



# Upholding the Rights of Communities in Myanmar through UPR

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# Summary of the LWF Submission to the UN Universal Periodic Review of Myanmar

**Methodology:** This submission is based on primary data collected through field surveys, focus group discussions and individual interviews. 16 consultations took place between November and December 2014 with people and organizations in Yangon, Ayeyarwaddy, Kayin, Chin and Rakhine States.

## Issue at Stake

### Right to Land

- In Myanmar, 70% of the population lives in rural areas and is engaged in agriculture related activities.
- In many areas of the country, rural livelihoods are under threat as smallholder farmers are being displaced from their land due to large-scale land confiscations.
- The rights of farmers such as those in Chin State, who practice shifting cultivation, are further compromised since the existing farmland law specifies that farmers have to continuously cultivate the land.

## Recommendations

- Develop a national land reform system and redistribute vacant lands to landless farming communities.
- Develop a more simplified, effective land registration system with a clear complaints handling mechanism.
- Conduct awareness raising campaigns in villages on the importance of land registration and certification.

### Right to Water

- The lack of an efficient governmental mechanism to monitor and assess ground water quality poses serious threats to the health of community members.
  - The field survey conducted shows that water quality is endangered by existing practices and violations, such as factories discharging waste into water sources such as rivers, which causes pollution and threatens the well-being of neighboring communities.
  - In addition, Myanmar currently has no functioning system to process complaints about the discriminatory legal frameworks, policies and practices that actively prevent equal access to safe water.
- Provide land for the construction of reservoirs, improve infrastructure in communities and provide safe drinking water alternatives for villages with contaminated water sources.
  - Adopt a national water policy and legal instruments so as to better ensure the provision of safe water to the public, and effective water quality control, including a complaints handling mechanism.
  - Decentralize water management system to village administrators and provide them with necessary technical capacity to effectively run and protect public water sources.

## Right to a Legal Identity

- According to UNICEF, 3 out of 10 children under 5 in Myanmar have no birth certificate.
- In Chin State 76% of children do not possess a birth certificate and 35% of children affected by armed conflict are unregistered.
- Among other things, this has major implications for obtaining a Citizen Scrutiny Card (CSC) which is the main document confirming the legal identity of an individual.
- Develop a simplified, effective birth registration system through which all can access a birth certificate, including a complaints handling mechanism.
- Raise awareness on the importance of birth certificates (including the link with the CSC) and promote understanding of laws and procedures relating to birth registration.
- Ensure all efforts to address birth registration and CSC include children with disabilities; children in and out of school; children in camps; and children in remote areas.

## Right to Nationality

- Large number of Myanmar's population do not possess the Citizenship Scrutiny Card (CSC), which is the main document to confirm one's own legal identity and nationality in Myanmar.
- In some cases ethnic and religious minorities are discriminated against in the issuance of the CSC.
- Develop a simplified, effective system through which all can access a CSC, including a complaints handling mechanism.
- Work together with non-government actors including religious leaders to promote understanding and awareness of the importance of having a CSC.

## Rights of Women

- Although, the Myanmar government published the “National Strategic Plan for the Advancement of Women (NSPAW), 2013-2022”, in 2013, so far little progress has been made to implement this strategy.
- Lack of equal access to land, education, property, employment and decision-making bodies for women (e.g. women account for only 4.42% of the members of Myanmar’s National Parliament).
- Additionally, concerns have been raised that new bills on interfaith marriage, religious conversion, polygamy and population control will violate women’s rights to choose their own marital partner, impinge on religious freedom, and could lead to further violence against non-Buddhist minorities, especially women.
- Myanmar lacks legal instruments to prevent and address the issue of gender-based violence (GBV).
- Develop a national action plan against harmful cultural, social norms and practices that prevent women from fully enjoying their human rights. This should include adoption and promotion of policies that combat gender-based violence.
- Implement a quota system that mandates a minimum of 30% of decision making positions, in the sub-national and national governance bodies, are women; and develop a monitoring mechanism to ensure follow up and compliance with this regulation.
- Adopt and implement anti human-trafficking laws for both men and women.
- Revise all legal instruments related to equal access to employment to include equal pay for women.

**The Lutheran World Federation (LWF):** Founded in Lund, Sweden, in 1947, is a global communion of 144 churches in the Lutheran tradition representing over 72 million Christians in 79 countries. LWF has a consultative status with ECOSOC since 1952.

The Lutheran World Federation Myanmar (LWF Myanmar) is a country program of LWF-Department for World Service (DWS) that has been working since 2009 with marginalized and disadvantaged communities. LWF Myanmar focuses its community-based efforts in the areas of emergency preparedness and response, livelihoods and food security, water, sanitation and hygiene, disaster risk reduction and human rights.

To access our full report submitted to the UPR consult our website:

<https://www.lutheranworld.org/news/human-rights-myanmar-and-nepal>

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