



# ချင်းလူ့အခွင့်အရေးအဖွဲ့ Chin Human Rights Organization

WORKING FOR THE RIGHTS OF CHIN PEOPLE & OTHER MARGINALIZED COMMUNITIES

## Indigenous Peoples Development Program

ဌာနေတိုင်းရင်းသားလူမျိုးများဖွံ့ဖြိုးမှု အစီအစဉ်

### Introduction

The following submissions details issues related to Freedom of Religion and Belief (FORB) relating primarily to the situation for the Chin minority/indigenous people in Chin State and Western Burma and in the current context of COVID-19 response and enforcement. These circumstances are however not limited to the Chin people but may also be reflected in the wider context of minority religious/ethno-religious status in Myanmar.

### National Legal Provisions

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 widely opposed as contravening 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.<sup>1</sup>

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 General Administrative Department (GAD), and the Ministry of Religious Affairs and Culture. 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, despite recently being brought out from under the Home Ministry.

---

<sup>1</sup> 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/>

As a result of this, applications usually disappear into what USCIRF termed a ‘black hole’<sup>2</sup> 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.

The recent COVID pandemic restrictions on public life serve as a reminder of disparities based on religion in law enforcement. As public gatherings are banned as a lockdown measure, three key pieces of legislation are used to enforce breakages of this rule: the Natural Disaster Management Law (NDML), the Prevention of Communicable Disease Law, and Art 188 of the Penal Code. Penalties within these three pieces of legislation are as follows:

1. Art 188 of the Penal Code, states that anyone defying gov. order or instruction shall be sentenced to between one to six months in prison *or* fined.
2. The Natural Disaster Management Law states that a person defying government order will receive between three months to three years in prison, or a fine, or both if found to be in breach of lockdown orders
3. Under the current communicable diseases law (currently under amendment to criminalise the spread false rumors or “disinformation” regarding COVID 19) anyone who defies a government order faces a fine or up to six months in prison.

In May, the Thanintharyi regional government fined officials of a pagoda trustee committee 100,000 MMK (about US\$70) for organizing the funeral of a Buddhist monk in defiance of COVID-19 restrictions. In this case, authorities took legal action under the Penal Code, 188 when 200 people attended a Buddhist funeral. Conversely, in Mandalay, 12 Muslim men were sentenced to three months’ imprisonment under the NDML for holding a religious gathering at a house in the Aung Pin Lae quarter of Chanmyathazi Township. Two minors who attended the gathering are awaiting the juvenile court’s verdicts in their cases.

Similarly, in Thanintharyi’s Myeik Township a bride and groom were fined 50,000 MMK, after it was discovered on April 9th that a wedding had been attended by the country’s 25th confirmed COVID-19 patient. Conversely, after two wedding ceremonies were held in Tamu and Kalay townships of Sagaing Region in defiance of COVID-19 restrictions, the grooms were sentenced to six months in prison and fined 100,000 kyats each under the Natural Disaster Management Law.<sup>3</sup>

- a) **Civil and political rights, including but not limited to participation and representation in the public life, access to justice and effective remedies, liberty and security, freedom of expression, assembly and association**

The freedom of worship and assembly, freedom to public expression of religious belief and the freedom to proselytize for Christian minorities, are routinely violated in Chin State and Western Burma through

---

<sup>2</sup> United States Commission on International Religious Freedom, “Hidden Plight: Christian Minorities in Burma” Dec 2017 <https://www.uscirf.gov/sites/default/files/Hidden%20Plight.%20Christian%20Minorities%20in%20Burma.pdf>

<sup>3</sup> See, The Irrawaddy, “Different Laws Applied to Myanmar COVID-19 Restrictions Lead to Inconsistent Punishments for Violators” May 13<sup>th</sup>, 2020 available at <https://www.irrawaddy.com/specials/myanmar-covid-19/different-laws-applied-myanmar-covid-19-restrictions-lead-inconsistent-punishments-violators.html>

systematic denials of permissions for land ownership to construct churches and other Christian religious infrastructures by the Ministry of Religious Affairs (MoRA). Moreover, State policies, such as those described above which favor the majority Buddhist faith continue to create emboldening environments for majority local communities to physically attack and injure Christian worshippers.

During the Christmas period, 2018 Christian worshippers in Anne Township, Rakhine State were attacked by a Buddhist mob during religious gatherings, leaving two people injured. Around a dozen Chin families which make up the small Chin community had gathered for a Christmas event outside of Sappie Village and were erecting a pavilion when approximately 40 people arrived led by 3 Buddhist monks and ordered them to stop. A fight then ensued leaving two people from the Chin community injured. The Rev. Thing Be, who heads the township's Christian mission, said that their pavilion was also vandalized in the attack.<sup>4</sup>

In a similar instance, Christian worshippers were attacked inside a house as they were gathered inside for a Christmas event in Paw Le Village, Min Ywa Village Tract, Gangaw, Magway Division. Approximately 70 people hurled stones and broke into a home having already cut the electricity.<sup>5</sup> During the attack 7 people were injured and 1 was taken to hospital in a critical condition. While the local police were called and reportedly opened a case under articles of the Penal Code covering trespassing and property damage, there have been no charges and the matter has been reportedly been resolved via an informal process.<sup>6</sup>

On 10th July 2018, two Chin nursery school teachers from Pade Kyaw Village, Ann District, 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. They had been attempting to set up a Christian nursery school, which had been approved and subsequently rejected by local administration.<sup>7</sup>

In a separate instance from the same area, on 12th August 2018, the Rev. Tin Shwe was attacked and hospitalized after receiving lacerations to his head and face, his phone was also stolen during the assault. U Tin Shwe, from Ann Town is the Church Pastor of Good News Church, based in Ann Town, he is also the Rakhine Mission field Director for Thukha Myanmar Mission, based in Yangon. The mob arrived at 11 am while the pastor was eating lunch, having arrived at Hinywet Village, Anne Township, Rakhine State for

---

<sup>4</sup> See Generally, Chin Human Rights Organization (CHRO) "Annual Report: 2019" available at [https://www.chinhumanrights.org/wp-content/uploads/2020/02/2019-Human-Right-Report\\_CHRO.pdf](https://www.chinhumanrights.org/wp-content/uploads/2020/02/2019-Human-Right-Report_CHRO.pdf) hereafter Annual Report, 2019 and; The Irrawaddy, "Buddhists and Christian Brawl in Southern Rakhine on Christmas Eve" 26th Dec 2018 <https://www.irrawaddy.com/news/burma/christians-buddhists-brawl-northern-rakhine-christmas-eve.html>

<sup>5</sup> Annual report and; The Irrawaddy, "Christian Home Stoned, Vandalized During Christmas Prayer in Magwe," 20th Dec 2018 <https://www.irrawaddy.com/news/christian-home-stoned-vandalized-christmas-prayer-magwe.html>

<sup>6</sup> Such instances are contrary to Myanmar's own penal code. For example, the police should have been investigating the case under section 295 of the penal code which states, "Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class or persons, with the intention of thereby insulting the religion of any class of person or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both". This article is usually reserved for Buddhist plaintiffs, however

<sup>7</sup> See, Chin Human Rights Organisation, "Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People" Sept 2018, <http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/565stable-and-secure> hereafter CHRO: Stable and Secure, 2018.

Sunday worship at Good News Church. According to David Khaihmo, the president of Thukha Myanmar Mission, he was set upon by a mob of approximately 30 people who attacked with sticks and fists until the pastor was rendered unconscious.

Acts of violence such as these are not random, before the attack had taken place, the proprietor of the house in Paw Le Village had been subjected to long-term intimidation and bullying by local authorities together with the local Monastery. The house residence had already been banned from using the village well and efforts to build a personal well had been vandalized in an attempt to expel the tenants from the village.

CHRO has also found that such events are linked to the freedom to choose one's religion. In the case above, the owner of the house was a Christian convert. Similarly, on 7th July 2017, 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, In Teetaw Village, Sagaing Region.<sup>8</sup> The attacks, which lasted approximately 4 hours from 8 pm to 12 am left four people injured, and destruction of property and personal belongings. Again this was the violent outcome of long-term institutional targeting of the converts socio-economic status within the community.<sup>9</sup>

On the 6th of July 2017, the four converts had been summoned by the monk abbot of Teetaw Village Monastery, Sayadaw Batta Namone Neinda, and the General Administration Department (GAD) administrative officer, U Kyaw Maung to the village monastery. During the meeting pressure was applied to re-convert under threat that they would be asked to leave the village entirely should they not do so. On refusal, the monk and the GAD submitted a complaint letter to the Chair of Httiyait Township, Sangha Mahana Committee and the Township General Administrative Officer, asking for the banishment of the new Christian converts on allegations that they had, *"insulted the village monk abbot and other Buddhists, defied orders not to celebrate Christian festivities and that the predominant Buddhist villagers do not want to live side by side with those worshipping 'Kalar' God."*<sup>10</sup>

In March, 2017 while Ma Khin Ma was away attending Christ's Discipleship Training in Yangon, the same Village Administrator summoned her husband to his office and asked, *"Have you converted to be Christian? If so, just tell me frankly and I will cut off the cash aid that the village monk loans, [600.000 Kyats every six months] and any other loan"*.<sup>11</sup>

In this case, although the police were and called and dispersed the mob, they advised a local pastor not to push forward with any legal complaints, implying that he should be aware of the negative outcome.<sup>12</sup>

---

<sup>8</sup> Chinland Guardian, "Buddhist Mob Attacks on Christian Congregants Left Four Injured, Houses Destroyed in Sagaing Region" 12th July 2017. <http://www.chinlandguardian.com/index.php/chin-news/item/2546-buddhist-mob-attackson-christian-congregants-left-four-injured-houses-destroyed-in-sagaing-region>

<sup>9</sup> CHRO: Stable and Secure, 2018.

<sup>10</sup> The term "Kalar" is traditionally used as a word for foreign people who are not from Burma.

<sup>11</sup> CHRO: Stable and Secure, 2018 [https://www.chinhumanrights.org/wp-content/uploads/2018/10/CHRO\\_Stable-and-Secure-report-2018.pdf](https://www.chinhumanrights.org/wp-content/uploads/2018/10/CHRO_Stable-and-Secure-report-2018.pdf)

<sup>12</sup> CHRO: Stable and Secure, 2018 [https://www.chinhumanrights.org/wp-content/uploads/2018/10/CHRO\\_Stable-and-Secure-report-2018.pdf](https://www.chinhumanrights.org/wp-content/uploads/2018/10/CHRO_Stable-and-Secure-report-2018.pdf)

### ***Freedom of Association/Assembly***

In January 2019, The GAD from Mindat Township, Chin State issued an order stipulating that Religious events and activities including NGO, INGO workshops, meetings and trainings must seek and apply for permission with 2 weeks advance notice to the Chin State Government in Hakha. The same order was applied in Matupi Township in 2017. It is stated that in the application for conducting the training, facts such as an affirmation letter of applicants, short biography of trainers, summary of the subject, banner of the training, number of trainees, a recommendation letter from ward/village tract administration officer and police station, as well as the date and time of the training have to be submitted two weeks in advance. Conducting any training will only be allowed when the application is approved. Personal details/ bio data of trainers or speakers, details of the topic, police clearance and permission, date and time with the event title must all be included in the application.<sup>13</sup>

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 Nyunt restricted the procession.<sup>14</sup>

#### **b) Economic, social and cultural rights, including but not limited to the rights to adequate food and housing, education, employment and healthcare.**

Threats of eviction from villages, barriers to economic development initiated via local authorities and bullying tactics perpetrated toward Ethnic Chin in Buddhist majority areas, such as in Rakhine State, Magway Region and Sagaing are common place. The cases of violence described above are usually preceded by long term harassment of this nature. In some circumstances threats to cut off village funding to recent converts unless they converted back to Buddhism has taken place. In other circumstances, access to basic amenities such as the village well in order to draw water has taken place, and attempts to dig for a new source of water have been vandalized. In other circumstances village meeting are held whereby the notion of Buddhist only arrangements on land ownership or the ability to rent property as a minority Christian.<sup>15</sup>

In June 2019, CHRO documented intimidation and forced conversions, again instigated by local authorities via village-tract level regulations and in close collaboration with local monasteries. In Anne Township, Rakhine State, Christians were subjected to forced conversions, bans on local trading and renting accommodation while local Rakhine Buddhists were also warned against communicating with minority Christians under penalty of fine. In Padekyaw village, Ann Township, direct threats of eviction were issued

---

<sup>13</sup> CHRO: Annual Report, 2019 [https://www.chinhumanrights.org/wp-content/uploads/2020/02/2019-Human-Right-Report\\_CHRO.pdf](https://www.chinhumanrights.org/wp-content/uploads/2020/02/2019-Human-Right-Report_CHRO.pdf)

<sup>14</sup> CHRO: Stable and Secure, 2018 [https://www.chinhumanrights.org/wp-content/uploads/2018/10/CHRO\\_Stable-and-Secure-report-2018.pdf](https://www.chinhumanrights.org/wp-content/uploads/2018/10/CHRO_Stable-and-Secure-report-2018.pdf)

<sup>15</sup> CHRO: Annual Report, 2019 [https://www.chinhumanrights.org/wp-content/uploads/2020/02/2019-Human-Right-Report\\_CHRO.pdf](https://www.chinhumanrights.org/wp-content/uploads/2020/02/2019-Human-Right-Report_CHRO.pdf)

by local monks and village authorities, and attempts were made to forcibly sign documents verifying their conversion to Buddhism.<sup>16</sup>

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.<sup>17</sup>

### ***Education***

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.<sup>18</sup>

---

<sup>16</sup> CHRO: Annual Report, 2019 [https://www.chinhumanrights.org/wp-content/uploads/2020/02/2019-Human-Right-Report\\_CHRO.pdf](https://www.chinhumanrights.org/wp-content/uploads/2020/02/2019-Human-Right-Report_CHRO.pdf)

<sup>17</sup> CHRO: Stable and Secure, 2018 [https://www.chinhumanrights.org/wp-content/uploads/2018/10/CHRO\\_Stable-and-Secure-report-2018.pdf](https://www.chinhumanrights.org/wp-content/uploads/2018/10/CHRO_Stable-and-Secure-report-2018.pdf)

<sup>18</sup> CHRO: Stable and Secure, 2018 [https://www.chinhumanrights.org/wp-content/uploads/2018/10/CHRO\\_Stable-and-Secure-report-2018.pdf](https://www.chinhumanrights.org/wp-content/uploads/2018/10/CHRO_Stable-and-Secure-report-2018.pdf)