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UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM





Mae La, a refugee camp near the Thailand/Burma border, near the town of Mae Sot.

BURMA

Serious human rights abuses, including systematic and egregious violations of religious freedom, perpetuated by Burma's military regime continue to be widespread. In the past year, the Burmese government's extremely poor human rights record deteriorated, with increasing repression directed at ethnic and religious minorities, democracy activists, and international humanitarian agencies. In addition, in September 2007, the Burmese government used violence to halt peaceful demonstrations by Buddhist monks, violence that resulted in deaths, arrests, defrocking, and disappearances. Since its inception, the Commission has recommended that Burma be designated a "country of particular concern," or CPC. The State Department has followed this recommendation and consistently named Burma a CPC.

The military junta that governs Burma, the State Peace and Development Council (SPDC), monitors the activities of all religious organizations through a pervasive internal security apparatus. The government imposes restrictions on certain religious practices, controls and censors all religious publications, has supported, allowed, or instigated violence against religious minorities, and in some areas of the country, has forcibly promoted Buddhism over other religions. Ethnic minority Christians and Muslims have encountered the most sustained difficulties in recent years; however, in the aftermath of the September 2007 "Saffron Revolution," the junta has increased repression of Burmese Buddhists. The Burmese government has closed monasteries, arrested and defrocked monks, and curtailed their public religious activities. In the past year, SPDC policies have continued to isolate Burma from the international community, multilateral organizations, and its neighbors.

In September 2007, monks from several major monasteries joined Burmese activists in a series of small demonstrations to protest a sudden increase in fuel prices. After several activists were arrested and detained for staging the initial protests, Buddhist monks took over the leader

ship of the growing demonstrations. On September 5, in the town of Pakokku, the government militia fired warning shots over the heads of the peacefully demonstrating monks and beat some of them with bamboo sticks. In response, Burma's monks broadened their demands, calling for release of all political prisoners and the initiation of a process leading to the democratization of the country.

In the several weeks that followed, Buddhist monks organized peaceful demonstrations in most of Burma's major cities. In response, the SPDC initiated a violent crackdown on the protests in late September 2007. The military, along with several militia units, fired live rounds into crowds of demonstrators, carried out baton charges, and used tear gas to break up crowds. There are reports

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of at least 30 deaths, although some experts estimate that the actual number is much higher. Journalists and activists in Burma state that at least 4,000 people, an unknown portion of whom were monks, were arrested during the crackdown, with estimates that between 500 and 1,000 remained in detention months later. What is more, between September 26 and October 6, the military carried out coordinated raids against 52 monasteries throughout the country, detaining large numbers of monks and arresting those perceived as leaders of the demonstrations. Monks were tortured in detention and then forcibly defrocked and required to return to their villages. Human rights organizations state that about 200 – 300 monks currently

remain imprisoned due to their role in organizing the demonstrations, with most facing trial on charges relating to terrorism. Since August 2007, when the junta first initiated steps to quell dissent among activists and the clergy, at least 15 individuals have received sentences of more than nine years imprisonment. At least 70 individuals, including many monks, also remain unaccounted for following the government crackdown.

In January 2008, a spokesperson from the National League for Democracy (NLD) reported that several monks were sentenced for their role in leading the August and September demonstrations. U Kitharihya from Seik-thathukhah monastery was sentenced to seven and one half years imprisonment; U Kawmala from Adithan monastery was sentenced to two and one half years; U Wunnathiri from Yadanabonmyay monastery was sentenced to three years; and U Eindiya from Myoma monastery was sentenced to seven and one half years. All four monasteries are located in the city of Sittwe. U Gambira was also arrested and has been charged under Section 17/1 of the Unlawful Association Act, Section 13/1 of the Immigration Act (for illegal movement across borders), and Article 5(J) of the Emergency Provisions Act (for encouraging demonstrations). He is being detained in Insein Prison.

Several monasteries remain closed or are functioning in a more limited capacity, including Ngwe Kyar Yan monastery, where only approximately 50 of the original 180 monks in residence have been permitted to return. In addition, Maggin monastery, Thingan Gyun township, Rangoon was forcibly sealed off by the authorities in November 2007 and most of the monks and civilian assistants were arrested or detained for supporting the September protests and giving refuge to democracy activists. Mag-

gin monastery, in addition to being a religious center, was also an orphanage and a hospice for HIV/AIDS patients. Government authorities continue to monitor closely monasteries viewed as epicenters of the protest.

In addition to the events surrounding the violence against the monks and other demonstrators last year, other, persistent religious freedom problems remain. The SPDC continues to be locked in a decades-long conflict with armed groups of ethnic minorities in the countryside. Renewed government attacks on ethnic villages have resulted in additional human rights abuses, including killings, rapes, forced labor, communal violence, displaced persons, and forced renunciations of faith. The military has, at times, forcibly promoted Buddhism and Burman culture and language among ethnic minorities and targets religious leaders for harassment and arrest. Human rights and humanitarian aid groups report that a military offensive targeting the Karen ethnic minority intensified last year, resulting in the destruction of 167 villages and the internal displacement of approximately 76,000 individuals. After more than 10 years of sustained conflict in the eastern region of the country, over 500,000 people remain internally displaced. In the past year, the government increased its deployment of regiments in Karen state, where there are now 10 divisions compared to the nine divisions posted there in 2006. Following the crackdown on peaceful demonstrators during the Saffron Revolution last year, some armed ethnic movements abandoned ceasefire agreements because of the anger and mistrust brought on by the violence.

In the past year, members of 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 forcibly conscripted members of ethnic and religious minorities for forced labor. Those who refuse conscription are threatened with criminal prosecution or fined. Those who do not carry out their tasks have been shot or beaten to death. 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. In November 2006, Chin women in Thantlang township were required to assist in the cleaning and decorating of a local Buddhist monastery. Those who refused were



Commissioners Eid, Land, and Gaer at USCIRF's December 2007 public hearing, "After the Saffron Revolution: Religion, Repression, and the U.S. Policy Options for Burma."



Buddhist monks march down a street in Rangoon.

heavily fined. In January 2007, 14 Christians in Mutapi township were conscripted for construction of a Buddhist temple. They were required to work on Sunday, denying them their right to participate in religious services. In July 2006, about 13 acres of land were confiscated from Chin Christian residents in Tedim township for construction of a Buddhist monastery. In August of the same year, about 50 families were evicted from their homes in Hakha, capital of Chin state, for expansion of the city's 45 year old monastery. In both localities, those losing their land and their homes received no compensation.

Tensions between the Buddhist and Muslim communities have resulted in outbreaks of violence over the past several years, some of it instigated by Burmese security forces against ethnic minority Muslims. In January 2005, two Muslims were killed and one Buddhist monk severely injured in communal violence in Rakhine (formerly known as Arakan) state. Police and soldiers reportedly stood by and did not halt the violence against Muslims until Muslims started to fight back. In February 2006, violent clashes erupted between Muslims and Buddhists in Rakhine and local authorities were hesitant to respond. During the riots, at least three people reportedly died and three mosques were destroyed. In the past two years since the riots, authorities have prevented local efforts to rebuild the mosques. Muslims throughout the country

report that they have not been permitted to construct new mosques and that they must pay onerous bribes to secure permission to repair older facilities.

In addition to violence, overt discrimination against Muslims, particularly ethnic Rohingya Muslims, is widespread and severe. The government has denied citizenship to Rohingya Muslims, who number approximately 800,000 in Burma, on the grounds that their ancestors allegedly did not reside in the country prior to British colonial rule. Without citizenship, Rohingya Muslims face restrictions on their freedom of movement; refugees report that some Rohingya are prevented from owning property legally, residing in certain townships, or attending state-run schools beyond the primary level. Since 1988, the government has permitted only three marriages per year per village in the predominantly Muslim parts of Rakhine state. Muslims also report difficulties in obtaining birth certificates for newborns, particularly in the city of Sittwe. Enforcement of such policies widened in the past year. In June 2004, the UN Committee on the Rights of the Child expressed concern over the situation among Rohingya children, particularly with regard to the denial of their right to food, health care, and education, as well as to their ability to survive, develop, and enjoy their own culture and be protected from discrimination. In April 2007, a panel of UN experts, including the UN Special Rapporteur on Human Rights in Myanmar and the UN

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Special Rapporteur on Racism, Racial Discrimination and Xenophobia, issued a statement declaring that the Burmese government's denial of citizenship for Rohingya Muslims "has seriously curtailed the full exercise of their civil political, economic, social and cultural rights and led

to various discriminatory practices. This includes severe restrictions on freedom of movement; 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 marriages.”

Muslims reported difficulties in constructing new mosques or re-building those previously destroyed. In 2002, authorities in Rakhine state destroyed 13 mosques, halting only in response to international pressure. Local authorities reportedly replaced the mosques with government-owned buildings and Buddhist temples and have refused to issue the necessary permission for mosque construction on other sites. In July 2005, authorities forced the closure of a Muslim school on the grounds

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that its teachers had tried to convert Buddhist children to Islam by offering private courses. In August 2006, Muslim sources in Rakhine state reported that border security forces issued an order requiring the closure of five mosques, four *madrassas*, and 18 *pre-madrassas*. At the end of 2007, only two *madrassas* had been permitted to reopen. In early 2007, authorities reportedly destroyed repairs that were completed at a mosque in Northern Rakhine state following damage in a severe storm. Authorities in that state also stepped up arbitrary “inspections” of mosques; mosque members were reportedly forced to destroy nine mosques in the region when religious leaders failed to produce operation permits during inspection. In addition, although Buddhists account for only 2 percent of the population of Rakhine state, Rohingya Muslims continue to report that they are routinely forced to provide

labor for construction of Buddhist shrines and pagodas in local villages.

Christian groups continue regularly to experience difficulties in obtaining permission to build new churches, as well as to hold public ceremonies and festivals and import religious literature. Authorities have reportedly denied permission for the construction of new churches since 1997 in certain parts of Chin state. Similar restrictions are reportedly imposed in the capital of Kachin state, in some localities in Karen state, and among Catholics and Baptists in Karenni state. In late 2007, a military general in Shan state confiscated land from a Catholic diocese and destroyed the home of the bishop. No compensation has been awarded. In all these areas, Christians are required to obtain a permit for any gathering of more than five people outside of a Sunday service. Permission is regularly denied, or secured only through bribes. In Rangoon in 2001-2002, authorities closed more than 80 Protestant house churches because they did not have proper authorization to hold religious meetings. Authorities refused to grant applications to obtain such authorizations and few of the closed churches have been reopened. Additional reports of church closings in Rangoon and Mandalay have been received within the last year. In February 2006, authorities in Rangoon issued a ban on the Phawkkon church, which had been in operation for over 20 years. Also in February 2006, a Chin evangelist in Insein township was ordered to halt services that he hosted in his home. In October 2006, a Christian orphanage in Chin state was reportedly forced to close.

Among the Chin and Naga ethnic minorities, there are credible reports that government and military authorities made active efforts to convert Christians to Buddhism. In 2004, numerous reports emerged alleging that under the guise of offering free education, local officials separated children from their parents, and the children were instructed to convert to Buddhism without their parents’ knowledge or consent. Some groups reported that these measures decreased in the past year; however, local human rights organizations report that the practice continues. In Chin state, there are continued reports that government authorities offered financial and career incentives to ethnic Burman Buddhist soldiers to marry Chin Christian women. Chin families who agreed to convert to Buddhism were offered monetary and material incentives,

In an unprecedented unanimous resolution passed shortly after the Burmese military government's crackdown during the Saffron Revolution, members of the UN Security Council condemned the Burmese junta's violent response to the peaceful demonstrations and called for the prompt release of political prisoners and for cooperation with a UN-led effort to engage the government in dialogue on a transition to civilian rule.

as well as exemption from forced labor. In February 2007, a Christian pastor was arrested for writing a letter to General Than Shwe, the chief of the military junta, urging an end to the persecution of Christians. Naga Christian refugees leaving Burma continually report that members of the army, together with Buddhist monks, closed churches in their villages and attempted to force adherents to convert to Buddhism.

In addition to denying building permits, the government of Burma continues to discriminate against members of minority religious groups in education, publishing, and access to public sector services and jobs. In public schools nationwide, all students are required to recite a daily Buddhist prayer. While some Muslim students are permitted to leave the room during this time, some schools require non-Buddhist students to recite the prayer.

According to the State Department's 2007 *Country Reports on Human Rights Practices*, even before last year's crackdown, members of the Buddhist *sangha* (community of monks) were and continue to be subject to a strict code of conduct that is reportedly enforced through criminal penalties. Monks are not allowed to preach political sermons or make public views critical of SPDC policies, nor are they permitted to join political parties. Military commanders retain jurisdiction to try Buddhist monks in military court for "activities inconsistent with and detrimental to Buddhism." In several instances between 1988 and 2007, monks and nuns have been defrocked or imprisoned, and an estimated 100 monks and novices remain imprisoned as prisoners of conscience related to activities dating before the September 2007 events. In May 2003, the number of Buddhist clergy in prison for

supposed political activity reportedly increased when the Burmese government organized an attack on the motorcade of Aung San Suu Kyi and placed her in "protective custody." Travel restrictions, including an overnight curfew, remain in effect at several monasteries. In August 2006, authorities arrested five Buddhist monks and 15 laymen at a monastery in Rakhine state on the charge that they were allowing members of the National League for Democracy (NLD), the democratic opposition party that won the annulled 1990 parliamentary elections, to meet on monastery premises. As far as is known, the 20 monks and laymen remain in prison.

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There are over 10,000 temples and other religious structures scattered across the plain at Bagan.

response to the peaceful demonstrations and called for the prompt release of political prisoners and for cooperation with a UN-led effort to engage the government in dialogue on a transition to civilian rule. In a series of visits to Burma, the Secretary General's Special Envoy Ibrahim Gambari met twice with Aung San Suu Kyi. In addition, Paulo Sergio Pinheiro, UN Special Rapporteur on Human Rights in Myanmar, visited Burma for the first time in three years in mid-November. Most recently, the junta denied Mr. Gambari's request for a visa to visit Burma in February 2008, suggesting instead that the visit be postponed until April. Although the military government has appointed an envoy to facilitate communication with Aung San Suu Kyi and has allowed her to meet with members of her party twice since September 2007, they have stated clearly that there will be no role for the NLD, Suu Kyi's party, within Burma's process towards national reconciliation.

In the past year, Commission staff continued to meet with exiled Burmese ethnic and religious leaders, including Buddhists, Christians, and Muslims, and with members of congressional and international delegations that visited Burma. In February 2008, Commissioner Nina Shea made a presentation about religious freedom concerns in Burma at the "Briefing on Burma" held by the Congressional Taskforce on International Religious Freedom and the Congressional Human Rights Caucus. Commissioner Shea discussed Commission policy recommendations with Reps. Trent Frank and Joe Pitts, as well as with congressional staff.

In December 2007, the Commission convened a hearing entitled "After the Saffron Revolution: Religion, Repression and the U.S. Policy Options for Burma." The hearing included testimony from experts on U.S. and multilateral policy on human rights in Burma and Burma's ethnic minority communities. It also featured testimony from an exiled Burmese Buddhist monk and a journalist who was an eyewitness to the violent crackdown in Rangoon that followed the September 2007 demonstrations. In February 2007, Commission staff participated in a briefing convened by the Congressional Taskforce on International Religious Freedom on religious persecution in Burma, which discussed the political and religious repression of Christians and Muslims.



COMMISSION RECOMMENDATIONS

In addition to recommending that Burma be designated a CPC, the Commission makes the following recommendations.

The Commission recommends that the U.S. should:

1 Strengthen coordination of U.S. policy on Burma both within the U.S. government and with U.S. allies through:

- creating an interagency taskforce on Burma under the National Security Council (NSC), headed by a senior ranking official, to coordinate policy and actions on Burma throughout the U.S. government, including implementation of sanctions, humanitarian aid, democracy promotion, counternarcotics, trafficking in persons, and other policy objectives;
- appointing a Special Coordinator on Burma, with the rank of Ambassador, to coordinate multilateral and bilateral diplomatic efforts and serve as the Administration's point person for efforts to bring about political reconciliation and democratic reform in Burma; and
- organizing a coalition of democratic nations in Asia to replace the moribund Bangkok Process in order to construct a roadmap outlining concrete steps Burma needs to take in order to end economic and political sanctions, including addressing humanitarian and human rights abuses, the release of political prisoners, and a transition to civilian rule;

2 Continue to assist and support U.N. and other multilateral diplomatic efforts by:

- initiating action on a UN Security Council resolution on Burma that offers the UN Secretary General a clear mandate for his interactions with Burmese authorities, including full and unimpeded access for the UN Special Envoy on Burma and the UN

Special Rapporteur on Burma; a clear timetable, with repercussions, for the Burmese government if it does not immediately and unconditionally release all political prisoners, including Aung San Suu Kyi; the establishment of a UN monitoring mission of the UN High Commissioner for Human Rights inside Burma; and the taking of steps to ensure a peaceful and orderly transition to civilian rule;

- supporting the mission of the UN Secretary General's Special Envoy on Burma and the UN Special Rapporteur on Burma, including their unrestricted access to opposition political leaders, prisoners, independent human rights monitors, and humanitarian aid organizations in all parts of Burma; and
- seeking access to Burma by the UN Special Rapporteur on Freedom of Religion and Belief for an immediate visit with unrestricted access to religious communities and to regions where religious freedom abuses are reported;

3 In all diplomatic interactions with the government of Burma, or with Burma's closest allies, continue to press for:

- the unconditional release of all persons detained or arrested for the peaceful exercise of religious freedom and related human rights, including revealing whereabouts of people who are still detained and missing, including the more than 300 monks who led or participated in the protests during August and September, 2008;
- the unconditional release of National League for Democracy

(NLD) Chair Aung San Suu Kyi and other political prisoners and direct engagement with the NLD and leaders of the country's ethnic minority groups in dialogue leading to a peaceful, time-bound, and monitored transition to democratic civilian rule;

- the issuing of public orders to security forces and local government officials to stop forcible closure 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;
- an end to the use of forced labor and the use of children and members of religious minorities as porters or military labor, and the active enforcement of its own Order 1/99 (May 1999) and Order Supplementing 1/99 (November 2000), which instruct SPDC officials and military commanders to refrain from employing forced labor of civilians, except in emergencies;
- the lifting of restrictions on the construction and renovation of churches and mosques and on the printing of religious literature, consistent with international standards, and an end to 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;
- an end to policies that discriminate on the basis of religion in land use, education, allocation of land, job promotion, marriage, access to gov-

ernment services, citizenship, freedom of movement, and marriage, and the invitation of international technical assistance to help draft laws that conform to international legal standards on these matters;

- compliance with the recommendations of UN General Assembly Resolution A/C.3/60/L.53 on the Situation of Human Rights in Burma, adopted by the General Assembly in November 2005, which includes the granting of unimpeded access to both the UN Special Rapporteur on Burma and the UN Secretary General's Special Envoy on Burma; and,
- the ratification of core international human rights instruments, including the International Covenant on Civil and Political Rights;

4 To support local democracy efforts, continue to:

- provide assistance, through the State Department's Economic Support Fund (ESF), 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.

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