

BURMA



USCIRF STATUS:

Tier 1 Country of Particular Concern

BOTTOM LINE:

Ongoing political reforms have yet to significantly improve the situation for freedom of religion and belief, as sectarian violence and severe abuses of religious freedom and human dignity targeting ethnic minority Christians and Muslims continue to occur with impunity.

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EXECUTIVE SUMMARY

FINDINGS: Ongoing and important political reforms in Burma have yet to significantly improve the situation for freedom of religion and belief. During the reporting period, most religious freedom violations occurred against ethnic minority Christian and Muslim communities, with serious abuses against mainly Christian civilians during military interventions in Kachin State and sectarian violence by societal actors targeting Muslims in Rakhine (Arakan) State. In addition, Buddhist monks suspected of anti-government activities were detained or removed from their pagodas, and at least eight monks remain imprisoned for participating in peaceful demonstrations. In addition to sometimes severe restrictions on worship, education, and other religious activities and ceremonies, religious groups continue to face a range of problems, including: pervasive surveillance, imprisonment, discrimination, societal violence, destruction or desecration of property, and censorship of religious materials.

In light of these systematic, ongoing, egregious violations of freedom of religion and belief, USCIRF recommends that Burma again be designated as a “country of particular concern” in 2013. The State Department has designated Burma as a CPC since 1999.

Over the past year, the Burmese government continued to release political and religious prisoners, revised laws on media censorship and freedom of assembly, and allowed Aung San Suu Kyi’s National Democracy Party (NLD) to assume its seats in parliament. Nevertheless, Burma’s overall human rights record remains poor and the government was either unable or unwilling to curtail security forces or social actors who engaged in serious abuses against religious minorities and others during armed conflicts in Kachin State and sectarian violence in Rakhine (Arakan) State. Rohingya Muslims, who are denied Burmese citizenship, experience widespread discrimination, strict controls over their religious activities and ceremonies and societal violence that is often incited by Buddhist monks and carried out with impunity by mobs and local militias, including police in Rakhine (Arakan) State. In the past year, over 1,000 Rohingya have been killed, their villages and religious structures destroyed, and women raped during attacks. In Kachin and northern Shan states, home to large Christian minority populations, the military conducted large operations beginning in January 2013. The military reportedly continues to limit religious worship and forcibly promote Buddhism as a means of pacification in these areas and targets Christians for forced labor, rape, intimidation, and destruction of religious sites. The government also continues to censor religious publications and prohibits the import of Bibles and Qu’rans in indigenous languages. Released prisoners face harassment and restrictions, including U Gambria, the head of the All-Burma Monks Alliance.

PRIORITY RECOMMENDATIONS: The speed of Burmese government reforms was unexpected, but they remain fragile and reversible, and their long term success will depend on building capacity for governance and addressing religious and ethnic minority issues. The U.S. government should maintain targeted sanctions, and potentially re-impose lifted sanctions, if a series of benchmarks are not met, including the release of all religious and political prisoners, a nationwide ceasefire with religious and ethnic minorities, a durable citizenship solution for Rohingya Muslims, and reform of laws limiting religious freedom and other human rights. In addition, the U.S. government should maintain the CPC designation until severe religious freedom violations have ended. The United States and other donor nations should also maintain targeted technical assistance to empower civil society actors, parliamentarians, and religious groups that promote the rule of law, interfaith cooperation, peace-building, economic development, human rights documentation, education, democratic leadership, and legal and human rights training. Additional recommendations for U.S. policy toward Burma can be found at the end of this chapter.

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RELIGIOUS FREEDOM CONDITIONS

BACKGROUND

Theravada Buddhism is the dominant religious tradition in Burma. The government shows preference for Buddhism through financial support and donations to monasteries, pagodas, monastic schools, and missionary activities. Promotions to senior levels of the military and civil service are reserved for Buddhists. Christianity, which is expanding among some ethnic minority communities, is the largest religious tradition among ethnic Kachin, Chin, and Naga peoples and is practiced widely among the Karen and Karenni minorities. Islam is practiced both by ethnic Burmese and the Rohingya community of Rakhine (Arakhan) state. Muslims and Christians reportedly make up 8%-10% of the population.

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The constitution and laws continue to restrict religious freedom. Article 34 of the constitution states that, “Every citizen is equally entitled to freedom of conscience and the right to freely profess and practice religion subject to public order, morality or health and to other provisions of this Constitution.” Article 354 states that, “every citizen shall be at liberty...if not contrary to the laws, enacted for Union security, prevalence of law and order, community peace and tranquility...to develop religion and customs without prejudice to the relations between one national race and another or among national races to other faiths.” Article 364 forbids the “abuse of religion for political purposes” and bars religious leaders from running for political office and members of “religious orders” from voting.

The 1982 Citizenship Law denies Rohingya Muslims citizenship, which in turn prevents access to government services, educational opportunities for children, acceptance of marriages, and the building of religious venues and schools. Local ordinances in Rangoon restrict public worship for Muslims to significant religious holidays.

A 2008 regulation banning independent “house church” religious venues has not been repealed or revised. Permits for new church buildings or for repairing existing sites are routinely denied.

The government continues to censor religious materials, despite the 2012 repeal of pre-publication censorship regulations for other media. Government censorship includes a list of more than 100 words prohibited in Christian and Islamic literature because they are either derived from the Pali language, used in Theravada Buddhist literature, or viewed as endorsing violence against non-believers.

ONGOING RESTRICTIONS ON BUDDHISTS

The government controls Buddhist clergy (*sangha*), who are subject to a strict code of conduct that reportedly is enforced through criminal penalties. Monks are not allowed to preach political sermons, make public statements, or produce literature with views critical of government policies or the military. Monks are also prohibited from associating with or joining political parties or taking part in peaceful demonstrations or ceremonies viewed as political, such as for the victims of the 2007 demonstrations. Military commanders retain jurisdiction to try Buddhist monks in military courts.

The government closely monitors monasteries viewed as focal points of anti-government activity and has restricted usual religious practices in these areas. Monks perceived to be protest organizers have been charged under vague national security provisions, including “creating public alarm;” “engaging in

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activities inconsistent with and detrimental to Buddhism;” “the deliberate and malicious...outraging of religious feelings;” and “engaging in prohibited acts of speech intended for religious beliefs.” In February 2012, Ashin Pyinna Thiha, the abbot of Sardu Pariyatti Monastery, was banned from giving sermons because he was considered too “political.” In December 2012, after he met with Secretary of State Clinton, the Buddhist *sangha* leadership and the Religious Affairs Ministry dismissed him from his monastery.

In June 2012, over 30 monks were injured and 10 detained during an environmental protest at the Latpadaung Mountain copper mine. Reportedly, police attacked while the monks were at prayer. Senior Buddhist monks demanded an apology from the government for its handling of the protest. In December 2012, five monks from Rangoon’s prominent Shwedagon Pagoda were arrested for planning to stage a protest against government actions at the copper mine. The Religious Affairs Ministry later issued an apology for the violence, injuries, and arrests that occurred at the Latpadaung Mountain site.

At least eight monks remain in prison for engaging in peaceful protests from 2001-2010, according to the Assistance Association of Political Prisoners in Burma. Those released were released conditionally, and can be re-imprisoned. Monks often face harassment and detention upon release and those who were defrocked in prison face difficulties re-joining monastic orders. U Gambria, one of the leaders of the 2007 Saffron Revolution as head of the All-Burma Monks Alliance, has been detained and subject to intimidation for his public criticism of the government and for unilaterally seeking to re-open sealed monasteries.

ACTIVE REPRESSION OF ETHNIC MINORITY CHRISTIANS

There continue to be severe human rights violations in conflict-affected ethnic border areas, including attacks against civilians, extrajudicial killings, sexual violence, arbitrary arrest and detention, internal displacement, land confiscations, forced labor and portering, and the recruitment of child soldiers. The government has forged ceasefires with 10 ethnic minority militias, but armed clashes continue in Kachin, Kayah, Kayin and Shan states.

THE MILITARY REPORTEDLY CONTINUES TO LIMIT RELIGIOUS WORSHIP AND FORCIBLY PROMOTE BUDDHISM AS A MEANS OF PACIFICATION IN THESE AREAS AND TARGETS CHRISTIANS FOR FORCED LABOR, RAPE, INTIMIDATION, AND DESTRUCTION OF RELIGIOUS SITES.

Christian groups in ethnic minority regions, where low-intensity conflicts have been waged for decades, face particularly severe and ongoing religious freedom abuses. The UN Special Rapporteur on Human Rights in Burma, Tomas Quintana, has highlighted in his reports the discrimination against religious and ethnic minority groups by the Burmese military and continued by the civilian government, including policies preventing the teaching of minority languages in schools and restrictions on freedom of religion or belief. His 2012 report contains evidence of severe religious freedom abuses against ethnic minority Kachin and Chin, including restrictions on the building of places of worship, destruction of religious venues and artifacts, prohibitions on some religious ceremonies, and the policy

of coerced conversions to Buddhism at the government’s “National Races Youth Development Training Schools,” where Buddhist monks were reported to be working together with the Ministry of Religious Affairs.

In 2011, the Burmese military ended a 17-year ceasefire with the Kachin Independence Organization (KIO) and its armed wing, the Kachin Independence Army (KIA). The military intensified operations, including the use of aerial bombardment against civilian targets in late December 2012.

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According to sources compiled by the non-governmental organization (NGO) Christian Solidarity Worldwide (CSW), the military campaign against the KIA has led to massive human rights and religious freedom violations. Burmese military units have bombed and seized control of Christian churches. As many as 60 Protestant churches were damaged by indiscriminate shelling. Military forces have beaten and arrested religious leaders and taken away church members as forced labor.

Military commanders in Kachin state issued regulations requiring religious groups to get permission one month in advance for “reading the Bible, fasting, prayer . . . and [saying] the rosary of the Virgin Mary.” In most ethnic minority areas, Christians are required to obtain a permit for any gathering of more than five people outside of a Sunday service, but these regulations cover both public and private religious observance.

The Chin Human Rights Organization continues to compile evidence that government officials encourage conversion to Buddhism through promises of economic assistance or denial of government services, although reportedly such incidents have decreased in recent years. Chin families who agree to convert to Buddhism were offered monetary and material incentives, as well as exemption from forced labor. Burmese Buddhist soldiers are also offered financial and career incentives to marry and convert Chin Christian women.

SECTARIAN VIOLENCE AND RELIGIOUS FREEDOM ABUSES FACED BY BURMESE AND ROHINGYA MUSLIMS

Muslims in Rakhine (Arakan) State, particularly those of the Rohingya minority group, continued to experience the most severe forms of legal, economic, religious, educational, and social discrimination. The 1982 Citizenship Law denies Rohingya citizenship because their ancestors allegedly migrated to Burma during British colonial rule. Approximately 800,000 Rohingya live in Burma, concentrated mostly in Rakhine (Arkan) State and in the cities of Maungdaw, Buthidaung, Akyab, Rathedaung, and Kyauktaw.

In June 2012, sectarian violence between ethnic Arakanese Buddhists and ethnic Rohingya Muslims led to hundreds of deaths and an estimated 100,000 internally displaced. Provincial police did not stop initial violence and supported ongoing attacks by both Arakanese groups and Buddhist monks on Rohingya villages and the denial of humanitarian access to Rohingya areas and camps. In October, sectarian violence erupted again in dozens of coordinated attacks that resulted in beatings, deaths, rapes, the destruction of entire villages, and additional displacement of Rohingya. Rohingya asylum seekers have been turned away from Bangladesh and Thailand, including being forcibly pushed back to sea by Thai military forces. Untold numbers have died attempting to seek refuge in these countries. Despite considerable international attention, the Burmese government, backed by a majority of popular opinion and groups promoting “Buddhist Nationalism,” continues to restrict humanitarian assistance, sanction clandestine violence through impunity, and encourage refugee flows to other Southeast Asia countries.

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Without citizenship, Rohingya Muslims lack access to secondary education in state-run schools, cannot be issued government identification cards (essential to receive government benefits), and face restrictions on freedoms of religion, association, assembly, and movement. Reports by refugees indicate that many

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Rohingya are prevented from owning property, residing in certain townships, or serving as government officials. Muslims are restricted in the number of children they may have and have difficulties obtaining birth certificates for newborns, particularly in the city of Sittwe. During the current reporting period, the Burmese government maintained “Muslim Free Areas” in the Thndwe, Gwa, and Taungup areas of Rakhine (Arakan) State.

Police often restricted the number of Muslims who could gather in one place, effectively banning public worship, religious ceremonies, and education. In Rangoon and surrounding areas, Muslims are only

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allowed to gather for worship and religious training during major Muslim holidays. In December 2012, seven Muslims were arrested for holding a prayer service at a mosque without permission. Similar arrests were made in 2011. All those arrested were released after paying fines. In early 2013, police reportedly beat Muslims living near the Takeda mosque in Rangoon and later removed them from their homes.

It is almost impossible for Muslims to obtain building permits for either mosques or schools and unlicensed venues are regularly closed or destroyed. The government has, in recent years, ordered the destructions of mosques, religious centers, and schools, including the Sufi Shahul Hamid Nagori Flag Post and Mosque in Insein during February 2012.

An estimated 300,000 Muslim Rohingya live in refugee camps in Bangladesh, Thailand, and other Southeast Asian countries. They often live in squalid conditions and face discrimination, trafficking, and other hardships. They also have been forcibly repatriated to Burma. Bangladesh has recently announced that it will go ahead with plans to repatriate Rohingya living in refugee camps but will not accept new asylum seekers.

RESTRICTIONS ON BURMESE CHRISTIAN GROUPS

Burmese Christians living outside the aforementioned conflict zones report that conditions have improved in the past year, with more regular and open contact with the new government and the Religious Affairs Ministry. However, they continue to experience difficulties in obtaining permission to build new churches, hold public ceremonies or festivals, and import religious literature. In some areas around Rangoon, police restrict how often Burmese Christians can gather to worship or conduct religious training, despite a new law guaranteeing the right of assembly.

A government regulation promulgated in early 2008 bans religious meetings in unregistered venues, such as homes, hotels, or restaurants. It has not been strictly enforced in recent years. Limits on charitable and humanitarian activities have existed since 2009 and the government occasionally prohibits Protestants from proselytizing in some areas, particularly among rural Buddhists populations.

U.S. POLICY

In September 2009, the Obama administration announced a new U.S. policy direction for relations with Burma, promising to replace diplomatic isolation with “pragmatic engagement,” and pledging an “action-for-action” approach to lifting import bans and economic sanctions, including U.S. opposition to assessments and loans from the World Bank, Asian Development Bank, and other international financial institutions.

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Important benchmarks set initially in the “action-for-action” approach included the unconditional release of all political prisoners; the establishment of ceasefires and meaningful reconciliation dialogues with all ethnic minorities; and steps to broaden political and civic activity, including free and fair parliamentary by-elections and implementation of legislation that would protect the freedoms of religion, assembly, speech, and association. Furthermore, the Obama administration has expressed concern over the military’s potential proliferation activities and its ties to North Korea. Human rights groups, including Burmese groups in the United States and Thailand, point out that to date, none of these benchmarks, including the release of all political prisoners, have been met fully, and no conditions have been outlined under which the United States would re-impose sanctions.

President Obama and senior U.S. officials, as well as other global leaders and UN officials, visited Burma in the past year, expressing optimism about the reforms initiated by President Thein Sein’s government. President Obama visited Burma in November 2012, and raised prominently ongoing human rights concerns. At a speech at Rangoon University, the President raised the issues of civilian oversight of the military, conflict in ethnic minority areas, and abuses targeting Rohingya. A large delegation of U.S. officials, led by Assistant Secretary of State for Democracy, Human Rights, and Labor Michael Posner, initiated a human rights dialogue with Burmese officials.

The President’s visit to Burma coincided with the lifting of the last import bans, despite the objections from Aung San Suu Kyi to prohibitions on oil and gas investments, the ongoing detention of prisoners of conscience, and recurring sectarian violence and military incursions in ethnic minority areas. The only remaining sanction that the administration can lift on its own, without Congressional approval, is the CPC designation for Burma. Any additional easing of restrictions on political and economic relations with Burma will require Congressional authorization or new legislation. The United States still maintains travel and asset bans against particular individuals, businesses, and organizations; prohibitions on certain military-to-military activities; continued restrictions on the import of jadeite and rubies; restrictions on investments and financial services tied to Burma’s armed forces; and the arms embargo. These sanctions mostly ensure, however, that the United States will not be complicit in past or ongoing human rights abuses.

Over the next five years, the United States and other international donors have pledged over \$100 million in technical assistance programs for civil society and good governance programs and economic development and lifted prohibitions on humanitarian assistance provided by international NGOs. These efforts are intended to build up democratic, legal, and political expertise and bolster independent institutions and political parties ahead of the 2015 national elections.

RECOMMENDATIONS

U.S. leadership is essential to ensuring the full transition to democratic rule, ending human rights violations, and advancing religious freedom and the rule of law in Burma. U.S. coordination of diplomatic actions with regional allies, particularly the democracies of Southeast and South Asia, is critical for providing Burmese leaders with incentives for undertaking additional political reforms and advancing the rule of law. In addition, the United States should maintain Burma’s CPC designation, as systematic, ongoing, and egregious religious freedom violations continue, particularly in religious and ethnic minority areas.

THE UNITED STATES AND OTHER
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CIVIL SOCIETY ACTORS,
PARLIAMENTARIANS, AND RELIGIOUS
GROUPS THAT PROMOTE THE RULE OF
LAW, INTERFAITH COOPERATION,
PEACE-BUILDING, ECONOMIC
DEVELOPMENT, HUMAN RIGHTS
DOCUMENTATION, EDUCATION,
DEMOCRATIC LEADERSHIP, AND LEGAL
AND HUMAN RIGHTS TRAINING.

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The United States also should maintain support for targeted sanctions until benchmarks set by both the U.S. Congress and the UN Special Rapporteur for Burma are fully met. The Obama administration and/or the Congress should make recommendations for the targeted delivery of economic assistance and direct investments in Burma, focusing some non-humanitarian assistance to ethnic minority areas. In addition, the administration and/or Congress should create specific benchmarks for the Burmese government to meet or face the gradual re-imposition of sanctions already lifted, including some import and export bans and opposition to assessment missions and loans from international financial institutions.

I. SUPPORTING DEMOCRATIZATION & THE RULE OF LAW THROUGH U.S. PROGRAMS

In addition to maintaining the CPC designation for Burma, the U.S. government should:

- encourage the reform process in Burma by targeting ethnic minority areas for some political and economic development assistance and providing clear benchmarks for the Burmese government to meet or face re-imposition of some of the sanctions already lifted. Such benchmarks should include:
 - the release of all religious and political prisoners;
 - an immediate nationwide ceasefire with religious and ethnic minorities;
 - a durable citizenship solution for Rohingya Muslims;
 - accountability for state or non-state actors who perpetrated acts of violence against religious and ethnic minorities;
 - the reform of laws limiting religious freedom and other human rights and end to discriminatory policies that result in the closure of religious minority places of worship, the inability to repair structures, and the censorship of religious materials; and
 - the holding of free and fair elections in 2015;
- provide technical assistance to empower Burmese civil society groups organizing humanitarian assistance, refugee protections, conducting human rights documentation efforts (particularly of religious freedom abuses faced by the Muslim, Christian, and Buddhist communities), and providing public advocacy, leadership, and legal training to Burmese living in and outside of Burma;
- seek to establish inter-parliamentary exchanges and discussions to help Burma develop effective structures and procedures to strengthen its legislative branch and to raise productively issues of ongoing concern, including religious freedom and related rights;
- coordinate economic support and technical assistance programs with other donors, including with governments and non-governmental actors, in order to avoid duplicative programs and to work toward similar goals of permanent democratization, the rule of law, the integration of ethnic minority communities, refugee protections, unimpeded humanitarian aid delivery, and human rights protections; and
- consider creating a coordinated program, an “Asia Pivot” corollary of the Supporting Eastern European Democracy (SEED) program, bringing together U.S. government resources to support the

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development of nascent political parties and democratic institutions, provide technical assistance to civilian government agencies, legal entities, courts, civil society, interfaith coalitions, bureaucrats, and the parliament to build support for democracy, human rights, humanitarian assistance, refugee protections, and the rule of law.

II. ASSISTING AND SUPPORTING MULTILATERAL DIPLOMATIC EFFORTS

The U.S. government should:

- support the creation of a “Commission on Inquiry” by the UN Human Rights Council to determine if human rights abuses in Burma are possible “crimes against humanity;”
- urge the Organization of Islamic Cooperation (OIC) to increase efforts on issues related to Rohingya Muslims in Burma in order to end sectarian violence, deliver humanitarian assistance, and create a path for both Burmese citizenship;
- urge ASEAN nations to expand efforts to bring reform in Burma, including protections for ethnic minorities and asylum-seekers, civilian control of the military, civil society development, and a durable solution for Rohingya refugees; and
- support unimpeded access to the country by relevant UN mechanisms including, in particular, the UN Special Rapporteur on Human Rights in Burma and the UN Special Rapporteur on Freedom of Religion or Belief, as well as other international organizations such as the International Labor Organization (ILO), Office for the Coordination of Humanitarian Affairs (OCHA), the International Committee for the Red Cross (ICRC), and United Nations Children’s Fund (UNICEF).