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**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the situation of human rights in Myanmar; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on freedom of religion or belief; the Independent Expert on minority issues; and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.**

REFERENCE: AL Assembly & Association (2010-1) G/SO 214 (56-23) Minorities (2005-4) G/SO 214/62-11 G/SO 214 (78-15)  
MMR 7/2012

22 October 2012

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in Myanmar; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on freedom of religion or belief; Independent Expert on minority issues; and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance pursuant to Human Rights Council resolution 19/21, 15/21, 14/11, 16/6, and 16/33.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning **the discriminatory restrictions and systematic violations of the right to freedom of religion or belief of Chin Christians, an ethnic and religious minority in Myanmar.**

According to the information received:

*Discriminatory restrictions on renovating and constructing churches*

There are multi-tiers of permission required to build or renovate a church or erect a Christian cross. Reportedly, Chin Christians must first ascertain land ownership by seeking approval of form 105 from the local Land Registration and Township Administration offices. Subsequently, they are required to obtain additional permission from the central Ministry of Religious Affairs (MoRA), via the local religious affairs office, using the separate form 106. It was alleged that other arbitrary requirements are often imposed. Furthermore, there were allegations that MoRA often does not respond or makes no decision on the requests. MoRA also allegedly delays its response for a lengthy period and ultimately denies permission. Even when official permission is secured, there have been reported

cases where it was revoked arbitrarily at a later stage. Reportedly, at least 24 requests to date have been denied or delayed. These complex procedures for obtaining permission are allegedly applicable only to religious minorities such as the Chin Christians, but not the Buddhist communities, as evidenced by the recent rapid expansion of Buddhist infrastructure in Chin State despite the fact that approximately 90 per cent of its population is Christian.

#### *Closure of churches and “house” churches*

Chin Christians reportedly have had to resort to establishing ‘house’ churches in private homes in urban areas due to the restrictions on restoring and constructing places of worship. In 2009 and 2010, many of these house churches also faced closure, when more than 100 churches were shut down by the authorities. Most of these churches have not re-opened. Allegedly, some Chin Christians have received threats of eviction from Buddhist house-owners if they gather to worship in a rented property. It was also alleged that the local authorities have pressured house-owners to stop renting property to pastors or missionaries. It was also reported that at least 50 pastors were forced to sign documents promising not to hold church services; if they did, they would risk facing imprisonment.

#### *Destruction of religious symbols*

Between 1992 and 2012, an alleged 13 large Christian crosses, over 20 feet tall, erected on hilltops and other sites considered to be sacred to Chin Christians, have been reportedly destroyed. The alleged destruction in each of the main townships of Chin State was purportedly in compliance with orders issued by the authorities in Chin State on the basis that the necessary permission from the MoRA had not been secured.

In April 2012, local villagers in Tedim Township were allegedly not consulted when the headman of the village ordered the destruction of a cross more than 33 feet high on top of a clock tower. The cross was destroyed by a bulldozer in order to make way for a new road. Village headman then reportedly forced the villagers to clear the rubble.

Reportedly, Myanmar Army bases are built in areas considered sacred by the Chin people where the destroyed crosses once stood.

*Forced labour, forced relocation and land confiscation to build Buddhist infrastructure*

There are reports that Buddhist structures such as a statue of a Buddhist monk or a pagoda are being built to replace the destroyed Christian crosses, symbols, and buildings. Between 1992 and 2009, 15 separate incidents of monasteries and pagodas being built with the use of forced labour of the Chin Christians were documented.

Reportedly, high school students were frequently prevented from attending school and ordered to provide labour for construction. In rural areas, more than one village at a time could be ordered to provide labour under the threat of punishment or fine. Labour is usually performed under the guard of Myanmar Army soldiers.

Chin Christians have also allegedly been relocated without adequate compensation to make way for Buddhist infrastructure, such as the expansion of a monastery in Hakha in 2006. Land has also been confiscated without compensation to Chin Christians living in Kalaymyo Township to make way for Buddhist orphanages.

*Freedom of peaceful assembly for religious purposes*

Chin Christians must allegedly seek permission at least one month in advance from the local Township Administration office or nearest Religious Affairs office to hold any large Christian gatherings. The Chin Christians must also inform the locally-based Myanmar Army soldiers of the event.

Even where prior permission is sought in accordance with the requirements, it is reported that the Myanmar Army soldiers could disrupt a gathering. During a gathering in the Village of Matupi Township, soldiers allegedly patrolled for 24 hours, disrupted worship services, and spent the night there.

*Arbitrary arrest, detention, torture of church workers, pastors and missionaries*

It was alleged that there have been incidents of threats, intimidation and harassment against Chin pastors and missionaries. Chin church workers, pastors and missionaries also face the risk of arbitrary arrest, detention, torture or harsh punishment if they dare to make a stand against the authorities, typically by refusing to allow patrolling soldiers to spend the night in the local church. Often, pastors and missionaries are reportedly targeted on the basis of their Chin Christian identity, and their proselytizing work.

*Induced or coerced conversion, and forced assimilation through food or job security and education policies*

According to the reports, Chin State suffers the highest rate of poverty in Myanmar. Induced conversion of Chin Christians through poverty reduction incentives, such as food rations and job promotion have been documented. Some Chin Christians allegedly converted to Buddhism under coercion, in order to avoid forced labour or being further abused

It was also reported that during the food security crisis between 2007 and 2010, villages in Chin State, such as those in Paletwa township area, were under immense pressure to register as Buddhist villages with the local Land Registration Office in order to obtain humanitarian assistance. If they were to register their villages as non-Buddhist villages, they had to pay a large registration fee which they could not afford and would potentially risk being discriminated against in relation to obtaining aid.

In addition, it is alleged that the Government's Border Areas National Races Youth Development Training Schools facilitate a forced assimilation policy in the name of development. There are reportedly 29 such residential vocational training schools across the country, operating since 1994 under the Progress for Border Areas National Races Development Programme since 1994. The programme is implemented by the Education and Training Department of the Ministry for Border Affairs, which is allegedly dominated by the military, in collaboration with the Hill Regions Buddhist Mission under the Ministry of Religious Affairs. It is feared that the programme functions as an alternative education system specifically targeted at the country's ethnic and religious minorities. According to information received, the highest number of schools is concentrated in Chin State.

It is reported that in May 2011 in the two Border Areas National Races Youth Development Training Schools - a.k.a Na Ta La Schools (East and West) - in Mindat town, in southern Chin State, there were a total of 932 Chin students from kindergarten age up to tenth standard, including 40 students in ninth and tenth standard, who were Chin Christians.

At the training schools, Chin Christian children and youth are allegedly prevented from practising Christianity, and taught of Buddhist teachings. Christian students are reportedly forced to recite Pali and other Buddhist scriptures, or bow down before the image of Buddha; and are subjected to beatings and other harsh punishments if they failed to do as they are told. Chin Christian students are under a lot of pressure to convert to Buddhism or subjected to de-facto military conscription. Students who had agreed to convert to Buddhism would have to have their heads shaved and wear monks' and nuns' robes in order to get assistance to go home during school breaks. Those who have not agreed to convert are required to earn their money to go home by working for the Htaut Poh (military supply and

transportation) battalion. At the army base, the students were allegedly forced to wear military costumes and do military training, and were subjected to further hard labour and ill-treatment. Reportedly, Myanmar Army soldiers often track students who have run away from schools down and threaten them with military conscription if they refuse to return to school. Students are allegedly cut off from their parents often for many years while they attend these schools.

Grave concern is expressed over the alleged systematic violations of the right to freedom of religion or belief of the Chin Christians and the discriminatory restrictions imposed against them in relation to worshipping, gathering and manifestation of their religion or belief, and construction or maintenance of places of worship and religious symbols. Concern is also expressed at the allegations of induced and coerced conversions. Further concern is expressed regarding allegations of forced relocation and confiscation of land of the Chin Christians without adequate compensation, the use of forced labour of students and villagers to build Buddhist infrastructures or to work at army bases, and allegations of the harassment and detention of church workers, pastors and missionaries.

While we do not wish to prejudge the accuracy of these allegations, we wish to appeal to your Excellency's Government to seek clarification on the information drawn to our attention and share our concerns in relation to present circumstances in light of the applicable international human rights norms and standards. We would also like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief in accordance with article 18 of the Universal Declaration on Human Rights. We also recall article 2 of the Universal Declaration on Human Rights under which everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore we would like to recall that the Durban Declaration and Programme of Action urges States to "ensure within their jurisdiction that persons belonging to national or ethnic, religious and linguistic minorities can exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law" (paragraph 46); and to "guarantee the rights of persons belonging to national or ethnic, religious and linguistic minorities, individually or in community with other members of their group, to enjoy their own culture, to profess and practise their own religion" (paragraph 47).

Moreover we would like to recall to your Excellency's Government the principles set forth in the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief. Article 1 (1) of the Declaration provides that "[E]veryone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching." Article 1 (2) emphasized that "[N]o one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice." Art. 6 (a) further provides that the

right to freedom of thought, conscience, religion or belief includes the freedom to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes while Art. 6 (c) states that the right to freedom of thought, conscience, religion or belief includes the freedom, "To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief."

Furthermore, the General Assembly, in its resolution 65/211, "urges States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end: (a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practice freely one's religion, including the right to change one's religion or belief, is violated; (b) To ensure that existing legislation is not implemented in a discriminatory way or does not result in discrimination based on religion or belief, and that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights; g) To ensure, in particular, the right of all persons to worship or assemble in connection with a religion or belief"(resolution 65/211, para.12).

In addition, Human Rights Council resolution 6/37 para.9 (e) urges States "To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction". Para.9 (g) of the resolution urges States "To ensure, in particular, the right of all persons to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes."

The Commission on Human Rights resolution 2005/40 (paragraphs 4 (c) and 4 (e)) and Human Rights Council resolution 6/37 (paragraphs 12 (e) and 12 (h)) urges States "[t]o review, whenever relevant, existing registration practices in order to ensure the right of all persons to manifest their religion or belief, alone or in community with others and in public or in private and [t]o ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom for all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected."

Furthermore, we would like to remind your Excellency's Government of article 20 of the Universal Declaration of Human Rights which provides that "[e]veryone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association."

In this context, we would like to refer to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely... including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

In addition, we would like to refer to the first thematic report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/27), on best practices, including national practices and experiences, that promote and protect the rights to freedom of peaceful assembly and of association, in which he recommends that “[t]he exercise of the right to freedom of peaceful assembly should not be subject to prior authorization by the authorities, but at the most to a prior notification procedure, which should not be burdensome. In case an assembly is not allowed or restricted, a detailed and timely written explanation should be provided, which can be appealed before an impartial and independent court” (para. 90). He further recommends that “States should facilitate and protect peaceful assemblies, including through negotiation and mediation” (para. 89).

We also wish to draw the attention of your Excellency’s Government to international standards relevant to the protection and promotion of the rights of minorities. Article 27 of the ICCPR establishes that “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.” The 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities requires under article 1.1 that “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.” Article 2.1 states that “Persons belonging to national or ethnic, religious and linguistic minorities have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.” Article 2.5 establishes that “Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group ...as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties.” In addition, article 4.1 establishes that: “States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.” Article 4.2 requires that “States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs...”

We would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of religious minorities in Myanmar in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the summary accurate?
2. Have complaints been lodged with regard to the allegations mentioned?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to the cases above. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide information concerning the legal grounds for the differential treatment in administrative procedures of granting permission to build, renovate or erect religious buildings, infrastructure, and symbols. How are these procedures compatible with international norms and standards?
5. Please provide information concerning the existing administrative requirements to seek permission to hold religious gathering; and how are these measures compatible with international norms and standards.
6. Please indicate the legal basis and reasons for the arrest and detention of pastors and missionaries.
7. Please provide information concerning compulsory religious studies and practices taught at schools and whether students of other religions or beliefs have the right to be exempted from such classes.
8. Please provide information on measures taken to ensure the freedom of religion or belief and the rights of religious minorities in Myanmar are protected.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.



While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

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