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Agenda items 2 and 4

Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Human rights situations that require the Council's attention

Written statement* submitted by Jubilee Campaign, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 August 2020]

* Issued as received, in the language(s) of submission only.

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The Persecution of Religious Minorities in Myanmar

The 2008 Constitution of Myanmar states in Article 34 that “Every citizen is equally entitled to freedom of conscience and the right to freely profess and practise religion subject to public order, morality or health and to the other provisions in this Constitution.”¹ Despite this provision, the Constitution designates Buddhism as the national religion, and minority communities such as Christians, Muslims, and Hindus, experience high levels of religious persecution.²

In 2015, the Myanmar Parliament adopted a collection of four laws commonly referred to as the Race and Religion Laws, which had been supported by Buddhist nationalist group Ma Ba Tha.³ The first of four, the Monogamy Law, prohibits extramarital affairs. The Religious Conversion Law stipulates that any Myanmar citizen who wishes to convert religions must gain prior approval by the Religious Board and must take part in a three-month long investigation of their religious activities before they are permitted to legally convert religions. The Myanmar Buddhist Women’s Special Marriage Law requires that any Buddhist woman who wishes to marry a non-Buddhist man must gain parental permission if she is under the age of 20. The last, the Population Control Law requires women in certain regions to space out their children’s births at least three years apart; it is important to note that many religious and ethnic groups are confined to specific regions of Myanmar, meaning this law unjustly targets these specific communities.

Tens of thousands of Christians located in Northern Myanmar- such as Kachin State or Northern Shan State- have been internally displaced in large groups as a result of violent suppression of ethnic militia activity by the Myanmar military, and at least 300 Christian churches and houses of worship were destroyed amidst the violence.⁴ The Christians that have sought refuge in displacement camps have ended up in similarly dire situations, without proper access to food and healthcare, and predominantly Christian Kachin women and girls are trafficked abroad.

The Rohingya Genocide

On 25 August 2017, following a sequence of attacks coordinated by self-named Rohingya militia group Arkan Rohingya Salvation Army (ARSA) against Myanmar police and military personnel- which led to the deaths of 12 Myanmar officials- the military of Myanmar launched a mass revenge campaign of extrajudicial killings, sexual violence and rape, torture, and village arson against Rohingya communities.⁵ Within weeks of the start of this violent confrontation, United Nations (UN) High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, referred to the violence in Myanmar as a “pattern of gross violations of human rights,” “possibly amounting to crimes against humanity,” and “a textbook example of ethnic cleansing.”

With information gathered by some 120 Rohingya men and women who had escaped Myanmar, Amnesty International presented just how horrifying the picture was in the days after 25 August 2017: disabled and elderly Rohingya were left to burn in their homes after the military set fire to communities, fleeing Rohingya were shot at indiscriminately, entire

¹ Myanmar’s Constitution of 2008, Constitute Project, available at:

https://www.constituteproject.org/constitution/Myanmar_2008.pdf?lang=en.

² United States Commission on International Religious Freedom [USCIRF], Annual Report 2020, available at:

https://www.uscifr.gov/sites/default/files/USCIRF%202020%20Annual%20Report_Final_42920.pdf.

³ Library of Congress, Burma: Four ‘Race and Religion Laws’ Adopted, 14 September 2015, available at: <https://www.loc.gov/law/foreign-news/article/burma-four-race-and-religion-protection-laws-adopted/>.

⁴ Open Doors World Watch Research, Myanmar: Country Dossier, February 2020, available at:

<http://opendoorsanalytical.org/wp-content/uploads/2020/02/Myanmar-WWL-2020-Country-Dossier-February-update.pdf>.

⁵ Amnesty International, “Myanmar: Crimes against humanity terrorize and drive Rohingya out,” 18 October 2017, available at: <https://www.amnesty.org/en/latest/news/2017/10/myanmar-new-evidence-of-systematic-campaign-to-terrorize-and-drive-rohingya-out/>.

families wiped out, teenage girls and women were raped in succession, and children were beat with sticks and killed in landmine explosions.⁶ As a result of these flagrant violations of human rights, it is estimated that upwards of 700,000 Myanmar Rohingya citizens have fled the nation into neighboring Bangladesh, and that 128,000 remain internally displaced within Myanmar.

In August 2019, the UN Fact-Finding Mission on Myanmar found that the prevalence of sexual violence against Rohingya- including men, women, boys, and girls- such as gang rape and genital mutilation led the Mission to conclude “on reasonable grounds that the acts constituted crimes against humanity, war crimes, and underlying acts of genocide accompanied by inferences of genocidal intent.”⁷

In September 2019, UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, criticized the Myanmar government for their response to the conflict, stating that “Myanmar has done nothing to dismantle the system of violence and persecution and the Rohingya who remain in Rakhine live in the same dire circumstances that they did prior to the events of August 2017.”⁸

Just two months later, in November 2019, The Gambia filed an application with the International Court of Justice (ICJ) against Myanmar for its repeated violations of the Convention on the Prevention and Punishment of the Crime of Genocide. In January 2020, the ICJ released their final judgement, in which they state that the government of Myanmar must take steps to cease all genocidal acts against Rohingya, “bearing in mind Myanmar’s duty to comply with its obligations under the Genocide Convention.”⁹

Christian Rohingya Refugees face double persecution

In January 2020 there was an attack on Rohingya Christian families at the Kutupalong Maga refugee camp in Cox’s Bazar. The attackers destroyed the church and stabbed the Rohingya Christians who lived nearby. The Christian Rohingya survivors suspect Muslim Rohingya with ties to the Arakan Rohingya Salvation Army (ARSA) and others are behind the attack.¹⁰ Following the attack, 25 Christian families had to be moved to a UNHCR (Office of the UN High Commissioner for Refugees) transit camp. Rohingya Christian refugees explained how Bangladeshi authorities told them not to film the damages, raising concerns that the Bangladeshi police authorities are not interested in investigating the attacks.¹¹

⁶ Amnesty International, “Myanmar: Crimes against humanity terrorize and drive Rohingya out,” 18 October 2017, supra note 5.

⁷ UN Human Rights Council, Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts, 22 August 2019, A/HRC/42/CRP.4, available at: https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/sexualviolence/A_HRC_CRP_4.pdf [accessed 18 August 2020].

⁸ The Office of the United Nations High Commissioner for Human Rights, Special Rapporteur on the situation of human rights in Myanmar Oral update to the Human Rights Council, 16 September 2019, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25013&LangID=E> [accessed 18 August 2020].

⁹ Summary 2020/1 Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), International Court of Justice, 23 January 2020, available at: <https://www.icj-cij.org/files/case-related/178/178-20200123-SUM-01-00-EN.pdf> [accessed 18 August 2020].

¹⁰ “Bangladesh: Investigate Abductions, Protect Ethnic-Rohingya Christians.” Fortify Rights, 6 Mar. 2020, available at: www.fortifyrights.org/bgd-inv-2020-03-06/. [accessed 18 August 2020]; “Christians Abducted, Attacked in Bangladesh Refugee Camp.” Human Rights Watch, 18 Aug. 2020, available at: www.hrw.org/news/2020/02/13/christians-abducted-attacked-bangladesh-refugee-camp. [accessed 18 August 2020].

¹¹ “Bangladesh: Investigate Abductions, Protect Ethnic-Rohingya Christians.” Fortify Rights, 6 Mar. 2020, available at: www.fortifyrights.org/bgd-inv-2020-03-06/. [accessed 18 August 2020].

Recommendations to the Council

As this year marks the third anniversary of the Rohingya Genocide, 25 August 2020, as well as the increasing acknowledgement of the existence of a genocide in Myanmar, Jubilee Campaign recommends the Council and observing member states to:

- Call on Myanmar to ratify important UN human rights treaties: Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; International Covenant on Civil and Political Rights; International Convention on the Elimination of All Forms of Racial Discrimination.
- Call on Myanmar to abide by its human rights and religious freedom obligations outlined in the 2008 Constitution of Myanmar.
- Call on Myanmar to grant full and unfettered access to Rakhine State and other states with human rights violations against civilian minority populations.
- Conduct investigations into the reported attacks against Rohingya Christian refugees and other minorities in Cox Bazaar.
- Continue investigating all sides of violence against civilians in Myanmar and holding perpetrators accountable, especially recent reports of the Myanmar Army breaching ceasefire rules and targeting civilians in Western Myanmar.
- Work to allow the safe return of refugees and internally displaced Rohingya to Rakhine and investigate which factors make the region not safe for minority Rohingya populations to return.

Recommendations to Myanmar

- Cease the “clearance operations” which have led to the deaths, external displacement, and internal displacement of thousands of Rohingya civilians.
 - Allow UN Special Procedures and non-governmental organizations full and unfettered access to Rakhine State and other states with affected minority communities.
 - Enforce Article 34 of the Constitution and ensure the protection of religious freedom, plurality, and tolerance.
 - Foster stability in vulnerable regions in order to allow displaced Rohingya to return to their communities.
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