethnic communities, particularly in how they determine individual versus communal rights. Far from being informal, ill-disciplined and inefficient, these systems are often intricate, closely regulated and uniquely well adapted to marginal, ecologically fragile upland areas.

Yet, these systems and the rights that underpin them exist in a legal vacuum – and land rights activists and farmers’ groups believe that recently passed amendments to the 2012 Vacant, Fallow and Virgin Lands Management Law could criminalise and dispossess millions of smallholder farmers in the ethnic borderlands, despite the apparent exemption of customary land use systems from the law.²⁶⁰

Furthermore:

The amended law, enacted on September 11 [2018], requires all those occupying land classified as vacant, fallow or virgin to apply for a land use permit from a management committee made up of government departments, or risk falling foul of a new trespassing offence. The permits are designed mainly for commercial concessions; they typically need to be renewed every 30 years and cannot be sold or transferred, even to family members, without government permission.

Those who fail to submit applications with “detailed information” about the extent and use of the land, or have their applications rejected, will be served summary eviction notices, without a stated right of appeal. If convicted of trespassing they face a maximum penalty of two years in prison and a fine of K500,000.

Before the amendments, trespass offences were confined to land concessions that the government had formally granted under the law. Now, anyone can potentially be accused of trespassing for using – or even walking over – any of the almost 50 million acres classified by the government as vacant, fallow or virgin. This is regardless of whether or not the land in question is subject to an actual concession, and whether or not the individual is even aware of the land’s classification.²⁶¹

²⁵⁸ Frontier Myanmar, [Bringing the land use policy to life](#), 7 November 2018

²⁵⁹ Frontier Myanmar, [Why a land law change is sparking fears of mass evictions](#), 19 November 2018

²⁶⁰ Frontier Myanmar, [Why a land law change is sparking fears of mass evictions](#), 19 November 2018

²⁶¹ Frontier Myanmar, [Why a land law change is sparking fears of mass evictions](#), 19 November 2018

6.1. Chin State

The CHRO report of October 2018 noted that Chin State continues to:

struggles with competing land interests, characterized by a lack of free, prior and informed consent, inadequate compensation for relocation and a lack of transparent, judicial remedies. Compounding the problem further, there are 17 different departments not including ethnic armed administrations relating to land governance, meaning indigenous lands and territories continue to be vulnerable to state-sponsored cronyism, which is as prevalent as ever. Governance issues and the inability of relevant departments to adhere to social and environmental safeguards resulted in the World Bank ceasing the funding of the 60 million dollar, Hakha–Kalay [Chin State to Sagaing Region] Highway rehabilitation project in Chin State in 2017. Citing a lack of environmental and social impact observance on the part of the Ministry of Construction, the project funds - designated to the recovery of Chin State after Cyclone Mora- were withheld due to issues which included uncompensated destruction of houses and poor working conditions.²⁶²

6.2. Sagaing Region

No specific information in relation to housing, land and property rights in Sagaing region could be located amongst the sources consulted and within the set time-frame for this report.

6.3. Land confiscation and restitution

See also section 3 in [ARC, Myanmar: Query Response: The Chin State, 31 July 2017](#) for views raised on this issue by country experts on Myanmar.

Contextual background information covering Myanmar as a whole

Land confiscation

A Myanmar Expert, who provided written contributions for this report, provided the following historical background with regards to land confiscation in Myanmar:

Land ownership is a real difficult issue in Myanmar, and not only in Chin and Sagaing. The declaration of becoming “the Rice bowl” of the world back in socialism time of the Myanmar Government was very ambitious, and in order to accomplish the objective the government declared that all farmland in Myanmar belonged to the Government and no longer any individuals. This is the case because the government then made the farmers to grow paddy as much as possible to serve this policy, if the people refused to grow paddy, either their farmland would be confiscated, or else farmers were evicted from the land. That is the practice of forced labour. From there ownership of land was removed from the people, and all of them were told that they have rights to possess, and utilize, but no right to transfer the land, or use it as collateral for any loan. People in Myanmar therefore were made vulnerable to forced labour in a sense that access to land was used as menace to penalty in case the people refused to contribute labour as per requirement of the Government.²⁶³

²⁶² See Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, II. Rights Violations in the context of Mega-Development Projects

²⁶³ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

In March 2016 the UN Special Rapporteur on the situation of human rights in Myanmar reported that “In an attempt to protect their rights, people have increasingly resorted to public protests against land confiscations. Unfortunately, some of those exercising their right to peaceful assembly, including farmers and land rights activists, continue to face harassment, intimidation and criminal prosecution. Such prosecutions should cease immediately, and those detained for peaceful protests should be released”.²⁶⁴

With regards to the confiscation of land by the military for barracks and military camps, crop confiscation, the production of food for soldiers, and designation of forbidden “high security areas”, the UN High Commissioner for Human Rights noted in June 2016 that these “have consistently been reported in areas where ethnic communities reside”.²⁶⁵

In November 2016 Human Rights Watch published a report specifically looking at the issue of land confiscation in Karen State, but stated in its summary more generally on this issue across Myanmar:

Recent Burmese governments have enacted abusive laws, enforced poorly conceived policies, and encouraged corrupt land administration officials that have promoted the displacement of small-scale farmers and rural villagers. [...]

Land disputes are a major national problem, with rising discontent over displacement for plantation agriculture, resource extraction, and infrastructure projects—often without adequate consultation, due process of law, or compensation for those displaced. In many parts of the country, those contesting land seizures have taken to the streets in frequent demonstrations but have faced retaliation in the courts.

The dual problems of land confiscation and reprisals against protesters is particularly acute in Karen State. [...]

Human Rights Watch found that farmers who protest land-taking and try to stake a claim to their land face retaliation by police and government officials, and prosecution under peaceful assembly and criminal trespass laws. Many farmers whose land has been confiscated as far back as a decade have not been able to obtain any redress and, in some cases, continue to suffer abuses after calling for compensation or attempting to reclaim land. The government’s failure to provide adequate compensation or other redress for land confiscation means that victims struggle to make ends meet, and frequently must become migrant workers abroad or rely on relatives working in Thailand or elsewhere abroad for economic survival.[...]

Burma’s departing national government adopted a cabinet resolution to enact a National Land Use Policy in early 2016, which could form the basis of future land law reform. The new policy aims to improve land classification and land information management systems, recognize communal tenure systems and shifting cultivation practices, create more independent dispute resolution procedures, and provide restitution for victims of land confiscation or those who have been forced to abandon lands due to past or ongoing conflict. [...]²⁶⁶

In July 2018 Human Rights Watch issued a report on the impact of land confiscation on farmers in Myanmar and found that “government officials frequently confiscated land while providing limited or no notice and no compensation, often instantly depriving farmers of their only source of income and regular source of food. As a result, countless rural families struggled to pay for food, health care, and their children’s education. While the National League for Democracy (NLD) government, which

²⁶⁴ UN Human Rights Council, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 18 March 2016, *F. Development and economic, social and cultural rights*, para. 66, p. 15

²⁶⁵ UN High Commissioner for Human Rights, [Situation of human rights of Rohingya Muslims and other minorities in Myanmar](#), 29 June 2016, *C. Violations and abuses against other minorities*, para. 61

²⁶⁶ Human Rights Watch, [“The Farmer Becomes the Criminal”: Human Rights and Land Confiscation in Karen State](#), 3 November 2016

took power in March 2016, has redoubled efforts to address the issue, large numbers of farmers have been left in the lurch, their livelihoods taken from them and their family's future uncertain".²⁶⁷

Land restitution

In July 2016 the Chairman of the Central Committee on Confiscated Farmlands and Other Lands unveiled "the ambitious plan" of settling all land grabbing cases in Burma within "six months" reported The Irrawaddy.²⁶⁸ The same article further noted that "The committee has adopted a policy that adequate compensation should be provided to dispossessed farmers, many of whom had received only nominal sums, or nothing at all, after the confiscation of their land. The committee also maintains that government ministries, state-owned enterprises and private companies should disown confiscated lands which they no longer use".²⁶⁹

For an analysis on Myanmar's laws, policy, and procedural mechanisms in place for the restitution of land, housing and property see the March 2017 joint report by Displacement Solutions/Norwegian Refugee Council, which can be accessed [here](#).²⁷⁰ This report noted that in practice "according to one recent estimate, more than 400,000 acres of land have been restituted to the original owners. A variety of actors have voluntarily returned formerly confiscated land, including the military and local and regional governments" however, "much remains to be done to ensure that a system is in place that facilitates the submission of restitution claims by everyone with such a claim, within a given time-frame, and subject to clear legal rules, all assessed by an independent, fair, expert body with judicial powers of both determination and enforcement. At present, the vast majority of claims made (recalling that many claims may have yet to be made) have not been considered by judicial bodies, but rather through administrative or political mechanisms that may or may not necessarily be consistent with the rights possessed by those making such restitution claims".²⁷¹

In September 2017 the UN Special Rapporteur on the situation of human rights in Myanmar noted with regards to land confiscation and land restitution "efforts by the Central Review Committee on Confiscated Farmlands and Other Lands and local level bodies to tackle the issue and the return of 14,810.5 acres of land so far. However, with over 9,000 cases pending, fully addressing all cases remains a big challenge. Communities expressed their frustration, having tried to seek redress multiple times but never receiving a response, leading some to submit multiple claims, further complicating the process".²⁷² Back in March 2017 the same source expressed her concern over "prosecutions of those fighting land confiscations".²⁷³

In her March 2018 report the UN Special Rapporteur found that "Land confiscation continues to be a significant issue, with the Central Committee for Re-scrutinizing Confiscated Farmlands and Other

²⁶⁷ Human Rights Watch, ["Nothing for Our Land": Impact of Land Confiscation on Farmers in Myanmar](#), 17 July 2018, Summary, p. 1

²⁶⁸ The Irrawaddy, [Govt Committee to Settle All Land Grab Cases in Six Months](#), 1 July 2016

²⁶⁹ The Irrawaddy, [Govt Committee to Settle All Land Grab Cases in Six Months](#), 1 July 2016

²⁷⁰ See Displacement Solutions/Norwegian Refugee Council, [Restitution in Myanmar: Building Lasting Peace, National Reconciliation and Economic Prosperity Through a Comprehensive Housing, Land and Property Restitution Programme](#), March 2017

²⁷¹ Displacement Solutions/Norwegian Refugee Council, [Restitution in Myanmar: Building Lasting Peace, National Reconciliation and Economic Prosperity Through a Comprehensive Housing, Land and Property Restitution Programme](#), March 2017, *Restitution In Practice*, p. 38

²⁷² UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 8 September 2017, B. Business and human rights and land rights, para. 32

²⁷³ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 14 March 2017, 1. Economic, social and cultural rights and rights relating to land, para. 39

Lands having settled only 543 out of 5,735 complaints by November 2017. She welcomes information that the Government is attempting to resolve land issues but is concerned about proposed amendments to the 2012 Vacant, Fallow and Virgin Lands Management Law that fail to address major issues in the current law. Additionally, she is concerned that the amendments could lead to criminal charges against many farmers who work on land classified as vacant, fallow or virgin but is not the subject of a permit under the Law”.²⁷⁴

In July 2018 Human Rights Watch issued a report on the impact of land confiscation on farmers in Myanmar and reported that “By 2016, the number of acres reportedly returned rose to nearly 360,000. The number of cases reviewed by the commission also reportedly rose to over 12,000. However, at the end of January 2016, the commission had still not reviewed more than 6,000 claims, according to a government report [...] Since then, the government claims to have settled thousands of claims, though thousands more cases have been filed and remain unresolved in addition to the 5,000 or so cases left unresolved by the previous government’s commission”.²⁷⁵

Protest against confiscations

The UN Special Rapporteur on the situation of human rights in Myanmar noted in her August 2016 report that “While there has not been the same frequency and scale of arrests, problematic legal provisions continue to be applied against civil society actors and land and labour rights activists”.²⁷⁶

In July 2018 Human Rights Watch issued a report on the impact of land confiscation on farmers in Myanmar and found that “for many of those dispossessed of their land, there has yet to be any positive result. While tens of thousands of acres were released following the recommendation of the Farmland Investigation Commission to the various ministries, the actual return of land to small farmers and villagers has proven more complicated, leaving land and villagers in limbo. Hundreds of people have been arrested by the police, which remains under military control, for staging protests as they await the resolution of their claims. Many protesters have been charged with trespassing and vandalism, among other crimes. In some cases, the courts have handed down prison sentences”.²⁷⁷

6.3.1. Chin State

Mr. An No Bik from the Chin Youth Organization in Matupi, interviewed by UNHCR Myanmar in January 2019 stated that “land confiscation for military took place during 2004 and 2014 concerning land that belonged to the chin ethnic groups who owned it as ancestral land before. In 2015, as per order from General Min Aung Hlaing, the Tatmadaw during its trip to Matupi Township, the community has been completely prohibited from cultivating in the confiscated lands, which are

²⁷⁴ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 9 March 2018, 2. *Business and human rights, and land rights*, para. 29

²⁷⁵ Human Rights Watch, [“Nothing for Our Land”: Impact of Land Confiscation on Farmers in Myanmar](#), 17 July 2018, *Summary*, pages 3 and 4

²⁷⁶ UN Special Rapporteur on human rights in Myanmar, [Situation of human rights in Myanmar](#), 29 August 2016, *D. Enhancing the democratic space*, para. 35

²⁷⁷ Human Rights Watch, [“Nothing for Our Land”: Impact of Land Confiscation on Farmers in Myanmar](#), 17 July 2018, *Summary*, p. 5

considered as military territory. The community is now struggling with the upland shifting cultivation, and access to livelihood is now more difficult”.²⁷⁸

In February 2016 Al Jazeera reported that “Tribes near Natma Taung national park say the government is curbing their right to hunt and cultivate their land” by ‘limiting’ the “indigenous Chin tribes who live near the mountain [...] their access to their lands in order to protect a national park founded in 1994”.²⁷⁹ The same article noted that “But since the rededication of the park in 2010, indigenous Chin tribes, who have been living on the site for thousands of years, have been banned from hunting and cultivating their ancestral lands. Some have even been relocated”.²⁸⁰

A September 2016 report by Free Burma Rangers in Chin State, reported on government authorities destroying IDPs homes to clear land for a teak plantation:

On August 31st [2016], members of the Burma military and police began an operation to bulldoze the New Bualpui village in Falam Township. The village is home to some 380 individuals who occupy 140 of the 361 total dwellings in the settlement. The planned community was developed by IDPs who were forced to abandon their original villages due to landslides triggered by this year’s monsoon season rains. Earlier this year members of the community visited with local government officials and were given verbal permission to build the settlement by the township deputy. However, in the days preceding August 31st they were informed that the lands they occupied were to be used for the building of a teak plantation. No compensation was offered, nor were the villagers given any opportunities to learn how to properly decamp and move elsewhere. Armed personnel and construction vehicles arrived at the site on the 31st and proceeded to remove the structures without permission of the locals. All of the 380 residents have since been displaced.²⁸¹

Burma News International reported in July 2017 that a planned ecotourism business had been ‘cancelled [...] amid backlash from local residents’.²⁸² According to the article “Shein Gay Ngai, the former head of Khonumthung, also known as Nat Ma Taung National Park, said he invited U Lwin Moe [the investor and a former actor] to invest on vacant land in the hopes that the area could be responsibly developed with projects that would have an economic windfall on the community”, but “Local resident Salai Min Nyo insisted that the land was never vacant but was relied on by the local population through several generations”.²⁸³

In October 2017 Burma News International reported that “An ethnic minority tribe in Chin State plans to stage a protest next month against the planned incorporation of their village into a larger township. Residents say they fear the move will subsume their unique culture. The Union Hluttaw recently approved a motion to add four wards into the Falam township administrative zone, and to disband the Laizo Village Tract rather than rebuild it after most of its residents were relocated following landslides in 2015”.²⁸⁴

²⁷⁸ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

²⁷⁹ Al Jazeera, [Myanmar denies villagers access to ancestral lands](#), 28 February 2016

²⁸⁰ Al Jazeera, [Myanmar denies villagers access to ancestral lands](#), 28 February 2016

²⁸¹ Free Burma Rangers, [Western Burma Chin Report: Village Bulldozed by Burma Government Authorities in Chin State](#), 13 September 2016

²⁸² Burma News International, [Actor U Lwin Moe cancels ecotourism business in Chin State](#), 11 July 2017

²⁸³ Burma News International, [Actor U Lwin Moe cancels ecotourism business in Chin State](#), 11 July 2017

²⁸⁴ Burma News International, [Chin tribe fears cultural disintegration as their village is incorporated into Falam township](#), 30 October 2017

According to an article by the Myanmar Peace Monitor published in October 2018, ancestral and farming land has reportedly been 'seized' in Chin State by the State Government reportedly for urban planning projects:

The External Parliament Anti-Corruption Commission's secretary U Kyi Lwin said the Chin State government seems to be creating chaos in the country by neglecting the commission's demand to give a response on the land confiscation issues within 60 days.

Over 1,000 acres from 60 people in Hakha and over 300 acres from 20 people in Kanpetlet have been seized. The commission sent a notification letter to the Chin State government to give a response on its tasks within 60 days in order to continue working on the reports. Although the Anti-Corruption Commission is working under the law, we can say that the state government is creating chaos in the country by neglecting us. We won't comment on whether or not it's beneficial for the State to seize the lands and demarcate them without transparency. The ethnic people are facing hardship in making a living,' said U Kyi Lwin.

The Chin State government has been carrying out urban planning projects in Hakha, Falam, and Kanpetlet in the Chin State and the project areas include land that has been forcibly seized by the government, according to U Kyi Lwin.

'This is ancestor land. Documents show that it has been [recognized as] ancestral land before Myanmar became independent. It has been seized under this existing administration. It is included in the urban planning project to expand the city. Ancestral land has been included in this project. Also, farmland has been seized for some projects in Kanpetlet,' he continued.

U Soe Htet, spokesperson of the Chin State government and minister of municipal affairs, said the Chin State government is currently carrying out urban planning projects with permission from the union government and it has not discussed or seized any land at the moment. 'We haven't seized anything at the moment. We haven't discussed about seizing the land during the cabinet meeting. We do have the urban planning project. This has already been permitted after submitting to the union level. It has already been permitted in Hakha. There has been implementation of Falam urban planning project and Paletwa urban planning project. We haven't seized any land blindly. We haven't seized 1,000 acres. The town residents want us to implement the urban planning projects so they will be carried out in Hakha, Falam, and Paletwa as the first stage. The second stage will be Tedim, Mindat, and Matupi. The third stage will be to develop the remaining towns. We are struggling to do this,' said U Soe Htet.

U Kyi Lwin from the External Parliament Anti-Corruption Commission said the commission is not stopping the government from carrying out the projects and the government has the duty to develop its area and country. However, the project areas cover ancestral land so they need to be seized under Section 4 (d) of the Land Acquisition Act and compensations and land replacement must be given to the public but it is against democratic standard to implement the project without revealing to the public first, he explained. He added that the protection of ethnic people's right has been clearly stated under citizenship and citizen right and the commission will submit the issue to the United Nations High Commissioner for Refugees (UNHCR) office if there are difficulties in providing protection under the Ethnic Rights Law. Local farmers have protested against the implementation satellite town projects in Hakha and Falam. The Chin State Minister of Municipal Affairs U Soe Htet said the Chin State government is carrying out the projects after holding several meetings with the local farmers.²⁸⁵

Similarly, Burma News International also reported in October 2018 that "Residents of Chuncung Village are preparing to stage a protest in the Chin State's capital Hakha to object to the construction of a dam in Lai tili Lake as part of the development of Mt. Zinghmuh as a national park without informing the public".²⁸⁶ A social activist from Chuncung village told Burma News International that "It's an authoritative act to carry this out without even informing the village administrator. When the public amicably told them [not to build the dam], they continued to work on it after assigning

²⁸⁵ Myanmar Peace Monitor, [Chin State Gov't Fails to Respond to Anti-Corruption Commission on Land Seizure Issues](#), 2 October 2018

²⁸⁶ Burma News International, [Chuncung residents oppose construction of dam in sacred lake in Mt. Zinghmuh without informing the public](#), 11 October 2018

armed security police [...] This site is a sacred and precious site for Chuncung residents. It's a beautiful place which is used for religious activities. It is also the source of rivers and stream".²⁸⁷

The Chin Human Rights Organization noted in its October 2018 report that:

A large proportion of land disputes in Chin State are ongoing from the State Law and Order Restoration Council (SLORC) years. During this period, certain areas of Chin State were designated as having specific functions, such as growing jatropha or tea, or for rearing livestock and land was confiscated in order to achieve those aims. Villagers pursuing restitution in relation to land have faced prison terms, threats, and intimidation.²⁸⁸

A detailed description of individual incidences of arrest in 2016 and 2018 can be found [here](#).²⁸⁹

According to the Secretary of the External Parliament Anti-Corruption Commission, U Kyi Lwin, who was interviewed by UNHCR Myanmar in November 2018 "Chin state do not follow the Land confiscation law governed in 1894 (Land Confiscation Law), where the government should approach to the community for any land acquisition by negotiating with them. In Chin state, the state government confiscated the lands in Kanpalet (900 Acres), Hakha (2000 Acres) and Falam (3500 Acres) respectively without any referrals/agreement from the community, where the community has lost their ancestral land".²⁹⁰

A Myanmar Expert, who provided a written contribution for this report, noted that "In Chin state, land was reported confiscated without any compensation in Hakha, Paletwa – with the size of problem in one case being 62 persons effected by the problems".²⁹¹ No further information was provided as to the time-frame of these land confiscations.

Similarly, an academic in written correspondence with ARC responded as follows to the question whether there are 'any reported incidents of land owners/farmers suffering intimidation, abuse and/or arrests as a result of seeking a legal remedy or other relief in relation to land restitution/confiscation in Chin State':

Several cases of land confiscations and attempted land confiscations have been reported, related to land grabs by the military (originating mostly in the 1990s) and recent threats of dispossession due to mining projects, infrastructure development (highways and dams) and the establishing of national parks. Protests have been staged in several towns in 2017 against the planned expansion of the municipal area, which would lead to the dispossession of community land in neighboring villages. The current legal framework does not recognize customary land ownership and amounts to 'legal dispossession' of customary communal land. Land rights activist and communities opposing

²⁸⁷ Burma News International, [Chuncung residents oppose construction of dam in sacred lake in Mt. Zinghmuh without informing the public](#), 11 October 2018

²⁸⁸ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, *I. Threats and Intimidation – Seeking Restitution in Historic Land Confiscation Cases*, p. 37

²⁸⁹ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, *I. Threats and Intimidation – Seeking Restitution in Historic Land Confiscation Cases*, p. 37

²⁹⁰ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

²⁹¹ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

development projects have been occasionally threatened in the past. However, no case of intimidation, abuse or arrest during 2018 is known related to land confiscations.²⁹²

According to Sena Galazzi Lian, Convener of the Chin State Academic Research Network: “There are customary and collective land ownership practices in and around Chin State that can differ from area to area, and that have no proper legal standing in Myanmar law. This, on top of the de facto impossibility of local villagers to access any sort of land court (too far, too expensive, they might not even know it exists), means most people in Chin State will have little means to counter attempts at appropriating their land”.²⁹³

The same source noted as an example of incidents of land owners/farmer suffering intimidation, abuse and/or arrests as a result of seeking a legal remedy or other relief in relation to land confiscation:

For example all those cases that brought about the World Bank funding withdrawal. This was a major incident the effects of which cannot be understated. The World Bank stopped a planned 60 million USD funding for the Hakha-Kalay road project [connecting Chin State with Sagaing Region] due to concerns over social and environmental issues, as they found there had been uncompensated destruction of houses, poor working conditions, and a general disregard to governance in the project. Similarly [sic], the second phase of the Kaladan project [in Chin State] is ongoing without any environmental or social impact assessment. Land confiscation, loss of livelihoods, and bad working conditions have plagued the project and documented by various sources. Some instances have occurred where locals agreed on giving up land with compensation, but this was not respected. In some cases official complaints were sent to GAD [General Administration Department] but that did not solve anything.²⁹⁴

The Chin based NGO representative representative similarly stated in relation to the World Bank rehabilitation project of the highway between Chin state and Sagaing region and the Kaladan project in Chin State:

In March 2017 Governance issues and the inability of relevant departments to adhere to social and environmental safeguards resulted in the World Bank ceasing the funding of the 60 million dollar, Hakha-Kalay Highway rehabilitation project. Citing a lack of environmental and social impact observance on the part of the Ministry of Construction, the project funds - designated to the recovery of Chin State after Cyclone Mora- were withheld due to issues which included uncompensated destruction of houses and poor working conditions.

Phase II of the Kaladan Multi-Modal has begun without an environmental or social impact assessment. There has been a lack of compensation for loss of land and livelihoods and poor working conditions for those involved with the project. In addition, no environmental or social impact assessment has been conducted for Phase II of the project. Reports received by X indicate that during the consultations which took place prior to the beginning of the project, local villagers were informed that India was to fund a road that would be built for their benefit. While some form of consultation has clearly taken place, this falls well-short of international best practice or national guidelines on FPIC as found in the Environmental Impact Assessment Procedures or National Land Use Policy.

²⁹² Annex D: Written contributions received via Email from an Academic on 2nd January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

²⁹³ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

²⁹⁴ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

On 23rd May 2018, a local Khumi Chin community member reported to X that agreed on compensation for lost orchard and farmland to make way for the Kaladan Multi-Modal project's phase II road had not been honored. The government gave compensation to affected landowners around Paletwa Township at an agreed rate of 15 lakhs per acre for paddy field and 6 lakhs for fruit orchards, in August 2017. However, more than 20 landowners from 4 villages of Yee Lar Wa Village Tract still haven't got any compensation for lost land. Landowners sent letters to the GAD on 12th May 2018, requesting the agreed compensation funds. To date they have received nothing.²⁹⁵

By way of background with regards to the rehabilitation of the highway connecting Hakha, Chin state, with Kalay, Sagaing region, Mizzima reported in November 2017 that "The World Bank has declined to fund the rehabilitation of the Kalay-Hakha road in Chin State due to the authorities in Myanmar failing to adhere to environmental and social impact standards".²⁹⁶ According to a Myanmar government source "the World Bank cited uncompensated destruction of dozens of houses, loss of productive assets, poor working conditions, and poorly handled dumping of road building spoils".²⁹⁷

Asked what the likelihood is of an individual being able to succeed in a claim of land restitution, the Chin based NGO representative replied:

Land is an extremely complex issue in Myanmar and there is no hard and fast rule or procedure. Generally, the land courts or tribunals will be beyond the reach of the majority of village people due to cost and unfamiliarity. What is clear is that customary land tenure and collective ownership over land is still not legally recognised in Myanmar law, meaning the majority of people in Chin State remain vulnerable to aggressive land appropriation either by state or private bodies. Instead of implementing the National Land Use Policy which sought to solve these very complex issues, the NLD has tinkered with existing land law, such as the Virgin Vacant and Fallow Land law, which is now again jeopardizing rural peoples' ability to use land that is relied upon for food security and livelihoods, owned and governed via customary systems.²⁹⁸

6.3.2. Sagaing Region

Note that information about issues surrounding the rehabilitation of the highway connecting Hakha in Chin state and Kalay in Sagaing region is included in the sub-section above, [6.3.1. Chin State](#).

Radio Free Asia reported that former landowners in various parts of Myanmar have long appealed to government leaders to return property seized decades ago under the military junta and in May 2016 the government conceded to "return 2,500 acres of confiscated land to farmers in Tant-Se township [...] more than 35 years after it was taken".²⁹⁹

In the same month, May 2016, two leaders of a local protest against the Chinese operator of the controversial Letpadaung copper mine were charged with unlawful assembly reported Radio Free Asia.³⁰⁰ By way of background, "Letpadaung farmers have long protested land takeovers [of roughly

²⁹⁵ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

²⁹⁶ Mizzima, [Project conditions failure sees World Bank block road rebuild in Chin State](#), 1 November 2017

²⁹⁷ Mizzima, [Project conditions failure sees World Bank block road rebuild in Chin State](#), 1 November 2017

²⁹⁸ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

²⁹⁹ Radio Free Asia, [Shan State Farmers Summoned to Court For Using Land Claimed by Myanmar Army](#), 26 July 2016

³⁰⁰ Radio Free Asia, [Myanmar Police Arrest Two in Letpadaung Copper Mine Protest](#), 6 May 2016

2,000 acres of land] in 2014 and 2015 by the mine project operated by China's Wanbao Mining Copper Ltd. Company and Union of Myanmar Economic Holdings Ltd. (UMEHL), a Myanmar army-owned conglomerate", for which they have not received compensation or that offered was not adequate and enough for the farmers.³⁰¹

In February 2017 "about 100 Letpadaung residents blocked access to the mine, demanding they be given the 1,900 acres of land they were supposed to receive according to recommendations made earlier by a parliamentary commission led by National League for Democracy party leader Aung San Suu Kyi. The following month [March 2017], as many as 10 villagers and six police officers were injured during a clash when police fired rubber bullets at locals who were blocking an access road. Authorities later charged 50 farmers with assault, illegal assembly, and destruction of state property for their role in the protest", reported Radio Free Asia.³⁰² Amnesty International reported at the end of 2017 that:

Thousands of families living near the Letpadaung copper mine in Sagaing region remained at risk of losing their homes and farmland under plans to expand the project. Villagers living close to the mine continued to protest against the project [...] In August, the Ministry of Defence rejected a proposal to relocate a factory producing sulphuric acid to supply the mine. Severe risks were posed to the health of the community living nearby. Environmental and human rights concerns related to the project had not been addressed by the end of the year.³⁰³

For more detailed information on human rights violations occurring and the environmental impact in relation to the Letpadaung copper mine see: Amnesty International, [Mountain of Trouble: Human rights abuses continue at Myanmar's Letpadaung Mine](#), 10 February 2017.

Khonumthung News reported in November 2017 that "The Seventh Day Church's elder and military retired, U Than Za Pau said that military has claimed to construction in the lands of 13 households and Church-owned (a total of approximately 2 acres) in ward 4, Chanmyint-Aungsyi block, Kalaymyo [Sagaing region], as their engineer has included those lands in the master plan, then they had initiated to confiscate it since August 2017".³⁰⁴

In March 2018 Radio Free Asia reported on the detention of two women "seeking to block eviction from their homes on land claimed" by the Chinese operator of the Letpadaung copper mine.³⁰⁵

The Myanmar Times reported in May 2018 that "Nearly 5000 acres of confiscated land were returned to their original owners in Kanbalu township of Sagaing Region" – a total of "528 farmers recouped their lands which had been confiscated by the military, marking the third biggest return of such land".³⁰⁶

A Myanmar Expert, who provided a written contribution for this report, noted that "In Sagaing we received complaints on land confiscation by USDP [Union Solidarity and Development Party] and township administrative department, or freehold land were confiscated to give to private company, land confiscation for airport extension in Kale township, land confiscation for the expansion of

³⁰¹ Radio Free Asia, [Myanmar Farmers Protest Decade-old Land Grab in Kachin State](#), 2 March 2017

³⁰² Radio Free Asia, [Two Detained in New Letpadaung Mine Protest in Myanmar](#), 29 March 2018

³⁰³ Amnesty International, [The State of the World's human Rights: Myanmar 2017/2018](#), 22 February 2018, *Corporate accountability*

³⁰⁴ Khonumthung News, [Military try to confiscate the land of residents and Church-owned in Kalaymyo](#), 15 November 2017

³⁰⁵ Radio Free Asia, [Two Detained in New Letpadaung Mine Protest in Myanmar](#), 29 March 2018

³⁰⁶ The Myanmar Times, [Nearly 5000 acres returned to Sagaing's farmers](#), 18 May 2018

military regiments”.³⁰⁷ According to the same source, “so far none of the case could be treated with successful result [...] land was not returned or reinstated ownership”.³⁰⁸

A civil society staff member who has been working for more than 19 years for a human rights organization in Sagaing region told UNHCR Myanmar in December 2018 that “the Regional Government has violated the right of the community who has agricultural field/land in the nearest forest. The regional government has approved land of more than 5000 acres to the private companies, which affect the indigenous people/ethnic groups’ rights to land. Due to lack of official documentation, the affected communities cannot claim their rights and register their lands”³⁰⁹

According to the Secretary of the External Parliament Anti-Corruption Commission, U Kyi Lwin, who was interviewed by UNHCR Myanmar in November 2018: “the Ward/Village Leaders/other related departments issue illegally permits to companies or persons to conduct mining activities in Homalin townships [Sagaing region], where there are many farms/paddy fields with documented or non-documented land owned by the Chin community. The villagers and investigation groups/CSOs have accused the authorities of corruption. In November 2018, upon the protest of the community, the local authority has burned out a lot of mining tents and machines belonging to those who did not give money to them. However, U Kyi Lwin reported around 200 mining machines are still employed there with the approval of the local authority. Thus, corruption is high which is linked to the regional government in Sagaing”.³¹⁰

Mr. GS Mang from the civil society organization ‘Area Peace and Development Forward’ in Kalay, Sagaing region, told UNHCR Myanmar in January 2019 that “In Kalay Township, it is reported that Tatmadaw has confiscated more than 500 acres of land; farm land, residential areas in the year 1989 - 2010. Many farmers and residents have been claiming their lands at the land Re-Investigation Committee (LRC) which is officially formed in May, 2016 by the Office of the President of Burma. Among these, only few cases were being solved and those who reclaimed their lands were being charged with Article 447 (Criminal Trespass) and 427 (Mischief causing damage others’ property) of the penal code at Court by the Tatmadaw”.³¹¹

7. Violence against women

Contextual background information covering Myanmar as a whole

With regards to sexual and gender-based violence against women of ethnic minority communities perpetrated by Myanmar security forces in conflict affected areas, the UN High Commissioner for

³⁰⁷ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

³⁰⁸ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

³⁰⁹ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

³¹⁰ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

³¹¹ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

Human Rights noted in June 2016 that “credible reports of rape, sexual slavery, and forced and servile marriages [were received] The risk of sexual violence appears to be greater during home invasions, movements of populations and forced portering. Some reports by civil society sources allege that rape and sexual torture are committed on military bases and in prisons. Reports of sexual violence increase for communities living in close proximity to areas with a large military presence”.³¹²

The UN Committee on the Elimination of Discrimination against Women expressed its concern in July 2016 in relation to gender-based violence against women and the “Continuing sexual violence perpetrated by the military and armed groups against rural women and ethnic minority women [...] widespread impunity enjoyed by perpetrators of such violence as well as threats and revictimization of women who attempt to report such cases; the low rate of prosecution of perpetrators of gender-based violence against women, in particular when such crimes are committed by the military and armed groups; and the conferment of immunity on perpetrators of crimes of sexual violence”.³¹³ The UN Committee further found that “women, in particular rural women and those belonging to ethnic minority groups, face additional obstacles in gaining access to justice relating to language, geography and fear of reprisal”.³¹⁴

In March 2017 the UN Special Rapporteur on the situation of human rights in Myanmar commented that “Sexual and gender-based violence, including intimate partner violence, remains a problem across the country but is particularly prevalent in conflict areas and areas of increased militarization. Survivors have limited access to life-saving services due to the limited capacity of providers and specialists, and restrictions upon women’s freedom of movement due to increased militarization”.³¹⁵

A joint report by IMC Worldwide and UKaid published in March 2017 on ‘women, work and violence’ in South Asia including Myanmar and particularly focusing on women in Yangon noted that:

DHS (2015-16) data reports that 15% of women aged 15-49 have experienced physical violence since age 15, and 9% experienced physical violence during the 12 months preceding the survey. It is further reported that 71% of women have never experienced any marital control behaviours by their husbands. These figures certainly appear low considering international figures indicating that 33% of women worldwide have experienced violence. However, social research conducted by NGOs and ethnographic research appear contradictory.³¹⁶

The same study further found that “Our own qualitative research similarly suggests that VAWG [Violence Against Women and Girls] is commonplace in both urban and rural areas, especially in public spaces, where it is described as endemic. The quantitative data throws interesting light on the high prevalence of violence among rural women in particular. The common use of customary law

³¹² UN High Commissioner for Human Rights, [Situation of human rights of Rohingya Muslims and other minorities in Myanmar](#), 29 June 2016, C. Violations and abuses against other minorities, para. 60

³¹³ UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the combined fourth and fifth periodic reports of Myanmar](#), 25 July 2016, Gender-based violence against women, para. 26 (a)

³¹⁴ UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the combined fourth and fifth periodic reports of Myanmar](#), 25 July 2016, Access to justice, para. 18 and Gender-based violence against women, para. 26 (a)

³¹⁵ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 14 March 2017, 2. Conflict-related violations, para. 56

³¹⁶ IMC Worldwide/UK aid, [Women, work and violence in Myanmar, Nepal and Pakistan: Synthesised report](#), March 2017, Violence against Women, p. 11

and corruption exacerbates this issue”.³¹⁷ Indicative of this finding, the report singled out one particular quote from a participant of a focus group discussion from Northern Chin State as stating “If you have one lakh and a pig, you can rape anyone...The law is like that”.³¹⁸ A key finding of the study was that:

in the month preceding the survey, 21.5% of respondents had been subjected to emotional or physical violence, 5% to physical and sexual abuse, and a smaller number to economic abuse and online harassment. This is more than twice the figure reported in the DHS survey. 33% of cases of violence were committed by a spouse/partner, family member or a known person, but most of the instances of violence took place outside the home. In comparison with the global figures of 33% of women having experienced violence within a lifetime, these levels of violence are extremely high. Additionally, the predominance of violence outside the home – even when most violence is perpetrated by a known person – points to the social acceptability of violence against women.³¹⁹

7.1. Chin State

UNICEF and the Myanmar Institute for Integrated Development’s ‘Child Focused Local Social Plan, Chin State: A policy document supporting Chin State’s Comprehensive 5-year Development Plan and Annual Planning 2016 – 2021’, published in October 2014, included an overview on gender roles in Myanmar:

In general, society in Myanmar is organized along patriarchal structures defining the fathers or husbands as heads of households while women/girls, particularly in rural areas, are confined to household tasks and reproductive roles (child bearing, child caring, caring for elderly parents and/or relatives with disabilities). The minimum age for marriage is 20 years for both genders, however according to Buddhist Law; marriage is permitted with the consent of parents for girls as young as 14 years old.

A number of legislative and strategic initiatives have been put into place, still, a number of customary and statutory laws undermine gender equality in Chin society, especially in terms of inheritance and rights to own land property. Gender-based violence is a commonly accepted practice that is not regarded a public issue, hence rarely reported to the authorities.

In all townships in Chin State, a strong patriarchal social structure is found. A considerable number of respondents classified women even as ‘second class citizens’. Some female respondents stated ‘women (are) like slaves for men’ and ‘(...) women have to obey their husbands’. Women are bearing the double burden of working in the fields or in employed labour and in the households being the only persons responsible for taking care of children, elderly people and all household chores. On the other hand, women are not supposed to take decisions aside from daily issues related to the household sphere where only low expenditures are discussed.³²⁰

In a joint research report focusing on communities in Mon State, Kachin State, Chin State and the city of Yangon by UN Women, the Canadian Government and Justice Base found that:

According to a township judge in Chin State, legal disputes in the township, from motorbike accidents to incidents of rape, were ‘mostly all’ resolved outside the formal courts using Chin customary

³¹⁷ IMC Worldwide/UK aid, [Women, work and violence in Myanmar, Nepal and Pakistan: Synthesised report](#), March 2017, *Violence against Women*, p. 12

³¹⁸ IMC Worldwide/UK aid, [Women, work and violence in Myanmar, Nepal and Pakistan: Synthesised report](#), March 2017, *Violence against Women*, p. 12

³¹⁹ IMC Worldwide/UK aid, [Women, work and violence in Myanmar, Nepal and Pakistan: Synthesised report](#), March 2017, *Violence against Women*, p. 12

³²⁰ UNICEF & Myanmar Institute for Integrated Development, [Child Focused Local Social Plan, Chin State: A policy document supporting Chin State’s Comprehensive 5-year Development Plan and Annual Planning 2016 – 2021](#), October 2014, p. 3

precepts as applied by members of the local village council or other respected leaders. A Chin civil rights activist in Yangon described the village council, sometimes referred to as the council of elders, as a consortium tasked with preserving community harmony through civic and economic planning, and delivering justice through interpretation of Chin customary law. According to the judge in Chin State:

In rape cases, women suffer and get unfair treatment during the process of Chin customary law. In my opinion, they should use [the formal] state system for a better outcome. With customary law, the punishment [for the perpetrator] would mostly be a public apology, kill[ing] and [offering] animals to the victim's family, or marrying the perpetrator.³²¹

A Chin gender rights activist in Yangon explained the historical evolution of Chin customary law that affects its interpretation today:

In Kachin and Chin States, people are mostly concerned with social harmony in the community instead of individual justice. An important part of Chin history is the tradition [that] when someone is killed in one tribe, then [that tribe] can take revenge on [somebody] from the tribe of the person who committed the murder. Revenge did not have to be against the murderer, but against [the murderer's] social group. This is similar to [traditional] practices in Kachin State. Because of this history, today the elders try to seek harmony instead of individual justice, because we do not want justice to equal revenge. This means women must accept the elders' decisions for the [sake] of her community, and that the elders will make decisions that are not based on her personal justice [pursuit].³²²

The same report further noted with respect to domestic violence:

Women research respondents in Chin State linked the local incidence of domestic violence to poverty, joblessness and alcoholism, but also identified general social power imbalances that magnified conditions for abuse. Participants cited for example, women's unequal compensation for day labour (compared to men) and discriminatory treatment of ethnic Chin women and girls by government civil servants (in local schools or medical facilities). It was also stated that women chose not to discuss or report experiences of domestic violence because 'the husband loses face.' A woman focus group participant in Chin State said:

My religious elders always tell me not to beat my husband back, [but] the culture [has a saying that] 'you can beat your wife like you beat your drum.' Even if the husband likes the wife and wants to give [her] freedom, the husband's family can control her [or] kick her out. These are our Chin traditional practices, and the women are very disadvantaged.³²³

The same source further noted with regards to women's access to justice:

Although respondents in each target area named forms of domestic violence as the primary injustice facing women in their communities, this observation was often accompanied by the belief that the law does not or should not regulate domestic problems. In interviews with Mon and Bamar Buddhists and Chin and Kachin Christians, women and men cited a 'private space' recognized by the community that governs family matters and exists outside the law, primarily regarding the relationships between husband and wife, and between parents and children. This private space appeared to work against women's access to justice in two principal ways: 1) reducing the likelihood that women reported cases of domestic violence or other forms of abuse and 2) heightening family and community

³²¹ UN Women, Government of Canada and Justice Base, [Research Report: Women's Access to Justice in the Plural Legal System of Myanmar](#), 22 April 2016, pages 40-41

³²² UN Women, Government of Canada and Justice Base, [Research Report: Women's Access to Justice in the Plural Legal System of Myanmar](#), 22 April 2016, pages 40-41

³²³ UN Women, Government of Canada and Justice Base, [Research Report: Women's Access to Justice in the Plural Legal System of Myanmar](#), 22 April 2016, p. 56

members' resistance to intervening when abuse occurred. According to a woman respondent near Myitkyina, Kachin State:

We don't need to report family problems and they should not [be] solved by the laws. Same for issues between neighbours. We should not get involved in these problems, they are none of our business.³²⁴

The Women's League of Burma shadow report for the UN Committee on the Elimination of Discrimination Against Women noted in July 2016 that in amongst others Chin State "women victims of rape or sexual harassment are expelled from their village on the assumption that the village must be 'cleansed' of the victims".³²⁵ The same report further found that: "Women are extremely vulnerable to CRSV [conflict-related sexual violence] at the hands of the military, which is actively engaged in conflict with multiple ethnic groups and has a vested interest in development and business projects in rural areas. As part of its campaign of intimidation in ethnic areas, the military for decades has used violence against ethnic women as a strategy and tactic of war. In fact, since 2010, WLB has documented 92 cases of CRSV by the military with 123 victims in Chin, Kachin, Karen, Karenni/Kayah, Mon, Rakhaing and Shan States [See Annex 10 and 11 for a detailed breakdown of cases]".³²⁶

In January 2018 Mizzima reported with regards to inheritance that "In a traditional Chin family, either the oldest or youngest son receives the hereditament when the father passes away. If there is no son, the family will look for male relatives in the clan. Daughters can inherit - if and only if the family cannot find any suitable men".³²⁷ The same article further noted that patriarchal customs continue to be "chained to the clan system, the laws deeply engraved in the hearts of many Chin people" which results in "female victims of violence and rape [to be] silenced".³²⁸

REDRESS noted in its March 2018 report that "CARSV [Conflict and Atrocity-Related Sexual Violence] has been reported against ethnic minority women and girls in all past and current ethnic minority conflict zones (Rakhine State, Northern Shan, Kachin State, Kayin (Karen) State, Mon State, Chin State, Shan State, and Karenni State). It has been carried out both in rural and urban areas".³²⁹

With regards to access to health care facilities following sexual or gender-based violence (SGBC) Sena Galazzi Lian, Convener of the Chin State Academic Research Network, noted that "There is no place in Chin State to get treatment or care for [...] SGBV related consequences".³³⁰

³²⁴ UN Women, Government of Canada and Justice Base, [Research Report: Women's Access to Justice in the Plural Legal System of Myanmar](#), 22 April 2016, pages 57/58

³²⁵ Women's League of Burma, [Shadow Report on Burma for the 64th session of the Committee on the Elimination of Discrimination Against Women](#), July 2016, *Examples of informal negative gender cultural stereotypes can be found across Burma*, p. 5

³²⁶ Women's League of Burma, [Shadow Report on Burma for the 64th session of the Committee on the Elimination of Discrimination Against Women](#), July 2016, p. 17

³²⁷ Mizzima, [Chin women live under a cloud](#), 2 January 2018

³²⁸ Mizzima, [Chin women live under a cloud](#), 2 January 2018

³²⁹ REDRESS, [Supplement to the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Myanmar, Myanmar-Specific Guidance for Practitioners](#), March 2018, Part II., 3. Victims, p. 8

³³⁰ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

7.2. Sagaing Region

No specific information in relation to violence against women Sagaing Region was located amongst the sources consulted and within the time-frame for this report.

8. Violence against children

For additional information on child recruitment see [11.3 Underage recruitment \(children\)](#).

With regards to the situation in Chin State the UN Special Representative of the Secretary-General for Children and Armed Conflict's report on Children and Armed Conflict in Myanmar noted in December 2017 that (emphasis added):

Security constraints as well as the denial of access by the Government of Myanmar to several regions, notably to non-Government-controlled areas, continue to present a considerable challenge to the documentation and verification of grave violations perpetrated against children. In addition, the limited presence of United Nations and international child protection organizations in Kachin, Shan, northern Rakhine and Chin States hampered engagement with communities affected by grave violations. Therefore, while the information contained in the present report is indicative of the nature of violations perpetrated against children, it does not indicate their full gravity or scale.³³¹

8.1. Forced/Child Marriage

According to the U.S. Department of State's annual report on human rights covering 2016 "According to the 2014 census, 13.2 percent of females reported to have been married between the ages of 15 and 19" with the same census showing that amongst others Chin State "had the highest rates of child marriage in the country".³³²

In its annual report covering 2017 the same source provided the following information on early and forced marriage:

The law stipulates different minimum ages for marriage based on religion and gender: the minimum age for Buddhists is 18 years, and the minimum age for Christian boys is 16 and 15 for girls, but child marriage still occurred. According to the 2014 census, more than 13 percent of women married between ages 15 and 19. There were no reliable statistics on forced marriage. A review conducted by a UN organization in February found child marriage remained an important and underaddressed problem in rural areas.³³³

A May 2017 Myanmar Times article reported that:

Daw Hwe Kim Nyein [a woman from a Chin national group] added that when it comes to marriage, many women are forced into arranged unions, even young girls. 'It is their custom,' she said. Moreover, in cases of rape and sexual assault, women's testimonies are hardly ever taken seriously. It is easier for women to stay quiet and accept a bribe of 'one pig or one cow' instead of face social

³³¹ UN Special Representative of the Secretary-General for children and armed conflict, [Report of the Secretary-General on children and armed conflict in Myanmar](#), 22 December 2017, D. Grave child rights violations, para. 28

³³² See U.S. Department of State, [Country Reports on Human Rights Practices for 2016: Burma](#), 3 March 2017, Section 6., Children

³³³ US Department of State, [Country Report on Human Rights Practices 2017 - Burma](#), 20 April 2018, Section 6., Children

stigma and ostracisation. 'Chin women exchange one pig or one cow as the sum of their lives,' she said. Bribes to stay silent in rape cases are not unique to Chin State.³³⁴

8.2. Child labour

Information on what happens to those who escape forced labour see [11.4 Desertion of enforced military service/Draft evaders/Escape from forced labour](#).

Adult forced labour is addressed in section [11.3 Forced labour](#).

Following the 2014 national census it emerged that 3.6% of children aged 10-13 were working in Chin State compared to 7.6% of the same age group in Sagaing Region.³³⁵ In the age group of children aged 10-17 10.2% of children were working in Chin State compared to 23.2% in Sagaing Region.³³⁶

The UN Special Rapporteur on the situation of human rights in Myanmar noted in her August 2016 report that "Child labour remains prevalent, with approximately one in 10 children aged between 5 and 17 years at work, almost half of them in hazardous occupations. The majority come from rural areas and work in the agriculture, forestry and fishing sectors, as well as in manufacturing, trades and other services".³³⁷

In its annual report covering 2017 the U.S. Department of State noted that despite Myanmar making efforts to eliminate child labour, it was equally "complicit in the use of forced child labor".³³⁸ The same source further reported that "national armed forces recruited, sometimes through force or coercion, and used children as combatants in armed conflict. The military also forced children to work as porters, cleaners, and cooks in conflict areas".³³⁹

A joint report by the Centre for Research on Multinational Corporations/Action Labor Rights/Labour Rights Defenders & Promoters focusing on the garment industry in Myanmar found that:

Child labour is widespread in Myanmar. This research found that at all 12 investigated factories workers were interviewed who were younger than 18 years when they started. At six of the 12 factories investigated, strong indications were found that some of the current workers were younger than 15 years old when they started at the factory. It seems that these young workers were performing the same demanding work as their adult colleagues [...] In addition, this research found that a number of factories are hiring young workers as daily labourers.³⁴⁰

³³⁴ Myanmar Times, [Ethnic Women Leaders Break Silence on Gender Discrimination](#), 15 May 2017

³³⁵ The Republic of the Union of Myanmar, [The 2014 Myanmar Population and Housing Census: Thematic Report on children and youth](#), October 2017, Table 6.4 Percentage of children who were working by age group by sex, urban and rural areas, State/Region, 2014 Census, p. 80

³³⁶ The Republic of the Union of Myanmar, [The 2014 Myanmar Population and Housing Census: Thematic Report on children and youth](#), October 2017, Table 6.4 Percentage of children who were working by age group by sex, urban and rural areas, State/Region, 2014 Census, p. 80

³³⁷ UN Special Rapporteur on human rights in Myanmar, [Situation of human rights in Myanmar](#), 29 August 2016, IV. Realizing economic, social and cultural rights for the prosperity of all, para. 76

³³⁸ U.S. Department of State, [2017 Findings on the World Forms of Child Labor: Burma](#), 20 September 2018, p. 1

³³⁹ U.S. Department of State, [2017 Findings on the World Forms of Child Labor: Burma](#), 20 September 2018, p. 1

³⁴⁰ Centre for Research on Multinational Corporations/Action Labor Rights/Labour Rights Defenders & Promoters, [The Myanmar Dilemma: Can the garment industry deliver decent jobs for workers in Myanmar](#), August 2017, Key findings, p. 11

8.3. Sexual Exploitation of Children

With regards to rape and sexual violence committed by the Tatmadaw, the UN Special Representative of the Secretary-General for children and armed conflict reported that during the period February 2013 to June 2017 “the country task force verified 9 cases and documented 21 [...] All documented incidents had been perpetrated by the Tatmadaw and committed against girls”.³⁴¹ No specific location was mentioned in the report.

Khonumthung News reported in September 2018 that “ Four incidents involving the rape of child have been reported in Chin State so far this year, according to the state’s Minister of Social Affairs Pau Lun Min Thang”.³⁴² The same source further noted that “As of September [2018], two cases involving the rape of a minor had been reported in Hakha Township, one in Falam, and one in Matupi. The perpetrators were sentenced to 20 years in prison and the victims reportedly received 100,000 kyats from the Chin State government—less than US\$65. Pau Lun Min Thang [Chin State’s Minister of Social Affairs] said that some rape cases in Chin State had been addressed in a ‘customary way,’ but advocated for such charges to be brought before a court”.³⁴³

A NGO staff member who has been working for more than 3 years in Chin State told UNHCR Myanmar in January 2019 that “According to the report of the State Child Right Committee dated on 25 January 2019, in 2018, 8 child abuse cases were reported in Chin State. The prevalence of child abuse is the highest in Hakha in comparison to the other townships in Chin state. The stigma related to the abuse causes severe social problems for the children in private life as well as in the schools. Local government is cooperating with the organizations and CSOs [Civil Society Organizations] for better mitigation and prevention”.³⁴⁴

9. Freedom of Religion

9.1. Race and Religion Laws in Myanmar

See also information included in section [13. Access to Documentation \(Citizenship Scrutiny Card/National Registration Card\)](#).

The UN Commissioner for Human Rights provided the following background information with regards to race and religion in Myanmar:

Myanmar is one of the most ethnically diverse countries in Asia. The Citizenship Law of 1982 recognizes eight major “national ethnic groups”: Bamar (approximately two thirds of the population), Chin, Kachin, Kayah, Kayin, Mon, Rakhine and Shan. According to lists published in various government documents, the eight groups have been broken down further into 135 recognized “national ethnic groups”. An estimated 90 per cent of the population are Buddhists, 4 per cent Muslims, 4 per cent Christians and under 2 per cent Hindus. Most Christians belong to ethnic

³⁴¹ UN Special Representative of the Secretary-General for children and armed conflict, [Report of the Secretary-General on children and armed conflict in Myanmar](#), 22 December 2017, D. Grave child rights violations, para. 45

³⁴² Khonumthung News, [Reports of Child Rape in Chin State Increase](#), 14 September 2018

³⁴³ Khonumthung News, [Reports of Child Rape in Chin State Increase](#), 14 September 2018

³⁴⁴ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

minorities, including the Chin, the Kachin and the Kayin. Among the Muslim population, the Kaman are a community belonging to one of the 135 recognized ethnic groups, as are Bamar Muslims. Other Muslim groups include “Chinese Muslims” and “Indian Muslims”.³⁴⁵

According to the same source in 2015 Parliament adopted a package of laws seeking to “‘protect race and religion’”.³⁴⁶ The laws discriminate against ethnic and religious minorities and women, in violation of the State’s international obligations. The Religious Conversion Law established a State-regulated system for changing religion, which contravenes the right to freedom of religion or belief”.³⁴⁷ For example, “The Population Control Health-Care Law adopts a selective and coercive approach to population control, including a potential requirement of 36 months between births, which would violate a woman’s right to choose the number and spacing of her children. The law could be used to target areas with significant minority communities. The Buddhist Women’s Special Marriage Law seeks to ‘protect’ Buddhist women marrying non-Buddhist men, in contravention of a woman’s right to choose freely her spouse”.³⁴⁸

The UN Special Rapporteur on the situation of human rights in Myanmar noted in her August 2016 report that she remained concerned “about the four laws relating to issues of race and religion adopted in 2015, and again calls for their repeal. She and other special-procedure mandate holders have repeatedly highlighted the discriminatory impact of those laws, particularly on minorities and women, and their lack of compliance with Myanmar’s human rights obligations. It is also crucial to bring the Citizenship Law of 1982 into line with international standards, particularly by revising discriminatory provisions that provide for the granting of citizenship on the basis of ethnicity or race”.³⁴⁹

A U.S. Commission on International Religious Freedom (USCIRF) special report of December 2016 provided the following context with regards to the Religious Conversion Law:

Christian denominations strongly opposed the Religious Conversion Law, one of the package of bills for the so-called ‘protection of race and religion.’ Originally proposed and drafted by Ma Ba Tha and signed into law by President Thein Sein in 2015, each of the four discriminatory laws— regulating monogamy, marriage, birth spacing, and religious conversion—restrict religious freedom and undermine women’s rights. The Religious Conversion Law unlawfully restricts the right to freely choose a religion, interferes with proselytizing, and could be used to criminalize such activities. Although the law is not currently being implemented—as there are no accompanying bylaws (usually required before a law can be enforced in Burma)—it is already having an indirect impact [...]. In July 2016 the government defended the four laws before the UN’s committee on the Convention on the Elimination of All Forms of Discrimination against Women, to which Burma is a state party.³⁵⁰

³⁴⁵ UN High Commissioner for Human Rights, [Situation of human rights of Rohingya Muslims and other minorities in Myanmar](#), 29 June 2016, II. Context, para. 2

³⁴⁶ UN High Commissioner for Human Rights, [Situation of human rights of Rohingya Muslims and other minorities in Myanmar](#), 29 June 2016, II. Context, para. 2

³⁴⁷ UN High Commissioner for Human Rights, [Situation of human rights of Rohingya Muslims and other minorities in Myanmar](#), 29 June 2016, III. Legal Framework, para. 20

³⁴⁸ UN High Commissioner for Human Rights, [Situation of human rights of Rohingya Muslims and other minorities in Myanmar](#), 29 June 2016, III. Legal Framework, para. 20

³⁴⁹ UN Special Rapporteur on human rights in Myanmar, [Situation of human rights in Myanmar](#), 29 August 2016, A. Ensuring greater respect for the rule of law, para. 17

³⁵⁰ U.S. Commission on International Religious Freedom (USCIRF), [Hidden Plight: Christian minorities in Burma](#), 13 December 2016, *Violations of the right to choose own beliefs*, p. 9

In September 2017 the UN Special Rapporteur on the situation of human rights in Myanmar expressed its ongoing concern that “there are no discernible efforts to address the four laws of the so-called protection of race and religion package adopted in 2015”.³⁵¹

Note that the U.S. Commission on International Religious Freedom (USCIRF) continued to designate ‘Burma’ as a “Tier 1 / USCIRF-Recommended Countries of particular concern (CPC)” in April 2018, which according to the International Religious Freedom Act of 1998 (IRFA) are “any country whose government engages in or tolerates particularly severe religious freedom violations, meaning those that are systematic, ongoing, and egregious”.³⁵²

Tina L. Mufford, Deputy Director of Research and Policy at the U.S. Commission on International Religious Freedom, in written correspondence to ARC stated in October 2018 with regards to the situation of Christian minorities in Burma that:

The situation for Christians in Burma remains dire. Ongoing fighting between Burma's military and ethnic armed organizations continues to place innocent civilians in the crosshairs, including houses of worship and religious leaders [...]

The underlying nature of these conflicts is not necessarily religious, but Christian and other faith communities have been deeply impacted. Many of the Burmese army's brutal tactics against Rohingya Muslims in Rakhine State are similar (if smaller in scale) to the abuses committed against Christians and other religious and ethnic minorities for years: unlawful detentions and arrests, often involving torture; the use of sexual violence as a weapon of war; the indiscriminate targeting of innocent civilians, including houses of worship and religious leaders; blocking humanitarian aid to communities in need; etc. [...].³⁵³

The Chin Human Rights Organization (CHRO) noted in its October 2018 report that:

The Religious Conversion Law, one of the package of bills for the “protection of race and religion,” originally drafted by the extreme religious group, Ma Ba Tha, and subsequently signed into law by President Thein Sein in 2015, was opposed by Christian denominations. Each of the four discriminatory laws have been widely criticized by civil society for not according to Myanmar’s State obligations as party to the UN Convention on the Elimination of all Forms of Discrimination against Women and the UN Convention on the Rights of the Child are designed to regulate monogamy, marriage, birth spacing, and religious conversion.³⁵⁴

With regards to the 2008 Constitution, the same source noted that:

The 2008 Constitution fails to provide adequate protection of freedom of religion or belief. Article 34 of the 2008 Constitution appears to guarantee freedom of religion or belief for all, but a list of qualifying conditions based on whether the religion does not undermine ‘public order’, ‘morality’, ‘health’ or ‘other provisions of this constitution’ makes it highly restrictive. Ultimately the result is that a vaguely defined idea of ‘public welfare’ trumps freedom of religion or belief in the 2008 Constitution. Moreover, the vague constitutional provision is subsequently contradicted by Article 361 which states ‘The Union recognizes the special position of Buddhism as the faith professed by the great majority of the citizens of the Union’. In applying a ‘special status’ toward Buddhism into the

³⁵¹ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 8 September 2017, *B. Constitutional and legislative reform*, para. 14

³⁵² U.S. Commission on International Religious Freedom, [2018 Annual Report](#), 25 April 2018, *2018 Annual Report Overview*, p. 3, and *Burma*, p. 16

³⁵³ Annex G: Email response received from Tina L. Mufford, Deputy Director of Research and Policy at the U.S. Commission on International Religious Freedom, 10th October 2018

³⁵⁴ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, 3. *Freedom of Religion and Belief*, p. 22

2008 constitution, policies which discriminate against religious minorities in the name of the protection of Buddhism are legitimated.³⁵⁵

9.2. Situation and treatment in Chin State

9.2.1. Na Ta La schools

As way of explanation the U.S. Commission on International Religious Freedom (USCIRF) noted with regards to 'Na Ta La schools' that they "offer free education and boarding to children of poor families who might otherwise not have access to education. In return, however, Christian students are not allowed to attend church; must practice or learn about Buddhist worship, literature, and culture; and become initiated into the monkhood or nunhood. Students effectively are cut off from their parents, and upon graduation are guaranteed government employment so long as they officially convert to Buddhism, including on their national ID cards".³⁵⁶

The Chin Human Rights Organization (CHRO) further added in its October 2018 report that:

Government programmes aimed at forced assimilation or Burmanizing the Chin and other ethnic, upland communities have been targeted at Chin communities. Operating outside of the Ministry of Education, the Na Ta La residential boarding school system is run under the military controlled Ministry of Border Affairs and acts as a state-sponsored, religious and cultural assimilation programme.³⁵⁷

The USCIRF report covering 2016/2017 noted further that "Coerced conversion campaigns are still prevalent in the military-run Border Areas National Races Youth Development Training Schools, also known as Na Ta La. According to 2016 statistics from the Ministry of Border Affairs (also run by the military), there are 33 Na Ta La schools across the country, more than half of which are in rural, impoverished Chin, Kachin, and Naga areas".³⁵⁸ A USCIRF special report of December 2016 and focusing on the situation and treatment of Christian minorities in Burma found that nine such schools exist in Chin State and that they exploit four key problems: "abject poverty among the Chin and Naga in particular, as well as the Kachin; the lack of education facilities; the need and desire for education; and institutionalized discrimination, which means Christians are usually limited to low-level government positions and face barriers to securing promotion".³⁵⁹

The CHRO report further noted with regards to current operations that:

Still in operation today, children are forced to convert to Buddhism during their education. Na Ta La schools masquerade as legitimate boarding schools where all costs associated with a full-time education are covered. At the school, the children are prevented from practicing Christianity by

³⁵⁵ Chin Human Rights Organization, [*Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar*](#), 9 October 2018, 3. *Freedom of Religion and Belief*, p. 22

³⁵⁶ U.S. Commission on International Religious Freedom, [*United States Commission on International Religious Freedom 2017 Annual Report; 2017 Country Reports: USCIRF Recommended Countries of Particular Concern: Burma*](#), 26 April 2017, *Abuses Targeting Christian Minorities*

³⁵⁷ Chin Human Rights Organization, [*Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar*](#), 9 October 2018, I. *Border Areas National Races Youth Development Training Programme, "Na Ta La"*, p. 32

³⁵⁸ U.S. Commission on International Religious Freedom, [*United States Commission on International Religious Freedom 2017 Annual Report; 2017 Country Reports: USCIRF Recommended Countries of Particular Concern: Burma*](#), 26 April 2017, *Abuses Targeting Christian Minorities*

³⁵⁹ U.S. Commission on International Religious Freedom (USCIRF), [*Hidden Plight: Christian minorities in Burma*](#), 13 December 2016, *Coerced conversion to Buddhism*, p. 19

barring church attendance and enforcing compulsory Buddhist worship and from speaking mother tongue ethnic dialects. Non-Buddhist children are effectively required to convert to Buddhism. Buddhist literature and culture are taught on Saturdays, and many children are forced to be initiated into the monkhood for a period of each year.³⁶⁰

The same source also made a link to human trafficking in association with offering free full time education in 'Na Ta La' schools.³⁶¹

According to Sena Galazzi Lian, Convener of the Chin State Academic Research Network, there are 13 Na Ta La schools in Chin/surrounding areas.³⁶²

The Chin based NGO representative noted that "There are 13 of these schools in Chin State and nearby regions. The Na Ta La schools are well funded with proper buildings where the public schools are very properly managed. These schools are mainly operating in poor and backward rural ethnic states like Chin and Naga".³⁶³ Furthermore the source stated: "The schools mainly target Chin children in the name of education by providing an appealing alternative to the ongoing barriers to education in rural Chin State. Families are coerced into sending their children there. The X has also documented cases of Buddhist missions using similar coercive means in approaching rural communities in Chin State. This programme utilizes the socio-economic disparity in Chin to initiate assimilation agendas. There may have been more forceful acquisition of children but we are unaware of any such cases".³⁶⁴

A government official who has been working for more than 10 years in Chin State and who was interviewed by UNHCR Myanmar in November 2018 described the 'Na Ta La' education programme as follows:

Under the ministry of Border Affair, there is two department (Progress of Border Areas and National Races Development (This department is being called "Na Ta La" in Burmese language but under this department, there is no education programme and the department is mainly focused on road excavation and construction of bridges) and Education and Training Department. Under Education and Training Department,

there is education programme (Training School for Development of National Youth for Border Areas – People mostly known as Na Ta La education programme) to promote the educated status/level of the remote areas/ border areas and this programme emphasize on those who are orphans (maybe One parent passed away or both) and children from poor families. This is non-religious based education. Criteria for enrollment:

- Children from poor families in the remote area and towns.S [sic]
- Orphans (both or one parent passed away).

³⁶⁰ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, I. *Border Areas National Races Youth Development Training Programme*, "Na Ta La", p. 32

³⁶¹ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, II. *Human Trafficking*, p. 33

³⁶² Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

³⁶³ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

³⁶⁴ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

- Children were admitted into the school by Board of Selection Committee (Related Depts.) based on the availability of room and numbers of student to be admitted for the academic year.
- The admission starts from grade Class 5, and the education leads to a degree/college/university after class 10.³⁶⁵

He further explained that “There are several Training School for Development of National Youth for Border Areas operate in all townships (Kanpalet, Mindat, Paletwa, Matupi, Hakha, Thantlang, Falam, Tedim and Tonzang) of Chin State, where there is two in Mindat and all total is 10 schools operated by Natala (most people known as Natala Education)”.³⁶⁶

The government official answered when asked whether there are any sanctions being imposed on any Chin who refuses to enroll his/her child in the ‘Na Ta La’ education programme: “There are [sic] no information on forced conversion of children”.³⁶⁷

Amy Smith, Executive Director of Fortify Rights, who was interviewed by ARC in February 2019 stated with regards to the ‘Na Ta La’ education programme:

Another major issue in Chin state is the ‘Na Ta La’ programme which is in essence a forced conversion programme. There is a general problem in the provision of education in Chin state but in order to access education through this programme students must convert to Buddhism. This is another way that the government is attempting to Burmanize Chin culture.³⁶⁸

9.2.2. Religious converts

No specific information was located on the situation of religious converts in Chin State amongst the sources consulted within the time-frame of this report.

9.2.3. Christians

According to the Norwegian Institute of International Affairs’ February 2018 report on Myanmar, Christians, mainly Baptists and Roman Catholics, have a strong presence in Chin State (85%).³⁶⁹

The 2018 report by the Paung Sie Facility noted that “Observers say that reported human rights violations in Chin have fallen since U Thein Sein’s government came to power, but a perceived lack of freedom of religion in the mostly Christian province remains a challenge”.³⁷⁰

³⁶⁵ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

³⁶⁶ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

³⁶⁷ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

³⁶⁸ Annex E: Notes from a Skype interview conducted with Amy Smith, Executive Director of Fortify Rights on 20th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

³⁶⁹ The Norwegian Institute of International Affairs, [Myanmar: A Political Economy Analysis](#), 13 February 2018, *Religious actors*, p. 29

Based on information received by the Office of the High Commissioner (OHCHR) from various sources, including the Government of Myanmar, United Nations entities, the Myanmar National Human Rights Commission and civil society entities the UN High Commissioner for Human Rights noted that:

For many years, Christian communities in Myanmar have faced restrictions in their freedom of religion or belief, especially in Chin, Kachin, Kayah and Kayah States. Special procedure mandate holders have reported allegations of human rights violations targeting Chin Christians, including of forced labour for the construction of monasteries and pagodas, the forcible confiscation of land, induced or coerced conversions to Buddhism, the closure of churches and “house” churches, and the destruction of crosses (A/HRC/22/67, p. 127). Allegations of arbitrary arrest, detention and torture of religious leaders, missionaries, church workers and others have also been reported (A/HRC/25/74, p. 105). Like Muslim communities, Christian groups report difficulties in obtaining permission to renovate, extend or construct religious buildings (see A/69/398, para. 40).³⁷¹

Minority Rights Group International reported that in January 2016 “a community elder was taken to court for erecting a 54-foot-high cross the previous year without permission from the authorities”.³⁷² A U.S. Commission on International Religious Freedom (USCIRF) special report of December 2016 and focusing on the situation and treatment of Christian minorities in Burma found the following violations in Chin State: “incidents of intimidation and violence against Christians, the forced relocation and destruction of Christian cemeteries, violent attacks on places of worship, and an ongoing campaign of coerced conversion to Buddhism”.³⁷³ Specifically the report mentioned [emphasis added]:

- Employment: Chin Christian employees are routinely overlooked for promotion within the civil service and other government sectors, in favor of Buddhists [...] When Christians do hold government positions, they face sanctions if they refuse to support Buddhist activities. In some cases, the authorities take contributions from Christian civil servants’ salaries for Buddhist activities, such as building pagodas and organizing Buddhist New Year (Thingyan) celebrations, a practice continued from the time of military rule until today;³⁷⁴
- Hate speech: A number of anti-Christian hate speech posts on Facebook by known Ma Ba Tha monks [an ultra-nationalistic group] point to Christians becoming Ma Ba Tha’s latest target;³⁷⁵
- Land ownership: The most pervasive issue affecting Christians is land ownership for religious purposes [...] There are up to eight different levels of permission required to build a church or plant a cross, including the township-level General Administrative Department (GAD) under the military-run Ministry of Home Affairs and the Ministry of Religious Affairs and Culture in Naypyida [...] As a result, applications for religious land ownership for churches or crosses usually disappear into a bureaucratic black hole, and permission almost never materializes. This practice makes it extremely difficult to get official permission to construct a church or plant a cross;³⁷⁶

³⁷⁰ Paung Sie Facility, [Unlocking Civil Society and Peace in Myanmar: Opportunities, obstacles and undercurrents](#), 2018, Section 4: Snapshots of States and Regions, 4.1. Chin State, p. 50

³⁷¹ UN High Commissioner for Human Rights, [Situation of human rights of Rohingya Muslims and other minorities in Myanmar](#), 29 June 2016, C. Violations and abuses against other minorities, para. 63

³⁷² Minority Rights Group International, [State of the World's Minorities and Indigenous Peoples 2016](#), 12 July 2016, Burma/Myanmar, p. 144

³⁷³ U.S. Commission on International Religious Freedom (USCIRF), [Hidden Plight: Christian minorities in Burma](#), 13 December 2016, Key findings, p. 4

³⁷⁴ U.S. Commission on International Religious Freedom (USCIRF), [Hidden Plight: Christian minorities in Burma](#), 13 December 2016, Institutionalized discrimination on the basis of religion, p. 9

³⁷⁵ U.S. Commission on International Religious Freedom (USCIRF), [Hidden Plight: Christian minorities in Burma](#), 13 December 2016, Expressions of intolerance and hatred, p. 10

³⁷⁶ U.S. Commission on International Religious Freedom (USCIRF), [Hidden Plight: Christian minorities in Burma](#), 13 December 2016, Discriminatory restrictions on land ownership for religious purposes, p. 11

- Religious assembly: Violations of freedom of religious assembly affect all Chin, Naga, and Kachin Christian communities in diverse ways in different geographic areas, although there are also similarities: In state-funded schools, Christian students are expected to pay homage to the Buddha or recite Buddhist scriptures. From around September to November, all school children, regardless of their religious background, have to observe the Uposatha, known in Burmese as ubot nei, or Buddhist Sabbath. When this falls on a weekday, school is substituted on Saturdays or Sundays. This interferes with the right to religious assembly, including for Seventh-day Adventists who worship on Saturdays [...] All Chin, Naga, and Kachin Christian leaders still need to seek permission from the GAD for large worship gatherings, and must also inform it about seminars and other Christian activities [...] In Chin State, government employees are routinely ordered to work on Sundays without compensation;³⁷⁷
- Intimidation & violence: Ultra-nationalist monks, the authorities, and the Tatmadaw have all played a key role in intimidation and violence against Christians: In February 2015 in Paletwa in southern Chin State, a group of Baptist missionaries were temporarily detained by Tatmadaw soldiers who extorted money from them on the premise that they did not have a permission letter from the GAD to conduct their mission work;³⁷⁸
- Places of worship: Under military rule, the Tatmadaw occupied Chin [...] areas and routinely occupied, desecrated, or destroyed places of worship, Christian crosses, and other sacred sites. This practice continues today in active armed conflict zones;³⁷⁹
- Symbols of worship: In Chin [...] areas, efforts to replace Christian crosses previously destroyed under military rule have faced many challenges, including the struggle for land ownership for religious purposes and ongoing state spending on Buddhist monasteries and pagodas against the will of local people³⁸⁰.

According to the U.S. Department of State's annual report on International Religious Freedom covering 2017 and reporting on land acquisitions by Christian groups, "Christian communities in Chin [...] States reported that while applications to local authorities for property registration, construction, and renovation were not formally denied, the applications encountered delays spanning several years or were lost altogether. These included continued reports that local government officials delayed permits to restore crosses previously destroyed, or to renovate and build Christian churches in Chin State. Local authorities in Chin State also continued to delay applications from Christian groups and churches to buy land in the name of their religious organizations. Religious groups said individual members circumvented this requirement by purchasing land on behalf of the group, a practice the government tolerated".³⁸¹ The same was reported already by the same source for the year 2016.³⁸²

The Chin Human Rights Organization (CHRO) noted in its October 2018 report that:

Chin people living in present-day Myanmar continue to face institutionalized barriers to religious freedom. These usually are related to local authorities blocking the ownership of land for Christian worship. Due to this, Christians, particularly in areas where they represent a minority such as in the states and regions bordering Chin State, are forced to illegally undertake house worship. Christians

³⁷⁷ U.S. Commission on International Religious Freedom (USCIRF), [Hidden Plight: Christian minorities in Burma](#), 13 December 2016, *Violations of freedom of religious assembly*, p. 13

³⁷⁸ U.S. Commission on International Religious Freedom (USCIRF), [Hidden Plight: Christian minorities in Burma](#), 13 December 2016, *Intimidation and violence against Christians*, p. 15

³⁷⁹ U.S. Commission on International Religious Freedom (USCIRF), [Hidden Plight: Christian minorities in Burma](#), 13 December 2016, *Occupation, desecration, and destruction of churches and crosses*, p. 16

³⁸⁰ U.S. Commission on International Religious Freedom (USCIRF), [Hidden Plight: Christian minorities in Burma](#), 13 December 2016, *Imposition of Buddhist infrastructure via state budget mechanisms*, p. 17

³⁸¹ U.S. Department of State, [International Religious Freedom Report for 2017: Burma](#), 29 May 2018, Section II. *Status of Government Respect for Religious Freedom, Government Practices*

³⁸² See U.S. Department of State, [International Religious Freedom Report for 2016: Burma](#), 15 August 2017, Section II. *Status of Government Respect for Religious Freedom, Government Practices*

have also faced threats, intimidation and mob-violence by local communities, often supported and even organized by local authorities and Buddhist-monks. Communities, in some circumstances, hold meetings in order to plan anti-Christian strategy, this includes the raising of rental accommodation, barring of sale or rent of land or property for Christian tenants, blocking of religious activity such as Sunday schools or funeral processions and, in some circumstances organizing collective violence. In the cases provided, the police have failed to investigate, or hold perpetrators to account and inferred that doing so would be the wrong course of action.³⁸³

At the end of October 2018 the Special Rapporteur on the situation of human rights in Myanmar, whilst addressing the 73rd session of the UN General Assembly stated that she continues to be informed about “longstanding discrimination” faced by the Chin based on their Christianity.³⁸⁴

According to Sena Galazzi Lian, Convener of the Chin State Academic Research Network: “There are numerous reports of such incidents, and this is both allowed by a constitution that does not provide protections, as well as active discrimination and actions carried out vis-à-vis the Chin, including in the context of the Religious Conversion Law”.³⁸⁵ She specifically highlighted the following incidents:

In many instances this extends into religiously motivated violence (and includes cases where Buddhist monks engages in the violence). Mobs are known to attack Christian worshippers, destroying houses, property, and get personally violent when people refuse conversion. The UCIRF places Myanmar as Tier 1 country for a reason. Recent examples include the attack on two Chin nursery school teachers in Rakhine who were attacked by a mob due to their plans on opening a Christian nursery school. There are also recent cases of funeral processions being banned, or the expulsion of recent converts to Christianity (Gangaw tsp). Numerous examples also of mobs going to local churches and destroying things. Notably, even in the capital of Chin State, Hakha, churches who many years ago tried to register from private ownership to registered church land have still not received any confirmation, leaving people in a limbo situation of buying private land and paying tea money to do house worship, a pretty standard practice throughout Chin State.³⁸⁶

Mr. Sang Hnin Lian, Director for Human Rights Education and Freedom of Religion & Belief Programme of the Chin Human Right Organization in Hakha, Chin State, who was interviewed by UNHCR Myanmar in January 2019 noted that the following human rights concerns remained: “Christian communities hold different religious ceremonies in over a thousand churches in Chin State, Burma/Myanmar. Difficulty in registration of Christian Churches or religious buildings (change of residential land to religious land) remains the major issue, therefore, resulting in most of the church buildings being registered under individual’s name (mostly under religious leaders). None of the existing church buildings has formal registration with the Government. Consequently, they are illegal. The ongoing challenges to get an approval to construct a new church still exist with referring to the land law and other administrative issues in changing residential areas to religious quarters”.³⁸⁷

³⁸³ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, *Summary of Violations*, p. 10

³⁸⁴ UN Special Rapporteur on the situation of human rights in Myanmar, [Statement by Ms. Yanghee Lee, Special Rapporteur on the situation of human rights in Myanmar at the 73rd session of the General Assembly](#), 23 October 2018

³⁸⁵ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

³⁸⁶ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

³⁸⁷ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

The Chin based NGO representative reported that “Township administration officer from Mindat General Administrative Department, Southern Chin State issued an order with the date of 24th January, 2019 that permission needed to be asked for two weeks in advance in order to hold religious ceremonies and trainings, meetings, workshops by INGO/NGOs, reported by a local to the Chin based NGO representative”.³⁸⁸

Amy Smith, Executive Director of Fortify Rights, who was interviewed by ARC in February 2019 stated:

95% of the Chin people are devoted Christians, and they have long suffered under government policies that prioritize Burman Buddhists. There are continued documented instances of pastors being attacked especially in mixed Christian/Buddhist areas and religious structures and places of worship being destroyed. In order to repair or rebuild these structures permission is required, which requires a lot of paperwork but with usually no response. As a result, Chin are forced to use temporary buildings and meet in private homes. It is viewed as an affront to their religious practices.³⁸⁹

9.3. Situation and treatment in Sagaing Region

9.3.1. Na Ta La schools

No specific information on such schools in Sagaing Region was found amongst the publicly consulted sources within the time-frame for this report.

A government official who has been working for more than 10 years in Chin State and who was interviewed by UNHCR Myanmar in November 2018 explained that “In Sagaing, there is Training School for Development of National Youth for Border Areas operating in Kalaymyo, where some Burmese flood victims in 2015 Burmese student were also admitted”.³⁹⁰

9.3.2. Religious converts

According to the U.S. Department of State’s annual report on International Religious Freedom covering 2017 “According to media reports, on July 6 [2017], 150 Buddhists and monks attacked newly converted Christians in This Taw village in the Sagaing Region in the northwest area of the country, injuring seven and destroying their homes and property. According to the media, the neighbors grew frustrated at the Christian household’s loud celebration lasting through the night for three days; on the third day, the neighbors attacked. The report also noted that local police and some other monks and neighborhood laypeople tried to stop the mob”.³⁹¹ Reporting on the same

³⁸⁸ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

³⁸⁹ Annex E: Notes from a Skype interview conducted with Amy Smith, Executive Director of Fortify Rights on 20th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

³⁹⁰ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

³⁹¹ U.S. Department of State, [International Religious Freedom Report for 2017: Burma](#), 29 May 2018, Section III. *Status of Societal Respect for Religious Freedom*

incident, the September 2017 report by the UN Special Rapporteur on the situation of human rights in Myanmar noted that “The attacks lasted for hours and police personnel who arrived at the scene took some time to control the situation. At least four people were injured and property was damaged. It is not clear whether any action has been taken against those responsible for, and involved in, the violence”.³⁹²

9.3.3. Christians

A U.S. Commission on International Religious Freedom (USCIRF) special report of December 2016 and focusing on the situation and treatment of Christian minorities in Burma found the following violations in Sagaing Region: “Since 2012, the authorities in Kalaymyo (a town in Sagaing Region where many Chin live) have grabbed land from 16 cemeteries, all but two of which are Christian. The orders came from then Chief Minister of Sagaing Region Tha Aye, a former major general in the Tatmadaw. In most cases, families were given a chance to remove the remains of their loved ones, but no compensation was offered in any of the cases, and families were required to pay for the costs at new cemeteries”.³⁹³

The UN Special Rapporteur on the situation of human rights in Myanmar reported that in July 2017 “village level officials and a Buddhist abbot reportedly organized a group of villagers from Teetaw Village Tract, who threw rocks at the home of a Christian worshipper where a religious service was being held. The officials and the abbot had, prior to the incident, apparently threatened four villagers who had converted to Christianity that they should revert to Buddhism or face banishment, but the four converts had refused. The attacks lasted for hours and police personnel who arrived at the scene took some time to control the situation. At least four people were injured and property was damaged. It is not clear whether any action has been taken against those responsible for, and involved in, the violence”.³⁹⁴ For detailed information about this particular incidence as documented by the Chin Human Rights Organization (CHRO) see its October 2018 publication [here](#).³⁹⁵

The Chin Human Rights Organization (CHRO) noted in its October 2018 report that:

Chin Christians have faced attacks and violence by the local population, local police force and resident monks who have been catalysts for violence. This has manifested more violently in areas where Buddhists and Christians live in close proximity such as Kalay Myo in Sagaing Region, parts of Magway Region and Rakhine State.³⁹⁶

³⁹² UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 8 September 2017, C. Combating and preventing religious intolerance and incitement to hatred and violence, para. 61

³⁹³ U.S. Commission on International Religious Freedom (USCIRF), [Hidden Plight: Christian minorities in Burma](#), 13 December 2016, *Forced relocation and destruction of Christian cemeteries*, p. 14

³⁹⁴ UN Special Rapporteur on the situation of human rights in Myanmar, [Situation of human rights in Myanmar](#), 8 September 2017, C. Combating and preventing religious intolerance and incitement to hatred and violence, para. 61. See also Human Rights Watch, [World Report 2018: Burma](#), 18 January 2018, *Religious Freedom and Chin Human Rights Organization*, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, I. Religious Intolerance, Violence, Threats and Intimidation, p. 23

³⁹⁵ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, I. Religious Intolerance, Violence, Threats and Intimidation, pages 23-25

³⁹⁶ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, *Summary of Violations*, p. 9

A Chin based NGO representative stated that:

*Between Jan, 2016 and October 2018 X has documented 3 instances of religious motivated violence, leaving 11 people either hospitalized. In 2 cases, senior Buddhist monks have actively engaged in the violence. X has documented 4 cases whereby Christians have been either threatened or coerced to leave a village or town due to religious intolerance. X has documented 1 instance where Christians have been banned from exercising a religious ceremony.*³⁹⁷

A more detailed description of seven such instances can be found in Annex C.³⁹⁸

10. Ethnic Chins

According to the detailed findings of the Independent International Fact-Finding Mission on Myanmar published in September 2018, “The military regime has constructed eight major ethnic groups (Kachin, Kayah, Karen, Chin, Bamar, Mon, Rakhine and Shan), broken down further into 135 “national races”. There is no scientific basis for this division, which contains both gaps and overlaps. The arbitrary list defines those who “belong” in Myanmar; all others, regardless of how many generations they have lived in Myanmar, are considered outsiders or immigrants. This includes the Rohingya. According to the Tatmadaw, “Despite living among peacocks, crows cannot become peacocks”.³⁹⁹

According to the website ‘Ananda-Travel’ whose excerpt was provided by UNHCR Myanmar office “There are 53 Chin sub-ethnic groups. Chin is a very big ethnic group in Myanmar; there are Chin, Meithei, Saline, Ka-Lin-Kaw, Khami, Awa Khami, Khawno, Kaungso, Kaung Saing Chin, Kwelshin, Kwangli, Lyente, Gwete, Ngorn, Zizan, Sentang, Saing Zan, Za-How, Zotung, Zo-Pe, (Zo, Zanniet, Tapong, Tiddim (Hai-Dim), Tay-Zan, Taishon, Thado, Torr, Dim, Dai (Yindu), Naga, Tanghkul, Malin, Panun, Magun, Matu, Miram (Mara), Mi-er, Mgan, Lushei , Laymyo, Lyente, Lawhtu, Lai, Laizao, Wakim (Mro), Haulngo, Anu, Anun, Oo-Pu, Lhinbu, Asho , Rongtu.)”.⁴⁰⁰

Writing on the Rohingya crisis, the United States Institute of Peace’s report of August 2018 noted that “abuses are tolerated by many officers, both commissioned and noncommissioned, who are prepared to permit their troops considerable license when fighting people considered Others, and thus lesser human beings. Ethnic groups such as the Karen, Kachin, and Chin, for example, have long been characterized by predominantly ethnic Burman commentators as uncivilized jungle dwellers, illiterate savages guilty of all sorts of dreadful acts against wounded and captured Tatmadaw personnel. Because many of these people were Christians, they were not considered true Myanmar, who—in the minds of many soldiers—were always Buddhist”.⁴⁰¹

³⁹⁷ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

³⁹⁸ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

³⁹⁹ UN Human Rights Council, [Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar](#), 17 September 2018, III. Context, B. Ethnic and religious diversity, 1. Ethnic diversity and insurgencies, para. 85

⁴⁰⁰ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴⁰¹ United States Institute of Peace, [Myanmar’s Armed Forces And The Rohingya Crisis](#), August 2018, Command, Control, and Conduct, p. 31

Asked about ‘what precise groups may be considered to fall within the ethnic Chin umbrella’ the Chin based NGO representative stated that: “This is an issue of self-determination which goes far beyond our remit as an organization. The simple answer would be that it depends on who is doing the considering, without being facetious. The first time the Chin people were grouped/divided, as far as we are aware, was the British-designed, Chin Hills Regulation Act 1896 which was developed for tax purposes. Practically speaking, the 53 Chin groups are codified within the 2014 census, based on the same groupings as the 1982 Citizenship Law. Some of these groups are non-existent however; “Salai” for example, considered to be a sub-group under the Chin umbrella, is a formal title often put in-front of a name, rather like “sir” in the English language. There is no “Salai” sub group. The data on ethnicity from the 2014 census has still not been released, due to its sensitive nature. The majority of people are likely to have ticked the “other” box within the ethnicity section. It is more likely that the number regarding what would be termed “sub groups” is closer to 800 across the country, rather the 135 as under the 1982 Citizenship Law”.⁴⁰²

10.1. ‘Kuki’

According to an article by The Sangai Express “Khongjai or Khunchai is a generic name applied to tribes whose home is in the mountain tracts lying between Mynmar, Kangleipak, Cachar and Arakan Yoma range. They are pro-mongolid people. The new term Kuki instead of Khunchai appear to find its origin in the Chittagong hill tracts. The word Kuki is an Assamese or Bengali term, which used to apply to all the various hill tribes”.⁴⁰³

In January 2016 The Irrawaddy reported that “A committee representing Burma’s ethnic Kuki minority is urging the government to transparently disclose 2014 census ethnicity data that have been withheld to date. The Myanmar Census Kuki Representative Committee this week made the call in a bid to see that the group, which is not considered an “official” ethnicity in Burma, can know precisely how many Kuki reside in the country. The Kuki are not recognized as one of the country’s 135 official ethnic groups, as enshrined in the 1982 Citizenship Law, a contentious piece of legislation that was used as a framework for categorization in the UN-backed census”.⁴⁰⁴ The same source further noted that “Committee member Lhu Kho Pao told reporters that the Kuki minority’s population had shrunk since Burma gained independence from British colonial rule: According to a 1947 census under the British, he said the ethnic Kuki population numbered almost 100,000 across Burma, but by 1990, the military government tallied only 40,000 Kuki, who were considered Chin and not a distinct ethnic group”.⁴⁰⁵

According to Sena Galazzi Lian, Convener of the Chin State Academic Research Network, the question whether the ‘Kuki’ are considered to be ethnically Chin “is complex, and slightly misguided in its wording” as “In Myanmar, significant issues surrounding nation-state and state-building have not yet been resolved. This is particularly evident in Chin State”.⁴⁰⁶ She further elaborated that:

⁴⁰² Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴⁰³ The Sangai Express, [Origin of Khunchai \(Kuki\) Tribes of Kangleipak](#), 16 May 2015

⁴⁰⁴ The Irrawaddy, [Kuki Call For Full Disclosure Ahead of Ethnic Census Data’s Release](#), 7 January 2016

⁴⁰⁵ The Irrawaddy, [Kuki Call For Full Disclosure Ahead of Ethnic Census Data’s Release](#), 7 January 2016

⁴⁰⁶ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

There are most definitely no 'precise groups' in Chin, there is surely no *specific* 'Chin umbrella' and finally neither is there an authoritative power that can lay claim to carry out any official 'act of considering'. Therefore, the correct answer is that the answer will change depending on who you ask, when you ask, and why you ask.

The 2014 census as well as the British colonial effort known as Chin Hills Regulation Act 1896, as well as the 1982 Citizenship Law, all contain different answers, mistakes, or frankly random bits of information.

To get any meaningful answer you would have to ask a number of people, and at different times, as it is an ongoing question, a very real 'live' issue for many people, one that has not been resolved yet, and there are many political stakes in what the final answer to the question ends up being. It is in the process of state-building that these answers will sediment themselves, and we are not there yet. So you are bound to get a lot of different answers that are mostly all valid... just meaningful in different ways to different people, at different times, largely related to the fact that Chin is a less than universally recognized catch all phrase for many populations within and around the boundaries of present day Chin State, a catch all that includes so many sub-groups, some of whom do not even wish to be included under it, others who agree to be included but do not agree to be termed a sub-group in the first place, etc. Needs for categorization have historically been largely driven by external factors which has come with various implications.

So when we consider the validity of an umbrella term we need to question the reasoning behind and the validity of the catch-all term, enquire as to the historical baggage it brings (why might people want to identify with it at some points, but not at other times? What events might shift people's perceptions of these? This is no abstract matter and for example might affect the answers people in the future might give in their RSD interviews) and be inquisitive firstly as to what it means to be classified a sub-group, followed by whether said sub-group is included or excluded in the Chin umbrella term [...]

My final answer is probably then that there is yet no answer.. it's all still forming, so of course as outsiders (academics, development practitioners, as much as UNHCR protection officials etc.) we are also having some impact in what answer comes out on top. I.e. what populations UNHCR put on the Chin language flow maps it gives its staff, what organisations are assumed to represent what groups, generally who is regarded authoritative in producing written knowledge about 'Chin'. There is a huge population that spans across Chin State, Mizoram, Manipur, Bangladesh, Sagaing and other lowlands whose shifting and fluid, at times conflicting and at times overlapping identities, languages, and cultural practices, which have been categorized, seized, shared, or appropriated in different ways through history. There is little clarity or agreement on the most basic terms, including according to some as to the validity of the word Chin itself. Therefore, I am unable to answer your question as to what precise groups may fall within the Chin ethnic umbrella, or to make any estimate regarding ongoing Kuki self-determination perceptions and ideals.⁴⁰⁷

The Chin based NGO representative noted with regards to this question stated that: "Again, it depends on who is doing the considering. Practically speaking, the 1982 Citizenship Law and the Chin Hills Regulations Act would suggest yes. As far as I am aware there is not the same wide-spread rejection of the Chin terminological grouping that the Zomi and some Cho groups which may oppose it. The majority of the Kuki people that live in Myanmar, however live in Sagaing Region, rather than what is now considered to be the Chin State boundary. Again this is an issue of self-determination which goes beyond our remit".⁴⁰⁸

According to Mr. Thang Sei, President of Kuki Affair Council based in Tamu, Sagaing region, who was interviewed by UNHCR Myanmar in January 2019, noted: "Kuki is not one of the 53 Chin sub-ethnic

⁴⁰⁷ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴⁰⁸ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

groups”.⁴⁰⁹ Dr. Lhukhopao, spokesperson of Kuki Affair Council interviewed by UNHCR Myanmar in February 2019 “The Kuki is solely separated ethnic group in Myanmar”.⁴¹⁰

A more historical review of the Kuki-Chin can be found in the academic article by Telsing Letkhosei Haokip in the South Asia Research Journal published in February 2015, which can be found [here](#).⁴¹¹

11. Forced Recruitment and Forced Labour

See also section 1 in [ARC, Myanmar: Query Response: The Chin State, 31 July 2017](#) for views raised on these issues by country experts on Myanmar.

11.1. Forced Recruitment into the Military (adults)

11.1.1. Chin State

In July 2017 a letter was sent to the Chin State chief minister by a group of Chin youth accusing the Tatmadaw and the Arakan Army of forcibly recruiting villagers and using civilians as human shields.⁴¹² Following a visit to Paletwa township in June 2017 the youth reported that residents from the township’s ten villages told them about “regular abuses they reportedly have suffered at the hands of soldiers” including “physical assault, forceful recruitment of residents as porters or guides, robberies and the use of residents as human shields”.⁴¹³

A Myanmar Expert who provided written contributions for this report noted that “Report on underage recruitment and forced recruitment of adults in Chin state believed to be under-reported due to the geographic location of the State (difficult to access to outside world in many part, and with the outside world having difficulties to access – in the ILO case, unless it has cases / complaints at hand it would not be able to travel to assess the situation”.⁴¹⁴ He provided the following additional information as to whether any particular groups face any higher incidence of forcible recruitment: “Record of Chin being recruited into armed forces however is lower than other ethnics.

⁴⁰⁹ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴¹⁰ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴¹¹ See Haokip, Telsing. (2015). [Ethnic Separatism: The Kuki-Chin Insurgency of Indo-Myanmar/Burma](#). South Asia Research. 35. 21-41

⁴¹² Myanmar Peace Monitor, [Chin youth accuse AA, Tatmadaw of committing human rights violations](#), 5 July 2017

⁴¹³ Myanmar Peace Monitor, [Chin youth accuse AA, Tatmadaw of committing human rights violations](#), 5 July 2017

⁴¹⁴ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

It could be a scenario of under-reporting due to geographic locations or else literal lower level of recruitments”.⁴¹⁵

According to Sena Galazzi Lian, Convener of the Chin State Academic Research Network, “There are several reports of men, probably plainclothes Tatmadaw members, offering NRC [National Registration Cards] cards to youth in exchange for them joining. There was a case documented in 2017 of one boy from Matupi township but there are likely to be others”.⁴¹⁶

11.1.2. Sagaing Region

No specific information was located on the forced recruitment into the military in Sagaing Region amongst the sources consulted within the time-frame of this report.

11.2. Underage recruitment (children)

Contextual background information covering Myanmar as a whole

Recruitment by state actors

Whilst the January 2015 report by Child Soldiers International does not specifically mention recruitment and use of children by the military based in the Chin State or Sagaing Region this can be inferred to happen across Myanmar.⁴¹⁷ The report specifically found that:

Information gathered by Child Soldiers International shows that military officers and informal recruiting agents (civilian ‘brokers’) continue to use deliberate misrepresentation, intimidation, coercion and enticement to obtain new recruits, including under-18s. Civilian brokers are known to frequently recruit boys under false pretenses, often offering them a different job, such as a driver. Recent information on the manner in which underage recruitment by the Tatmadaw Kyi takes place appears to remain unchanged from that reported in the past decade by the UN and NGOs. Cases of underage recruitment by the Tatmadaw Kyi, verified by the UN CTFMR, show that children are recruited from all over Myanmar, though recruitment trends differ from place to place according to several key factors including population density, socioeconomic conditions, and the absence or presence of conflict in each particular area. In 2014, cases of underage recruitment were mostly being reported to the UN from the Yangon, Ayeyarwaddy and Mandalay regions.⁴¹⁸

The UN Special Representative of the Secretary-General for children and armed conflict provided the following background information on the Tatmadaw’s recruitment strategies in its report covering the period from February 2013 to June 2017:

The Government of Myanmar signed a Joint Action Plan with the United Nations in June 2012 to end and prevent the recruitment and use of children in the Tatmadaw. Previously, Myanmar Defence Council directive 13/73 (1974) had required that, in order to be recruited, future soldiers be older

⁴¹⁵ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴¹⁶ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴¹⁷ Child Soldiers International, [Under the radar: Ongoing recruitment and use of children by the Myanmar army](#), January 2015, 2.2 Patterns of underage recruitment, p. 10

⁴¹⁸ Child Soldiers International, [Under the radar: Ongoing recruitment and use of children by the Myanmar army](#), January 2015, 2.2 Patterns of underage recruitment, p. 10

than 18 years, with the exception of an elite programme that had allowed trainees to be recruited after they had reached the age of 16. In November 2013, the Tatmadaw released directive 3/1/131/Yay1(B), abolishing any recruitment of those younger than 18, although the application of the directive remains a challenge.⁴¹⁹

The same source further noted with regards to the difficulties of gathering reliable estimates of child soldiers in the military:

It is virtually impossible to provide reliable overall estimates of the number of child soldiers in the Tatmadaw Kyi. Since 2013, a total of 723 cases of underage recruitment have been reported to the UN CTFMR of which 474 are children or were under 18 at the time of the signing of the JAP. Of the 474 children reported to the UN CTFMR, 126 have allegedly been recruited in 2013 and 2014. Since the beginning of the ILO Complaints Mechanism on Forced Labour in 2007, it has received 1,293 reports of individual cases of underage recruitment. Representatives of the Myanmar government informed Child Soldiers International that they had discharged 587 children between 2004 till 2012 through the Committee for the Prevention of Military Recruitment of Underage Children. The UN CTFMR jointly secured the release of 176 children from the Tatmadaw in 2012 and 2013, another 96 children in January 2014, 91 in August 2014, 109 in September 2014 and 80 in November 2014, totaling 553 children discharged since the adoption of the JAP in 2012. In 2013 and 2014 ILO received 481 reports of underage recruitment; of these, 81 had been recruited in 2013 and 2014. However, the number of complaints and subsequent releases do not provide an accurate picture of the real numbers of children recruited. Firstly, there can be a time-lag of almost six months from the time a child is recruited to the filing of a complaint, making it difficult to arrive at an accurate assessment of numbers. Secondly, not all recruited children are identified and released as processes to identify and release children from the Tatmadaw have yet to be systematically applied.⁴²⁰

Child Soldiers International identified that “most recent cases of underage recruitment have involved coercion, with children being tricked or lured into the army through false promises. The practice of falsification of age documents, including National Registration Cards (NRC) – now also called Citizenship Scrutiny Cards (CSC)- and family lists, continues unchecked and no effective measures have been taken to establish accountability for this practice. In rural Myanmar, children have been recruited while on their way to school or when they leave their homes in search of work. In urban areas, unaccompanied children are reported to have been recruited at busy locations such as railway stations, bus terminals, markets, and outside temples. Underage recruitment is carried out by civilian brokers, non-commissioned soldiers and junior police officers”.⁴²¹

The same source reported in its March 2016 briefing that “Almost four years since the UN and the Myanmar government signed a Joint Action Plan (JAP) to end the recruitment and use of children in June 2012, children continue to be present in the ranks of the Tatmadaw Kyi as well as non-state armed groups (NSAGs), although recent trends indicate that active recruitment of children by the Tatmadaw ky i appears to have significantly reduced. The Tatmadaw Kyi discharged 146 children in three separate releases in 2015, and a further 46 on 12 March 2016, bringing the total number of children discharged since the signing of the JAP to 745. Due to an absence of comprehensive monitoring, it is not currently possible to determine the number of children present in the ranks of

⁴¹⁹ UN Special Representative of the Secretary-General for children and armed conflict, [Report of the Secretary-General on children and armed conflict in Myanmar](#), 22 December 2017, *C. Parties to conflict in Myanmar*, 1. *Parties to conflict listed as perpetrators of recruitment and use*, para. 17

⁴²⁰ Child Soldiers International, [Under the radar: Ongoing recruitment and use of children by the Myanmar army](#), January 2015, 2.2 *Patterns of underage recruitment*, pages 10/11

⁴²¹ Child Soldiers International, [Under the radar: Ongoing recruitment and use of children by the Myanmar army](#), January 2015, 2.2 *Patterns of underage recruitment*, p. 11

the Border Guard Forces (BGF). However, the BGF discharged one child in 2015, indicating that other children may also remain in the ranks”.⁴²²

The U.S. Department of State documented in its annual trafficking report covering 2017/2018 that:

International monitors had verified at least 49 cases of child recruitment by the Tatmadaw in the first half of 2017 (101 in all of 2016), the youngest of which involved a 13-year-old. The UN reported methods of recruitment in these cases included force and coercion perpetrated by both civilian and military brokers. More than 100 additional unverified cases of recruitment were under review at the end of the reporting period. The government reported releasing 49 individuals originally recruited as children from the Tatmadaw through implementation of its UN-backed action plan on child soldiers (112 in 2016); it was unclear if these corresponded to the aforementioned 49 verified cases. Observers attributed the continued trend of recruitment and use to a spike in military conflict in several areas of the country, including Rakhine State. In addition to having formally recruited at least 49 children into its ranks, the Tatmadaw and its affiliate militias continued to use children for labor or other support roles, including barracks cleaning, portering, and cooking. There were at least 13 documented cases of children in such support roles in 2017, one of which involved more than 200 children.⁴²³

Recruitment by non-state actors

The July 2015 report by Child Soldiers International, though not specifically mentioning the recruitment practices and use of children by the Kachin Independence Army (KIA) in Chin State or Sagaing Region, found that recruitment of children by the KIA is “ongoing”.⁴²⁴ According to the same source:

The majority of underage recruits are thought to be aged 15 to 17 and have ended up in the KIA’s ranks through a variety of routes that are sanctioned by the KIA, despite a stated commitment to prohibit the recruitment of children. Following the breakdown of a 17-year long ceasefire in June 2011, the KIA has continued its recruitment of children and has recently introduced a system of “National Service”. While much of the recruitment is formally voluntary, there is evidence of some ongoing coercive recruitment. Soldiers and civilian administrators tasked with general recruitment routinely overlook evidence that recruits are underage. Children seeking to volunteer with the KIA are, in some cases, encouraged to continue their studies, but evidence indicates that they are almost always eventually accepted into the KIA’s ranks.⁴²⁵

In September 2017 the UN Special Rapporteur on the situation of human rights in Myanmar raised her concern that “recruitment of minors among ethnic armed groups and militias appears to be increasing”.⁴²⁶

The U.S. Department of State reported in its annual trafficking report covering 2017/2018 that “Authorities continued to prevent the UN from playing a constructive role in eradicating the

⁴²² Child Soldiers International, [Myanmar briefing: Ongoing Underage Recruitment and Use by the Myanmar Military and Non-State Armed G](#), March 2016

⁴²³ U.S. Department of State, [Trafficking in Persons Report 2018](#), 28 June 2018, *Burma – Tier 3*, p. 118

⁴²⁴ Child Soldiers International, [A dangerous refuge: Ongoing child recruitment by the Kachin Independence Army](#), 14 July 2015, 1. *Executive Summary*, p. 6

⁴²⁵ Child Soldiers International, [A dangerous refuge: Ongoing child recruitment by the Kachin Independence Army](#), 14 July 2015, 1. *Executive Summary*, p. 6

⁴²⁶ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 8 September 2017, B. *Protecting the rights of women and children*, para. 50

recruitment and use of children by ethnic armed groups (EAGs)—a practice that reportedly increased due to the security situation in restive areas”.⁴²⁷

11.2.1. Chin State

The UN Secretary-General on children and armed conflict in Myanmar noted in its report covering the period from February 2013 to June 2017 that “Security constraints as well as the denial of access by the Government of Myanmar to several regions, notably to non-Government-controlled areas, continue to present a considerable challenge to the documentation and verification of grave violations perpetrated against children. In addition, the limited presence of United Nations and international child protection organizations in Kachin, Shan, northern Rakhine and Chin States hampered engagement with communities affected by grave violations. Therefore, while the information contained in the present report is indicative of the nature of violations perpetrated against children, it does not indicate their full gravity or scale”.⁴²⁸

With regards to violations against children across Myanmar the report found that “While incidents of all six types of grave violations against children were documented during the reporting period, child recruitment and use was by far the most frequent violation, accounting for more than 83 per cent of all those documented. The second most frequent violation was killing and maiming, at nearly 8 per cent, followed by abductions (4 per cent), attacks on schools (3 per cent), sexual violence (2 per cent) and denial of humanitarian access (1 per cent). While the percentage of documented cases of recruitment and use compared with the total number of violations gradually decreased during the reporting period, killing and maiming increased proportionally, accounting for 25 per cent of all grave violations committed in the first half of 2017”.⁴²⁹

The Chin based NGO representative stated that:

X documented once case of child soldier recruitment in March 2017 which involved a boy from Matupi Township. After being recruited, he was trained in several locations in Magway and Sagaing Regions, provided with a false NRC card and told to sign a 5 year contract of service with the Tatmadaw.

*In a few separate instances, X has learnt of villagers being approached by non-uniformed individuals who inquire at the village level whether any village youth are interested to join the Tatmadaw, in one case, X was informed that an NRC card had been offered for those wishing to go with the unidentified individual.*⁴³⁰

A detailed description of individual incidences of recruitment of child soldiers by the Tatmadaw can be found [here](#), as documented by the Chin Human Rights Organization.⁴³¹

⁴²⁷ U.S. Department of State, [Trafficking in Persons Report 2018](#), 28 June 2018, Burma – Tier 3, p. 116

⁴²⁸ UN Secretary-General on children and armed conflict, [Report of the Secretary-General on children and armed conflict in Myanmar](#), 22 December 2017, D. Grave child rights violations, para. 28

⁴²⁹ UN Secretary-General on children and armed conflict, [Report of the Secretary-General on children and armed conflict in Myanmar](#), 22 December 2017, D. Grave child rights violations, para. 29

⁴³⁰ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴³¹ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, I. Recruitment of Child Soldiers by the Tatmadaw, pages 18 and 19

A Myanmar Expert who provided written contributions for this report noted that “Report on underage recruitment and forced recruitment of adults in Chin state believed to be under-reported due to the geographic location of the State (difficult to access to outside world in many part, and with the outside world having difficulties to access – in the ILO case, unless it has cases / complaints at hand it would not be able to travel to assess the situation”.⁴³² The same source did however note “four cases reported in 2015 on underage recruitment from Paletwa areas”, which the government continues to dispute though on the basis that the persons voluntarily joined the army.⁴³³

According to a civil society staff member who has been working for more than 10 years in Chin State and who was interviewed by UNHCR Myanmar in January 2019 told them that “There are some reports that children from poor families have joined Arakan Army due to lack of other options”.⁴³⁴

11.2.2. Sagaing Region

NO COI available in the public domain was located on underage recruitment in Sagaing Region amongst the sources consulted within the time-frame of this report.

A Myanmar Expert who provided written contributions for this report noted that “Report on underage recruitment is almost 80 cases, with the most recent cases reported to ILO in 2017 of the incident of recruitment took place in 2012. Most of the recruitment took place via mobile recruitment unit of Tatmadaw”.⁴³⁵

11.3. Forced labour (adults)

For information on child labour see section [8.2. Child labour](#).

Contextual background information covering Myanmar as a whole

The U.S. Department of State reported in its annual trafficking report covering 2016/2017 that “the government continued to require troops to source their own labor and supplies from local communities, thereby increasing the prevalence of forced labor”.⁴³⁶ The source provided the following example: “In one case, the military forcibly removed 12 elderly men from their mosque during prayer and beat them, forced them to carry any personal belongings deemed useful in a conflict setting—including heavy car batteries—to another village, and then confiscated these

⁴³² Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴³³ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴³⁴ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴³⁵ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴³⁶ U.S. Department of State, [Trafficking in Persons Report 2017](#), 27 June 2017, *Burma – Tier 2 Watch List*, p.

belongings”.⁴³⁷ The same source further highlighted that with regards to ethnic minority groups “particularly internally displaced Rohingya, Rakhine, Shan, and Kachin communities—continued to be at elevated risk of forced labor as a result of ongoing military incursions, and the government remained largely inactive on this longstanding issue”.⁴³⁸ It further explained that:

The Burmese military, civilian officials, and some ethnic armed groups use various forms of coercion, including threats of financial and physical harm, to compel victims into forced labor. In areas with active conflict, members of local populations— mostly men, but also women and children as young as 12 years old—are subject to forced labor. The ILO continued to receive reports indicating the actual use of forced labor is decreasing overall, but the number of complaints of forced labor through the ILO complaints mechanism remained significant. Reports of forced labor occurred across the country; prevalence was higher in states with significant armed conflict, while reports declined in cease-fire states. Reporting and verification mechanisms were weak or non-existent in conflict areas, making it difficult to fully assess the ongoing scale of forced labor. Officials continued to use violence or threats thereof to compel civilians into forced labor, including portering, work on public infrastructure projects, and activities related to the military’s “self-reliance” policy —under which military battalions are responsible for procuring their own food and labor supplies from local villagers, who in turn are at a significantly elevated risk of forced labor through the arrangement. The army uses children as porters, cooks within battalions, or to carry supplies or perform other support roles. Some observers noted forced labor practices were changing, resulting in a reported decrease in the use of forced labor by the military and an increase in reports of forced labor in the private sector and by civilian officials. At the same time, international organizations reported forced labor remains common in areas affected by conflicts.⁴³⁹

With regards to protection available, the same source found that “The power and influence of the Burmese military limited the ability of civilian police and courts to address cases of forced labor” and the government did not “report punitive measures for military personnel guilty of subjecting children or adults to forced labor. Imposed punishments were significantly less than those prescribed by criminal laws, with most receiving reprimands, fines, or a decrease in pension, and NGOs assessed these penalties to be insufficient”.⁴⁴⁰

The U.S. Department of State noted in its annual human rights report covering 2016 that “The International Labor Organization (ILO) reported that it continued to receive reports indicating that the actual use of forced labor was decreasing overall”.⁴⁴¹ However, the same report also stated that “Tension between the military and ethnic minority populations, while somewhat diminished in areas with ceasefire agreements, remained high, and the army stationed forces in some ethnic groups’ areas of influence and controlled certain cities, towns, and highways. Ethnic armed groups [...] pointed to the increased presence of army troops as a major source of tension and insecurity. Reported abuses included [...] forced labor [...]”.⁴⁴² The report further noted that:

⁴³⁷ U.S. Department of State, [Trafficking in Persons Report 2017](#), 27 June 2017, *Burma – Tier 2 Watch List*, p. 107

⁴³⁸ U.S. Department of State, [Trafficking in Persons Report 2017](#), 27 June 2017, *Burma – Tier 2 Watch List*, p. 107

⁴³⁹ U.S. Department of State, [Trafficking in Persons Report 2017](#), 27 June 2017, *Burma – Tier 2 Watch List*, p. 109

⁴⁴⁰ U.S. Department of State, [Trafficking in Persons Report 2017](#), 27 June 2017, *Burma – Tier 2 Watch List*, pages 106/107

⁴⁴¹ U.S. Department of State, [Country Reports on Human Rights Practices for 2016: Burma](#), 13 April 2017, Section 1. g. Abuses in Internal Conflict

⁴⁴² U.S. Department of State, [Country Reports on Human Rights Practices for 2016: Burma](#), 13 April 2017, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Reports of forced labor occurred across the country, including in cease-fire states, and the prevalence was higher in states with significant armed conflict. Forced labor continued, including forced portering, mandatory work on public infrastructure projects, and activities related to the military's "self-reliance" policy. Under the self-reliance policy, military battalions are responsible for procuring their own food and labor supplies from local villagers—a major contributing factor to forced labor and other abuses. Some observers noted that forced labor practices were changing, resulting in a reported decrease in use of forced labor by the military and an increase in reports of forced labor in the private sector and by civilian officials. At the same time, international organizations reported that forced labor remained common in areas affected by conflicts.⁴⁴³

The U.S. Department of State reported in its annual trafficking report covering 2017/2018 that "The Tatmadaw continued to require troops to source their own labor and supplies from local communities, thereby perpetuating the labor exploitation of adults and children. There were reports that government officials were complicit in both sex and labor trafficking, including by hindering law enforcement efforts against the perpetrators".⁴⁴⁴ It further noted with regards to ethnic minority groups that:

Ethnic minority groups in Burma—particularly internally displaced Rohingya, Rakhine, Shan, and Kachin communities— continued to be at elevated risk of forced labor as a result of ongoing military incursions [...] EAGs also increased their recruitment and use of child soldiers during the reporting period, likely spurred by an uptick in violence in several areas of the country and the Tatmadaw's refusal to allow international organizations to begin demobilization work with EAGs.⁴⁴⁵

The same source further noted with regards to forced labour practices that "Local traffickers use deceptive tactics to recruit men and boys into forced labor on palm oil and rubber plantations, in jade and precious stone mines, and in riparian fishing [...] Children are subjected to sex trafficking or to forced labor (at times through debt bondage) in teashops, small businesses, the agricultural and construction sectors, and in begging. Children and adults are subjected to domestic servitude".⁴⁴⁶

11.3.1. Chin State

The Chin Human Rights Organization (CHRO) noted in its newsletter covering January/February 2016 that in January 2016 AA soldiers had "arrested dozen[s] of Chon villagers and forcibly used them as their guide when they were on patrol in the area".⁴⁴⁷

In its report on the situation of human rights of Rohingya Muslims and other minorities in Myanmar, the UN High Commissioner for Human Rights reports in June 2016 that "Special procedure mandate holders have reported allegations of human rights violations targeting Chin Christians, including of forced labour for the construction of monasteries and pagodas".⁴⁴⁸

⁴⁴³ U.S. Department of State, [Country Reports on Human Rights Practices for 2016: Burma](#), 13 April 2017, Section 7., b. Prohibition of Forced or Compulsory Labor

⁴⁴⁴ U.S. Department of State, [Trafficking in Persons Report 2018](#), 28 June 2018, *Burma – Tier 3*, p. 116

⁴⁴⁵ U.S. Department of State, [Trafficking in Persons Report 2018](#), 28 June 2018, *Burma – Tier 3*, p. 119

⁴⁴⁶ U.S. Department of State, [Trafficking in Persons Report 2018](#), 28 June 2018, *Burma – Tier 3*, p. 120

⁴⁴⁷ Chin Human Rights Organization (CHRO), [Rhododendron News, Volume XVIII, Issue 1, January – February 2016](#), Undated [Last accessed: 21 November 2018], *Arakan Army clashes with Burma Army soldiers in Chin State*, p. 10

⁴⁴⁸ UN Human Rights Council, [Situation of human rights of Rohingya Muslims and other minorities in Myanmar](#), 29 June 2016, C. Violations and abuses against other minorities, para. 63, p. 15

In July 2016 the Irrawaddy reported that “A Chin political party released a statement on Tuesday demanding that both the Burma Army and the Arakan Army stop conscripting forced labor, burning houses and torturing locals in rural areas of Paletwa Township in southern Chin State”.⁴⁴⁹

In its October 2018 report the CHRO documented the forced labour and the use of human shields of villagers by the Tatmadaw.⁴⁵⁰ A detailed description of individual incidences which occurred in 2016 (by the Tatmadaw) and 2018 (by the Local Authorities) can be found [here](#).⁴⁵¹ One of these incidents was also mentioned by Sena Galazzi Lian, Convener of the Chin State Academic Research Network in her written contribution for this report: “well-known case was when the ILO filed a complaint to the GAD in 2018 following an incident in Matupi township where local Chin teachers were forcibly compelled to dance for a festival. They were given written notice by the GAD that severe action would be taken if they refused”.⁴⁵²

A Chin based NGO representative stated that:

Between Jan, 2016 and October 2018 X has documented 20 instances of forced labour demands by the Tatmadaw in Paletwa Township. All of these are related to ongoing conflict between the AA [Arakan Army] and the Tatmadaw, mostly in the regions boarding India in the extreme north of Paletwa or Bangladesh in the extreme north-west of the Township [...]

Whilst the above information documents cases that X has followed up on and undertook due-diligence in the documentation procedure, it must be understood that villagers from the Bawm, Khumi and Mara community who live in these areas regularly complain about AA requesting porters. This is something the X will continue to monitor.⁴⁵³

Four such instances are explained in greater detail by the Chin based NGO representative in Annex C.⁴⁵⁴

A Myanmar Expert noted that “Forced labour was pervasive, though the practice has become less in the recent years – in remote areas we receive reports that the practice remains”.⁴⁵⁵ The same source further explained that “The veracity of the problem of forced labour has been mainly related to land issues, infrastructure works/public works. Part of the problems are related to religion discrimination. Complaints from low level government authorities also received by the ILO, in that the complaints also related to abuse of power by higher authorities to exact labour from lower level”.⁴⁵⁶

⁴⁴⁹ The Irrawaddy, [Chin Party Condemns Abuses by Burma Army, Arakan Army](#), 5 July 2016

⁴⁵⁰ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, II. *Forced Labour and the Use of Human Shields by the Tatmadaw*, p. 15

⁴⁵¹ See Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, II. *Forced Labour and the Use of Human Shields by the Tatmadaw*, pages 15/16 and VI. *Forced Labour Ordered by the Local Authorities*, p. 31

⁴⁵² Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴⁵³ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴⁵⁴ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴⁵⁵ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018

⁴⁵⁶ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018

When asked about the government's response to incidents of forced labour the same expert noted that "For both Sagaing and Chin, the Government responses appeared to be slow and proven to be difficult to resolve when come to issues related to Tatmadaw".⁴⁵⁷

According to Sena Galazzi Lian: "There are numerous cases of forced labour that have been documented in Paletwa Township, in the context of ongoing conflict. Local villagers complain about portering regularly, through a variety of interlocutors, and blame both the AA [Arakan Army] and the Tatmadaw. The Chin Human Rights Organisation for example was able to cross check and confirm 20 such cases, but the real number is likely even higher than that which has been documented since there is limited on the ground capacity for documentation in Chin State (unlike other places in Myanmar). Notably, the AA also demanded villagers provide supplies of food and other utilities, threatening those who did not cooperate. In 2017 this resulted in 500 people being displaced, maybe half of which across the border into India".⁴⁵⁸

Asked what the government's response has been to such incidents, the Chin based NGO representative noted:

The Chin State government has made no comment. The Tatmadaw rarely, if ever, publicly state anything in relation to human rights abuses. If any accusation got as far and as serious whereby any legal action was deemed necessary to take place, such as the accusations that surfaced in relation to the murdering of Rohingya for example, the military would conduct their own internal investigation and form a tribunal outside of civilian courts under the 1959 Defence Services Act.

The Civilian government has stated nothing, and would never publicly denounce military human rights abuses. In practice they have shown they would support Tatmadaw violations of human rights, evidenced by Zaw Htay's (President's spokesperson of the Myanmar President Office) public support for ethnic cleansing and rejection of International Criminal Court referrals. In practice they could use their majority to repeal archaic laws, which are used to suppress dissent of military regime. Instead they use the same policies to justify incarceration of those exercising free speech, freedom of association etc.⁴⁵⁹

11.3.2. Sagaing Region

The Myanmar Times reported in its September 2016 article looking at the situation in Myanmar's prison labour camps that "Local officials and community leaders living near labour camps in Sagaing Region and Mon State also told Myanmar Now that prisoners were regularly hired by local farmers to work their fields" in violations of the 1930 International Labor Organization's Forced Labour Convention, which Myanmar signed and ratified in 1955.⁴⁶⁰

⁴⁵⁷ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018

⁴⁵⁸ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018

⁴⁵⁹ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019

⁴⁶⁰ Myanmar Times, [Abuses, exploitation rife in Myanmar's forgotten prison labour camps](#), 2 September 2016

11.4. Desertion of enforced military service/Draft evaders/Escape from forced labour

See also section 2 in [ARC, Myanmar: Query Response: The Chin State, 31 July 2017](#) for views raised on this issue by country experts on Myanmar.

Contextual background information covering Myanmar as a whole

With regards to the detention of children for desertion from the Tatmadaw, the UN Secretary-General on children and armed conflict in Myanmar reported in its report covering the period from February 2013 to June 2017 that “The country task force continued to document cases of wrongfully recruited children who had subsequently left the Tatmadaw, commonly labelled as “AWOL” (absent without leave). Some of these children were subsequently arrested by the armed forces or the police and either sent back to their battalions or detained on charges of desertion. The country task force documented 15 cases of the detention of children for being absent without leave in 2014, 6 in 2015, 7 in 2016 and 3 in the first six months of 2017. As at 30 June 2017, all of those children had been released”.⁴⁶¹ Moreover, the same source noted that children were detained for alleged association with armed groups:

The country task force verified the detention of 13 boys charged under law 17.1/2 of the Unlawful Associations Act of 1908 for alleged association with armed groups. In the first case, documented in early 2017, the Myanmar police force arrested, detained and initiated an investigation into the unlawful association of a 13-year-old boy from Yangon, who had allegedly been recruited and used as a spy by KIA. In two other incidents following the attacks of 9 October 2016 in northern Rakhine State, the country task force verified the detention of 10 boys and 2 young men by the border guard police in Buthidaung, Rakhine State. Five children had been charged under the Unlawful Associations Act and for the illegal possession of a deadly weapon and murder; four children were being detained in prison while awaiting final age assessment before their trial; and one child had died in detention, allegedly as a result of previous health issues.⁴⁶²

Child Soldiers International highlighted in its March 2016 briefing for the UN Secretary-General’s Annual Report on Children and Armed Conflict its concern that “children who escape from the Tatmadaw Kyi continue to be detained and treated as adult deserters. While commitments and policy directives regarding the arrest and prosecution of underage runaways have been issued at higher levels of government, this practice is not supported at the level of battalions and regiments, where such arrests continue to take place. Children arrested in this manner are charged with ‘desertion/Absent Without Leave (AWOL)’ and ‘criminal action’”.⁴⁶³

The U.S. Department of State reported in its annual trafficking report covering 2017/2018 that “While the Tatmadaw continued efforts to identify and demobilize child soldiers among its ranks, verified incidents of unlawful child soldier recruitment and use continued, and the government took punitive action against former child soldiers for desertion, alleged fraud, and defamation”.⁴⁶⁴

⁴⁶¹ UN Secretary-General on children and armed conflict, [Report of the Secretary-General on children and armed conflict in Myanmar](#), 22 December 2017, *D. Grave child rights violations*, para. 35

⁴⁶² UN Secretary-General on children and armed conflict, [Report of the Secretary-General on children and armed conflict in Myanmar](#), 22 December 2017, *D. Grave child rights violations*, para. 37

⁴⁶³ Child Soldiers International, [Ongoing Underage Recruitment and Use by the Myanmar Military and Non-State Armed Groups: Briefing for the UN Secretary General’s Annual Report on Children and Armed Conflict – March 2016](#), 21 March 2016, *Summary of concerns*, p. 6

⁴⁶⁴ U.S. Department of State, [Trafficking in Persons Report 2018](#), 28 June 2018, *Burma – Tier 3*, p. 116

Whilst the January 2015 report by Child Soldiers International does not specifically mention recruitment and use of children by the military based in the Chin State or Sagaing Region, the report found that in general, children who attempt to escape from the Tatmadaw Kyi “are detained and treated as adult deserters. Based on current laws, the penalty for a child soldier who deserts the military may be higher than the penalty for someone who recruits a child soldier [...] Many child soldiers who have tried to escape the army have been labelled as 'deserters' and sentenced to imprisonment. Of the total of 376 children discharged by the UN CTFMR in 2014, 65 were labelled as Absent Without Official Leave (AWOL). Between January 2013 and mid-July 2014, the ILO received information on 145 underage recruits who fled the Tatmadaw Kyi and were declared "deserters". Out of these, 17 under age recruits were arrested, charged with desertion and imprisoned. In June 2014 the Tatmadaw Kyi issued specific orders requiring their personnel to exercise diligence in ensuring that in all cases of individuals found to have been recruited as children, as verified by the UN CTFMR, they should not be arrested or otherwise harassed as deserters but instead their cases should be expedited for discharge.”⁴⁶⁵

Moreover, the source clarified that “if the period of —desertion|| is short, an individual will be detained for the same amount of time as if he was AWOL. But if he was absent for longer periods, he stands likely to be subjected to a military summary trial before being transferred to civilian detention in prison. There is no access to a legal counsel during detention but according to the prison manual, a family member could visit every 15 days”.⁴⁶⁶

A Myanmar Expert, who provided written comments on a range of issues touched upon in this report, stated with regards to those who have escaped enforced military service:

In case of escape, the military would hunt them [young persons] down and take them back into the army. The procedure that move to arrest this person back to the regiment did not include verification of age at recruitment. As such anyone recruited into the armed forces underage, who happened to run away (we do not use the terminology “desert” as desertion is applicable to armed personnel who got recruited properly) and was then declared “Absent without leave or AWOL – would be arrested and taken back into their mother regiment for investigation / punishment. For number of years that the ILO has negotiated and requested that the verification of age at recruitment take place before a person get declared AWOL, this point was not taken into account at all by the armed forces until this year 2018, that the armed forces agreed to check with the ILO record on age of the person before declaration of AWOL is made.”⁴⁶⁷

12. Socio-Economic Situation

Chin State

Following the 2014 national census The Republic of the Union of Myanmar’s Department of Population published several ‘township’ reports in relation to Chin State based on the findings of the census. These can be found [here](#).⁴⁶⁸

⁴⁶⁵ Child Soldiers International, [Under the radar: Ongoing recruitment and use of children by the Myanmar army](#), January 2015, 2.2 Patterns of underage recruitment, p. 12

⁴⁶⁶ Child Soldiers International, [Under the radar: Ongoing recruitment and use of children by the Myanmar army](#), January 2015, 2.2 Patterns of underage recruitment, p. 12

⁴⁶⁷ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴⁶⁸ The Republic of the Union of Myanmar, [Publications: Chin](#), Undated [Last accessed: 28 November 2018]

In May 2016 Frontier Myanmar noted that Chin State is the poorest and least developed of Myanmar's 14 states and regions, its poverty and lack of development underscored by data from the 2014 census which found that:

73 percent of Chin's 478,801 people live below the poverty line, the highest rate in the country and nearly double the 44 percent in neighbouring Rakhine, the next poorest state or region. Chin, the second least populated state or region after Kayah, consistently ranked near the bottom in other social indicators. It had the third lowest literacy rate, after Ayeyarwady and Kayin; the third highest infant mortality rate, behind Ayeyarwady and Magway, and the third lowest life expectancy at birth (63.6), after Ayeyarwady (61.0) and Magway (60.6). Census data also shows that the unemployment rate in Chin, 5.4 percent of those aged between 15 and 64, is the fourth highest in the country, after Rakhine (10.4 percent), Kayin (7.5 percent) and Mon (6.2 percent).⁴⁶⁹

The Democratic Voice of Burma reported in August 2017 that "Due to Chin State's isolation and harsh weather conditions, the agriculture-driven state is experiencing local food shortages to the point that its inhabitants have become importers of rice, a staple produced in abundance elsewhere in the country. Local economies are not diversified and livelihoods depend greatly on climate-sensitive agricultural practices".⁴⁷⁰ The same source further noted that poverty rates are as high as 73 percent.⁴⁷¹

Similarly, UNOPS reported in August 2017 that Chin State "is a part of the country particularly difficult to reach and largely underdeveloped. Frequent landslides and floods have had devastating consequences on the State's infrastructure".⁴⁷²

In September 2017 the UN Special Rapporteur on the situation of human rights in Myanmar noted that "Malnutrition is a problem facing several areas, with approximately one third of children under five in Myanmar showing signs of stunting and 7 per cent of wasting. Stunting rates are highest in Rakhine State, with Chin, Kayah and Shan States and Ayeyarwaddy Division also having high levels".⁴⁷³

The 2018 report by the Paung Sie Facility noted that Chin State is "one of the most remote and least developed parts of Myanmar. Jobs and education opportunities are scarce – it is the only State or Region without a university and many young people feel compelled to leave in search of work".⁴⁷⁴

In a joint report published in June 2018 by the Humanitarian Assistance and Resilience Programme Facility (HARP-F) and the Myanmar Information Management Unit (MIMU) it was stated with regards to access to infrastructure that "The lowest levels of access are in Chin where just 11% of the rural population are estimated to have basic road access, as well as in Rakhine (15%), Kayin (16%) and Kachin (18%). This compares to 23% - 40% in other areas. Disasters can also seriously damage infrastructure that is available and Chin and Rakhine states, already seriously compromised in terms of transport infrastructure, were among the worst affected by the 2015 floods and landslides

⁴⁶⁹ Frontier Myanmar, [Still waiting for change in Chin State](#), 4 May 2016

⁴⁷⁰ Democratic Voice of Burma, [The silent climate burn in Chin State](#), 25 August 2017

⁴⁷¹ Democratic Voice of Burma, [The silent climate burn in Chin State](#), 25 August 2017

⁴⁷² UNOPS, [Roads, health centres and water pumps – changing lives in Myanmar](#), 1 August 2017

⁴⁷³ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 8 September 2017, A. Economic and social rights, para. 28

⁴⁷⁴ Paung Sie Facility, [Unlocking Civil Society and Peace in Myanmar: Opportunities, obstacles and undercurrents](#), 2018, Section 4: Snapshots of States and Regions, 4.1. Chin State, p. 50

accompanying cyclone Komen”.⁴⁷⁵ The same report further found that “Though in many datasets Chin State has been recognised as the poorest and most vulnerable area, a more detailed look reveals significant variation. Many townships in Chin actually fall above or around the average for all townships on most Census indicators, with the exceptions of electrification and child dependency ratio. Paletwa, Kanpetlet and Mindat have the highest levels of vulnerability, but Paletwa stands out as faring particularly poorly, adding to our understanding of the situation across Chin State”.⁴⁷⁶ Page 77 of the report, Figure 66 outlines through a table ‘Chin State Selected Census Indicators, Wealth Ranking and Vulnerability Ranking’.⁴⁷⁷

Moreover, the report noted that findings “indicate southern Chin to be much more vulnerable than northern Chin”⁴⁷⁸ and specifically highlighted that Kanpetlet and Paletwa fall within ‘Townships in Type 2’ category, which are characterized as “extremely poor dependency ratios, indicating chronic vulnerability [...] Type 2 contains relatively less conflict than Type 1, with 280 conflict fatalities, 77,772 displaced persons and 108 battle events over 2015-16. Approximately 50% of households have bamboo or earthen floors, indicating a dearth of other assets [...] Persons in Type 2 have very poor literacy and educational attainment, with 42% of the population having no formal schooling”⁴⁷⁹. The towns in Chin State falling into Type 3 (“These townships are affected by conflict but to a lesser extent than those in Types 1 and 2. In all, 40 of the 1,096 conflict fatalities in 2015-2016 occurred in these areas. Better access to basic infrastructure than in Types 1 and 2. 75% have access to safe sanitation. 24% of houses have bamboo or earthen floors. 26% of houses have bamboo roofing. At least 32% of the adult population has completed middle school. Informal economies are especially important in these areas and concerted restriction of smuggling may trigger additional conflict as resources become more scarce and informal markets are disrupted”), were found to be Matupi and Mindat⁴⁸⁰, whilst Hakha, Tedim, Thantland and Tonzang fell into the ‘Townships in Type 4’ category, defined as “mainly rural areas, with low occurrence of conflict. 14% of the population in this group have no educational attainment (compared to 37% in Type 3). Only townships in or above Type 4 have literacy rates of over 90%. Townships in this group have the lowest average rate of electrification at 12%. More than half of all houses have thatch or bamboo roofs. 40% of these townships plant paddy almost exclusively (>80% of harvested area) which has the lowest net profit margin per acre of any agricultural type. With a very high child dependency ratio and minimal access to protected non-drinking water (indicative of the absence of irrigation), this group is largely

⁴⁷⁵ Humanitarian Assistance and Resilience Programme Facility (HARP-F)/ Myanmar Information Management Unit (MIMU), [Vulnerability in Myanmar, A secondary data review of needs, coverage and gaps](#), June 2018, Section II, Causes of vulnerability, p. 67

⁴⁷⁶ Humanitarian Assistance and Resilience Programme Facility (HARP-F)/ Myanmar Information Management Unit (MIMU), [Vulnerability in Myanmar, A secondary data review of needs, coverage and gaps](#), June 2018, Section III, Vulnerability: Key Findings, p. 77

⁴⁷⁷ See Humanitarian Assistance and Resilience Programme Facility (HARP-F)/ Myanmar Information Management Unit (MIMU), [Vulnerability in Myanmar, A secondary data review of needs, coverage and gaps](#), June 2018, Section III, Vulnerability: Key Findings, p. 77, Figure 66

⁴⁷⁸ Humanitarian Assistance and Resilience Programme Facility (HARP-F)/ Myanmar Information Management Unit (MIMU), [Vulnerability in Myanmar, A secondary data review of needs, coverage and gaps](#), June 2018, Section IV, Analysis of township clusters, p. 78

⁴⁷⁹ Humanitarian Assistance and Resilience Programme Facility (HARP-F)/ Myanmar Information Management Unit (MIMU), [Vulnerability in Myanmar, A secondary data review of needs, coverage and gaps](#), June 2018, Section IV, Analysis of township clusters, pages 84/85

⁴⁸⁰ Humanitarian Assistance and Resilience Programme Facility (HARP-F)/ Myanmar Information Management Unit (MIMU), [Vulnerability in Myanmar, A secondary data review of needs, coverage and gaps](#), June 2018, Section IV, Analysis of township clusters, pages 86/87

comprised of townships which are overly reliant on their climate and the surrounding ecosystems, making them extremely susceptible to changing weather patterns and climatic shifts”⁴⁸¹.

The 2019 ‘Humanitarian Needs Overview’ published by the UN Humanitarian Country Team in December 2018 stated that “Situated in the remote mountain ranges of the western part of the country, Chin State is the poorest in Myanmar. It has limited roads, electricity, employment opportunities, health and education facilities and some people face food insecurity. Living conditions are challenging, but the conflict that had led to the flight of tens of thousands of Chin people to Malaysia, India and elsewhere ended with the signing of a ceasefire agreement between the Chin National Army and the Chin State Government in January 2012. Since November 2017, there have been some small-scale localized clashes between the Myanmar Military and the Arakan Army in Paletwa, Chin State, resulting in the displacement of hundreds of people within Chin State and also into neighbouring India”⁴⁸².

Sagaing Region

Following the 2014 national census The Republic of the Union of Myanmar’s Department of Population published several ‘township’ reports in relation to Sagaing Region based on the findings of the census. These can be found [here](#).⁴⁸³

In a joint report published in June 2018 by the Humanitarian Assistance and Resilience Programme Facility (HARP-F) and the Myanmar Information Management Unit (MIMU) it was stated with regards to vulnerability of the population “higher levels of vulnerability” were indicated in “upper Sagaing”.⁴⁸⁴ The same report categorized the following townships in Sagaing region as follows:

- Lahe and Nanyun: Type 1 (Extreme outliers in development needs and/or exposure to conflict): “Access issues are very common in these townships, which tend to have some level of movement restriction and isolation. These townships are sparsely populated and have the lowest rates of urbanisation. People in these townships have the worst educational attainment, with an average of 50.87% being illiterate; this is particularly true for Shan State, and especially evident in Narphan and Pangwaun, where less than 10% of adults have completed primary school. These areas suffer from extremely poor sanitation. These townships have seen 167 battle events, 676 conflict fatalities and 32,602 chronically-displaced persons – or about 40% of all the violent conflict in the 2015-2016 timeframe. More than half of residents in these areas have no ID documents”⁴⁸⁵.
- Lay Shi: Type 2 (Conflict-affected areas with poor human development): “Type 2 contains relatively less conflict than Type 1, with 280 conflict fatalities, 77,772 displaced persons and 108 battle events over 2015-16. Approximately 50% of households have bamboo or earthen

⁴⁸¹ Humanitarian Assistance and Resilience Programme Facility (HARP-F)/ Myanmar Information Management Unit (MIMU), [Vulnerability in Myanmar, A secondary data review of needs, coverage and gaps](#), June 2018, Section IV, Analysis of township clusters, pages 88/89

⁴⁸² UN Humanitarian Country Team, [2019 Humanitarian Needs Overview: Myanmar](#), December 2018, Impact of the Crisis, Chin State, p. 13

⁴⁸³ The Republic of the Union of Myanmar, [Publications: Sagaing](#), Undated [Last accessed: 28 November 2018]

⁴⁸⁴ Humanitarian Assistance and Resilience Programme Facility (HARP-F)/ Myanmar Information Management Unit (MIMU), [Vulnerability in Myanmar, A secondary data review of needs, coverage and gaps](#), June 2018, Section IV, Analysis of township clusters, p. 78

⁴⁸⁵ Humanitarian Assistance and Resilience Programme Facility (HARP-F)/ Myanmar Information Management Unit (MIMU), [Vulnerability in Myanmar, A secondary data review of needs, coverage and gaps](#), June 2018, Section IV, Analysis of township clusters, pages 82/83

floors, indicating a dearth of other assets [...] Persons in Type 2 have very poor literacy and educational attainment, with 42% of the population having no formal schooling”.⁴⁸⁶

- Hkamti: Type 3 (Hubs in conflict-affected areas): “These townships are affected by conflict but to a lesser extent than those in Types 1 and 2. In all, 40 of the 1,096 conflict fatalities in 2015-2016 occurred in these areas. Better access to basic infrastructure than in Types 1 and 2. 75% have access to safe sanitation. 24% of houses have bamboo or earthen floors. 26% of houses have bamboo roofing. At least 32% of the adult population has completed middle school. Informal economies are especially important in these areas and concerted restriction of smuggling may trigger additional conflict as resources become more scarce and informal markets are disrupted”.⁴⁸⁷
- Banmauk, Homalin, Kale, Kanbalu, Kani, Katha, Mawlaik, Mingin, Paungbyin, Pinlebu, Tabayin, Tamu, Taze and Tigyaing: Type 4 (Very low access to basic services and infrastructure): “mainly rural areas, with low occurrence of conflict. 14% of the population in this group have no educational attainment (compared to 37% in Type 3). Only townships in or above Type 4 have literacy rates of over 90%. Townships in this group have the lowest average rate of electrification at 12%. More than half of all houses have thatch or bamboo roofs. 40% of these townships plant paddy almost exclusively (>80% of harvested area) which has the lowest net profit margin per acre of any agricultural type. With a very high child dependency ratio and minimal access to protected non-drinking water (indicative of the absence of irrigation), this group is largely comprised of townships which are overly reliant on their climate and the surrounding ecosystems, making them extremely susceptible to changing weather patterns and climatic shifts”.⁴⁸⁸

No further information was located on the socio-economic situation in Sagaing Region amongst the sources consulted within the time-frame of this report.

12.1. Access to Employment

Asked ‘Are there any current restrictions on the Chin in accessing the labour market in Chin state or Sagaing region’, the Myanmar Expert, who contributed his written opinion on a range of issues covered in this report noted:

*So far I have not heard of restriction of accessing labour market for both Chin State and Sagaing region. However one would not be easily able to access if ones do not have required education and skills necessary for the work anyway. Indirectly, to deprive Chin people with rights to education or not supporting them the way it should have been would result in them not easily able to access employment. Also if one do not have ID card, it would be difficult to access labour market.*⁴⁸⁹

⁴⁸⁶ Humanitarian Assistance and Resilience Programme Facility (HARP-F)/ Myanmar Information Management Unit (MIMU), [Vulnerability in Myanmar, A secondary data review of needs, coverage and gaps](#), June 2018, Section IV, Analysis of township clusters, pages 84/85

⁴⁸⁷ Humanitarian Assistance and Resilience Programme Facility (HARP-F)/ Myanmar Information Management Unit (MIMU), [Vulnerability in Myanmar, A secondary data review of needs, coverage and gaps](#), June 2018, Section IV, Analysis of township clusters, pages 86/87

⁴⁸⁸ Humanitarian Assistance and Resilience Programme Facility (HARP-F)/ Myanmar Information Management Unit (MIMU), [Vulnerability in Myanmar, A secondary data review of needs, coverage and gaps](#), June 2018, Section IV, Analysis of township clusters, pages 88/89

⁴⁸⁹ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

Asked the same question, the Chin based NGO representative noted:

There are restrictions in the civil service where there exists huge ethnic-discrimination in terms of locally based employment and very high corruption. The problem is not about accessing the labour market in other sectors, however, there are generally few opportunities [...]

Chin people are able to work in the civil service but there is still huge discrimination. It is likely that Chin within the civil service will receive neither promotion nor demotion. Generally you will hardly see any Chin in high ranking positions. In some circumstances, Chin who have been through the Na Ta La system and assimilated into a more Bama-centric objective, are promoted to senior positions ahead of long-standing employees, this is part of the ongoing Burmanization that is well-documented in Myanmar.⁴⁹⁰

Asked further whether school certificates/university degrees from India are recognized the Chin based NGO representative stated that “The Burma/Myanmar government does not recognize this certificate for applications related to government or civil service positions. The government does not even recognize the college or universities which are privately run in Chin State or other parts of the country as legitimate. For instance, the government of Burma/Myanmar does not recognize the home grown privately run institutions such as the Chin Christian University (CCU) in Hakha, Tahan Theological College in Kalay and Bethel Theological College in Kalay or one of the biggest non-government higher institutions, the Myanmar Institute of Theology (MIT) in Yangon”.⁴⁹¹

When questioned whether they knew of any ‘livelihood options, especially for those with IT and English language skills and/or graduates, undergraduates with experience of having worked in hospitality business, factories etc. in Chin state or Sagaing region’, the Chin based NGO representative replied:

In Hakha or Falam there may be some small business or employment opportunities for phone repair/selling. Generally speaking, tourism would be the best English language based career, but tourism is not a huge industry in Chin State, apart from perhaps Kanpetlet, where tourism is industry is getting bigger. This is the same for Kalay in Sagaing Region. IT and English would provide more opportunities for livelihoods in Mandalay or Yangon.⁴⁹²

UNHCR Myanmar responded to the same question that “In Chin state, due to economic and development situation, it is difficult to find job even with a strong reputation in comparison to other states and regions. One burden is the lack of infrastructure and business activities (factories and companies)”.⁴⁹³

Asked whether ‘Chin are able to work as civil servants and/or access financial schemes’ in Chin state or Sagaing region, the Myanmar Expert responded:

⁴⁹⁰ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴⁹¹ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴⁹² Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴⁹³ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

*Being an ethnic person with other religions other than Buddhism would be enough not to be accepted easily into government high level functions/ responsibility as percentage of Burmese ethnic is much higher than those of other ethnics. I understand from account shared by many government officials that the history of practice in MM demonstrated that very few ethnic people made it to high level, and if they have different religion conviction they would have to hide it or convert it to Buddhism.*⁴⁹⁴

Chin State

According to a July 2017 publication by the UN Population Fund and the Government of Myanmar based on results from the 2014 Myanmar Population and Housing Census:

Information was collected in the 2014 Census that allowed for the analysis of the levels of labour force participation of lifetime internal migrants. Such migrants play a crucial role in the development of the new, modern economy in Myanmar. The Census reported a high representation of migrants among employees in both the government and the private sector, and that, conversely, migrants had a much lower percentage in vulnerable employment than non-migrants. There were 65,122 male migrant managers compared to 33,327 male non-migrant managers. Migrants were far less active in the primary sector, but were more commonly working in the 'construction', 'wholesale and retail trade' and 'transportation' industries. More than half of all people working in Yangon were migrants, while at the other end of the spectrum, in Chin State and Magway Region, 92.0 and 91.7 per cent of employed persons, respectively, had never moved out of the Township in which they were born.⁴⁹⁵

The same report further stated:

Large differences exist in vulnerability in employment as a result of regional and social characteristics of persons. Figure 2.26 depicts the percentage of persons aged 10 and over who work in vulnerable employment by various background characteristics¹³. Persons residing in rural areas have a much greater chance of being in vulnerable employment than urban dwellers: 62.6 per cent compared with 40.1 per cent. States/Regions show a different pattern of employment vulnerability, varying from proportions as low as 33.3 per cent in Yangon Region to 81.8 per cent in Chin State. Also, Shan (76.1 per cent), Kayah (69.0 per cent) and Kayin (67.9 per cent) show very high levels of employment vulnerability, while Nay Pyi Taw, with its large population of civil servants shows a lower level (42.8 per cent). Other States/Regions are more centred around the national average of 56.2 per cent [...]

The diversity in the proportion of the working population that are in vulnerable employment is further demonstrated in the map at Figure 2.27 that shows the degree of vulnerability at the District level. Vulnerable employment is typically lowest in the urban centres of Yangon and Mandalay, while (as noted above), very high levels exist in some of the Districts in Chin and Shan States [...]

Figure 2.32 shows that the two States/Regions with the highest proportion of their workforce in agriculture, forestry or fishing jobs (defined in this way) are in Chin State (80.5 per cent) and Shan State (75.4 per cent). Magway, Kayah, Sagaing and Ayeyawady all have percentages of their employed population in agricultural jobs above 60 per cent. By far the least agricultural State/Region is Yangon, where only 13.5 per cent of the workforce have agricultural jobs [...]

With more than 2 million working in agricultural/forestry/fishery jobs, Shan is by far the State/Region with the largest primary occupation group. Chin, which looked so dominant in the previous graph, has now shifted to the bottom of the graph with only 123 thousand people working in primary occupations just above Kayah (78 thousand), but far below Yangon that has 391 thousand people involved in agricultural/forestry/fishery work [...]

Migrants play a more predominant role in the labour force in some States/Regions than in others. Figure 3.29 shows that Yangon had the highest proportion - more than half (59.0 per cent) - of employed people were lifetime migrants, comprising 44.2 per cent who had migrated only once in

⁴⁹⁴ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴⁹⁵ UN Population Fund; Government of Myanmar, [The 2014 Myanmar Population and Housing Census: Thematic Report on Labour Force; Census Report Volume 4-G](#), 22 June 2017, p. XIX

their lifetime and 13.7 per cent who were multiple migrants. No other State/Region had a proportion of migrants that exceeded half the workforce; Kachin reported the next highest proportion of migrant workers at 39.1 per cent. At the other end of the spectrum, in Chin State and Magway Region, 92.0 and 91.7 per cent of employed persons, respectively, had never moved out of the Township in which they were born. Other States/ Regions with a very low influx of internal migrants were Ayeyawady (11.4 per cent), Rakhine (12.4 per cent), Bago and Sagaing (both 13.2 per cent).⁴⁹⁶

Chin World reported at the end of October 2018 that IDPs living in Paletwa Twonship have been “forced to find work in nearby villages to earn a living due to food shortages caused by fighting between the Arakan Army (AA) and the Tatmadaw”.⁴⁹⁷

According to Sena Galazzi Lian, Convener of the Chin State Academic Research Network:

Considering the poor socio-economic status of the whole Chin State, the restrictions are the obstacles people face when searching for employment, as well as the lack of local employment. Extremely poor matriculation results in Chin State mean Chin students are some of the lowest performing in the country. There is an economic development reason (ie. Rakhine State is the other poorest region and fares equally badly) as well as a linguistic reason: lack of Burmese language skills, and a lack of written proficiency skills in Chin languages themselves (which further inhibit acquisition of good Burmese, or any other second, third, or fourth language) means students are ill equipped for the labour market.⁴⁹⁸

She further specified that “The economy largely revolves around farming. Even the larger Chin towns are basically rural environments. The capital itself, Hakha, has some small shops, a handful of basic restaurants, not much else”.⁴⁹⁹ A person with IT and English language skills and/or graduates, undergraduates with experience of having worked in hospitality business, factories etc. could “Perhaps [find employment opportunities in] some tourism options but it is all very limited, even in the tourism ‘hotspot’ in the South towards Kanpelet” replied Sena Galazzi Lian.

With regards to whether Chin would be able to work as civil servants and/or access financial schemes, the same expert noted that “In theory yes but there are massive obstacles and promotions are very few (and usually limited to those Chin who attended Na Ta La schools in the first place, and who are thus Burmanised)”.⁵⁰⁰ In relation to whether school certificates/university degrees from India would be recognised she responded that “No not in relation to government or civil service. Chin Universities or Colleges are also not legally recognized”.⁵⁰¹

⁴⁹⁶ UN Population Fund; Government of Myanmar, [The 2014 Myanmar Population and Housing Census: Thematic Report on Labour Force; Census Report Volume 4-G](#), 22 June 2017, pages 46, 48, 56, 57, and 129

⁴⁹⁷ Chin World, [Paletwa Township’s IDPs seek out jobs in nearby village for daily life](#), 30 October 2018

⁴⁹⁸ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁴⁹⁹ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁵⁰⁰ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁵⁰¹ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

Asked whether there are any restrictions placed on the Chin to access the labour market in Chin State, UNHCR Myanmar responded “No. There is no any [sic] current restrictions on this”.⁵⁰² The same source further elaborated when asked whether Chin are able to work as civil servants and/or access financial schemes that “Yes, but as Chin state is still under developed state and economic crisis being highest rather than in other States, to be able to access the financial schemes will be depending on the scope of project providers/service provides in the state”.⁵⁰³

Amy Smith, Executive Director of Fortify Rights, who was interviewed by ARC in February 2019 stated that “Lack of infrastructure and lack of roads is making it very difficult for Chin people to find jobs and opportunities. It also inhibits the sharing of information”.⁵⁰⁴

Sagaing Region

No information was located on access to employment in Sagaing Region amongst the publicly consulted sources within the time-frame of this report.

Asked whether there are any restrictions placed on the Chin to access the labour market in Sagaing region, UNHCR Myanmar responded “No. There is no any [sic] current restrictions on this”.⁵⁰⁵ The same source further elaborated when asked whether Chin are able to work as civil servants and/or access financial schemes that “Yes, but it is based on the place where they stay where providers are servicing those financial schemes”.⁵⁰⁶ When asked whether they knew of any livelihood options, especially for those with IT and English language skills and/or graduates, undergraduates with experience of having worked in hospitality business, factories etc., UNHCR Myanmar responded that “Sagaing is a bit more developed compared to Chin state. There are also more opportunities to find a job for those having skills and experience”.⁵⁰⁷

12.2. Access to Education

Asked ‘Do you know of any available support for school enrollment/continuation of higher education for the Chin in Chin state or Sagaing region’, the Chin based NGO representative noted:

There is no such programme from the side of the government and there is nothing available to support for school enrollment or continuation of higher education for the Chin in both the regions.

⁵⁰² Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁵⁰³ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁵⁰⁴ Annex E: Notes from a Skype interview conducted with Amy Smith, Executive Director of Fortify Rights on 20th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁵⁰⁵ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁵⁰⁶ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁵⁰⁷ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

Due to the prevailing poor socio-economic status of rural Chin State and lack of infrastructure, there remain significant barriers to accessing education for children. All schools in Myanmar, whether they are government, comprehensive, or private boarding schools, require matriculation exams proctored at the end of a student's upper secondary school career. The results of the matriculation will in large-part determine a child's ability to study certain courses and attend certain universities, making it a critical juncture in a child's formative process. Approximately 700,000 candidates sat the matriculation examination in 2017.

Given that the matriculation is based on a nationwide curriculum structure and standard, there exists a substantial disparity between test results of examinees from big cities where Burmese is the mother tongue language and those from rural areas. This disparity disproportionately affects children from Chin State, who continually perform lowest with a year by year pass rate at less than 20 % for over two decades, well below national averages. Chin State's matriculation pass rate for 2015/2016 was the lowest in the country at 14.36%. This was 3% lower than the previous academic year.⁵⁰⁸ Although Chin State's matriculation results rose to 19% in 2017, it still fell well below the national average of 33.89%. The socio-economic link is evident, as the two poorest States in Myanmar, Rakhine, and Chin have matriculation pass rates well below the national average, at 19% and 17% respectively for 2017. An additional reason for this is the multiple mother tongue dialects spoken in Chin State and the challenges of learning in Burmese, a second or even third language for Chin children. Due to this, the mainstream education sector does not benefit Chin people.⁵⁰⁸

When questioned whether they knew of 'of any support for Chin/Burmese language training for children born in India or those who arrived in India at a young age in Chin state or Sagaing region, the Chin based NGO representative reported:

Since 1988 the govt. banned teaching and learning of Ethnic languages in the whole country which include Chin State and Kalay in Sagaing Region where the majority population are Chin people. However, the President Thein Sein govt. initiated to reinstate the ethnic people the ability to study their own languages. This, however, is only permitted for primary level students which is up to year 3 and, the students have to study and learn their mother tongue out side of the formal and regular curriculum. In Chin State or Sagaing Region, currently there is no Chin/Burmese language training center or program for Children born in India or Malaysia. The only center which offers support is the Na Ta La school for Children where children are forced to convert their faith and barred from using mother tongue dialects under any circumstances.

In Sagaing Region, there was are what are known as "bridge schools" where children can study primary level education in two years but this program was stopped for sometimes as there is no proper funding from the govt. This type of school is not available in all part of Chin State or Sagaing Region, however.⁵⁰⁹

Asked the same question, a local NGO staff member who has been working for more than 10 years in Chin state and Sagaing region, interviewed by UNHCR Myanmar in January 2019, replied "The primary school (Class 1-III) provide one subject in Chin ethnic dialects supported by the government (almost 30 Chin dialects) (in the government's schools). Those returnee children who cannot speak Burmese, following teaching would be challenging. Schools do not provide additional Burmese language teaching for returnee children. Many students face language barriers in the schools as the teacher guide and teach them with Myanmar language. With the acknowledgement of Department of Educational Research, Planning and Training along with the endorsement of Chin State government, there is cooperation between Education Department and UNICEF to make a local

⁵⁰⁸ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#)

⁵⁰⁹ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#)

curriculum in Burmese language for local knowledge. The local curriculum includes ethnic language teaching in school. This includes among others subjects of history of indigenous people, natural resources, and handicraft”.⁵¹⁰

Amy Smith, Executive Director of Fortify Rights, who was interviewed by ARC in February 2019 stated that “There are over 20 mutually distinct Chin languages, which is another big obstacle for Chin people to move into another state and benefit from educational and livelihood opportunities”.⁵¹¹

Chin State

Following the 2014 national census, the following key points emerged amongst others “One in six children who should be attending primary school were not. Two-thirds had dropped out and one-third had never even started school” and “After age 11 school attendance declines from over 80 per cent to 35.9 per cent by age 16. This decline reflects high dropout rates at the end of primary school and at the end of lower secondary school. Attendance after the age of 11 is lower in rural than urban areas, suggesting problems of access to secondary schools”.⁵¹² According to the same report “Remarkably, the attendance level is highest in Chin at 88 per cent. In this state children who drop out account for only 8 per cent compared with a national average of 22 per cent”.⁵¹³ Reasons for this were not provided.

In their June 2016 Shadow report to the UN Committee on the Elimination of Discrimination Against Women, the Women's Organization Network reported:

For example, the lack of adequate school facilities is a major barrier to accessing education for the Chin. In fact, in many rural areas, one school is shared by up to four to five villages. The lack of schools has prompted internal migration, with families choosing to move closer to towns, or sending their children to live with relatives. Understaffing is also a major impediment as communities face the financial burden of paying for supplementary teachers' salaries.⁵¹⁴

A September 2016 report by Free Burma Rangers in Chin State, reported on access to education in Chin State:

Access to education continues to be a problem in Chin State. Some areas such as Hakha Village still remain without schools since the landslides in 2015. While the government of Burma has built schools in some villages and allotted land for schools in others, the construction remains slow going and hampered by both the conditions of the region and the state of the local infrastructure.

One marked improvement, however, has been the provision of four new teachers per government school in the Falam Township villages. The government has also relaxed their previous ban on teaching in the local Chin language, but insists on having the teachers use both Burmese and Chin.

Despite these changes schoolteachers are still forced to find other means of income. Often this means charging tuition for school and de facto restricting education to the rich; as well as opening boarding

⁵¹⁰ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁵¹¹ Annex E: Notes from a Skype interview conducted with Amy Smith, Executive Director of Fortify Rights on 20th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁵¹² The Republic of the Union of Myanmar, [2014 Myanmar Population and Housing Census: Policy Brief on Education](#), 23 April 2018, *Key points*, p. 2

⁵¹³ The Republic of the Union of Myanmar, [2014 Myanmar Population and Housing Census: Policy Brief on Education](#), 23 April 2018, *Some historic regional inequalities have been remedied but other remain*, p. 6

⁵¹⁴ Women's Organization Network, published by CEDAW – UN Committee on the Elimination of Discrimination Against Women, [CEDAW Shadow Report](#), June 2016, p. 23

houses in their private homes. The ability for low income families to send their children to school is also hampered by the relative scarcity of books and writing implements due to the lack of infrastructure.⁵¹⁵

Similarly, the Myanmar Times noted in September 2016 that “Chin State is direly short on high school teachers. The Chin Education Office has put out a call for 92 teaching positions in a bid to bolster its struggling education system. But even the number of vacancies being advertised falls short of the actual number of teachers required, according to the Education Office, which estimates a shortage of 185 teachers”.⁵¹⁶

A U.S. Commission on International Religious Freedom (USCIRF) special report of December 2016 and focusing on the situation and treatment of Christian minorities in Burma found the following with regards to education in Chin State especially as it relates to Christians “There are no state-run universities in Chin State, and bureaucratic hurdles such as changing household registration documents plus other associated costs of relocating elsewhere in Burma for further study are prohibitive for many Chin. Instead, many choose to study at Christian institutions in Chin State. However, the government does not officially recognize degrees and other qualifications offered by Christian theological colleges and universities, which means graduates from Christian institutions cannot secure employment in the government sector”.⁵¹⁷

In May 2017 Frontier Myanmar reported on the first state-run tertiary education college that opened in Chin State in December 2016 with an intake of about 200 students offering bachelor degrees across eight disciplines, including geography and chemistry.⁵¹⁸

The Myanmar Times reported in September 2017 that “The first intake of Hakha Education College, starting this upcoming December, will accept fifty students – only male – to become teachers” due to lack of space and the women accommodations still being under construction.⁵¹⁹

In June 2018, the Myanmar Peace Monitor reported on the situation of students who had fled conflict in Paletwa township:

Chin residents who are taking shelter at other villages after fleeing from their villages in Paletwa Township, Chin State are in need of assistance especially after schools start, Ko Kyaw Aung from Paletwa Township Social Welfare Team said. ‘They (the children) have to attend schools in the villages where they are taking refuge. The parents have to struggle more in order for their children to attend school. There aren't many problems [for students] attending primary schools. It's a challenge for the parents to enroll the students in middle schools and high schools,’ said Ko Kyaw Aung, secretary of Paletwa Township Social Welfare Team. [...] According to statistics from Paletwa Township Social Welfare Team, there are 61 primary school students, 29 middle school students, and seven high school students among the internally displaced persons from Kon Pyin Village. Pi Taung IDPs have 17 students and Ku Chaung Phyar IDPs have 20 students.⁵²⁰

The Chin Human Rights Organization noted in its October 2018 report that:

⁵¹⁵ Free Burma Rangers, [Western Burma Chin Report: Village Bulldozed by Burma Government Authorities in Chin State](#), 13 September 2016

⁵¹⁶ The Myanmar Times, [Chin State to recruit nearly 100 high school teachers](#), 19 September 2016

⁵¹⁷ U.S. Commission on International Religious Freedom (USCIRF), [Hidden Plight: Christian minorities in Burma](#), 13 December 2016, *Institutionalized discrimination on the basis of religion*, p. 10

⁵¹⁸ Frontier Myanmar, [Finally, a college in the Chin hills](#), 29 May 2017

⁵¹⁹ The Myanmar Times, [Chin State's new education college admits only males due to surfeit of female teachers](#), 21 September 2017

⁵²⁰ Myanmar Peace Monitor, [IDP Students Need Aids in Chin State's Paletwa](#), 7 June 2018

Due to the prevailing poor socio-economic status of Chin State, particularly in rural areas and lack of infrastructure, there remain significant barriers to accessing education for children. This is evident in pass rates at matriculation, based on a nationwide curriculum structure and standard, where the prevailing disparity between tests results of examinees from big cities where Burmese is the mother tongue language and those from rural areas is evident. This disparity disproportionately affects children from Chin State, who continually perform lowest with a year by year pass rate at less than 20 % for over two decades, well below national averages. The lack of access to education due to prevailing poor socio-economic conditions also creates conditions where communities become vulnerable to human rights abuses which include human trafficking, and induced or coerced conversion by a state-sponsored assimilation programme, “Na Ta La”.⁵²¹

The same source also highlighted discrimination of Chin children in accessing mainstream education outside of Chin State.⁵²²

A government official who has been working for more than 20 years in Chin State and who was interviewed by UNHCR Myanmar in January 2019 explained after being asked whether he knew of any available support for school enrollment/continuation of higher education for the Chin in Chin State:

In Chin state, returnees need to take a placement test (From primary to Class 9). First, they are required to inform Township Education Department and get instruction for the test. For example, if they would like to start from Grade 6, they need to answer the questions from Grade 5 subjects. If they pass the test, they are approved to attend the Grade 6. They do not need to show the certificate or transcripts, transfer letter or other documents for the test as they are returnees from outside of the country of origin at the same time, but if they have other documentation (Recommendation letter on the completed class) on their education, this will help their enrollment. However, not all certificates of completion or transcripts are recognized and some supporting documents (like Ward/Village Leader Recommendation Letter, etc...) for the application for placement test are needed. Therefore, they need to inform Township Education Department latest on the month of April as this test is generally taking on May. They can take the test in each township but this will be announced and instructed by State or District Education Department. According to last year experience, 14 returnee students took the placement test and passed it. The Education Department welcomes returning students/children for the continuation of their study.⁵²³

Another government official, who is retired, but who has been working in Chin state for 30 years told UNHCR Myanmar in February 2019 that “For the student who had started schooling outside of country, there is a placement test from Class 1 to Class 9 for continuation of their education as requirements stated above for the returnee students or student who study in unrecognized school by the Education Department inside the country (e.g. Religious based Education School or unrecognized private school) and from Class 10 (Matriculation) and above, there is no placement test. Not possible to continue a higher education with certificates/degrees obtained from outside of country or unrecognized schools within the country because those are not recognized in Myanmar

⁵²¹ Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, *Summary of Violations*, p. 10

⁵²² Chin Human Rights Organization, [Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People in Burma/Myanmar](#), 9 October 2018, *III. Discrimination as Minorities in the Mainstream Education Sector*, p. 34

⁵²³ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

except certificates/degrees officially obtained through endorsement and scholarship from related departments/ministries/Myanmar government for further studies/trainings abroad”.⁵²⁴

According to a government official who has been working for more than 20 years in Sagaing state and who spoke to UNHCR Myanmar in January 2019 “There are no regulations on the recognition of certificates/degrees obtained outside Myanmar (for example from India). The foreign certificates are not recognized and children with foreign certificates and degrees cannot continue to the higher education in Myanmar with such certificate/degrees”.

Amy Smith, Executive Director of Fortify Rights, who was interviewed by ARC in February 2019 stated:

There is no higher learning institution or university available in Chin state. If you want to attend any of these you need to leave the state.

The education system itself has a lot of issues – schools are required to only teach in Burmese, but the Chin use their own language and the Roman alphabet. Those in rural areas who do not speak Burmese have to attend Burmese only speaking schools as no alternative exists. Teachers, who are usually Chin themselves, are teaching children only in Burmese, which they themselves often are unable to speak properly. It is another way for the government to ostracise and oppress the Chin and keep them poor and confined to Chin State.⁵²⁵

Sagaing Region

Chin World reported in February 2018 that “Ethnic language teachers from government schools in Kalay Town, Sagaing Region are facing a salary cut to buy furniture for the schools”.⁵²⁶ According to the Falam Literature and Culture Committee’s chair, U Khaw Tuah Lal, “The principals are cutting off the salaries of the ethnic language teachers to buy furniture, which are needed for the schools. Some of them ask for ‘tea money’ because the salaries are only issued with their signatures. The teachers don’t receive full salaries. There are headmasters who are taking advantage [of the ethnic language teachers]”.⁵²⁷

With regards to access to education for visually impaired children, the Myanmar Federation of Persons with Disabilities/Myanmar Disabled People Organizations’ 2018 report to the UN Committee on the Rights of Persons with Disabilities noted that in 2003 a School for the Blind was established and run by the State with a capacity of 100 pupils.⁵²⁸

A government official who has been working for more than 20 years in Chin State and who was interviewed by UNHCR Myanmar in January 2019 explained after being asked whether he knew of any available support for school enrollment/continuation of higher education for the Chin in Sagaing

⁵²⁴ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁵²⁵ Annex E: Notes from a Skype interview conducted with Amy Smith, Executive Director of Fortify Rights on 20th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁵²⁶ Chin World, [Ethnic language teachers face salary cut despite receiving only Ks 30,000 per month](#), 14 February 2018

⁵²⁷ Chin World, [Ethnic language teachers face salary cut despite receiving only Ks 30,000 per month](#), 14 February 2018

⁵²⁸ Myanmar Federation of Persons with Disabilities/Myanmar Disabled People Organizations, [DPOs Report Reflecting on the State Implementation of UNCRPD Initial Report](#), 2018, *Training Schools and Institutes for PWDs run by the State in Myanmar*, p. 16

region that the same applied as to Chin State but that the Regional Education Department is responsible:

returnees need to take a placement test (From primary to Class 9). First, they are required to inform Township Education Department and get instruction for the test. For example, if they would like to start from Grade 6, they need to answer the questions from Grade 5 subjects. If they pass the test, they are approved to attend the Grade 6. They do not need to show the certificate or transcripts, transfer letter or other documents for the test as they are returnees from outside of the country of origin at the same time, but if they have other documentation (Recommendation letter on the completed class) on their education, this will help their enrollment. However, not all certificates of completion or transcripts are recognized and some supporting documents (like Ward/Village Leader Recommendation Letter, etc...) for the application for placement test are needed. Therefore, they need to inform Township Education Department latest on the month of April as this test is generally taking on May. They can take the test in each township but this will be announced and instructed by State or District Education Department. According to last year experience, 14 returnee students took the placement test and passed it. The Education Department welcomes returning students/children for the continuation of their study.⁵²⁹

According to a government official who has been working for more than 20 years in Sagaing state and who spoke to UNHCR Myanmar in January 2019 about whether school certificates/university degrees from India are recognized in Sagaing region: "There are no regulations on the recognition of certificates/degrees obtained outside Myanmar (for example from India). The foreign certificates are not recognized and children with foreign certificates and degrees cannot continue to the higher education in Myanmar with such certificate/degrees".⁵³⁰

12.3. Access to Health

Chin State

A joint publication in 2016 by Myanmar's Ministry of Health and Sports, the 3MDG Fund, local organizations and people living across Myanmar, provided the following information:

The issue of limited health infrastructure and human resources for health was cited across all of the six states and regions of the Collective Voices initiative. This included, for example, villages as far apart as those in remote Chin State and those in Ayeyarwady Region, demonstrating that this was perceived as a universal barrier in accessing health services. Not surprisingly, the major barriers cited were those relating to the distance of communities from health facilities; lack of adequate roads or transport to reach the facilities; and limited available health staff in remote areas [...]

Many Myanmar people, particularly those in remote and hard-to-reach areas, rely on informal providers, traditional birth attendants, and religious leaders for many of their healthcare needs. In Mon and Chin States, informal healthcare providers are a major source of healthcare information, advice and treatment. However, Collective Voices partners often felt that informal providers do not deliver a quality service to patients. This magnifies existing health inequalities; poor people are most likely to pay out-of-pocket for informal healthcare services, and they are more likely to receive poor quality service for using such a service. In Chin State, this was considered mostly a result of informal sector providers lacking training or adequate hygienic medical equipment [...]

⁵²⁹ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁵³⁰ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

For people living in remote areas, such as in Chin State, the amount of time it takes to reach a health centre or to receive health information acts a significant barrier. Collective Voices partners in Chin State (Ar Yone Oo Social Development Association and Community Agency for Rural Development) both remarked that the journey times to reach healthcare centres were prohibitive for community members [...]

Collective Voices partners learned that ancestral medical practices and superstitions played a role in how their communities accessed healthcare. In ethnic communities where informal sector healthcare provision was prevalent, such as Chin and Mon States, these traditions and superstitions sometimes informed dangerous practices by informal providers and spiritual healers [...]

Collective Voices partners found that in ethnic minority regions, there is often a mismatch between the languages spoken by health staff and the languages spoken by the population it serves. Healthcare workers in Myanmar are required to have at minimum a full high-school education; something that only 16.6% and 19.6% of adults in Mon State and Chin State respectively have (compared with 37.5% in Yangon District). The rural-urban education gap creates a deficit of suitably qualified linguistically diverse healthcare workers. For the same reason, patients in linguistically diverse regions are less likely to have learned a common language with their healthcare worker.⁵³¹

The UN Special Rapporteur on the situation of human rights in Myanmar noted her concern with regards to the Maternal and Child Cash Transfer (MCCT) programme in her report published in March 2018.⁵³² She specifically stated that the current programme in place “may further exacerbate existing disparities in different ethnic communities’ access to health services. Additionally, it may affect women’s reproductive rights because financial support, while welcome and necessary, is conditional on birth spacing of two years”.⁵³³ Further reporting on access to midwives and nurses in rural areas, she was concerned about ethnic group’s lack of access and very low rates of birth registration.⁵³⁴

A September 2016 report by Free Burma Rangers in Chin State, reported on access to health in Chin State:

The medical situation in Chin State remains poor. People continue to die of preventable diseases and complications such as malaria, typhoid, hepatitis and gastritis. In some villages there are no drug stores. The Government does send general nurses to help with some medicines in the rural areas, but often times they are only equipped with vitamins, paracetamol, and amoxicillin. In Falam Town hospital some medicines are provided for free, but not all. Oftentimes villagers are forced to go to traders whose medical products are not necessarily guaranteed to be genuine. Access to medical facilities is also a problem. Infrastructure issues continue to make visiting clinics or hospitals for some villages a difficult, lengthy and even deadly affair. In some areas the journey to the hospitals in Falam or Champai can take two or three days and must be done on foot. In others, the journey can be made in a day by motorbike.⁵³⁵

⁵³¹ 3MDG, *Collective Voices*, [Exploring the Barriers to Healthcare Access in Myanmar](#), 2016, pages 20, 25, 36, 45, and 47

⁵³² UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 9 March 2018, C. Sustainable Development and Economic, Social and Cultural Rights, 1. Economic, cultural and social rights, para. 23

⁵³³ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 9 March 2018, C. Sustainable Development and Economic, Social and Cultural Rights, 1. Economic, cultural and social rights, para. 23

⁵³⁴ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 9 March 2018, C. Sustainable Development and Economic, Social and Cultural Rights, 1. Economic, cultural and social rights, para. 22

⁵³⁵ Free Burma Rangers, [Western Burma Chin Report: Village Bulldozed by Burma Government Authorities in Chin State](#), 13 September 2016

In April 2018 Chin World reported about water-shortage problems at the Falam Public Hospital, which according to the chair of Falam Municipal Committee, Pu Dar, ‘water always runs dry in April and May’⁵³⁶.

According to Sena Galazzi Lian, Convener of the Chin State Academic Research Network “It is pretty obvious that in Chin State’s dire poverty, those living with HIV or any serious illness would face more difficulty to their safety [...] The lack of medical infrastructure is abysmal, and even where there are hospitals reaching them on Chin roads is extremely difficult for normal people, especially in the 6 months covered by the rainy season where many roads close off altogether”⁵³⁷.

Asked whether they know of ‘any facilities for individuals with mental health concerns/chronic illness/disabilities in’, the Chin based NGO representative member noted:

There is nothing available in Chin State. We are not sure about these kind of facilities are available in Sagaing Region. In Chin State’s capital, Hakha, there is only 1 Govt. hospital. Other than that there is nothing available. Chin people living away from the main towns and cities in Chin have extremely limited access to medical facilities. Those who have serious ailments take out loans in order to acquire treatment.⁵³⁸

Sagaing Region

The Women’s League of Burma’s shadow report for the UN Committee on the Elimination of Discrimination Against Women noted in July 2016 with regards to maternal health “Due to hospital inaccessibility, 90% of married women from Homalin and Leshi townships, in the upper part of Sagaing Region did not give birth in the hospital. They gave birth with community midwives and did not receive any stitches for tears. Consequently, many of them have suffered complications. With little health education available, many people are not aware that they are suffering from these conditions until informed”⁵³⁹.

According to UNHCR Myanmar “There is no separate facilities/services for people with mental health concerns/chronic illness/disabilities in Sagaing. However, in general health services are better available than in Chin state”⁵⁴⁰.

⁵³⁶ Chin World, [Water-shortage problem in Falam Public Hospital unresolved yet](#), 11 April 2018

⁵³⁷ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#)

⁵³⁸ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#)

⁵³⁹ Women of Burma, [Long Way To Go: Continuing Violations of Human Rights and Discrimination Against Ethnic Women in Burma; CEDAW Shadow Report](#), July 2016, 2. *Government Health System, Sagaing Region*, p. 41

⁵⁴⁰ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

12.3.1. Access to mental health facilities

Contextual background information covering Myanmar as a whole

In August 2018 the UN Special Rapporteur on the situation of human rights in Myanmar raised her concern about the “limited availability in Myanmar of mental health and psychosocial support services, which are especially important for conflict-affected population”.⁵⁴¹

Similarly, Frontier Myanmar reported in its article published in October 2018 that “Myanmar urgently needs to improve mental health care and achieving that objective will require a change of attitude by policy makers and the wider community”.⁵⁴² The article further noted that “The 1912 Lunacy Act, which is more legal than medical in assessing mental health disorders, is Myanmar’s most up-to-date law on mental health. That this legislation is still in effect shows how far Myanmar lags behind in an important area of public health policy. The National League for Democracy government’s ambitious health reform plan, *A Roadmap Towards Universal Health Coverage in Myanmar (2016-2030)*, relegates mention of mental health to a subset of non-communicable disease for funding purposes”.⁵⁴³ Specifically the article highlighted with regards to capacity that:

There are only two specialised mental health hospitals in Myanmar, in Yangon and Mandalay, and only 70 specialised drug treatment centres and mental health wards. Yangon and Mandalay have 2.5 beds for mental health patients for every 100,000 people, while other states and regions have 0.3. Worse, according to the head of psychiatry at Yangon University, is that in 2016 there was only one psychiatrist for every 260,000 people – that is, around 200 in the whole country.⁵⁴⁴

No further information was located on access to mental health facilities in Chin State and Sagaing Region amongst the publicly consulted sources within the time-frame of this report. According to Sena Galazzi Lian, Convener of the Chin State Academic Research Network, “none” such facilities exist.⁵⁴⁵ Similarly, a local NGO staff member who has been working for more than 20 years in Chin State and who was interviewed by UNHCR Myanmar in January 2019 noted that “There is no separate good facilities/services provided for mental health/chronic illness in Chin state”.⁵⁴⁶

12.3.2. Access for chronic illnesses

No publicly available COI was located on access to health facilities for chronic illnesses in either Chin State or Sagaing Region amongst the sources consulted within the time-frame of this report.

⁵⁴¹ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 20 August 2018, C. Economic and social rights, para. 35

⁵⁴² Frontier Myanmar, [Mental illness: Myanmar’s hidden epidemic](#), 28 October 2018

⁵⁴³ Frontier Myanmar, [Mental illness: Myanmar’s hidden epidemic](#), 28 October 2018

⁵⁴⁴ Frontier Myanmar, [Mental illness: Myanmar’s hidden epidemic](#), 28 October 2018

⁵⁴⁵ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#)

⁵⁴⁶ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

According to Sena Galazzi Lian, Convener of the Chin State Academic Research Network, “It is pretty obvious that in Chin State’s dire poverty, those living with [...] any serious illness would face more difficulty to their safety”.⁵⁴⁷

12.3.3. Facilities for disabled individuals

Chin State

Frontier Myanmar noted in its article published in October 2018 that “People living with disabilities in poor, undeveloped Chin State have little support and few opportunities for education or employment”.⁵⁴⁸ The article further noted that “Chin has one of the highest percentages by population of disabled people in Myanmar. The 2014 census found that 2.3 million people, or 4.6 percent of the population, live with a disability in Myanmar. Of that figure, 35,669 are in Chin where they account for 7.4 percent of the population, the second highest proportion nationally after Ayeyarwady Region’s 7.6 percent”.⁵⁴⁹

Mr. Hram Dun from the Bethzatha Disable Development Organization in Hakha, interviewed by UNHCR Myanmar in January 2019 stated that “There is a Day Care Service Provider (Name; Bethzatha Disable Development Organization, Hakha), which mainly focus on Rehabilitation and Physiotherapy. They provide education for children under 17 years old with disability. They also raise awareness on people with disabilities and provide livelihood skills for people with disability”.⁵⁵⁰

Sagaing Region

In August 2016 Frontier Myanmar reported on an “innovative school at Monywa”, which is “among the few independent institutions in the country” providing free schooling, vocational training and accommodation for people with disabilities.⁵⁵¹

The Myanmar Federation of Persons with Disabilities/Myanmar Disabled People Organizations’ 2018 report to the UN Committee on the Rights of Persons with Disabilities noted that “The sub-department for the rehabilitation for PWDs [Persons with Disabilities] is being run only in eight rehabilitation centers for PWDs in Yangon, Mandalay and Sagaing, which cannot cover the whole population of PWDs in the country”.⁵⁵²

12.3.4. Access to HIV treatment

No publicly available COI was located on access to HIV treatment in either Chin State or Sagaing Region amongst the sources consulted within the time-frame of this report.

⁵⁴⁷ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#)

⁵⁴⁸ Frontier Myanmar, [A hard life for the disabled in the Chin hills](#), 26 October 2018

⁵⁴⁹ Frontier Myanmar, [A hard life for the disabled in the Chin hills](#), 26 October 2018

⁵⁵⁰ Annex F: Written contributions received via email from Various contributors all interviewed by UNHCR Myanmar between December 2018 and January 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁵⁵¹ Frontier Myanmar, [Enabling the disabled](#), 24 August 2016

⁵⁵² Myanmar Federation of Persons with Disabilities/Myanmar Disabled People Organizations, [DPOs Report Reflecting on the State Implementation of UNCRPD Initial Report](#), 2018, 2.1. Purpose, Definitions, Principles and General Obligations, p. 18

According to Sena Galazzi Lian, Convener of the Chin State Academic Research Network, “It is pretty obvious that in Chin State’s dire poverty, those living with HIV [...] would face more difficulty to their safety. There is no place in Chin State to get treatment or care for HIV”.⁵⁵³

12.4. Natural Disasters

12.4.1. Chin State

Following the 2015 floods that affected Myanmar between July and September 2015 the Myanmar Information Management Unit compiled a map showing the concentration of people in Chin State which appear to have been affected, which can be accessed [here](#).⁵⁵⁴

The December 2015 report by the Chin Committee for Emergency Response and Rehabilitation (CCERR) noted that “Chin State has witnessed state-wide destruction in the wake of Cyclone Komen. As of early September [2015], the government reported that 20,449 people were affected here. Data from CCERR updated as of 14th November 2015 estimated that number to be as high as 54, 537 people”.⁵⁵⁵

USAID noted in its ‘Complex Emergency’ factsheet of July 2016 that “Heavy monsoon rains that began in early June have caused flooding and several landslides in Burma, resulting in at least 14 deaths and affecting approximately 28,000 people across Ayeyarwady, Bago, and Sagaing regions, as well as Chin and Rakhine states, according to the UN. The flooding also damaged houses and public infrastructure”.⁵⁵⁶

The European Commission’s ‘ECHO Factsheet’ on Myanmar/Burma of September 2016 noted that “Following the massive floods in mid-2015, the European Commission allocated €6 million to alleviate humanitarian needs, including €3.25 million for flood response activities in Rakhine, Chin and Sagaing States. The EU funds are being used to provide shelter and livelihood support, restore water and sanitation facilities and distribute winterization kits”.⁵⁵⁷

The UN Office for the Coordination of Humanitarian Affairs reported that in [May] 2017, Cyclone Mora brought strong winds and heavy rains “destroying over 16,000 houses in Rakhine and Chin states and Ayeyarwady Region”.⁵⁵⁸

The Irrawaddy reported in its June 2017 article about the situation in Chin State’s ‘New City’ following landslides in 2015 that displaced thousands:

⁵⁵³ Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#)

⁵⁵⁴ See Myanmar Information Management Unit, [Village Tract Population of Areas affected by the 2015 Floods: Chin State](#), 30 December 2015

⁵⁵⁵ Chin Committee for Emergency Response and Rehabilitation, [The Chin State Floods & Landslides: A Community-Led Response and Assessment](#), 3 December 2015, *Background*, p. 2

⁵⁵⁶ USAID, [Burma – Complex Emergency](#), 5 July 2016, *Key Developments*, p. 1

⁵⁵⁷ European Commission, [ECHO Factsheet: Myanmar/Burma](#), September 2016, *Responding to natural disasters*, p. 3

⁵⁵⁸ UN Office for the Coordination of Humanitarian Affairs, [2018 Humanitarian Needs Overview](#), November 2017, *Natural Disasters*, p. 11

Extensive flooding in remote western Chin State, one of the poorest areas in Myanmar, caused massive landslides in 2015. In capital city Hakha, the landslides displaced thousands, wiping out half of the city's farmland. Around six months after the disaster struck, the state government started providing homes to victims in a new neighborhood called "Hakha Thar" in Hakha dialect, or "New Hakha" in English. It is informally referred to as New City, located several kilometers from the city center. But, more than a year after the resettlement, residents only just received power and still do not have running water. They are left to rely on collecting rainwater and deliveries from local aid groups.⁵⁵⁹

In September 2017 torrential rain caused landslides in Chin State, damaging roads and several houses reported The Global New Light of Myanmar.⁵⁶⁰

The Irrawaddy reported in June 2018 that "Flooding triggered by heavy rainfall has caused widespread damage in Chin [...] where hundreds of local people were displaced by rising waters, according to local sources [...] landslides occurred in Chin State, where several bridges were also damaged".⁵⁶¹

12.4.2. Sagaing Region

USAID noted in its 'Complex Emergency' factsheet of July 2016 that "Heavy monsoon rains that began in early June have caused flooding and several landslides in Burma, resulting in at least 14 deaths and affecting approximately 28,000 people across Ayeyarwady, Bago, and Sagaing regions, as well as Chin and Rakhine states, according to the UN. The flooding also damaged houses and public infrastructure".⁵⁶²

The European Commission's 'ECHO Factsheet' on Myanmar/Burma of September 2016 noted that "Following the massive floods in mid-2015, the European Commission allocated €6 million to alleviate humanitarian needs, including €3.25 million for flood response activities in Rakhine, Chin and Sagaing States. The EU funds are being used to provide shelter and livelihood support, restore water and sanitation facilities and distribute winterization kits".⁵⁶³

As of July 2017 "monsoon-related flooding had temporarily displaced at least 91,000 people in the Ayeyarwady, Bago, Magway, and Sagaing regions and Kayin State, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA). Magway is the most affected region, with approximately 63,000 people displaced, followed by Sagaing, where flooding displaced 23,000 people".⁵⁶⁴ The Democratic Voice of Burma specifically noted with regards to Upper Sagaing region that "At least three people have lost their lives and more than 10,000 directly affected by intense storms and flooding".⁵⁶⁵

In its 'Complex Emergency' factsheet of September 2017 USAID stated that "Seasonal monsoon rains and flooding in July and August affected 13 of Burma's 14 regions and states, with the most severe damage reported in Ayeyarwady, Bago, Mandalay, and Sagaing regions, according to the GoB

⁵⁵⁹ The Irrawaddy, [Myanmar: Surviving in Chin State's 'New City'](#), 13 June 2017

⁵⁶⁰ The Global New Light of Myanmar, [Torrential rain causes landslides in Chin State](#), 23 September 2017

⁵⁶¹ The Irrawaddy, [Flooding Causes Swathe of Devastation Across the Country](#), 18 June 2018

⁵⁶² USAID, [Burma – Complex Emergency](#), 5 July 2016, *Key Developments*, p. 1

⁵⁶³ European Commission, [ECHO Factsheet: Myanmar/Burma](#), September 2016, *Responding to natural disasters*, p. 3

⁵⁶⁴ USAID, [Burma – Complex Emergency](#), 27 July 2017, *Key Developments*

⁵⁶⁵ Democratic Voice of Burma, [3 dead as flooding wracks Upper Sagaing](#), 12 July 2017

[Government of Burma]. Flooding resulted in at least eight deaths and temporary displaced more than 320,000 people between July and September”.⁵⁶⁶

The UN Office for the Coordination of Humanitarian Affairs noted in its ‘2018 Humanitarian Needs Overview’ it published in November 2017 that “Each year during the monsoon season, the Government supports people who face food shortages and damage to their homes and infrastructure as a result of natural disasters. The Ministry of Social Welfare, Relief and Resettlement has urged that greater attention be given to supporting vulnerable people with humanitarian assistance in some of the more remote and underserved areas such as the Naga Self Administered Zone in Sagaing Region as well as Sawlaw and Kaung Lan Phu townships in Kachin State”.⁵⁶⁷

The World Food Programme noted that in July 2018 heavy seasonal rains caused severe flooding in amongst others Sagaing State.⁵⁶⁸

13. Access to Documentation (Citizenship Scrutiny Card/National Registration Card)

See also section 6 in [ARC, Myanmar: Query Response: The Chin State, 31 July 2017](#) for views raised on this issue by country experts on Myanmar.

Contextual background information covering Myanmar as a whole

In June 2016, the UN Commissioner for Human Rights provided the following background information with regards to the right to nationality in Myanmar:

The Citizenship Law of 1982, which provides for three types of citizenship, contravenes the principle of nondiscrimination, as the acquisition of nationality is based primarily on ethnicity rather than on objective criteria. “Full” citizenship may be obtained through four different mechanisms. Automatic acquisition of “full” citizenship is reserved for “nationals such as the Kachin, Kayah, Karen (Kayin), Chin, Burman (Bamar), Mon, Arakan (Rakhine) or Shan and ethnic groups who settled in Myanmar before 1823”. The list of 135 recognized “national ethnic groups” whose members may acquire citizenship automatically does not include the Rohingya or people of Chinese, Indian or Nepali descent. “Associate” citizenship applies to those whose application for citizenship under the Citizenship Law of 1948 was pending when the law of 1982 came into force. “Naturalized” citizenship may be granted to persons who provide “conclusive evidence” of entry and residence in Myanmar before 1948, and their children born in Myanmar. It may also be granted under certain circumstances by marriage or descent. In addition, applications for “naturalized” citizenship must be at least 18 years of age, have a command of one of the national languages, be of “good character” and of “sound mind”. “Associate” and “naturalized” citizens have fewer rights than “full” citizens; for example, their citizenship may be revoked on broad-ranging grounds.⁵⁶⁹

The joint report by the Norwegian Refugee Council, The Seagull, the Institute on Statelessness Inclusion and Snap published in March 2018 further clarified that:

⁵⁶⁶ USAID, [Burma – Complex Emergency](#), 30 September 2017, *Natural Disaster Preparedness and Response*, p. 5

⁵⁶⁷ UN Office for the Coordination of Humanitarian Affairs, [2018 Humanitarian Needs Overview](#), November 2017, *Natural Disasters*, p. 12

⁵⁶⁸ World Food Programme, [WFP Myanmar Flood response](#), 8 August 2018

⁵⁶⁹ UN High Commissioner for Human Rights, [Situation of human rights of Rohingya Muslims and other minorities in Myanmar](#), 29 June 2016, III. Legal framework, para. 19

The key domestic legislation is the 1982 Citizenship Law and its Procedures, which codifies the acquisition, confirmation and loss of Myanmar citizenship. The 1982 Citizenship Law provides for three types of citizenship – “citizens”, “associate citizens” and “naturalised citizens”. Eligibility for citizenship in Myanmar primarily follows an ethnicity and jus sanguinis, descent-based criteria. Therefore the ability to confirm or acquire citizenship in Myanmar generally relies on the applicant sufficiently demonstrating their ethnicity and the citizenship of their ancestors. Each type of citizenship is afforded different entitlements and is evidenced by specific documentation - the Citizenship Scrutiny Card (CSC), Associate Citizenship Scrutiny Card (ACSC) or Naturalised Citizenship Scrutiny Card (NCSC), respectively. The 1982 Citizenship Law does not meet international standards in relation to the prevention and reduction of statelessness and, its application has resulted in the creation of a large stateless population.⁵⁷⁰

The U.S. Department of State’s annual report covering 2017 noted that “The law defines “national ethnic group” only as a racial and ethnic group that can prove origins in the country dating back to 1823, the year prior to British colonization. Several ethnic minority groups, including the Chin and Kachin, criticized the classification system as inaccurate. While the majority of the country’s inhabitants automatically acquired citizenship under these provisions, some minority groups, including the Rohingya; persons of Indian, Chinese, and Nepali descent; and “Pashu” (Straits Chinese), some of whose members had previously enjoyed citizenship in the country, are not included on the government’s list”.⁵⁷¹

For a gendered perspective on the right to acquire citizenship in Myanmar see the joint report by the Norwegian Refugee Council, The Seagull, Institute on Statelessness Inclusion and Snap published in March 2018 and which can be found [here](#).⁵⁷²

Indicative of the difficulties minority groups face receiving a National Registration Card (NRC), which is “essential to receiving full rights under the law and basic social services”, The Seagull Foundation, an advocacy organization based in Mandalay working on human rights, peace and development, surveyed 100 individuals belonging to minority groups in Mandalay and concluded in its July 2016 report that “Virtually no respondents indicated they received an NRC with no problems; A large portion respondents were forced to pay a bribe or were subject to long waiting periods when applying for an NRC; Respondents indicated that they regularly had to change their ethnicity in order to receive an NRC”.⁵⁷³

Furthermore, the Chin based NGO representative noted with regards to ‘Do any particular groups face any higher incidence of greater scrutiny or adverse attention by the authorities or otherwise considered to face more difficulty in terms of their safety (e.g. political activists/human rights activists/SGBV survivors/those living with HIV)’ that:

It is very difficult to tell what will be happening to people with different backgrounds but it is obvious that the political activists or human rights activists will be more securitized and watched by the authorities as it is still happening, and getting worse. As described above, the basic administrative structures of the country remain unreformed and there exists no independent judiciary that can provide oversight to the military government. In the present climate, Myanmar’s legal system

⁵⁷⁰ Norwegian Refugee Council/The Seagull/Institute on Statelessness Inclusion/Snap, [A Gender Analysis of the Right to a Nationality in Myanmar](#), March 2018, *Executive Summary*, p. iii

⁵⁷¹ U.S. Department of State, [Country Reports on Human Rights Practices for 2017: Burma](#), 20 April 2018, *Section 12., d. Freedom of Movement, Stateless Persons*

⁵⁷² See Norwegian Refugee Council/The Seagull/Institute on Statelessness Inclusion/Snap, [A Gender Analysis of the Right to a Nationality in Myanmar](#), March 2018

⁵⁷³ The Seagull Foundation, *Religious Discrimination and Conflict in Myanmar: National Registration Cards*, 25 July 2016, *Executive Summary*, p. 4. A copy of the report can be requested by emailing info@asyulumresearchcentre.org

continues to be unable to hold human rights violators accountable. Instead, the judicial system largely imposes laws designed to quash dissenters and increase investment and economic development rather than protect and ensure that the rule of law applies fairly on a case by case basis. This is demonstrated by the continued and increasing punishing of freedom of speech and assembly under laws related to criminal defamation, offences against religion, peaceful protest and state secrets.⁵⁷⁴

13.1. Chin State

In August 2018, the Myanmar Peace Monitor published an article reporting on the arrest of two Chin refugees after returning from Malaysia:

Salai Van Ceu Thawng traveled illegally to Malaysia without a passport. As he needed a passport to return to Myanmar after feeling concerned over the UNHCR's decision, Nge Nge, a Myanmar agent who resides in Malaysia, made him a passport, but it turned out to be fake so he got arrested, his father continued. *'The agent cheated him. We sent all the national registration cards and household lists via Viber. She didn't ask him to go to the embassy and have his fingerprints taken down. No taxes were submitted to the embassy. She just sent him with a fake passport,'* he said.

The two returnees have been charged under Section 13 (1) of the immigration act and Section 420 of the Penal Code for cheating and they are detained at Insein Prison in Yangon. *'They are defending the case in custody because bail is denied in their charges. I'm worried that other people who come back will face similar charges,'* said U Ngai Sak, an advocate lawyer who is defending the two returnees.⁵⁷⁵

A Myanmar Expert stated the following with regards to whether a Chin returnee/rejected asylum seekers would be eligible to obtain ID documents:

This will depend on the Government of Myanmar, how much they are willing to accept a returning of people. This is a very sensitive issue. Status of the persons while abroad is very important to take into account. In UNHCR's terminologies – asylum seeking, or refugee status do not enjoy similar legal protection. The situation in Myanmar in my view is a so-called *prima facie*, in that it is a proven beyond reasonable doubts that there were discrimination and persecution in Myanmar when a large exodus took place from Myanmar into other countries. If the status is recognized as refugee, then to return home UNHCR must satisfy itself that the cause of persecution has ceased, and therefore the cessation clause under Refugee convention could be applies and people should be able to return home without fear. But then if the people have never been recognized as *prima facie* refugee, one should ask why not, and if they were not recognized as refugees, but mere asylum seekers, what could be the reason to have kept them so long in the refugee camps?

To return home the Government would usually perform a nationality verification exercise. Given the attitude toward ethnic minority they present so far, I am not sure if they would wish to open arm welcome Chin ethnic home. It would be necessary to look into the root course of fleeing the country and assess if that causes remain problems in Myanmar.⁵⁷⁶

Asked what would happen if their ID document was issued in the past, but had been confiscated by the Myanmar authorities, the same expert noted that:

⁵⁷⁴ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#)

⁵⁷⁵ Myanmar Peace Monitor, [Two Chin Refugees Arrested After Returning Home from Malaysia](#), 16 August 2018

⁵⁷⁶ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#)

In that case, the Government would need for the person to present other forms of documentation such as family list, and other documents that would help establish that the person was from Myanmar. Nationality verification could be done in an unconventional way as well, if the Government would open to consider, for example – to ask the person whereabouts he / she from and the local knowledge of that person on that location. This could also help establish that the person is from the location as claimed or not. However, this will not be able to use with a new born child that was born while abroad with parents or orphans / unaccompanied minors.⁵⁷⁷

The Chin based NGO representative noted with regards to the question ‘Would a Chin returnee who was born outside of Myanmar be able to obtain such an ID document (CSC or the National Registration Card)? Would such a returnee be treated as a citizen of Myanmar by the authorities?’ that:

This needs an amnesty initiated by Myanmar government. It is very difficult to say that those Chin who have been born outside of the country or state will be able to obtain a national ID. As of now, there is no a legal channel where the Chin family could apply for that. There is nothing guaranteed from the government yet. There is nothing put in place for the returnee. There is even an arrest case where the people who are attempting to return in Myanmar are arrested at the airport and put in the prison due to arriving on a false passport.

There could be more of a problem if the govt. does not have any law that is passed for the refugee return at the Union Level Parliament. However, corruption plays an important role in this kind of situation, and by paying some bribe one might be able to acquire one.⁵⁷⁸

Amy Smith, Executive Director of Fortify Rights, who was interviewed by ARC in February 2019 stated with regards to access to documentation:

Having no access to documentation is a huge hindrance for returnees, and it is almost impossible to secure identity documents legally or illegally (e.g. through bribery). A significant amount of documentation, including household registration and a history of having lived in the place of return, is required to obtain national identity documentation in Myanmar, which is almost impossible for returnees to obtain, especially those who left a long time ago. Unless the government agrees to a return progress and facilitates a process for returnees to secure the documentation necessary, it will be very challenging for returnees to live fully and freely in Myanmar. Without identity documents, there is no freedom of movement within the country and limits on access to livelihood and educational opportunities.⁵⁷⁹

13.2. Sagaing Region

No information was located in relation to access to documentation in Sagaing Region amongst the sources consulted within the time-frame of this report.

⁵⁷⁷ Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#)

⁵⁷⁸ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#)

⁵⁷⁹ Annex E: Notes from a Skype interview conducted with Amy Smith, Executive Director of Fortify Rights on 20th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

14. Situation and treatment of returnees

In September 2017 the UN Special Rapporteur on the situation of human rights in Myanmar noted with regards to access to education for returnee children in general that it is “currently sporadic and encourages steps to ensure that all returnees can systematically access education, including through an official nationwide policy. She also encourages the progressive realization of multilingual education and opportunities for ethnic minority children to learn in their mother tongue, as well as to study their literature and culture. Further efforts are also needed to ensure that children with disabilities are able to access education — currently two out of three children with disabilities do not attend school”.⁵⁸⁰

14.1. Chin State

In May 2017, Mizzima reported that Chin’s who fled fighting between the Arakan Army and government forces were sent back to Myanmar from Mirozam, India “to ‘avert a major refugee crisis that could have lingered in Mizoram’”.⁵⁸¹ No further information was provided as to the situation they faced upon return.

In August 2018 Khonumthung News reported that two Chin refugees were arrested in early June 2018 following their return from Malaysia on (unknown) fake passports.⁵⁸² According to the same source they have been “charged under Section 13 (1) of the immigration act and Section 420 of the Penal Code for cheating and they are detained at Insein Prison in Yangon”.⁵⁸³

Following UNHCR’s recent decision to implement a policy to end refugee status of Chin refugees from Myanmar, the Asia Pacific Refugee Rights Network (APRRN) raised its concern in September 2018 that “Ethnic Chins forced to return are in danger of not being able to return to their original place of residence, thereby ending up in IDP situations, vulnerable to exploitation and persecution. This may not only endanger returnees, but also generate fresh tension in Myanmar towards ethnic and religious minorities”.⁵⁸⁴

Amy Smith, Executive Director of Fortify Rights, who was interviewed by ARC in February 2019 stated:

Myanmar, including Chin State, is not conducive for refugee returns because the situation is not stable nor secure. What’s happening in Myanmar, the whole context, needs to be taken into consideration. The political situation in the country is extremely uncertain, particularly with the elections coming up in 2020. There’s a possibility that the military will mobilize extremists to commit attacks in the months and weeks before the elections, particularly targeting ethnic and religious minorities. Chin State would not be immune from election-related instability including problems stemming from Buddhist-nationalist extremists. Under the guise of securing the country, there is a risk that we will see a buildup of troops in ethnic areas and a repetition of what happened before 2006/2007, when the military was actively committing human rights violations resulting in mass

⁵⁸⁰ UN Special Rapporteur on the situation of human rights in Myanmar, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 8 September 2017, B. *Protecting the rights of women and children*, para. 48

⁵⁸¹ Mizzima, News From Myanmar, [Chin Refugees in Mizoram Repatriated](#), 26 May 2017

⁵⁸² Khonumthung News, [Two Chin refugees arrested after returning home from Malaysia](#), 16 August 2018

⁵⁸³ Khonumthung News, [Two Chin refugees arrested after returning home from Malaysia](#), 16 August 2018

⁵⁸⁴ Asia Pacific Refugee Rights Network (APRRN), [APRRN STATEMENT: SUSPEND POLICY TO END REFUGEE STATUS OF CHIN REFUGEES FROM MYANMAR](#), 4 September 2018

displacement in Chin State. There has been no accountability for the violations committed by the military in the past, and the military continues to commit violations with impunity in Chin State and throughout Myanmar.⁵⁸⁵

She further noted:

There is a big question as to what will happen in Myanmar in the next couple of years. Calls for international accountability for atrocities committed by the military in Myanmar are growing. The International Criminal Court is currently investigating the crime of humanity of deportation, a crime that stems from the military's actions in Rakhine State. Those calls stem from a recognition that the Myanmar military is responsible for committing egregious violations that have targeted an ethnic and religious minority in the country and the government is unable or unwilling to address those crimes. As an ethnic and religious minority that has long suffered persecution in Myanmar, the lack of protection, accountability, and rights for ethnic minorities in Myanmar is a very real concern for the Chin.⁵⁸⁶

14.1.1. Returns to Paletwa

Myanmar Peace Monitor reported in January 2018 that half of those who had been forcibly displaced from Paletwa to Mirozam [India], returned to Paletwa:

Around half of the refugees have returned home from Mizoram State of India, where they took shelter after fleeing from the clashes between the Tatmadaw and the Arakan Army (AA) in the Chin State's Paletwa, according to an official from a local social assistance group in Paletwa. However, the returning refugees are facing difficulties in making a living after arriving back home. 'Some of them have returned. We don't know what kind of support they have received for their return. They returned on their own. People have returned from Bway Latwa Village,' an official from the local philanthropic association from Paletwa told Chin World on condition of anonymity. 'Respective departments and our social assistance group have taken the returning groups to their village. There aren't many [security] concerns now. We go with the security forces when we give aids [to the local residents]. Some are facing difficulties in rehabilitation. They are still afraid to go to their own hillside farms,' he said.

Over 1,000 refugees from Myanmar arrived in Mizoram State. Mizoram State Chief Minister had requested assistance from the central Indian government to assist Myanmar refugee's return back home. A minister of Mizoram State has also donated 200,000 rupees to buy food and medicine for Myanmar refugees. According to the social assistance group from Paletwa, donors can provide aids to the returning refugees now since the river level was dropped down and the authorities still need to clear out the landmines in order to help the local residents to work on the hillside farms.⁵⁸⁷

In September 2018, Mizzima reported that over 200 refugees, mainly Buddhist and Christians from Paletwa and neighbouring villages" fleeing armed conflict between Myanmar Army and Arakan Army were still in Mizoram's Lawngtlai district [India] following the 2017 "crackdown launched by the Myanmar Army against the AA were reluctant to return to their villages "because the conflict may begin again at any time".⁵⁸⁸ A similar situation was reported by The Irrawaddy in May 2018: ""In

⁵⁸⁵ Annex E: Notes from a Skype interview conducted with Amy Smith, Executive Director of Fortify Rights on 20th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁵⁸⁶ Annex E: Notes from a Skype interview conducted with Amy Smith, Executive Director of Fortify Rights on 20th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#).

⁵⁸⁷ Myanmar Peace Monitor, [Around Half of Myanmar Refugees Return Home from India's Mizoram State](#), 29 January 2018

⁵⁸⁸ Mizzima, News From Myanmar, [Refugees From Chin State Refuse to Return](#), 12 September 2018

November [2017], the clashes displaced more than 1,000 ethnic Chin and Arakanese locals who sought shelter in nearby villages in Paletwa as well as in India near the Myanmar-India border. According to Paletwa Township residents, local Kone Pyin villagers who fled in 2017 are still unable to return to their homes. 'As there is still fighting near Kone Pyin, it is impossible for the villagers to return,' said Mai Aung Ma Phyu, a Paletwa resident".⁵⁸⁹

14.2. Sagaing Region

As part of the voluntary repatriation programme Burma News International reported in May 2018 that the "Thai government has transferred 93 Myanmar refugees from five refugee camps to Myanmar government" who will be resettled "in the Kayin State, Karenni (Kayah) State and Yangon, Bago, and Sagaing regions".⁵⁹⁰ With regards to what the returnees can expect as to aid assistance, according to the same source:

UNHCR said that they will provide aid during the repatriation process via the International Organization for Migration (IOM), and that they will give THB 1,800 to each person for their transportation costs and an additional THB 5,400 for each adult and THB 3,600 for each child. The UNHCR source explained that the World Food Programme (WFP) will provide each person with THB 2,100 equivalent to six month rations, on their departure, as well as provide mosquito nets, hygiene kit for women, travel bag and documents. The Ministry of Immigration will issue household lists and national registration cards to the returnees. The Ministry of Social Welfare, Relief and Resettlement will provide every returnee with Ks 100,000 each; Ks 300,000 for families with three members and above and food supplies of one-month ratio via the Disaster Management Department. The Ministry of Border Affairs and Myanmar Red Cross Society have also provided aids during the ceremony.⁵⁹¹

No additional information was located in relation to returnees to Sagaing Region amongst the sources consulted within the time-frame of this report.

15. Illegal exit

No publicly available COI was located in relation to illegal exit from Chin State and Sagaing Region amongst the sources consulted within the time-frame of this report.

See also section 4 in [ARC, Myanmar: Query Response: The Chin State, 31 July 2017](#) for views raised on this issue by country experts on Myanmar.

Contextual background information covering Myanmar as a whole

According to Sena Galazzi Lian, Convener of the Chin State Academic Research Network: "Leaving the country without proper documents is illegal and people have been jailed for it. One Chin family is currently in Insein Prison for this reason. Beyond the government side of things, there is the huge risk of trafficking that people face while migrating irregularly and this applies to those migrating back to Myanmar too".⁵⁹²

⁵⁸⁹ The Irrawaddy, [Renewed Clashes Leave 4 Dead in Chin State: AA Spokesman](#), 4 May 2018

⁵⁹⁰ Burma News International, [Thailand transfers 93 returning refugees to Myanmar government](#), 9 May 2018

⁵⁹¹ Burma News International, [Thailand transfers 93 returning refugees to Myanmar government](#), 9 May 2018

⁵⁹² Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#)

The Chin based NGO representative noted “Leaving the country illegally or without proper documentation from the government is a crime. Of course, they will end up in jail if caught. The Myanmar authorities keep detailed records of people legally leaving Myanmar through the use of exit stamps and would thus be likely to know if someone returning had left Myanmar illegally. In addition, the Operational Guidance Note [from the Burmese Ministry of Home Affairs, Immigration Department] states that "Any Burmese citizen who leaves Burma illegally is likely to be detained and imprisoned if returned to Burma".⁵⁹³

⁵⁹³ Annex C: Written contributions received via Email from a Chin based NGO representative on 1st November 2018 and 28th February 2019. For further information on the methodology used to select country experts and the contribution process refer back to the [Explanatory Note](#)

Annex I: Questions to experts for the ‘Myanmar Query Response: Chin State and Sagaing Region – An update’

[Timeframe: 1st January 2016 – 19th February 2019]

1. In your opinion, what are the **main human rights violations** in:
 - a. Chin State?
 - b. Sagaing Region?
2. **Forced labour**
 - a. Are there reported incidents of forced labour in:
 - i. Chin State?
 - ii. Sagaing Region?
 - b. If so, what is the government response to such incidents, officially and in practice?
 - i. Chin State?
 - ii. Sagaing Region?
3. **Forced recruitment into the military**
 - a. Are there reported incidents of forced recruitment into the military in:
 - i. Chin State?
 - ii. Sagaing Region?
 - b. If so, what is the government response to such incidents, officially and in practice?
 - i. Chin State?
 - ii. Sagaing Region?
 - c. Do any particular groups face any higher incidence of such forcible recruitment e.g. on the basis of age or ethnicity?
 - i. Chin State?
 - ii. Sagaing Region?
4. **Deserted enforced military service/draft evaders and/or those who have escaped forced labour**
 - a. Are there any reported incidents of arrest and punishment of people who have deserted military service and/or those who have escaped forced labour in:
 - i. Chin State?
 - ii. Sagaing Region?
5. **Land confiscation**
 - a. Are there any reported incidents of land owners/farmers suffering intimidation, abuse and/or arrests as a result of seeking a legal remedy or other relief in relation to land restitution/confiscation in:
 - i. Chin State?
 - ii. Sagaing Region?
 - b. What is the likelihood of an individual being able to success in a claim of land restitution in:
 - i. Chin State?
 - ii. Sagaing Region?

6. Freedom of religion or religious conversion

- a. Are there any reported incidents of restrictions, harm and/or punishment of any Chin on the basis of their religion or religious conversion by the state or non-state actors in:
 - i. Chin State?
 - ii. Sagaing Region?

7. Internal violence and fighting

- a. Could you please describe the current level of militarization in:
 - i. Chin State?
 - ii. Sagaing Region?
- b. What is the current nature and intensity of violence in:
 - i. Chin State?
 - ii. Sagaing Region?
- c. What is the current impact of the violence upon the civilian population and the affected areas in:
 - i. Chin State?
 - ii. Sagaing Region?
- d. What is the current nature and intensity of violence in Paletwa Township and/or Matupi Township in Chin State?

8. Chin ethnic group

- a. What precise groups may be considered to fall within the ethnic Chin umbrella?
- b. Are the 'Kuki' considered to be ethnically Chin?

9. Chin returnee/rejected asylum seeker

- a. Would a Chin returnee/rejected asylum seeker be eligible to obtain ID documents (i.e. Citizenship Scrutiny Card) if returned?
- b. What if their ID document (CSC or the National Registration Card) was issued in the past, but had been confiscated by the Myanmar authorities?
- c. Would a Chin returnee who was born outside of Myanmar be able to obtain such an ID document (CSC or the National Registration Card)? Would such a returnee be treated as a citizen of Myanmar by the authorities?
- d. Do any particular groups face any higher incidence of greater scrutiny or adverse attention by the authorities or otherwise considered to face more difficulty in terms of their safety (e.g. political activists/human rights activists/SGBV survivors/those living with HIV).
 - i. In respect of those engaged in political activity, what level of activity is considered to draw the adverse attention of the authorities?

10. Illegal exit

- a. What are the penalties instituted by the Myanmar authorities for those who have illegally exited Myanmar in theory and practice?
- b. Are there any reported incidents of maltreatment of rejected asylum seekers on return to if having left Myanmar illegally
 - i. Chin State?
 - ii. Sagaing Region?
 - iii. Myanmar in general?
- c. Are such profiles more specifically targeted if the individual is known to have registered with UNHCR?

11. 'Na Ta La' education programme

- a. Can you please describe the 'Na Ta La' education programme?
- b. Do you know how many of such programmes/schools operate in:
 - i. Chin State?
 - ii. Sagaing Region?
- c. Do you know of any sanctions being imposed on any Chin who refuses to enroll his/her child in the 'Na Ta La' education programme?

12. Education

- a. Do you know of any available support for school enrollment/continuation of higher education for the Chin in:
 - i. Chin State?
 - ii. Sagaing Region?

13. Labour Market

- a. Are there any current restrictions on the Chin in accessing the labour market in:
 - i. Chin State?
 - ii. Sagaing Region?
- b. Are Chin able to work as civil servants and/or access financial schemes in:
 - i. Chin State?
 - ii. Sagaing Region?
- c. Are school certificates/university degrees from India recognized or what is needed for them to be recognized in:
 - i. Chin State?
 - ii. Sagaing Region?

14. Mental health/chronic illness/disabilities

- a. Do you know of any facilities for individuals with mental health concerns/chronic illness/disabilities in:
 - i. Chin State?
 - ii. Sagaing Region?

15. Language training

- a. Do you know of any support for Chin/Burmese language training for children born in India or those who arrived in India at a young age in:
 - i. Chin State?
 - ii. Sagaing Region?

16. Livelihood

- a. Do you know of any livelihood options, especially for those with IT and English language skills and/or graduates, undergraduates with experience of having worked in hospitality business, factories etc. in
 - i. Chin State?
 - ii. Sagaing Region?

Annex A: Written contributions received via Email from a Myanmar Expert on 14th November 2018

1. In your opinion, what are the main human rights violations in:

a. Chin State?

There is no single answers/choices to mention here as the MAIN. All are compound and related. Chin state has been one of the most abandoned states in Myanmar in term of it being excluded from any national policy/planning at the Union level in a meaningful way. But then, Chin is not alone to face this kind of problems. In the past the development planning was not based on any scientific figures, or analysis. If planning mean – inclusive consultation, with experts' input, based on scientific figure, none of states and Regions in Myanmar benefitted from the "planning". However, from the outlook that Chin State has been a forbidden areas for any foreigners for so long (I am not sure if this status remains until to date. This year [2018] I have not gone to Chin) and no one understood the reasons behind it, is a telling in itself that Chin State was discriminated in certain way out of lack of access by international community, particularly development/humanitarian actors. I further understand that even if access was granted to few international agencies, it was on exceptional basis, and still with very tight control on term of freedom of movement. As a result Chin State is known as being isolated from foreign eyes for decades, and only few foreigners /international organizations were allowed to access that state. Any government official assignment/posting to that state was considered a punishment. The severe lack of proper system in all things should be considered the trigger of all lacks and violations took place in this state, as it led to forced labour practice, financial extortion, severe lacks of most of social services, infrastructure, severely discriminated on religion ground as most of the population are Christians and as such are not aligned with the mainstream Buddhism in the rest other Burmese regions. Lacking infrastructure/road accessibility is an implied form of restriction of freedom of movement. In conclusion, Chin state was left isolated and unattended in all areas of development. Forced labour was pervasive, though the practice has become less in the recent years – in remote areas we receive reports that the practice remains. ILO have access to Chin State out of our Complaints Mechanism on forced labour, whereas we are allowed without having to seek permission from the government o [sic] access to Chin as long as we have complaints about forced labour in our hands and would want to undertake to assess the situation there.

b. Sagaing Region?

From Sagaing, the ILO complaints mechanism received a total of 227 cases from this region alone. Within these complaint, 122 of which are considered within the ILO mandates on forced labour (under categories of underage recruitment, traditional forced labour, human trafficking into forced labour, forced adult recruitment into armed forces and police forces), 105 other cases are complaints related to other issues outside of ILO forced labour elimination mandate such as alleged land confiscation, authorities abused of power, labour exploitation and wages mismanagement.

2. Forced labour

a. Are there reported incidents of forced labour in:

i. Chin State?

From Chin State, reports on forced labour mainly facilitated by Chin Human Rights Organization. The veracity of the problem of forced labour has been mainly related to land issues, infrastructure works/public works. Part of the problems are related to religion discrimination. Complaints from low

level government authorities also received by the ILO, in that the complaints also related to abuse of power by higher authorities to exact labour from lower level.

ii. Sagaing Region?

Already mentioned above.

b. If so, what is the government response to such incidents, officially and in practice?

i. Chin State?

ii. Sagaing Region?

For both Sagaing and Chin, the Government responses appeared to be slow and proven to be difficult to resolve when come to issues related to Tatmadaw. And response on forced labour has been strictly centrally controlled by Nay Pyi Taw. To allow decentralization of authority to end forced labour would in fact support and fast forwarding the initiative to end forced labour, but despite the encouragement made, the issue of forced labour elimination remains tightly centrally controlled.

3. Forced recruitment into the military

a. Are there reported incidents of forced recruitment into the military in:

i. Chin State?

Report on underage recruitment and forced recruitment of adults in Chin state believed to be under-reported due to the geographic location of the State (difficult to access to outside world in many part, and with the outside world having difficulties to access – in the ILO case, unless it has cases / complaints at hand it would not be able to travel to assess the situation.

ii. Sagaing Region?

Report on underage recruitment is almost 80 cases, with the most recent cases reported to ILO in 2017 of the incident of recruitment took place in 2012. Most of the recruitment took place via mobile recruitment unit of Tatmadaw.

b. If so, what is the government response to such incidents, officially and in practice?

i. Chin State?

ii. Sagaing Region?

For both Chin and Sagaing: cases already submitted remain pending in the Government consideration, some of the cases are under ILO assessment process.

c. Do any particular groups face any higher incidence of such forcible recruitment e.g. on the basis of age or ethnicity?

i. Chin State?

Chin is home of mostly Chin ethnic (aka Zomi (understood to be majority in Hakha and Sagaing), and in Chin state there are obviously limited number of other non-Chin ethnicity. Burmese are understood to be there as government officials sent there or got transferred there by the government at the union level. As such it could be said that being Chin (with other sub-ethnicities) suffered isolation for decades. Record of Chin being recruited into armed forces however is lower than other ethnics. It could be a scenario of under-reporting due to geographic locations or else literal lower level of recruitments. More number of reports on traditional forced labour, which is reported to be one of the major drive for people fleeing their home to neighboring countries. Forced labour has been identified as one of the most common practice that people suffered most in Myanmar and was a reason to flee home. The level of forced labour has been reported in most recent years reduced, but the practice is reported also as continue in far remote areas and conflict affected areas.

ii. Sagaing Region

4. Deserted enforced military service/draft evaders and/or those who have escaped forced labour

- a. Are there any reported incidents of arrest and punishment of people who have deserted military service and/or those who have escaped forced labour in:

Myanmar does not have laws that requires compulsory military service, therefore there is no conscription and thus no evasion. As it works on voluntary basis, it only can recruit people of majority age (18) and above (with the ceiling being 45). Underage recruitment, by legal definition is forced labour only if in the given country there is no compulsory military service law. In Myanmar, there are underage recruits took place by Myanmar national armed forces, and the existing system has not changed to strengthen the army themselves to easily detect underage person at entry or there have been many tricks in place to allow young people recruited into the system. In addition, young persons who happened to get recruited but never wish to be recruited in the first place developed their own resilient to help them to stay on in the armed forces (army, navy and air force) until they could escape. In case of escape, the military would hunt them down and take them back into the army. The procedure that move to arrest this person back to the regiment did not include verification of age at recruitment. As such anyone recruited into the armed forces underage, who happened to run away (we do not use the terminology “desert” as desertion is applicable to armed personnel who got recruited properly) and was then declared “Absent without leave or AWOL – would be arrested and taken back into their mother regiment for investigation / punishment. For number of years that the ILO has negotiated and requested that the verification of age at recruitment take place before a person get declared AWOL, this point was not taken into account at all by the armed forces until this year 2018, that the armed forces agreed to check with the ILO record on age of the person before declaration of AWOL is made.

i. Chin State?

Four cases reported in 2015 on underage recruitment from Paletwa areas – to which the government continues to dispute that the persons voluntarily joined the army.

ii. Sagaing Region?

5. Land confiscation

- a. Are there any reported incidents of land owners/farmers suffering intimidation, abuse and/or arrests as a result of seeking a legal remedy or other relief in relation to land restitution/confiscation in:
 - i. Chin State?
 - ii. Sagaing Region?

Land confiscation in both Chin and Sagaing were reported to the ILO as part of the complaints on forced labour as well. (Land ownership is a real difficult issue in Myanmar, and not only in Chin and Sagaing. The declaration of becoming “the Rice bowl” of the world back in socialism time of the Myanmar Government was very ambitious, and in order to accomplish the objective the government declared that all farmland in Myanmar belonged to the Government and no longer any individuals. This is the case because the government then made the farmers to grow paddy as much as possible to serve this policy, if the people refused to grow paddy, either their farmland would be confiscated or else farmers were evicted from the land. That is the practice of forced labour. From there ownership of land was removed from the people, and all of them were told that they have rights to possess, and utilize, but no right to transfer the land, or use it as collateral for any loan. People in Myanmar therefore were made vulnerable to forced labour in a sense that access to land was used as menace to penalty in case the people refused to contribute labour as per requirement of the Government. In Sagaing we received complaints on land confiscation by USDP and township administrative department, or freehold land were confiscated to give to private company, land confiscation for airport extension in Kale township, land confiscation for the expansion of military regiments. In Chin state, land was reported confiscated without any compensation in Hakha, Paletwa – with the size of problem in one case being 62 persons effected by the problems.

- b. What is the likelihood of an individual being able to success in a claim of land restitution in:
 - i. Chin State?
 - ii. Sagaing Region?

SO far none of the case could be treated with successful result. Forced labour stopped, but land was not returned or reinstated ownership.

6. Freedom of religion or religious conversion

- a. Are there any reported incidents of restrictions, harm and/or punishment of any Chin on the basis of their religion or religious conversion by the state or non-state actors in:
 - i. Chin State?

CHRO reported to ILO for number of years on this issue that people were discriminated against due to their religion conviction. Some incidents might also associated with forced labour such as an incident where people were summoned against their will to remove the Cross from the Church. ILO raised this

issues and the incident stopped. However there are many more times that ILO was not able to support as the matter was not directly in the ILO mandate.

- ii. Sagaing Region?

7. Internal violence and fighting

- a. Could you please describe the current level of militarization in:

- i. Chin State?

Only heard of Tatamdaw VS AA.

- ii. Sagaing Region?

- b. What is the current nature and intensity of violence in:

- i. Chin State?

Discrimination in term of religion rights, forced labour, arbitrary arrest and other forms of impunities.

- ii. Sagaing Region?

- c. What is the current impact of the violence upon the civilian population and the affected areas in:

- i. Chin State?

Internal displacement as well as fleeing of civilians across the border to neighboring country. ILO has not meant to verify the veracity of this reported situation.

- ii. Sagaing Region?

- d. What is the current nature and intensity of violence in Paletwa Township and/or Matupi Township in Chin State?

Paletwa – we have been alert on displacement of Chin people in Paletwa areas in 2017 due to the AA operation. People were threatened if not supporting AA would be in trouble, in the meantime if they were found supporting AA, they would also be in trouble as well.

8. Chin ethnic group

- a. What precise groups may be considered to fall within the ethnic Chin umbrella?
- b. Are the 'Kuki' considered to be ethnically Chin?

9. Chin returnee/rejected asylum seeker

- a. Would a Chin returnee/rejected asylum seeker be eligible to obtain ID documents (i.e. Citizenship Scrutiny Card) if returned?

This will depend on the Government of Myanmar, how much they are willing to accept a returning of people. This is a very sensitive issue. Status of the persons while abroad is very important to take into account. In UNHCR's terminologies – asylum seeking, or refugee status do not enjoy similar legal protection. The situation in Myanmar in my view is a so-called prima facie, in that it is a proven beyond reasonable doubts that there were discrimination and persecution in Myanmar when a large exodus took place from Myanmar into other countries. If the status is recognized as refugee, then to return home UNHCR must satisfy itself that the cause of persecution has ceased, and therefore the cessation clause under Refugee convention could be applied and people should be able to return home without fear. But then if the people have never been recognized as prima facie refugee, one should ask why not, and if they were not recognized as refugees, but mere asylum seekers, what could be the reason to have kept them so long in the refugee camps?

The level of discrimination should be assessed if it is tantamount to persecution. Severe deprivation of access to all types of services could be tantamount to persecution.

The situation back in Myanmar should also be assessed. In that it is legitimate to question if the legal environment is conducive to return home.

To return home the Government would usually perform a nationality verification exercise. Given the attitude toward ethnic minority they present so far, I am not sure if they would wish to open arms welcome Chin ethnic home. It would be necessary to look into the root cause of fleeing the country and assess if that causes remain problems in Myanmar.

- b. What if their ID document (CSC or the National Registration Card) was issued in the past, but had been confiscated by the Myanmar authorities?

In that case, the Government would need for the person to present other forms of documentation such as family list, and other documents that would help establish that the person was from Myanmar. Nationality verification could be done in an unconventional way as well, if the Government would open to consider, for example – to ask the person whereabouts he / she from and the local knowledge of that person on that location. This could also help establish that the person is from the location as claimed or not. However, this will not be able to use with a new born child that was born while abroad with parents or orphans / unaccompanied minors.

The verification of nationality should be done taking into account that the ID card issuance in Myanmar is far from international standards and has so far evidently created a lot of problems, and may be used as a tool to in effect divide society than consolidate it. If take this factor into account, the verification of nationality would be done in an "unconventional" fashion and not strictly guided by the system / procedures that is currently not internationally accepted.

- c. Would a Chin returnee who was born outside of Myanmar be able to obtain such an ID document (CSC or the National Registration Card)? Would such a returnee be treated as a citizen of Myanmar by the authorities?

As mentioned above, this is a law of Myanmar that perhaps UNHCR be in a better position to answer this.

- d. Do any particular groups face any higher incidence of greater scrutiny or adverse attention by the authorities or otherwise considered to face more difficulty in terms of their safety (e.g. political activists/human rights activists/SGBV survivors/those living with HIV).
 - i. In respect of those engaged in political activity, what level of activity is considered to draw the adverse attention of the authorities?

Situation in Myanmar with regard to freedom of expression remains unpredictable. The Government applied inconsistent practice with regard to human rights application. It preached rule of law, but then arrested those who speak up about human rights violation. This would be summed that there is no real consistent application of rule of law in Myanmar, the determination to democratize political philosophy appeared flimsy and compromised as it clashed directly with the power of the de facto power of the country – the Tatamdaw. Myanmar government in 2012 declared reform agenda to move toward “Discipline flourishing democracy” – which does mean it never was in the purview of thinking of the old power to let go of the power. It was expected to remain in power to continue with “discipline” bit of the concept of democracy. It is worthwhile noting that the concept of democracy in Myanmar as originally plan is not democracy but “disciplined flourishing democracy”. However, when the election changed hands that hold power by the NLD winning landslide in the last election, the landscape of democratization therefore could be expected to be not along the discipline philosophy. As such the new government therefore appeared not to be able to liberate the country the way it made in its political manifesto, and the old power would need to make sure that their original plan was not too badly impacted. This appeared to be the scenario where activists were arrested, politicians cannot express themselves to their constituents. Well, this is my personal analysis of the situation. I could be wrong.

10. Illegal exit

- a. What are the penalties instituted by the Myanmar authorities for those who have illegally exited Myanmar in theory and practice?
- b. Are there any reported incidents of maltreatment of rejected asylum seekers on return to if having left Myanmar illegally
 - i. Chin State?
 - ii. Sagaing Region?
 - iii. Myanmar in general?
- c. Are such profiles more specifically targeted if the individual is known to have registered with UNHCR?

I think UNHCR is in a better place to answer this.

11. ‘Na Ta La’ education programme

- a. Can you please describe the ‘Na Ta La’ education programme?
- b. Do you know how many of such programmes/schools operate in:
 - i. Chin State?
 - ii. Sagaing Region?

- c. Do you know of any sanctions being imposed on any Chin who refuses to enroll his/her child in the 'Na Ta La' education programme?

I think UNHCR is in a better place to answer this.

12. Education

- a. Do you know of any available support for school enrollment/continuation of higher education for the Chin in:
 - i. Chin State?
 - ii. Sagaing Region?

I think UNHCR / UNICEF is in a better place to answer this.

13. Labour Market

- a. Are there any current restrictions on the Chin in accessing the labour market in:
 - i. Chin State?
 - ii. Sagaing Region?

So far I have not heard of restriction of accessing labour market for both Chin State and Sagaing region. However one would not be easily able to access if ones do not have required education and skills necessary for the work anyway. Indirectly, to deprive Chin people with rights to education or not supporting them the way it should have been would result in them not easily able to access employment. Also if one do not have ID card, it would be difficult to access labour market .

- b. Are Chin able to work as civil servants and/or access financial schemes in:
 - i. Chin State?
 - ii. Sagaing Region?

Being an ethnic person with other religions other than Buddhism would be enough not to be accepted easily into government high level functions/ responsibility as percentage of Burmese ethnic is much higher than those of other ethnics. I understand from account shared by many government officials that the history of practice in MM demonstrated that very very few ethnic people made it to high level, and if they have different religion conviction they would have to hide it or convert it to Buddhism.

- c. Are school certificates/university degrees from India recognized or what is needed for them to be recognized in:
 - i. Chin State?
 - ii. Sagaing Region?

I have no knowledge on this.

14. Mental health/chronic illness/disabilities

- a. Do you know of any facilities for individuals with mental health concerns/chronic illness/disabilities in:
 - i. Chin State?
 - ii. Sagaing Region?

I have no knowledge on this.

15. Language training

- a. Do you know of any support for Chin/Burmese language training for children born in India or those who arrived in India at a young age in:
 - i. Chin State?
 - ii. Sagaing Region?

I have no knowledge on this.

16. Livelihood

- a. Do you know of any livelihood options, especially for those with IT and English language skills and/or graduates, undergraduates with experience of having worked in hospitality business, factories etc. in
 - i. Chin State?
 - ii. Sagaing Region?

I have no knowledge on this. General information can however, be retrieved from ILO labour force survey. I doubt if the survey could tell you this specific detail.

Annex B: Written contributions received via Email from Sena Galazzi Lian, Convener, Chin State Academic Research Network on 30th November 2018

1. In your opinion, what are the main human rights violations in:

a. Chin State?

My response to this question is likely to be incomplete and superficial. As an outsider, albeit one involved in studying the region, it is very difficult to have a good sense of everything or even most of what is going on in Chin State. The major challenge is language: there is little documentation that researchers such as myself and members of my network can rely on. Of this little documentation, even less is written in English. Whilst the value of outside unbiased information is clearly valuable, I would strongly suggest this sort of study be targeted mostly at local civil society who speak the language and have fresh evidence relating to these matters. This is especially important in Chin State because communications and documentation are very challenging throughout it, not to mention areas where there is ongoing armed conflict. The existing local organisations working on the ground are likely the only ones to have a semi-full picture. A proper assessment of the situation requires recent and in depth travel to specific areas, obviously not solely or even primarily alongside government officials. Such on the ground full picture is something that almost nobody has, we can only have snippets of the whole situation, ie. if 5 cases of a particular human rights abuse have been documented, there are likely to be another 50 similar ones that were not documented. Therefore, assuming to have a sense of the situation on the ground after consulting a handful of experts is likely to be misleading. Mostly, as far as I can say the major violations will be first of all related to armed conflict between the Arakan Army and the Tatmadaw, where civilians are regularly caught in the middle. The same applies in the context of CNF-Tatmadaw relations. Although there is a ceasefire, both sides have broken it. Secondly, limitations to religious freedom remain an extremely serious issue for people in Chin State. Finally, the environmental and social impact of development projects that are increasingly being started in Chin State is progressively having an impact on Chin people's livelihoods and safety.

b. Sagaing Region?

In Sagaing the Chin are the minority which impacts them in many ways, the most serious probably being freedom of religion/belief, for example they are forced to carry out house-worship due to limitations to their right to own land for religious purposes. They are at times subjected to threats and violence, and thus not able to freely practice their religion, and authorities never take any action even when such incidents are reported.

2. Forced labour

a. Are there reported incidents of forced labour in:

i. Chin State?

There are numerous cases of forced labour that have been documented in Paletwa Township, in the context of ongoing conflict. Local villagers complain about portering regularly, through a variety of interlocutors, and blame both the AA and the Tatmadaw. The Chin Human Rights Organisation for example was able to cross check and confirm 20 such cases, but the real number is likely even higher than that which has been documented since there is limited on the ground capacity for documentation in Chin State (unlike other places in Myanmar). Notably, the AA also demanded villagers provide supplies of food and other utilities, threatening those who did not cooperate. In 2017 this resulted in 500 people being displaced, maybe half of which across the border into India.

Another well-known case was when the ILO filed a complaint to the GAD in 2018 following an incident in Matupi township where local Chin teachers were forcibly compelled to dance for a festival. They were given written notice by the GAD that severe action would be taken if they refused.

ii. Sagaing Region?

I have personally not come across documentation about this, but this doesn't mean such instances didn't occur, for the reasons stated above.

b. If so, what is the government response to such incidents, officially and in practice?

i. Chin State?

ii. Sagaing Region?

No response that I know of, unsurprising and in line with how things work elsewhere in the country.

3. Forced recruitment into the military

a. Are there reported incidents of forced recruitment into the military in:

i. Chin State?

Yes. There are several reports of men, probably plainclothes Tatmadaw members, offering NRC cards to youth in exchange for them joining. There was a case documented in 2017 of one boy from Matupi township but there are likely to be others.

ii. Sagaing Region?

I personally don't know but would assume similar practices in adjacent areas.

b. If so, what is the government response to such incidents, officially and in practice?

i. Chin State?

ii. Sagaing Region?

- c. Do any particular groups face any higher incidence of such forcible recruitment e.g. on the basis of age or ethnicity?

- i. Chin State?
- ii. Sagaing Region

4. Deserted enforced military service/draft evaders and/or those who have escaped forced labour

- a. Are there any reported incidents of arrest and punishment of people who have deserted military service and/or those who have escaped forced labour in:

- i. Chin State?
- ii. Sagaing Region?

5. Land confiscation

- a. Are there any reported incidents of land owners/farmers suffering intimidation, abuse and/or arrests as a result of seeking a legal remedy or other relief in relation to land restitution/confiscation in:

- i. Chin State?
- ii. Sagaing Region?

Yes. For example all those cases that brought about the World Bank funding withdrawal. This was a major incident the effects of which cannot be understated. The World Bank stopped a planned 60 million USD funding for the Hakha-Kalay road project due to concerns over social and environmental issues, as they found there had been uncompensated destruction of houses, poor working conditions, and a general disregard to governance in the project. It would be useful for this document to be read carefully and then included in any report by ARC and UNCHR.

Similarly [sic], the second phase of the Kaladan project is ongoing without any environmental or social impact assessment. Land confiscation, loss of livelihoods, and bad working conditions have plagued the project and documented by various sources. Some instances have occurred where locals agreed on giving up land with compensation, but this was not respected. In some cases official complaints were sent to GAD but that did not solve anything.

- b. What is the likelihood of an individual being able to success in a claim of land restitution in:

- i. Chin State?
- ii. Sagaing Region?

There are customary and collective land ownership practices in and around Chin State that can differ from area to area, and that have no proper legal standing in Myanmar law. This, on top of the de

facto impossibility of local villagers to access any sort of land court (too far, too expensive, they might not even know it exists), means most people in Chin State will have little means to counter attempts at appropriating their land.

6. Freedom of religion or religious conversion

- a. Are there any reported incidents of restrictions, harm and/or punishment of any Chin on the basis of their religion or religious conversion by the state or non-state actors in:

- i. Chin State?

There are numerous reports of such incidents, and this is both allowed by a constitution that does not provide protections, as well as active discrimination and actions carried out vis-à-vis the Chin, including in the context of the Religious Conversion Law. The ability to worship freely is simply part of everyday life in Chin State. In many instances this extends into religiously motivated violence (and includes cases where Buddhist monks engages in the violence). Mobs are known to attack Christian worshippers, destroying houses, property, and get personally violent when people refuse conversion. The UCIRF places Myanmar as Tier 1 country for a reason. Recent examples include the attack on two Chin nursery school teachers in Rakhine who were attacked by a mob due to their plans on opening a Christian nursery school. There are also recent cases of funeral processions being banned, or the expulsion of recent converts to Christianity (Gangaw tsp). Numerous examples also of mobs going to local churches and destroying things. Notably, even in the capital of Chin State, Hakha, churches who many years ago tried to register from private ownership to registered church land have still not received any confirmation, leaving people in a limbo situation of buying private land and paying tea money to do house worship, a pretty standard practice throughout Chin State.

- ii. Sagaing Region?

7. Internal violence and fighting

- a. Could you please describe the current level of militarization in:

- i. Chin State?

I am not aware of any recent efforts at documenting locations of Tatmadaw bases in Chin State, not after a 2013 CHRO map included in the report Threats to our Existence. The Joint Monitoring Mechanism required by the NCA has yet to be established, and although there are documented violations of this ceasefire carried out by both Chin National Army and Tatmadaw, it is hard to quantify specific levels of militarization. In Paletwa areas, there remain landmines and fighting. Matupi is also heavily militarized. The present situation makes it impossible to determine whether there is a durable prospect for stability and/or peace.

- ii. Sagaing Region?

- b. What is the current nature and intensity of violence in:

- i. Chin State?

The violence between the AA and the Tatmadaw has been intensifying as any news source will attest. The CHRO for example has documented killings, cruel, inhuman and degrading treatment, looting, theft, indiscriminate use of landmines, forced labour, using of human shields, movement restrictions, arbitrary demands and attacks on livelihoods, on the part of both AA and Tatmadaw. The impact this is having on local populations cannot be overestimated. In November 2017 alone, 1,300 villagers fled Paletwa and took shelter in Mizoram, India. This is a long complex conflict that is unlikely to go away any time soon, as the AA have long-standing claims to the area. At present, it is estimated around 6000 Chin people are either IDPs or have fled into Mizoram, not to mention the incredible ongoing risks to remaining populations due to landmines, risks to both personal safety as well as to their ability to manage their livelihoods.

ii. Sagaing Region?

c. What is the current impact of the violence upon the civilian population and the affected areas in:

- i. Chin State?
- ii. Sagaing Region?

See above.

d. What is the current nature and intensity of violence in Paletwa Township and/or Matupi Township in Chin State?

See above.

8. Chin ethnic group

- a. What precise groups may be considered to fall within the ethnic Chin umbrella?
- b. Are the 'Kuki' considered to be ethnically Chin?

This question is complex, and slightly misguided in its wording. In Myanmar, significant issues surrounding nation-state and state-building have not yet been resolved. This is particularly evident in Chin State.

There are most definitely no 'precise groups' in Chin, there is surely no specific 'Chin umbrella' and finally neither is there an authoritative power that can lay claim to carry out any official 'act of considering'. Therefore, the correct answer is that the answer will change depending on who you ask, when you ask, and why you ask.

The 2014 census as well as the British colonial effort known as Chin Hills Regulation Act 1896, as well as the 1982 Citizenship Law, all contain different answers, mistakes, or frankly random bits of information.

To get any meaningful answer you would have to ask a number of people, and at different times, as it is an ongoing question, a very real 'live' issue for many people, one that has not been resolved yet,

and there are many political stakes in what the final answer to the question ends up being. It is in the process of state-building that these answers will sediment themselves, and we are not there yet. So you are bound to get a lot of different answers that are mostly all valid... just meaningful in different ways to different people, at different times, largely related to the fact that Chin is a less than universally recognized catch all phrase for many populations within and around the boundaries of present day Chin State, a catch all that includes so many sub-groups, some of whom do not even wish to be included under it, others who agree to be included but do not agree to be termed a sub-group in the first place, etc. Needs for categorization have historically been largely driven by external factors which has come with various implications.

So when we consider the validity of an umbrella term we need to question the reasoning behind and the validity of the catch-all term, enquire as to the historical baggage it brings (why might people want to identify with it at some points, but not at other times? What events might shift people's perceptions of these? This is no abstract matter and for example might affect the answers people in the future might give in their RSD interviews) and be inquisitive firstly as to what it means to be classified a sub-group, followed by whether said sub-group is included or excluded in the Chin umbrella term. Reasoning thus will help when trying to understand refugee interviews vis-à-vis the COI document you are compiling.

My final answer is probably then that there is yet no answer.. it's all still forming, so of course as outsiders (academics, development practitioners, as much as UNHCR protection officials etc.) we are also having some impact in what answer comes out on top. I.e. what populations UNHCR put on the Chin language flow maps it gives its staff, what organisations are assumed to represent what groups, generally who is regarded authoritative in producing written knowledge about 'Chin'. There is a huge population that spans across Chin State, Mizoram, Manipur, Bangladesh, Sagaing and other lowlands whose shifting and fluid, at times conflicting and at times overlapping identities, languages, and cultural practices, which have been categorized, seized, shared, or appropriated in different ways through history. There is little clarity or agreement on the most basic terms, including according to some as to the validity of the word Chin itself. Therefore, I am unable to answer your question as to what precise groups may fall within the Chin ethnic umbrella, or to make any estimate regarding ongoing Kuki self-determination perceptions and ideals.

9. Chin returnee/rejected asylum seeker

- a. Would a Chin returnee/rejected asylum seeker be eligible to obtain ID documents (i.e. Citizenship Scrutiny Card) if returned?

I don't know.

- b. What if their ID document (CSC or the National Registration Card) was issued in the past, but had been confiscated by the Myanmar authorities?

I don't know.

- c. Would a Chin returnee who was born outside of Myanmar be able to obtain such an ID document (CSC or the National Registration Card)? Would such a returnee be treated as a citizen of Myanmar by the authorities?

I don't know.

- d. Do any particular groups face any higher incidence of greater scrutiny or adverse attention by the authorities or otherwise considered to face more difficulty in terms of their safety (e.g. political activists/human rights activists/SGBV survivors/those living with HIV).
 - i. In respect of those engaged in political activity, what level of activity is considered to draw the adverse attention of the authorities?

As in the rest of the country, political activists draw adverse attention of the authorities, and Myanmar's climate of impunity does the rest. Chin State would be no exception, particularly as we are seeing a worsening of the situation.

It is pretty obvious that in Chin State's dire poverty, those living with HIV or any serious illness would face more difficulty to their safety. There is no place in Chin State to get treatment or care for HIV or for SGBV related consequences. The lack of medical infrastructure is abysmal, and even where there are hospitals reaching them on Chin roads is extremely difficult for normal people, especially in the 6 months covered by the rainy season where many roads close off altogether.

10. Illegal exit

- a. What are the penalties instituted by the Myanmar authorities for those who have illegally exited Myanmar in theory and practice?
- b. Are there any reported incidents of maltreatment of rejected asylum seekers on return to if having left Myanmar illegally
 - i. Chin State?
 - ii. Sagaing Region?
 - iii. Myanmar in general?
- c. Are such profiles more specifically targeted if the individual is known to have registered with UNHCR?

Leaving the country without proper documents is illegal and people have been jailed for it. One Chin family is currently in Insein Prison for this reason. Beyond the government side of things, there is the huge risk of trafficking that people face while migrating irregularly and this applies to those migrating back to Myanmar too.

11. 'Na Ta La' education programme

- a. Can you please describe the 'Na Ta La' education programme?

They are boarding schools run under the ministry of border affairs that are in effect a state sponsored forced assimilation program (religious, cultural, language, etc).

b. Do you know how many of such programmes/schools operate in:

- i. Chin State?
- ii. Sagaing Region?

There are 13 in Chin/surrounding areas.

c. Do you know of any sanctions being imposed on any Chin who refuses to enroll his/her child in the 'Na Ta La' education programme?

I am not sure about sanctions, but the point is that families are forced to send their kids there with other means. 'Force' here is a range: pushing or coercing, convincing or removing other viable options.

12. Education

a. Do you know of any available support for school enrollment/continuation of higher education for the Chin in:

- i. Chin State?
- ii. Sagaing Region?

There are none.

13. Labour Market

a. Are there any current restrictions on the Chin in accessing the labour market in:

- i. Chin State?

Considering the poor socio-economic status of the whole Chin State, the restrictions are the obstacles people face when searching for employment, as well as the lack of local employment. Extremely poor matriculation results in Chin State mean Chin students are some of the lowest performing in the country. There is an economic development reason (ie. Rakhine State is the other poorest region and fares equally badly) as well as a linguistic reason: lack of Burmese language skills, and a lack of written proficiency skills in Chin languages themselves (which further inhibit acquisition of good Burmese, or any other second, third, or fourth language) means students are ill equipped for the labour market.

- ii. Sagaing Region?

b. Are Chin able to work as civil servants and/or access financial schemes in:

- i. Chin State?
- ii. Sagaing Region?

In theory yes but there are massive obstacles and promotions are very few (and usually limited to those Chin who attended Na Ta La schools in the first place, and who are thus Burmanised).

- c. Are school certificates/university degrees from India recognized or what is needed for them to be recognized in:
 - i. Chin State?
 - ii. Sagaing Region?

No not in relation to government or civil service.

Chin Universities or Colleges are also not legally recognized.

14. Mental health/chronic illness/disabilities

- a. Do you know of any facilities for individuals with mental health concerns/chronic illness/disabilities in:
 - i. Chin State?
 - ii. Sagaing Region?

None

15. Language training

- a. Do you know of any support for Chin/Burmese language training for children born in India or those who arrived in India at a young age in:
 - i. Chin State?
 - ii. Sagaing Region?

Not that I know of.

16. Livelihood

- a. Do you know of any livelihood options, especially for those with IT and English language skills and/or graduates, undergraduates with experience of having worked in hospitality business, factories etc. in
 - i. Chin State?

Very few I would say. The economy largely revolves around farming. Even the larger Chin towns are basically rural environments. The capital itself, Hakha, has some small shops, a handful of basic

restaurants, not much else. Perhaps some tourism options but it is all very limited, even in the tourism 'hotspot' in the South towards Kanpelet.

ii. Sagaing Region?

Annex C: Written contributions received via Email from a Chin based NGO representative on 30th November 2018 and 28th February 2019

[Note that 'x' stands for the name of the organization, which due to the sensitivity of the information, prefers to be referred to as 'A Chin based NGO representative']

1. In your opinion, what are the **main human rights violations** in:

a. Chin State?

Due to poor infrastructure and difficult terrain, documenting human rights violations in Chin State is extremely challenging. Human rights violations presented in a handful of X reports will almost certainly represent the tip of the iceberg. Those wishing to understand human rights and Chin State do not have the wide array of resources and local development networks, publishing widely on human rights related agendas, like in Eastern Burma. Unless one has travelled in Chin State, particularly during rainy season – June to October – it is hard to appreciate just how difficult movement can be away from the main towns (Falam, Hakha and Kanpetlet for example).

It should also be stated that any research that looks to understand human rights issues in Chin State needs to go beyond this kind of survey – translating this survey into Burmese and/or local chin dialect would be one way of reaching out to local CSO/NGO that may be able to shed more light on some of the topics. The Khumi Media group, for example, covers the conflict in Paletwa more closely than any English-media outlets based in Yangon is capable of doing, but only publish in Burmese or Khumi. The Khumi media group is also run on a voluntary effort, making news reports sporadic and a lot information left out of the public domain. Due to extremely poor connectivity in the areas where fighting is breaking out in Paletwa, retrieving information from there poses significant problems.

One way ARC or the UNHCR could approach this, is officially request free access to Paletwa Township in order to verify X claims. Moreover, we would suggest that the UNHCR attempts to gain access to the IDP camps as part of their “go and see” visits in order to gain a fuller understanding on the conflict and its effects on the civilian population. We maintain that visiting designated officials in Hakha, Falam and Kalay will not allow a full appreciation of Chin State from a durable solutions perspective. We also maintain that without presenting findings from this sort of evidentiary and objectively verified information via meaningful consultations with refugee communities in Malaysia and New Delhi, the informed consent of those who are currently being interviewed as part of the “individual repatriation counseling” cannot be established.

Although we recognize the timespan stipulated is from Jan 2016 to Oct 2018, it is nonetheless useful to contextualize the background to the human rights situation at present. In 2013 the CNF and it's armed wing the CNA signed a comprehensive ceasefire agreement after state-wide consultations were held amongst chin communities. The key human rights issues raised during the dialogues consisted of freedom of religion, to cease being brought into armed conflict, to be included in development activities in the form of internationally recognized best practice related to free, prior and informed consent and to be free from assimilation programmes which threaten the Chin identity. Each and every one of those core concerns related to being a religious and ethnic minority in an underdeveloped part of Burma/Myanmar, are still a way from being implemented to an adequate degree.

As the preceding questions request a more detailed summary of violations we shall just bullet point the main concerns related to human rights:

- *Institutional barriers to freedom of religion and belief persist.*
- *Chin State remains a conflict zone where both the Tatmadaw and the Arakan Army (AA) regularly bring civilians into their activities ignoring obligations under international customary law.*
- *Chin people are still not adequately consulted in development projects, without due consideration of Social/environmental impact assessments with full observance of free, prior and informed consent.*
- *Although not presently monitored by any officially mandated organization, we are aware of ceasefire regulations being broken by both CNF and the Tatmadaw.*

b. Sagaing Region?

From X's documentation, Sagaing and other regions which border Chin State, where Chin are more vulnerable as religious and ethnic minority on a day to day basis - freedom of religion and belief remains the primary concern and main human rights violation. Chin people are essentially blocked from the right to own/register land for their religious purposes. This usually means they are forced to undertake house worship in circumventing these restrictions. This can lead to violent situations in communities, particularly those bordering the current boundaries of Chin State where Chin people represent the minority and act as migration hotspots for work, health, education or missionary activities. In the last several years X has documented instances whereby local authorities and the local monkhood have either restricted religious freedom, quashed religious practice, sometimes violently and/or threatened Christian worshippers. In all cases, local law enforcement has failed to investigate any complaint or hold those accountable.

The term "Kalar" is now usually taken as a derogatory term for those who have a darker shade of skin, of a perceived Bengali or Indian descent. Historically, this term refers to anything which is foreign. Very often things of a foreign nature, particularly religion are seen as something invasive, something to be rejected and which may threaten Burmese culture. Christianity is seen as Kalar religion to many people – most importantly, personnel within military-headed administrative departments and more nationalistic Buddhist monks which are very often closely linked.

2. Forced labour

a. Are there reported incidents of forced labour in:

i. Chin State?

While instances of forced labor are usually a result of military activities in Chin State, they also manifest in departmental demands to push a Buddhist/Bama agenda. During the Thingyan (New Year) festival, April 2018, the GAD in Matupi Township issued a notice to the educational department that local Chin teachers were to perform dances throughout the festival from 13th to 17th April 2018 from 10 am to 12 pm and from 6 pm to 9 pm at night. This was compulsory for the duration of the festival. The International Labour Organisation (ILO) lodged a complaint with the GAD after X had documented the case.

The notification stated in clause four:

“The assigned task must not be refused or failed to be carried out at all and it is informed in advance that if there is any refusal or failure, severe actions will be taken according to staff procedures and regulations”

Between Jan, 2016 and October 2018 X has documented 20 instances of forced labour demands by the Tatmadaw in Paletwa Township. All of these are related to ongoing conflict between the AA and the Tatmadaw, mostly in the regions bordering India in the extreme north of Paletwa or Bangladesh in the extreme north-west of the Township:

- In March 2016, the Tatmadaw Light Infantry Battalion 358 based in Paletwa Town conscripted multiple civilians in forced labour conditions as they reinforced their positions as fighting continued between AA and Tatmadaw. Over three days, 17-19th March 2016, 10 villagers from Kawae were forced to carry bags of rice and act as guides for the battalion between Kawae and Upae villages. Locally owned boats were also commandeered in the reinforcement operation. Villagers were threatened with heavy weaponry bombardment if the demand was not fulfilled.*
- On 18th March 2016, 9 villagers were forced to carry rice left behind by Tatmadaw, Light Infantry Battalion 539 based in Kan Souk Village, Kyauktaw Township, Rakhine State and a further 3 villagers the day after.*
- In November 2016, X documented the death of one Chin man, after being conscripted for forced labour by the Tatmadaw close to Pikyang Village in Paletwa Township. The civilian stepped on a landmine whilst portering for the Tatmadaw.*
- In May 2017, as the AA began issuing demands for food and supplies, demanding that villagers from Yon Let Wa go to the next village to buy extra rice as their stocks were not big enough for the military unit. 300 people subsequently fled to India while 200 dispersed into nearby villages. After threats to go and retrieve rice stocks took place the villagers were unwilling to risk being caught at checkpoints carrying supplies for the AA.*

N.B. Whilst the above information documents cases that X has followed up on and undertook due-diligence in the documentation procedure, it must be understood that villagers from the Bawm, Khumi and Mara community who live in these areas regularly complain about AA requesting porters. This is something the X will continue to monitor.

ii. Sagaing Region?

X has not documented any forced labour demands in Sagaing.

b. If so, what is the government response to such incidents, officially and in practice?

i. Chin State?

The Chin State government has made no comment. The Tatmadaw rarely, if ever, publicly state anything in relation to human rights abuses. If any accusation got as far and as serious whereby any legal action was deemed necessary to take place, such as the accusations that surfaced in relation to the murdering of Rohingya for example, the military would conduct their own internal investigation and form a tribunal outside of civilian courts under the 1959 Defence Services Act.

The Civilian government has stated nothing, and would never publicly denounce military human rights abuses. In practice they have shown they would support Tatmadaw violations of human rights, evidenced by Zaw Htay's (President's spokesperson of the Myanmar President Office) public support for ethnic cleansing and rejection of International Criminal Court referrals.⁵⁹⁴ In practice they could use their majority to repeal archaic laws, which are used to suppress dissent of military regime. Instead they use the same policies to justify incarceration of those exercising free speech, freedom of association etc.⁵⁹⁵

ii. Sagaing Region?

3. Forced recruitment into the military

a. Are there reported incidents of forced recruitment into the military in:

i. Chin State?

X documented once case of child soldier recruitment in March 2017 which involved a boy from Matupi Township. After being recruited, he was trained in several locations in Magway and Sagaing Regions, provided with a false NRC card and told to sign a 5 year contract of service with the Tatmadaw.

In a few separate instances, X has learnt of villagers being approached by non-uniformed individuals who inquire at the village level whether any village youth are interested to join the Tatmadaw, in one case, X was informed that an NRC card had been offered for those wishing to go with the unidentified individual.

ii. Sagaing Region?

X has not documented any recruitment cases in Sagaing Region.

b. If so, what is the government response to such incidents, officially and in practice?

i. Chin State?

ii. Sagaing Region?

c. Do any particular groups face any higher incidence of such forcible recruitment e.g. on the basis of age or ethnicity?

⁵⁹⁴ Coconuts Yangon "Myanmar Government Spokesperson Calls out Fake news and then posts his Own" Sept 17, 2017 <https://coconuts.co/yangon/news/myanmar-govt-spokesman-calls-fake-news-posts/> and Radio Free Asia, "Myanmar Swiftly Rejects ICC Ruling on Jurisdiction Over Abuses of Rohingya" Sept, 2018 <https://www.rfa.org/english/news/myanmar/myanmar-swiftly-rejects-icc-ruling-09072018164016.html>

⁵⁹⁵ Telecommunication Law 2013 Section (66d), Unlawful Association Act and Peaceful Assembly and Peaceful Procession Law, Section 505 (b) Penal Code, Section 295 (a) and 298 Penal Code and the Official Secrets Act 1923 have all been used arbitrarily to imprison civil society, human rights defenders and the general public exercising freedom of speech in various public and online forums. For recent high profile cases, see Reuters "Facts on the Arrest of Reuters reporters Wa Lone and Kyaw Soe Oo" Jan 9th 2018, available at <https://www.reuters.com/article/us-myanmar-journalists-explainer/facts-on-the-arrest-of-reuters-reporters-wa-lone-and-kyaw-soe-oo-idUSKBN1EY2S4>, Reuters, "Protests as Myanmar Parliament debates new Curbs on Demonstrations", March 5th 2018, available at <https://www.reuters.com/article/us-myanmar-protest/protests-as-myanmar-parliament-debates-new-curbs-on-demonstrations-idUSKBN1GH1Q5> and see generally, Human Rights Watch, "They Can Arrest You At Any Time: The Criminalization of Peaceful Expression in Burma" June 2016, available at https://www.hrw.org/sites/default/files/report_pdf/burma0616web.pdf

- i. Chin State?
- ii. Sagaing Region

4. Deserted enforced military service/draft evaders and/or those who have escaped forced labour

- a. Are there any reported incidents of arrest and punishment of people who have deserted military service and/or those who have escaped forced labour in:

- i. Chin State?

The only case X has documented relates to the child soldier, above.

- ii. Sagaing Region?

5. Land confiscation

- a. Are there any reported incidents of land owners/farmers suffering intimidation, abuse and/or arrests as a result of seeking a legal remedy or other relief in relation to land restitution/confiscation in:

- i. Chin State?
- ii. Sagaing Region?

Last year, X provided cases relating to villagers attempting to seek restitution for land confiscation which took place under the State Law and Order Restoration Council years (SLORC). Please refer back to these as they are still relevant under the current research time-frame.

- *In March 2017 Governance issues and the inability of relevant departments to adhere to social and environmental safeguards resulted in the World Bank ceasing the funding of the 60 million dollar, Hakha–Kalay Highway rehabilitation project. Citing a lack of environmental and social impact observance on the part of the Ministry of Construction, the project funds - designated to the recovery of Chin State after Cyclone Mora- were withheld due to issues which included uncompensated destruction of houses and poor working conditions.*
- *Phase II of the Kaladan Multi-Modal has begun without an environmental or social impact assessment. There has been a lack of compensation for loss of land and livelihoods and poor working conditions for those involved with the project. In addition, no environmental or social impact assessment has been conducted for Phase II of the project. Reports received by X indicate that during the consultations which took place prior to the beginning of the project, local villagers were informed that India was to fund a road that would be built for their benefit. While some form of consultation has clearly taken place, this falls well-short of international best practice or national guidelines on FPIC as found in the Environmental Impact Assessment Procedures or National Land Use Policy.*
- *On 23rd May 2018, a local Khumi Chin community member reported to X that agreed on compensation for lost orchard and farmland to make way for the Kaladan Multi-Modal project's phase II road had not been honored. The government gave compensation to affected landowners around Paletwa Township at an agreed rate of 15 lakhs per acre for paddy field and 6 lakhs for fruit orchards, in August 2017. However, more than 20*

landowners from 4 villages of Yee Lar Wa Village Tract still haven't got any compensation for lost land. Landowners sent letters to the GAD on 12th May 2018, requesting the agreed compensation funds. To date they have received nothing.

b. What is the likelihood of an individual being able to success in a claim of land restitution in:

i. Chin State?

Land is an extremely complex issue in Myanmar and there is no hard and fast rule or procedure. Generally, the land courts or tribunals will be beyond the reach of the majority of village people due to cost and unfamiliarity. What is clear is that customary land tenure and collective ownership over land is still not legally recognised in Myanmar law, meaning the majority of people in Chin State remain vulnerable to aggressive land appropriation either by state or private bodies. Instead of implementing the National Land Use Policy which sought to solve these very complex issues, the NLD has tinkered with existing land law, such as the Virgin Vacant and Fallow Land law, which is now again jeopardizing rural peoples' ability to use land that is relied upon for food security and livelihoods, owned and governed via customary systems.⁵⁹⁶

ii. Sagaing Region?

6. Freedom of religion or religious conversion

a. Are there any reported incidents of restrictions, harm and/or punishment of any Chin on the basis of their religion or religious conversion by the state or non-state actors in:

i. Chin State?

Township administration officer from Mindat General Administrative Department, Southern Chin State issued an order with the date of 24th January, 2019 that permission needed to be asked for two weeks in advance in order to hold religious ceremonies and trainings, meetings, workshops by INGO/NGOs, reported by a local to the Chin based NGO representative.

ii. Sagaing Region?

Myanmar is still recognized as a tier 1 country of particular concern by the United States Commission on International Religious Freedom (USCIRF). Not only does Myanmar law and policy fail to offer protection for religious minorities but in some cases actively discriminates against non-Buddhist religions. Compounding the problem further are the discriminatory institutional barriers which in large part prevent Chin people from registering property or land for religious purposes.

⁵⁹⁶ Frontier Magazine "Why a land law change is sparking fears of mass evictions" Nov 19, 2018 https://frontiermyanmar.net/en/why-a-land-law-change-is-sparking-fears-of-mass-evictions?fbclid=IwAR19IL3iOJzSMrC0H73inQHjXfVoAoGecx80Z0qCvfOVGEAwgWDJ4eihkiA#.W_K0d8iW_pk.facebook

The 2008 Constitution fails to provide adequate protection of freedom of religion or belief. Article 34 of the 2008 Constitution appears to guarantee freedom of religion or belief for all, but a list of qualifying conditions based on whether the religion does not undermine ‘public order’, ‘morality’, ‘health’ or ‘other provisions of this constitution’ makes it highly restrictive. Ultimately the result is that a vaguely defined idea of ‘public welfare’ trumps freedom of religion or belief in the 2008 Constitution. Moreover, the vague constitutional provision is subsequently contradicted by Article 361 which states ‘The Union recognizes the special position of Buddhism as the faith professed by the great majority of the citizens of the Union’. In applying a ‘special status’ toward Buddhism into the 2008 constitution, policies which discriminate against religious minorities in the name of the protection of Buddhism are legitimated.

The Religious Conversion Law, one of the package of bills for the “protection of race and religion,” originally drafted by the extreme religious group, Ma Ba Tha, and subsequently signed into law by President Thein Sein in 2015, was opposed by Christian denominations. Each of the four discriminatory laws have been widely criticized by civil society for not according to Myanmar’s State obligations as party to the UN Convention on the Elimination of all Forms of Discrimination against Women and the UN Convention on the Rights of the Child are designed to regulate monogamy, marriage, birth spacing, and religious conversion.

In 2016 a USCIRF report warned that the Religious Conversion Law, which would look to restrict the right to freely choose a religion, interfere with or criminalize proselytization, was already having an indirect impact on religious freedom.⁵⁹⁷ Although an implementing By-Law has still not been developed, the indirect consequences raised by USCIRF are evident. Chin Christians have faced attacks and violence by the local population, local police force and resident monks who have been catalysts for violence. This has manifested more violently in areas where Buddhists and Christians live in close proximity such as Kalay Myo in Sagaing Region, parts of Magway Region and Rakhine State.

Land ownership for religious purposes remains as discriminatory under the National League for Democracy NLD as it did during the SPDC military rule in the 1990s. In order to gain permission for the construction of religious buildings, applicants must apply through the GAD, and the Ministry of Religious Affairs and Culture. The GAD is run under the Ministry of Home Affairs. The Ministry of Home Affairs is one of three ministries that under the 2008 Constitution must be led by an active, top-ranking military official, appointed by the Commander and Chief of the Armed Forces. The GAD, due to its central role in state functionality as a militarized bureaucracy has remained an unreformed central tenet of military control for all 14 States and Regions of Myanmar.

As a result of this, applications usually disappear into what USCIRF describes as a ‘black hole’ in which permission for owning land for religious purposes rarely, if ever materialize. Chin Christians wishing to have a place of worship are generally forced to circumvent such restrictions by buying private land and paying bribes in order to undertake house worship services. In 2014, all the churches in Hakha, the capital of Chin State applied to have the ownership changed from private ownership to registered church land, but to date, none have received a response.

Between Jan, 2016 and October 2018 X has documented 3 instances of religious motivated violence, leaving 11 people either hospitalized. In 2 cases, senior Buddhist monks have actively engaged in the violence. X has documented 4 cases whereby Christians have been either threatened or coerced to

⁵⁹⁷ See United States Commission on Religious Freedom “Hidden Plight: Christian Minorities in Burma” December 2016.
<https://www.uscifr.gov/sites/default/files/Hidden%20Plight.%20Christian%20Minorities%20in%20Burma.pdf>

leave a village or town due to religious intolerance. X has documented 1 instance where Christians have been banned from exercising a religious ceremony:

- On 7th July 2017, In Teetaw Village, Sagaing Region 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. The attacks, which lasted approximately 4 hours from 8 pm to 12 am left four people injured, two motorcycles and bicycles damaged and two houses and all the furniture within destroyed. The previous day, recent converts to Christianity had refused to re-convert to Buddhism after being threatened they would be forced out of the village by the local Monk Abbot and the General Administrative Department administrative officer. The local police, although dispersing the crowd have not investigated any allegations and inferred that it would not be wise to do so.
- On 10th July 2018, two Chin nursery school teachers from Pade Kyaw Village, Ann Township, Rakhine State were attacked by a mob of local men, including Buddhist monks. Mai Mar Mar Win and Sayama Hla Yi, were having cold drinks at U Tin Phe's residence, a local pastor, when a mob, led by the Monk Abbot and around 200 local people and 4 Buddhist monks, pulled the women out of the house and began beating them. The attack, it is alleged, was in response to a proposed Christian nursery school that was being initiated.
- Later the same day U Tin Phe's house, who is the local pastor, was pelted with stones and bricks. After being interviewed by X, U Tin Phe told us that this was the 3rd time his house had been attacked and actions by local law enforcement were either never followed up or they had been told to leave the village if there was a problem.
- On 12th August 2018, U Tin Shwe, a reverend from the same township (Ann Township) was attacked and hospitalized by a local mob in Hyinwet Village. During the attack, involving approximately 30 people, Tin Shwe's phone was stolen and he was rendered unconscious. After he was treated by local doctors, he was taken to Yangon to receive further treatment. The mob also went to the local church and destroyed possessions inside. No investigation has taken place.
- On 15th January, 2018, the missionary pastor for Min Yua Village Tract, Gangaw Township, Magway Region reported that the Village Tract Administrator together with Buddhist monks planned to expel a family who converted to Christianity out of the nearby Po Lay Village. According to the pastor, six monks, the Village Tract Administrator and two policemen came to Po Lay Village and called Pu Va Dawng, a recent convert to Christianity to a meeting. During the meeting, he was informed that he will be expelled from the village with all the communities consent because of his decision to convert.
- On 28th January 2018 in Tatke Village, Done Chaung Village Tract, Setuttaya Township, Magwe Region, the Township Administrator banned Christians from building a house for the local pastor from the Lairawn Baptist Association and also from worshipping in a residential house.
- On 29th August 2018, a funeral procession was banned from crossing the downtown area and bridge over a river in Thiri Ward, Saw Township, Magway Region. In order to reach the cemetery which is located on the opposite riverbank from where the village is located, the procession was forced to cross the river with the body in order to perform the burial. Having received the necessary recommendations from the Ward Officer and hospital to bury the deceased, the Thiri Ward administrator, U Nyi Nyi Nyunt restricted the procession on the grounds that the local community should not be disturbed.

7. Internal violence and fighting

- a. Could you please describe the current level of militarization in:

i. Chin State?

*There are no maps, as far as we are aware, on current locations of Tatmadaw military bases in Chin State. The last accurate map of this will likely be CHRO's 2013 "Threats to Our Existence" publication. It is unlikely this will have changed much.*⁵⁹⁸

The CNF and government ceasefire remains in place, but in order to produce this report X did do a very brief interview with a member of the Chin Peace and Tranquility Committee (CPTC) to obtain perspective on how this is currently being observed. The CPTC acted as the mediator between Government and the CNF during the ceasefire negotiations. Under the National Ceasefire Agreement, 2015 there is a required Joint Monitoring Mechanism to be established. This has not been established yet. Also, under the 2013 ceasefire agreement, a state-level mechanism is supposed to have been formed. As these are neither funded nor formed, the CPTC has undertaken some self-financed monitoring. In doing so, they have documented 11 violations by government and 5 violations by the CNF/CNA.

Government violations include the entering of CNF army camps bearing arms, the entering of CNF designated areas (Thantlang) without prior notification and bearing arms, and an unresolved rape case in Rezuwa involving a member of the Tatmadaw (this clearly goes beyond just the breaking of ceasefire regulations but was raised by the member of the CPTC as such)

According to CPTC, the 5 instances where CNF are accused of ceasefire regulation breaking include public consultations beyond their jurisdiction (Kalay in Sagaing Region) and ongoing recruitment in certain areas.

It is the opinion of the CPTC that due to the fact that there is Disarmament Demobilization and Reintegration DDR and/or Security Sector Reform SSR, the ceasefire is not durable in nature.

ii. Sagaing Region?

b. What is the current nature and intensity of violence in:

i. Chin State?

In Paletwa violence continues between the Arakan Army and the Burmese Tatmadaw. In November there have been another three cases relating to landmines⁵⁹⁹ and the AA claim to have killed four Tatmadaw personnel in skirmishes between the two military forces.⁶⁰⁰ A year ago X provided information to the ARC suggesting that this smoldering conflict was likely to intensify and it did. Fighting between AA and Tatmadaw intensified in November 2017 as the Tatmadaw went on the offensive with 30 battalions and attacked using helicopter gunships along the Paletwa-Bangladesh and Paletwa-Indian border. On 18th November 2017, continued fighting between AA and Tatmadaw forces, forced approximately 1,300 villagers to flee Paletwa and seek shelter in Mizoram, India.

⁵⁹⁸ Chin Human Rights Organization, "Threats to Our Existence: Persecution of Ethnic Chin Christians in Burma" 2013. <http://www.chro.ca/index.php/publications/73-special-reports/411-threats-to-our-existence>

⁵⁹⁹ These cases are soon to be published by X.

⁶⁰⁰ The Irrawaddy, "The Arakan Army Claims it killed 3 Tatmadaw Soldiers in Remote Clash" 23rd November, 2018 <https://www.irrawaddy.com/news/burma/arakan-army-claims-killed-3-tatmadaw-soldiers-remote-clash.html>

*Paul Keenan, an expert on the peace process and lead researcher at the Euro Burma Office (EBO) has surmised that this situation will be one of the major barriers to the peace process moving forward. It is unclear how the CNF/CNA will respond in the long term, but they did issue a warning to AA forces to leave Chin State in Feb, 2017.*⁶⁰¹

The Arakan Army however has a long term ideological claim to Paletwa, along with areas of the Chittagong Hill Tract region of Bangladesh where they operate largely unopposed. The militia, for the large part, treats the non-Arakanese population with disdain. As a result of AA and Tatmadaw actions, X has documented, killings, cruel, inhuman and degrading treatment, looting and theft, indiscriminate laying of landmines, forced labour, human shields, attacks on livelihoods, movement restrictions and arbitrary demands. These violations of human rights led to approximately 6000 Chin community members internally displaced as of July, 2018 or fleeing into the Mizoram area of neighboring India as refugees.

*Although not covered in the media as much as other conflict related circumstances in Myanmar, the now banned Special Rapporteur on human rights in Myanmar, Yanghee Lee, raised this as part of her Situation of Human Rights in Myanmar report to the UN Human Rights Council in March and Sept, 2018 as a particular area of concern, in what she described as “escalating violence” in the same context of war in Kachin State.*⁶⁰²

On Feb 6th [2019] movement restrictions and curfews were imposed on villagers from Matupi Township as Tatmadaw reinforced positions in Chin State in order to launch offensives against AA positions in Paletwa. On 6th Feb 2019, villagers from Nga Leng and Pha Neng, Matupi Township, Chin State, reported that they had been banned from leaving their houses between 5 pm and 7 am. According to sources, the order was announced by the Tactical Commander from Chin State and is still ongoing. People are also restricted from stopping, using mobile phones or taking pictures along the highway close to the military base.

ii. Sagaing Region?

- c. What is the current impact of the violence upon the civilian population and the affected areas in:

i. Chin State?

Displacement

There are at least four instances where Mara and Khumi Chin have been forced into India’s Mizoram State during 2017 as a result of clashes between Tatmadaw and AA forces. In July 2018, X reported that over 6000 IDPs from 20 villages in the Pikhyang area, close to the Bangladesh border have been blockaded by Tatmadaw forces. There are also 362 refugees sheltering in Hmawngbuchhuah Village, Mizoram, India - on 26th July 2018, it was reported that an outbreak of malaria had taken place. IDPs in Paletwa, are presently spread out in at least 20 villages with approximately 100 households from Kha Way Village Tract, 40 from Yat Kyaung Village Tract, 56 from Phat Kyaung Village Tract, 50 from

⁶⁰¹ Myanmar Times, “CNF Wants Arakan Groups out of Chin State” 3rd Feb, 2017 <https://www.mmtimes.com/nationalnews/24807-cnf-wants-arakan-groups-out-of-chin-state.html>

⁶⁰² UNDOC, A/HRC/37/70/ at para 30 and most recently <http://undocs.org/A/73/332>

Bebung Village, 50 from Kandiwa, 40 from Yetakhun village, 45 from Latpanpya village, 48 from Kying Kyuang, 45 from Nyaung Kyuang village, and at least 20 households from other villages.

According to sources, on 12th July 2018 IDPs from Kha Way village, under the command of the Tatmadaw Western Regional Command of Rakhine State, had been imposed with limits on how much rice villagers can purchase as a family or individual, 12 Pyi (24 kg) per individual per month. The present concentration of the IDPs from the Pikhyang area need to travel approximately 90 miles by waterway with a small boat to get rice for daily survival in Kyauktaw, Rakhine State.

Landmines

The laying of landmines by AA forces has resulted in four deaths and one man losing the use of his legs during the documentation period. On 7th January 2017, a community member stepped on a landmine while he was working together with some friends on jhum cultivation in a nearby forest close to Pikhyang Village. He suffered serious injuries to both of his legs, requiring surgery and a blood transfusion. He was taken to hospital over the border in Bangladesh and released almost three months later after recovering from an operation on both his legs. The man can no longer walk.

On 17th November 2017, it was reported that the State Social Welfare Department had confirmed a Chin villager from Paletwa died as a result of injuries suffered after stepping on a landmine, close to Ngashar Ahtat Village, while walking in the forest in search of food. Unlike the cases above, X has not been able to verify whether this was laid by AA or Tatmadaw forces who were involved in the ongoing skirmishes during this time.

In October 2018, X documented two cases involving indiscriminate laying of landmines. This has resulted in two confirmed deaths and one injury. Interlocutors surmised that the landmines were likely laid by AA forces operating in the area as the AA do not warn civilians on landmine positions.

The indiscriminate laying of landmines by the AA presents significant risks, not only to the personal safety of Chin civilians but in their ability to practice traditional livelihoods. Community members also reported to X that many domestic animals step on landmines in grazing areas around certain villages. The dangers posed by landmines not only make jhum cultivation a potentially life and death decision for villagers but constitute a direct attack on livelihoods.

Movement Restrictions

The AA continues to impose movement restrictions on civilians coming and going from villages on both sides of the Bangladesh border. As small and sporadic skirmishes break out between AA and Tatmadaw forces, in some circumstances male villagers who have fled these areas are subsequently accused of being spies and in league with Tatmadaw. The AA has issued threats against civilians they believe to have been operating as spies, making it too dangerous to return to their families. The imposition of movement restrictions impacts both the ability to continue livelihood activities and ignores obligations under IHL rules in relation to the respect of family life.

On 8th November 2017 one civilian was killed and three injured as AA open fired on a boat carrying civilians along the Kaladan River in Paletwa. According to an aid worker based in the area, the AA mistook boat passengers on the Kaladan River for Tatmadaw soldiers, there were five people on board, one male was killed and three female passengers were injured who were subsequently taken to Paletwa hospital for treatment. The AA spokesman U Khine Thu kha, while not denying the AA was

responsible for the death of the civilian, stated that they had informed villagers not to travel along a stretch of the river, very close to Paletwa Town.

Theft and Looting

On 18th June 2016 3 houses in the village of Kin Ta La, 30 miles North of Paletwa Town, were deliberately set ablaze during skirmishes between Tatmadaw and AA forces. The owners of the houses lost all possessions inside. The Tatmadaw had sought shelter in the village households while on patrol in the area. Afterward villagers complained that they were frustrated because of tight security measures in the area as a consequence of the conflict.

Villagers from Pikyung Village, while reporting the death caused by landmines case described above, informed X that AA soldiers had very often deliberately killed the livestock of Chin civilians in Pikyung and other villages, constituting a direct attack on livelihoods in communities that rely solely on farming and animal husbandry.

In May 2018, X received reports of theft and beatings carried out by the AA along the Bangladesh, Myanmar border areas. According to anonymous sources, AA members entered the village of Tawoepwee in the Shinmadein Village Tract of Paletwa Township on 17th May 2018. Villagers were accused of informing the Tatmadaw about AA troop movements. During a village interrogation, six male villagers were beaten. The AA also took many of the villagers' mobile phones, 10 chickens, 2 pairs of gold earrings, and 51 lakhs (5.1 million kyats worth approximately 3500 USD) of village development money. During the village raid, the AA demanded no Burmese be spoken and shouted, "Rakhine language only".

ii. Sagaing Region?

- d. What is the current nature and intensity of violence in Paletwa Township and/or Matupi Township in Chin State?

Please see above for Paletwa Township. In Matupi Township is heavily militarized. While the Tatmadaw remain outside of civilian courts, unreformed and outside of civilian control they are capable of violence at any moment. In Matupi, X documented instances whereby local military officials who illegally run businesses selling alcohol to other armed personnel, subjected local Chin people to threats and cruel, inhuman and degrading treatment. There is no all-out conflict in Matupi Township or other areas of Chin State but that is not to suggest that peace has been given long enough to make a valid assessment on whether the situation is durable in nature.

8. Chin ethnic group

- a. What precise groups may be considered to fall within the ethnic Chin umbrella?

This is an issue of self-determination which goes far beyond our remit as an organization. The simple answer would be that it depends on who is doing the considering, without being facetious. The first time the Chin people were grouped/divided, as far as we are aware, was the British-designed, Chin Hills Regulation Act 1896 which was developed for tax purposes. Practically speaking, the 53 Chin

groups are codified within the 2014 census, based on the same groupings as the 1982 Citizenship Law. Some of these groups are non-existent however; “Salai” for example, considered to be a sub-group under the Chin umbrella, is a formal title often put in-front of a name, rather like “sir” in the English language. There is no “Salai” sub group. The data on ethnicity from the 2014 census has still not been released, due to its sensitive nature. The majority of people are likely to have ticked the “other” box within the ethnicity section. It is more likely that the number regarding what would be termed “sub groups” is closer to 800 across the country, rather the 135 as under the 1982 Citizenship Law.

- b. Are the ‘Kuki’ considered to be ethnically Chin?

Again, it depends on who is doing the considering. Practically speaking, the 1982 Citizenship Law and the Chin Hills Regulations Act would suggest yes. As far as I am aware there is not the same widespread rejection of the Chin terminological grouping that the Zomi and some Cho groups may oppose it. The majority of the Kuki people that live in Myanmar, however live in Sagaing Region, rather than what is now considered to be the Chin State boundary. Again this is an issue of self-determination which goes beyond our remit.

9. Chin returnee/rejected asylum seeker

- a. Would a Chin returnee/rejected asylum seeker be eligible to obtain ID documents (i.e. Citizenship Scrutiny Card) if returned?

For this particular question, there is a need in Burma/Myanmar government participation in the entire process. There requires an understanding that the civilian government and the military government is not the same thing. The military government controls almost all important departments and ministries which include the Ministry of Home affairs and Immigration. These departments control any practical issues related with ID or any other documents. Another concern would be as to whether the refugee returnees themselves will be willing to access those departments as those are controlled by the military from the top and those are the departments that will have the power to arrest people.

The other concern is people who have left the country before the 2014 national census. Most of the family left the country before 2014, so the question here is what is the govt. planning for those people. Also, importantly, an individual who may have left before 2014 will likely have settled and got married. Some have already started families. Without the household registration, acquiring an id card at immigration is not possible.

- b. What if their ID document (CSC or the National Registration Card) was issued in the past, but had been confiscated by the Myanmar authorities?
- c. Would a Chin returnee who was born outside of Myanmar be able to obtain such an ID document (CSC or the National Registration Card)? Would such a returnee be treated as a citizen of Myanmar by the authorities?

This needs an amnesty initiated by Myanmar government. It is very difficult to say that those Chin who have been born outside of the country or state will be able to obtain a national ID. As of now, there is no a legal channel where the Chin family could apply for that. There is nothing guaranteed from the government yet. There is nothing put in place for the returnee. There is even an arrest case where the people who are attempting to return in Myanmar are arrested at the airport and put in the prison due to arriving on a false passport.

There could be more of a problem if the govt. does not have any law that is passed for the refugee return at the Union Level Parliament. However, corruption plays an important role in this kind of situation, and by paying some bribe one might be able to acquire one.

- d. Do any particular groups face any higher incidence of greater scrutiny or adverse attention by the authorities or otherwise considered to face more difficulty in terms of their safety (e.g. political activists/human rights activists/SGBV survivors/those living with HIV).
- i. In respect of those engaged in political activity, what level of activity is considered to draw the adverse attention of the authorities?

It is very difficult to tell what will be happening to people with different backgrounds but it is obvious that the political activists or human rights activists will be more securitized and watched by the authorities as it is still happening, and getting worse. As described above, the basic administrative structures of the country remain unreformed and there exists no independent judiciary that can provide oversight to the military government.⁶⁰³ In the present climate, Myanmar's legal system continues to be unable to hold human rights violators accountable.⁶⁰⁴ Instead, the judicial system largely imposes laws designed to quash dissenters and increase investment and economic development rather than protect and ensure that the rule of law applies fairly on a case by case basis. This is demonstrated by the continued and increasing punishing of freedom of speech and assembly under laws related to criminal defamation, offences against religion, peaceful protest and state secrets.⁶⁰⁵

⁶⁰³ See, ICJ, "Handbook on Habeas Corpus in Myanmar", 2016, p. 20, available at <https://www.icj.org/myanmar-writ-of-habeas-corpus-can-help-protect-human-rights/> and ICJ, "Myanmar: end practice of appointing military officers to judiciary", 16 September 2016, available at <https://www.icj.org/myanmar-end-practice-of-appointing-military-officersto-judiciary/>.

⁶⁰⁴ For example, the 1959 Defence Services Act stipulates that military personnel are to be tried by court martial and not civilian courts, the 2016 Presidential Security Act provides legal immunity for crimes committed while in office, see generally, ICJ, "Achieving Justice for Gross Human Rights Violations in Myanmar: a Baseline Study", January 2018.

⁶⁰⁵ Telecommunication Law 2013 Section (66d), Unlawful Association Act and Peaceful Assembly and Peaceful Procession Law, Section 505 (b) Penal Code, Section 295 (a) and 298 Penal Code and the Official Secrets Act 1923 have all been used arbitrarily to imprison civil society, human rights defenders and the general public exercising freedom of speech in various public and online forums. For recent high profile cases, see Reuters "Facts on the Arrest of Reuters reporters Wa Lone and Kyaw Soe Oo" Jan 9th 2018, available at <https://www.reuters.com/article/us-myanmar-journalists-explainer/facts-on-the-arrest-of-reuters-reporters-wa-lone-and-kyaw-soe-oo-idUSKBN1EY2S4>, Reuters, "Protests as Myanmar Parliament debates new Curbs on Demonstrations", March 5th 2018, available at <https://www.reuters.com/article/us-myanmar-protest/protests-as-myanmar-parliament-debates-new-curbs-on-demonstrations-idUSKBN1GH1Q5> and see

Myanmar stands accused of some of the worst human rights violations in recent human history.⁶⁰⁶ These include gross human rights violations in the Rakhine, Kachin, Karen, Shan, and Chin States toward civilian populations which in the last six months alone have resulted in an aggregate of approximately 22,000 new internally displaced people.⁶⁰⁷ Since the NLD came to power there has been a notable, non-commitment to the establishment of a human rights framework, demonstrated by the banning of Yanghee Lee, the Special Rapporteur on Human Rights in Myanmar,⁶⁰⁸ a U.N. Security Council referral to the International Criminal Court (ICC) and the development of policy which violate Myanmar's obligations as party to various international human rights treaties.⁶⁰⁹

There is no proper plan or preparation for people who are the survivors of SGBV and also for those who are living with HIV. There is no a place or hospital where one can get treatment in Chin State.

10. Illegal exit

- a. What are the penalties instituted by the Myanmar authorities for those who have illegally exited Myanmar in theory and practice?

Leaving the country illegally or without proper documentation from the government is a crime. Of course, they will end up in jail if caught. The Myanmar authorities keep detailed records of people legally leaving Myanmar through the use of exit stamps and would thus be likely to know if someone returning had left Myanmar illegally. In addition, the Operational Guidance Note [from the Burmese Ministry of Home Affairs, Immigration Department] states that "Any Burmese citizen who leaves Burma illegally is likely to be detained and imprisoned if returned to Burma".

- b. Are there any reported incidents of maltreatment of rejected asylum seekers on return to if having left Myanmar illegally
 - i. Chin State?
 - ii. Sagaing Region?
 - iii. Myanmar in general?

generally, Human Rights Watch, "They Can Arrest You At Any Time: The Criminalization of Peaceful Expression in Burma" June 2016, available at https://www.hrw.org/sites/default/files/report_pdf/burma0616web.pdf

⁶⁰⁶ Myanmar has been accused of executing a "textbook example of ethnic cleansing" by Zeid Ra'ad al-Hussein (current [United Nations High Commissioner for Human Rights](#)) in the context of the Rohingya crisis which according to Yanghee Lee, the Special Rapporteur on Human Rights for Myanmar, "bear the hallmarks of genocide".

⁶⁰⁷ Figure taken from aggregate data Myanmar Peace Monitor Dashboard as of end of July 2018

<http://www.mmpeacemonitor.org/mpm/211> accessed, 26/7/2018

⁶⁰⁸ Office of the High Commissioner for Human Rights OHCHR, "Myanmar refuses access to UN special rapporteur" 17th December 2017

<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22553&LangID=E>

⁶⁰⁹ The "protection of race and religion," bills, for example have been widely criticized for violating obligations under Myanmar's State obligations as party to the UN Convention on the Elimination of all Forms of Discrimination against Women and the UN Convention on the Rights of the Child For a full legal analysis on the package of laws see, Amnesty International, "Myanmar: Scrap 'race and religion laws' That Could Fuel Discrimination and Violence" 3rd March 2015 <https://www.amnesty.org/en/latest/news/2015/03/myanmar-race-and-religion-laws/>

Yes, there is an incident where a family attempted a return were arrested in Yangon international airport and still remain in Insein Prison. They were trying to access the country on false passports. There are also many different cases where the people who have attempted to return to Chin state via a broker are being lost in the jungle on the Thai-Burma border. X has not documented these cases, however.

- c. Are such profiles more specifically targeted if the individual is known to have registered with UNHCR?

11. 'Na Ta La' education programme

- a. Can you please describe the 'Na Ta La' education programme?

Government programmes aimed at forced assimilation or Burmanizing the Chin and other ethnic, upland communities have been targeted at Chin communities. Operating outside of the Ministry of Education, the Na Ta La residential boarding school system is run under the military controlled Ministry of Border Affairs and acts as a state-sponsored, religious and cultural assimilation programme. Still in operation today, children are forced to convert to Buddhism during their education. Na Ta La schools masquerade as legitimate boarding schools where all costs associated with a full-time education are covered. At the school, the children are prevented from practicing Christianity by barring church attendance and enforcing compulsory Buddhist worship and from speaking mother tongue ethnic dialects. Non-Buddhist children are effectively required to convert to Buddhism. Buddhist literature and culture are taught on Saturdays, and many children are forced to be initiated into the monkhood for a period of each year.⁶¹⁰

- b. Do you know how many of such programmes/schools operate in:

- i. Chin State?
- ii. Sagaing Region?

There are 13 of these schools in Chin State and nearby regions. The Na Ta La schools are well funded with proper buildings where the public schools are very properly managed. These schools are mainly operating in poor and backward rural ethnic states like Chin and Naga.

- c. Do you know of any sanctions being imposed on any Chin who refuses to enroll his/her child in the 'Na Ta La' education programme?

No. But this question misses the point of the Na Ta La education programme. The schools mainly target Chin children in the name of education by providing an appealing alternative to the ongoing barriers to education in rural Chin State. Families are coerced into sending their children there. The X has also documented cases of Buddhist missions using similar coercive means in approaching rural communities in Chin State. This programme utilizes the socio-economic disparity in Chin to initiate

⁶¹⁰ For Background please see "Threats to our Existence" supra note 5. Also see 'Hidden Plight' supra note 4 and Christian Solidarity Worldwide, "Burma Faith and Future" Feb 2018 http://faithandafuture.com/wp-content/uploads/2018/02/Faith_and_a_Future_HR.pdf

assimilation agendas. There may have been more forceful acquisition of children but we are unaware of any such cases.

12. Education

- a. Do you know of any available support for school enrollment/continuation of higher education for the Chin in:
 - i. Chin State?
 - ii. Sagaing Region?

There is no such programme from the side of the government and there is nothing available to support for school enrollment or continuation of higher education for the Chin in both the regions.

Due to the prevailing poor socio-economic status of rural Chin State and lack of infrastructure, there remain significant barriers to accessing education for children. All schools in Myanmar, whether they are government, comprehensive, or private boarding schools, require matriculation exams proctored at the end of a student's upper secondary school career. The results of the matriculation will in large-part determine a child's ability to study certain courses and attend certain universities, making it a critical juncture in a child's formative process. Approximately 700,000 candidates sat the matriculation examination in 2017.

Given that the matriculation is based on a nationwide curriculum structure and standard, there exists a substantial disparity between test results of examinees from big cities where Burmese is the mother tongue language and those from rural areas. This disparity disproportionately affects children from Chin State, who continually perform lowest with a year by year pass rate at less than 20 % for over two decades, well below national averages. Chin State's matriculation pass rate for 2015/2016 was the lowest in the country at 14.36%. This was 3% lower than the previous academic year.⁶⁰ Although Chin State's matriculation results rose to 19% in 2017, it still fell well below the national average of 33.89%. The socio-economic link is evident, as the two poorest States in Myanmar, Rakhine, and Chin have matriculation pass rates well below the national average, at 19% and 17% respectively for 2017.

An additional reason for this is the multiple mother tongue dialects spoken in Chin State and the challenges of learning in Burmese, a second or even third language for Chin children. Due to this, the mainstream education sector does not benefit Chin people.

13. Labour Market

- a. Are there any current restrictions on the Chin in accessing the labour market in:
 - i. Chin State?
 - ii. Sagaing Region?

There are restrictions in the civil service where there exists huge ethnic-discrimination in terms of locally based employment and very high corruption. The problem is not about accessing the labour market in other sectors, however, there are generally few opportunities. [Clarification sought and approved that this answer relates to both Chin State and Sagaing Region]

b. Are Chin able to work as civil servants and/or access financial schemes in:

- i. Chin State?
- ii. Sagaing Region?

*Chin people are able to work in the civil service but there is still huge discrimination. It is likely that Chin within the civil service will receive neither promotion nor demotion. Generally you will hardly see any Chin in high ranking positions. In some circumstances, Chin who have been through the Na Ta La system and assimilated into a more Bama-centric objective, are promoted to senior positions ahead of long-standing employees, this is part of the ongoing Burmanization that is well-documented in Myanmar.*⁶¹¹

c. Are school certificates/university degrees from India recognized or what is needed for them to be recognized in:

- i. Chin State?
- ii. Sagaing Region?

The Burma/Myanmar government does not recognize this certificate for applications related to government or civil service positions. The government does not even recognize the college or universities which are privately run in Chin State or other parts of the country as legitimate. For instance, the government of Burma/Myanmar does not recognize the home grown privately run institutions such as the Chin Christian University (CCU) in Hakha, Tahan Theological College in Kalay and Bethel Theological College in Kalay or one of the biggest non-government higher institutions, the Myanmar Institute of Theology (MIT) in Yangon.

14. Mental health/chronic illness/disabilities

a. Do you know of any facilities for individuals with mental health concerns/chronic illness/disabilities in:

- i. Chin State?

There is nothing available in Chin State. We are not sure about these kind of facilities are available in Sagaing Region. In Chin State's capital, Hakha, there is only 1 Govt. hospital. Other than that there is nothing available. Chin people living away from the main towns and cities in Chin have extremely limited access to medical facilities. Those who have serious ailments take out loans in order to acquire treatment.

- ii. Sagaing Region?

⁶¹¹ See USCIRF, Hidden Plight, p.20

15. Language training

- a. Do you know of any support for Chin/Burmese language training for children born in India or those who arrived in India at a young age in:
 - i. Chin State?
 - ii. Sagaing Region?

Since 1988 the govt. banned teaching and learning of Ethnic languages in the whole country which include Chin State and Kalay in Sagaing Region where the majority population are Chin people. However, the President Thein Sein govt. initiated to reinstate the ethnic people the ability to study their own languages. This, however, is only permitted for primary level students which is up to year 3 and, the students have to study and learn their mother tongue out side of the formal and regular curriculum. In Chin State or Sagaing Region, currently there is no Chin/Burmese language training center or program for Children born in India or Malaysia. The only center which offers support is the Na Ta La school for Children where children are forced to convert their faith and barred from using mother tongue dialects under any circumstances.

In Sagaing Region, there was are what are known as “bridge schools” where children can study primary level education in two years but this program was stopped for sometimes as there is no proper funding from the govt. This type of school is not available in all part of Chin State or Sagaing Region, however.

16. Livelihood

- a. Do you know of any livelihood options, especially for those with IT and English language skills and/or graduates, undergraduates with experience of having worked in hospitality business, factories etc. in
 - i. Chin State?
 - ii. Sagaing Region?

In Hahka or Falam there may be some small business or employment opportunities for phone repair/selling. Generally speaking, tourism would be the best English language based career, but tourism is not a huge industry in Chin State, apart from perhaps Kanpetlet, where tourism is industry is getting bigger. This is the same for Kalay in Sagaing Region. IT and English would provide more opportunities for livelihoods in Mandalay or Yangon.

Annex D: Written contributions received via Email from an Academic on 2nd January 2019

1. In your opinion, what are the **main human rights violations** in:

- a. Chin State?
- b. Sagaing Region?

2. Forced labour

- a. Are there reported incidents of forced labour in:
 - i. Chin State?
 - ii. Sagaing Region?
- b. If so, what is the government response to such incidents, officially and in practice?
 - i. Chin State?
 - ii. Sagaing Region?

3. Forced recruitment into the military

- a. Are there reported incidents of forced recruitment into the military in:
 - i. Chin State?
 - ii. Sagaing Region?
- b. If so, what is the government response to such incidents, officially and in practice?
 - i. Chin State?
 - ii. Sagaing Region?
- c. Do any particular groups face any higher incidence of such forcible recruitment e.g. on the basis of age or ethnicity?
 - i. Chin State?
 - ii. Sagaing Region

4. Deserted enforced military service/draft evaders and/or those who have escaped forced labour

- a. Are there any reported incidents of arrest and punishment of people who have deserted military service and/or those who have escaped forced labour in:
 - i. Chin State?
 - ii. Sagaing Region?

5. Land confiscation

- a. Are there any reported incidents of land owners/farmers suffering intimidation, abuse and/or arrests as a result of seeking a legal remedy or other relief in relation to land restitution/confiscation in:
 - i. Chin State?

Several cases of land confiscations and attempted land confiscations have been reported, related to land grabs by the military (originating mostly in the 1990s) and recent threats of dispossession due to mining projects, infrastructure development (highways and dams) and the establishing of national parks. Protests have been staged in several towns in 2017 against the planned expansion of the municipal area, which would lead to the dispossession of community land in neighboring villages. The current legal framework does not recognize customary land ownership and amounts to 'legal dispossession' of customary communal land. Land rights activist and communities opposing development projects have been occasionally threatened in the past. However, no case of intimidation, abuse or arrest during 2018 is known related to land confiscations.

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- ii. Sagaing Region?
- b. What is the likelihood of an individual being able to success in a claim of land restitution in:
 - i. Chin State?
 - ii. Sagaing Region?

6. Freedom of religion or religious conversion

- a. Are there any reported incidents of restrictions, harm and/or punishment of any Chin on the basis of their religion or religious conversion by the state or non-state actors in:
 - i. Chin State?
 - ii. Sagaing Region?

7. Internal violence and fighting

- a. Could you please describe the current level of militarization in:
 - i. Chin State?
 - ii. Sagaing Region?

- b. What is the current nature and intensity of violence in:
 - i. Chin State?
 - ii. Sagaing Region?
- c. What is the current impact of the violence upon the civilian population and the affected areas in:
 - i. Chin State?
 - ii. Sagaing Region?
- d. What is the current nature and intensity of violence in Paletwa Township and/or Matupi Township in Chin State?

8. Chin ethnic group

- a. What precise groups may be considered to fall within the ethnic Chin umbrella?
- b. Are the 'Kuki' considered to be ethnically Chin?

9. Chin returnee/rejected asylum seeker

- a. Would a Chin returnee/rejected asylum seeker be eligible to obtain ID documents (i.e. Citizenship Scrutiny Card) if returned?
- b. What if their ID document (CSC or the National Registration Card) was issued in the past, but had been confiscated by the Myanmar authorities?
- c. Would a Chin returnee who was born outside of Myanmar be able to obtain such an ID document (CSC or the National Registration Card)? Would such a returnee be treated as a citizen of Myanmar by the authorities?
- d. Do any particular groups face any higher incidence of greater scrutiny or adverse attention by the authorities or otherwise considered to face more difficulty in terms of their safety (e.g. political activists/human rights activists/SGBV survivors/those living with HIV).
 - i. In respect of those engaged in political activity, what level of activity is considered to draw the adverse attention of the authorities?

10. Illegal exit

- a. What are the penalties instituted by the Myanmar authorities for those who have illegally exited Myanmar in theory and practice?
- b. Are there any reported incidents of maltreatment of rejected asylum seekers on return to if having left Myanmar illegally
 - i. Chin State?
 - ii. Sagaing Region?
 - iii. Myanmar in general?
- c. Are such profiles more specifically targeted if the individual is known to have registered with UNHCR?

11. 'Na Ta La' education programme

- a. Can you please describe the 'Na Ta La' education programme?
- b. Do you know how many of such programmes/schools operate in:
 - i. Chin State?
 - ii. Sagaing Region?
- c. Do you know of any sanctions being imposed on any Chin who refuses to enroll his/her child in the 'Na Ta La' education programme?

12. Education

- a. Do you know of any available support for school enrollment/continuation of higher education for the Chin in:

- i. Chin State?
- ii. Sagaing Region?

13. Labour Market

- a. Are there any current restrictions on the Chin in accessing the labour market in:
 - i. Chin State?
 - ii. Sagaing Region?
- b. Are Chin able to work as civil servants and/or access financial schemes in:
 - i. Chin State?
 - ii. Sagaing Region?
- c. Are school certificates/university degrees from India recognized or what is needed for them to be recognized in:
 - i. Chin State?
 - ii. Sagaing Region?

14. Mental health/chronic illness/disabilities

- a. Do you know of any facilities for individuals with mental health concerns/chronic illness/disabilities in:
 - i. Chin State?
 - ii. Sagaing Region?

15. Language training

- a. Do you know of any support for Chin/Burmese language training for children born in India or those who arrived in India at a young age in:
 - i. Chin State?
 - ii. Sagaing Region?

16. Livelihood

- a. Do you know of any livelihood options, especially for those with IT and English language skills and/or graduates, undergraduates with experience of having worked in hospitality business, factories etc. in
 - i. Chin State?
 - ii. Sagaing Region?

Annex E: Notes from a Skype interview conducted with Amy Smith, Executive Director of Fortify Rights on 20th February 2019

Note that the information provided here mainly refers to the Chin State unless otherwise specified.

1. In your opinion, what are the **main human rights violations** in:

a. Chin State?

I want to highlight several concerns that are continuing in Chin State:

- *Situation in Paletwa: The conflict is still ongoing and intensifying. Information about human rights violations are being recorded;*
- *Civilians are finding themselves in crossroads of the conflict between the Tatmadaw and the Arakan Army, especially in Paletwa. There is no rule of law and army battalions based in the area used civilians as forced porters and guides;*
- *Forced labour by the Tatmadaw – CHRO [Chin Human Rights Organisation] and the ILO [International Labour Organisation] should be able to provide more information about specific instances;*
- *Landmines: Civilians continue to be injured by landmines. No one knows who is planting them, but they are mainly based in active conflict zone areas.*

As way of background, Chin State was previously completely dominated by the military. It was a black zone with significant troop numbers. Chin State is very rural but located strategically between important boundaries i.e. Rakhine state and India. Since the ceasefire agreement some of the more aggressive battalions have moved out of Chin state and the troops have decreased in numbers, but the military maintains army bases there.

Myanmar, including Chin State, is not conducive for refugee returns because the situation is not stable nor secure. What's happening in Myanmar, the whole context, needs to be taken into consideration. The political situation in the country is extremely uncertain, particularly with the elections coming up in 2020. There's a possibility that the military will mobilize extremists to commit attacks in the months and weeks before the elections, particularly targeting ethnic and religious minorities. Chin State would not be immune from election-related instability including problems stemming from Buddhist-nationalist extremists. Under the guise of securing the country, there is a risk that we will see a buildup of troops in ethnic areas and a repetition of what happened before 2006/2007, when the military was actively committing human rights violations resulting in mass displacement in Chin State. There has been no accountability for the violations committed by the military in the past, and the military continues to commit violations with impunity in Chin State and throughout Myanmar.

There is a big question as to what will happen in Myanmar in the next couple of years. Calls for international accountability for atrocities committed by the military in Myanmar are growing. The International Criminal Court is currently investigating the crime of humanity of deportation, a crime that stems from the military's actions in Rakhine State. Those calls stem from a recognition that the Myanmar military is responsible for committing egregious violations that have targeted an ethnic and religious minority in the country and the government is unable or unwilling to address those crimes. As an ethnic and religious minority that has long suffered persecution in Myanmar, the lack

of protection, accountability, and rights for ethnic minorities in Myanmar is a very real concern for the Chin.

The process of developing a Nationwide Ceasefire Agreement has completely stalled, and ethnic leaders are losing hope that the process will result in any meaningful guarantees of peace or rights for ethnic minorities in the country. Armed conflict is continuing unabated in various parts of the country, notably in Rakhine State, Kachin State, and northern Shan State where the military is committing war crimes with impunity. Although there is a preliminary ceasefire agreement between the Chin National Front and the Myanmar military, there is no official monitoring body to ensure compliance with its terms and no enforcement mechanisms when violations take place. There are no guarantees that conflict will not resume in Chin State.

Another point I would like to raise is the challenges of obtaining information on the situation in Chin State. Most information on Chin State comes from Hakha and Falam, which are larger towns located along one of Chin State's only major road. Most information provides just a snapshot from those two areas, and there is little information available about the situation in rural areas, especially from northern and southern Chin State. This is largely due to the lack of infrastructure, language barriers, and the lack of strong networks of human rights monitors in Chin State, which makes it extremely difficult to know what human rights violations are taking place and fosters an environment of impunity for perpetrators of violations. Often refugees are strong sources of information on violations taking place in remote or inaccessible areas of Chin State; however, most Chin refugees who have made long journeys to Malaysia in recent years lacked opportunities or outlets to share their story or information. Chin refugees arriving to Malaysia after 2010 have not had access to UNHCR registration mechanisms. In some cases, Chin refugee community organizations collect information from new Chin arrivals about the situation in Chin State, but these organizations are rarely consulted for Country of Origin Information. As a result, the human rights situation in areas outside of Chin State's main towns is unknown.

b. Sagaing Region?

2. Forced labour

- a. Are there reported incidents of forced labour in:
 - i. Chin State?
 - ii. Sagaing Region?
- b. If so, what is the government response to such incidents, officially and in practice?
 - i. Chin State?
 - ii. Sagaing Region?

3. Forced recruitment into the military

- a. Are there reported incidents of forced recruitment into the military in:
 - i. Chin State?
 - ii. Sagaing Region?
- b. If so, what is the government response to such incidents, officially and in practice?
 - i. Chin State?
 - ii. Sagaing Region?
- c. Do any particular groups face any higher incidence of such forcible recruitment e.g. on the basis of age or ethnicity?
 - i. Chin State?
 - ii. Sagaing Region

4. Deserted enforced military service/draft evaders and/or those who have escaped forced labour

- a. Are there any reported incidents of arrest and punishment of people who have deserted military service and/or those who have escaped forced labour in:
 - i. Chin State?
 - ii. Sagaing Region?

5. Land confiscation

- a. Are there any reported incidents of land owners/farmers suffering intimidation, abuse and/or arrests as a result of seeking a legal remedy or other relief in relation to land restitution/confiscation in:
 - i. Chin State?
 - ii. Sagaing Region?
- b. What is the likelihood of an individual being able to success in a claim of land restitution in:
 - i. Chin State?
 - ii. Sagaing Region?

6. Freedom of religion or religious conversion

- a. Are there any reported incidents of restrictions, harm and/or punishment of any Chin on the basis of their religion or religious conversion by the state or non-state actors in:
 - i. Chin State?

95% of the Chin people are devoted Christians, and they have long suffered under government policies that prioritize Burman Buddhists. There are continued documented instances of pastors being attacked especially in mixed Christian/Buddhist areas and religious structures and places of worship being destroyed. In order to repair or rebuild these structures permission is required, which requires a lot of paperwork but with usually no response. As a result, Chin are forced to use temporary buildings and meet in private homes. It is viewed as an affront to their religious practices.

- ii. Sagaing Region?

7. Internal violence and fighting

- a. Could you please describe the current level of militarization in:
 - i. Chin State?
 - ii. Sagaing Region?
- b. What is the current nature and intensity of violence in:
 - i. Chin State?
 - ii. Sagaing Region?
- c. What is the current impact of the violence upon the civilian population and the affected areas in:
 - i. Chin State?
 - ii. Sagaing Region?
- d. What is the current nature and intensity of violence in Paletwa Township and/or Matupi Township in Chin State?

8. Chin ethnic group

- a. What precise groups may be considered to fall within the ethnic Chin umbrella?
- b. Are the 'Kuki' considered to be ethnically Chin?

9. Chin returnee/rejected asylum seeker

- a. Would a Chin returnee/rejected asylum seeker be eligible to obtain ID documents (i.e. Citizenship Scrutiny Card) if returned?
- b. What if their ID document (CSC or the National Registration Card) was issued in the past, but had been confiscated by the Myanmar authorities?
- c. Would a Chin returnee who was born outside of Myanmar be able to obtain such an ID document (CSC or the National Registration Card)? Would such a returnee be treated as a citizen of Myanmar by the authorities?
- d. Do any particular groups face any higher incidence of greater scrutiny or adverse attention by the authorities or otherwise considered to face more difficulty in terms of their safety (e.g. political activists/human rights activists/SGBV survivors/those living with HIV).
 - i. In respect of those engaged in political activity, what level of activity is considered to draw the adverse attention of the authorities?

Facilitating returns for displaced and former refugee communities is one of the many topics slated for discussion as part of the Nationwide Ceasefire Agreement process. However, the NCA discussions have made very little progress. Rights for returnees, including access to documentation and land restitution/land rights, is at the bottom of a long list of topics slated for discussion as part of the NCA.

Having no access to documentation is a huge hindrance for returnees, and it is almost impossible to secure identity documents legally or illegally (e.g. through bribery). A significant amount of documentation, including household registration and a history of having lived in the place of return, is required to obtain national identity documentation in Myanmar, which is almost impossible for returnees to obtain, especially those who left a long time ago. Unless the government agrees to a return process and facilitates a process for returnees to secure the documentation necessary, it will be very challenging for returnees to live fully and freely in Myanmar. Without identity documents, there is no freedom of movement within the country and limits on access to livelihood and educational opportunities.

10. Illegal exit

- a. What are the penalties instituted by the Myanmar authorities for those who have illegally exited Myanmar in theory and practice?
- b. Are there any reported incidents of maltreatment of rejected asylum seekers on return to if having left Myanmar illegally
 - i. Chin State?
 - ii. Sagaing Region?
 - iii. Myanmar in general?
- c. Are such profiles more specifically targeted if the individual is known to have registered with UNHCR?

11. 'Na Ta La' education programme

- a. Can you please describe the 'Na Ta La' education programme?

Another major issue in Chin state is the 'Na Ta La' programme which is in essence a forced conversion programme. There is a general problem in the provision of education in Chin state but in order to access education through this programme students must convert to Buddhism. This is another way that the government is attempting to Burmanize Chin culture.

- b. Do you know how many of such programmes/schools operate in:
 - i. Chin State?
 - ii. Sagaing Region?
- c. Do you know of any sanctions being imposed on any Chin who refuses to enroll his/her child in the 'Na Ta La' education programme?

12. Education

- a. Do you know of any available support for school enrollment/continuation of higher education for the Chin in:
 - i. Chin State?

There is no higher learning institution or university available in Chin state. If you want to attend any of these you need to leave the state.

The education system itself has a lot of issues – schools are required to only teach in Burmese, but the Chin use their own language and the Roman alphabet. Those in rural areas who do not speak Burmese have to attend Burmese only speaking schools as no alternative exists. Teachers, who are usually Chin themselves, are teaching children only in Burmese, which they themselves often are unable to speak properly. It is another way for the government to ostracise and oppress the Chin and keep them poor and confined to Chin State.

- ii. Sagaing Region?

13. Labour Market

- a. Are there any current restrictions on the Chin in accessing the labour market in:
 - i. Chin State?

Lack of infrastructure and lack of roads is making it very difficult for Chin people to find jobs and opportunities. It also inhibits the sharing of information.

- ii. Sagaing Region?

- b. Are Chin able to work as civil servants and/or access financial schemes in:
 - i. Chin State?
 - ii. Sagaing Region?
- c. Are school certificates/university degrees from India recognized or what is needed for them to be recognized in:
 - i. Chin State?
 - ii. Sagaing Region?

14. Mental health/chronic illness/disabilities

- a. Do you know of any facilities for individuals with mental health concerns/chronic illness/disabilities in:
 - i. Chin State?
 - ii. Sagaing Region?

15. Language training

- a. Do you know of any support for Chin/Burmese language training for children born in India or those who arrived in India at a young age in:
 - i. Chin State?

There are over 20 mutually distinct Chin languages, which is another big obstacle for Chin people to move into another state and benefit from educational and livelihood opportunities.

- ii. Sagaing Region?

16. Livelihood

- a. Do you know of any livelihood options, especially for those with IT and English language skills and/or graduates, undergraduates with experience of having worked in hospitality business, factories etc. in
 - i. Chin State?
 - ii. Sagaing Region?

Annex F: Written contributions received via email from UNHCR Myanmar from Various contributors all interviewed by UNHCR Myanmar between December 2018 and February 2019

1. In your opinion, what are the **main human rights violations** in:

a. Chin State?

The main actor violating human rights during the past 10 years was military /Tatmadaw who had full sovereignty to rule over the communities/public affairs. Many human rights violations took place based on sex, religion, ethnicity, political opinion, membership of social group. The power of Tatmadaw to rule over people has declined, consequently also the human rights violations.⁶¹²

However, human rights concerns remain in following sectors:

Christian communities hold different religious ceremonies in over a thousand churches in Chin State, Burma/Myanmar. Difficulty in registration of Christian Churches or religious buildings (change of residential land to religious land) remains the major issue, therefore, resulting in most of the church buildings being registered under individual's name (mostly under religious leaders). None of the existing church buildings has formal registration with the Government. Consequently, they are illegal. The ongoing challenges to get an approval to construct a new church still exist with referring to the land law and other administrative issues in changing residential areas to religious quarters.⁶¹³

According to the report of the State Child Right Committee dated on 25 January 2019, in 2018, 8 child abuse cases were reported in Chin State. The prevalence of child abuse is the highest in Hakha in comparison to the other townships in Chin state. The stigma related to the abuse causes severe social problems for the children in private life as well as in the schools. Local government is cooperating with the organizations and CSOs for better mitigation and prevention.⁶¹⁴

b. Sagaing Region?

- *In Sagaing region, the Regional Government has violated the right of the community who has agricultural field/land in the nearest forest. The regional government has approved land of more than 5000 acres to the private companies, which affect the indigenous people/ethnic groups' rights to land. Due to lack of official documentation, the affected communities cannot claim their rights and register their lands.⁶¹⁵*
- *The Township Administration Department in Kalay Township has ordered every village/village leaders to inform Local Authority for any activities from any CSOs, NGO for meetings and assemblies and has requested them to get an approval from the General Administration*

⁶¹² Source: A local staff member of a NGO who has worked for more than 20 years in Chin State, interview conducted by UNHCR Myanmar on 30 January 2019.

⁶¹³ Source: Mr. Sang Hnin Lian, Director for Human Rights Education and Freedom of Religion & Belief (FoRB) Programme, Chin Human Right Organization, Hakha, Chin State, interview conducted by UNHCR Myanmar on 29 January 2019 (consent by phone).

⁶¹⁴ Source: a NGO staff member who has been working for more than 3 years in Chin State, interview conducted by UNHCR Myanmar on 29 January 2019.

⁶¹⁵ Source: a Civil Society staff member who has been working for more than 19 years in Human Right Organization in Sagaing region, interview conducted by UNHCR Myanmar on 21 December 2018.

*Department GAD. After an approval, organizations can organize assemblies and meetings. However, civil society actors organizing meetings and other activities like workshops and training on human rights face challenges to get permission.*⁶¹⁶

2. Forced labour

- a. Are there reported incidents of forced labour in:
 - i. Chin State?
 - ii. Sagaing Region?
- b. If so, what is the government response to such incidents, officially and in practice?
 - i. Chin State?
 - ii. Sagaing Region?

3. Forced recruitment into the military

- c. Are there reported incidents of forced recruitment into the military in:
 - i. Chin State?
 - ii. Sagaing Region?
- d. If so, what is the government response to such incidents, officially and in practice?
 - i. Chin State?
 - ii. Sagaing Region?
- e. Do any particular groups face any higher incidence of such forcible recruitment e.g. on the basis of age or ethnicity?
 - i. Chin State?
 - ii. Sagaing Region

4. Deserted enforced military service/draft evaders and/or those who have escaped forced labour

- f. Are there any reported incidents of arrest and punishment of people who have deserted military service and/or those who have escaped forced labour in:
 - i. Chin State?
 - ii. Sagaing Region?

5. Land confiscation

- g. Are there any reported incidents of land owners/farmers suffering intimidation, abuse and/or arrests as a result of seeking a legal remedy or other relief in relation to land restitution/confiscation in:
 - i. Chin State?

⁶¹⁶ Source: Mr. GS Mang, Area Peace and Development Forward, Civil Society Organization, Kalay, interview conducted by UNHCR Myanmar on 31 January 2019 (consent by phone).

According to the report of the Secretary of External Parliament Anti-Corruption Commission's, U Kyi Lwin, Naypyitaw on 13th November 2018 (via Phone Enquiry), Chin state do not follow the Land confiscation law governed in 1894 (Land Confiscation Law), where the government should approach to the community for any land acquisition by negotiating with them. In Chin state, the state government confiscated the lands in Kanpalet (900 Acres), Hakha (2000 Acres) and Falam (3500 Acres) respectively without any referrals/agreement from the community, where the community has lost their ancestral land.⁶¹⁷

Matupi township

The leader of the Chin Youth Organization, An No Bik, in Matupi Township, stated that land confiscation for military took place during 2004 and 2014 concerning land that belonged to the chin ethnic groups who owned it as ancestral land before. In 2015, as per order from General Min Aung Hlaing, the Tatmadaw during its trip to Matupi Township, the community has been completely prohibited from cultivating in the confiscated lands, which are considered as military territory. The community is now struggling with the upland shifting cultivation, and access to livelihood is now more difficult.⁶¹⁸

ii. Sagaing Region?

*Reportedly, the Ward/Village Leaders/ other related departments issue illegally permits to companies or persons to conduct mining activities in Homalin townships, where there are many farms/paddy fields with documented or non-documented land owned by the Chin community. The villagers and investigation groups/CSOs have accused the authorities of corruption. In November 2018, upon the protest of the community, the local authority has burned out a lot of mining tents and machines belonging to those who did not give money to them. However, U Kyi Lwin reported around **200** mining machines are still employed there with the approval of the local authority. Thus, corruption is high which is linked to the regional government in Sagaing.⁶¹⁹*

In Kalay Township, it is reported that Tatmadaw has confiscated more than 500 acres of land; farm land, residential areas in the year 1989 -2010. Many farmers and residents have been claiming their lands at the land Re-Investigation Committee (LRC) which is officially formed in May, 2016 by the Office of the President of Burma. Among these, only few cases were being solved and those who reclaimed their lands were being charged with Article 447 (Criminal Trespass) and 427 (Mischief causing damage others' property) of the penal code at Court by the Tatmadaw.⁶²⁰

⁶¹⁷ Source: Mr. Kyi Lwin, Secretary of External Parliament Anti-Corruption Commission's, Naypyitaw, interview conducted by UNHCR Myanmar on 13th November 2018 (consent by phone).

⁶¹⁸ Source: Mr. An No Bik, Chin Youth Organization, Matupi, interviewed by UNHCR Myanmar on 29 January 2019 (consent by phone).

⁶¹⁹ Source: Mr. Kyi Lwin, Secretary of External Parliament Anti-Corruption Commission's, Naypyitaw, interview conducted by UNHCR Myanmar on 29th January 2019 (consent by phone).

⁶²⁰ Source: Mr. GS Mang, Area Peace and Development Forward, Civil Society Organization, Kalay, interview conducted by UNHCR Myanmar on 31 January 2019 (consent by phone).

- h. What is the likelihood of an individual being able to success in a claim of land restitution in:

6. Freedom of religion or religious conversion

- i. Are there any reported incidents of restrictions, harm and/or punishment of any Chin on the basis of their religion or religious conversion by the state or non-state actors in:

- i. Chin State and Sagaing region

*Chin Human Rights Organization (CHRO) has reported that some practice of forced conversion can be seen in the Na Ta La School, run by the ministry of Boarder Affairs in close collaboration with Ministry of Religious and Culture Affairs in Chin state. The Chin ethnic students enrolling in the NA TA LA School are mainly from poor families, which is the target of the program in carrying out the education and development. Children are required to involve in the practice of Buddhist rituals at schools. Moreover, successful students from these schools are sent to Na Ta La higher institution with the promise of securing government job with officer ranking position.*⁶²¹

7. Internal violence and fighting

- j. Could you please describe the current level of militarization in:

- i. Chin State
- ii. Sagaing Region

N/A

- k. What is the current nature and intensity of violence in:

- i. Chin State?

*Nobody can predict the situation of an active fighting between the two groups AA and Tatmadaw. There are clashes in southern Chin state. Due to this active fighting, the communities are in need of assistance among others food supplies, safety and security.*⁶²²

- ii. Sagaing Region?

- l. What is the current impact of the violence upon the civilian population and the affected areas in:

- i. Chin State?

⁶²¹ Source: Mr. Sang Hnin Lian, Director for Human Rights Education and Freedom of Religion & Belief (FoRB) Programme, Chin Human Right Organization, Hakha, Chin State, interview conducted by UNHCR Myanmar on 7 November 2018 (consent by phone).

⁶²² Source: a Civil Society staff member who has been working for more than 20 years in Chin State, Interview conducted by UNHCR Myanmar on 30 January 2019.

*Due to the armed conflict between the AA and Tatmadaw in southern part of Chin State (Paletwa), the civilians face many difficulties to access livelihood and education. Because of lack of official arrangement in the IDP Camps by the local authority in Paletwa, most of the victims fled to their relatives and friends, where they could find safety and security. The real situation in Paletwa is difficult to estimate because of lack of information. Local authorities have not recognized all the IDPs and have not registered them. There are information gaps between the GAD and some other organizations/CSOs when it comes to support and assistance for the IDPs. Local authorities claim that all the assistance should be collaborated with them; otherwise, assistance packaged will not be delivered to the IDPs.*⁶²³

ii. Sagaing Region?

- m. What is the current nature and intensity of violence in Paletwa Township and/or Matupi Township in Chin State?

*There are some reports that children from poor families have joined Arakan Army due to lack of other options.*⁶²⁴

8. Chin ethnic group

- n. What precise groups may be considered to fall within the ethnic Chin umbrella?

There are 53 Chin sub-ethnic groups. Chin is a very big ethnic group in Myanmar; there are

*Chin, Meithei, Saline, Ka-Lin-Kaw, Khami, Awa Khami, Khawno, Kaungso, Kaung Saing Chin, Kwelshin, Kwangli, Lyente, Gwete, Ngorn, Zizan, Sentang, Saing Zan, Za-How, Zotung, Zo-Pe, (Zo, Zanniet, Tapong, Tiddim (Hai-Dim), Tay-Zan, Taishon, Thado, Torr, Dim, Dai (Yindu), Naga, Tanghkul, Malin, Panun, Magun, Matu, Miram (Mara), Mi-er, Mgan, Lushei , Laymyo, Lyente, Lawhtu, Lai, Laizao, Wakim (Mro), Haulngo, Anu, Anun, Oo-Pu, Lhinbu, Asho , Rongtu.)*⁶²⁵

- o. Are the 'Kuki' considered to be ethnically Chin?

*Kuki is not one of the 53 Chin sub-ethnic groups.*⁶²⁶ *The Kuki is solely separated ethnic group in Myanmar.*⁶²⁷

⁶²³ Source: a Civil Society staff member who has been working for more than 20 years in Paletwa, Chin State, Interview conducted by UNHCR Myanmar on 30 January 2019.

⁶²⁴ Source: a Civil Society staff member who has been working for more than 10 years focusing on Chin State, Interview conducted by UNHCR Myanmar on 30 January 2019.

⁶²⁵ Source: http://www.ananda-travel.com/UK/myanmar_ethnic_group_uk.htm (accessed on 14 February 2019).

⁶²⁶ Source: Mr. Thang Sei, President of Kuki Affair Council, Tamu, Sagaing region, interviewed by UNHCR Myanmar on 30 January 2019 (consent by phone).

⁶²⁷ Source: Dr. Lhukhopao, Spokesperson of Kuki Affair Council, Tamu, Sagaing region, interviewed by UNHCR Myanmar on 6 February 2019 (consent by phone).

9. Chin returnee/rejected asylum seeker

- p. Would a Chin returnee/rejected asylum seeker be eligible to obtain ID documents (i.e. Citizenship Scrutiny Card) if returned?
- q. What if their ID document (CSC or the National Registration Card) was issued in the past, but had been confiscated by the Myanmar authorities?
- r. Would a Chin returnee who was born outside of Myanmar be able to obtain such an ID document (CSC or the National Registration Card)? Would such a returnee be treated as a citizen of Myanmar by the authorities?
- s. Do any particular groups face any higher incidence of greater scrutiny or adverse attention by the authorities or otherwise considered to face more difficulty in terms of their safety (e.g. political activists/human rights activists/SGBV survivors/those living with HIV).
 - i. In respect of those engaged in political activity, what level of activity is considered to draw the adverse attention of the authorities?

10. Illegal exit

- t. What are the penalties instituted by the Myanmar authorities for those who have illegally exited Myanmar in theory and practice?
- u. Are there any reported incidents of maltreatment of rejected asylum seekers on return to if having left Myanmar illegally
 - i. Chin State?
 - ii. Sagaing Region?
 - iii. Myanmar in general?
- v. Are such profiles more specifically targeted if the individual is known to have registered with UNHCR?

11. 'Na Ta La' education programme

- w. Can you please describe the 'Na Ta La' education programme?

Under the ministry of Border Affair, there is two department (Progress of Border Areas and National Race "Na Ta La" in Burmese language but under this department, there is no education programme and the d and construction of bridges) and Education and Training Department. Under Education and Training Dep

there is education programme (Training School for Development of National Youth for Border Areas – People mostly known as Na Ta La education programme) to promote the educated status/level of the remote areas/ border areas and this programme emphasize on those who are orphans (maybe One parent passed away or both) and children from poor families. This is non-religious based education. Criteria for enrollment:

- a. Children from poor families in the remote area and towns.*
- b. Orphans (both or one parent passed away).*
- c. Children were admitted into the school by Board of Selection Committee (Related Depts.) based on the availability of room and numbers of student to be admitted for the academic year.*

- d. *The admission starts from grade Class 5, and the education leads to a degree/college/university after class 10.*⁶²⁸

x. Do you know how many of such programmes/schools operate in:

i. Chin State?

*There are several Training School for Development of National Youth for Border Areas operate in all townships (Kanpalet, Mindat, Paletwa, Matupi, Hakha, Thantlang, Falam, Tedim and Tonzang) of Chin State, where there is two in Mindat and all total is 10 schools operated by Natala (most people known as Natala Education).*⁶²⁹

ii. Sagaing Region?

*In Sagaing, there is Training School for Development of National Youth for Border Areas operating in Kalaymyo, where some Burmese flood victims in 2015 Burmese student were also admitted.*⁶³⁰

- y. Do you know of any sanctions being imposed on any Chin who refuses to enroll his/her child in the 'Na Ta La' education programme?

*There are no information on forced conversion of children.*⁶³¹

12. Education

- z. Do you know of any available support for school enrollment/continuation of higher education for the Chin in:

i. Chin State

In Chin state, returnees need to take a placement test (From primary to Class 9). First, they are required to inform Township Education Department and get instruction for the test. For example, if they would like to start from Grade 6, they need to answer the questions from Grade 5 subjects. If they pass the test, they are approved to attend the Grade 6. They do not need to show the certificate or transcripts, transfer letter or other documents for the test as they are returnees from outside of the country of origin at the same time, but if they have other documentation (Recommendation letter on the completed class) on their education, this will help their enrollment. However, not all certificates of completion or transcripts are recognized and some supporting documents (like Ward/Village Leader Recommendation Letter, etc...) for the application for placement test are needed. Therefore, they need to inform Township Education Department latest on the month of April

⁶²⁸ Source: A government official who has been working for more than 10 years in Chin State, interview conducted by UNHCR Myanmar on November 2018.

⁶²⁹ Source: A government official who has been working for more than 10 years in Chin State, interview conducted by UNHCR Myanmar on November 2018.

⁶³⁰ Source: A government official who has been working for more than 10 years in Chin State, interview conducted by UNHCR Myanmar on November 2018.

⁶³¹ Source: A government official who has been working for more than 10 years in Chin State, interview conducted by UNHCR Myanmar on November 2018.

*as this test is generally taking on May. They can take the test in each township but this will be announced and instructed by State or District Education Department. According to last year experience, 14 returnee students took the placement test and passed it. The Education Department welcomes returning students/children for the continuation of their study.*⁶³²

*For the student who had started schooling outside of country, there is a placement test from Class 1 to Class 9 for continuation of their education as requirements stated above for the returnee students or student who study in unrecognized school by the Education Department inside the country (e.g. Religious based Education School or unrecognized private school) and from Class 10 (Matriculation) and above, there is no placement test. Not possible to continue a higher education with certificates/degrees obtained from outside of country or unrecognized schools within the country because those are not recognized in Myanmar except certificates/degrees officially obtained through endorsement and scholarship from related departments/ministries/Myanmar government for further studies/trainings abroad.*⁶³³

ii. Sagaing region

*Same process as in Chin State, but in Sagaing region, the test is being organized and decided by Regional Education Department.*⁶³⁴

13. Labour Market

aa. Are there any current restrictions on the Chin in accessing the labor market in:

i. Chin State?

*No. There is no any current restrictions on this.*⁶³⁵

ii. Sagaing Region?

*No. There is no any current restrictions on this.*⁶³⁶

bb. Are Chin able to work as civil servants and/or access financial schemes in:

i. Chin State?

⁶³² Source: a government official who has been working for more than 20 years in Chin State, interview conducted by UNHCR Myanmar on 30 January 2019.

⁶³³ Source: a retired government official who has been working for more than 30 years at education department, in Sagaing region, interview conducted by UNHCR Myanmar on 14 February 2019.

⁶³⁴ Source: a government official who has been working for more than 20 years in Sagaing region, interview conducted by UNHCR Myanmar on 30 January 2019.

⁶³⁵ Source: UNHCR Myanmar Office.

⁶³⁶ Source: UNHCR Myanmar Office.

*Yes, but as Chin state is still under developed state and economic crisis being highest rather than in other States, to be able to access the financial schemes will be depending on the scope of project providers/service provides in the state.*⁶³⁷

ii. Sagaing Region?

*Yes, but it is based on the place where they stay where providers are servicing those financial schemes.*⁶³⁸

cc. Are school certificates/university degrees from India recognized or what is needed for them to be recognized in:

i. Chin State and Sagaing region

*There are no regulations on the recognition of certificates/degrees obtained outside Myanmar (for example from India). The foreign certificates are not recognized and children with foreign certificates and degrees cannot continue to the higher education in Myanmar with such certificate/degrees.*⁶³⁹

14. Mental health/chronic illness/disabilities

dd. Do you know of any facilities for individuals with mental health concerns/chronic illness/disabilities in:

i. Chin State?

*There is no separate good facilities/services provided for mental health/chronic illness in Chin state. One of the biggest challenges is malnutrition of the children.*⁶⁴⁰

*People with disability: There is a Day Care Service Provider (Name; Bethzatha Disable Development Organization, Hakha), which mainly focus on Rehabilitation and Physiotherapy. They provide education for children under 17 years old with disability. They also raise awareness on people with disabilities and provide livelihood skills for people with disability.*⁶⁴¹

ii. Sagaing Region?

⁶³⁷ Source: UNHCR Myanmar Office.

⁶³⁸ Source: UNHCR Myanmar Office.

⁶³⁹ Source: a government official who has been working for more than 20 years in Sagaing region, Interview conducted by UNHCR Myanmar on 23 January 2019.

⁶⁴⁰ Source: A local NGO staff member who has been working for more than 20 years in Chin State, interview conducted by UNHCR Myanmar on 23 January 2019.

⁶⁴¹ Source: Mr. Hram Dun, Bethzatha Disable Development Organization, Hakha, interviewed by UNHCR Myanmar on 7 January 2019 (consent by phone).

*There is no separate facilities/services for people with mental health concerns/chronic illness/disabilities in Sagaing. However, in general health services are better available than in Chin state.*⁶⁴²

15. Language training

ee. Do you know of any support for Chin/Burmese language training for children born in India or those who arrived in India at a young age in:

i. Chin State and Sagaing Region

The primary school (Class 1-III) provide one subject in Chin ethnic dialects supported by the government (almost 30 Chin dialects) (in the government's schools). Those returnee children who cannot speak Burmese, following teaching would be challenging. Schools do not provide additional Burmese language teaching for returnee children. Many students face language barriers in the schools as the teacher guide and teach them with Myanmar language.

*With the acknowledgement of Department of Educational Research, Planning and Training along with the endorsement of Chin State government, there is cooperation between Education Department and UNICEF to make a local curriculum in Burmese language for local knowledge. The local curriculum includes ethnic language teaching in school. This includes among others subjects of history of indigenous people, natural resources, and handicraft.*⁶⁴³

16. Livelihood

ff. Do you know of any livelihood options, especially for those with IT and English language skills and/or graduates, undergraduates with experience of having worked in hospitality business, factories etc.

i. Chin State?

*In Chin state, due to economic and development situation, it is difficult to find job even with a strong reputation in comparison to other states and regions. One burden is the lack of infrastructure and business activities (factories and companies).*⁶⁴⁴

ii. Sagaing Region?

*Sagaing is a bit more developed compared to Chin state. There are also more opportunities to find a job for those having skills and experience.*⁶⁴⁵

⁶⁴² Source: UNHCR Myanmar Office.

⁶⁴³ Source: A local NGO staff member who has been working for more than 10 years in Chin state and Sagaing region, interview conducted by UNHCR Myanmar on 24 January 2019 (Consent by phone).

⁶⁴⁴ Source: UNHCR Myanmar Office.

⁶⁴⁵ Source: UNHCR Myanmar Office.

Annex G: Email response received from Tina L. Mufford, Deputy Director of Research and Policy at the U.S. Commission on International Religious Freedom, 10th October 2018

We are writing to request your feedback on the currency of USCIRF's thematic report: 'Hidden Plight; Christian Minorities in Burma', 13 December 2016,

https://www.ecoi.net/en/file/local/1353675/1226_1482218684_hidden-plight-christian-minorities-in-burma.pdf

Can it be understood that the information in this report (the analysis with respect to freedom of religion for Christian Minorities in Burma) still applies today, even if there has not been a subsequent update by the USCIRF since December 2016 of this thematic report?

The situation for Christians in Burma remains dire. Ongoing fighting between Burma's military and ethnic armed organizations continues to place innocent civilians in the crosshairs, including houses of worship and religious leaders. For example, an uptick in fighting in parts of Kachin and northern Shan States in early 2018 left thousands displaced, including many Christians (largely Baptists and Catholics). In late 2018, rebels from the China-backed United Wa State Army (UWSA) in Shan State detained religious leaders and shut down churches. One report⁶⁴⁶ indicated that some Christians detained by the UWSA were only set free after they signed a pledge agreeing only to pray at home, not in churches.

The underlying nature of these conflicts is not necessarily religious, but Christian and other faith communities have been deeply impacted. Many of the Burmese army's brutal tactics against Rohingya Muslims in Rakhine State are similar (if smaller in scale) to the abuses committed against Christians and other religious and ethnic minorities for years: unlawful detentions and arrests, often involving torture; the use of sexual violence as a weapon of war; the indiscriminate targeting of innocent civilians, including houses of worship and religious leaders; blocking humanitarian aid to communities in need; etc. USCIRF has received information that in Kachin State alone in recent years, more than 30 churches have been destroyed, most by attack of heavy weapons, though three or four by bombing. Additionally, there are more than 100 churches at which parishioners can no longer worship.

In October 2017, a court sentenced two Kachin Baptist leaders to prison for allegedly supporting the Kachin Independence Army. Authorities apprehended the men in 2016 after they assisted local journalists following a military airstrike on St. Francis Xavier Catholic Church in Mong Ko, Shan State. Fortunately, both men were released in a presidential amnesty in April 2018, but not before serving more than 15 months in prison.

⁶⁴⁶ UCA News, [Christians forced to sign pledge curbing faith in Myanmar region](#), 10 October 2018