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## USCIRF Annual Report 2012 - Countries of Particular Concern: Burma

**FINDINGS:** 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 reporting period, despite November 2010 elections that installed a new government and some initial reforms announced during 2011-2012. 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. Monks are still imprisoned for participating in peaceful demonstrations in 2007, and the ban on independent Protestant "house church" activities remains.

In light of these continued systematic, ongoing, and egregious violations, USCIRF again recommends in 2012 that Burma be designated as a "country of particular concern" (CPC). The State Department has designated Burma as a CPC since 1999.

Religious freedom violations affect every religious group in Burma. Although the new government has released prominent leaders of the 2007 demonstrations, Buddhist monks suspected of anti-government activities have been detained in the past year. Most of the recent releases were conditional. U Gambira, head of the All-Burma Monks Alliance, has been twice detained by police because of his public criticism of the government and for unilaterally re-opening sealed monasteries. Muslims routinely experience strict controls on a wide range of religious activities, as well as government-sponsored societal violence. The Rohingya Muslim minority, in particular, is subject to systematic discrimination and a forced relocation program that has produced thousands of refugees. In ethnic minority areas, where low-intensity conflict has been waged for decades, the Burmese military forcibly promotes Buddhism and targets Christian religious groups for intimidation, forced labor, rape, and destruction of religious sites. Such tactics continued in the past year, particularly in Kachin and northern Shan states, where a large military operation began in the past reporting period. A 2008 regulation continues essentially to ban independent "house church" religious venues throughout the country and Protestant religious leaders in Rangoon have been pressured to sign pledges to stop meeting in unapproved venues.

**PRIORITY RECOMMENDATIONS:** In the past year, the Burmese government has released hundreds of political and religious prisoners including Nobel laureate Aun San Suu Kyi, eased some Internet and media controls, signed a tentative cease-fire with the largest Karen ethnic group, and scheduled parliamentary by-elections in which Aung San Suu Kyi

and her National League for Democracy (NLD) party will be allowed to participate. These are important steps that have won praise from the United States and other governments. However, because religious freedom improvements and democratization are closely linked in Burma, the U.S. government should not consider removing targeted sanctions until all political prisoners are released, there is a nationwide ceasefire, and the new, freely-elected, parliament is allowed to reform laws limiting religious freedom, as well as associated rights of free speech, assembly, and association. In addition, the United States should not remove the CPC designation until the serious religious freedom violations experienced by Buddhist monks, Rohingya Muslims, and ethnic minority Christians have ended completely. Any future U.S. assistance funds should be targeted to empower civil society groups focusing on public advocacy, religious harmony, democratic leadership, and legal training. Additional recommendations for U.S. policy toward Burma can be found at the end of this chapter.

## **Religious Freedom Conditions**

### ***Initial Reforms***

November 2010 elections installed a new government led by President Thein Sein, a former military general, and a cabinet dominated by former generals and military officers from the disbanded State Peace and Development Council (SPDC). The elections were widely discredited, as the main opposition party, the National League for Democracy (NLD) party, and several ethnic minority groups were not allowed to participate. However, in the past year, the Thein Sein government has released hundreds of political and religious prisoners including Nobel laureate Aun San Sui Kyi, eased some Internet controls, signed a cease-fire with the Karen ethnic group, and scheduled parliamentary by-elections in which Aun San Sui Kyi and the NLD will be allowed to participate. In January 2012, the civilian government conditionally released U Gambira, the head of the All-Burma Monks Alliance, and as many as 29 other monks. In response, the United States and international community have increased their engagement with the civilian government and the U.S. government announced the resumption of full diplomatic relations. Despite these reforms, serious problems remain regarding religious freedom and related human rights.

### ***Ongoing Repression of Buddhists***

While ethnic minority Christians and Muslims have encountered the most long-term difficulties in Burma, in the aftermath of peaceful anti-government demonstrations in 2007, the regime began systematically to repress Buddhist monks publicly critical of government policies and monasteries viewed as epicenters of the protests. Hundreds of monks were arrested, defrocked, beaten, and forced to perform hard labor in prison. At least 30 deaths were reported, although some experts say the actual number was much higher. At least 4,000 people, an unknown portion of whom were monks, were arrested during the crackdown, and between 500 and 1,000 were believed to remain in detention months later. Many of the detained reportedly have been mistreated or tortured. Given the lack of transparency in Burma, it is difficult to determine how many people remain in prison or are missing. According to the Thailand-based Assistance Association of Political Prisoners in Burma (AAPP), approximately 150 monks remain in prison as of this date.

Understanding the importance of Buddhism in Burma's life and culture is critical to understanding the significance of the September 2007 protests and the government's harsh reaction. The monks broadened the scope of the initial protests and began calling for the release of all political prisoners and the initiation of a process leading to democratization in the country. As the protests broadened, the military ordered the crack down on the monk-led demonstrations.

Government interference in Buddhist affairs predated the 2007 protests and continued in the past reporting year, focusing on monks and ceremonies viewed as critical of the government. Members of the Buddhist *sangha* are 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 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 commemorations of Aung Sang Suu Kyi or for the victims of the 2007

demonstrations. Military commanders retain jurisdiction to try Buddhist monks in military courts.

In the year prior to the 2010 elections, government authorities closely monitored monasteries viewed as focal points of anti-government activity and 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 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 September 2010, authorities sentenced monk Ashin Uk Kong Sah to 15 years in prison for violating the Electronics Transactions Act, Press Act, and Section 505 B of Penal Code for writing "no 2010 election" along a highway. In December 2011, a monk was arrested for delivering speeches about the need for further political reform.

Monks and Buddhist laypeople arrested for conducting peaceful religious services on behalf of Aung San Suu Kyi or to commemorate the victims of the 2007 demonstrations were detained, including four monks, U Chit Phay, U Aung Soe U Damathara, and U Nandara Wai, and approximately 50 members of the opposition National League for Democracy. The whereabouts of the monks remain unknown.

In February 2010, four members of the Tuesday Prayer Group, including Naw Ohn Hla, were sentenced to two years' confinement each for "disturbing public tranquility" for allegedly offering alms to monks at Magwe monastery in Rangoon. The government said they acted with "the intent to incite public unrest." Naw Ohn Hla and her colleagues were released in May 2011.

Despite its crackdown on monks who participated in the 2007 "Saffron Revolution" and restrictions on perceived anti-government Buddhists, the military generally promotes Theravada 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 legitimize a government's hold on power. Military and civilian government 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 who are not Buddhist reportedly are allowed to leave the room during this time, 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.

### ***Active Repression of Religious Minorities***

Burma has experienced ongoing conflict since its independence in 1948. The Burmese military deals harshly with any group it perceives as a threat to its hold on power, especially ethnic minority groups whose religious affiliation is an identifying feature. In the past year, 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 and there are credible reports in the past of death and beatings of those who refused conscription.

Christians and Muslims have been forced to destroy 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. There continue to be credible reports that government officials compelled people to donate money, food, or materials to state-sponsored projects to build, renovate, or maintain Buddhist religious shrines or monuments. In addition, women from the Chin minority report that the military abducted them from church services and subjected them to rape and sex trafficking.

### ***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 because their ancestors allegedly did not reside in the country at the start of British colonial rule. Approximately 800,000 Rohingyas live in Burma, concentrated mostly in the cities of Maungdaw, Buthidaung, Akyab, Rathedaung, and Kyauktaw.

Without citizenship, Rohingyas 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, and movement. Refugees living in Bangladesh report that some Rohingyas are prevented from owning property, residing in certain townships, or serving as government officials. Since 1988, the government reportedly has severely restricted Muslim marriage ceremonies in certain villages of Rakhine (Arakan) state. Efforts to lift this restriction have failed. Muslims also report difficulties in obtaining birth certificates for newborns, particularly in the city of Sittwe.

Police often restricted the number of Muslims who could gather in one place. In some places, Muslims were only allowed to gather for worship and religious training during major Muslim holidays. Police and border guards also continued inspections of Muslim mosques in Rakhine state; if a mosque cannot show a valid building permit, the venue can be ordered closed or destroyed. The government has, in recent years, ordered the destructions of mosques, religious centers, and schools. During the current reporting period, the Burmese military maintained a campaign to create "Muslim Free Areas" in parts of Rakhine (Arakan) state. Military commanders have closed mosques and *madrassas*, stoked ethnic violence, and built pagodas in areas without a Buddhist presence, often with forced labor. Refugees report that the military continues to entice conversion to Buddhism by offering charity, bribes, or promises of jobs or schooling for Muslim children.

The Burmese military has instigated riots against ethnic minority Muslims in the past, targeting both Rohingyas and the Chinese Pathay Muslim groups.

An estimated 300,000 Muslim Rohingyas 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 faced forced repatriation to Burma from Bangladesh, and Thailand has pushed the boats of Rohingyas asylum seekers back out to sea. Bangladesh has recently announced that it will repatriate around 9,000 Rohingyas living in refugee camps. In October 2011, the new Burmese government agreed to take back registered Rohingyas refugees.

In March 2011, the UN Special Rapporteur on Human Rights in Burma again reported to the UN Human Rights Council that he was "deeply concerned about the systematic and endemic discrimination faced by the Muslim community ... [which] lead[s] to [their] basic and fundamental human rights being denied." Specific concerns identified included "restrictions of movement; limitations on permission to marry; 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 Muslim marriages."

#### *Abuses Targeting Ethnic Minority Christians*

Christian groups in ethnic minority regions, where low-intensity conflicts have been waged for decades, face particularly severe and ongoing religious freedom abuses. The Burmese military has destroyed religious venues, actively promoted conversion to Buddhism, confiscated land, mandated forced labor, and used rape as an instrument of war and intimidation. The Chin, Naga, Kachin, Shan, Karen, and Karenni peoples, each with sizable Christian populations, have been the targets of these abuses.

In January 2012, the civilian government announced that a ceasefire was reached with the Karen National Union (KNU), temporarily ending one of the longest and bloodiest ethnic insurgencies. However, military operations continue in other regions. In June 2011, the Burmese military ended a seventeen-year ceasefire with the Kachin Independence Organization (KIO) and its armed wing, the Kachin Independence Army

(KIA). According to the Special Rapporteur on Burma's September 2011 report, armed conflict has threatened ethnic and religious minorities and "engender[s] 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." According to the Kachin Women's Association-Thailand (KWAT), between 25,000 and 50,000 civilians have fled their villages and are living as internally displaced persons (IDPs) in makeshift camps along the China-Burma border, or hiding in the jungle.

According to sources compiled by the non-governmental organization (NGO) Christian Solidarity Worldwide (CSW), the military campaign in Kachin state is targeting Chin Christian churches and believers. On October 16, 2011, soldiers from Light Infantry Battalion 438 seized control of a Roman Catholic Church in Namsan Yang village, Waimaw township. The troops fired into the church during mass and beat the priest's assistant, Jangma Awng Li. He and four other men were handcuffed and detained by the soldiers. The same battalion, later joined by soldiers from Light Infantry Battalion 121, continued through the village and stopped at a Baptist church compound, looting and burning it. Members of the village were taken away to be used for forced labor.

On November 6, 2011, Burmese soldiers broke into a church in Kachin state, burning and looting it, severely beating its pastor, the Rev. Yajawng Hkawng, and kidnapping 50 of its members for forced labor, including detaining and raping a 19-year-old woman later left for dead.

In addition, according to CSW sources, the military arrested Rev. Gam Aung, pastor of Banggaw Kachin Baptist Church, Manwin village on November 17, 2011. Local sources say no reasons were given for his arrest and his whereabouts are unknown. CSW also reported that the Rev. Shayu Lum Hkawng, assistant pastor of an Assemblies of God church in Muk Chyuk village, Waimaw Township, died on November 7, 2011 after being severely tortured by the military. He had been detained earlier that week, along with Rev Lajaw Lum Hkawng. The whereabouts of Lum Hkawng are unknown at this time.

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.

Chin Christians continue to claim that the government operates a high school that only Buddhist students are permitted to attend. Students must convert to attend, but they are guaranteed jobs upon graduation. Refugees continue to claim 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.

Naga Christian refugees leaving Burma report that members of the military, together with Buddhist monks, closed churches in their villages and attempted to force adherents to convert to Buddhism in recent years.

#### *Forced Closure of Burmese Protestant House Churches*

Christian groups in Burma continue regularly 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 the number of times Burmese Christians can gather to worship or conduct religious training.

A government regulation promulgated in early 2008 bans religious meetings in unregistered venues, such as homes, hotels, or restaurants. Burmese Christians claim that the regulation could close 80 percent of the country's religious venues. "House churches" proliferated in the past decade because the government regularly denied

permission to build new churches. In 2009, the military government took steps to enforce the regulation, ordering 100 churches and religious meeting places in Rangoon to stop holding services and forcing Protestant leaders to sign pledges to that effect. There were additional reports of church closings in Mandalay. Burmese Christians believe that enforcement of the government's ban came in response to humanitarian aid they provided to Cyclone Nargis victims in May 2008. In the aftermath of the cyclone, the military government forcibly closed some religious charities providing humanitarian support, particularly those channeling foreign assistance. In addition to restrictions on meeting places and charitable activities, government authorities prohibited Protestants from proselytizing in some areas, particularly in places hardest hit by Cyclone Nargis. In the past year, local authorities sometimes refused residency permits for clergy seeking to move to new towns or villages.

### **U.S. Policy**

U.S. and international engagement with the Burmese government increased dramatically after Aung San Suu Kyi's November 2010 release, including a visit from Secretary of State Hillary Clinton and the naming of Derek Mitchell as Special Envoy for Burma. In January 2012, Secretary Clinton announced that the United States would re-establish full diplomatic relations with Burma due to reforms instituted by the new civilian government of President Thein Sein, a former military general. The United States has diplomatic relations with Burma but has not had an ambassador in the country since 1992. In early February 2012, Secretary Clinton also signed a partial waiver of restrictions imposed on Burma under the Trafficking Victims Protection Act. The waiver will enable the United States to support assessment missions and limited technical assistance by international financial institutions (IFIs), such as the World Bank, the Asian Development Bank, and the International Monetary Fund, in Burma.

There is a broad bipartisan consensus, including among Obama administration officials and Senate leaders, that the steps taken by the Thein Sein government are welcome but not sufficient for the lifting of all economic and other sanctions placed on Burma, and that the United States will not consider lifting sanctions until Aung San Suu Kyi signals that the process of democratization is permanent.

Important additional benchmarks are 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 freedoms of thought, conscience, and religion as well as assembly, speech, and association. Furthermore, the Obama administration has expressed concern over the military's potential proliferation activities and its ties to North Korea.

Prior to the changes instituted by the Burmese government, the United States signaled its support for a proposal by the UN Special Rapporteur on human rights in Burma to establish a UN commission of inquiry to address possible international criminal law violations in Burma committed by the military and former government leaders. Coordination and support for such an inquiry continues, though at a slower pace than before governmental reforms started. NGOs and experts on Burma, including most Burmese dissidents, continue to believe that a UN commission of inquiry is an important potential tool for the international community to spur further reforms and hold responsible individuals who allegedly committed massive human rights abuses.

### **Recommendations**

U.S. leadership is essential to ensuring the full transition to democratic rule, ending human rights violations, and advancing religious freedom in Burma. The United States should maintain Burma's CPC designation, as there continue to be serious, ongoing, and egregious religious freedom violations, particularly in ethnic minority areas. The United States also should maintain 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 Southeast and South Asia. 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 assist the Burmese parliament reform laws that restrict the freedoms of religion, expression, association, and assembly and limit the rights of Rohingya Muslims. In addition, the United States should work closely with Aung San Suu Kyi to develop a roadmap to greater democracy and socially responsible investment in Burma.

### **I. Seeking Immediate Improvements to Ensure Democracy and End Religious Freedom Abuses**

The U.S. government should maintain the CPC designation and related sanctions until the government of

Burma takes concrete and verifiable steps to:

- release unconditionally all persons detained or arrested for the peaceful exercise of religious freedom and related human rights, and reveal the whereabouts of people who are still detained and missing, including an estimated 150 Buddhist monks and others who led or participated in peaceful 2007 protests;
- formally end policies of discrimination that have led to 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 inconsistent with international standards on the construction and renovation of churches and mosques and on the printing of religious literature, and end policies of forced eviction from, and the confiscation and destruction of, Muslim and Christian properties, including mosques, churches, religious meeting points, schools, cemeteries, and cultural centers;
- end the military operations in Kachin and northern Shan states immediately and seek a genuine nationwide ceasefire and reconciliation process with each ethnic minority group;
- issue orders that end the use of forced labor and the use of children and members of religious minorities as porters or military labor, and adhere to its own Order 1/99 (May 1999) and Order Supplementing 1/99 (November 2000), which instructs military commanders to refrain from employing forced labor of civilians, except in emergencies; and
- adopt new laws that end discrimination on the basis of religion or ethnicity in land use, education, allocation of land, job promotion, marriage, access to government services, citizenship, freedom of movement, and marriage, and invite international technical assistance to help draft laws that conform to international legal standards on these matters.

### **II. Supporting Local Democracy Efforts through U.S. Programs**

The U.S. government should:

- consider creating a pilot program as an Asian counterpart to Supporting Eastern European Democracy (SEED) called the Promoting Universal Rights and Rule of Law (PURRL) program that will support the development of nascent political parties and democratic institutions, provide technical assistance to civilian government agencies, legal entities, courts, and the parliament to build support for democracy and to revise laws that restrict religious freedom, discriminate against ethnic and religious minorities, and limit the freedoms of expression and association;
- 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; and



- provide technical assistance and financial support to monitor the April 1, 2012 parliamentary by-elections with reputable and independent international election observers.

### III. Assisting and Supporting Multilateral Diplomatic Efforts

The U.S. government should:

- 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 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
  - urge ASEAN nations to expand efforts to bring reform in Burma, including protections for ethnic minorities and refugee issues, particularly a durable solution for Rohingya Muslims.
-