



BURMA

Key Findings

In 2014, religious and ethnic minorities in Burma continued to experience intolerance, discrimination, and violence, particularly Rohingya Muslims. Bigotry and chauvinism against religious and ethnic minorities grew more pervasive, in some cases provoked by religious figures within the Buddhist community, while the Burmese government demonstrated little willingness to intervene, investigate properly, or prosecute those responsible for abuses in a timely and transparent manner. While the government, at times, denounced violence and incitement, its lack of strong and consistent leadership to condemn intolerance enabled abuses to continue relatively unchecked. Throughout 2014, the expansion of Internet availability and social media played a role in propagating expressions of hatred and spurring violence directed against minority populations. The introduction of four discriminatory race and religion bills in 2014 could well further entrench such prejudices. Based on these systematic, egregious, and ongoing violations, USCIRF continues to recommend in 2015 that Burma be designated as a “country of particular concern,” or CPC, under the International Religious Freedom Act (IRFA). The State Department has designated Burma a CPC since 1999, most recently in July 2014.

Background

In August 2014, USCIRF conducted a commissioner-level visit to Burma, issuing a special report of its findings in November 2014. The visit not only confirmed USCIRF’s concerns about religious freedom violations against religious and ethnic minorities, especially Rohingya Muslims, but also underscored the appropriateness of Burma’s designation as a CPC.

Burma has undertaken notable political reforms in a relatively short period of time, a process likely to receive even more scrutiny as the 2015 general elections approach. However, these steps have not yet

improved conditions for religious freedom and related human rights in the country, nor spurred the Burmese government to curtail those perpetrating abuses. The vast majority of the population – nearly 90 percent – is Buddhist; four percent is Muslim; four percent is Christian; and the remainder is animist or follows other faiths or beliefs. Constitutional protections for religious freedoms in Burma are not sufficient to protect those of

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minority religious faiths from discrimination, violence, or targeted crimes. Rather than reforming current laws to strengthen or expand protections for religious rights, the government has facilitated the development of legislation that would further impinge on these freedoms. For example, at the prompting of nationalist Buddhists and with the support of the central government, Burma’s 2015 session of parliament opened with consideration of a package of four race and religion bills that would further restrict religious freedom and discriminate against all minority faiths in matters of conversions, marriages, and births. Critics argue the bills are a means to restrict the rights of Muslims, but they also restrict the rights of women, the very constituency the architects of the legislation are purporting to protect. A combined 180 women’s groups and civil society organizations in Burma delivered a statement in January 2015 in strong opposition to all four bills. Some

of those who have spoken publicly against these bills have been harassed and even received death threats.

Politically, the absence thus far of a national reconciliation agreement with ethnic minority groups and lack of meaningful constitutional reform looms over Burma's government as it heads into the critical 2015 general elections. The 2014 census, Burma's first in more than 30 years, largely excluded Rohingya Muslims if they identified their ethnicity as Rohingya, and counts of ethnic minorities were not conducted in large parts of Kachin State. President Thein Sein did not make good on his pledge for the government to release all political prisoners by the end of 2013, and has left unfulfilled a number of other commitments made publicly to President Barack Obama and others. USCIRF met with representatives of both an ad hoc religious affairs advisory group created by the president and the Ministry of Religious Affairs, and found their contradictory perspectives on issues of religious freedom to be concerning.

Visits to Burma and expressions of concern by high-level UN representatives about religious and ethnic minorities were met with rebukes, protests, and even vitriolic language from Rakhine State and national-level officials, as well as Buddhist monks.

Religious Freedom Conditions 2014–2015

Anti-Muslim Violence and the Plight of Rohingya Muslims

In northern Rakhine State in January 2014, violence directed at Rohingya Muslims resulted in the deaths of at least 40 people. The government's investigation concluded that only a policeman was killed in the violence, effectively denying the civilian Rohingya deaths despite detailed information provided by Médecins Sans Frontières (MSF) and others. MSF's role in reporting publicly the killings contributed to its nearly year-long expulsion from Burma. Other international organizations have had difficulty trying to provide assistance to Rohingya Muslims in Rakhine State, mostly due to the reactions of frustrated Rakhine Buddhists who view such aid to Rohingya Muslims as one-sided when the entire state faces poverty and low development.

Inter-communal violence in Mandalay in July 2014 resulted in the deaths of two men – one Muslim and one

Buddhist – as well as several injuries and vandalized property, including the burning of a mosque and several Qur'ans inside. The incident was spurred by a blog post about an alleged rape, later proven to be fabricated, that was circulated online and posted to the Facebook page of extremist monk U Ashin Wirathu. Notably, the violence, which led to a city-wide curfew, could have been much worse had it not been for the efforts of the Mandalay Peace Keeping Committee, a non-governmental group comprised of religious and community leaders of various faiths, and others who intervened during the riots to prevent the situation from deteriorating further. USCIRF visited Mandalay and met with the Peace Keeping Committee.

Displacement from past inter-communal violence continues, including of Rohingya and other Muslims

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throughout Rakhine State since June 2012 and of both Muslims and Buddhists in the city of Meiktila since March 2013. USCIRF's visit to the camps for internally displaced persons in Meiktila revealed that much progress remains in finding a durable solution for both communities.

Rohingya Muslims in Burma face a unique level of discrimination, disenfranchisement, and the denial of basic rights. The government denies them citizenship, which precludes them from ever attaining equal status in law or practice. They also are denied the right to self-identify as Rohingya because many, including the government, claim that they are illegal "Bengali" immigrants. In fact, a partially implemented pilot verification program in Rakhine State forced Rohingya Muslims to identify as Bengali if they wanted to apply for citizenship, or face indefinite confinement in camps with limited rights, mobility, and access to services.

Government representatives at both the central level and within Rakhine State have reacted strongly to the use of the term Rohingya by the international community, particularly the United Nations. Rohingya Muslims are also now among those who will be ineligible to vote in the constitutional referendum expected in May 2015 and likely the general elections later in the year. More than 100,000 Rohingya are estimated to have fled Burma by boat since 2012, seeking a better life but often facing trafficking, exploitation, and deplorable living conditions.

Abuses Targeting Ethnic Minority Christians

Predominantly Christian areas, such as Kachin and Chin States, continue to experience discriminatory practices. Continuing the long-standing practice of removing crosses, in January 2015, the government of Chin State ordered the removal of a cross and sought charges against a Chin man they accuse of erecting it. Chin groups are among those publicly opposed to the package of race and religion bills, noting that the religious conversion bill would give Buddhist state officials the power to approve or disapprove religious conversions even though the vast majority of the state's population is Christian. In January 2015, two Kachin Christian women who were volunteering as teachers with the Kachin Baptist Convention were raped and murdered in Shan State. At the time of this report's writing, the police investigation was still ongoing; an investigation conducted by the Kachin Baptist Convention determined villagers where the women lived were not involved. Those in the Kachin community believe the act was carried out by the Burmese army, which has used sexual and gender-based violence as weapons of war in ethnic areas in the past. Some have speculated the two women may have been targeted because of their work as Christian missionaries. The U.S. government was among the many voices calling on Burmese officials to investigate and bring the perpetrators to justice.

Religious Intolerance and Expressions of Hate

Expressions of intolerance toward Muslims by senior political and Buddhist leaders are on the rise in Burma, particularly among those who seek to advance anti-Muslim agendas of hate and discrimination. The growing use

of social media to communicate messages of intolerance has exacerbated tensions and encouraged violence. However, intolerance is not only limited to online platforms or attacks on Muslims; those rejecting anti-Muslim hatred and discrimination have also been targeted. For example, former National League for Democracy (NLD) official Htin Lin Oo is facing criminal charges of religious defamation and hurting religious feelings for speaking out, in his capacity as a writer, against religious nationalism and the use of Buddhism for extremist purposes in a public speech at an October 2014 literary event. After drawing the ire of Buddhist monks for allegedly insulting the faith, NLD relieved him of his position within the party and he was formally detained and indicted in December 2014. He faces three years in jail.

U.S. Policy

In 2014, Burma chaired the Association of Southeast Asian Nations (ASEAN). Owing to the United States' participation in the ASEAN Regional Forum and the East Asia Summit, the year saw high-profile visits to the country by both President Obama and Secretary of State

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John Kerry, as well as other high ranking U.S. government officials. Human rights and religious freedom issues were regularly raised both publicly and privately by the Administration during these visits, including President Obama's trip in November 2014 and during the U.S.-Burma Human Rights Dialogue held in January 2015. Ahead of President Obama's visit, the Administration announced it was placing parliamentarian Aung Thaung on the list of "specially designated nationals" as a means to sanction him for his role in undermining reforms in Burma, including his assumed role in activities that have inflamed religious and ethnic tensions, such as violence against Muslims.

The United States provides a variety of assistance programs to Burma, primarily in the areas of economic and democratic development. Although the U.S. arms embargo on Burma is still in effect, the Obama Administration has sought to begin military-to-military cooperation. In response, the U.S. Congress put in place congressional oversight of this cooperation through the National Defense Authorization Act of 2015, which restricts the Department of Defense's engagement to areas such as human rights training programs and cooperation on humanitarian aid and disaster relief. Moreover, the 2015 Omnibus Spending Bill expressly prohibits funding under foreign military financing and international military education and training. Critics have suggested that military cooperation with Burma is premature given that the military is still an entrenched part of the government and due to the ongoing military incursions into ethnic minority areas in the absence of a nationwide ceasefire agreement.

The U.S. government has designated Burma as a CPC since 1999, most recently in July 2014. The long-standing Presidential action for this designation, the existing arms embargo referenced above, remains in place. In USCIRF's meetings in Naypyidaw during the August 2014 trip, parliamentarians inquired about the possibility of Burma being removed from the CPC list. One of these same parliamentarians also directed this question to the deputy minister for foreign affairs during a debate in the Upper House in February 2015. However, the discussion centered on accusing the United States of trying to control Burma, rather than the steps the country could take to improve conditions for religious freedom. Although the debate mischaracterized the intent and purpose of the CPC designation, the fact that it occurred indicates a certain discomfort with the classification. Burma's Minister of Foreign Affairs, U Wunna Maung Lwin, conveyed a similar uneasiness with international scrutiny in his September 2014 address to the UN General Assembly, when he prematurely suggested Burma has addressed "all major concerns related to human rights" and should be removed from the UN Human Rights Council's agenda.

Recommendations

In light of the lack of momentum on human rights related reforms in Burma, the United States and the

international community should continue to press the government of Burma to prioritize religious freedom and related human rights. Respecting the rights and dignity of religious and ethnic minorities, particularly Rohingya Muslims, is critical to the reform process, and the United States should continue to stress this consistently at every level of its engagement with Burma. In addition to recommending the U.S. government sustain pressure on the government of Burma at the highest levels and continue to designate Burma as a CPC, USCIRF recommends the U.S. government should:

- Enter into a binding agreement with the government of Burma, as authorized under section 405(c) of IRFA, setting forth mutually-agreed commitments that would foster critical reforms to improve religious freedom and establish a pathway that could lead to Burma's eventual removal from the CPC list, including but not limited to the following:
 - taking concrete steps to end violence and policies of discrimination against religious and ethnic minorities, including the investigation and prosecution of those perpetrating or inciting violence; and
 - lifting all restrictions inconsistent with international standards on freedom of religion or belief;
- Engage the government of Burma, the Buddhist community and especially its leaders, and religious minorities on issues of religious freedom, tolerance, inclusivity, and reconciliation to assist them in promoting understanding among people of different religious faiths and to impress upon them the dangers of de-linking political improvements from improvements in religious tolerance and religious freedom;
- Use the term Rohingya, both publicly and privately, in respect for the Rohingya Muslim community's right to identify as they choose;
- Encourage crucial legal and legislative reform that strengthens protections for religious and ethnic minorities, including citizenship for the Rohingya population through the review, amendment, or repeal the 1982 Citizenship Law or some other means, and support the proper training of local

government officials, lawyers, judges, police, and security forces tasked with implementing, enforcing, and interpreting the rule of law;

- Continue to support the unconditional release of all persons detained for the peaceful exercise of religious freedom and related human rights;
- Continue to use the leverage of the “specially designated nationals” list by the Treasury Department’s Office of Foreign Asset Control (OFAC) with respect to individuals who have participated in human rights abuses, including religious freedom violations, such as by instigating, carrying out, or supporting publicly anti-Muslim violence and discrimination;
- Apply section 604(a) of IRFA to deny visas to or admission into the United State by Burmese government officials responsible for or known to have directly carried out particularly severe violations of religious freedom; and
- Renew beyond May 2015 the designation of a National Emergency with Respect to Burma pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701-1706, based on the ongoing nature of intercommunal violence and humanitarian crises throughout Burma.