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Human Rights Council

Universal Periodic Review (UPR) of Myanmar

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Joint Stakeholders' Submission on:

Human Rights in Myanmar

Submitted by:

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VIDES International - International Volunteerism Organization for Women, Education

(NGOs in Consultative Status with ECOSOC)

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I. INTRODUCTION

1. This stakeholders' report is a joint submission of the above-mentioned organizations. The report highlights key concerns related to Human Rights in Myanmar in the following areas: **education, birth registration, child and adolescent health, economic and sexual exploitation of children, the rights of women, and indigenous/minority rights.** Each section conveys recommendations to the Myanmar Government.
2. The data and information obtained for this submission came from various sources and includes information from teachers, educators, and other civil society actors living and working in Myanmar. All information concerned the period from September 2015 to March 2020.
3. **IIMA** is an international NGO in special consultative status with the Economic and Social Council. IIMA is present in 96 countries where it provides education to children and adolescents, particularly the most disadvantaged and vulnerable.
4. **VIDES International** is an international NGO in special consultative status with the Economic and Social Council, which is present in 42 countries worldwide. It was founded in 1987 to promote volunteer service at the local and international levels to ensure the implementation of human rights to vulnerable groups, especially children and women.

II. GENERAL REMARKS AND COOPERATION WITH THE UPR MECHANISM

5. This NGO coalition welcomes the constructive participation of Myanmar in the 3rd cycle of the Universal Periodic Review (UPR). The present joint submission represents the follow-up to the UPR recommendations accepted by Myanmar in 2015.
6. The implementation of recommendations is critical in order to ensure a true advancement of human rights in the State under review. Therefore, special attention should be paid by Myanmar to the follow up of recommendations in an effective manner and in consultation with Civil Society.
7. We recommend the Government of Myanmar to:
 - a. *Ensure the effective implementation of UPR recommendations through the establishment of a National Mechanism for Reporting and Follow-up as a permanent governmental mechanism to liaise with relevant ministries and consult with Civil Society, NHRI's and all relevant stakeholders.*

III. VULNERABLE CHILDREN

8. The most vulnerable groups in Myanmar society consist of children and women in difficult situations: children living in poverty, children and women living in rural and remote areas, children living on the streets, child laborers, children belonging to minority groups, and children in armed conflict.

9. The NGO coalition acknowledges the implementation of recommendation No. 25¹ and the progress made by the Government to reinforce and implement the protection of vulnerable groups. However, we note with great concern that ethnic and religious groups are still a target for discrimination.

10. We welcome the acceptance of recommendation No. 73² to ensure protection of civilians, particularly children, in zones of armed conflict. However, children continue to be a vulnerable group and face great danger due to the inter-communal violence faced by the Rohingya community as a result of ethnic and religious intolerance in Myanmar. This is especially true in Rakhine, Chin, Kachin, Shan and Kayin states where approximately 361,000 children remain in need of humanitarian assistance³.

11. Similarly, according to Recommendation No.72⁴ Myanmar accepted to adopt measures to end the recruitment and participation of children in military activities. However, this task is not yet accomplished, since children in armed conflict areas are still being recruited by military forces. In 2018 alone, approximately 88 children were recruited by the Tatmadaw Army, as highlighted in the Report of the UN Secretary General on Children and Armed Conflict.⁵

12. This NGO coalition notes with concern that the submission of the State Report of the Government of Myanmar to the UN Committee on the Rights of the Child is still pending, despite the report due in February 2017.

13. We recommend to the Government of Myanmar to:

- a) Undertake specific measures to ensure inclusivity and non-discrimination to ethnic and religious groups.**
- b) Continue implementing policies to ensure full protection of civilians, particularly children in zones of armed conflict.**
- c) Fully implement Recommendation No. 72 by reassessing measures to end recruitment and participation of children in military activities.**
- d) Fully cooperate with UN Treaty Bodies, including through prompt submission of Myanmar's report to the UN Committee on the Rights of the Child.**

¹ Recommendation No. 25. “Reinforce and implement the protection of vulnerable groups, namely children, women, disabled, elderly, and make a greater effort to include ethnic and religious groups in the life of Myanmar society (Holy See)” See Report of the Working Group p.14, UN Doc. A/HRC/31/13, 23 December 2015.

² Recommendation No. 73 “Continue to implement policies to ensure full protection of civilians, particularly children, in zones of armed conflict (Ecuador)” See Report of the Working Group p.16, UN Doc. A/HRC/31/13, 23 December 2015.

³ UNICEF “Myanmar Humanitarian report No.12.” December, 2019
<https://www.unicef.org/myanmar/media/3861/file/UNICEF%20Myanmar%20Humanitarian%20Situation%20Report%20No.12.pdf>.

⁴ Recommendation No. 72 “Adopt measures to end the recruitment and participation of children in military activities (Mexico)” See Report of the Working Group p.16 UN Doc. A/HRC/31/13, 23 December 2015.

⁵ See Report of the Secretary General on Children and Armed Conflict p. 20 UN DOC A/73/907–S/2019/509, 20 June 2019 <https://childrenandarmedconflict.un.org/myanmar/>

IV. RIGHT TO EDUCATION

14. This NGO coalition welcomes the significant progress made by the Government of Myanmar in the area of education, especially through the provision of free education for its primary and secondary students. However, we perceive that there are two main categories of children in Myanmar who still lack adequate access to education: disadvantaged children living in remote and rural areas and children belonging to low income families.

15. **Children living in remote areas.** According to Recommendation No. 116⁶ Myanmar accepted to provide equal access to education, including for minorities. We note with concern that several measures still need to be taken to adequately respond to the specific needs of children living in remote areas, most of whom also belong to minority groups. Although some schools have been built in rural and remote areas, the lack of roads and public transportation into these areas make it difficult for teachers to access schools, resulting in the generalized absenteeism of teachers.

16. **Children belonging to low income families.** Concerning recommendation No. 117⁷, this NGO coalition is deeply concerned by the fact that a great number of children in Myanmar abandon their studies because of the difficult economic situation of their families. Poverty remains as the highest risk factor for children dropping out of school⁸. Working parents of low income families leave elderly siblings as the caretaker of younger siblings, forcing children to drop out of school. Other children in rural areas are forced to work in the field due to the fact that their families cannot afford to pay other workers to do this job. The situation worsens for low income children living in areas of armed conflict, where approximately 40% of children are out of school⁹.

17. Moreover, we report that the **quality of education** in urban and rural sectors is particularly low. There is a need for school materials and updated equipment. Similarly, we are deeply concerned with the poor investment in human resources and inadequate training of school personnel, which results in the lack of qualified and motivated teachers. Similarly, due to the low salary level, most teachers engage in other economic activities such as offering extra lessons to children after school, leaving those unable to pay at a disadvantage. In private schools the quality of education offered is higher than in public ones because teachers are better professionally prepared and motivated, thanks to the benefits and the higher salaries they receive.

18. **Human Rights Education.** We observe with concern that Human Rights Education is not part of school programs nor of teachers' training. Most individuals in Myanmar do not have sufficient knowledge and understanding of their human rights.

⁶ Recommendation No. 116 “*Continue to provide equal access to education by all national races, including minorities in the country (Democratic People’s Republic of Korea)*” See Report of the UPR Working Group p.19, UN Doc. A/HRC/31/13, 23 December 2015.

⁷ Recommendation No. 117 “*Continue efforts to develop its human capital through education, training and empowering vulnerable groups (Sri Lanka)*” See Report of the Working Group p.19 UN Doc. A/HRC/31/13, 23 December 2015.

⁸ UNICEF reported on the situation concerning education in its Annual reports published on the website: <https://www.unicef.org/myanmar/education>

⁹ UNICEF “*Delivering Results for Children in Rakhine State.*” October, 2019 <https://www.unicef.org/myanmar/reports/delivering-results-children-rakhine-state>

19. We recommend to the Government of Myanmar to:

- a) *Adopt all necessary measures to facilitate access for teachers to schools in remote and rural areas, by providing adequate roads and public transportation.*
- b) *In compliance with Recommendations No. 117 from the 2nd UPR cycle, empower vulnerable groups, especially low income families, by raising awareness campaigns on the importance of education and by providing financial support to allow children to attend school.*
- c) *Undertake specific measures to improve the quality of education in rural and urban sectors, including through the provision of adequate classrooms, educational facilities, school materials as well as adequate remuneration and training for teachers.*
- d) *Include Human Rights Education in school programs and in teachers' training programs.*

V. BIRTH REGISTRATION

20. The NGO coalition acknowledges the implementation of Recommendation No. 55¹⁰ concerning a simplified and effective birth registration system. We commend Government efforts to encourage birth registrations in hospitals and government clinics. However, we observe that registration and acquisition of birth registrations remains challenging for children from low income families, living in remote and rural areas. Only 67% of these children have registered births, in comparison to 97% to those coming from wealthy families¹¹.

21. We recommend to the Government of Myanmar to:

- a) *Reduce the disparity gap in birth registrations by making birth registration accessible to all, especially to individuals living in remote and rural areas and to low income families.*

VI. ILL TREATMENT AND VIOLENCE AGAINST CHILDREN

22. We welcome the implementation of the National Women Development Strategy 2013-2022 and the parliaments "Zero Tolerance Policy". However, girls and young women remain at great risk of violence and discrimination. We are deeply concerned with the lack of

¹⁰ Recommendation No. 55 "Develop a simplified, effective birth registration system through which all can access a birth certificate, including a complaints handling mechanism (Namibia)" See Report of the Working Group p.19, UN Doc. A/HRC/31/13, 23 December 2015.

¹¹ UNICEF reported on the situation concerning birth rates on the website: <https://www.unicef.org/myanmar/social-policy/birth-registration>

enforcement to criminalize marital rape and prohibit early marriage in compliance with recommendation No 71¹².

23. In addition, we note with deep concern of the neglect, ill treatment, and violence faced by children in Myanmar. Those most affected by ill treatment and violence include children living in rural areas, children placed in Internally Displaced Persons (IDPs) Camps, and children in armed conflict areas. In 2018 alone, approximately 34 cases of killing and maiming were reported from children in armed conflict areas¹³. Additionally, some children are victims of neglect by their parents. This is especially true in poor neighborhoods where parents leave to work all day and leave the child without any proper food or clothing.

24. We recommend to the Government of Myanmar to:

- a) Reinforce policies to protect girls and young women from all forms of violence and discrimination by ensuring that cases of marital rape and early child marriage are being prosecuted by the law.***
- b) Double its efforts to reduce ill treatment and violence against children by implementing policies to ensure the full protection of children, particularly children in zones of armed conflict and children in IDP camps.***

VII. CHILD AND ADOLESCENT HEALTH

25. We commend the acceptance of Recommendation No. 109¹⁴ regarding the necessity to increase investment on women and children's health. As of 2017, its implementation has resulted in positive effects like the 38% decrease in mortality rates for mothers and newborn babies¹⁵.

26. However, in regards to adolescent health, we note with concern that there is a concerning amount of young adults facing drug addiction. It is estimated that approximately 93,000 people ages 15 to 49 inject drugs in Myanmar, most of these individuals reside in border or remote areas¹⁶. The lack of rehabilitation centers near bordering or remote areas hinders the provision of adequate services and assistance for adolescents facing addiction.

¹² Recommendation No. 71 “Strengthen policies to combat all forms of violence and discrimination against women and girls, including by criminalizing marital rape and prohibiting forced and early marriages (Paraguay)”. See Report of the Working Group p.19 UN Doc. A/HRC/31/13, 23 December 2015.

¹³ See Report of the Secretary General on Children and Armed Conflict p. 20 UN DOC A/73/907–S/2019/509, 20 June 2019 <https://childrenandarmedconflict.un.org/myanmar/>

¹⁴ Recommendation No. 109 “Increase the amount of spending on health with special attention to women and children so as to achieve relevant Millennium Development Goals as soon as possible (China)” See Report of the Working Group p.18 UN Doc. A/HRC/31/13, 23 December 2015.

¹⁵ UNICEF reported on maternal mortality rates on a report published on the website: <https://data.unicef.org/topic/maternal-health/maternal-mortality/>

¹⁶ UN Aids reported on the situation regarding Adolescent addiction on a report published on the website: https://www.aidsdatahub.org/sites/default/files/publication/UNAIDS_Reporting_on_HIV_and_Drug_use_in_MR_2019.pdf

27. Similarly, we note with concern that although 70% of Myanmar's population lives in remote areas, there are more skillful health care professional available in urban areas¹⁷. The uneven distribution of healthcare professionals results in higher patient to doctor ratios, which in return affects the quality of service received by those in need of medical attention. In addition, we observe with great concern that individuals from marginalized communities encounter serious difficulties in accessing health care due to lack of transportation.

28. We recommend the Government of Myanmar to:

- a) *Combat drug and alcohol addiction among adolescents, by developing a system for prevention and assistance as well as specialized centers for rehabilitation in remote and bordering areas.***
- b) *Adopt all necessary measures to improve the quality of public health services, including the equal distribution of adequate and qualified medical staff between urban and rural areas.***
- c) *Reduce the disparities in access to health care by providing transportation to individuals in disadvantaged neighborhoods in need of medical attention.***

VIII. RIGHTS OF WOMEN

29. We welcome the acceptance of Recommendations No.53¹⁸, 56¹⁹, 59²⁰and 103²¹ concerning the political participation of women, gender equality, and women's empowerment, as well as state efforts to improve the welfare of women in the workforce through the implementation of the National Women Development Strategy 2013-2022. However, despite these interventions, wage gaps between women and men continue to be present and the percentage of women in the workforce continues to decline. In 2015 there was a 51.1% employment to population ratio amongst women in the workforce which decreased to 48% in 2018²².

30. Additionally, violence against women is still a very common practice at home and in workplaces. In general, we note that marginalized women, along with wives of frequently drunk and unemployed men, are exposed to violence and abuse at a much higher rate. There are also reports of women in the workforce experiencing sexual violence by business owners

¹⁷See report regarding Healthcare in Myanmar by the Nagoya Journal of Medical Science published on their website: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4885812/>

¹⁸ Recommendation No. 53 “*Continue to take steps to enhance women empowerment (Pakistan)*” See Report of the Working Group p.15 UN Doc. A/HRC/31/13, 23 December 2015.

¹⁹ Recommendation No. 56 “*Implement the commitment taken in 2011 to ensure gender equality (France)*” See Report of the Working Group p.15 UN Doc. A/HRC/31/13, 23 December 2015.

²⁰ Recommendation No. 59 “*Continue with the implementation of the National Strategic Plan for the Advancement of Women (Israel)*” See Report of the Working Group p.16 UN Doc. A/HRC/31/13, 23 December 2015.

²¹ Recommendation No. 103 “*Further promote women’s rights through increased participation in political, socio-economic and administrative decision making processes (Italy)*” See Report of the Working Group p.18 UN Doc. A/HRC/31/13, 23 December 2015.

²² Statistics derived from the International Labor Organization Myanmar Country Profile posted on their website: <https://www.ilo.org/ilostatcp/CPDesktop/?list=true&lang=en&country=MMR>

and bosses. Most women in Myanmar do not seek assistance due to fear of reprisal, lack of education, and general lack of means to seek legal counsel.

31. We recommend to the Government of Myanmar to:

a) In compliance with previous UPR Recommendations No. 53, No. 56, No. 59 and No. 103, effectively and promptly implement existing policies in order to ensure equal opportunities and equal pay for women.

b) Strengthen its efforts in combating violence against women, bringing perpetrators to justice, and ensuring victims have quality services available to them.

X. INDIGENOUS / MINORITY RIGHTS

32. While acknowledging the acceptance of Recommendation No. 123²³ to enact an effective land registration system, we note with concern that many indigenous people continue to lose their land. The government can take ownership of any unregistered land. Therefore, Myanmar citizens feel that the Government is not promoting land registration because it is not in their best interest. Additionally, the lack of awareness and information on land registration rights also hinders the implementation of a transparent land registration system.

33. We note with deep concern that persecution and discrimination continue to be faced by indigenous people and ethnic minorities in the Shan, Kachin, Chin and Rakhine states. As of 2019, approximately 274,000 Rohingya people have been displaced into Bangladesh due to the ongoing conflict between the Myanmar military and ethnic military groups²⁴. Many individuals do not feel safe to return to their place of origin due to the ongoing conflict. Some have also lost their homes to communal violence and are left without any assistance to resettle.

34. In regards to recommendation No. 22²⁵, we express with great concern that individuals placed in internally displaced camps in Bangladesh lack effective health care and education services.

35. While welcoming the acceptance of Recommendations No. 89²⁶, 90²⁷, and 92²⁸ we note with concern that there is still a need for a higher inter-ethnic and inter-faith, communal

²³ Recommendation No. 123 “Ease tensions in rural areas by developing an effective land registration system with a clear complaints handling mechanism (Germany)” See Report of the Working Group p.19 UN Doc. A/HRC/31/13, 23 December 2015.

²⁴ UNICEF reported on the situation concerning displaced individuals in its Annual Humanitarian report published on the website:
<https://www.unicef.org/myanmar/media/3861/file/UNICEF%20Myanmar%20Humanitarian%20Situation%20Report%20No.12.pdf>

²⁵ Recommendation No. 22 “Continue making efforts for protecting and promoting human rights and improving the living conditions (Kyrgyzstan)” See Report of the Working Group p.19 UN Doc. A/HRC/31/13, 23 December 2015.

²⁶ Recommendation No. 89 “Spread the culture of human rights and strengthen religious and faith tolerance (Sudan)” See Report of the Working Group p.17 UN Doc. A/HRC/31/13, 23 December 2015.

²⁷ Recommendation No. 90 “Intensify efforts in actively promoting inter-ethnic, inter-faith and communal understanding and harmony (Malaysia)” See Report of the Working Group p.17 UN Doc. A/HRC/31/13, 23 December 2015.

understanding. This is especially true for Rohingya people who do not feel safe expressing their culture and faith.

36. We recommend to the Government of Myanmar to:

- a) *Protect the right to land of all Myanmar, especially indigenous people, as stated in Article 8 and 10 of the UN Declaration on the Rights of Indigenous People²⁹, adopted by Myanmar in 2007.*
- b) *Continue the implementation of recommendation No. 120³⁰ to ensure the safe and voluntary return of all internally displaced persons.*
- c) *Continue the implementation of recommendation No. 122³¹ to improve health care, food, and educational services in camps for internally displaced persons.*
- d) *Reassess and effectively enforce efforts to promote harmony among ethnic groups and religions to comply with recommendation No. 89, 90, 92, and 93.*

XII. ECONOMIC AND SEXUAL EXPLOITATION AND HUMAN TRAFFICKING

37. We commend the acceptance of recommendation No. 76³² in efforts to prevent human trafficking. However, there continues to be reports of children and women trafficked for the purpose of economic and sexual exploitation. In 2018 alone, 205 cases of human trafficking were reported³³. Those at higher risk include children ages 12 and 13 who are living in low income areas bordering China and Thailand, and ethnic women placed in IDP camps. Approximately 8 out of 10 women are used for as brides in forced marriages and 20% are used to birth babies³⁴.

38. We recommend the Government of Myanmar to:

²⁸ Recommendation No. 92 “Continue efforts to preserve national, cultural and religious diversity so as to promote harmony among ethnic groups and religions (China)” See Report of the Working Group p.17 UN Doc. A/HRC/31/13, 23 December 2015

²⁹ Article 8. “1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture. 2. States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources [...]”; Article 10. “Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.”. From: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

³⁰ Recommendation No. 120 “Ensure the safe and voluntary return of all internally displaced persons to their place of origin (Turkey)” See Report of the Working Group p.19 UN Doc. A/HRC/31/13, 23 December 2015

³¹ Recommendation No. 122 “Adopt and implement all the necessary measures to continue improving health care, food and education services in camps for internally displaced persons, including in remote areas (Panama)” See Report of the Working Group p.19 UN Doc. A/HRC/31/13, 23 December 2015.

³² Recommendation No. 76 “Continue investing efforts in the prevention of human trafficking, with special attention to investigation and prosecution of all cases of sale and trafficking of children (Serbia)” See Report of the Working Group p.17 UN Doc. A/HRC/31/13, 23 December 2015.

³³ Statistics derived from the 2019 Trafficking in Persons report published by the U,S Department of state on the website: <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/burma/>

³⁴ Statistics derived from an article published by UN Women on the website: <https://www.unwomen.org/en/news/stories/2019/1/feature-tackling-human-trafficking-in-myanmar>

- a) Strengthen efforts to combat human trafficking at the source and continue investing efforts to prevent human trafficking with special attention to cases of children and women.*