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Key Findings

In 2015, peaceful elections ended more than 50 years of military-controlled government in Burma, yet the new government faces myriad human rights challenges. Throughout the year, Burma's government and non-state actors continued to violate religious freedom; these violations became a defining element of the campaign season. The abuses were particularly severe for Rohingya Muslims, whose persecution became even more apparent when the magnitude of their flight from Burma captured international media attention. Instead of protecting those most in need, like the Rohingya, Burma's government intensified its isolation and marginalization of vulnerable groups, leaving hundreds of thousands internally displaced and without basic necessities. The government allowed expressions of hatred and intolerance toward religious and ethnic minorities to continue unchecked and shepherded the passage into law of four discriminatory "race and religion bills." Based on these systematic, egregious, and ongoing violations, USCIRF continues to recommend in 2016 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

Burma's November 8 elections dominated 2015, resulting in longtime opposition party, the National League for Democracy (NLD), winning an overwhelming majority of seats and taking control of government. The underlying electoral process was deeply flawed due to the exploitation of religious divisions, the disenfranchisement of Rohingya Muslim voters, and the disqualification of Rohingya Muslim candidates. During 2015, Burma's government enacted into law all four race and religion bills before Election Day, prompting nationalist Buddhist group Ma Ba Tha and its supporters to embark upon an extensive celebratory tour throughout the country. Each of the measures – regulating religious conversion, marriage, and births – discriminate against and restrict the religious freedom of non-Buddhists, particularly Muslims, and diminishes women's rights. The laws have been condemned widely within Burma by civil society organizations and women's groups and in the international community, including by the United States.

Although Burma has opened dramatically since the last nationwide elections, President Thein Sein's government continued to restrict basic freedoms – including the right to freedom of religion or belief. For example, growing religious intolerance resulted in discrimination and ill-treatment against religious and ethnic minorities. Regarding other rights, more than 100 students and others were arrested for their involvement in demonstrations opposing the National Education Law, and activist Chaw Sandi Tun was sentenced to six months in prison for Facebook posts criticizing the military. The outgoing government released 52 political prisoners in January 2016, but human rights groups remain concerned about those still facing trial and those still imprisoned, estimated at more than 400 and more than 80, respectively. Moreover, the government's historic ceasefire agreement with armed ethnic groups fell short when barely half the groups agreed to sign, and intense fighting continued in parts of Shan State and other areas, displacing thousands.

Religious demography figures gathered during the 2014 census were not released in 2015. Based on available information, nearly 90 percent of the population is Buddhist, four percent Christian, and four percent Muslim. Rohingya Muslims comprise as many as one million out of a total population of 51 million, though the number fleeing the country continues to grow.

Religious Freedom Conditions 2015-2016

The Plight of Rohingya Muslims

In 2015, conditions remained grave for Rohingya Muslims, particularly those in Rakhine State and especially the approximately 140,000 confined in deplorable camps. While some aid groups were able to reach certain communities – including ethnic Rakhine who also suffer under the state's extreme poverty – the government has left unaddressed the root causes of the Rohingya's dire circumstances. Burma's government continues to deny Rohingya Muslims citizenship, freedom of movement, access to health care, and other basic services. Some Buddhists continued to espouse hatred and discrimination against Muslims, such as when Ma Ba Tha reportedly proposed a ban on hijabs for Muslim schoolgirls and when pressure from some monks forced Muslims to curtail their Eid celebrations or cancel Friday prayers.

In addition, Rohingya Muslims experienced the denial of their political rights in 2015. Political jockeying between Burma's parliament and President Thein Sein prompted the government to revoke voting rights in any national referendum for individuals with temporary ID cards, also known as "white cards." At one point, the parliament confirmed voting eligibility for white card-holders, many of whom are Rohingya Muslims and had voting rights in previous elections, but this angered some in the Buddhist majority, including influential monks. Following the outcry, the president announced the expiration of all white cards at the end of March and ordered that they be turned in to authorities by the end of May. This resulted not only in the government's revocation of voting rights for white card holders, but also eliminated the only form of identification for many individuals.

Additionally, officials in Rakhine State and at the Union Election Commission denied Rohingya Muslims the right to run for office in the 2015 elections. For example, Shwe Maung, a Rohingya Muslim already serving in parliament, was denied the right to contest the elections because officials falsely claimed his parents were not citizens of Burma when he was born. Kyaw Min, also a Rohingya Muslim, was similarly disqualified. Regarding other Muslim communities, only 28 Muslim candidates ran nationwide: none were successful in winning a seat, marking the first time that Muslims have no representation in the national parliament.

Regional Refugee Crisis

During 2015, despite deep, generational roots in their homeland, many Rohingya Muslims continued to risk the dangerous journey by boat to escape persecution in Burma. According to the

UN High Commissioner for Refugees, approximately 31,000 Rohingya Muslims and Bangladeshis fled by boat during the first half of the year, a 34 percent surge over the previous year. The asylum seekers from Burma, whether refugees fleeing due to legitimate fears of persecution or migrants seeking a better life, are stateless and ostracized wherever they go. Following the discovery in May 2015 of mass graves in Thailand and Malaysia, a region-wide crackdown on well-established trafficking and people smuggling routes left stranded countless boats carrying at least 5,000 individuals, many of whom were Rohingya Muslims fleeing Burma. Thousands eventually landed in Malaysia and Indonesia, though many died during the journey, and the whereabouts of many others are unknown. By early 2016, countries in the region had convened two iterations of the "Special Meeting on Irregular Migration in the Indian Ocean," where participants discussed how to assist individuals fleeing and the root causes influencing their movement throughout the region.

Abuses Targeting Ethnic Minority Christians

Since 2011, at least 100,000 Kachin, primarily Christians, remain internally displaced in camps due to ongoing conflicts with Burma's military. The long-standing conflicts, although not religious in nature, have deeply impacted Christian communities and those of other faiths, including by limiting their access to clean water, health care, proper hygiene and sanitation, and other basic necessities. Groups like the Kachin Baptist Convention (KBC) and others worked during the year to assist those displaced. During the year, churches in Kachin and Shan States reportedly were destroyed in separate incidents as a result of artillery believed to have been fired by the military. The 2014 murder of two Kachin Christian schoolteachers volunteering with KBC in Shan State remains unsolved. In Chin State, Christian communities remained fearful that the local government would deny necessary permissions to erect crosses or build churches, due in large part to the government's long-standing practices of destroying crosses and refusing to allow new church construction. In January 2015, Chin elder Tial Cem faced charges of erecting a cross and allegedly cutting down the trees used to construct it. In August, a Buddhist monk in Karen State began building a pagoda and another structure in an area described as a Baptist Church compound, impacting the congregation's ability to worship.

Religious Intolerance and Expressions of Hate

Throughout 2015, and particularly in the context of the November 8 elections, senior political and Buddhist leaders continued to express intolerance toward Muslims. Buddhist nationalists speciously labeled candidates and political parties "pro-Muslim" to tarnish their reputation and electability and used support for (or opposition to) the discriminatory race and religion bills to measure suitability to hold office. Burma's government revealed a troubling double standard in dealing with individuals whose words or actions were perceived to express hate and/or insult religion. On the one hand, Ma Ba Tha figurehead Ashin Wirathu's slanderous and vile insults of UN Special Rapporteur Yanghee Lee, after she criticized the race and religion bills in January, went unchecked, and the government failed to distance itself from his remarks. Meanwhile, former NLD official Htin Lin Oo was found guilty in June of insulting religion following an October 2014 speech in which he spoke out against the use of Buddhism for extremist purposes. Also, in March 2015, three nightclub managers – a New Zealand man and two Burmese men – were sentenced to two-and-a-half years' hard labor for insulting religion after posting online a promotional advertisement depicting Buddha wearing headphones. The New Zealand man, Philip Blackwood, was released as part of the January 2016 prisoner amnesty, but his two Burmese colleagues remain in prison. While hateful and intolerant expression should be strongly condemned, the right to freedom of expression is indivisible from the right to freedom of thought, conscience, and religion or belief, and laws making religious defamation a crime violate international human rights norms.

U.S. Policy

During 2015, the United States remained actively engaged with Burma, including high-level visits by several State Department officials, including the first-ever joint visit by Ambassador-at-Large for International Religious Freedom David Saperstein and Ambassador Andrew Bennett, the head of Canada's Office of Religious Freedom. Ahead of the elections, the United States and eight other countries issued a joint statement in September in support of credible, transparent, and inclusive elections and expressing concern "about the prospect of religion being used as a tool of division and conflict during the campaign season." U.S. government funding supported a number of election-related efforts, including programs to support the Union Election Commission, voter education, and election monitoring. Earlier in the year, the State Department also expressed concern about the possible impact of the population control bill and three race and religion bills – all now law – on ethnic and religious minorities, a concern shared by USCIRF and many others.

The deepening bilateral relationship between the United States and Burma was reflected in the FY2016 spending bill, which included notable first-time language related to religious freedom, as well as standard funding through the Economic Support Fund, and continued to block military assistance other than through consultations with Burma's military on issues related to human rights and disaster response. (The U.S. arms embargo, the Presidential action applied to Burma pursuant to the CPC designation, remains in effect.) The legislation includes Burma, and particularly Rohingya Muslims, as part of an atrocities prevention report the Secretary of State must submit to Congress. It also prohibits U.S. funds from going to those determined to advocate violence against religious or ethnic groups, specifically mentioning Ma Ba Tha as an example, and the accompanying report language calls for specific review of Ma Ba Tha figurehead Wirathu.

Regarding refugees, at the end of May 2015, the United States announced a \$3 million contribution in response to an appeal from the International Organization for Migration. Nearly 14,600 refugees from Burma were resettled to the United States in FY2014 and more than 11,500 in FY2015 through June 30, 2015. According to a State Department spokesperson, the FY2015 resettlements included more than 1,000 Rohingya Muslims.

Recommendations

The new NLD government will have many priorities, and it will be essential for the United States and others to consistently reinforce the importance of religious freedom and related human rights and highlight the threat posed by the words and actions of groups like Ma Ba Tha and individuals like Wirathu. Alongside condemnation, the United States also must continue to press for the rights of Rohingya and other Muslims and increase the costs to Burma for perpetuating abuses. As part of a broader framework to encourage Burma's government to adhere to international human rights standards, USCIRF recommends that the U.S. government continue to designate Burma as a CPC, as well as:

- 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;

- Encourage Burma's new government to become party to the International Covenant on Civil and Political Rights;
- Engage the government of Burma, the Buddhist community and especially its leaders, and religious and ethnic minorities, including Rohingya Muslims and Christian communities, on religious freedom issues, tolerance, inclusivity, and reconciliation to assist them in promoting understanding among people of different religious faiths and to impress upon them the importance of pursuing improvements in religious tolerance and religious freedom in tandem with political improvements;
- Use the term Rohingya, both publicly and privately, which respects the right of the Rohingya Muslim community 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 of 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 or awaiting trial for the peaceful exercise or expression of religious freedom and related human rights and urge the new government to abandon the practice of criminalizing non-violent acts;
- 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 and religious freedom abuses, 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 States by Burmese government officials responsible for or known to have directly carried out particularly severe violations of religious freedom; and
- Renew beyond May 2016 the designation of a National Emergency with Respect to Burma, pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701-1706, which sets out measures relating to certain companies and individuals in response to the ongoing nature of intercommunal violence and humanitarian crises, including concerns "regarding the ongoing conflict and human rights abuses in the country, particularly in ethnic minority areas and Rakhine State."

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