



Burned out madrasa near Naypyidaw. Photo: CSW

BURMA

FREEDOM OF RELIGION OR BELIEF

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INTRODUCTION

Burma is a nation at the crossroads. After 50 years of successive brutal military-backed regimes, Burma's President Thein Sein introduced a new era of reform in 2011. Many hundreds of political prisoners were released, ceasefires with Burma's armed ethnic opposition groups were negotiated, and space for civil society and the media expanded. Burma's democracy leader Aung San Suu Kyi was released from house arrest in 2010, and in 2011 she began a dialogue with the government. In 2012 she and her party, the National League for Democracy (NLD), won 43 out of 44 seats in parliamentary by-elections.

While these changes are welcome, Burma continues to face many significant challenges, and there are now concerns that the political reform process has stalled. Elections will be held in November 2015, but Aung San Suu Kyi is disqualified from contesting the presidency, due to a constitutional provision that the president cannot be someone whose spouse or dependents are foreign nationals. Despite appeals for constitutional reform, there appears little likelihood that this will be addressed. The constitution also reserves 25% of parliamentary seats for the military.

Severe violations of human rights, particularly in the ethnic areas, continue to be perpetrated; several hundred political prisoners remain in prison; and religious intolerance has emerged as a very grave concern. A movement of extremist Burman Buddhist nationalists, led by monks, has conducted a campaign of hatred and violence against Muslims. Since 2012 violence against Muslims throughout the country has erupted periodically, and hate speech is used widely to stir up anti-Muslim sentiment.

population control, were originally drafted by the Committee for the Protection of Religion and Nationality, known as 'Ma Ba Tha', led by Buddhist monks; but were developed by a 12-member commission appointed by the president, and submitted by the government to Parliament last year.

The legislation has been opposed by civil society in Burma and the international community. The UN Special Rapporteur on Human Rights in Burma, Yangjee Lee, highlighted the "significant human rights concerns" relating to the proposed legislation on religious conversions and inter-faith marriage in a statement earlier this month. She warned that if these bills are passed they will "legalise discrimination, in particular against religious and ethnic minorities and against women". At the end of her recent visit to Burma, she described the process for registering religious conversions proposed in the bill as "onerous and potentially intimidating. The freedom to practice religion and to convert is a fundamental human right, a very personal one." In a statement released on 22 January, the US Commission on International Religious Freedom (USCIRF), which has previously described the legislation as "irreparably flawed", warning that it risks stoking violence and discrimination against religious minorities, reiterated that it will "further restrict religious freedom and discriminate against all non-Buddhists, particularly male Muslims, in religious conversions and marriages."

Existing laws are now being used to prosecute people deemed to have insulted religion. In December 2014 a New Zealand bar manager, Phil Blackwood, was arrested along with his two Burmese colleagues and charged with insulting religion after using an image of Buddha to

LEGISLATION

A package of four bills aimed at the 'protection of race and religion' has been passed by Parliament and signed into law by the President. The bills, which focus on religious conversions, inter-religious marriage, monogamy and



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promote their bar in Rangoon. In a separate case, Htin Lin Oo, an author and former official of the National League for Democracy (NLD), was arrested and imprisoned for criticising extremist Buddhist monks for preaching hatred. He argued that religious intolerance spread by groups such as Ma Ba Tha is incompatible with Buddhism, but he was charged with religious defamation under Article 295(a) and Article 298 of Burma's penal code, and sentenced to two and a half years in jail.

THE ROHINGYAS

Persecution of the Muslim Rohingya people in Rakhine state is especially severe. The Rohingyas, despite living in Burma for generations, are not recognised as citizens under the 1982 Citizenship Law, and are therefore rendered stateless. Since violence erupted in Rakhine State in 2012 thousands of Rohingyas have fled the country, risking their lives in boats on the open sea, or are living in camps for displaced people, with inadequate aid and assistance and no freedom of movement. The UN Under Secretary-General for Humanitarian Affairs, Valerie Amos, described the conditions as "dire" after her visit in 2012. International experts including the former UN Special Rapporteur on Human Rights in Burma, Tomas Ojea Quintana, have said there are signs of potential genocide.

CHRISTIANITY

Christians also face violations of freedom of religion. In 2007 CSW published a report, *Carrying the Cross: The military regime's campaign of restrictions, discrimination and persecution against Christians in Burma*, documenting decades of discrimination and persecution against Christians - particularly in Chin and Kachin states, where the ethnic population is predominantly Christian. In 2012 the Chin Human Rights Organisation published *Threats to Our Existence: Persecution of Ethnic Chin Christians in Burma*, which outlines restrictions on religion in detail and documents the destruction of 13 Christian crosses in Chin State, four of which were destroyed under the current government. In January 2015 the authorities in Hakha, Chin state, ordered the destruction of a 54 foot-high cross on a hill and is prosecuting a Chin elder, Tial Cem, for cutting down trees without permission. He is currently on trial and could face up to two years in prison.

KACHIN STATE

The situation in Kachin state, northern Burma, is of very serious concern. In 2011 the Burma Army broke a 17-year ceasefire with the Kachin Independence Army (KIA), and launched a new military offensive. In the past three and a half years at least 100,000 civilians have been displaced,

200 villages attacked and 66 churches destroyed. Rape is used as a weapon of war. The Kachin Women's Association Thailand (KWAT) has documented over 70 cases of gang rape, rape and attempted sexual violence by Burma Army troops in Kachin and northern Shan states since June 2011. The Women's League of Burma published a new report last year, titled *If they had hope, they would speak*, which documents 118 cases of sexual violence by the Burma Army since 2010. The most recent incident took place on the night of 19 January 2015 when two Kachin Christian women were brutally raped and murdered in a church compound. The two women, Maran Lu Ra, aged 20, and Tangbau Hkawn Nan Tsin, 21, were teachers from Myitkyina, working with the Kachin Baptist Convention. They were attacked during the night of 19 January and early hours of 20 January by Burma Army soldiers in Kawng Hka Shabuk village, Muse district, northern Shan state, gang raped and murdered. According to CSW's sources, "Burma Army troops came into the church ground where the girls were sleeping and raped and then beat them to death. Villagers nearby heard the girls screaming and when they went to check they saw Burma Army boot prints and the raped and bloodied bodies of the dead girls...The church members went to the Burma police in this area, but the police have taken no action."

CONCLUSION

In addition to addressing violations of human rights, it is essential that a political solution to the future of the ethnic nationalities in Burma is sought, and that the international community prioritises this issue. While the government has begun ceasefire talks with some ethnic nationalities, and secured preliminary agreements in some cases, ceasefires are not enough. If Burma is to secure a genuine and lasting peace, a process of inclusive, nationwide dialogue involving the government, the democracy movement and the ethnic nationalities must be established. Ceasefires that entail simply an absence of fighting will not secure real peace. The ethnic nationalities are clear in their commitment to the Union of Burma, and are not seeking secession or independence, but they desire autonomy and equal rights within a federal democracy. The international community must stand ready to offer expertise to all sides, and work to secure a genuine peace process involving political dialogue and a political settlement.

Since 1992 the UN General Assembly has been calling on the regime in Burma to respect the Geneva Conventions. Since 1997 the General Assembly has made repeated calls for inquiries into human rights violations. In its 24 resolutions, the General Assembly has detailed at least 15 possible categories of war crimes and crimes against humanity perpetrated by the regime in Burma. Recent resolutions have described the regime's human rights abuses as "major and repeated violations of international humanitarian law."

RECOMMENDATIONS

It is crucial that the international community sends a clear message to the government of Burma that the reforms introduced so far are recognised and welcomed, that the president and other reformers should be encouraged to continue on this path, but that the continuing violations of human rights are unacceptable, and that a genuine peace process involving an inclusive, nationwide dialogue with the ethnic nationalities should be initiated. CSW therefore urges the international community to:

- Continue to call for constitutional reform;
- Urge the government of Burma to ensure that the elections in 2015 are free and fair despite the constitutional impediments and other circumstances which may hinder fully legitimate elections, and ensure that international monitors can observe the situation in the period leading up to the elections as well as the elections themselves;
- Call for the establishment of an international, independent inquiry into the violence in Rakhine state and war crimes and crimes against humanity in Kachin state;
- Urge the government of Burma to invite the UN Special Rapporteur on freedom of religion or belief to visit the country;
- Urge the government of Burma not to proceed with proposed legislation on religious conversions and inter-religious marriage, to release those imprisoned for 'insulting' Buddhism and repeal Article 295(a) and Article 298 of Burma's penal code;
- Urge the government of Burma to take steps to prevent further religiously-motivated violence, intervene swiftly and effectively to stop violence where it occurs, protect religious minorities, address hate speech and incitement to hatred and violence, and promote freedom of religion or belief for all;
- Provide urgently needed humanitarian assistance to internally displaced people in Kachin state;
- Provide support to human rights defenders and civil society organisations in Burma and working along its borders, documenting human rights violations and disseminating information;
- Provide support for civil society initiatives to counter religious intolerance and promote freedom of religion or belief and inter-faith dialogue in Burma;
- Seek unhindered access to all parts of the country for international non-governmental organisations and human rights monitors.

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CSW is a Christian organisation working for religious freedom through advocacy and human rights, in the pursuit of justice.

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