



Burma: Religious Freedom and Related Human Rights Violations are Hindering Broader Reforms

Findings from a Visit of the
U.S. Commission on International Religious Freedom



November 2014

About USCIRF

USCIRF is an independent, bipartisan U.S. federal government commission, the first of its kind in the world, dedicated to defending the universal right to freedom of religion or belief abroad. USCIRF reviews the facts and circumstances of religious freedom violations and makes policy recommendations to the President, the Secretary of State, and Congress. USCIRF Commissioners are appointed by the President and the Congressional leadership of both political parties.

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Cover photo: In a camp for displaced persons, Muslims remain without permanent residences following the March 2013 inter-communal violence in Meiktila.

Introduction

The U.S. Commission on International Religious Freedom (USCIRF, or the Commission) conducted its first-ever Commissioner-level visit to Burma between August 19-23, 2014. Traveling to Rangoon, Mandalay, Meiktila and Naypyidaw, USCIRF met with U.S. Ambassador to Burma Derek Mitchell, Union and state government officials, Rangoon-based representatives of religious and ethnic groups, representatives of non-governmental organizations, representatives of political parties, including Daw Aung San Suu Kyi, and religious leaders. USCIRF's interlocutors included representatives from various religious and ethnic communities: Rohingya and other Muslims; Kachin, Chin and other Christians; Buddhists; and Hindus, among others. During its trip, USCIRF considered measures to promote freedom of religion or belief, tolerance, and inclusion in light of the violations of religious freedom, related violence, and widespread discrimination experienced by religious and ethnic minorities throughout Burma.

The USCIRF delegation was comprised of Commissioner M. Zuhdi Jasser, Commissioner Eric P. Schwartz, Director of Policy and Research Knox Thames, and East Asia Policy Analyst Tina Mufford.

Executive Summary

The dramatic political developments in Burma in recent years are of historical and geopolitical significance. Burma has progressed much further than most might have imagined possible only a few short years ago. Despite these achievements, Burma still has a long journey along the road to democracy and respect for human rights. Serious violations of religious freedom and human rights continue, accompanied by disturbing evidence of prejudice and intolerance, trends that will inevitably and dramatically impact the prospects for a brighter future. In short, the political reform process in Burma is at great risk of deteriorating if religious freedom and the right to equal treatment under the law are not honored and protected.

USCIRF is concerned that recent openings have coincided with serious and alarming violence against religious and ethnic minorities. Attacks against Muslims, particularly Rohingya Muslims, as well as against Christians, continue with impunity. Burma's government, both at the central and state levels, has been unable or unwilling to address the abuses. The Commission is concerned by the situation for internally displaced persons in ethnic minority areas, particularly the approximately 140,000 mostly Rohingya Muslims displaced in Rakhine State and the more than 100,000 predominantly Christian Kachin displaced in Kachin State since 2011. Constitutional protections for religious freedoms in Burma are not sufficient to protect non-Buddhists from discrimination, violence, or targeted crimes. And rather than reforming current laws, the government has facilitated the development of legislation that would further impinge on religious freedoms.

Four key issues emerged during USCIRF's trip and inform the report that follows. First, the Commission addresses the appalling situation facing the Rohingya Muslim community. Due to the issues related to their deprivation of citizenship, the circumstances surrounding the Rohingya Muslim community in Burma are unique. Nonetheless, the abuses to which they are subjected are in some measure part of a broader pattern of prejudice against Muslims elsewhere in the country. The Rohingya Muslim community, whose population is estimated at approximately 1.3 million nationwide, is often subjected to discrimination that fuels religious and ethnic divisions. Thus, the second section of the report deals with broader issues of discrimination. In particular, and despite meeting with moderate Buddhist monks working to prevent and quell violence, the Commission was struck by the bigotry and chauvinism exhibited by important religious figures within the Buddhist community, with hostility often directed at all non-Buddhists, but especially at Muslims. The third section of the report deals with proposed legislation that, if enacted, would exacerbate these problems. To be sure, discrimination against non-Buddhists through law, regulation and practice is already pervasive,

but proposed legislation to restrict religious conversion, marriage, and births would further entrench that discrimination. Finally, in the fourth section of the report, the Commission considers the issues of citizenship for Rohingya Muslims and identification documents for all Muslims, and policies that reflect the denial of the rights of members of these communities.

Given the seriousness of these issues, the visit not only confirmed USCIRF's concerns about the religious freedom violations against religious and ethnic minorities and the ongoing discrimination against Rohingya Muslims, but also underlined the appropriateness of Burma's designation as a "country of particular concern" (CPC) under the International Religious Freedom Act (IRFA). For more than a decade, USCIRF has recommended that Burma be designated as a CPC for its systematic, egregious and ongoing religious freedom violations and recommended actions the U.S. government could take to encourage reform and respect for human rights. The U.S. Department of State has designated Burma as a CPC repeatedly since 1999, most recently in July 2014. The corresponding Presidential Action is the existing ongoing arms embargo referenced in 22 CFR 126.1(a), pursuant to section 402(c)(5) of IRFA.

Religious Freedom and Related Human Rights Conditions in Burma

Rohingya Muslims

Muslims in Burma have faced periodic targeted oppression, such as during the regime of the military junta. Yet in recent years, there have been increased expressions of anti-Muslim sentiment and increased, targeted violence. This has continued, reflected for example, in the July 2014 attacks in Mandalay.

The Commission is particularly concerned by abuses against Rohingya Muslims, close to one million of whom are estimated to live in Rakhine State in western Burma. This community has experienced bigotry and violence and the most severe forms of legal, economic, religious, educational, and social restrictions and discrimination.

Reports of the abuses against the Rohingya Muslim community – from Rohingya Muslim representatives, local civil society, and Médecins Sans Frontières – were deeply troubling to USCIRF. These include: systematic, large-scale, and egregious abuses of human rights involving acts and omissions resulting in deaths, injuries, displacement, denial of basic health and other services, denial of freedom of movement, and denial of the right to a nationality, among other violations.

Rohingya Muslims are largely stateless, denied citizenship by the government, which claims they did not meet the 1982 Citizenship Law's requirement that their ancestors reside in the country before the start of British colonial rule. Without citizenship, there is no way for Rohingya Muslims to ever attain equal status in law or in practice, leaving them vulnerable to continued abuse. Both the terms and the application of the Citizenship Law are unreasonable and perpetuate disenfranchisement of Rohingya Muslims, many of whom know no other home than Burma.

Ethnicity has a role in the persecution and discrimination against the Rohingya, but abuses take place in the context of a broader hostility toward Islam. Expressing the sense of frustration that is endemic in the Rohingya community, one Rohingya Muslim stated that if she converted to Buddhism today, she could gain citizenship "tomorrow." Whatever the precise accuracy of that statement, it is a fair reflection of the disenfranchisement felt by Rohingya Muslims. In this respect, anti-Muslim sentiments are reflected in the forced displacement of a non-Rohingya Muslim ethnic group, the Kaman, in Rakhine State. The primacy of Buddhism is reflected in the written objectives of the Ministry of Religious Affairs, which state that the ministry works "For the purification, perpetuation, promotion and propagation of the Theravada Buddhist [religion]." Tragically, this has translated into acts of hostility against non-Buddhists that perpetuate disenfranchisement.

Unfortunately, the term “Rohingya” has become a tool of those seeking to deny Rohingya Muslims their human rights and the right to self-identify. Burmese government officials and regime supporters have urged that this group be termed “Bengalis,” in an effort to link them to Bangladesh and to delegitimize their independent identity. Officials and regime supporters have harshly criticized the international community and U.S. officials for using the term Rohingya. The Presidential Religious Affairs Advisory Group objected to USCIRF’s use of the term.

A Rakhine Buddhist leader with whom the Commission met articulated the hostility felt toward the Rohingya when he said, “We do not think of [the Rohingya] as Muslims but as invaders. They want to take our land and rape our women.”

USCIRF shares the strong conviction of Rangoon-based representatives of the Rohingya Muslim community that the United States should consistently use the term Rohingya in public statements, as an expression of solidarity and respect toward this beleaguered community. Within the Rohingya community in Burma, there was disappointment about Secretary of State John Kerry’s failure to use the term during an August 10 public statement in Naypyidaw that dealt with democratization and human rights. As succinctly put by a Rohingya representative when speaking to the Commission, “How can you protect Rohingya rights if you don’t use the name?”

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The Commission recognizes that poverty in Rakhine State impacts all communities residing there, including non-Muslim groups. To be sure, the Rakhine ethnic group in the state needs development assistance, but that should not be a reason for denying Rohingya Muslims’ basic rights.

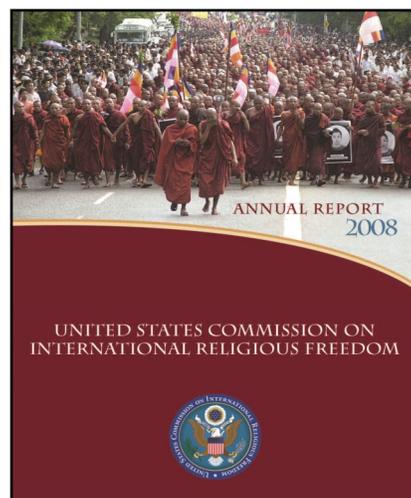
Religious Chauvinism and Dangers Surrounding Hate Speech

Beyond concerns about abuses against Rohingya Muslims, the Commission was alarmed by expressions of intolerance toward Muslims by senior leaders in the Buddhist community in Burma. When the delegation raised these issues with Buddhist leaders and government officials, the Commission’s concerns were largely dismissed. Based on USCIRF’s conversations throughout Burma, some government and Buddhist leaders seem to believe that Buddhism faces a threat from Islam, and the international community does not appreciate these concerns. Ethnic Rakhine Buddhists also expressed this same sentiment.

In fact, there are groups of Buddhist monks at the heart of much of the country’s expressions of anti-Muslim sentiment. There is an irony to this situation, as Buddhist monks marched on behalf of human rights in peaceful demonstrations in the 2007

Saffron Revolution, pleading for fairness and democracy for their fellow countrymen, particularly political prisoners. USCIRF highlighted the repression of Buddhist monks in its 2008 Annual Report, displaying them prominently on the report cover and recounting how Buddhist monks remained steadfast in the face of torture, arrest, and violence when the government closed monasteries, detained and defrocked monks, and curtailed their public religious activities.

USCIRF understands and appreciates the commitment of many Burmese to Theravada Buddhism, the major form of Buddhism practiced in Burma. But this must not be



joined by efforts to limit the rights of followers of other faiths. In this respect, the Commission is particularly concerned by the rise of the “969” and “Ma Ba Tha” nationalist movements, both led by Buddhist monks. These two extremist movements are known to be affiliated with one another, as well as with hardliners within the government and military. The 969 movement supports an anti-Muslim “Buy Buddhist” campaign, and the Ma Ba Tha organization has played a key role in developing a package of race and religion bills that would further marginalize minority communities. These movements have also used social media to communicate messages of intolerance that have exacerbated tensions and encouraged violence.

During its trip, USCIRF was concerned by portrayals of Islam by Burmese interlocutors that were misleading due to their failure to recognize that there are many interpretations of Islam, some peaceful and some more militant. The Commission was also concerned with wildly inaccurate perceptions of Burmese interlocutors about Burma’s Muslim communities – and the attitudes of those communities toward militancy. When USCIRF asked for proof of their claims that off-shore Muslims were funding militancy and violence in Burma, no such evidence was provided. Alleging Islam in Burma to be militant when it is not, as some with whom USCIRF met suggested, alienates the Muslim community and creates a barrier to much-needed engagement on issues of religious tolerance and understanding that is critical for a pluralistic society.

This misinformation poses a threat to Burma’s Muslim minority communities by creating suspicion and hostility. In a clear sign that engagement between Buddhists and Muslims is a challenge, some Buddhists with whom the Commission met – both monks and laypeople – had only derogatory comments and characterizations to offer about Muslims. Some Buddhist monks teach these falsehoods to their followers, distributing erroneous and distasteful literature that vilifies Islam and grossly misinterprets the Koran, claiming that it justifies heinous acts:

taking land from “infidels” (i.e. non-Muslims), raping infidel women, killing those who leave Islam, and teaching intolerance of infidels. In prepared remarks later posted on the Internet¹, the Sitagu Sayadaw, a prominent monk who has been praised for his charitable work, told USCIRF:

There was a recorded history that in the thirteenth century A.D., a Muslim army marched from Turkey through India and destroyed Pala Buddhist dynasty and converted it into Islamic state. Pala Buddhist dynasty was none other than present Bangladesh. In the south of Philippine [sic], the Islamic extremists revolted against the government for twenty years. Today, they established a Muslim state there. The Islamic extremists are holding weapons in the south of Thailand to make it a separate Muslim state.

Every religion, according to me, should perform its activities only for the good and welfare of the people. But, today, Islamic extremists are trying to establish Islamic states by waging war against non-Muslims. It is regrettable that they are performing the holy war (Jihad) on the name of God...

The mass media of today is also overwhelmed by the power of money. Most of mass communications such as radios and televisions are controlled by the Islamic world which has sound economy. As we are unable to fight against such a powerful media, the world is not ready either to believe or accept whatever we said. But, we were deafened by the loud explosion of the whole world when the Islamic world says something bad about Myanmar. It was the power of Islamic Medias [sic] that made the image and reputation of Myanmar bad.

USCIRF witnessed other examples of anti-Muslim bigotry during its trip, often directed at Rohingya Muslims.

A Rakhine Buddhist leader told USCIRF that Rohingya Muslims should cease their strategy of “hit, run, and cry,” referring to allegations that the Rohingya set their own homes on fire solely to place blame on Rakhine Buddhists. This echoes the accusations in a report the Sayadaw gave USCIRF, which asserted that Rohingya employ a strategy of “rob-rape-raise” to boost the Muslim population, drive out Buddhists, and forcibly take over Buddhist land and property². For a culture and religion that relies heavily on the instruction passed down from venerable monks, USCIRF finds the spread of such misinformation about Islam and Muslims especially alarming.

At a moment in which political leaders should be expressing strong support for tolerance, Burma’s upcoming 2015 elections instead have created opportunities for demagoguery. And indeed, the Commission heard expressions of deep concern that government officials were supportive of anti-Muslim sentiment in an effort to burnish their credentials among possible voters as the true defenders of Buddhism. In short, some of USCIRF’s interlocutors expressed concern that political figures in Burma do not want to appear empathetic to Muslims. As a result, there are incentives for all political figures – including moderates – to display chauvinism. While a broad coalition of political leaders taking a stand against the politicization of religion might enhance the prospects for an end to such chauvinism, the likelihood of such a coalition emerging at this point seems inconceivable.



A mosque located in the Muslim section of a Mandalay cemetery was burned during communal violence. Several other structures were burned as well.

USCIRF is also concerned by the proliferation of hateful speech through social media, particularly when it is used as a tool to incite violence. Many Burmese are taking advantage of increased freedom of expression by openly speaking their minds, including through social media and the Internet. This has proven to be a valuable vehicle for dialogue on topics of central importance to the future of the country. But there are some who are taking advantage of these greater opportunities for expression to advance anti-Muslim agendas of hate and discrimination, employing tools such as Facebook to fabricate and spread rumors that incite and legitimize violent acts.

Inter-communal violence in Mandalay in July 2014 provided an example of this unfortunate phenomenon. USCIRF visited Mandalay to examine the circumstances surrounding the mobs that killed two men, injured several others, and vandalized property, including the burning of a mosque and several Korans inside. This incident demonstrated how nationalistic monks and other extremists, with the complicity, or at least the relative indifference of the central and state government, could spread unsubstantiated rumors through social media for the sole purpose of fomenting widespread unrest. After a blogger posted a story about an alleged rape, which later was proven to be fabricated, several other websites picked up the story and the extremist monk Wirathu, known for his leadership within the 969 movement, posted it to his Facebook page. Within a day, violence broke out.



A Koran burned in a mosque fire during the July 2014 communal violence in Mandalay.

When USCIRF asked the Presidential Religious Affairs Advisory Group about the direct correlation between the violence that occurred in Mandalay and inflammatory hate speech and rumors spread online by Wirathu and others, the official denied Wirathu's involvement, stating, "If he writes something that leads to violence, we will stop him."

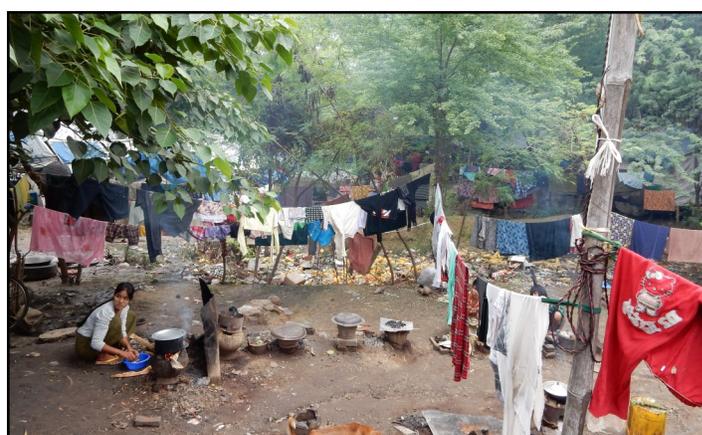
The official even implied Wirathu was a moderate figure, rather than an extremist. He went on to insist the 969 and Ma Ba Tha movements are non-violent and that their objectives are to protect the Buddhist religion and to protect women. When USCIRF asked about the role of extremists in Burma's religious violence, the official acknowledged extremists as the root of the problem, but quickly clarified that the extremists who have initiated the violence are poor, uneducated Muslims. This official's comments reflected the major impediments to improving religious freedom and promoting tolerance in Burma: if extremist sentiment is mischaracterized as moderate, the country will have a hard time establishing any sense of equality between the members of the Buddhist majority and minority religious communities.

USCIRF also examined the circumstances surrounding the anti-Muslim violence that spread throughout the city of Meiktila in March 2013. Representatives from the



In Meiktila, USCIRF visited a camp for internally displaced Muslims who lost their homes in the March 2013 episodes of communal violence.

Meiktila District Administrative Office spoke of their plans to relocate the displaced from what they referred to as rescue camps and even insisted on showing USCIRF the new homes constructed for some of those being relocated. Yet USCIRF was disappointed to see that 18 months later, thousands of Muslims and Buddhists left homeless by the violence and fires that swept through the city still remain in displacement camps. The Commission visited two such camps and is concerned about the prolonged period in which people remain in conditions of displacement.



Also in Meiktila, USCIRF visited a camp for Buddhist displaced persons.

Some within the religious and civil society communities are tackling the hate speech problem head on, often at great personal risk. USCIRF had the opportunity to meet with several such activists. Many of them are Buddhists who recognize that manipulating the religion for violent, political interests contravenes traditional Buddhist beliefs. In Mandalay, USCIRF met with the Mandalay Peace Keeping Committee and interfaith leaders, including Buddhists, Christians, Muslims and Hindus. Members of the Committee bravely intervened during the riots to prevent the situation from getting worse. Burma desperately needs more voices such as these to counteract the groundswell of hatred that is impacting the country. This is particularly relevant in light of the concerns expressed by members of the Mandalay Peace Keeping Committee to USCIRF that they expect to see more riots

as the 2015 elections approach. Unfortunately, not nearly enough leadership in this area is being generated by prominent Buddhist monks, or from the government.

Legislative Reform and Rule of Law:

Race and Religion Bills

Burmese officials and legislators are considering a package of four race and religion bills that would, if enacted, discriminate against all non-Buddhists, but especially Muslims, in matters of religious conversion, marriage and births. In particular, the bills would impose restrictions on interfaith marriage, religious conversion and family size. The package has been widely criticized by minority religious communities. Many Burmese, particularly women activists and women’s organizations, some of whom USCIRF met during its trip, have publicly denounced the bills³. Critics have been harassed and have even received death threats.

One activist told USCIRF that the religious conversion bill is like a political time bomb pending further consideration in parliament, and added that, “When [the government] needs something, they will move it.” The comment suggested that the government would be prepared to move the legislation to exploit religious divisions for political gain.

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USCIRF was disappointed by the ambivalence exhibited by parliamentary leaders and representatives of the Union government with respect to the race and religion bills. Parliamentary leaders denied responsibility for the bills since they were conceived and drafted outside the legislative body. But USCIRF representatives noted that this should not prevent strong expressions of opposition to the bills by government officials – opposition which has not been forthcoming.

Repeatedly in discussions with USCIRF, government officials distinguished between international standards for human rights and the will of the majority. Officials did not express any commitment to minority rights, or a willingness to undertake reforms for religious and ethnic minority groups. The Presidential Religious Affairs Advisory Group suggested that if the government ignores majority will, “Buddhists will be angered and the country will go into turmoil.” The existence of constitutional provisions and the presence of churches and mosques are not, by themselves, evidence that religious freedom exists throughout the country, despite the claims of the Advisory Group and other interlocutors. In addition, violations of religious freedom occur in the context of a strong government endorsement of one religion over others. In this respect, a Kachin representative cited an example of the government building pagodas in predominantly Christian villages where no Buddhists lived.

Without reforms that recognize international standards and minority rights, Burma will continue on a path of what Chin representatives fairly described as “institutionalized discrimination.” Chin representatives also spoke of policies to forcibly remove Christian crosses in Chin state. As USCIRF stated in a press release criticizing the religious conversion bill, laws and policies like these “have no place in the 21st century.”

The need for broad commitment to the rule of law in Burma is clear and compelling, and should include improved capacity and functionality of government institutions; an overhaul of the judicial system; strengthened legal protections for religious and ethnic minorities; education and law enforcement measures to prevent and quell communal violence; and prosecution of those responsible for instigating or perpetrating such violence.

Citizenship and Identification Documents

Muslim communities throughout Burma suffer restrictions and denial of citizenship. The Rohingya are particularly impacted. The vast majority of the more than one million Rohingya Muslims have been rendered stateless. The government’s attempt to address these issues

through the recently circulated Rakhine State Action Plan would further entrench discrimination, disenfranchisement and terrible suffering among this community. The plan contains a long list of action items, with little detail on implementation; but many provisions warrant serious concern. First, the plan would institute a verification process that is highly prejudicial. A pilot effort began shortly after USCIRF's visit. Much like the widely flawed national census administered earlier this year, Rohingya Muslims undergoing verification are forced to identify as Bengali if they want to take part in the application process. Those unwilling to reclassify their identity as Bengali or unable to produce required documents may face indefinite confinement in camps with limited rights, mobility, and access to services, much like the conditions in current displacement camps.

Moreover, the plan seems to suggest that some of those who do not meet the requirements for citizenship would be subject to possible deportation. And the process of verification would be based on provisions of the 1982 Citizenship Law, which severely and unreasonably limits the rights of those, like Rohingya, who would be compelled to seek status as "naturalized citizens." Finally, there is little indication that the majority of Rohingya would be able to produce the documentation necessary to meet the requirements of naturalization. To put it simply, the process envisioned would almost certainly consign the majority of Rohingya to continued suffering and greater uncertainty about their future.

In addition, while the Commission is inclined to support any near term effort to provide basic assistance to those in the camps or to otherwise improve their circumstances, USCIRF is concerned that the plan, as envisioned, seems to anticipate the transfer of large numbers of displaced Rohingya Muslims not to their original homes, but rather to new resettlement areas that could further heighten their isolation. While the plan does make passing reference to the possibility of returning displaced Rohingya Muslims to their original homes, without a significant and concerted effort by the government to enable and promote such a return, it seems highly unlikely.

Beyond the Rohingya, Muslims throughout Burma suffer discrimination through the issuance of identity cards that indicate a country of origin other than Burma. In several meetings, Muslims spontaneously pulled out their identification cards to demonstrate to USCIRF that this requirement is imposed upon all Muslims. The identity card of Muslims in Burma identify the individual as Indian, Bengali, Afghani, or another foreign nationality other than Burmese. According to Muslim interlocutors with whom the Commission met, this process of designation of Muslims makes it very difficult for them to obtain a bank loan, rent an apartment, or get a civil service job. USCIRF also was told that many do not even possess identification cards and that children are expected to select a religion for their identification card at the age of 12. Some interlocutors expressed concern with their ability to vote in upcoming elections. One commented that the government wants Muslims to have nationality by law, not by birth.

The Muslims with whom USCIRF met want to be recognized as full Burmese citizens. Yet by issuing identification documents that effectively impact the right of Muslims to identify fully as Burmese citizens, the government wrongfully assigns Muslims false allegiance and loyalty to a country other than Burma. It is an antagonistic measure, not to mention a violation of fundamental human rights and freedoms, that places another barrier to engagement between the Buddhist-led government and Muslim community.

Conclusion

USCIRF has and will continue to support religious freedom for all – Buddhists and non-Buddhists – in Burma. However, Burma’s government and Burma’s Buddhist leaders must ensure that laws and practices protect the rights of all individuals and communities to peacefully practice their faiths. In part, this means Burma’s government and Buddhist leaders need to acknowledge that members of the Buddhist clergy have had a hand in spreading hatred, intolerance, and violence, particularly against Rohingya and other Muslims, and need to publicly denounce hateful speech and actions. The government must also hold perpetrators of violence accountable, as well as those who directly incite violence. And officials must protect minority rights and pursue legal reform.

The United States can play a role in encouraging leaders in Burma – government, religious, and civil society – to actively lead these efforts, to disseminate positive messages of tolerance and inclusion. Constructive engagement need not – must not – preclude human rights advocacy and public criticism by the U.S. government. During USCIRF’s visit, the Commission asked many interlocutors what the United States could be doing differently to be helpful. In one manner or another, many made clear that the United States must continue to make the senior leadership in Burma uncomfortable, bringing pressure to bear and engaging at the highest levels.

With the removal of so many sanctions, it is imperative for the United States to find meaningful ways to complement its engagement with stronger measures to press for change. Efforts to promote tolerance and religious freedom are essential to the development of a vibrant political democracy and rising economic and social well-being. The United States must ensure that the pivotal role of religion and religious freedom is not ignored or downplayed.

Recommendations

Burma has traveled a long way towards democracy, but its journey is far from complete. Burma’s Minister of Foreign Affairs U Wunna Maung Lwin was right to acknowledge the reform challenges that lie ahead, as well as the importance of “peace, stability and national reconciliation,” when he addressed the 69th Session of the United Nations General Assembly in September. It was, however, premature for him to suggest Burma has addressed “all major concerns related to human rights” and should be removed from the UN Human Rights Council’s agenda.

The displacement, disenfranchisement and human rights violations against Rohingya Muslims are a tragedy that should compel the attention of the Burmese authorities – and the world community. The government of Burma must take measures to respect the rights and dignity of this population, including by providing access to full citizenship, and to health care, education, employment, freedom of movement, freedom to marry, and freedom to practice their religion openly and without fear of reprisal. Likewise, the government of Burma must ensure equality for everyone in Burma, Buddhist and non-Buddhist, in law and in practice. Officials must ensure that perpetrators of intercommunal violence are investigated, prosecuted and punished. They must discard ill-conceived legislation and other efforts to discriminate on the basis of religion or ethnicity. And they must adhere to international standards with respect to religious freedom and human rights.

USCIRF makes the following recommendations:

⇒ **Keep pressure on the government of Burma at the highest levels.**

The United States and the international community need to ensure that religious freedom and related human rights remain a high priority in their engagement with the Burmese government, while also assisting those in Burma subject to religious-based abuses. In particular, the U.S. government should sustain pressure on the government of Burma at the highest levels. Insist on improvements in religious freedom and related human rights, particularly with respect to the displacement, disenfranchisement and abuses against Rohingya Muslims, and also with respect to protection from violence, the freedom to practice the religious faith of one's choosing, and the freedom to construct or renovate religious structures. When USCIRF noted the urgency of rights-related issues that are not being recognized by Burma's political leadership, a member of parliament told USCIRF that when it comes to political reform, "We are doing everything asked of us." This is an opening to ask for more.

⇒ **Support international efforts to focus on ongoing violations.**

The United States should support continued scrutiny of Burma in international fora, including at the UN General Assembly and the UN Human Rights Council.

⇒ **Engage the Burmese government, the Buddhist community and especially its leaders, and religious minorities on issues of religious freedom, tolerance, inclusivity, and reconciliation.**

Assist them in promoting understanding among people of different religious faiths to dispel rumors and misplaced fears and impress upon them the dangers of divorcing political improvements from improvements in religious tolerance and religious freedom. This includes assisting in the development of educational materials and curricula that combat the deeply entrenched anti-Muslim narrative widely disseminated in religious and secular institutions. Appeal to Buddhist leaders within the context of the fundamental traditions of their faith, such as loving-kindness and compassion.

⇒ **Use the term Rohingya often.**

In short, make clear that the government of the United States stands with the victims of persecution and abuse, respects their right to identify themselves as they choose, and supports their aspirations.

⇒ **Meet with Rohingya and other Muslims, Christians, and activists.**

USCIRF strongly encourages President Barack Obama to do so during his November trip to Burma, and to publicly press the Burmese leadership to address these communities' concerns.

⇒ **With respect to legal and legislative issues, encourage constitutional reform that supports equality of rights for religious and ethnic minorities and the review, amendment, or repeal of the 1982 Citizenship Law, both in accordance with international norms.**

Press the government of Burma to end the discrimination against Muslims in the issuance of identification documents and to repeal, amend, or cease the pursuit of laws that restrict freedom of religion and belief, including the religious conversion law and other race and religion bills. Engage the government of Burma on condemning hate speech, and on prosecuting violence and speech that incites imminent violence.

⇒ **Press for revisions to the Rakhine State Action Plan and do not legitimate any plan that consigns Rohingya Muslims to continued misery.**

The U.S. government should work with Burmese government officials at the state and central level to revise discriminatory provisions in the Rakhine State Action Plan that would further harm the situation for Rohingya and other Muslims. They should urge officials to remove provisions requiring Rohingya Muslims, and reportedly Kaman Muslims, to identify as Bengali to apply for citizenship. They should strongly and publicly advocate against the forced internment of Rohingyas into camps for an indefinite period of time if they are determined ineligible for citizenship, and thus "illegal aliens," or refuse to renounce their identity as Rohingya. Beyond this, they should advocate for a substantive process that will permit citizenship for Rohingya and other Muslims who know no other home than Burma and have lived there for generations. USCIRF is concerned that this will not occur if the Burmese government proceeds toward implementation of the Rakhine State Action Plan as currently envisioned. If the U.S. government and the international community fail to confront this issue, they risk legitimizing and being complicit in the permanent disenfranchisement of this community.

⇒ **Continue to use the leverage of the “specially designated nationals” (SDN) list by the Treasury Department’s Office of Foreign Asset Control (OFAC).**

Individuals who instigate, carry out, or publicly support anti-Muslim violence and discrimination, including Buddhist monks, those involved with the 969 and Ma Ba Tha movements, and government or other officials should be so designated.

⇒ **Apply section 604(a) of the International Religious Freedom Act (IRFA).**

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.

⇒ **Support aid to vulnerable populations.**

Urge the government of Burma to ensure that international and Burmese organizations in a position to provide much-needed aid have the access, support and protection they need to reach vulnerable populations, such as displaced Rohingya Muslims and Kachin, among others. Support all efforts to ameliorate the circumstances of those who are displaced.

⇒ **Use the recent re-designation of Burma as a CPC as a mechanism to support tangible and meaningful improvements by establishing a binding agreement with Burma setting out a roadmap for reform.**

The United States should consider a strategic framework – a binding agreement – on religious freedom and related human rights to encourage Burma to undertake lasting reforms. An agreement, authorized under section 405(c) of IRFA, would set forth mutually agreed upon commitments that would, on the one hand, foster critical reforms to improve religious freedom, and on the other, establish a pathway that could lead to Burma’s removal from the CPC list. A binding agreement under the CPC framework was used to some effect with Vietnam in 2004-2006. USCIRF recommends the State Department explore the possibility of such a roadmap with Burmese officials at the highest levels. A binding agreement provides two strategic benefits:

First, it forms a structure for systematic and positive U.S. engagement with Burma on these issues. Through clear goals, a binding agreement would establish commitments with defined measures of success. The United States would secure a formalized, yet flexible framework through which to promote specific change, and Burma would obtain the prospect of removal from the CPC list, as well as eligibility to re-enter the Generalized System of Preferences, for example. Without this framework, U.S. engagement risks being more reactive than proactive. Moreover, USCIRF found that some official interlocutors were indeed concerned about the CPC designation, and this may provide avenues for influence.

Second, it clearly places the burden for action on the Burmese government, as it has the ultimate responsibility to ensure the protection of rights for the entire populace. While USCIRF welcomes positive steps encouraging tolerance by others in Burma, this agreement would make clear it is the government that is primarily accountable for promoting positive change. Moreover, a binding agreement that creates a framework for the government to address the myriad challenges concerning Rohingya Muslims and other religious freedom issues can help transform Burmese efforts that may be long on rhetoric and short on action.

Endnotes:

¹ The excerpts come from remarks delivered in person by the Sitagu Sayadaw in a meeting with USCIRF on August 21, 2014. The Sayadaw later handed USCIRF a written copy of his remarks, which can be found here: <http://www.thesitagu.org/index.php/news-info/announcement/444-2014-08-22-04-15-23>

² This report, “Conflict and Violence in Arakan (Rakhine) State, Myanmar (Burma): What is Happening, Why and What To Do,” published in July 2013 by the Arakan Human Rights and Development Organization, can be found online at: <http://www.burmalink.org/wp-content/uploads/2013/12/AHRDO.Arakan-Violence-Report-for-reading-Online.pdf>

³ While the specific role of women in Burma is beyond the scope of this report, USCIRF was impressed by the courage and commitment of women activists with whom the delegation met. Nonetheless, USCIRF noted the general lack in gender diversity in meetings with Burmese involved in the political life of Burma.

*USCIRF notes that in some cases throughout this report, direct quotes were provided through the use of a translator.