

Christian Solidarity Worldwide (CSW) is a human rights advocacy organisation promoting freedom of religion or belief for people of all faiths and none. In this submission, CSW would like to bring to the committee's attention the situation of human rights, particularly freedom of religion or belief, for women in Myanmar with a specific focus on the package of "Race and Religion" laws and violence against women. Whilst there has been some significant progress in recent years towards democracy and human rights protection in Myanmar, there remain grave concerns both in areas of freedom of religion or belief and women's rights.

Protection of Race and Religion laws and discrimination against women from religious minorities

In 2015, a set of four laws focusing on the 'protection of race and religion' were implemented. This legislation aims to restrict religious conversion, inter-faith marriage, polygamy and population control, effectively embedding gender bias into the legal system. Under the new "Buddhist Women's Special Marriage Law" interfaith marriage between Buddhist women and Muslim men is restricted and the law requires interfaith couples to obtain a permit from local authorities to marry. In addition, anyone wishing to change their religion will be required to apply for permission to an 11-member committee, consisting of officials responsible for religious affairs, immigration, women's affairs and education.

The new law violates Article 2 (non-discrimination), Article 15 (equality before the law) and Article 16 (non-discrimination in matters relating to marriage and family) of CEDAW. It also discriminates against religious minorities and undermines women's right to freedom of religion or belief in Myanmar.

The 'protection of race and religion' laws have been opposed by civil society in Burma and the international community. The UN Special Rapporteur on Human Rights in Myanmar (Burma), Yanghee Lee, has highlighted "significant human rights concerns" relating to the legislation on religious conversions and inter-faith marriage, saying it would "legalise discrimination, in particular against religious and ethnic minorities and against women".^[2]

Rape as a weapon of war and violence against women

CSW is concerned about the ongoing war in Northern Myanmar against the Kachin and Shan peoples. Women from religious minorities are frequently targeted; rape is used as a weapon of war. The Kachin Women's Association Thailand (KWAT) and Legal Aid Network (LAN) has

^[2] Special Rapporteur on Situation of Human Rights in Myanmar's Report, 23 March 2015: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/060/75/PDF/G1506075.pdf?OpenElement>

documented over 70 cases of gang rape, rape and attempted sexual violence by Myanmar army troops in Kachin and northern Shan states since June 2011.^[1]

In January 2015, two Christian teachers were attacked, gang raped and murdered by Myanmar Army soldiers in a church compound in Kawng Kha village, northern Shan State. Maran Ly Ra, aged 20, and Tangbau Hkawn Nan Tsin, 21, were teachers from Myitkyina and worked with the Kachin Baptist Convention. CSW sources said that villagers nearby heard the girls screaming and on investigation they saw Myanmar Army boot prints and the bloodied bodies of the dead girls. Although church members went to the police, no action has been taken. The cover-up extended to highest levels, with the then military government announcing 10 days later that the military were innocent of the crime. KWAT and LAT's report, "Justice Delayed, Justice Denied"^[1] exposes the systematic cover-up of the Myanmar Army's involvement in the case. The Commanding Officer of Myanmar troops camped in Kawng Kha and his superiors blocked and subverted a police investigation into the crime.

Sexual violence and violence against women and girls have continued with impunity and they are clear violations against CEDAW convention and its General Recommendation No 19 addressing violence against women.

CSW calls upon the CEDAW Committee to raise the challenges regarding freedom of religion or belief and violence against women, particularly from ethnic and religious minorities with the government of Myanmar.

Specific recommendations to CEDAW Committee

- To call upon the government of Myanmar to implement all recommendations relating to freedom of religion or belief, religious minorities and women's rights received by the country during the second cycle of the Universal Periodic Review Process;
- To call upon the government of Myanmar to strengthen the law and justice system in Myanmar and to end the culture of impunity for crimes targeting women from religious minorities;
- To urge the government of Myanmar to investigate allegations of sexual assault and to bring perpetrators to justice. The appalling case of murder and rape of Maran Ly Ra and Tangbau Hkawn Nan Tsin should be opened for re-investigation by impartial

^[1] Press Release by Kachin Women's Association Thailand (KWAT) and Legal Aid Network (LAN) and syndicated by Asian Human Rights Commission (AHRC) <http://www.humanrights.asia/news/forwarded-news/AHRC-FPR-001-2016>

and independent committee and the perpetrators of these heinous crimes should be brought to justice;

- To urge the government of Myanmar to declare a nationwide ceasefire and an end to military attacks against ethnic civilians and to seek a political and peaceful solution to the future of the ethnic nationalities in Myanmar;
- To urge the government of Myanmar to engage with religious leaders and communities to promote women’s rights and tackle discrimination against women from religious minorities. Religious leaders often have an essential role in tackling violence against women, negative gender stereotypes and in changing attitudes and behaviour that underpin discrimination against women. For instance, on International Women’s Day March 8, religious leaders from four of Burma’s major faith groups joined together to renounce violence and discrimination against women and girls during “Step Up Action to end Discrimination and Violence against Women and Girls” an interfaith event organised by UN Women. The government of Myanmar should be encouraged to engage in similar activities and to bring together women’s rights organisations, human rights NGOs and religious communities for further consultation and dialogue;
- To urge the government of Myanmar to halt violations of human rights by security forces, including bringing to an end the widespread use of rape as a weapon of war, forced labour, torture and killings;
- To urge the government of Myanmar to issue an invitation to the UN Special Rapporteur on freedom of religion or belief to visit Myanmar, to investigate reports of violations of freedom of religion or belief and against women from religious minorities;
- To urge Myanmar to take steps to protect and promote freedom of religion or belief and freedom of expression for all.