



## UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

# POLICY UPDATE: BURMA

December 2022

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### USCIRF's Mission

*To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.*

### Overview

In February 2021, the Burmese military, known as the Tatmadaw, seized the institutions of the state; arrested members of the civilian government, including [Aung San Suu Kyi](#); and placed Senior General Min Aung Hlaing in effective control of the country. General Hlaing has since ruled at the head of the military junta's State Administrative Council (SAC). The coup ended a decade of quasi-democracy and triggered an escalation of violence and significant decline in freedom of religion or belief and all other human rights.

As USCIRF reported in its 2022 Annual Report [chapter on Burma](#), the SAC's increased violence and autocracy have threatened the country's religious communities. As of September 2022, this dire situation had led to the additional [internal displacement](#) of an estimated 1,312,000 people within Burma, including nearly 1 million people since the beginning of the coup, and the destruction of at least [30,000 homes](#). The [conflict](#) has also caused approximately 2,500 noncombatant deaths, while the SAC has overseen the arrest over 14,000 citizens, destroyed over 19,000 homes in intentional arson attacks, internally displaced 700,000, and pushed 60,000 to flee to neighboring India and Thailand.

This report provides an update on conditions in Burma in 2022, as well as on the situation for the Rohingya refugee community in Bangladesh, which a USCIRF delegation visited as part of regional travel in November. It finds that violence has continued to spread throughout Burma as a result of the Tatmadaw-led coup in February 2021, leading to a severe deterioration in conditions for the country's ethnic and religious minorities in particular. The SAC has exacerbated the already dire situation by attempting to bolster the junta's legitimacy, in part, through aligning itself with extremist Buddhist elements within society. The report concludes with recommendations for further steps that the U.S. government should take to address the religious freedom implications of this devastating and ongoing crisis.

### Updates on the Military Junta and the Region's Response

The Tatmadaw has entrenched itself within the SAC, pursuing a tactic of complete control over Burma without any attempt to negotiate with its opponents. Some [reports](#) indicate, however, that the SAC maintains stable control of only 17 percent of the country's total territory. In July 2022, the military junta [executed](#) four pro-democracy activists, and in the following month, General Hlaing [extended](#) the state of emergency by six months and continued to label all members of the opposition as "terrorists." Meanwhile, U.N. Special Rapporteur on the situation of human rights in Myanmar Thomas Andrews [stated](#) in a speech to the Human Rights Council in September that the conditions for untold numbers of innocent people in Burma "have gone from bad to worse," noting that conflict was spreading throughout the country.



The SAC has attempted to foster its legitimacy internationally by deepening its ties with China and Russia. In May, both countries [blocked](#) the U.N. Security Council from issuing a statement expressing concern at the violence and serious humanitarian situation in Burma. In August, Russian Foreign Minister Sergey Lavrov visited Burma and [described](#) the military junta as a “friendly and longstanding partner.”

At the onset of the conflict, the Association of Southeast Asian Nations (ASEAN) attempted to negotiate a settlement between Burma’s warring factions through the establishment of a Five-Point Consensus. The Tatmadaw has consistently disregarded this consensus but has faced limited repercussions from ASEAN, member countries, and the international community, emboldening its recalcitrance. While ASEAN has subsequently disinvited the military junta from attending meetings, the limited implementation of the Five Point Consensus has [cast doubt](#) on ASEAN’s ability to effect a peaceful resolution of the conflict. Although the United States has consistently [called](#) on ASEAN countries to hold Burma accountable, these calls repeatedly fail to mention the specific religious freedom violations that have enabled the escalation of violence.

### Buddhist Nationalism

General Hlaing and the Tatmadaw have a long history supporting far-right-Buddhist nationalists, such as the organization Ma Ba Tha, and they have attempted to [link](#) their legitimacy domestically to the protection of Buddhism. They have sponsored the opening and funding of pagodas and attended ceremonies with high-ranking monks, including in diplomatic visits. For example, in July 2022, General Hlaing joined two Buddhist

monks in [consecrating](#) a replica of Shwezigon Pagoda in Moscow, Russia. The Tatmadaw have also simultaneously imprisoned monks who have spoken out against the coup and the autocracy of General Hlaing. In August, Major General Zaw Min Tun [promised](#) that any spoken, written, or online post insulting Buddhism would be punished according to the law. One year prior, in September 2021, the Tatmadaw [released](#) Ashin Wirathu and dropped all previous charges; Wirathu is known for hateful and inciteful rhetoric, particularly against Muslims.

### Christian Communities

Since the 2021 coup, Burma’s various Christian communities have suffered violence and discrimination in a magnitude that some have compared to what the Rohingya community has historically faced. Christians constitute a majority in Chin and Kachin States and a significant minority in Kayah State. Since the start of the coup, however, the United Nations (UN) High Commissioner for Refugees (UNHCR) has [documented](#) an increase of over 33,000 internally displaced persons (IDPs) in Chin State, 4,100 in Kachin State, and 76,000 in Kayah State. Civil society groups [estimate](#) that the number of IDPs in Kayah State could be 170,000 out of the total internally displaced population of 300,000. Many Christian and other communities have fled to neighboring countries, including over [40,000](#) to Mizoram, India. In November, USCIRF met with Christian refugees in Malaysia who reported on dire conditions for their compatriots still within Burma. They also reported that their forced flight from Burma, which was in part a result of their religious identity, has deprived them of other rights—such as access to education and employment—due to an absence of laws in Malaysia that provide these rights for refugees and asylum seekers.

Houses of worship remain particularly vulnerable targets of SAC violence within Burma as the military has bombed, mined, and burned Catholic, Baptist, and other Christian churches. Intense fighting has targeted communities in Chin state, including in Thantlang, where all 8,000 residents *reportedly* fled after Tatmadaw forces burned homes and destroyed a church in February 2022. In July, pictures emerged documenting the Burmese armed forces' destruction of St. Matthew's Church in Demoso, Kayah State; around which the military had *reportedly* placed mines. In September, in Shan state, local defense forces *posted* a video that showed a destroyed Catholic church whose property had been similarly laced with land mines.

## Rohingya Community

USCIRF has consistently *reported* on the deteriorating conditions for Rohingya during and since the decade of quasi-democratic government which lasted from 2011 until the military coup in February 2021. Rohingya are a Muslim-majority ethnic group that Burma's leading authorities, including members of the Buddhist majority, have targeted in part for their religious identity. Nevertheless, the stated aim of ASEAN and partners, including Bangladesh and UNHCR, is ultimately the voluntary repatriation of Rohingya to Rakhine state.

During the decade of civilian rule from 2011 to 2021, Burma's government maintained laws and practices that disenfranchised Rohingyas; in some instances, those policies contributed to intolerance and discrimination against that community. For example, in October 2016, following violence in Rakhine State that led to the death of nine police officers, the Tatmadaw and law enforcement instituted a sweeping clearance operation that cut off humanitarian aid and restricted independent media access. According to a February 2017 *report* by the Office of the UN High Commissioner for Human Rights (OHCHR), approximately 66,000 Rohingya fled to Bangladesh between October and early 2017. In August 2017, the Tatmadaw launched another widespread and especially brutal attack on Rohingyas, resulting in thousands of deaths and the flight of a million Rohingyas—mostly into neighboring Bangladesh. The civilian government, led by the National League for Democracy (NLD), rejected and *denied* substantial reporting on its role in the perpetration of those atrocities. In March 2022, U.S. Secretary of State Anthony Blinken *announced* that the United States had officially determined the Tatmadaw's and the Burmese authorities' actions against the Rohingya to have constituted genocide and crimes against humanity.

As USCIRF reported in its 2020 Factsheet on *Rohingya refugees*, countless such refugees, migrants, and asylum seekers have fled Burma by sea and land since the 1970s. However, the escalation of violence in August 2017 caused new waves of migrants to flood out of Rakhine state. Bangladesh has been the primary destination for most Rohingya refugees, with a total population of at least *943,529* individuals from that community registered there as refugees as of August 2022. Most are located in Cox's Bazar, adjacent to the Burmese border.

The Bangladeshi authorities also *claim* that its establishment of new facilities on the island of Bhasan Char is needed in order to mitigate overcrowding and some related health concerns. By the end of November, around 27,000 Rohingya had been placed in that additional location. The UN, alongside Canada and the United States, has *committed* to providing the Bangladeshi government with assistance in this process. However, the UN and NGOs have expressed concerns over the environmental sustainability of the island, both have also *suggested* that at least part of the motivation for the change of location may be to further control refugee movement. Freedom of movement remains a persistent barrier for Rohingya in Bangladesh who cannot easily leave camps or seek legal employment in nearby communities. Reports from the UN groups based in Bangladesh express concern that Bhasan Char, due to its more remote location and absence of a local community, will be more costly to fund than the Rohingya camps at Cox's Bazar.

Several other factors have continued to contribute to this ongoing humanitarian crisis. For example, in recent months, as USCIRF heard from interlocutors when visiting Bangladesh, political actors in that country have capitalized on increasing domestic frustration about Rohingya refugees to score political points. Escalatory rhetoric is likely to increase as Bangladesh approaches its 2023 elections, despite the fact that Rohingya are neither constituents nor a voting bloc. There are also longstanding concerns about the social and economic cost of the country—and the local host community of Cox's Bazar—hosting over a million refugees. At the UN General Assembly in September 2022, Prime Minister Sheikh Hasina of Bangladesh *noted* these concerns and the barriers to repatriation. And back in Burma, ongoing clashes between the SAC, ethnic armies, and pro-democracy forces have *sparked* new fears of another Rohingya exodus.

## Social Media & International Court Cases

In the last decade, hate speech on social media platforms such as Facebook and WhatsApp has helped [fuel](#) violence against Rohingya and other Muslims, leading UN human rights investigators in March 2018 to [blame](#) Facebook for its “determining role.” In July of that year, the OHCHR also released a report detailing [hate speech](#) on the same social media platform for contributing to this violence. Soon after, Facebook [announced](#) several measures to address the issue, including developing better technology to identify hate speech and removing certain Tatmadaw accounts. In December 2021, Rohingya refugees in the United States [filed](#) a \$150 billion class action suit against Facebook’s parent company Meta for allowing content that promoted violence against Rohingyas. In that same month, Meta [banned](#) Tatmadaw-owned firms from its platforms. Despite this step and continued promises from Facebook to better monitor hate speech, a report by Global Witness released in March 2022 [indicates](#) that ads targeting and perpetrating hatred against Rohingya Muslims [continued](#) to appear on the platform. In September, additional reports [documented](#) the role of social media in spreading content that facilitated ethnic cleansing of the Rohingya.

In its May 2022 Factsheet, [Pursuing Justice and Accountability: Next Steps for Rohingya Community of Burma](#), USCIRF reported on the three international cases taking place to bring justice for the Rohingya community: The Gambia v. Myanmar at the International Court of Justice (ICJ), investigations by the International Criminal Court (ICC) into actions of Myanmar’s military officials, and Argentina’s case on the Rohingya genocide under universal jurisdiction. In July, the ICJ [dismissed](#) the SAC’s [preliminary objections](#) in the Gambia case, allowing it to proceed.

## The National Unity Government

As USCIRF reported in its [2021 Burma Country Update](#), Burma’s National Unity Government (NUG) made early, public claims of a change of heart for the predominantly Muslim Rohingya community. In February, the NUG [dropped](#) objections to the ICJ’s Rohingya genocide case. However, it has neither included members of the Rohingya community in its leadership, nor publicly explained how it plans to provide them with recognition and justice.

In August, the NUG made [statements](#) supporting justice for the Rohingya and their eventual repatriation back to Burma. Also in August, NUG members [met](#) virtually with the Arakan Army, the major ethnic army in Rakhine state; it is unclear whether they discussed the subject of Rohingya or their repatriation, although in January, Major General Twan Mrat Naing, the leader of the Arakan Army, had [portrayed](#) the return of Rohingya in a positive manner. In November, [reports](#) indicated that the Arakan Army and the Tatmadaw had reached a fragile ceasefire based on humanitarian grounds. The Wa State Party, the National Democratic Alliance Army, and the Shan State Progress Party have [increased](#) their outreach to the Tatmadaw, which would assist the Tatmadaw’s hold on the country and its combating of armed resistance.

## U.S. Policy

USCIRF has long recommended Burma’s designation as a Country of Particular Concern (CPC) for engaging in egregious, ongoing, and systematic violations of religious freedom. The U.S. Department of State has repeatedly designated Burma as a CPC since 1999, most [recently](#) in December 2022. The U.S. government has also played an active role in supporting the Rohingya refugee community; since August 2017, it has [provided](#) nearly \$1.9 billion in assistance for Rohingya refugees, including the September 2022 announcement of an additional \$170 million. In March of this year, the United States formally [determined](#) that the Burmese military had committed genocide and crimes against humanity against the Rohingya people. It has also [sanctioned](#) several SAC, Tatmadaw, and other Burmese officials, as well as entities affiliated with human rights violations and the military coup. In early December 2022, Congress passed the Burma Act of 2022 in the [National Defense Authorization Act for Fiscal Year 2023](#), which authorizes additional humanitarian aid and support for the pro-democracy movement, ethnic reconciliation, the protection of political prisoners, and the investigation and documentation of atrocities within Burma. In addition, on December 13, the U.S. Department of State [announced](#) the establishment of a resettlement program for vulnerable Rohingya refugees in collaboration with the Bangladesh government and the UNHCR.



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### Recommendations

In addition to the recommendations outlined in USCIRF's [2022 Annual Report chapter on Burma](#), the U.S. government should:

- Heighten engagement with Bangladeshi government officials, civil society, and international government organizations, such as the UN Development Program and the UNHCR on how to jointly provide for Rohingya refugees;
- Prioritize religious freedom, including justice for Rohingya and voluntary repatriation, as core criteria for recognition of any pro-democracy opposition group within Burma. This recognition should require not only agreements, but also a detailed plan from opposition forces on how they would pursue the restoration of full citizenship rights for Rohingya in a post-coup Burma.
- Work with the Bangladeshi authorities to support the Rohingya community, to include:
  - Finding creative funding solutions to fully support livelihood and skills training programs for adults and youths to assist with eventual repatriation while addressing immediate needs;
  - Fully implementing access to the Burmese curriculum so that all children within Cox's Bazar have access to good quality education; and
  - Sharing in the responsibility to take care of Rohingya refugees by continuing to resettle especially vulnerable members of that community to the United States and encouraging like-minded countries in the international community to do the same.

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The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.