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USCIRF Annual Report 2011 - Countries of Particular Concern: Burma

[Covers April 1, 2010 to March 31, 2011]

FINDINGS: The State Peace and Development Council (SPDC), the military junta that governs Burma, remains one of the world's worst human rights violators. The SPDC severely restricts religious practice, monitors the activity of all religious organizations, and perpetrates violence against religious leaders and communities, particularly in ethnic minority areas. In the past year, the SPDC has engaged in severe violations of the freedom of religion and belief including: the arrest, mistreatment, and harassment of Buddhist monks who participated in peaceful demonstrations in 2007 or are suspected of anti-government activity; the severe repression and forced relocation of the Rohingya Muslim minority; the banning of independent Protestant "house church" activities; and the abuses, including forced labor, relocations, and destruction of religious sites, against ethnic minority Protestants.

In light of these systematic, egregious and ongoing violations, USCIRF again recommends in 2011 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. Buddhist monks who participated in the 2007 peaceful demonstrations were killed, beaten, arrested, forced to do hard labor in prison, and defrocked. Buddhist monasteries viewed as epicenters of the demonstrations continue to face severe restrictions on religious practice. Monks suspected of anti-government activities have been detained in the past year. Muslims routinely experience strict controls on a wide range of religious activities, as well as government-sponsored societal violence. The Rohingya minority in particular are subject to pervasive discrimination and a 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 seeks to control the growth of Protestantism through intimidation and harassment of religious groups. A 2009 law essentially bans independent "house church" religious venues, and Protestant religious leaders in Rangoon have been pressured to sign pledges to stop meeting.

PRIORITY RECOMMENDATIONS: After a policy review in 2009, the Obama administration retained wide-ranging sanctions targeting the SPDC, yet also started a "pragmatic dialogue" with senior SPDC leaders and expanded humanitarian aid. But after flawed 2010 elections, administration officials have said that U.S. sanctions will not be lifted without concrete results on concerns such as nonproliferation assistance, release of all

political prisoners, and humanitarian aid delivery. In USCIRF's view, religious freedom improvements and democratization are closely linked in Burma. Targeted sanctions should remain until the SPDC takes active steps to meet benchmarks established in UN resolutions and U.S. law. The administration should fully implement the provisions of the JADE Act and coordinate sanctions implementation and diplomatic actions with the EU and other regional allies, particularly the democracies of Southeast and South Asia. The administration announced its support for a UN commission of inquiry on Burma and has worked to build international backing for this mechanism. In addition, U.S. assistance funds should be targeted to empower Burmese civil society groups organizing humanitarian assistance, conducting human rights and religious freedom documentation efforts, and providing public advocacy, leadership, and legal training to Burmese living in and outside of Burma. Additional recommendations for U.S. policy toward Burma can be found at the end of this chapter.

Religious Freedom Conditions

Ongoing Repression of Buddhists

The SPDC infiltrates and monitors the activities of all organizations, including religious groups. Religious groups are also subject to broad government restrictions on freedom of expression and association. The government controls all media, including religious publications and sermons which are occasionally subject to censorship.

While ethnic minority Christians and Muslims have encountered the most long-term difficulties, in the aftermath of peaceful anti-government demonstrations in 2007, the regime also began systematically to repress Burmese Buddhist monks and monasteries viewed as epicenters of the protests and those publicly critical of government policies. Despite this crackdown, the SPDC 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. SPDC 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 are reportedly allowed to leave the room during this time if they are not Buddhist, 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.

Government interference in Buddhist affairs predated the 2007 protests. 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 SPDC policies. Monks are also prohibited from associating with or joining political parties. Military commanders retain jurisdiction to try Buddhist monks in military courts. There may be as many as 100 monks and novices in prison for activities that preceded the 2007 public demonstrations.

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 SPDC ordered the military to crack down on the monk-led demonstrations. 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. A recent NGO report claims that 252 monks were still in prison for their roles in the 2007 protests. In addition, since the crackdown, hundreds of Buddhist monks have fled to Thailand seeking asylum. They have reported torture, forced defrocking, hard labor, and other deprivations during detention.

In the immediate aftermath of the 2007 protests, the military raided 52 monasteries, detained many monks, and arrested those perceived to be the leaders of the demonstrations. These monks were then tortured, forcibly defrocked, and forced to return to their villages. Several monasteries remain closed or are functioning in a more limited capacity, including Rangoon's Ngwe Kyar Yan monastery, to which only about 50 of the original 180 monks in residence have been permitted to return. Government authorities continue to monitor closely monasteries viewed as focal points of the protests and have 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 April 2009, authorities arrested two monks, U Chit Phay and U Aung Soe Wai, after they led a prayer meeting for the release of the democratic political activist leader Aung San Suu Kyi. Also in April, a group of approximately 50 members of the opposition National League for Democracy were arrested after assembling for prayer at the Zee Phyu Village pagoda in Rakhine province. At the end of the reporting period, they continue to be detained. In March 2009, two monks were arrested and sentenced to five years' imprisonment with hard labor for allegedly planning to hold a ceremony to support the All Burma Monk's Association. In August 2008, authorities arrested monks U Damathara and U Nandara, both from the Thardu monastery in Rangoon. Their current whereabouts are unknown.

Over the reporting period, authorities continued to block from meeting a group of Buddhist laypersons known as the Tuesday Prayer Group, who attempt to gather every week at Rangoon's Shwedagon Pagoda to pray for the release of Aung San Suu Kyi. In October 2009, authorities arrested Tuesday Prayer Group leader Naw Ohn Hla and three of her colleagues for offering alms to monks at Magwe monastery in Rangoon, alleging they acted with intent to incite public unrest. The four were sentenced in February 2010 to two years' confinement each for "disturbing public tranquility."

Active Repression of Religious Minorities

Burma has experienced ongoing conflict since its independence in 1948. The SPDC 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 of death and beatings of those who refused conscription.

Christians and Muslims have been forced to engage in the destruction of 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.

- *Burmese and Rohingya Muslims*

Tensions between the Buddhist and Muslim communities have resulted in outbreaks of societal violence over the past several years, some of it instigated by Burmese security forces. Muslims in Rakhine state, on the western coast, 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 status to Rohingyas because their ancestors allegedly did not reside in the country at the start of British colonial rule. Approximately 800,000 Rohingya live in Burma, primarily in Rakhine state.

Without citizenship status, 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 Rohingya 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 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 continue inspections of Muslim mosques in Rakhine state; if a mosque cannot show a valid building permit, the venue is ordered closed or destroyed. The government has, in recent years, ordered the destructions of mosques, religious centers, and schools. During the reporting period, the Burmese government maintained a campaign to create "Muslim Free Areas" in parts of Rakhine 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.

As many as ten Muslim community leaders in Rakhine State continue to be detained on unspecified charges. Reports indicate that the group was arrested by the government to forestall a Muslim political organization, though NGOs and international media report that the group was meeting to document human rights and religious freedom abuses among the Rohingya ethnic minority community.

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 faced forced repatriation to Burma from Bangladesh, and Thailand has pushed the boats of Rohingya asylum seekers back out to sea.

In March 2010, the UN Special Rapporteur on Human Rights in Burma 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." The specific concerns he 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."

- *Forced Closure of 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 80 percent of the country's religious venues could be closed by the regulation. "House churches" proliferated in the past decade because the government regularly denied permission to build new churches. In 2009, the SDPC 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 SPDC 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 have started to prohibit 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.

- *Abuses Targeting Ethnic Minorities*

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, and mandated forced labor. The Chin, Naga, Kachin, Shan, Karen, and Karenni peoples, each with sizable Christian populations, have been the primary targets of these abuses. In the past year, for instance, authorities in Kachin state halted attempts by the Shatapru Baptist Church to build a Christian orphanage. In some ethnic minority areas, Christians are required to obtain a permit for any gathering of more than five people outside of a Sunday service. Permission is often denied or secured through bribes. In Chin areas, permission for ceremonies on religious holidays must be submitted months in advance, though Protestants report that they are often granted permission for these events.

There are credible reports that government and military authorities continue efforts actively to promote Buddhism among the Chin and Naga ethnic minorities as part of its pacification program. Refugees continue to claim that government officials encourage conversion 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 army, together with Buddhist monks, closed churches in their villages and attempted to force adherents to convert to Buddhism.

Chin Christians 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. Also, Christian Solidarity Worldwide reports that Christian students in the Kachin state are not only forced to learn the Burmese language, but to become Buddhist, without their parents' knowledge or consent.

Over the past five years, the Burmese military has expanded operations against ethnic minority militias in parts of eastern Burma, reportedly destroying schools, hospitals, religious sites, and homes, and killing civilians. According to the Asian Human Rights Commission and the Shan Women's Human Rights Network, ethnic minority women are particularly vulnerable as the Burmese military encourages or condones rape by its soldiers as an instrument of war. New refugees have entered India and Thailand, where they face squalid conditions and possible forced relocation. According to international media and NGO reports, an estimated 100,000 Chin Christians fled to India during the past year, in hopes of escaping persecution. In early January 2010, international NGOs reported that more than 2,000 Karen villagers were forced to flee following attacks by the Burmese Army.

UN Efforts

Burma has been a focus of the UN over the past few years. The European Union has annually introduced a resolution at the UN General Assembly critical of Burma's human rights record which the United States has always cosponsored. This resolution was adopted most recently in December 2010. The UN Human Rights Council also has issued similar annual condemnations, and extended the mandate of the Special Rapporteur on the situation of human rights in Burma in March 2011.

The UN Secretary General has not reappointed a Special Envoy for Burma. Critics assert that the previous Special Envoy was too solicitous of the SPDC and achieved only a few

symbolic prisoner releases.

The UN Special Rapporteur on the situation of human rights in Burma called on the UN to set up a commission of inquiry to investigate possible "gross and systematic" violations by the SPDC that may entail crimes against humanity under the terms of the Statute of the International Criminal Court (ICC). Since Burma is not a member of the ICC, a successful referral to the ICC would require a UN Security Council resolution. However, future diplomatic options in the UN Security Council appear limited, as previous efforts to raise Burma there have been vetoed by China and Russia.

U.S. Policy

The United States has diplomatic relations with Burma but has not had an ambassador to the country since 1992. In February 2009, Secretary of State Hillary Clinton stated that neither economic sanctions nor "constructive engagement" was working to halt egregious human rights abuses or expand democracy in Burma. After a policy review, the Obama administration announced the beginning of a "pragmatic dialogue" with Burmese authorities. Secretary Clinton stated that the United States was committed to engaging Burma's generals in dialogue "without setting or dictating any conditions" and State Department officials, notably Assistant Secretary of State Kurt Campbell, held numerous exchanges with SPDC officials prior to Burma's 2010 elections. Assistant Secretary Campbell stated that the United States will not lift existing sanctions until the SPDC makes progress on a number of issues including nonproliferation, release of political prisoners, and progress toward free and fair elections. The Obama administration has also publicly expressed concern over the SPDC's proliferation activities and ties with North Korea.

After the widely discredited 2010 elections, in which the main opposition party, the NLD, and several ethnic minority groups were not allowed to participate, diplomatic exchanges between the United States and SPDC leaders have been put on hold.

In the aftermath of the elections, there continue to be calls to rescind sanctions from a number of sources, including ASEAN nations. The NLD has stated publicly that sanctions should not be lifted, but called for a discussion on when to end international sanctions "in the interests of democracy, human rights and a healthy economic environment." Aung San Sui Kyi, in a message to the World Economic Forum, echoed her party's position and called for renewed and socially responsible investment in Burma. Secretary Campbell has said publicly that any discussion of lifting sanctions is "premature" until SPDC takes more "concrete steps" on the release of prisoners and democratization. This is a position favored by most members of Congress and Burmese exile groups.

The United States supports the proposal by the UN Special Rapporteur on human rights in Burma, mentioned above, that the United Nations should establish a commission of inquiry to address possible international criminal law violations in Burma. The United States has worked with the United Kingdom, Canada, Australia, and New Zealand to increase support for this mechanism.

Recommendations

U.S. leadership is essential to bringing democratic change and ending human rights violations, including of religious freedom, in Burma. In addition to continuing to designate Burma as a CPC, the United States should build 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. Any future engagement with the SPDC should focus on issues that will lead directly to the expansion of democracy and protection of vulnerable ethnic and religious minorities, an end to human rights and religious freedom violations, the release of all prisoners, and the equal and transparent distribution of humanitarian assistance. In addition, the United States should work closely with Aung San Sui Kyi to develop a roadmap to greater democracy and socially responsible investment in Burma.

I. Strengthening the Coordination of U.S. Policy on Burma, both within the U.S Government and with U.S. Allies

The U.S. government should:

- organize a coalition of democratic nations in Asia to replace the moribund Bangkok Process in order to construct a roadmap outlining concrete steps Burma must take to end economic and political sanctions and engage with Burma's top leader on issues of concern, including addressing humanitarian and human rights abuses, releasing all political and religious prisoners, finding a durable solution for refugees, and achieving both a peaceful transition to civilian rule and a truly representative government; and
- implement any provision of the JADE Act, particularly banking sanctions, that has yet to be fully applied.

II. Pressing for Immediate Improvements to End Religious Freedom Abuses

The U.S. government should use its engagement with the government of Burma and with Burma's closest allies to urge the government of Burma 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 250 Buddhist monks and others who led or participated in peaceful protests;
- end 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, that are 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, and cultural centers;
- 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 SPDC officials and military commanders to refrain from employing forced labor of civilians, except in emergencies;
- end policies that discriminate on the basis of religion 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;
- allow religious groups and civil society organizations to provide humanitarian and reconstruction assistance to the victims of natural disasters, including those still afflicted by the aftermath of Cyclone Nargis, and to work openly with the UN, the Tri-Partite Core Group, and other international donors;
- grant unimpeded access to the country by relevant UN mechanisms including, in particular, the UN Special Rapporteur on Burma and the UN Special Rapporteur on Freedom of Religion or Belief; and
- ratify core international human rights instruments, beginning with the International Covenant on Civil and Political Rights.

III. Assisting and Supporting UN and Other Multilateral Diplomatic Efforts

The U.S. government should:

- continue to build international support for the creation of a UN commission of inquiry on Burma to investigate charges including murder, torture, rape, arbitrary detention, widespread forced relocations, forced labor, forced migration, forced renunciations of faith, and other religious freedom abuses;
- consider supporting the creation of a compensation commission on Burma, paid for by the Burmese government, to bring redress to victims of human rights abuses found by any future UN inquiry into human rights conditions in Burma;
- urge the Organization of the Islamic Conference (OIC) to issue public statements condemning religious freedom and related human rights violations experienced by Rohingya Muslims in Burma and work with the Burmese government, and other ASEAN nations, to end religious freedom violations and find a durable solution for Rohingya Muslim refugees; and
- urge ASEAN to expand the Tri-Partite Core Group to discuss other issues of concern with Burma, including protections for ethnic minorities and refugee issues, particularly a durable solution for Rohingya Muslims.

IV. Supporting Local Democracy Efforts through U.S. Programs

The U.S. government 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 religious freedom abuses faced by the Muslim and Buddhist communities), and providing public advocacy, leadership, and legal training to Burmese living in and outside of Burma.