

BURMA

The Burmese military is implicated in some of the world's worst human rights abuses, including rape, torture, ethnic cleansing, conscription of child soldiers, and particularly severe religious freedom violations. These abuses continued in the past year despite the new government, which came to power with the November 2010 elections, undertaking some initial reforms including releasing prisoners. Religious groups, particularly ethnic minority Christians and Muslims and Buddhist monks suspected of engaging in anti-government activity, faced intrusive monitoring, arrest, mistreatment, destruction or desecration of property; severe restrictions on worship, education, and religious activities; and targeted violence. There are an estimated 150 Buddhist monks still imprisoned for participating in peaceful demonstrations in 2007, and a ban remains in place on independent Protestant "house church" activities. USCIRF recommends in 2012 that Burma be designated a "country of particular concern," or CPC, under the 1998 International Religious Freedom Act (IRFA). The State Department has designated Burma as a CPC since 1999.

Background

The Burmese government in the past year took important steps which the United States and other governments praised. Former general Thein Sein's government released hundreds of political and religious prisoners including Nobel laureate Aung San Suu Kyi, eased some internet and media controls, signed a tentative cease-fire with the Karen ethnic group, and scheduled parliamentary by-elections in which Aung San Suu Kyi and her National League for Democracy (NLD) party participated. These reforms have not yet improved religious freedom conditions. Many of the prisoner releases were conditional. The Rohingya Muslim minority still experiences systematic discrimination and a forced relocation program has produced thousands of refugees. In ethnic minority areas, a decades-long, low-intensity conflict has been waged and the Burmese military forcibly promotes Buddhism, targeting Christian religious groups for intimidation, forced labor, rape, and destruction of religious sites. Such tactics continued in the past year: a large military operation, particularly in Kachin and northern Shan state, targeted Christian churches and congregants, including severely restricting religious practice, arresting religious leaders, and abducting ethnic minority Christians for forced labor and physical and sexual abuse.

Religious Freedom Conditions

Ongoing Repression of Buddhists: While ethnic minority Christians and Muslims have encountered the most long-term difficulties in Burma after the peaceful 2007 anti-government demonstrations, the regime began systematically to repress, defrock, and detain Buddhist monks publicly critical of government policies and to target monasteries viewed as epicenters of the protests. Hundreds of monks were arrested and forced to perform hard labor in prison. Despite recent releases, an estimated 150 monks remain in prison.

Burmese and Rohingya Muslims: Muslims in Rakhine (Arakan) state, and particularly those of the Rohingya minority group, continued to experience the most severe forms of legal, economic, religious, educational, and social discrimination. The government denies citizenship to Rohingyas. Without citizenship, Rohingyas lack access to secondary education in state-run schools, cannot be issued government identification cards (essential to receiving government benefits), and face restrictions on freedoms of religion, association, and movement. Since 1988, the government reportedly has severely restricted Muslim marriage ceremonies in certain villages of Rakhine (Arakan) state.

Police often restricted the number of Muslims allowed to gather in one place. In some areas, Muslims were allowed to gather for worship and religious training only during major Muslim holidays. Police and border guards also continued inspecting Muslim mosques in Rakhine state; if a mosque cannot show a valid building permit, the venue can be ordered closed or destroyed. The government recently ordered the destruction of mosques, religious centers, and schools. During the past year, the Burmese military created "Muslim Free Areas" in parts of Rakhine. Refugees report that the military entices conversion to Buddhism by offering charity, bribes, and promises of jobs or schooling for Muslim children.

In March 2011, the UN Special Rapporteur on Human Rights in Burma again reported to the UN Human Rights Council on the systematic and endemic discrimination faced by the Muslim community which has led to the denial of their basic and fundamental human rights. About 300,000 Muslim Rohingyas live, often in squalid conditions, in refugee camps in Bangladesh, Thailand, and other Southeast Asian countries, and face discrimination, trafficking, and other hardships.

Abuses Targeting Ethnic Minority Christians: According to the Special Rapporteur on Burma's September 2011 report, armed conflict has threatened ethnic and religious minorities and engendered "serious human rights violations, including extrajudicial killings, sexual violence, arbitrary arrest and detention, internal displacement, land confiscations, the recruitment of child soldiers and forced labor and portering." Such abuses continued in the past year, particularly in Kachin and northern Shan states. A new military campaign in Kachin state targets Chin Christian churches and believers and has led to property destruction, forced labor, rape, detention, and the death of at least one Protestant church leader. In order to stop religious believers from gathering in Kachin state, military commanders issued new regulations requiring religious groups to get permission 15 days 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.

Recommendations for U.S. Policy

U.S. leadership is essential to ensure Burma's full transition to democratic rule, end human rights violations, and advance religious freedom. The U.S. should maintain Burma's CPC designation because of the serious, ongoing, and egregious religious freedom violations, particularly in ethnic minority areas, and its support for targeted sanctions and full access to the country by various UN mechanisms, while also coordinating the diplomatic actions of regional allies, particularly the democracies of South (including Southeast) Asia. Because religious freedom improvements and democratization are closely linked, the U.S. government should not remove targeted sanctions until all political prisoners are released, a nationwide ceasefire ensures with ethnic minority groups, and the new, freely-elected parliament is allowed to reform laws that limit religious freedom, and associated rights of free speech, assembly, and association. Any future diplomatic and economic rewards offered to the Burmese government should be linked to specific and concrete reforms and targeted to assist the advancement of democracy, the transparent distribution of humanitarian and development aid in all regions of Burma, the expansion of peace and reconciliation in ethnic minority areas, and technical assistance to help the Burmese parliament reform laws that restrict the freedoms of religion, expression, association, and assembly and limit the rights of Rohingya Muslims. In addition to maintaining the CPC designation and related sanctions until there are concrete improvements in religious freedom, the U.S. should:

- Continue to provide assistance, through the State Department's Economic Support Fund and all other means, to empower Burmese civil society groups organizing humanitarian assistance, 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;
- Consider creating a pilot program as an Asian counterpart to the Supporting Eastern European Democracy (SEED) program called the Promoting Universal Rights and Rule of Law (PURRL) program to support the development of nascent political parties and democratic institutions, and provide technical assistance to civilian government agencies, legal entities, courts, and the parliament to build support for democracy and revise laws that restrict religious freedom, discriminate against ethnic and religious minorities, and limit the freedoms of expression and association.
- Support unimpeded access through relevant UN mechanisms including, the UN Special Rapporteur on human rights in Burma and the UN Special Rapporteur on Freedom of Religion or Belief and other UN 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);
- Urge the Organization of Islamic Cooperation (OIC) to issue public statements condemning religious freedom and related human rights violations experienced by Rohingya Muslims in Burma, and to work with the Burmese government and members of the Association of South East Asian Nations (ASEAN) to end religious freedom violations and find a durable solution for Rohingya Muslim refugees; and
- Work closely with Aung San Suu Kyi and regional allies to develop a roadmap to the achievement of greater democracy, the responsible lifting of sanctions, and socially responsible investment in Burma.

Please see USCIRF's 2012 Annual Report for a more extensive review and recommendations on Burma.