

31<sup>st</sup> July 2017 (COI up to 11<sup>th</sup> July 2017)

## Myanmar Query Response: Chin State<sup>1</sup>

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3. [Are there reported incidents in Chin State in 2016/17 of land owners/farmers suffering intimidation, abuse and/or arrest as a result of seeking a legal remedy or other relief in relation to land restitution/confiscation?](#)
4. [Are there reported incidents in Myanmar in 2016/17 where a returnee/rejected asylum seeker was arrested for illegally departing or illegal return to Myanmar?](#)
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8. [What is the situation of land mines or other unexploded ordnance in Chin State? Is it a problem, and if so are steps being taken to demine certain areas? Is there a map of the contaminated areas or could one be constructed?](#)

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<sup>1</sup>For specific information on Chin Christians see Rachel Fleming, [Hidden Plight: Christian Minorities in Burma](#), December 2016, commissioned by the U.S. Commission on International Religious Freedom. For a more comprehensive background report on Chin Christians see Chin Human Rights Organization, [“Threats to Our Existence”: Persecution of Ethnic Chin Christians in Burma](#), September 2012

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[Annex D](#): Written response received by a representative of an international organisation (13 June 2017)

[Annex E](#): Written response received from a representative of a local NGO (7 June 2017)

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## Explanatory Note

This report presents country of origin information (COI) on Myanmar up to 11<sup>th</sup> July 2017 on issues identified to be of relevance in refugee status determination for Myanmar nationals, particularly those from Chin State.

The COI presented is illustrative, but not exhaustive of the information available in the public domain, nor is it determinative of any individual human rights or asylum claim. All sources are publicly available and a direct hyperlink has been provided. A list of sources and databases consulted is also provided, to enable users to conduct further research and to conduct source assessments. Research focused on **events**, which occurred between 1<sup>st</sup> January 2016 and 11<sup>th</sup> July 2017 and all sources were accessed in March, June and July 2017. Sources pre-dating the cut-off point for research were included to provide background information where necessary.

To supplement the publicly available information included, country experts on Myanmar were contacted through email correspondence between April and June 2017, asking the following questions:

1. Are there reported incidents in Chin State in 2016/17 of forced labour/forced recruitment into the military? If so, what is the government response to such incidents, officially and in practice?
2. Are there reported incidents in Chin State in 2016/17 of arrests and punishment of people who have deserted military service after being forcefully or otherwise recruited?
3. Are there reported incidents in Chin State in 2016/17 of land owners/farmers suffering intimidation, abuse and/or arrest as a result of seeking a legal remedy or other relief in relation to land restitution/confiscation?
4. Are there reported incidents in Myanmar in 2016/17 where a returnee/rejected asylum seeker was arrested for illegally departing or illegal return to Myanmar?
5. Are there reported incidents of discrimination or violence against Zomi or other ethnic minority groups among the Chin population by majority ethnic groups and/or the Chin National Front?
6. Would a Chin returnee/rejected asylum seeker be eligible to obtain ID documents (Citizenship Scrutiny Card) if returned to Myanmar? How about when their ID document (CSC or the National Registration Card) was issued in the past, but was confiscated by the Myanmar authorities?
7. Do you have access or do you know of a source that can provide a useful map on:
  - number and locations of schools in Chin State;
  - number and locations of hospitals/health clinics in Chin State,
  - situation of land mines or other unexploded ordnance in Chin State (e.g. map of the contaminated area)

For a list of country experts consulted see [Annex A](#) in this report.

This document is intended to be used as a tool to help to identify relevant COI and the COI referred to in this report can be considered by decision makers in assessing asylum applications and appeals. **However, this document should not be submitted in full or in isolation as evidence to refugee decision making authorities.** Whilst every attempt has been made to ensure accuracy, the authors accept no responsibility for any errors included in this report.

## Sources and databases consulted

Not all of the sources listed here have been consulted for each issue addressed in the report. Additional sources to those individually listed were consulted via database searches. This non-exhaustive list is intended to assist in further case-specific research. To find out more about an organisation, view the 'About Us' tab of a source's website.

### Databases

[European Country of Origin Information Network \(ECOI\)](#)

[Relief Web](#)

[UNHCR Refworld](#)

### Sources

[Alternative Asean Network on Burma \(ALTSEAN\)](#)

[Amnesty International](#)[Myanmar pages]

[Asian Correspondent](#)[Burma pages]

[Asia Society](#)[Myanmar pages]

[Asian Human Rights Commission](#)[Burma/Myanmarpages]

[Asian Legal Resource Centre](#)[Burma/Myanmar pages]

[Asia Times](#)

[The Border Consortium](#)

[BurmaNet News](#)

[Burma News International](#)

[Burma Partnership](#)

[Catholic Relief Services](#)

[Centre for Humanitarian Dialogue](#)

[Centre for Strategic & International Studies, cogitASIA](#) [Burma/Myanmar pages]

[Child Soldiers' International](#) [Myanmar pages]

[Chin Human Rights Organization \(CHRO\)](#)

[Chinland Guardian](#)

[Community Agency for Rural Development \(CAD\)](#)

[Community Care for Emergency Response and Rehabilitation](#)

[Eleven Myanmar](#)

[Eurasia Review](#)

[Free Burma Rangers](#)

[Fortify Rights](#)

[Freedom House](#)[Freedom in the World 2017 – Myanmar pages]

[Human Rights Watch](#)[Burmapages]

[Integrated Regional Information Networks \(IRIN\)](#)[Myanmarpages]

[International Crisis Group](#)[Myanmarpages]

[International Federation for Human Rights](#)[Burmapages]

[International Rescue Committee](#)

[International Work Group for Indigenous Affairs \(IWGIA\)](#)

[Inter Press Service](#)

[The Irrawaddy](#) [Burma pages]

[Karen News](#)

[Landmine and Cluster Munition Monitor](#) [Myanmar/Burma pages]

[Local Resource Centre](#)

[Mineaction.org](#)

[Minority Rights Group International](#)

[Mizzima](#)

[Myanmar Information Monitoring Unit](#)  
[Myanmar Institute for Integrated Development](#)  
[Myanmar Peace Monitor](#)  
[Myanmar Times](#)  
[Radio Free Asia](#) [Myanmar pages]  
[Radio Free Europe/Radio Liberty](#)  
[Reuters](#)  
[UK Foreign and Commonwealth Office](#)[Burma pages]  
[United Nations News Centre](#)  
[United Nations Office of the High Commissioner for Human Rights \(OHCHR\)](#) [Myanmar pages]  
[United Nations Special Rapporteur on the situation of human rights in Myanmar](#)  
[United States Department of State](#)  
[War Resisters' International](#)

## List of Acronyms

<b>AA</b>	Arakan Army
<b>AWOL</b>	Absent Without Leave
<b>CTFMR</b>	Country Task Force for Monitoring and Reporting
<b>CAD</b>	Community Agency for Rural Development
<b>CHRO</b>	Chin Human Rights Organization
<b>CNA</b>	Chin National Army
<b>CNF</b>	Chin National Front
<b>CSC</b>	Citizen Scrutiny Card
<b>ILO</b>	International Labour Organization
<b>JAP</b>	Joint Action Plan
<b>MEET</b>	Myanmar Enhancement to Empower Tribal
<b>NSAGs</b>	Non-State Armed Groups
<b>USDP</b>	Union Solidarity and Development Party
<b>WFP</b>	World Food Programme

**1. Are there reported incidents in Chin State in 2016/17 of forced labour/forced recruitment into the military? If so, what is the government response to such incidents, officially and in practice?**

In her written response to ARC in May 2017 Rachel Fleming, a human rights consultant, raised the following point with regards to militarization in Chin State:

Chin State remains very heavily militarized. It is well documented that wherever Burma Army soldiers are present, human rights abuses against civilians take place. I think this needs to be factored into analysis, particularly as Chin people are going to be unwilling to return to villages and towns still occupied by the Burma Army. I have travelled quite widely in Chin State, including to some remote areas (villages upriver in Paletwa township; Matupi township area). When I was in Matupi township in April 2016, I was shocked at how heavily militarized the area still is. There are two army bases outside the town of Matupi, and soldiers had a highly visible presence in the town. Sitting outside my guesthouse, every third motorbike that went past was driven by soldiers. I and my Chin interpreter and Chin driver experienced harassment by Special Branch on three separate occasions in Matupi and also in Rezua in Matupi township. These areas are remote: there is little mobile phone coverage, for example.<sup>2</sup>

She further noted that:

It is very difficult to document human rights violations in remote, rural areas of Chin State. Violations are sometimes documented weeks or even months after they have taken place. It is very important not to draw conclusions about the whole of Chin State, as the situation varies from township to township, and village to village. With the exception of CHRO (and possibly some other Chin civil society organizations), very few people have an overview of what is happening in the whole of Chin State. Most people have not travelled extensively throughout the state. They may feel confident about drawing conclusions for their own township, but those cannot be extrapolated for the whole of Chin State. For example, an individual from Hakha township would have very little (if any) knowledge of Paletwa township, and is highly unlikely to have ever travelled there as it is so hard to get there from within Chin State. As far as I'm aware, Paletwa township continues to be more easily accessed from Rakhine State, up the Kaladan river from Kyaukdaw. Similarly, unless someone has reason to travel extensively within their township (such as a cross-border trader, or pastor, or journalist, or local aid worker) they will not have knowledge of what is happening in remote villages within their own township, especially in border areas.<sup>3</sup>

*Across Myanmar: Forced recruitment - children*

With regards to child recruitment, the U.S. Department of State reported in its 'Trafficking in Persons Report' covering mid-2016 to mid-2017 that:

[...] the government continued to require troops to source their own labor and supplies from local communities, thereby increasing the prevalence of forced labor; failed to sufficiently penalize military officials who engaged in child soldier recruitment; and prevented the UN from playing a constructive role in bringing to an end the recruitment and use of children by ethnic armed groups [...]

The government interfered with progress on a significant trafficking problem in the country by not allowing the UN to sign action plans with ethnic armed groups to end their recruitment and use of children. Although oversight and monitoring of recruitment procedures remained insufficient to prevent child recruitment in the military, international observers reported age verification procedures continued to improve the military's ability to identify and prevent most child recruitment, and the military continued to provide enlisted personnel, training centers, and recruitment officials with age

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<sup>2</sup>See [Annex C](#) for full written response

<sup>3</sup>See [Annex C](#) for full written response

assessment and child soldier prevention trainings. The government did not reform the military's "self-reliance" policy, which continued to make adults and children—particularly members of stateless ethnic minority groups—vulnerable to forced labor. [...]

Some military personnel, civilian brokers, border guard officials, and ethnic armed groups continue to recruit or use child soldiers, particularly in conflict-prone ethnic areas, although monitoring groups report the incidence of forced conscription into government armed forces continued to decrease significantly. As of the close of the reporting period, international monitors had verified two cases of child recruitment by the Burmese military in 2016. In some cases, recruiters use deception, offering incentives or coercing children or their families through false promises about working conditions, salary, and promotion opportunities. Men and boys are forced to serve in ethnic armed groups through intimidation, coercion, threats, and violence; in the past, the Burmese army has employed similar tactics, although no such cases were verified during the reporting period. Some child soldiers are deployed to the front-line as combatants. In addition to formally recruiting at least two children into its ranks in 2016, the military may have continued to use children for labor or other support roles. Some ethnic armed groups abduct or recruit children—including from internally displaced persons' camps—for use as soldiers in fighting against the Burmese army.<sup>4</sup>

The U.S. Department of State noted that throughout 2016 "The military continued enforcing its ban of all recruitment at the battalion level and continued to sanction military officers and noncommissioned personnel for complicity in child soldier recruitment and use. The military also provided information to the CTFMR[Country Task Force for Monitoring and Reporting] that linked specific accountability measures to the respective case(s) of child recruitment or use, allowing for verification of the military's accountability measures. The military did not make these reports available to the public".<sup>5</sup>

Child Soldiers International reported in March 2016 as part of its briefing for the UN Secretary-General's Annual Report on Children and Armed Conflict that "Almost four years since the UN and the Myanmar government signed a Joint Action Plan (JAP) to end the recruitment and use of children in June 2012, children continue to be present in the ranks of the *Tatmadaw Kyi* as well as non-state armed groups (NSAGs), although recent trends indicate that active recruitment of children by the *Tatmadaw ky* appears to have significantly reduced".<sup>6</sup> The same source further noted that "Nonetheless, children continue to be unlawfully recruited into the *Tatmadaw Kyi*; 210 cases of 'suspected minors' were reported by the Country Task Force for Monitoring and Reporting (CTFMR) for age verification in 2015. The CTFMR received complaints on these cases through its public phone line, the forced labour complaint mechanism of the International Labour Organization (ILO) and community monitoring initiatives".<sup>7</sup> The same source further explained that:

This 'recruitment economy' has contributed to the creation of a network of informal recruitment agents (civilian brokers), who receive payments for delivering new recruits to the *Tatmadaw Kyi*. Over the course of 2015, the use of civilian brokers continued to be reported with no movement to clarify the legal avenues to hold civilian brokers accountable. It has also generated pressure on recruiting officers to ignore national legal restrictions of the minimum recruitment age, in a context where adults are unwilling to volunteer and where accountability mechanisms designed to deter underage recruitment have been lax. Despite welcome measures to spread greater awareness about the

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<sup>4</sup>U.S. Department of State, [2017 Trafficking in Persons Report: Burma: Tier 2 Watch List](#), 37 June 2017

<sup>5</sup>U.S. Department of State, [Country Reports on Human Rights Practices for 2016: Burma](#), 13 April 2017, *Section 1. g. Abuses in Internal Conflict*

<sup>6</sup>Child Soldiers International, [Ongoing Underage Recruitment and Use by the Myanmar Military and Non-State Armed Groups: Briefing for the UN Secretary General's Annual Report on Children and Armed Conflict – March 2016](#), 21 March 2016, *Summary of concerns, p. 1*

<sup>7</sup>Child Soldiers International, [Ongoing Underage Recruitment and Use by the Myanmar Military and Non-State Armed Groups: Briefing for the UN Secretary General's Annual Report on Children and Armed Conflict – March 2016](#), 21 March 2016, *Summary of concerns, p. 1*

unlawfulness of underage recruitment, including through the operationalising of a more centralised system for recruitment, children continue to be among those forcibly recruited, and remain easier to trick and more susceptible to pressure to enlist than adults [...]

Information gathered by Child Soldiers International shows that military officers and civilian brokers continue to use deliberate misrepresentation, intimidation, coercion and enticement to obtain new recruits, including children. Civilian brokers have frequently recruited boys under false pretences, often offering them a different job, such as a driver.<sup>8</sup>

With regards to government's response in relation to underage recruitment, Child Soldiers International noted that "Despite a commitment to promptly identify, verify and release children under the Joint Action Plan, the number of children identified and released remains very low when compared to reported high levels of child recruitment in the past. This limited number is partially a result of the age limit relating to underage recruits under the JAP and the fact that, since a large number of individuals recruited as children are now in their 20s or older, they are covered under the ILO's Forced Labour Complaints Mechanism. In addition, some individuals recruited as children who are now adults are presented with a choice to remain in the military and some of them choose to stay".<sup>9</sup> Another reason is that "widespread corruption within Township authorities and the significant, if unofficial, influence that the military exerts on them ensures that documentation is often falsified and an accurate proof of age is seldom obtained. As a result, the *Tatmadaw Kyi's* progress in identifying children within its ranks has been slow".<sup>10</sup> In addition, Child Soldiers International noted that as far as it was aware "no accountability measures have been taken against soldiers and officials who have aided and abetted the recruitment of children. No systematic and effective investigations or prosecutions have been initiated with regards to civilian brokers who play an important role in luring and forcing children to the military recruitment officers. This could partly be because of an absence of a clear legal avenue for prosecutions, which the CTFMR had been trying to address by advocating for a Presidential Decree to fill this gap. However, according to information provided by the Ministry of Defence in March 2016, 'one civilian was sentenced for one year for assisting underage recruitment'.<sup>11</sup>

### Across Myanmar: Forced labour

The U.S. Department of State reported in its 'Trafficking in Persons Report' covering mid-2016 to mid-2017 that:

Some military and civilian officials reportedly facilitated the smuggling and exploitation of Rohingya migrants and subjected civilians, particularly members of ethnic minority groups, to forced labor within Burma [...]

The military continued to subject civilians to forced labor [...]

As reported over the past five years, Burma is a source country for men, women, and children subjected to forced labor and for women and children subjected to sex trafficking, both in Burma and abroad [...]

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<sup>8</sup>Child Soldiers International, [Ongoing Underage Recruitment and Use by the Myanmar Military and Non-State Armed Groups: Briefing for the UN Secretary General's Annual Report on Children and Armed Conflict – March 2016](#), 21 March 2016, *Summary of concerns*, pages 1-2

<sup>9</sup>Child Soldiers International, [Ongoing Underage Recruitment and Use by the Myanmar Military and Non-State Armed Groups: Briefing for the UN Secretary General's Annual Report on Children and Armed Conflict – March 2016](#), 21 March 2016, *Summary of concerns*, p.3

<sup>10</sup>Child Soldiers International, [Ongoing Underage Recruitment and Use by the Myanmar Military and Non-State Armed Groups: Briefing for the UN Secretary General's Annual Report on Children and Armed Conflict – March 2016](#), 21 March 2016, *Summary of concerns*, p. 4

<sup>11</sup>Child Soldiers International, [Ongoing Underage Recruitment and Use by the Myanmar Military and Non-State Armed Groups: Briefing for the UN Secretary General's Annual Report on Children and Armed Conflict – March 2016](#), 21 March 2016, *Summary of concerns*, pages 6-7

In addition to formally recruiting at least two children into its ranks in 2016, the military may have continued to use children for labor or other support roles [...]

The Burmese military, civilian officials, and some ethnic armed groups use various forms of coercion, including threats of financial and physical harm, to compel victims into forced labor. In areas with active conflict, members of local populations—mostly men, but also women and children as young as 12 years old—are subject to forced labor. The ILO continued to receive reports indicating the actual use of forced labor is decreasing overall, but the number of complaints of forced labor through the ILO complaints mechanism remained significant. Reports of forced labor occurred across the country; prevalence was higher in states with significant armed conflict, while reports declined in cease-fire states. Reporting and verification mechanisms were weak or non-existent in conflict areas, making it difficult to fully assess the ongoing scale of forced labor. Officials continued to use violence or threats thereof to compel civilians into forced labor, including portering, work on public infrastructure projects, and activities related to the military's "self-reliance" policy—under which military battalions are responsible for procuring their own food and labor supplies from local villagers, who in turn are at a significantly elevated risk of forced labor through the arrangement. The army uses children as porters, cooks within battalions, or to carry supplies or perform other support roles. Some observers noted forced labor practices were changing, resulting in a reported decrease in the use of forced labor by the military and an increase in reports of forced labor in the private sector and by civilian officials. At the same time, international organizations reported forced labor remains common in areas affected by conflicts—particularly in Rakhine State. There were continued reports of widespread abuses by government soldiers, including forced labor of members of ethnic groups in Shan, Karen, and Kachin states. Land confiscation by military, local government, and private businesses placed agricultural workers at risk for forced labor, including on lands they previously occupied.<sup>12</sup>

The U.S. Department of State noted in its annual human rights report covering 2016 that "The International Labor Organization (ILO) reported that it continued to receive reports indicating that the actual use of forced labor was decreasing overall".<sup>13</sup> However, the same report also stated that "Tension between the military and ethnic minority populations, while somewhat diminished in areas with ceasefire agreements, remained high, and the army stationed forces in some ethnic groups' areas of influence and controlled certain cities, towns, and highways. Ethnic armed groups [...] pointed to the increased presence of army troops as a major source of tension and insecurity. Reported abuses included [...] forced labor [...]"<sup>14</sup>The report further noted that:

Reports of forced labor occurred across the country, including in cease-fire states, and the prevalence was higher in states with significant armed conflict. Forced labor continued, including forced portering, mandatory work on public infrastructure projects, and activities related to the military's "self-reliance" policy. Under the self-reliance policy, military battalions are responsible for procuring their own food and labor supplies from local villagers—a major contributing factor to forced labor and other abuses. Some observers noted that forced labor practices were changing, resulting in a reported decrease in use of forced labor by the military and an increase in reports of forced labor in the private sector and by civilian officials. At the same time, international organizations reported that forced labor remained common in areas affected by conflicts.<sup>15</sup>

The U.S Department of State report further noted with regards to the legal provisions on forced labour:

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<sup>12</sup>U.S. Department of State, [2017 Trafficking in Persons Report: Burma: Tier 2 Watch List](#), 37 June 2017

<sup>13</sup>U.S. Department of State, [Country Reports on Human Rights Practices for 2016: Burma](#), 13 April 2017, *Section 1. g. Abuses in Internal Conflict*

<sup>14</sup>U.S. Department of State, [Country Reports on Human Rights Practices for 2016: Burma](#), 13 April 2017, *Section 6. Discrimination, Societal Abuses, and Trafficking in Persons*

<sup>15</sup>U.S. Department of State, [Country Reports on Human Rights Practices for 2016: Burma](#), 13 April 2017, *Section 7. b. Prohibition of Forced or Compulsory Labor*

Laws prohibit all forms of forced or compulsory labor and provide for the punishment of persons who impose forced labor on others, but the government did not effectively enforce the law.

The law provides for criminal penalties for forced labor violations; penalties differ depending on whether the military, the government, or a private citizen committed the forced labor violation. Prosecution of military perpetrators occurs under either the military or penal code. Civilian perpetrators may be subject to administrative action or criminal proceedings under the penal code. The maximum penalty under the penal code is 12 months in prison; under the military code it is seven years in prison. International observers deemed the penalties sufficient to deter forced labor.<sup>16</sup>

With regards to the ILO complaints mechanism, the same source noted that:

The government continued to implement the ILO action plan to eliminate forced labor even following its expiration in March [2016], renewing this mechanism in November [2016] with the ILO. Both the military and the government responded to complaints logged by the complaints mechanism on an ad hoc basis during the lapse in the ILO mechanism. The ILO reported that it continued to receive reports indicating that the use of forced labor was decreasing overall, but the number of complaints of forced labor through the ILO complaints mechanism remained significant. Moreover, it noted that the government's and military's use of forced or compulsory labor of adults and children and the failure to hold perpetrators accountable remained a problem [...] As of September the ILO received an average of 25 complaints monthly, compared with 33 complaints monthly in 2014. The ILO attributed the continuing high rates of reporting to increasing awareness of the illegality of forced labor along with strong support networks provided by the ILO and civil society organizations and the continued low levels of public trust and confidence in the national justice system. The government completed a new negotiated framework with the ILO in November [2016].<sup>17</sup>

### Chin State

The U.S. Department of State noted in its annual human rights report covering 2016 that "In Chin State and most of the southeast, widespread and systematic violent abuses of civilian populations in ethnic minority areas continued to decline, largely due to a number of bilateral cease-fire agreements reached with ethnic armed groups".<sup>18</sup>

### Chin State: Forced recruitment – children & adult

According to a Chin Human Rights Organization (CHRO) thematic briefing of June 2015 on the armed conflict in Paletwa, southern Chin State "In early March [2015], CHRO documented two cases of child soldier recruitment and one of forced recruitment in the Paletwa area of southern Chin State by a Warrant Officer from Burma Army Light Infantry Battalion 20, based in Sittwe, Arakan State".<sup>19</sup>

### Chin State: Forced labour

In its report on the situation of human rights of Rohingya Muslims and other minorities in Myanmar, the UN High Commissioner for Human Rights reports in June 2016 that "Special procedure mandate

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<sup>16</sup>U.S. Department of State, [Country Reports on Human Rights Practices for 2016: Burma](#), 13 April 2017, Section 7. b. Prohibition of Forced or Compulsory Labor

<sup>17</sup>U.S. Department of State, [Country Reports on Human Rights Practices for 2016: Burma](#), 13 April 2017, Section 7. b. Prohibition of Forced or Compulsory Labor

<sup>18</sup>U.S. Department of State, [Country Reports on Human Rights Practices for 2016: Burma](#), 13 April 2017, Section 1. g. Abuses in Internal Conflict

<sup>19</sup>Chin Human Rights Organization (CHRO), [THEMATIC BRIEFING: Armed conflict in Paletwa, southern Chin State](#), 15 June 2015, Summary, p. 1

holders have reported allegations of human rights violations targeting Chin Christians, including of forced labour for the construction of monasteries and pagodas”.<sup>20</sup>

In July 2016 the Irrawaddy reported that “A Chin political party released a statement on Tuesday demanding that both the Burma Army and the Arakan Army stop conscripting forced labor, burning houses and torturing locals in rural areas of Paletwa Township in southern Chin State”.<sup>21</sup> The same source further noted that at the end of 2015 “dozens of skirmishes broke out between the Arakan Army and the Burma Army. Three hundred fifty residents fled after both sides began to conscript villagers as porters. They are currently being sheltered in Pyaing Zo village, with Chin civil society organizations providing humanitarian assistance”.<sup>22</sup>

In her written response to ARC in April 2017, a local development consultant noted that:

There are definitely continued cases of forced labour and portering [...].  
I think it is also important to state that the definition of what constitutes ‘forced’ is quite complex constantly evolving (this does not mean getting better, rather perhaps getting more complex in methods utilized) in this context as level and variety of threats change with an increasing awareness on behalf of the perpetrators that these things are publicly unacceptable and the news will reach not only the communities but also the media etc, putting themselves and their supervisors in trickier positions than would have previously been the case.<sup>23</sup>

A representative of an international organisation reported in his written response to ARC in June 2017 that “We have not received any report and shared information from the coordination meetings of Government, UN agencies and development agencies in Chin State in 2016/17”.<sup>24</sup> Similarly, a representative of a local NGO wrote to ARC in June 2017 that he “Did not receive reports of forced labour or forced recruitment”<sup>25</sup>, whilst U Win Hlaing Oo from the Community Agency for Rural Development (CAD) and U Aung Din from Myanmar Enhancement to Empower Tribal (MEET) responded to ARC in their respective written responses of June 2017 that they had not heard of any incidents on forced labour or recruitment.<sup>26</sup>

The Chin Human Rights Organization (CHRO) noted in its written response to ARC in June 2017 that:

A smoldering conflict between the Arakan Army and Tatmadaw in the Paletwa Township of Chin State continues to affect the civilian population. Both the Tatmadaw and the Arakan Army continue to bring civilians into their military activities, ignoring obligations under customary international humanitarian law (IHL).[1]

*The Tatmadaw and Forced Labour/Human Shields*

On Nov 16th, 2016 a Chin community member based in Southern Paletwa, Chin State was killed after stepping on a landmine. He was portering for the Tatmadaw who were on patrol in the area. The Tatmadaw were using the villager as a human shield. Knowing that AA was present, in close vicinity to where the village was situated, and, the risks posed by landmines in the area, the Tatmadaw, while on patrol, had forced a man to carry food items and walk ahead of the patrol.[2] The man died before being able to reach a medical facility.

*The AA and Human Rights Abuses*

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<sup>20</sup> UN Human Rights Council, [Situation of human rights of Rohingya Muslims and other minorities in Myanmar, 29 June 2016, C. Violations and abuses against other minorities, para. 63, p. 15](#)

<sup>21</sup>The Irrawaddy, [Chin Party Condemns Abuses by Burma Army, Arakan Army](#), 5 July 2016

<sup>22</sup>The Irrawaddy, [Chin Party Condemns Abuses by Burma Army, Arakan Army](#), 5 July 2016

<sup>23</sup>See [Annex B](#) for full written response

<sup>24</sup>See [Annex D](#) for full written response

<sup>25</sup>See [Annex E](#) for full written response

<sup>26</sup>See [Annex F](#) for full written response and [Annex G](#) for full written response

The AA continues to violate human rights and humanitarian law in Paletwa. CHRO has received reports of arbitrary demands, laying of landmines close to villages and in farming areas, issuing of threats and imposing movement restrictions on civilian populations. [...]

In Ralie Village, Paletwa, May 2017, arbitrary demands issued by AA forces and the collective perception of escalating risk of conflict between AA and Tatmadaw in the area, forced 300 Mara, Chin to flee to India and over 200 into neighboring villages as IDP's.[3] While it is clear that the issuing of arbitrary demands had been a cause of the villagers to flee to India, the risk of arrest by Tatmadaw forces is also quoted as being a reason to flee. Being caught at a checkpoint carrying loads for the AA is something which the villagers were not willing to risk.

#### *Official Responses*

There has been no official response by the government in relation to the case of civilians fleeing Ralie Village into Mizoram, nor the situation in Paletwa, generally speaking. In an interview with the Irrawaddy, U Thine Thu Kha, the spokesperson for the AA's Western Chapter, denied the AA had any involvement in the situation and any claims made were based on "groundless accusations". [4] He went on to state that there was no armed conflict between AA and Tatmadaw in Paletwa. CHRO is aware of skirmishes between AA forces and Tatmadaw in areas of Paletwa having taken place as recently as June, 2017. Given the inaccessibility of Paletwa, it is an exceptionally difficult place to cover. Had it not been that, in this circumstance, the villagers had crossed an international border, this story may well have gone unnoticed. U Thine Thu Kha further claimed that the AA is a victim of a defamatory agenda. [4] He was unclear on who this could be, but previously on the AA's official facebook page, it was suggested that in other similar circumstances, it was the work of the Arakan Liberation Army (ALA). [4]

CHRO believes the fighting in this area of Chin State is likely to increase in the short-term as the AA look to continue to assert themselves in the ongoing peace process having established ties to other Ethnic Armed Organizations under the Brotherhood of the Northern Alliance together with the Kachin Independence Army, Ta'ang National Liberation Army and the Myanmar National Democratic Alliance Army. In the long-term, the AA claim that Paletwa is part of Arakan State, despite the vast majority of groups in Paletwa self-identifying as various sub-groups of Chin. Fighting between the Tatmadaw and AA and a range of associated human rights abuses have been well documented by CHRO in 2015.[5]

[1] Article 3 common to four Geneva Conventions of 1949 (known as Common Article 3), to which all states are parties, including Burma/Myanmar. Common Article 3 states, "In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions..." The rules are set out by the International Committee of the Red Cross (ICRC) in Henckaerts & Doswald-Beck, eds., *Customary International Humanitarian Law, Volume I: Rules* (Cambridge: Cambridge Univ. Press 2005).

[2] Unpublished information. Place names and names of villagers are not provided for security reasons.

[3] Please see, Chin Human Rights Org "*CHRO: Concerns of Forced Displacement as a Result of Arakan Army Activities*" May 26th 2017. <http://www.chro.ca/index.php/resources/chro-in-the-news/563-chro-concerns-of-forced-displacement-of-chin-civilians-as-a-result-of-arakan-army-activities>

[4] The Irrawaddy, "*The Arakan Army Denies Forcing Chin Refugees into India*", 23rd May 2017.

[5] Please see Chin Human Rights Organisation, "*Caught in the Cross-fire*" June 14th 2015.<sup>27</sup>

Burma News International reported on 5<sup>th</sup> July 2017 that "In a letter sent to the Chin State chief minister this month, a group of Chin youth slammed the Tatmadaw and the Arakan Army for allegedly perpetrating human rights abuses like forcibly recruiting villagers and using civilians as human shields. The five Chin youth – including representatives from the Chin National Democratic, the Chin Students' Union, Myanmar and the Chinland Post – visited Paletwa township from June 17 to 26. While on the trip, residents from the township's ten villages told them about regular abuses they reportedly have suffered at the hands of soldiers. 'Human rights violations such as physical assault, forceful recruitment of residents as porters or guides, robberies and the use of residents as human shields have been committed,' the letter to Chief Minister Salai Lian Luai stated".<sup>28</sup>

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<sup>27</sup> See [Annex H](#) for full written response

<sup>28</sup> Burma News International, [Chin youth accuse AA, Tatmadaw of committing human rights violations](#), 5 July 2017

## 2. Are there reported incidents in Chin State in 2016/17 of arrests and punishment of people who have deserted military service after being forcefully or otherwise recruited?

### Across Myanmar

The U.S. Department of State noted in relation to child soldiers that throughout 2016 “Children who fled military service or received demobilization from civil society organizations rather than through the official CTFMR [UN Country Task Force on Monitoring and Reporting] process continued to face arrest and imprisonment on charges of desertion while the military investigated their cases”.<sup>29</sup> However, in its ‘Trafficking in Persons Report’ covering mid-2015 to mid-2016 the same source noted that “in all cases where these individuals were identified as minors, authorities subsequently processed their release, although some remained in civilian detention for several months”.<sup>30</sup>

Child Soldiers International highlighted in March 2016 its concern, as part of its briefing for the UN Secretary-General’s Annual Report on Children and Armed Conflict that “children who escape from the Tatmadaw Kyi continue to be detained and treated as adult deserters. While commitments and policy directives regarding the arrest and prosecution of underage runaways have been issued at higher levels of government, this practice is not supported at the level of battalions and regiments, where such arrests continue to take place. Children arrested in this manner are charged with ‘desertion/Absent Without Leave (AWOL)’ and ‘criminal action’”.<sup>31</sup>

### Chin State

The representative of the international organisation reported in his written response to ARC in June 2017 that “We have not received any report and shared information from the coordination meetings of Government, UN agencies and development agencies in Chin State in 2016/17”.<sup>32</sup> Similarly, a representative of a local NGO wrote to ARC in June 2017 that he “Did not receive reports of forced labour or forced recruitment”<sup>33</sup>, whilst U Win Hlaing Oo from the Community Agency for Rural Development (CAD) and U Aung Din from Myanmar Enhancement to Empower Tribal (MEET) responded to ARC in their respective written responses of June 2017 that they had not heard of any incident on forced recruitment.<sup>34</sup>

However, the Chin Human Rights Organization (CHRO) noted in its written response to ARC in June 2017 that [emphasis added]:

A smoldering conflict between the Arakan Army and Tatmadaw in the Paletwa Township of Chin State continues to affect the civilian population. Both the Tatmadaw and the Arakan Army continue to bring civilians into their military activities, ignoring obligations under customary international humanitarian law (IHL).[1]

#### *The Tatmadaw and Forced Labour/Human Shields*

On Nov 16th, 2016 a Chin community member based in Southern Paletwa, Chin State was killed after stepping on a landmine. He was portering for the Tatmadaw who were on patrol in the area. The

<sup>29</sup>U.S. Department of State, [Country Reports on Human Rights Practices for 2016: Burma](#), 13 April 2017, Section 1. g. Abuses in Internal Conflict

<sup>30</sup>U.S. Department of State, [2016 Trafficking in Persons Report](#), 30 June 2016,

<sup>31</sup>Child Soldiers International, [Ongoing Underage Recruitment and Use by the Myanmar Military and Non-State Armed Groups: Briefing for the UN Secretary General’s Annual Report on Children and Armed Conflict – March 2016](#), 21 March 2016, *Summary of concerns*, p. 6

<sup>32</sup>See [Annex D](#) for full written response

<sup>33</sup>See [Annex E](#) for full written response

<sup>34</sup>See [Annex F](#) for full written response and [Annex G](#) for full written response

Tatmadaw were using the villager as a human shield. Knowing that AA was present, in close vicinity to where the village was situated, and, the risks posed by landmines in the area, the Tatmadaw, while on patrol, had forced a man to carry food items and walk ahead of the patrol.[2] The man died before being able to reach a medical facility.

*The AA and Human Rights Abuses*

**The AA continues to violate human rights and humanitarian law in Paletwa. CHRO has received reports of arbitrary demands**, laying of landmines close to villages and in farming areas, issuing of threats and imposing movement restrictions on civilian populations. [...]

In Ralie Village, Paletwa, May 2017, arbitrary demands issued by AA forces and the collective perception of escalating risk of conflict between AA and Tatmadaw in the area, forced 300 Mara, Chin to flee to India and over 200 into neighboring villages as IDP's.[3] **While it is clear that the issuing of arbitrary demands had been a cause of the villagers to flee to India, the risk of arrest by Tatmadaw forces is also quoted as being a reason to flee. Being caught at a checkpoint carrying loads for the AA is something which the villagers were not willing to risk.**

### **3. Are there reported incidents in Chin State in 2016/17 of land owners/farmers suffering intimidation, abuse and/or arrest as a result of seeking a legal remedy or other relief in relation to land restitution/confiscation?**

#### Across Myanmar

In March 2016 the UN Special Rapporteur on the situation of human rights in Myanmar reported that "In an attempt to protect their rights, people have increasingly resorted to public protests against land confiscations. Unfortunately, some of those exercising their right to peaceful assembly, including farmers and land rights activists, continue to face harassment, intimidation and criminal prosecution. Such prosecutions should cease immediately, and those detained for peaceful protests should be released".<sup>35</sup>

Human Rights Watch reported in June 2016 that "The Peaceful Assembly Law has been used extensively in recent years to detain peaceful protesters speaking out on matters of public interest. According to the Association for the Assistance of Political Prisoners (AAPP), when new members of Parliament were sworn in at the end of February 2016, 166 people were facing trial under the Peaceful Assembly Law for political protests, and at least 22 were serving prison sentences after being convicted under that law. Those arrested or imprisoned included students who protested against the new national education law or the role of the military in government, farmers who protested the confiscation of their land for mines or military barracks, journalists who protested the arrest of other journalists, and even a solo protester who called for national unity".<sup>36</sup>

In November 2016 Human Rights Watch published a report specifically looking at the issue of land confiscation in Karen State.<sup>37</sup> In its summary the report stated that:

Recent Burmese governments have enacted abusive laws, enforced poorly conceived policies, and encouraged corrupt land administration officials that have promoted the displacement of small-scale farmers and rural villagers. [...]

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<sup>35</sup> UN Human Rights Council, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 18 March 2016, *F. Development and economic, social and cultural rights*, para. 66, p. 15

<sup>36</sup> Human Rights Watch, ["They can arrest you at any time": The Criminalization of Peaceful Expression in Burma](#), 29 June 2016, *Summary*

<sup>37</sup> Human Rights Watch, ["The Farmer Becomes the Criminal": Human Rights and Land Confiscation in Karen State](#), 3 November 2016

Land disputes are a major national problem, with rising discontent over displacement for plantation agriculture, resource extraction, and infrastructure projects—often without adequate consultation, due process of law, or compensation for those displaced. In many parts of the country, those contesting land seizures have taken to the streets in frequent demonstrations but have faced retaliation in the courts.

The dual problems of land confiscation and reprisals against protesters is particularly acute in Karen State. [...]

Human Rights Watch found that farmers who protest land-taking and try to stake a claim to their land face retaliation by police and government officials, and prosecution under peaceful assembly and criminal trespass laws. Many farmers whose land has been confiscated as far back as a decade have not been able to obtain any redress and, in some cases, continue to suffer abuses after calling for compensation or attempting to reclaim land. The government's failure to provide adequate compensation or other redress for land confiscation means that victims struggle to make ends meet, and frequently must become migrant workers abroad or rely on relatives working in Thailand or elsewhere abroad for economic survival.[...]

Burma's departing national government adopted a cabinet resolution to enact a National Land Use Policy in early 2016, which could form the basis of future land law reform. The new policy aims to improve land classification and land information management systems, recognize communal tenure systems and shifting cultivation practices, create more independent dispute resolution procedures, and provide restitution for victims of land confiscation or those who have been forced to abandon lands due to past or ongoing conflict. [...]<sup>38</sup>

In March 2017 the UN Special Rapporteur on the situation of human rights in Myanmar noted its concern of the prosecutions of those fighting land confiscations and raised an example in Shan State.<sup>39</sup>

### Chin State

In its report on the situation of human rights of Rohingya Muslims and other minorities in Myanmar, the UN High Commissioner for Human Rights reports in June 2016 that "Special procedure mandate holders have reported allegations of human rights violations targeting Chin Christians, including [...] the forcible confiscation of land".<sup>40</sup>

In her written response to ARC in May 2017 Rachel Fleming, a human rights consultant, noted that "as far as I am aware, it continues to be very difficult to seek legal remedy or relief in relation to land restitution and confiscation, particularly in remote areas such as Chin State".<sup>41</sup>

A representative of an international organisation reported in his written response to ARC in June 2017 that

Local Farmer Association from Kanpetlet Township shared [with] us [in] early March 2017 that there is an issue of marking boundary between Sagine region and Chin State at Kanpetlet Township. Battalions No. 253, 254, 255 of 101 Command confiscated some areas of farmlands at the Let Pan Kyin, Phyu Twin Kyin, and Kyin Gyi villages from Kanpetlet Township some years ago and communities are following up [with] necessary actions.

There are mining copper and gold at Yin Kwe Taung from Kanpetlet Township by the companies and local communities are objecting and protesting on that to stop mining [...]

<sup>38</sup>Human Rights Watch, ["The Farmer Becomes the Criminal": Human Rights and Land Confiscation in Karen State](#), 3 November 2016

<sup>39</sup>UN Human Rights Council, [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 1 March 2017 1. *ESCR and rights related to land*, para. 39, p. 8

<sup>40</sup>UN Human Rights Council, [Situation of human rights of Rohingya Muslims and other minorities in Myanmar](#), 29 June 2016, C. *Violations and abuses against other minorities*, para. 63, p. 15

<sup>41</sup>See [Annex C](#) for full written response

Some flood affected families fled to the area of forest reserve of Chin State in Falam Township in mid of 2016, Chin State Government forced to move other place.

Chin State Government has plan to expand Hakha city and it is still under controverting between local communities and State Government.<sup>42</sup>

A representative of a local NGO wrote to ARC in June 2017 that “There have been some disputes between state government (municipal) and land owners. The State government is trying to extend Hakha City areas and they grab land from communities for road construction and residential plots without notification and compensation. But, now Minister of Municipal stopped the project and negotiate with land owners. (No abuse, arrested)”.<sup>43</sup>

U Aung Din vom Myanmar Enhancement to Empower Tribal (MEET) responded to ARC in his written response of June 2017 that “In 1989, there were some cases because a Tatmadaw battalion grabbed land for their station. But, now this has already been resolved and there are no further land occupation issues”.<sup>44</sup>

The Chin Human Rights Organization (CHRO) noted in its written response to ARC in June 2017 that:

A large proportion of land disputes in Chin State are ongoing from the State Law and Order Restoration Council (SLORC) years. During this period, certain areas of Chin State were designated as having specific functions and land was confiscated in order to achieve those.[1] Villagers pursuing restitution in relation to land have faced prison terms, threats and intimidation.

In 1992, 21 acres of land in Khaikam Village, Tedim Township, Chin State was confiscated by the SLORC in order to turn the land into an area for rearing livestock. The complainant was imprisoned on Jan 21st, 2016, under section 447 of the Criminal Justice Act. Section 447 relates to trespassing on government military owned land, the community member spent 15 days in jail for trespassing while trying to cultivate it. A collection of farmers have issued complaints to the both Chin State and Union Level Government for redress or compensation, but have so far been unsuccessful.[2]

In 2002 the SLORC administration offered a lease agreement in order for three villages in Kantayun, Kanpetlet Township to grow tea. No money was ever paid to these villages for any subsequent tea that was grown on the land. The land in question has subsequently been sold by the Village Ward Council, without the collective permission of the villagers. It is claimed this has been initiated by SLORC members within the council. At present there are no figures as to how much the land was sold for or what the intended use of it will be. The original agreement, however made it clear that if the land was to cease to be used for tea production, it would be delivered back to the three villages in order for collective use, once more.[3]

In 2013, the USDP [Union Solidarity and Development Party] party confiscated the land of two villagers in Kantayun, Kanpetlet Township, Chin State. Although unsure as to how the land will be developed, it has been assumed that the government will sell it off and likely it will attract private business interests. The villagers were threatened with imprisonment by township level administrators and were forced off the land. The dispute is ongoing.[4]

[1] For background on the general issue of land confiscated for Army purposes from this time and the potential for restitution today, see, The Irrawaddy, “Deputy Defense Minister: Army Agriculture on Confiscated Land Saves Money” 30<sup>th</sup> May, 2017

[2] Unpublished information

[3] Unpublished information

[4] Unpublished information.<sup>45</sup>

With regards to forced eviction, the CHRO noted that:

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<sup>42</sup>See [Annex D](#) for full written response

<sup>43</sup>See [Annex E](#) for full written response

<sup>44</sup>See [Annex G](#) for full written response

<sup>45</sup>See [Annex H](#) for full written response

On 1st September 2016, the Chin State Government in collaboration with Sagaing authorities destroyed houses in a newly settled village in Bualpi, Falam Township, Chin State. 500 families were forcibly evicted as bulldozers were brought in to destroy the village. The families were internally displaced as a result of the flooding which impacted Chin State the previous summer. Many families, who did not have relatives in Kalay, were given refuge in a nearby Church. It was reported that the eviction was the decision of the State Ministry for Border Affairs, and the Falam General Administration Department, both coming under the Military headed, Home Ministry.[1] The next day, the Kalay General Administrative Department together with Police evicted the villagers who were sheltering in the Church, offering assistance to those that would go directly back to their original villages. According to authorities the IDP's had stayed there illegally. One week later an official reported that the land was to be turned into a teak plantation.[2]

[1] See Chinland Guardian, "Chin Villagers forced to Leave, Houses Bulldozed" 1<sup>st</sup> Sept, 2016.

[2] Ibid.<sup>46</sup>

#### **4. Are there reported incidents in Myanmar in 2016/17 where a returnee/rejected asylum seeker was arrested for illegally departing or illegal return to Myanmar?**

Within the set time-frame for research and amongst the sources consulted no such information was found in the public domain.

The representative of the international organisation reported in his written response to ARC in June 2017 that "We have not received any report and shared information from the coordination meetings of Government, UN agencies and development agencies in Chin State in 2016/17".<sup>47</sup> Similarly, a representative of a local NGO wrote to ARC in June 2017 that "In Hakha and around, there are many returnees from Malaysia and no reports of punishment for illegal departure/return"<sup>48</sup>, whilst U Win Hlaing Oo from the Community Agency for Rural Development (CAD) responded to ARC in its written response of June 2017 that "I heard some people return from other countries to Chin state but they do not face problems".<sup>49</sup>

The Chin Human Rights Organization (CHRO) noted in its written response to ARC in June 2017 that:

CHRO has not learned about any specific cases of this nature as the deportation of Myanmar citizens are generally not made public. However, CHRO continues to be deeply concerned about this issue on the whole. Three years ago, efforts to return refugees and asylum seekers made from detention centres across Malaysia were premised by credible reports that detainees had been pressurized by both Myanmar Embassy Officials and Malaysian authorities.

While CHRO does not have the capacity to monitor the situation of returnees, deep concerns remain about the circumstances surrounding return [...]

We remain deeply concerned about the lack of information regarding the nature of their return and returnees' fate afterwards.<sup>50</sup>

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<sup>46</sup>See [Annex H](#) for full written response

<sup>47</sup>See [Annex D](#) for full written response

<sup>48</sup>See [Annex E](#) for full written response

<sup>49</sup>See [Annex F](#) for full written response

<sup>50</sup>See [Annex H](#) for full written response

## 5. Are there reported incidents of discrimination or violence against Zomi or other ethnic minority groups among the Chin population by majority ethnic groups and/or the Chin National Front?

Within the set time-frame for research and amongst the sources consulted no such information was found in the public domain.

However, in her written response to ARC in April 2017 a local development consultant, noted that:

Discrimination against the Zomi as well as other minority communities in Chin State continues to be a significant issue for these populations, although it receives less coverage in media (including Chin media) as generally they have a less developed media structure. This happens in different ways. Again, I think the nature of the threat and how these things happen is definitely evolving, but overall it remains a key issue for minority populations, the Zomi [sic] others in the South too.

The second way this is happening is on a more local governmental level - the increasing opening up of Chin State and related investments as well as aid flows means there is more at stake in local Chin politics. Something to watch in the next decade. We might see an increasing number of grievances raised by Zomi and other Chin minorities as they gain more power to voice these concerns. For the time being, we also have to keep in mind that political power as well as civil society is much less developed in these areas so documentation and advocacy on these issues is limited. Many key relationships, including with the Myanmar government, the Burmese media, and even UNCHR, have historically been dominated by the Lai often Baptist core, and this has effects that can be seen in a variety of places.<sup>51</sup>

A representative of an international organisation reported in his written response to ARC in June 2017 that:

- Zomi ethnic group did not accept on that they are Chin.
- Zomi party did not accept Chin National Front (CNF) party.
- Zomi ethnic group did not accept CNF to set up liaison offices in Tedim and Tongzang Townships.
- There is no experience on description among the rest of Chin ethnic groups.<sup>52</sup>

A representative of a local NGO wrote to ARC in June 2017 that “No discrimination or violence against Zomi but ‘Zomi’ do not accept the ethnic name ‘CHIN’. In Chin state there are around 52 sub ethnic groups including ‘Zomi’ and all sub ethnicities have no problem with the name ‘CHIN’ as a common ethnic name. They are trying to change the name ‘CHIN’ to ‘Zomi’”.<sup>53</sup> Similarly, U Win Hlaing Oo from the Community Agency for Rural Development (CAD) responded to ARC in its written response of June 2017 that “No issues. They want ‘Zomi’ name for all Chins”.<sup>54</sup> U Aung Din from the Myanmar Enhancement to Empower Tribal (MEET) also responded to ARC in his written response of June 2017 that “No discrimination/ violence against ‘Zomi’. ‘Zomi’ they just try to split from ‘Chin’ for development purposes. Like the ‘WA’ [Wa State] special region, they want development in their areas”.<sup>55</sup>

The Chin Human Rights Organization (CHRO) noted in its written response to ARC in June 2017 that they are not aware of any incidents of discrimination or violence against Zomi or other ethnic groups among the Chin population.<sup>56</sup>

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<sup>51</sup>See [Annex B](#) for full written response

<sup>52</sup>See [Annex D](#) for full written response

<sup>53</sup>See [Annex E](#) for full written response

<sup>54</sup>See [Annex F](#) for full written response

<sup>55</sup>See [Annex G](#) for full written response

<sup>56</sup>See [Annex H](#) for full written response

**6. Would a Chin returnee/rejected asylum seeker be eligible to obtain ID documents (Citizenship Scrutiny Card) if returned to Myanmar? How about when their ID document (CSC or the National Registration Card) was issued in the past, but was confiscated by the Myanmar authorities?**

Australian refugee advocate, Graeme Swincer, from the Blue Mountains Refugee Support Group noted that “According to Myanmar’s ‘controversial’ 1982 citizenship law, there are three categories of citizens – citizen, associate citizen and naturalized citizen. Muslims have often been placed in the ‘associate citizen’ category or been required to apply for verification of their citizenship. A recent report “Myanmar immigration try to shape mainland Muslims as stateless shows that Muslims (not just Rohingyas) continue to be vulnerable to denial of full citizenship. The National Islamic Organization of Myanmar urged their community not to readily accept the offer of a National Verification Card (“green card”) rather than a National Registration Cards (“pink card”) which indicates full citizenship – being implemented —in some Muslim majority wards and township in recent months”.<sup>57</sup>

The U.S. Department of State noted in its annual human rights report covering 2016 that:

Provisions of the Citizenship Law relating to the acquisition of citizenship discriminate on the grounds of race or ethnicity and contributed to statelessness. Following the entry into force of the 1982 law and procedures, the government released a list of 135 recognized ‘national ethnic groups’ whose members, according to the law, are automatically ‘citizens.’ [...] The law defines ‘national ethnic group’ only as a racial and ethnic group that can prove origins in the country back to 1823, the year prior to British colonization. Several ethnic minority groups, including the Chin and Kachin, criticized the classification system as inaccurate. While the majority of the country’s inhabitants automatically acquired citizenship under these provisions, some minority groups [...] are not included on the government’s list. The law does not provide protection for children born in the country who do not have a ‘relevant link’ to another state. As a result, statelessness continued to increase as children of stateless parents could not acquire citizenship. UNHCR and a number of human rights and humanitarian organizations continued to advocate amendment of the Citizenship Law to bring it in line with the country’s international human rights obligations and commitments.<sup>58</sup>

Indicative of the difficulties minority groups face receiving a National Registration Card (NRC), which is “essential to receiving full rights under the law and basic social services”, The Seagull Foundation, an advocacy organization based in Mandalay working on human rights, peace and development, surveyed 100 individuals belonging to minority groups in Mandalay and found that “Virtually no respondents indicated they received an NRC with no problems; A large portion respondents were forced to pay a bribe or were subject to long waiting periods when applying for an NRC; Respondents indicated that they regularly had to change their ethnicity in order to receive an NRC”.<sup>59</sup>

In her written response to ARC in April 2017 a local development consultant, noted that:

This is a very complex question, probably un-answerable to be honest. The processes and administrative hurdles that people face to get access to a variety of documents and bureaucratic services to which they are absolutely entitled to is varied, and generally complex and ever changing. There are no regulations to

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<sup>57</sup> Graeme Swincer, *Citizenship and Discrimination Issues of Muslims in Myanmar*, November 2016

<sup>58</sup> U.S. Department of State, *Country Reports on Human Rights Practices for 2016: Burma*, 13 April 2017, *Section 2. D. Freedom of Movement, Internally Displaced Persons, protection of Refugees, and Stateless Persons*

<sup>59</sup> The Seagull Foundation, *Religious Discrimination and Conflict in Myanmar: National Registration Cards*, 25 July 2016, *Executive Summary*, p. 4. A copy of the report can be requested by emailing [info@asylumresearchconsultancy.com](mailto:info@asylumresearchconsultancy.com)

consult, and most information comes from word of mouth - often this information is confused or wrong. I do not know whether by law the examples you cite would be possible or not. To an extent, it does not really matter if they are or not as legality and bureaucracy is so extremely murky that feasibility would not solely or primarily depend on official government stances on the matter. My answer to the question would thus largely depend on the individual in question. Someone of a high formal education, with many connections, and of comfortable financial means etc, would probably not have excessive trouble identifying an agent to help with this process, and would have the means to pay the required bribes and fees, the amount of which would vary according to their background, personal history, ethnic group, and physical location. Others with little or no means would encounter a variety of challenges, for many these would be insurmountable, particularly as they relate to documentation that for many is almost impossible to get. At the same time however, there are of course cases of people who successfully had made fake ID documents/NRC etc for themselves, which then were used to get other documents legally. This does not mean it is easy or widely available. To the contrary these individuals are often those with social and financial capital.<sup>60</sup>

Rachel Fleming, a human rights consultant, reported in her written response to ARC in May 2017 that:

As far as I know, there has been no research conducted yet on Chin returnees or rejected asylum-seekers trying to obtain a National Registration Card. CHRO might know differently.

But I can tell you that it is very challenging for Chin people currently in Myanmar to obtain a new National Registration Card (NRC) or replace a lost one, for reasons of discrimination, particularly if they are not residing in Chin State, or are unable to produce their household registration documents (necessary for applying for an NRC) [...]

I received reports of similar incidents happening in Kalaymyo, Sagaing Region (where the population is predominantly Chin), in 2016 during the course of my research into freedom of religion or belief on behalf of the US Commission on International Religious Freedom.

In Myanmar, an NRC is essential for travel and access to basic public services. Life is very difficult for people without it, and the fact that Chin people (and other ethnic and religious minorities) still face challenges to obtaining and / or renewing one is indicative of the ongoing institutionalized discrimination against such minorities. I anticipate this would be an even greater challenge for Chin returnees/rejected asylum-seekers.<sup>61</sup>

A representative of an international organisation reported in his written response to ARC in June 2017 that “No asylum seeker have been return to Myanmar and not sure their ID cards were confiscated”.<sup>62</sup> A representative of a local NGO wrote to ARC in June 2017 that “There are no difficulties to acquire CSC [Citizen Scrutiny Card] and civil documentations”.<sup>63</sup> Similarly, U Win Hlaing Oo from the Community Agency for Rural Development (CAD) responded to ARC in its written response of June 2017 that “If they have family list they can apply easy. Generally, many returnees are already included in the family list”.<sup>64</sup>

U Aung Din from the Myanmar Enhancement to Empower Tribal (MET) also responded to ARC in his written response of June 2017 that “Yes, they are eligible tooobtain [sic] civil documents. But, sometime they have to pay some money to officials”.<sup>65</sup>

The Chin Human Rights Organization (CHRO) noted in its written response to ARC in June 2017 that:

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<sup>60</sup>See [Annex B](#) for full written response

<sup>61</sup>See [Annex C](#) for full written response

<sup>62</sup>See [Annex D](#) for full written response

<sup>63</sup>See [Annex E](#) for full written response

<sup>64</sup>See [Annex F](#) for full written response

<sup>65</sup>See [Annex G](#) for full written response

This is another area of concern for CHRO. Since we have not been able to monitor the situation, we are not able to follow up on individual cases. However, what we do know is that the issuance of Myanmar ID card is based on having a family registration, which is not always possible because family registration changes as people move. Those families whose family registration has been revoked during the military regime, for any reason, are not able to get a new family registration meaning the Immigration Department will not issue an individual ID card to those persons who cannot produce their family registration. As one senior local immigration department official told CHRO on condition of anonymity, *“The only way to legally obtain a new ID card would be for you to be jailed first for having left the country illegally in the first place, and, after you served up your sentences, then government would then consider issuing you a new one”*.<sup>66</sup>

With regards to Chin returnees more general, U Win Hlaing Oo from the Community Agency for Rural Development (CAD) noted that “For Chin returnee, livelihoods program should be implement[ed] because they have no farm/cultivation for their family income and this is a main challenges [sic] for them. Besides, there [sic] have no job opportunities in Chin state”.<sup>67</sup> Similarly, U Aung Din from the Myanmar Enhancement to Empower Tribal (MEET) noted in his written response of June 2017 to ARC that “For Chin returnee, I would suggest that It would be great if you could provide shelter and livelihood program”.<sup>68</sup>

## **7. What are the number and locations of schools and hospitals/health clinics in Chin State, and/or is there a mapping of these facilities available or could it be constructed?**

In her written response to ARC in May 2017 Rachel Fleming, a human rights consultant, raised some points about mapping in Chin State:

1. Beware of Burmanization of place names, which renders the names unrecognizable to a Chin person. This happens when Chin place names are transliterated into Burmese, then translated back into English based on the Burmese transliteration, disregarding the fact that local place names use the Roman alphabet. For northern Chin State, the MIMU maps mostly seem to avoid this and respect the local names, but I’m not sure about southern Chin State. When I was working at CHRO, we often had to cross-reference place names with someone with specific local geographical knowledge (i.e. based on the township, as there are many different languages and dialects in Chin State). This is particularly true of Paletwa township, for example.<sup>69</sup>

The representative of the international organisation reported in his written response to ARC in June 2017 that:

- 3W Dashboard allows a quick look at the spread of activities by agency, sector or state - <http://www.themimu.info/3w-dashboard> and <http://www.themimu.info/3w-db-tech-assist>
- 3W Raw Data in Excel allows to look at the data in more details - <http://www.themimu.info/3w-maps-and-reports>
- 3W Maps and Reports by Sector and Sub Sector at Village Tract and Township levels - <http://www.themimu.info/3w-maps-and-reports>
- Online 3W provides still more detail on reported activities, contains data from Townships to Village Tract and Village level - <http://www.themimu.info>.<sup>70</sup>

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<sup>66</sup>See [Annex H](#) for full written response

<sup>67</sup>See [Annex F](#) for full written response

<sup>68</sup>See [Annex G](#) for full written response

<sup>69</sup>See [Annex C](#) for full written response

<sup>70</sup>See [Annex D](#) for full written response

## Schools

In March 2011 the Myanmar Information Management Unit (MIMU) published a map showing the location of schools in Chin State, which can be accessed [here](#).<sup>71</sup> Some of these schools were damaged or destroyed in the 2015 flooding as per the August 2015 map published by MIMU, which can be accessed [here](#).<sup>72</sup>

In November 2016 the same source published a map detailing the 'Total Number of Government Schools in States/Regions', which can be accessed [here](#).<sup>73</sup>

Additional more general and specific maps on the number and location of schools across Myanmar and specific to Chin state can be found under the 'Map' heading [here](#).<sup>74</sup>

In her written response to ARC in May 2017 Rachel Fleming, a human rights consultant, raised the following point with regards to access to basic services in Chin State:

There is still very limited access to education and healthcare services in remote rural areas in Chin State. A particular issue is the fact that there are not enough middle schools in Chin State. This means that for families in remote areas, if they want their children to progress past Grade 4, they either have to send them to live with relatives in towns or larger villages which have a middle school, or migrate. These options are beyond the means of impoverished families.<sup>75</sup>

## Hospitals/Health centers

In March 2011 the Myanmar Information Management Unit (MIMU) published a map showing the location of hospitals and health centers in Chin State, which can be accessed [here](#).<sup>76</sup>

### **8. What is the situation of land mines or other unexploded ordnance in Chin State? Is it a problem, and if so are steps being taken to demine certain areas? Is there a map of the contaminated areas or could one be constructed?**

In October 2015 the Myanmar Information Management Unit published a map outlining the 'Townships with Known Landmine Contamination', which can be accessed [here](#).<sup>77</sup> Additional specific maps on 'mine action' can be found under the 'Map' heading [here](#).<sup>78</sup>

In her written response to ARC in May 2017 Rachel Fleming, a human rights consultant, raised the following point with regards to landmines and unexploded ordnance in Chin State:

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<sup>71</sup>Myanmar Information Management Unit, [Schools in Chin State](#), 31 March 2011

<sup>72</sup>Myanmar Information Management Unit, [Destroyed/Damages schools in the flood/landslide affected areas, Chin \(as of 24 August 2015\)](#), 29 September 2015

<sup>73</sup>Myanmar Information Management Unit, [Total Number of Government Schools in States/Regions](#), 7 November 2016

<sup>74</sup>Myanmar Information Management Unit, [Education Sector](#), Undated, *Maps* [Last accessed: 23 March 2017]

<sup>75</sup>See [Annex C](#) for full written response

<sup>76</sup>Myanmar Information Management Unit, [Health facilities in Chin State](#), 31 March 2011

<sup>77</sup>Myanmar Information Management Unit, [Townships with Known Landmine Contamination \(2015\) and Casualties in Myanmar \(As of Dec 2014\)](#), 13 October 2015

<sup>78</sup>Myanmar Information Management Unit, [Mine Action Sector](#), Undated, *Maps* [Last accessed: 23 March 2017]

After armed conflict broke out between the Arakan Army and the Burma Army / Tatmadaw in March 2015, CHRO received reports of landmines being planted [...] At that time, a colleague at OHCHR advised me to contact the UN Security Agency (UNDSS) for advice. This was the response I received from UNDSS at that time:

"The placing of landmines by both Tatmadaw and Ethnic Armed Groups is a common tactic in Myanmar and there is little doubt that this is occurring in areas of Paletwa, among others. There are no comprehensive maps depicting mine affected areas and nor are there proper surveys being carried out yet. Some maps based on survivor testimony and reported incidents of landmine strikes are available. Survey as with clearance are components of the Nationwide Ceasefire Agreement (NCA) – so yet to be rolled out. There are several INGOs carrying out Mine Risk Education (Mine Action Group (MAG), Danish Demining Group, Norwegian Peoples Aid) but no survey or clearance operations have been allowed as yet."

I also contacted the Danish Demining Group at that time, and this was the response I received:

"DRC/DDG has to date not done any work in Chin State and unfortunately do not have any such concrete plans in the near future, partly as existing MoUs with the Government do not include Chin."

I don't know what the current situation is with regard to demining in Chin State [...]

I would add that in my understanding, landmines continue to be a serious issue in the border area in Paletwa township between Bangladesh and Myanmar, where the Arakan Army is active. I personally received a report from Bangladesh recently of a civilian injured by a landmine in January 2017 on the Myanmar side of the border.<sup>79</sup>

A representative of an international organisation reported in his written response to ARC in June 2017 that "We are not sure there is still UXO in Chin State especially the former posting place of CNF at west of Thantlang Township along with India border".<sup>80</sup> Similarly, U Win Hlaing Oo from the Community Agency for Rural Development (CAD) responded to ARC in its written response of June 2017 that "No conflict in Chin state and I think we have no landmine contaminated area".<sup>81</sup>

Another representative of a local NGO wrote to ARC in June 2017 that "in Paletwa township, there are some landmine areas but exact locations are not known".<sup>82</sup>

U Aung Din from the Myanmar Enhancement to Empower Tribal (MEET) noted to ARC in his written response of June 2017 that "In Shwe Let Wa area, Arkan Army (AA) warned villagers not to go to their firm land because AA planted landmines in that areas. Piyin So village, Shwe Let Wa village and Pyin Choung area are landmine contaminated areas in Paletwa township. Because, all those areas are Non Government Controlled Areas".<sup>83</sup>

The Chin Human Rights Organization (CHRO) noted in its written response to ARC in June 2017 that:

The AA continues to violate human rights and humanitarian law in Paletwa. CHRO has received reports of arbitrary demands, laying of landmines close to villages and in farming areas, issuing of threats and imposing movement restrictions on civilian populations.

The laying of landmines has resulted in one death [1] and one man losing the use of his legs. On 7<sup>th</sup> January 2017, a villager stepped on a landmine while he was working together with some friends on *jhum* cultivation in a forest close to the village where he lived. He suffered serious injuries to both of his legs, requiring surgery and a blood transfusion. He was taken to hospital over the border in Bangladesh and released almost three months later after recovering from an operation on both his legs. The indiscriminate laying of landmines by the AA presents significant risks, not only to the short-term personal safety of Chin civilians, but to the long term ability to practice traditional livelihoods. It

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<sup>79</sup>See [Annex C](#) for full written response

<sup>80</sup>See [Annex D](#) for full written response

<sup>81</sup>See [Annex F](#) for written response

<sup>82</sup>See [Annex E](#) for full written response

<sup>83</sup>See [Annex G](#) for full written response

has been reported to CHRO that many domestic animals step on landmines in grazing areas around certain villages.[2] The dangers posed by landmines not only make *jhum* cultivation a life and death decision for villagers but constitute an attack on livelihoods. It has also been reported that AA soldiers have in some circumstances deliberately killed the livestock of villagers in certain areas which constitutes a direct attack on livelihoods in communities that rely solely on farming and animal husbandry.[3]

[1] This is described above in the “forced labour and human shields” header

[2] Unpublished information

[3] Unpublished information.<sup>84</sup>

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<sup>84</sup>See [Annex H](#) for full written response

## Annex A: Details of country experts consulted

To supplement the publicly available information included, country experts on Myanmar were contacted through email correspondence between April and June 2017 by Asylum Research Consultancy (ARC), asking to provide their expertise on the following questions:

1. Are there reported incidents in Chin State in 2016/17 of forced labour/forced recruitment into the military? If so, what is the government response to such incidents, officially and in practice?
2. Are there reported incidents in Chin State in 2016/17 of arrests and punishment of people who have deserted military service after being forcefully or otherwise recruited?
3. Are there reported incidents in Chin State in 2016/17 of land owners/farmers suffering intimidation, abuse and/or arrest as a result of seeking a legal remedy or other relief in relation to land restitution/confiscation?
4. Are there reported incidents in Myanmar in 2016/17 where a returnee/rejected asylum seeker was arrested for illegally departing or illegal return to Myanmar?
5. Are there reported incidents of discrimination or violence against Zomi or other ethnic minority groups among the Chin population by majority ethnic groups and/or the Chin National Front?
6. Would a Chin returnee/rejected asylum seeker be eligible to obtain ID documents (Citizenship Scrutiny Card) if returned to Myanmar? How about when their ID document (CSC or the National Registration Card) was issued in the past, but was confiscated by the Myanmar authorities?
7. Do you have access or do you know of a source that can provide a useful map on:
  - a. number and locations of schools in Chin State;
  - b. number and locations of hospitals/health clinics in Chin State,
  - c. situation of land mines or other unexploded ordnance in Chin State (e.g. map of the contaminated area)

Due to the sensitivity regarding some of these issues most experts have preferred to remain anonymous:

- ❖ 23 April 2017: Written response received from a local development consultant
- ❖ 11 May 2017: Written response received from Rachel Fleming, human rights consultant
- ❖ 13 June 2017: Written response received from a representative of an international organisation
- ❖ 7 June 2017: Written responses received from:
  - U Win Hlaing Oo, [Community Agency for Rural Development \(CAD\)](#)
  - U Aung Din, [Myanmar Enhancement to Empower Tribal \(MEET\)](#)
  - A representative of a local NGO
- ❖ 28 June 2017: Written response received from the [Chin Human Rights Organization \(CHRO\)](#)

## **Annex B: Written response received from a local development consultant, 23<sup>rd</sup> April 2017**

1. Are there reported incidents in Chin State in 2016/17 of forced labour/forced recruitment into the military? If so, what is the government response to such incidents, officially and in practice?

*There are definitely continued cases of forced labour and portering. I am not able to comment on forced recruitment into the military - I imagine this still happens quite regularly, but it is not something I have direct and personal information of. I think it is also important to state that the definition of what constitutes 'forced' is quite complex constantly evolving (this does not mean getting better, rather perhaps getting more complex in methods utilized ) in this context as level and variety of threats change with an increasing awareness on behalf of the perpetrators that these things are publicly unacceptable and the news will reach not only the communities but also the media etc, putting themselves and their supervisors in trickier positions than would have previously been the case.*

2. Are there reported incidents of discrimination or violence against Zomi or other ethnic minority groups among the Chin population by majority ethnic groups and/or the Chin National Front

*Discrimination against the Zomi as well as other minority communities in Chin State continues to be a significant issue for these populations, although it receives less coverage in media (including Chin media) as generally they have a less developed media structure. This happens in different ways. Again, I think the nature of the threat and how these things happen is definitely evolving, but overall it remains a key issue for minority populations, the Zomi [sic] others in the South too.*

*The second way this is happening is on a more local governmental level - the increasing opening up of Chin State and related investments as well as aid flows means there is more at stake in local Chin politics. Something to watch in the next decade. We might see an increasing number of grievances raised by Zomi and other Chin minorities as they gain more power to voice these concerns. For the time being, we also have to keep in mind that political power as well as civil society is much less developed in these areas so documentation and advocacy on these issues is limited. Many key relationships, including with the Myanmar government, the Burmese media, and even UNCHR, have historically been dominated by the Lai often Baptist core, and this has effects that can be seen in a variety of places.*

3. Would a Chin returnee/rejected asylum seeker be eligible to obtain ID documents (Citizenship Scrutiny Card) if returned to Myanmar? How about when their ID document (CSC or the National Registration Card) was issued in the past, but was confiscated by the Myanmar authorities?

*This is a very complex question, probably un-answerable to be honest. The processes and administrative hurdles that people face to get access to a variety of documents and bureaucratic services to which they are absolutely entitled to is varied, and generally complex and ever changing. There are no regulations to consult, and most information comes from word of mouth - often this information is confused or wrong. I do not know whether by law the examples you cite would be possible or not. To an extent, it does not really matter if they are or not as legality and bureaucracy is so extremely murky that feasibility would not solely or primarily depend on official government stances on the matter. My answer to the question would thus largely depend on the individual in question. Someone of a high formal education, with many connections, and of comfortable financial means etc, would probably not have excessive trouble identifying an agent to help with this process, and would have the means to pay the required bribes and fees, the amount of which would vary according to their background, personal history, ethnic group, and physical location. Others with little or no means would encounter a variety of challenges, for many these would be insurmountable, particularly as they relate to documentation that for many is almost impossible to get. At the same*

*time however, there are of course cases of people who successfully had made fake ID documents/NRC etc for themselves, which then were used to get other documents legally. This does not mean it is easy or widely available. To the contrary these individuals are often those with social and financial capital.*

**Annex C: Written response received from [Rachel Fleming](#), human rights consultant, 11<sup>th</sup> May 2017**

1. Are there reported incidents in Chin State in 2016/17 of forced labour/forced recruitment into the military? If so, what is the government response to such incidents, officially and in practice?

*This question is better addressed by CHRO. Before I left CHRO at the end of 2015, there were incidents of both child soldier recruitment and forced recruitment into the military (meaning the Burma Army or Tatmadaw) in the Paletwa area. This was connected to the ongoing conflict in the Paletwa area between the Arakan Army and the Burma Army. I'm attaching a briefing produced at the time which documents this. In terms of more recent incidents, and any response by the authorities, CHRO would be in a better position to answer.*

2. Are there reported incidents in Chin State in 2016/17 of arrests and punishment of people who have deserted military service after being forcefully or otherwise recruited?

*This question is better addressed by CHRO.*

3. Are there reported incidents in Chin State in 2016/17 of land owners/farmers suffering intimidation, abuse and/or arrest as a result of seeking a legal remedy or other relief in relation to land restitution/confiscation?

*This question is better addressed by CHRO. But, as far as I am aware, it continues to be very difficult to seek legal remedy or relief in relation to land restitution and confiscation, particularly in remote areas such as Chin State.*

4. Are there reported incidents in Myanmar in 2016/17 where a returnee/rejected asylum seeker was arrested for illegally departing or illegal return to Myanmar?

*This question is better addressed by CHRO.*

5. Are there reported incidents of discrimination or violence against Zomi or other ethnic minority groups among the Chin population by majority ethnic groups and/or the Chin National Front?

*I'm not aware of any reported incidents, but it would be better to contact individuals who identify as Zomi or organizations who prefer the term Zomi to ask if they have any information. One suggestion is political party the Zomi Congress for Democracy (I don't have a contact, sorry). They may not have documentation themselves but may know of others who do.*

6. Would a Chin returnee/rejected asylum seeker be eligible to obtain ID documents (Citizenship Scrutiny Card) if returned to Myanmar? How about when their ID document (CSC or the National Registration Card) was issued in the past, but was confiscated by the Myanmar authorities?

*As far as I know, there has been no research conducted yet on Chin returnees or rejected asylum-seekers trying to obtain a National Registration Card. CHRO might know differently.*

*But I can tell you that it is very challenging for Chin people currently in Myanmar to obtain a new National Registration Card (NRC) or replace a lost one, for reasons of discrimination, particularly if they are not residing in Chin State, or are unable to produce their household registration documents (necessary for applying for an NRC).*

*I'm attaching a 2016 report from the Seagull: Human Rights, Peace & Development, which includes Chin cases. It covers one township in Mandalay Region, but it is emblematic of many anecdotal*

reports I have heard over the years. I received reports of similar incidents happening in Kalaymyo, Sagaing Region (where the population is predominantly Chin), in 2016 during the course of my research into freedom of religion or belief on behalf of the US Commission on International Religious Freedom.

In Myanmar, an NRC is essential for travel and access to basic public services. Life is very difficult for people without it, and the fact that Chin people (and other ethnic and religious minorities) still face challenges to obtaining and / or renewing one is indicative of the ongoing institutionalized discrimination against such minorities. I anticipate this would be an even greater challenge for Chin returnees/rejected asylum-seekers.

7. Do you have access or do you know of a source that can provide a useful map on
  - o number and locations of schools in Chin State;
  - o number and locations of hospitals/health clinics in Chin State,
  - o situation of land mines or other unexploded ordnance in Chin State (e.g. map of the contaminated area)

The UN's Myanmar Information Management Unit maintains maps of Chin State. Here is an example:

[http://www.themimu.info/sites/themimu.info/files/documents/State\\_Map\\_VT\\_and\\_VL\\_Chin\\_MIMU\\_1236v01\\_02Dec2016\\_36x60\\_inchesEng.pdf](http://www.themimu.info/sites/themimu.info/files/documents/State_Map_VT_and_VL_Chin_MIMU_1236v01_02Dec2016_36x60_inchesEng.pdf)

The most recent schools map I could find from MIMU dates back to 2013:

[http://www.themimu.info/sites/themimu.info/files/documents/SectorMap\\_Edu\\_Chin\\_MIMU629v02\\_Schools%20in%20Chin%20St\\_31Mar11\\_A1\\_plus.pdf](http://www.themimu.info/sites/themimu.info/files/documents/SectorMap_Edu_Chin_MIMU629v02_Schools%20in%20Chin%20St_31Mar11_A1_plus.pdf)

Same with health facilities:

[http://www.themimu.info/sites/themimu.info/files/documents/SectorMap\\_Health\\_Health%20Facilities%20in%20Chin%20State\\_MIMU398v02\\_31Mar11\\_A1%20plus.pdf](http://www.themimu.info/sites/themimu.info/files/documents/SectorMap_Health_Health%20Facilities%20in%20Chin%20State_MIMU398v02_31Mar11_A1%20plus.pdf)

Bear in mind that some of these facilities were damaged or destroyed in the 2015 flooding in Chin State, and MIMU has some maps although I don't know how accurate they are:

[http://www.themimu.info/sites/themimu.info/files/documents/Map\\_Destroyed\\_Damaged\\_Schools\\_VL\\_Chin\\_24Aug\\_MIMU1332v01\\_29Sep2015\\_A3.pdf](http://www.themimu.info/sites/themimu.info/files/documents/Map_Destroyed_Damaged_Schools_VL_Chin_24Aug_MIMU1332v01_29Sep2015_A3.pdf)

However, some important points to note about mapping in Chin State.

1. Beware of Burmanization of place names, which renders the names unrecognizable to a Chin person. This happens when Chin place names are transliterated into Burmese, then translated back into English based on the Burmese transliteration, disregarding the fact that local place names use the Roman alphabet. For northern Chin State, the MIMU maps mostly seem to avoid this and respect the local names, but I'm not sure about southern Chin State. When I was working at CHRO, we often had to cross-reference place names with someone with specific local geographical knowledge (i.e. based on the township, as there are many different languages and dialects in Chin State). This is particularly true of Paletwa township, for example.

2. I wouldn't rely on MIMU mapping sources alone. I would suggest asking CHRO for other mapping recommendations – or through CHRO, reach out to local disaster relief and development organization CCERR. They coordinated the community's response to 2015 flooding. I'm not sure if they have maps, but they might be able to help.

*On landmines / unexploded ordnance –*

After armed conflict broke out between the Arakan Army and the Burma Army / Tatmadaw in March 2015, CHRO received reports of landmines being planted (see attached briefing). At that time, a colleague at OHCHR advised me to contact the UN Security Agency (UNDSS) for advice. This was the response I received from UNDSS at that time:

*"The placing of landmines by both Tatmadaw and Ethnic Armed Groups is a common tactic in Myanmar and there is little doubt that this is occurring in areas of Paletwa, among others. There are no comprehensive maps depicting mine affected areas and nor are there proper surveys being carried out yet. Some maps based on survivor testimony and reported incidents of landmine strikes are available. Survey as with clearance are components of the Nationwide Ceasefire Agreement (NCA) – so yet to be rolled out. There are several INGOs carrying out Mine Risk Education (Mine Action Group (MAG), Danish Demining Group, Norwegian Peoples Aid) but no survey or clearance operations have been allowed as yet."*

*I also contacted the Danish Demining Group at that time, and this was the response I received:*

*"DRC/DDG has to date not done any work in Chin State and unfortunately do not have any such concrete plans in the near future, partly as existing MoUs with the Government do not include Chin."*

*I don't know what the current situation is with regard to demining in Chin State; I would suggest following up directly with UNDSS and the Danish Demining Group among others (see the UNDSS list above).*

*I would add that in my understanding, landmines continue to be a serious issue in the border area in Paletwa township between Bangladesh and Myanmar, where the Arakan Army is active. I personally received a report from Bangladesh recently of a civilian injured by a landmine in January 2017 on the Myanmar side of the border. I sent the information I received to CHRO, and they are in the process of following up, so it would be best to follow-up with them on that case.*

*I would like to add some additional comments, based on my expertise.*

- *TYPE OF HUMAN RIGHTS VIOLATIONS (HRVs): You don't mention who commissioned the research, but my guess would be that it was [XXX]. The types of human rights violations that you are asking about are quite specific; I would be wary of focusing your research solely on those, as the definition of a well-founded fear of persecution under the refugee convention is not so restrictive. I would also be wary of drawing firm conclusions on the human rights situation in Chin State, as so many places are remote and hard to reach. FYI, I'm attaching the report I wrote for USCIRF which was published in December 2016, and documents freedom of religion or belief cases (some Chin, but also Naga and Kachin). If there are going to be substantive changes in how RSD is conducted, claims should still be assessed on a case-by-case basis.*
- *MILITARIZATION: Chin State remains very heavily militarized. It is well documented that wherever Burma Army soldiers are present, human rights abuses against civilians take place. I think this needs to be factored into analysis, particularly as Chin people are going to be unwilling to return to villages and towns still occupied by the Burma Army. I have travelled quite widely in Chin State, including to some remote areas (villages upriver in Paletwa township; Matupi township area). When I was in Matupi township in April 2016, I was shocked at how heavily militarized the area still is. There are two army bases outside the town of Matupi, and soldiers had a highly visible presence in the town. Sitting outside my guesthouse, every third motorbike that went past was driven by soldiers. I and my Chin interpreter and Chin driver experienced harassment by Special Branch on three separate occasions in Matupi and also in Rezua in Matupi township. These areas are remote: there is little mobile phone coverage, for example.*
- *ACCESS TO BASIC SERVICES: there is still very limited access to education and healthcare services in remote rural areas in Chin State. A particular issue is the fact that there are not enough middle schools in Chin State. This means that for families in remote areas, if they want their children to progress past Grade 4, they either have to send them to live with*

relatives in towns or larger villages which have a middle school, or migrate. These options are beyond the means of impoverished families. On poverty itself, here is some analysis I wrote in 2014 which still holds true: <http://www.chinlandguardian.com/index.php/commentary-opinion/item/2103-poverty-a-pressing-human-rights-issue-for-the-chin>

- *DOCUMENTING HRVS: It is very difficult to document human rights violations in remote, rural areas of Chin State. Violations are sometimes documented weeks or even months after they have taken place. It is very important not to draw conclusions about the whole of Chin State, as the situation varies from township to township, and village to village. With the exception of CHRO (and possibly some other Chin civil society organizations), very few people have an overview of what is happening in the whole of Chin State. Most people have not travelled extensively throughout the state. They may feel confident about drawing conclusions for their own township, but those cannot be extrapolated for the whole of Chin State. For example, an individual from Hakha township would have very little (if any) knowledge of Paletwa township, and is highly unlikely to have ever travelled there as it is so hard to get there from within Chin State. As far as I'm aware, Paletwa township continues to be more easily accessed from Rakhine State, up the Kaladan river from Kyaukdaw. Similarly, unless someone has reason to travel extensively within their township (such as a cross-border trader, or pastor, or journalist, or local aid worker) they will not have knowledge of what is happening in remote villages within their own township, especially in border areas.*

**Annex D: Written response received from a representative of an international organisation, 13<sup>th</sup> June 2017**

1. Are there reported incidents in Chin State in 2016/17 of forced labour/forced recruitment into the military? If so, what is the government response to such incidents, officially and in practice?

We have not received any report and shared information from the coordination meetings of Government, UN agencies and development agencies in Chin State in 2016/17.

2. Are there reported incidents in Chin State in 2016/17 of arrests and punishment of people who have deserted military service after being forcefully or otherwise recruited?

We have not received any report and shared information from the coordination meetings of Government, UN agencies and development agencies in Chin State in 2016/17.

3. Are there reported incidents in Chin State in 2016/17 of land owners/farmers suffering intimidation, abuse and/or arrest as a result of seeking a legal remedy or other relief in relation to land restitution/confiscation?

Local Farmer Association from Kanpetlet Township shared us early March 2017 that there is an issue of marking boundary between Sagine region and Chin State at Kanpetlet Township.

Battalions No. 253, 254, 255 of 101 Command confiscated some areas of farmlands at the Let Pan Kyin, Phyu Twin Kyin, and Kyin Gyi villages from Kanpetlet Township some years ago and communities are following up necessary actions.

There are mining copper and gold at Yin Kwe Taung from Kanpetlet Township by the companies and local communities are objecting and protesting on that to stop mining.

[...]

Some flood affected families fled to the area of forest reserve of Chin State in Falam Township in mid of 2016, Chin State Government forced to move other place.

Chin State Government has plan to expand Hakha city and it is still under controverting between local communities and State Government.

4. Are there reported incidents in Myanmar in 2016/17 where a returnee/rejected asylum seeker was arrested for illegally departing or illegal return to Myanmar?

We have not received any report and shared information from the coordination meetings of Government, UN agencies and development agencies in Chin State in 2016/17.

5. Are there reported incidents of discrimination or violence against Zomi or other ethnic minority groups among the Chin population by majority ethnic groups and/or the Chin National Front?

Zomi ethnic group did not accept on that they are Chin.

Zomi party did not accept Chin National Front (CNF) party.

Zomi ethnic group did not accept CNF to set up liaison offices in Tedim and Tongzang Townships.

There is no experience on description among the rest of Chin ethnic groups.

6. Would a Chin returnee/rejected asylum seeker be eligible to obtain ID documents (Citizenship Scrutiny Card) if returned to Myanmar? How about when their ID document (CSC or the National Registration Card) was issued in the past, but was confiscated by the Myanmar authorities?

No asylum seeker have been return to Myanmar and not sure their ID cards were confiscated.

7. Do you have access or do you know of a source that can provide a useful map on:

- number and locations of schools in Chin State;
  - Please see attached map. I'm not sure it is useful or not. You may find the maps by sector form the following link.
  - 3W Dashboard allows a quick look at the spread of activities by agency, sector or state - <http://www.themimu.info/3w-dashboard> and <http://www.themimu.info/3w-db-tech-assist>
  - 3W Raw Data in Excel allows to look at the data in more details - <http://www.themimu.info/3w-maps-and-reports>
  - 3W Maps and Reports by Sector and Sub Sector at Village Tract and Township levels - <http://www.themimu.info/3w-maps-and-reports>
  - Online 3W provides still more detail on reported activities, contains data from Townships to Village Tract and Village level - <http://www.themimu.info>
- number and locations of hospitals/health clinics in Chin State,
- situation of land mines or other unexploded ordnance in Chin State (e.g. map of the contaminated area)
  - We are not sure there is still UXO in Chin State especially the former posting place of CNF at west of Thantlang Township along with India border.

## **Annex E: Written response received from a representative of a local NGO, 7<sup>th</sup> June 2017**

1. Are there reported incidents in Chin State in 2016/17 of forced labour/forced recruitment into the military? If so, what is the government response to such incidents, officially and in practice?

*Did not receive reports of forced labour or forced recruitment*

2. Are there reported incidents in Chin State in 2016/17 of arrests and punishment of people who have deserted military service after being forcefully or otherwise recruited?

*Did not receive reports of incidents on military deserters.*

3. Are there reported incidents in Chin State in 2016/17 of land owners/farmers suffering intimidation, abuse and/or arrest as a result of seeking a legal remedy or other relief in relation to land restitution/confiscation?

*There have been some disputes between state government (municipal) and land owners. The State government is trying to extend Hakha City areas and they grab land from communities for road construction and residential plots without notification and compensation. But, now Minister of Municipal stopped the project and negotiate with land owners. (No abuse, arrested)*

4. Are there reported incidents in Myanmar in 2016/17 where a returnee/rejected asylum seeker was arrested for illegally departing or illegal return to Myanmar?

*In Hakha and around, there are many returnees from Malaysia and no reports of punishment for illegal departure/return.*

5. Are there reported incidents of discrimination or violence against Zomi or other ethnic minority groups among the Chin population by majority ethnic groups and/or the Chin National Front?

*No discrimination or violence against Zomi but "Zomi" do not accept the ethnic name "CHIN". In Chin state there are around 52 sub ethnic groups including "Zomi" and all sub ethnicities have no problem with the name "CHIN" as a common ethnic name. They are trying to change the name "CHIN" to "Zomi".*

6. Would a Chin returnee/rejected asylum seeker be eligible to obtain ID documents (Citizenship Scrutiny Card) if returned to Myanmar? How about when their ID document (CSC or the National Registration Card) was issued in the past, but was confiscated by the Myanmar authorities?

*There are no difficulties to acquire CSC and civil documentations.*

7. Do you have access or do you know of a source that can provide a useful map on

- o number and locations of schools in Chin State;
- o number and locations of hospitals/health clinics in Chin State,
- o situation of land mines or other unexploded ordnance in Chin State (e.g. map of the contaminated area)

[http://themimu.info/sites/themimu.info/files/documents/SectorMap\\_Health\\_Health%20Facilities%20in%20Chin%20State\\_MIMU398v02\\_31Mar11\\_A1%20plus.pdf](http://themimu.info/sites/themimu.info/files/documents/SectorMap_Health_Health%20Facilities%20in%20Chin%20State_MIMU398v02_31Mar11_A1%20plus.pdf)

[http://themimu.info/sites/themimu.info/files/documents/SectorMap\\_Edu\\_Chin\\_MIMU629v02\\_Schools%20in%20Chin%20St\\_31Mar11\\_A1\\_plus.pdf](http://themimu.info/sites/themimu.info/files/documents/SectorMap_Edu_Chin_MIMU629v02_Schools%20in%20Chin%20St_31Mar11_A1_plus.pdf)

*In Paletwa township, there are some landmine areas but exact locations are not known*

**Annex F: Written response received from U Win Hlaing Oo, [Community Agency for Rural Development \(CAD\)](#), 7<sup>th</sup> June 2017**

1. Are there reported incidents in Chin State in 2016/17 of forced labour/forced recruitment into the military? If so, what is the government response to such incidents, officially and in practice?

*No incidents on forced labour and recruitment*

2. Are there reported incidents in Chin State in 2016/17 of arrests and punishment of people who have deserted military service after being forcefully or otherwise recruited?

*No incidents on military deserters.*

3. Are there reported incidents in Chin State in 2016/17 of land owners/farmers suffering intimidation, abuse and/or arrest as a result of seeking a legal remedy or other relief in relation to land restitution/confiscation?

*No issue*

4. Are there reported incidents in Myanmar in 2016/17 where a returnee/rejected asylum seeker was arrested for illegally departing or illegal return to Myanmar?

*I heard some people return from other countries to Chin state but they do not face problems.*

5. Are there reported incidents of discrimination or violence against Zomi or other ethnic minority groups among the Chin population by majority ethnic groups and/or the Chin National Front?

*No issues. They want "Zomi" name for all Chins.*

6. Would a Chin returnee/rejected asylum seeker be eligible to obtain ID documents (Citizenship Scrutiny Card) if returned to Myanmar? How about when their ID document (CSC or the National Registration Card) was issued in the past, but was confiscated by the Myanmar authorities?

*If they have family list they can apply easy. Generally, many returnees are already included in the family list.*

7. Do you have access or do you know of a source that can provide a useful map on  
o number and locations of schools in Chin State;  
o number and locations of hospitals/health clinics in Chin State,  
o situation of land mines or other unexploded ordnance in Chin State (e.g. map of the contaminated area)

[http://themimu.info/sites/themimu.info/files/documents/SectorMap\\_Health\\_Health%20Facilities%20in%20Chin%20State\\_MIMU398v02\\_31Mar11\\_A1%20plus.pdf](http://themimu.info/sites/themimu.info/files/documents/SectorMap_Health_Health%20Facilities%20in%20Chin%20State_MIMU398v02_31Mar11_A1%20plus.pdf)

[http://themimu.info/sites/themimu.info/files/documents/SectorMap\\_Edu\\_Chin\\_MIMU629v02\\_Schools%20in%20Chin%20St\\_31Mar11\\_A1\\_plus.pdf](http://themimu.info/sites/themimu.info/files/documents/SectorMap_Edu_Chin_MIMU629v02_Schools%20in%20Chin%20St_31Mar11_A1_plus.pdf)

*No conflict in Chin state and I think we have no landmine contaminated area.*

## 8. Additional comments

*For Chin returnee, livelihoods program should be implement because they have no farm/cultivation for their family income and this is a main challenges for them. Besides, there have no job opportunities in Chin state.*

**Annex G: Written response received from U Aung Din, [Myanmar Enhancement to Empower Tribal \(MEET\)](#), 7<sup>th</sup> June 2017**

1. Are there reported incidents in Chin State in 2016/17 of forced labour/forced recruitment into the military? If so, what is the government response to such incidents, officially and in practice?

*No incidents*

2. Are there reported incidents in Chin State in 2016/17 of arrests and punishment of people who have deserted military service after being forcefully or otherwise recruited?

*No incidents*

3. Are there reported incidents in Chin State in 2016/17 of land owners/farmers suffering intimidation, abuse and/or arrest as a result of seeking a legal remedy or other relief in relation to land restitution/confiscation?

*In 1989, there were some cases because a Tatmadaw battalion grabbed land for their station. But, now this has already been resolved and there are no further land occupation issues.*

4. Are there reported incidents in Myanmar in 2016/17 where a returnee/rejected asylum seeker was arrested for illegally departing or illegal return to Myanmar?

*No issue*

5. Are there reported incidents of discrimination or violence against Zomi or other ethnic minority groups among the Chin population by majority ethnic groups and/or the Chin National Front?

*No discrimination/ violence against "Zomi". "Zomi" they just try to split from "Chin" for development purposes. Like the "WA" special region, they want development in their areas.*

6. Would a Chin returnee/rejected asylum seeker be eligible to obtain ID documents (Citizenship Scrutiny Card) if returned to Myanmar? How about when their ID document (CSC or the National Registration Card) was issued in the past, but was confiscated by the Myanmar authorities?

*Yes, they are eligible to obtain civil documents. But, sometime they have to pay some money to officials.*

7. Do you have access or do you know of a source that can provide a useful map on

- o number and locations of schools in Chin State;
- o number and locations of hospitals/health clinics in Chin State,
- o situation of land mines or other unexploded ordnance in Chin State (e.g. map of the contaminated area)

[http://themimu.info/sites/themimu.info/files/documents/SectorMap\\_Health\\_Health%20Facilities%20in%20Chin%20State\\_MIMU398v02\\_31Mar11\\_A1%20plus.pdf](http://themimu.info/sites/themimu.info/files/documents/SectorMap_Health_Health%20Facilities%20in%20Chin%20State_MIMU398v02_31Mar11_A1%20plus.pdf)

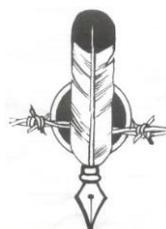
[http://themimu.info/sites/themimu.info/files/documents/SectorMap\\_Edu\\_Chin\\_MIMU629v02\\_Schools%20in%20Chin%20St\\_31Mar11\\_A1\\_plus.pdf](http://themimu.info/sites/themimu.info/files/documents/SectorMap_Edu_Chin_MIMU629v02_Schools%20in%20Chin%20St_31Mar11_A1_plus.pdf)

*In Shwe Let Wa area, Arkan Army (AA) warned villagers not to go to their firm land because AA planted landmines in that areas. Piyin So village, Shwe Let Wa village and Pyin Choung area are landmine contaminated arees in Paletwa township. Because, all those areas are Non Government Controlled Areas.*

#### 8. Additional comments

*For Chin returnee, I would suggest that It would be great if you could provide shelter and livelihood program.*

Annex H: Written response received from the [Chin Human Rights Organization \(CHRO\)](#) (28 June 2017)



Chin Human Rights Organization

[www.chro.ca](http://www.chro.ca)

[info@chro.ca](mailto:info@chro.ca)

1. Are there reported incidents in Chin State in 2016/17 of forced labour/forced recruitment into the military? If so, what is the government response to such incidents, officially and in practice?

A smoldering conflict between the Arakan Army and Tatmadaw in the Paletwa Township of Chin State continues to affect the civilian population. Both the Tatmadaw and the Arakan Army continue to bring civilians into their military activities, ignoring obligations under customary international humanitarian law (IHL).<sup>85</sup>

#### ***The Tatmadaw and Forced Labour/Human Shields***

On Nov 16th, 2016 a Chin community member based in Southern Paletwa, Chin State was killed after stepping on a landmine. He was portering for the Tatmadaw who were on patrol in the area. The Tatmadaw were using the villager as a human shield. Knowing that AA was present, in close vicinity to where the village was situated, and, the risks posed by landmines in the area, the Tatmadaw, while on patrol, had forced a man to carry food items and walk ahead of the patrol.<sup>86</sup> The man died before being able to reach a medical facility.

#### ***The AA and Human Rights Abuses***

The AA continues to violate human rights and humanitarian law in Paletwa. CHRO has received reports of arbitrary demands, laying of landmines close to villages and in farming areas, issuing of threats and imposing movement restrictions on civilian populations.

The laying of landmines has resulted in one death<sup>87</sup> and one man losing the use of his legs. On 7<sup>th</sup> January 2017, a villager stepped on a landmine while he was working together with some friends on *jhum* cultivation in a forest close to the village where he lived. He suffered serious injuries to both of his legs, requiring surgery and a blood transfusion. He was taken to hospital over the border in Bangladesh, and released almost three months later after recovering from an operation on both his legs. The indiscriminate laying of landmines by the AA presents significant risks, not only to the short-term personal safety of Chin civilians, but to the long term ability to practice traditional livelihoods. It has been reported to CHRO that many domestic animals step on landmines in grazing areas around certain villages.<sup>88</sup> The dangers posed by landmines not only make *jhum* cultivation a

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<sup>85</sup> Article 3 common to four Geneva Conventions of 1949 (known as Common Article 3), to which all states are parties, including Burma/Myanmar. Common Article 3 states, "In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions..." The rules are set out by the International Committee of the Red Cross (ICRC) in Henckaerts & Doswald-Beck, eds., *Customary International Humanitarian Law, Volume I: Rules* (Cambridge: Cambridge Univ. Press 2005).

<sup>86</sup> Unpublished information. Place names and names of villagers are not provided for security reasons.

<sup>87</sup> This is described above in the "forced labour and human shields" header.

<sup>88</sup> Unpublished information

life and death decision for villagers but constitute an attack on livelihoods. It has also been reported that AA soldiers have in some circumstances deliberately killed the livestock of villagers in certain areas which constitutes a direct attack on livelihoods in communities that rely solely on farming and animal husbandry.<sup>89</sup>

In Ralie Village, Paletwa, May 2017, arbitrary demands issued by AA forces and the collective perception of escalating risk of conflict between AA and Tatmadaw in the area, forced 300 Mara, Chin to flee to India and over 200 into neighboring villages as IDP's.<sup>90</sup> While it is clear that the issuing of arbitrary demands had been a cause of the villagers to flee to India, the risk of arrest by Tatmadaw forces is also quoted as being a reason to flee. Being caught at a checkpoint carrying loads for the AA is something which the villagers were not willing to risk.

### **Official Responses**

There has been no official response by the government in relation to the case of civilians fleeing Ralie Village into Mizoram, nor the situation in Paletwa, generally speaking. In an interview with the Irrawaddy, U Thine Thu Kha, the spokesperson for the AA's Western Chapter, denied the AA had any involvement in the situation and any claims made were based on "groundless accusations".<sup>91</sup> He went on to state that there was no armed conflict between AA and Tatmadaw in Paletwa. CHRO is aware of skirmishes between AA forces and Tatmadaw in areas of Paletwa having taken place as recently as June, 2017. Given the inaccessibility of Paletwa, it is an exceptionally difficult place to cover. Had it not been that, in this circumstance, the villagers had crossed an international border, this story may well have gone unnoticed. U Thine Thu Kha further claimed that the AA is a victim of a defamatory agenda.<sup>92</sup> He was unclear on who this could be, but previously on the AA's official facebook page, it was suggested that in other similar circumstances, it was the work of the Arakan Liberation Army (ALA).<sup>93</sup>

CHRO believes the fighting in this area of Chin State is likely to increase in the short-term as the AA look to continue to assert themselves in the ongoing peace process having established ties to other Ethnic Armed Organizations under the Brotherhood of the Northern Alliance together with the Kachin Independence Army, Ta'ang National Liberation Army and the Myanmar National Democratic Alliance Army. In the long-term, the AA claim that Paletwa is part of Arakan State, despite the vast majority of groups in Paletwa self-identifying as various sub-groups of Chin. Fighting between the Tatmadaw and AA and a range of associated human rights abuses have been well documented by CHRO in 2015.<sup>94</sup>

2. Are there reported incidents in Chin State in 2016/17 of arrests and punishment of people who have deserted military service after being forcefully or otherwise recruited?

The AA continues to impose movement restrictions on villagers coming and going from certain villages in the southern areas of Paletwa. As small and sporadic skirmishes break out between AA and Tatmadaw forces, in some circumstances male villagers who have fled these areas are subsequently accused of being spies and in league with Tatmadaw. This is not military desertion, but desertion from a conflict situation which directly impacts both the ability to continue livelihood activities and ignores obligations under IHL rules in relation to the respect of family life.<sup>95</sup>

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<sup>89</sup> Unpublished information

<sup>90</sup> Please see, Chin Human Rights Org "CHRO: Concerns of Forced Displacement as a Result of Arakan Army Activities" May 26<sup>th</sup> 2017. <http://www.chro.ca/index.php/resources/chro-in-the-news/563-chro-concerns-of-forced-displacement-of-chin-civilians-as-a-result-of-arakan-army-activities>

<sup>91</sup> The Irrawaddy, "The Arakan Army Denies Forcing Chin Refugees into India", 23<sup>rd</sup> May 2017.

<sup>92</sup> The Irrawaddy, "The Arakan Army Denies Forcing Chin Refugees into India", 23<sup>rd</sup> May 2017.

<sup>93</sup> The Irrawaddy, "The Arakan Army Denies Forcing Chin Refugees into India", 23<sup>rd</sup> May 2017.

<sup>94</sup> Please see Chin Human Rights Organisation, "Caught in the Cross-fire" June 14<sup>th</sup> 2015.

<sup>95</sup> Unpublished information.

3. Are there reported incidents in Chin State in 2016/17 of land owners/farmers suffering intimidation, abuse and/or arrest as a result of seeking a legal remedy or other relief in relation to land restitution/confiscation?

### ***Land Confiscation and Ongoing Land Disputes***

A large proportion of land disputes in Chin State are ongoing from the State Law and Order Restoration Council (SLORC) years. During this period, certain areas of Chin State were designated as having specific functions and land was confiscated in order to achieve those.<sup>96</sup> Villagers pursuing restitution in relation to land have faced prison terms, threats and intimidation.

In 1992, 21 acres of land in Khaikam Village, Tedim Township, Chin State was confiscated by the SLORC in order to turn the land into an area for rearing livestock. The complainant was imprisoned on Jan 21<sup>st</sup>, 2016, under section 447 of the Criminal Justice Act. Section 447 relates to trespassing on government military owned land, the community member spent 15 days in jail for trespassing while trying to cultivate it. A collection of farmers have issued complaints to the both Chin State and Union Level Government for redress or compensation, but have so far been unsuccessful.<sup>97</sup>

In 2002 the SLORC administration offered a lease agreement in order for three villages in Kantayun, Kanpetlet Township to grow tea. No money was ever paid to these villages for any subsequent tea that was grown on the land. The land in question has subsequently been sold by the Village Ward Council, without the collective permission of the villagers. It is claimed this has been initiated by SLORC members within the council. At present there are no figures as to how much the land was sold for or what the intended use of it will be. The original agreement, however made it clear that if the land was to cease to be used for tea production, it would be delivered back to the three villages in order for collective use, once more.<sup>98</sup>

In 2013, the USDP [Union Solidarity and Development Party] party confiscated the land of two villagers in Kantayun, Kanpetlet Township, Chin State. Although unsure as to how the land will be developed, it has been assumed that the government will sell it off and likely it will attract private business interests. The villagers were threatened with imprisonment by township level administrators and were forced off the land. The dispute is ongoing.<sup>99</sup>

### ***Government Response to Internally Displaced People***

On 1<sup>st</sup> September 2016, the Chin State Government in collaboration with Sagaing authorities destroyed houses in a newly settled village in Bualpi, Falam Township, Chin State. 500 families were forcibly evicted as bulldozers were brought in to destroy the village. The families were internally displaced as a result of the flooding which impacted Chin State the previous summer. Many families, who did not have relatives in Kalay, were given refuge in a nearby Church. It was reported that the eviction was the decision of the State Ministry for Border Affairs, and the Falam General Administration Department, both coming under the Military headed, Home Ministry.<sup>100</sup> The next day, the Kalay General Administrative Department together with Police evicted the villagers who were sheltering in the Church, offering assistance to those that would go directly back to their original villages. According to authorities the IDP's had stayed there illegally. One week later an official reported that the land was to be turned into a teak plantation.<sup>101</sup>

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<sup>96</sup> For background on the general issue of land confiscated for Army purposes from this time and the potential for restitution today, see, The Irrawaddy, "Deputy Defense Minister: Army Agriculture on Confiscated Land Saves Money" 30<sup>th</sup> May, 2017.

<sup>97</sup> Unpublished information.

<sup>98</sup> Unpublished information.

<sup>99</sup> Unpublished information.

<sup>100</sup> See Chinland Guardian, "Chin Villagers forced to Leave, Houses Bulldozed" 1<sup>st</sup> Sept, 2016.

<sup>101</sup> Ibid.

4. Are there reported incidents in Myanmar in 2016/17 where a returnee/rejected asylum seeker was arrested for illegally departing or illegal return to Myanmar?

CHRO has not learned about any specific cases of this nature as the deportation of Myanmar citizens are generally not made public. However, CHRO continues to be deeply concerned about this issue on the whole. Three years ago, efforts to return refugees and asylum seekers made from detention centres across Malaysia were premised by credible reports that detainees had been pressurized by both Myanmar Embassy Officials and Malaysian authorities.

While CHRO does not have the capacity to monitor the situation of returnees, deep concerns remain about the circumstances surrounding return. This whole situation needs to be carefully and thoroughly looked at in order to ensure the safe and dignified return. Above all, there needs to be assurance that the return of any persons who have claimed asylum doesn't constitute *refoulement*. We remain deeply concerned about the lack of information regarding the nature of their return and returnees' fate afterwards.

5. Are there reported incidents of discrimination or violence against Zomi or other ethnic minority groups among the Chin population by majority ethnic groups and/or the Chin National Front?

Not that we are aware of.

6. Would a Chin returnee/rejected asylum seeker be eligible to obtain ID documents (Citizenship Scrutiny Card) if returned to Myanmar? How about when their ID document (CSC or the National Registration Card) was issued in the past, but was confiscated by the Myanmar authorities?

This is another area of concern for CHRO. Since we have not been able to monitor the situation, we are not able to follow up on individual cases. However, what we do know is that the issuance of Myanmar ID card is based on having a family registration, which is not always possible because family registration changes as people move. Those families whose family registration has been revoked during the military regime, for any reason, are not able to get a new family registration meaning the Immigration Department will not issue an individual ID card to those persons who cannot produce their family registration. As one senior local immigration department official told CHRO on condition of anonymity, *"The only way to legally obtain a new ID card would be for you to be jailed first for having left the country illegally in the first place, and, after you served up your sentences, then government would then consider issuing you a new one."*