



Organization for Defending  
Victims of Violence

## **The Organization for Defending Victims of Violence (ODVV)**

### **Myanmar**

### **Submission to the UN Universal Periodic Review 23<sup>rd</sup> Session of the UPR Working Group of the UN Human Rights Council**

**October 2015**

#### **Executive Summary:**

1- This report deals with practical, monitoring and research actions of the Organization for Defending Victims of Violence in some fields' namely torture, children, genocide on the second round of Myanmar's UPR. Although there are problems and challenges in all aforementioned areas which the Myanmar government must make more efforts to improve them.

2- Towards practical, monitoring and research actions that has been conducted on the abovementioned subjects, the preparer of this report, the ODVV presents the following recommendations for the improvement of human rights in these areas:

#### **About us**

3- The Organization for Defending Victims of Violence (ODVV) is a nongovernmental, nonpolitical and nonprofit organization in Special Consultative Status to ECOSOC, and was founded in 1988. Some of the benefits of the 25 year history of the ODVV is the provision of legal and humanitarian services, holding of education courses, holding of general and thematic researches by using experienced and expertise teams in the issues that are required by society, production and publication, transfer of experiences and effective presence in international conferences.

4- The ODVV is associated to or member of the following organizations and associations:

- Network of NGOs for the formation of the international criminal court
- The International Rehabilitation Centre for Torture Victims (IRCT) (membership in its Central Council)
- CONGO
- The AMAN Network of Rehabilitation Centers for Torture Victims in the MENA region, (Network's First Deputy)
- Asia Youth Network
- In Association with UNDPI

5- To-date (2015) the ODVV has taken part in all Human Rights Council Sessions and submitted written and oral statements held sideline panels, submitted consultative reports on human rights to UN mandate holders.



## **Data collection method**

6- To present a factual picture on areas which this report covers, the preparers adopted a practical method based on the findings of exclusive and field thematic researches, legal monitoring and also media monitoring regarding the activities taken place on the subject.

## **Challenges and Difficulties**

### **Torture**

7- The Myanmar government, military, and police use torture and severe beatings to interrogate, intimidate, and discriminate against rural protestors, ethnic civilians, and prisoners. The Myanmar military tortured a 16 year old Kachin boy<sup>1</sup> who was coming home from a soccer game.

8- The military also tortured<sup>2</sup> ten male villagers in Nhka Ga village, northern Kachin State. The men were tied up, hung from their feet, and beaten inside their church. Two of the villagers, a church deacon and a young man, were killed, and their bodies were dumped alongside a road; others, including the village's pastor, are in critical condition but are being held as hostages<sup>3</sup> and denied medical care. Instances of torture in Kachin State have increased since August – beating and killing villagers is how the military prepared for the early October peace talks between the Kachin and the government, which unsurprisingly did not lead to a ceasefire agreement.

### **Children**

9- The Myanmar military is notorious for its use of child soldiers. More than 5,000 children are currently serving in the military, not including those who were recruited as children but are now past their 18th birthdays. The Myanmar government has long refused to ratify the 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Yet on June 27, 2012, after five years of negotiation, the Myanmar government signed a joint action plan with the UN to end the recruitment and use of children as soldiers in the Tatmadaw (the Myanmar military) and Border Guard Forces. Regrettably, the Myanmar government has been non-compliant in implementing the Burma-UN joint action plan on child soldiers. Only 66 children have been released by the Myanmar military since the “action” plan was signed. Children continue to be recruited and deployed in areas of armed conflict, notably in the military's offensive war against the Kachin ethnic group in northeastern Burma. From September 2012-March 2013, the Tatmadaw recruited nearly 40 more children. The Myanmar government has deliberately inhibited

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<sup>1</sup> <http://kachinlandnews.com/?p=23664>

<sup>2</sup> <http://kachinlandnews.com/?p=23720>

<sup>3</sup> <http://kachinlandnews.com/?p=23765>



the process of demobilizing children by barring the UN Country Task Force from visiting military sites to monitor the release of children.<sup>4</sup>

## Genocide

10- One hundred and forty thousand people, most of whom are Rohingya Muslims, live in conditions of total segregation, marginalization and desperation in Internally Displaced Persons (IDP) camps that are aptly described by those who live there as “concentration camps”.<sup>5</sup>

11- The Government of Burma continues to deny a United Nations report of a break out of violence in Rakhine State in January that left 40 men, women, and children massacred. Doctors without Borders reported that it had treated 22 people for stab and gunshot wounds in the area where the massacre is reported to have taken place. This revelation was cited by the government as one of the principle reasons for the expulsion of Doctors Without Borders from Rakhine State. The loss of 500 Doctors without Borders staff means the loss of 1,000 eyes on the ground.<sup>6</sup>

12- Restriction of Rights Based on Identity is most starkly seen in northern Rakhine State where a state policy of persecution has limited the rights of Muslim Rohingya to marry, have children, work, move, and gain access to education.

13- The situation also has regional dimensions: since the violence in June 2012, some 87,000 people (mainly Rohingya, but also some Bangladeshis among them) are estimated to have departed by sea from the Myanmar-Bangladesh border area often in rickety boats in treacherous conditions, destined for such countries as Australia, Indonesia, Malaysia and Thailand.<sup>7</sup> In fact, UNHCR notes over 20,000 irregular maritime departures in the first half of 2014 alone.<sup>8</sup>

14- In 2014, Amnesty International has received reports that at least 60 individuals have been charged under Article 18 of the Peaceful Assembly Law. However, the actual number is believed to be higher. These individuals include political activists; land rights and environmental activists; human rights defenders; farmers; and other peaceful protesters. They have been charged solely for their participation in peaceful assemblies and demonstrations.<sup>9</sup>

15- The Rohingya community continues to face systematic discrimination, which includes restrictions on the freedom of movement, on access to land, food, water, education and health care, and on marriages and birth registration. The human rights violations faced by the Rohingya community have been regularly documented by successive Special Rapporteurs on the situation of human rights in Myanmar. These include summary executions, enforced disappearances, torture,

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<sup>4</sup> <http://uscampaignforburma.org/index.php>

<sup>5</sup> <http://endgenocide.org/wp-content/uploads/2014/03/marching-to-genocide-in-burma.pdf>

<sup>6</sup> <http://endgenocide.org/wp-content/uploads/2014/03/marching-to-genocide-in-burma.pdf>

<sup>7</sup> UNCHR, “South-East Asia: irregular maritime movements, January-June 2014” August 2014.

<sup>8</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N14/545/25/PDF/N1454525.pdf?OpenElement>

<sup>9</sup> <http://www.amnesty.org/en/library/asset/ASA16/025/2014/en/393f5211-362d-4e90-b398-70e43086de69/asa160252014en.html>



forced labour and forced displacements, as well as rape and other forms of sexual violence. These allegations should be investigated and addressed, with perpetrators held to account.<sup>10</sup>

## **Recommendation**

16- Immediately end all recruitment of children under the age of 18, and demobilize children under the age of 18 from the armed forces. Ensure that all recruits to the military are at least 18 years of age. To this end, enforce the requirement that all recruits to the military must provide documentary proof that they are 18 years of age or over, and enact a system for monitoring that such documents have been received and verified.

17- Urge the Government of Myanmar to end the persecution of the Rohingya people and respect internationally recognized human rights for all ethnic and religious minority groups within Myanmar.

18- Immediately and unconditionally release all political prisoners and those arbitrarily detained, including U Tun Aung and U Kyaw Hla Aung, ensuring that they are not subject to conditions that make it difficult for them to find work, receive benefits and reintegrate into society.

19- End forced labour and child labour Undertake further efforts to prevent the use of child soldiers and to demobilize and reintegrate child soldiers

20- Ratify the remaining core human rights treaties, such as ICCPR , CAT, CERD and ICESCR.

21- The Organization for Defending Victims of Violence calls on the Myanmar authorities to immediately drop all charges brought against those detained solely for peacefully exercising their rights to freedom of expression and assembly, to immediately and unconditionally release all those detained or imprisoned under such charges and to amend the Peaceful Assembly Law to bring it into line with international human rights law and standards.

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<sup>10</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N14/545/25/PDF/N1454525.pdf?OpenElement>