

KEY FINDINGS

Of the myriad religious freedom challenges the government of Burma (also known as Myanmar) confronted in 2017, the crisis in Rakhine State was the most exigent. Military and security forces launched a brutal response to attacks carried out by Rohingya Muslim insurgents against border guard and law enforcement personnel in October 2016 and August 2017. The retaliatory acts included indiscriminate and disproportionate attacks against innocent civilians, even children: looting, burning, and destroying property; arbitrary detentions and arrests; rape and other sexual violence; enforced disappearances; and extrajudicial killings. U.S. and United Nations (UN) officials characterized the abuses as ethnic cleansing. The violence, which was also perpetrated by nonstate actors in Rakhine State, first prompted 74,000 Rohingya Muslims to flee to Bangladesh, followed by upward of 688,000, a number that continued to grow after the reporting period. Extreme nationalist sentiment among some Buddhists continued to drive

enmity toward Muslims in Burma in 2017, and some Buddhist leaders propagated chauvinistic and racist attitudes. Decades-long discriminatory policies and practices perpetuated by successive governments and the military also continued to restrict religious freedom for religious and ethnic minorities. For example, some Christians face bureaucratic hurdles and societal pressure that make it difficult to gather in public to worship or obtain permission to build churches, and converts to Christianity experience harassment. In November 2017, a USCIRF delegation visited Burma to assess religious freedom conditions. Based on the systematic, ongoing, egregious violations of religious freedom occurring in the country, in 2018 USCIRF again finds that Burma merits designation as a “country of particular concern,” or CPC, under the International Religious Freedom Act (IRFA). The U.S. State Department has designated Burma as a CPC since 1999, most recently in December 2017.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Redesignate Burma as a CPC under IRFA;
- Maintain the existing, ongoing arms embargo referenced in 22 CFR 126.1 of the International Traffic in Arms Regulations;
- Use targeted tools against specific officials, agencies, and military units identified as having participated in or being responsible for human rights abuses, including particularly severe violations of religious freedom; these tools include the “specially designated nationals” list maintained by the U.S. Department of the Treasury’s Office of Foreign Assets Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act;
- Work with bilateral and multilateral partners to put concerted pressure on Burma’s government and military to allow an independent investigation into the root causes of conflict and the human rights violations in areas like Rakhine, Kachin, and Shan states, and to hold accountable perpetrators or inciters of severe violations of human rights and humanitarian laws, including specific abuses related to freedom of religion or belief;
- Retain the position of the U.S. Special Representative and Policy Coordinator for Burma and ensure that religious freedom is a priority for that office and for U.S.-Burma relations, including by:
 - Urging the government of Burma, representatives from all religious communities residing in Burma (including leaders and laypersons), and other relevant stakeholders to combat intolerance and promote inclusivity in the spirit of the Rabat Plan of Action on the prohibition of advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence;
 - Advising Burma’s government to draft its bill protecting against hate speech consistent with international standards and review existing laws, policies, and regulations to ensure that they combat intolerance, discrimination, and incitement to violence without restricting speech;
- Encouraging Burma’s government to become party to the International Covenant on Civil and Political Rights;
- Work with Burma’s government in support of a credible path to citizenship for Rohingya Muslims, to ensure their freedom of movement, and to restore their political rights to vote and run for office;
- Use the term “Rohingya” both publicly and privately, which legitimizes their status and respects the right of Rohingya Muslims to identify as they choose; and
- Press for at the highest levels and work to secure the unconditional release of prisoners of conscience and persons detained or awaiting trial, and press Burma’s government to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, and lawyers, and the ability to practice their faith.

COUNTRY FACTS

FULL NAME

Union of Burma, also known as Myanmar, or the Union of Myanmar

GOVERNMENT

Parliamentary Republic

POPULATION

51,486,000+

GOVERNMENT-RECOGNIZED RELIGIONS/FAITHS

Buddhism, Christianity, Islam, Hinduism, and Animism

RELIGIOUS DEMOGRAPHY*

89.8% Buddhist
 6.3% Christian
 2.3% Muslim (4.3% when accounting for nonenumerated Muslims in Rakhine State at the time of the 2014 census)
 0.8% Animist
 0.5% Hindu
 0.2% Other
 0.1% None

* Population and religious demography figures sourced from Burma's 2014 census; all other data from the CIA World Factbook

BACKGROUND

Throughout 2017, the horrific human rights abuses in Rakhine State drew the international community's strong condemnation, directed at both the Rohingya insurgents who targeted security personnel and the military's brutal response. Yet Burma met the international community's scrutiny with silence, denial, and distortions of fact. Rather than embrace transparency and collaboration, Burma's military and ruling National League for Democracy (NLD) government closed ranks, largely cutting off access to affected areas by international human rights monitors, independent media, and humanitarian aid workers. While the scope and scale of the human rights and humanitarian crisis—including religious freedom violations—in Rakhine State is unique to Rohingya Muslims, it is nonetheless symptomatic of the endemic abuses perpetrated for decades by both state and nonstate actors against religious and ethnic minorities in Burma. For nearly seven decades, anyone not belonging to the majority Bamar ethnic group or the majority Buddhist faith has been at risk of discrimination, deprivation of rights, imprisonment, and violence, particularly violence stemming from the military's longstanding conflicts with ethnic armed organizations (EAOs). In fact, in 2017, fighting

intensified in Kachin State and northern Shan State as the government-led peace process failed to move forward. Moreover, the internal and external displacement prompted by these conflicts heightened the risk of trafficking and exploitation, particularly of individuals who attempted to cross the country's border. (For further information describing how religious freedom and related human rights concerns transcend borders, refer to USCIRF's September 2017 report, *A Right for All: Freedom of Religion or Belief in ASEAN*.)

During the year, authorities detained, arrested, or charged journalists and social media users, constricting both freedom of the press and freedom of expression. For example, in July 2017, authorities arrested Swe Win, *Myanmar Now* editor-in-chief, for alleged online defamation after he wrote a Facebook post criticizing U Wirathu, a firebrand monk long associated with Burma's extreme nationalist and anti-Muslim movements; his trial was ongoing at the end of the reporting period. The increasingly limited space for peaceful speech and dissent could diminish further as the government considers legislation to protect against hate speech. In September 2017, Burma's Ministry of Religious Affairs and Culture submitted to parliament a draft anti-hate speech bill that human rights organizations viewed as

inconsistent with international standards. Although the version of the bill submitted in September no longer contained limits on blasphemy or political speech, it focused on censorship and broadly defined hate speech in a manner that would allow the government to further suppress criticism and dissent. At the end of 2017, the bill remained pending in parliament. Drafting legislation against hate speech was among the last projects on which prominent lawyer and NLD advisor U Ko Ni, who was Muslim, worked prior to his assassination in January 2017. At year's end, the primary suspect in his killing remained at large.

In 2017, the UN made several attempts to investigate human rights abuses, all of which Burma's government rebuffed. In March 2017, the UN Human Rights Council created an independent international fact-finding mission to examine human rights abuses in the country, particularly Rakhine State, but the government refused to grant visas to the three-person team. By the end of the reporting period, the mission had traveled to Bangladesh and Malaysia to gather information, and its interim and final reports are expected in March and September 2018, respectively. The visa denial came just prior to the July 2017 visit of the UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee; it was her sixth official visit and perhaps her last after the government in December 2017 barred her planned January 2018 visit.

In November 2017, a USCIRF delegation traveled to Burma to meet with government officials, civil society, and religious representatives in Rangoon, Mandalay, and Naypyidaw. In January 2018, after the reporting period, USCIRF staff traveled to Dhaka and Cox's Bazar, Bangladesh, to gather information on the situation of Rohingya Muslim refugees.

RELIGIOUS FREEDOM CONDITIONS 2017

The Rakhine State Crisis—Rohingya Muslims and Others

On August 25, 2017, a group of Rohingya insurgents known as the Arakan Rohingya Salvation Army (ARSA) attacked an army base and several police posts in

northern Rakhine State. The international community condemned ARSA's attacks—which resulted in the deaths of 12 security officials and several dozen insurgents—and Burma's government labeled the group a terrorist organization. Rather than apprehend the perpetrators and protect innocent civilians and other security personnel from further violence, Burma's military, aided by local Buddhists acting as vigilantes, swiftly implemented a brutal crackdown against Rohingya Muslims. Collectively, their indiscriminate and disproportionate attacks resulted in the deaths of at least 6,700 Rohingya Muslims in the first month, including hundreds of children. By year's end, more than 350 villages were partially or completely burned. The attacks have produced unknown numbers of internally displaced persons, including Muslims, Buddhists,

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and Hindus, as well as ethnic Mro, Daignet, Thet, and Mramgyi; according to the Inter Sector Coordination Group, 688,000 Rohingya Muslim refugees had fled to Bangladesh as of January 2018. Successive

governments in Burma have abused, discriminated against, denied citizenship to, and sought to deny the identity of Rohingya Muslims for generations. ARSA's October 2016 and August 2017 attacks in northern Rakhine State handed the government, the military, and some civilians justification—in the name of combatting terrorism—to exterminate and forcibly evict Rohingya Muslims from the only homeland the majority of them have ever known.

The humanitarian crisis deepened for the Rohingya Muslims and others who remained in Rakhine State when Burma blocked deliveries of virtually all humanitarian assistance. The government also prohibited access by international human rights monitors and independent media to northern Rakhine State, making it difficult to assess conditions.

Burma's government and military consistently distanced themselves from responsibility and wrongdoing. In her first public remarks about the crisis, de facto leader and state counsellor Aung San Suu Kyi in September 2017 condemned human rights violations,

yet questioned why Rohingya Muslims fled. Later that month, in an address to the UN Security Council, Burma's national security advisor suggested the international community had been misled by terrorist propaganda, asserted that neither ethnic cleansing nor genocide had occurred, and claimed that what happened in Rakhine was due to terrorism, not religion. In November 2017, the military released its investigation into alleged abuses in Rakhine State in which it found no such abuses and absolved itself of all wrongdoing. However, at a December 2017 special session of the UN Human Rights Council, High Commissioner Zeid Ra'ad Al Hussein posited the question, "Can anyone rule out that elements of genocide may be present?"

Rohingya Muslims' statelessness leaves them especially vulnerable to human rights abuses. In August 2017, the Advisory Commission on Rakhine State—a body created in 2016 by the state counsellor's office and led by former UN Secretary-General Kofi Annan—recommended, among other measures, that Burma's government swiftly implement a citizenship verification process and also review the underlying 1982 Citizenship Law, which in practice facilitated Rohingya Muslims' loss of citizenship. While Burma's government tasked an implementation committee with fulfilling the Advisory Commission's recommendations, it achieved little discernible progress by year's end. Moreover, even Muslims who are not Rohingya experience discrimination because of their faith: for example, USCIRF heard during its November visit that Muslims are not allowed to indicate on their ID cards that they are from Burma, but rather must list a foreign country of origin, such as India or Pakistan, which often makes it difficult to obtain a bank loan, rent an apartment, or get a civil service job.

USCIRF also learned during its January 2018 visit to Rohingya Muslim refugee camps in Bangladesh that the military and nonstate actors in Rakhine State restricted Rohingya Muslims' religious freedom in several ways before they fled Burma. For example, authorities often interfered with Ramadan and Eid festivals; locked and burned down madrassas and mosques, preventing Rohingya Muslim children from attending madrassas and imams from receiving

training; desecrated and burned Qur'ans; prevented burials according to Muslim tradition; and targeted imams for detention, torture, and killings.

Chauvinism toward and Discrimination against Muslims

Extreme nationalist sentiment among some Buddhists continues to drive enmity toward Muslims in Burma. Some Buddhist leaders propagated chauvinistic and racist attitudes, conferring authority and influence to words and actions that the loyal Buddhist laity largely left unchallenged. For example, in October 2017, prominent extreme nationalist monk Sitagu Sayadaw delivered an inflammatory sermon to Burma's military in Kayin State, in which he used an ancient parable to downplay and excuse the military's indiscriminate and disproportionate human rights violations directed at Rohingya Muslims in Rakhine State. Government and Buddhist authorities whom USCIRF met in Burma just weeks later defended the sermon.

In April 2017, local officials in Thaketa Township, Rangoon, closed two Islamic schools following pressure from a mob of nationalist Buddhists. Less than two weeks later, nationalist Buddhists prompted police to search a Rangoon neighborhood for Rohingya Muslims allegedly living there. But once the police raid uncovered no illegal residents, Rohingya or otherwise, a mob

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of nationalist Buddhists became aggressive, and the ensuing violence between Buddhists and Muslims left two injured. Police detained several of the nationalist Buddhists

for their role in instigating the violence against Muslims. In May 2017, police charged three Muslim men for failing to obtain permission to pray in public after they led a Ramadan prayer service outside one of the closed Islamic schools in Thaketa Township. At the end of the reporting period, both schools remained closed.

Nevertheless, there were examples of governmental and societal resistance to extreme nationalist elements throughout the year. In March 2017, the official monk-led association that manages the country's Buddhist clergy—the State Sangha Maha Nayaka Committee, or Ma Ha Na—imposed a one-year ban on public sermons

and speeches by U Wirathu. In May 2017, Ma Ha Na ordered the nationalist group known as Ma Ba Tha to cease using that name and take down all signs and posters; Ma Ha Na had declared it never endorsed Ma Ba Tha in 2016. Ma Ba Tha still operates, however, though now under the auspices of a group called the Buddha Dhamma Parahita Foundation, and some of its supporters have tried to form a political party. When extreme nationalist Buddhist monks and supporters organized protests in Rangoon and Mandalay in August 2017 to accuse the government of undermining Buddhism, authorities in both locations intervened. Also in 2017, concerned Buddhist laity formed the Anti-False Buddhist Doctrine Committee, a campaign to counter the words and actions of extreme nationalists like Wirathu. Religious leaders, youth, and other stakeholders also continued to gather for discussions about interfaith cooperation and conflict prevention, although some of this momentum deflated when Ma Ha Na issued a November 2017 edict disallowing Buddhist monks and nuns from participating in interfaith prayer rallies and dialogues due to protocol concerns after a rally where monks sat on the floor while others sat in chairs.

Discrimination and Abuses Targeting Christian Minorities

The legacy of military rule still negatively affects Christians' everyday lives in innumerable, discriminatory ways—maltreatment that has been ongoing for decades. For example, local-level, military-run bureaucracies impose land restrictions on houses of worship and deny permits or other necessary approvals to construct churches and erect crosses. In 2017, Karen Christians corroborated other reports received by USCIRF that Christians are often not allowed to worship in their homes.

The military's long-standing conflicts with multiple ethnic groups in Burma make it difficult to parse out whether the abuses that have occurred—and

continue to occur—against Christians or other religious minorities are directly related to religious freedom. In June 2017, Amnesty International reported that Burma's military had targeted ethnic and religious minorities for

decades with near complete impunity and often in violation of human rights and humanitarian law. But this complexity and nuance does not diminish the very serious and sometimes fatal consequences of the military's violent attacks on places of worship and forced relocation and destruction of Christian cemeteries.

For more than six years after the 2011 ceasefire agreement collapsed, fighting between Burma's military, or Tatmadaw, and EAOs has resulted in violence against persons and property in largely Christian Kachin State. More than 100,000 people remain internally displaced in camps in Kachin State and northern Shan State, some of whom have been displaced multiple times. The longstanding conflicts, while not religious in nature, have deeply impacted Christian and other faith communities, and the military's blockades on humanitarian assistance restrict civilians' access to food, shelter, health care, and other basic necessities for long periods of time. Religious organizations, such as the Kachin Baptist Convention and others, continue to assist the displaced. Also, authorities regularly detain, arrest, or otherwise target Christians and others who they assume are affiliated or working with one of the EAOs. In September 2017, six soldiers confessed to killing three internally displaced persons in Kachin; their fate following a hearing in a military court was unknown at the end of the reporting period.

Burma-Vatican Relations and the Pope's Visit to Burma

In May 2017, the Vatican and Burma established full diplomatic relations, paving the way for both sides to appoint respective ambassadors. In November 2017, Pope Francis visited Burma where he performed an

open-air mass and met with President Htin Kyaw, State Counsellor and Foreign Minister Aung San Suu Kyi, and Senior General Min Aung Hlaing. While the pope did not use the term "Rohingya"—

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which the government does not recognize—in public while in Burma, he reportedly raised concerns about their situation in his private conversations, and he met with Rohingya refugees and used the term while in

Bangladesh immediately thereafter. Some, including Burma's first-ever cardinal, Cardinal Charles Maung Bo, advised Pope Francis not to use the term out of concern that extreme Buddhist nationalists might retaliate against Christians. The pope previously used the term; for example, in February 2017 he asked an audience in Vatican City to pray "for our Rohingya brothers and sisters: driven out of Myanmar. . . . They have been tortured, killed, simply because they carry on their traditions, their Muslim faith."

Arrests and Imprisonments

As of December 2017, the Assistance Association for Political Prisoners (Burma) calculated 236 political prisoners in the country, including those currently serving sentences and those awaiting trial both inside and outside prison. In October 2017, a court sentenced two Kachin Baptist leaders, Dumdaw Nawng Lat and Lang Jaw Gam Seng, to four years, three months and two years, three months in prison, respectively, for allegedly supporting the Kachin Independence Army. Authorities apprehended the men, both members of the Kachin Baptist Convention, in 2016 after they assisted local journalists following a military airstrike on St. Francis Xavier Catholic Church in Mong Ko. On December 12, 2017, police invited two Reuters reporters, Wa Lone and Kyaw Soe Oo, to dinner but later arrested the pair for allegedly intending to share information they accused the reporters of illegally acquiring. The reporters had been investigating a mass grave found in Inn Din Village in Rakhine State. Prosecutors formally charged the reporters in January 2018, shortly after the end of the reporting period, under the colonial-era Official Secrets Act; if convicted, the two men could face up to 14 years in prison.

In a positive development, on May 24, 2017, authorities released interfaith activists Zaw Zaw Latt and Pwint Phyu Latt, both Muslim, who each had been serving two, two-year sentences with hard labor on charges related to their peaceful interfaith work. Until their release, USCIRF advocated on behalf of both Zaw Zaw Latt and Pwint Phyu Latt as part of USCIRF's Religious Prisoners of Conscience Project. In November 2017, USCIRF

Commissioners and staff met with both activists in Burma and learned that their movements are monitored by authorities and nonstate actors.

U.S. POLICY

Throughout 2017, the U.S. government repeatedly condemned the attacks in northern Rakhine State and called on Burma's military to cease its atrocities against Rohingya Muslims. Following the onset of violence beginning in August 2017, at a September 2017 UN Security Council meeting, U.S. Ambassador to the UN Nikki Haley referred to the crisis in Rakhine State as "a brutal sustained campaign to cleanse the country of an ethnic minority." In October, then Secretary of State Rex Tillerson said the United States held Burma's military leadership accountable for what had transpired in Rakhine State; days later, the State Department terminated travel waivers for current and former military leaders, rescinded invitations to U.S.-sponsored events, and cut off U.S. assistance programs to military and security personnel who took part in the abuses.

In November, then Secretary Tillerson visited Naypyidaw and met with State Counsellor Aung San Suu Kyi and Senior General Min Aung Hlaing. In a joint press appearance with Aung San Suu Kyi, he called for respect for the rights of "all individuals—regardless of their race, religion, or ethnicity." A week after his visit, then Secretary Tillerson issued a press statement declaring, among other things, "It is clear that the situation in northern Rakhine state constitutes ethnic cleansing against the Rohingya." On December 21, 2017, President Donald Trump signed an executive order sanctioning General Maung Maung Soe, former head of the Burmese army's Western Command, under the Global Magnitsky Human Rights Accountability Act

(P.L. 114-328), for overseeing military operations and myriad human rights abuses in Rakhine State.

The United States also supported the findings and recommendations of the Advisory

Commission on Rakhine State, and supported the mandate of the UN fact-finding mission. Between August

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and November 2017, the U.S. government reported providing more than \$87 million in humanitarian assistance for the Rakhine State crisis, including assistance to Bangladesh for hosting the vast majority of Rohingya Muslim refugees. These funds are part of the overall humanitarian assistance the U.S. government provides to displaced persons in and from Burma, as well as other funding for democratic governance, civil society, and natural resource management, among other things.

In addition to its public response to the Rakhine State crisis, the U.S. Embassy in Burma expressed concern about the October 2017 sentencing of the two Kachin Baptist leaders.

The U.S. government also publicly weighed in on a range of other human rights concerns in Burma during the year, including advocating for the release of detained journalists. The U.S. government's decision to improve Burma's ranking in the Trafficking in Persons report and remove Burma from the list of countries identified as using child soldiers surprised many human rights advocates, given that the UN still names Burma's military and several EAOs for using and recruiting child soldiers.

The State Department last redesignated Burma as a CPC in December 2017. In lieu of prescribing sanctions specific to the CPC designation, the State Department again applied "double-hatted" sanctions against Burma, in this case extending the existing arms embargo restrictions referenced in 22 CFR 126.1.