

Flygtningenævnets baggrundsmateriale

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KEY FINDINGS

In 2021, religious freedom conditions in Burma declined significantly. On February 1, the Burmese military, known as the Tatmadaw, seized the institutions of the state, arrested members of the civilian government, including leader Aung San Suu Kyi, and placed Senior General Min Aung Hlaing in effective control of the country. The coup ended a decade of quasi-democracy and triggered an escalation of violence. Conditions for ethnoreligious minorities, such as the predominantly Muslim Rohingya and Christian Chin, deteriorated alongside the breakdown of order and violations of civil and political rights. The Tatmadaw [targeted](#) houses of worship, faith leaders, and religious communities in its crackdown on opposition. The Tatmadaw arrested religious leaders, including those from the Buddhist majority, for opposing the military junta.

Faith communities, including ethnoreligious Christian minorities, now face persecution that some have likened to what the Rohingya have faced since 2017. Previous civilian governments and the Tatmadaw institutionalized discrimination against Rohingya Muslims and denied Rohingya basic rights and dignity. In 2017, the Tatmadaw under General Hlaing [perpetrated](#) mass killings and rapes against the Rohingya Muslims in Rakhine State, [forcing](#) over 745,000 to flee to Bangladesh within days. Each year since 2017, hundreds of thousands of Rohingya continued to flee due to [ongoing](#) violence. There is a [pending](#) case at the International Court of Justice (ICJ) for violations of the Genocide Convention.

The Tatmadaw increased its persecution of Christian communities during 2021. In February, the Tatmadaw [raided](#) the Hakha Baptist Church in the capital of Chin State, arresting the pastor. The same month, the Tatmadaw [raided](#) a Kachin Baptist Church in Shan State.

In March in Kalay township in Sagaing Region, the military shot and [killed](#) 25-year-old pastor Chung Lian Ceu and three other civilians. In May, the military [attacked](#) a Catholic Church in Kayah State. In June, airstrikes damaged another Catholic church in Kayah State. In September, the Tatmadaw [gunned](#) down Baptist pastor Cung Biak Hum in Chin State as he went to help put out a fire caused by military shelling. Soldiers have [torched](#) homes and churches.

The Tatmadaw has closely associated itself with Buddhist nationalism to promote its legitimacy. In September, it released from jail Wirathu, a nationalist monk notorious for advocating violence and hate against Muslims. General Hlaing has [publicly](#) demonstrated his support for those monks that align with the military junta, its violent crackdown, and its targeting of ethnoreligious communities such as the Rohingya. Conversely, many monks have been [jailed](#) for protesting the military junta and some have been [disrobed](#).

In opposition to the military junta, members of the National League for Democracy (NLD) and others have formed the National Unity Government (NUG). The NUG has attempted to unite the non-Tatmadaw-controlled areas of Burma and coordinate various armed ethnic groups to stand against the military junta. The NUG has [pledged](#) to undo decades of abuse and disenfranchisement of the Rohingya. Members of the NUG also have [issued](#) personal statements of apologies to the community. While the NUG has not yet committed to fully embracing an agenda of religious freedom and equality, it has [declared](#) its acceptance of the International Criminal Court's (ICC) jurisdiction. As a possible way to protect minority ethnic and religious communities, the NUG has [suggested](#) transitioning post-coup Burma into a federal system.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Redesignate Burma as a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA);
- Actively support international efforts to hold the Tatmadaw, Burmese agencies, and officials accountable through the international legal system for atrocities against religious communities, including by intervening in the case of *The Gambia*

v. Myanmar at the ICJ and using coordinated sanctions against Tatmadaw leaders for particularly severe violations of religious freedom; and

- Increase engagement with multilateral and regional partners—in particular the Association of Southeast Asian Nations (ASEAN)—as well as domestic actors in Burma, including the NUG, to stem ongoing religious freedom violations and promote accountability.

The U.S. Congress should:

- Support initiatives that prioritize the pursuit of religious freedom in Burma, such as language in the Burma Act of 2021 (H.R. 5497) and the National Defense Authorization Act (S. 1605), that require the imposition of targeted sanctions, and encourage accountability mechanisms in relation to the atrocities committed against the Rohingya.

KEY USCIRF RESOURCES & ACTIVITIES

- Hearing: [Ending Genocide—U.S. Government Genocide Determinations and Next Steps](#)
- Hearing: [Ending Genocide—Accountability for Perpetrators](#)
- Podcast: [Fourth Anniversary of the Rohingya Genocide](#)
- Country Update: [Burma—Religious Freedom since February 1, 2021 Coup](#)

Background

Burma's population consists of Buddhists (87.9 percent), Christians (6.2 percent), Muslims (4.3 percent), Animists (0.8 percent), and Hindus (0.5 percent). The 2008 constitution treats Buddhism as the *de facto* state religion but also recognizes Christianity, Islam, Hinduism, and Animism. Despite the recognition, religious and ethnic minorities not belonging to the Buddhist faith have faced longstanding persecution. In 2015, Burma [passed](#) race and religion laws supported by Buddhist nationalists such as the Ma Ba Tha. These laws regulate religious conversion, marriage, and births and restrict the religious freedom of non-Buddhists, particularly Muslims.

Since the coup on February 1, 2021, the economy and political order of the country have collapsed. On August 1, 2021, General Hlaing, in defiance of international calls for a return to democracy, [declared](#) himself prime minister until 2023. The Tatmadaw [arrested](#) and sentenced leaders of the civilian government and opposition forces, including [Aung San Suu Kyi](#) and Win Myint. Clashes between the Tatmadaw and ethnic armed groups, as well as the military's crackdown on peaceful protests for democracy, resulted in at least 1,300 deaths and hundreds of arrests. By November 2021, the violence perpetrated by the Tatmadaw [caused](#) 223,000 Burmese to be internally displaced and placed three million in dire need of humanitarian aid. As violence [escalated](#) in December, thousands fled into neighboring countries.

Rohingya and Other Refugees

Tatmadaw violence since the coup has [pushed](#) at least 200,000 people from different communities to be internally displaced or seek refuge in neighboring countries. An estimated 30,000 predominantly Christian Chin [fled](#) into neighboring India in December 2021, adding to the 1.1 million refugees who have fled from Burma in the past five years. Also in December, both Indonesia and Malaysia [refused](#) a boat of over 100 Rohingya refugees stranded at sea, but Indonesia ultimately changed course and took them in.

At the end of 2021, around one million [registered](#) refugees who fled violence in Rakhine State resided in Cox's Bazar, Bangladesh. In September, amid [escalating](#) violence in the camps, prominent Rohingya leader Mohib Ullah was [assassinated](#) in Cox's Bazar. The Bangladeshi government has been relocating some of these refugees to an island, Bhasan Char. Among the first of those to be relocated have been Rohingya Christians. Some observers worry they could be [exposed](#) to significant environmental risks, especially given worsening climate change. In December, United Nations (UN) Special Rapporteur for Myanmar Tom Andrews [noted](#) with concern the Bangladeshi government's decision to close down educational opportunities for Rohingya children. He also expressed concern for the 130,000 Rohingya internally displaced within Burma held in internment camps.

The coup has rendered impossible the safe and voluntary return home of Rohingya refugees displaced in the region. Nevertheless, host countries to Rohingya refugees, as well as ASEAN, have not departed from [rhetoric](#) centered on ultimately repatriating refugees back to Burma.

International Justice and the Influence of Social Media

In November 2019, The Gambia, on behalf of the Organization of Islamic Cooperation, [initiated](#) a case at the ICJ against Burma alleging violations of the Genocide Convention in its 2017 crackdown on the Rohingya. The ICC is also [investigating](#) the military's actions in Rakhine, although the court's jurisdiction is limited. The legal proceedings in these cases continued during 2021, even after the coup. In November, Argentina's justice system [announced](#) it would investigate allegations of war crimes committed by the Tatmadaw through the principle of universal jurisdiction.

There has been increased discussion of the role of social media in escalating violence against religious minorities in Burma, particularly the Rohingya. In August, Facebook [acknowledged](#) that hundreds of military personnel had used its platform to create troll accounts to disseminate incendiary comments and posts, including calling Islam a threat to Buddhism. In December, 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 the Rohingya. Also in December, Meta [banned](#) Tatmadaw-owned firms from its platforms.

Key U.S. Policy

Throughout 2021, particularly in response to the February 1 military coup, the U.S. government has provided funding for [Rohingya](#) refugees in Bangladesh and others impacted by violence in Burma. The United States sanctioned several Burmese government officials, including high-ranking officials of the Tatmadaw. While these [sanctions](#) cited numerous human rights abuses, they have not cited religious freedom violations [or targeted](#) the oil and gas industry, which many [argue](#) could cripple the financial backbone of the military junta. U.S. officials met with representatives of ASEAN and regional countries to discuss peacefully resolving the military coup and transitioning the country back to democracy; they also worked multilaterally through the UN. After the reporting period on March 22, 2022, Secretary of State Antony J. Blinken [announced](#) the United States had determined that the atrocities committed by the Tatmadaw against the Rohingya constitute genocide and crimes against humanity.

On November 15, the U.S. Department of State [redesignated](#) Burma as a CPC under IRFA and reimposed as the relevant presidential action the existing, ongoing arms embargo referenced in 22 CFR 126.1. The State Department has designated Burma as a CPC every year since 1999.

On December 27, President Biden signed into law the [National Defense Authorization Act \(NDAA\)](#) for fiscal year 2022. The NDAA included provisions relating to Burma, including calling for the U.S. government to support and legitimize the NUG and deny legitimacy and resources to the Tatmadaw. The law urges the return to democracy and accountability for atrocities and human rights violations committed by the Tatmadaw.