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ON THE COVER: Members of Pakistan's Women Action Forum in Lahore, Pakistan rally against the presence of Taliban and militants in the northwest of Pakistan on Thursday, February 12, 2009. The banners condemn religious extremism, domestic violence, and the burning down of girls' schools in Swat. (AP Photo/K.M. Chaudary)

COUNTRIES OF PARTICULAR CONCERN

Burma

The State Peace and Development Council (SPDC), the military junta governing Burma, has one of the world's worst human rights records. In the past year, religious freedom conditions deteriorated in Burma, particularly following the violent suppression of peacefully demonstrating Buddhist monks in September 2007, and Burma's military regime continued its policy of severely restricting religious practice, monitoring the activity of all religious organizations, and perpetuating or tolerating violence against religious leaders and their communities. Buddhist monasteries viewed as epicenters of the September 2007 "Saffron Revolution" continue to face the most severe restrictions, including harsh limitations on everyday religious activities. Muslims routinely experience strict controls on a wide range of religious activities, as well government-sponsored or supported societal violence. Burma's Christian populations face forced promotion of Buddhism and other hardships in ethnic minority areas where low-intensity conflict has been waged for decades. In addition, a new law passed in early 2009 essentially bans independent "house church" religious venues, many of which operate because permission to build church buildings is regularly denied. Burma has been designated as a CPC by the Department of State since 1999.

Burma has experienced ongoing conflict since its independence in 1948 and the SPDC deals harshly with any group it perceives as a threat to its hold on power, including and especially ethnic minority groups whose religious affiliation is an identifying feature. Although ethnic minority Christians and Muslims have encountered the most long-term difficulties, in the aftermath of the 2007 anti-government demonstrations, the regime also began systematically to repress Burmese Buddhists, closing monasteries, arresting and defrocking monks, and curtailing their public religious activities. Despite this crackdown on Buddhist monks and monasteries, the SPDC generally promotes Therevada Buddhism, particularly in the ethnic minority areas, sometimes pressuring or offering economic inducements to encourage conversion. Throughout Burma's history, patronage of the Buddhist community was necessary to legitimate a government's hold on power. SPDC leaders have continued this practice, publicly participating in Buddhist rituals. Buddhist doctrine is an optional course taught in all government run schools and daily prayer is required of all students; in some schools, children are reportedly allowed to leave the room during this time if they are not Buddhist, but in others they are compelled to recite the prayer. In addition, the Burmese military builds pagodas and has destroyed religious venues and other structures in Christian and Muslim areas.

The importance of Buddhism in Burma's life and culture is critical to understanding the significance of the September 2007 protests. Following the arrest, detention, and beating of activists who organized the initial protests against government increases in fuel prices, Buddhist monks took over the leadership of growing demonstrations. The monks broadened the scope of the protests and began calling for the release of all political prisoners and the initiation of a process leading to democratization in the country. In the ensuing weeks, Buddhist monks organized peaceful demonstrations in most of Burma's major cities. After the SPDC ordered the military to crack down on the monk-led demonstrations, there were reports of at least 30 deaths, although some experts estimate that the actual number was much higher. Journalists and activists in Burma state that at least 4,000 people, an unknown portion of which were monks, were arrested during the crackdown, with estimates that between 500 and 1,000 remained in detention months later and many reportedly were mistreated or tortured in detention. Given the lack of transparency in Burma, it is difficult to determine how many people remain in prison or are missing though, in January 2009, a reported 270 activists, including monks, student leaders, and political activists were given long jail terms for their roles in the 2007 protests.

In the immediate aftermath of the protests, the military raided 52 monasteries, detained many monks, and arrested those perceived to be the leaders of the demonstrations. These monks were then tortured, forcibly defrocked, and required to return to their villages. Several monasteries remain closed or are functioning in a more limited capacity, including Ngwe Kyar Yan monastery, to which only approximately 50 of the original 180 monks in residence have been permitted to return. In addition, Maggin monastery, Thingan Gyun township, Rangoon was forcibly sealed off by the authorities in November 2007 and most of the monks and civilian assistants were arrested or detained for supporting the protests and giving refuge to democracy activists. Maggin monastery, in addition to being a religious center, was also an orphanage and a hospice for HIV/AIDS patients.

Government authorities continue closely to monitor monasteries viewed as focal points of the protest and have restricted usual religious practices in these areas. Monks perceived to be protest organizers have been charged with sedition, "creating public alarm," and "activities inconsistent with and detrimental to Buddhism." Jail sentences of between two and 65 years have been given. For example, monk U Kitharihya from Seikthathukhah monastery was sentenced to seven and one half years imprisonment; U Kawmala from Adithan monastery to two and one half years; U Wunnathiri from Yadanabonmyay monastery to three years; and U Eindiya from Myoma monastery to seven and one half years. They join monk U Gambira, who was charged under Section 17/1 of the Unlawful Association Act, Section 13/1 of the Immigration Act (for illegal movement across borders), and Article 5(J) of the Emergency Provisions Act (for encouraging demonstrations). In July 2008, nine monks were arrested and charged with the "deliberate and malicious…outraging of religious feelings" and given a two year sentence. The following month, monks U Damathara and U Nandara from the Thardu monastery in Rangoon were arrested; they remain in custody. Although the SPDC released a reported 9,002 prisoners, including some prominent political activists, in September 2008, that same month there were reports that 39 political activists, including monks, were arrested and 21 sentenced to prison terms. It was reported in January 2009 that monk U Arnanda, of Thitsa Tharaphu monastery, died in detention in Insein prison of unknown causes. Since the 2007 protests, hundreds of monks have fled to Thailand to seek asylum. They have described torture, hard labor, and other deprivations during detention.

Government interference in Buddhist affairs predated the crackdown that occurred after the "Saffron Revolution." According to the State Department's 2008 *Country Reports on Human Rights Practices*, members of the Buddhist *sangha* were and continue to be subject to a strict code of conduct that is reportedly enforced through criminal penalties. Monks are not allowed to preach political sermons, make public statements, or produce literature with views critical of SPDC policies. Monks are also prohibited from associating with or joining political parties. Military commanders retain jurisdiction to try Buddhist monks in military courts. In several instances between 1988 and 2008, monks and nuns were defrocked or detained, and an estimated 100 monks and novices remain imprisoned as prisoners of conscience for activities that occurred prior to the September 2007 events.

Minority religious groups, especially Muslims and Christians, continued to face serious abuses of religious freedom and other human rights by the military. In some localities, military commanders have conscripted members of ethnic and religious minorities against their will for forced labor. Those who refuse conscription are threatened with criminal prosecution or fined. Those who do not carry out their tasks have been shot or beaten to death. Christians and Muslims have been forced to engage in the destruction of mosques, churches, and graveyards and to serve as military porters. They reportedly have also been forced to "donate" labor to build and maintain Buddhist pagodas and monasteries.

Tensions between the Buddhist and Muslim communities have resulted in outbreaks of societal violence over the past several years, some of it instigated by Burmese security forces against ethnic

minority Muslims. Discrimination and religious freedom abuses are particularly severe for Rohingya Muslims, who are denied citizenship on the grounds that their ancestors did not reside in the country prior to British colonial rule. Approximately 800,000 Rohingya live in Burma, primarily in Rakhine state. Without citizenship, Rohingya Muslims face restrictions on their freedom of movement, and refugees report that some Rohingya are prevented from owning property legally, residing in certain townships, or attending state-run schools beyond the primary level. Since 1988, the government has permitted only three marriages per year per village in the predominantly Muslim parts of Rakhine state; efforts to lift this restriction have failed. Muslims also report difficulties in obtaining birth certificates for newborns, particularly in the city of Sittwe. Enforcement of such policies widened in the past year. Police and border guards also continue inspections of Muslim mosques in this area; if a mosque cannot show a valid building permit, the venue is ordered destroyed. Nine mosques were closed in the previous year. The government also permitted the destruction of religious centers and schools.

In June 2004, the UN Committee on the Rights of the Child expressed concern over the situation among Rohingya children, particularly with regard to the denial of their right to food, health care, and education, as well as to their ability to survive, develop, and enjoy their own culture and be protected from discrimination. In April 2007, a panel of UN experts, including the UN Special Rapporteur on Human Rights in Myanmar and the UN Special Rapporteur on Racism, Racial Discrimination, and Xenophobia, issued a statement declaring that the Burmese government's denial of citizenship for Rohingya Muslims "has seriously curtailed the full exercise of their civil political, economic, social and cultural rights and led to various discriminatory practices. This includes severe restrictions on freedom of movement; various forms of extortion and arbitrary taxation; land confiscation and forced evictions; restricted access to medical care, food and adequate housing; forced labor; and restrictions on marriages." An estimated 30,000 Muslim Rohingya live in refugee camps in Bangladesh, Thailand, and other Asian countries.

Christian groups continue regularly to experience difficulties in obtaining permission to build new churches, as well as to hold public ceremonies and festivals and import religious literature. Authorities have reportedly denied permission for the construction of new churches since 1997 in certain parts of Chin state. Similar restrictions are reportedly imposed in the capital of Kachin state, in some localities in Karen state, and among Catholics and Baptists in Karenni state. In late 2007, a military general in Shan state confiscated land from a Catholic diocese and destroyed the home of the bishop. No compensation has been awarded. In all these areas, Christians are required to obtain a permit for any gathering of more than five people outside of a Sunday service. Permission is regularly denied, or secured only through bribes. Additional reports of church closings in Rangoon and Mandalay have been received within the last year.

In January 2009, authorities in Rangoon ordered at least 100 churches to stop holding services and forced them to sign pledges to that effect. The order disproportionately affects churches that were forced to operate in rented apartments because they were denied permission to build a new church. Some Christians fear that these acts are retribution for the aid they provided in the relief efforts after Cyclone Nargis in May 2008, as it was at that time that the SPDC moved to disenfranchise some religious and ethnic minority populations and forcibly close religious charities assisting cyclone victims. In advance of a referendum on a new constitution, the national legislature passed a law disenfranchising leaders of ethnic minority religious communities, internally displaced people (IDPs), and Muslim Rohingyas. Religious and minority communities were—and continue to be—important constituencies that supported Burma's main opposition party, the National Democracy League (NLD). The new constitution has been roundly criticized by international observers, as it attempts formally to legitimize the SPDC regime's rule, provide immunity to the SPDC for all human rights abuses committed since 1988, and prohibit NLD leader Aung San Suu

Kyi from holding national office. Though the constitution acknowledges the "special position of Buddhism," it also notes the existence of other religions in the country, and contains language protecting all religions recognized in the constitution and prohibiting discrimination based on religious belief. However, given the SPDC's extremely poor human rights record, as long it holds a monopoly on power, such constitutional provisions are unlikely to be upheld.

Among the Chin and Naga ethnic minorities, there are credible reports that government and military authorities made active efforts to convert Christians to Buddhism. Although some groups reported that these measures had decreased in the past year, local human rights organizations claim that the government persists in encouraging conversion. In Chin state, government authorities offered financial and career incentives to ethnic Burman Buddhist soldiers to marry Chin Christian women. Chin families who agreed to convert to Buddhism were offered monetary and material incentives, as well as exemption from forced labor. Christian Chins claim that the government operated a high school that only Buddhist students could attend; students were guaranteed jobs upon graduation. In February 2007, a Christian pastor was arrested for writing a letter to General Than Shwe, the chief of the military junta, urging an end to the persecution of Christians. Naga Christian refugees leaving Burma continually report that members of the army, together with Buddhist monks, closed churches in their villages and attempted to force adherents to convert to Buddhism.

In an unprecedented unanimous resolution passed shortly after the Burmese military government's crackdown during the Saffron Revolution, members of the UN Security Council condemned the Burmese junta's violent response to the peaceful demonstrations and called for the prompt release of political prisoners and for cooperation with a UN-led effort to engage the government in dialogue on a transition to civilian rule. In 2008, the UN General Assembly again passed a resolution condemning the continued human rights violations and urged the government to restore democracy. The UN Human Rights Council also issued similar condemnations in 2008 and 2009. The Secretary General's Special Envoy Ibrahim Gambari has made seven trips to Burma since 2006, meeting with NLD and SPDC officials and twice with Aung San Suu Kyi. Mr. Gambari last visited Burma in February 2009. Critics of the Special Envoy, however, claim that his mission has thus far not achieved any tangible results. Paulo Sergio Pinheiro, UN Special Rapporteur on Human Rights in Myanmar, visited Burma for the first time in three years in 2007 and again in August 2008, during which time he met with government officials. His report details the government's failures in the recovery efforts after Cyclone Nargis and the inadequacies of the May 2008 constitutional referendum. A planned trip by UN Secretary General Ban Ki-Moon was canceled in December 2008. The Secretary General said he would visit Burma only when Burma has made "tangible progress" toward the goals the UN has set.

In the past year, Commission staff continued to meet with exiled Burmese ethnic and religious leaders, including Buddhists, Christians, and Muslims, and with members of congressional and international delegations that visited Burma. In December 2007, the Commission held a public hearing entitled "After the Saffron Revolution: Religion, Repression, and Options for U.S. Policy in Burma." In February 2008, Commissioner Nina Shea made a presentation on religious freedom concerns at a "Briefing on Burma" held by the Congressional Taskforce on International Religious Freedom and the Congressional Human Rights Caucus.

Recommendations for U.S. Policy

Secretary of State Hillary Clinton has stated that U.S. policy toward Burma is under review. Repression of ethnic and religious minorities, severe restrictions of religious freedom and related human rights, and the imprisonment of Buddhist monks and other peaceful dissidents are critical concerns that require U.S. leadership and cooperation with regional and European allies and the United Nations. In addition to recommending that Burma be designated as a CPC, the Commission recommends that, as part of any Burma policy review**,** the U.S. government should:

I. Strengthen the coordination of U.S. policy on Burma, both within the U.S government and with U.S. allies:

- appoint a Special Envoy on Burma, with the rank of Ambassador, to coordinate multilateral and bilateral diplomatic efforts and serve as the Administration's point person to bring about political reconciliation and democratic reform in Burma;

- create an interagency taskforce on Burma at the National Security Council (NSC), staffed by a senior ranking official, to coordinate policy and actions on Burma throughout the U.S. government, including implementation of sanctions, humanitarian aid, democracy promotion, counternarcotics, trafficking in persons, and other policy objectives, including religious freedom and related human rights; and

- organize a coalition of democratic nations in Asia to replace the moribund Bangkok Process in order to construct a roadmap outlining concrete steps Burma needs to take in order to end economic and political sanctions and engage with Burma's top leader on issues of concern, including addressing humanitarian and human rights abuses, the release of political and religious prisoners, a durable solution for refugees, and a transition to civilian rule.

II. Assist and support U.N. and other multilateral diplomatic efforts:

- initiate action on a new UN Security Council resolution on Burma that offers the UN Secretary General a clear mandate for his interactions with Burmese authorities, including full and unimpeded access for the UN Special Envoy on Burma and the UN Special Rapporteur on Burma; a clear timetable, with repercussions, for the Burmese government if it does not immediately and unconditionally release all political prisoners, including Aung San Suu Kyi; the establishment of a UN monitoring mission of the UN High Commissioner for Human Rights inside Burma; and the taking of steps to ensure a peaceful and orderly transition to civilian rule;

- support the mission of the UN Secretary General's Special Envoy on Burma and the UN Special Rapporteur on Burma, including their unrestricted access to opposition political leaders, prisoners, independent human rights monitors, and humanitarian aid organizations in all parts of Burma;

- seek access to Burma by the UN Special Rapporteur on Freedom of Religion and Belief for an immediate visit with unrestricted access to religious communities and to regions where religious freedom abuses are reported; and

- urge ASEAN to expand the Tri-Partite Core Group to discuss other issues of concern with Burma, including protections for ethnic minorities and refugee issues.

III. Engage with the government of Burma and with Burma's closest allies to urge the government of Burma to address issues of concern:

- release all persons detained or arrested for the peaceful exercise of religious freedom and related human rights, including revealing the whereabouts of people who are still detained and missing, including the Buddhist monks and others who led or participated in peaceful protests during August and September, 2008;

- release National League for Democracy (NLD) Chair Aung San Suu Kyi and other political prisoners and urging the direct engagement with the NLD and leaders of the country's ethnic minority groups in a dialogue leading to a peaceful, time-bound, and monitored transition to democratic civilian rule;

- end the forced closures of churches and mosques, the destruction of religious shrines and symbols, the instigation of communal violence against Muslims, the forced promotion of Buddhism and the renunciation of other religions

among ethnic minorities, and discrimination against non-Buddhist minorities;

- lift all restrictions on the construction and renovation of churches and mosques and on the printing of religious literature, consistent with international standards, and an end to policies of forced eviction from, and the confiscation and destruction of, Muslim and Christian properties, including mosques, churches, religious meeting points, schools, and cultural centers;

- end the use of forced labor and the use of children and members of religious minorities as porters or military labor, and the active enforcement of its own Order 1/99 (May 1999) and Order Supplementing 1/99 (November 2000), which instruct SPDC officials and military commanders to refrain from employing forced labor of civilians, except in emergencies;

- end policies that discriminate on the basis of religion in land use, education, allocation of land, job promotion, marriage, access to government services, citizenship, freedom of movement, and marriage, and the invitation of international technical assistance to help draft laws that conform to international legal standards on these matters;

- allow religious groups and civil society organizations to provide humanitarian and reconstruction assistance to the victims of natural disasters, including those still afflicted by the aftermath of Cyclone Nargis and allowing them to work openly with the UN, the Tri-Partite Core Group, and other international donors;

- press for compliance with the recommendations of UN General Assembly Resolution A/C.3/60/L.53 on the Situation of Human Rights in Burma, adopted by the General Assembly in November 2005, which includes the granting of unimpeded access to both the UN Special Rapporteur on Burma and the UN Secretary General's Special Envoy on Burma; and

- ratify core international human rights instruments, including the International Covenant on Civil and Political Rights.

IV. Support local democracy efforts:

- continue to provide assistance, through the State Department's Economic Support Fund (ESF) and all other means, to empower Burmese civil society groups organizing humanitarian assistance, conducting human rights documentation efforts (particularly religious freedom abuses faced by the Muslim and Buddhist communities), and providing public advocacy, leadership, and legal training to Burmese living in and outside of Burma.