

Burma: Freedom of religion or belief

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Introduction

Burma (Myanmar) spent half a century under the rule of an oppressive military junta from 1962 to 2011. In 2011 the then-president General Thein Sein introduced a series of political reforms, including the release of hundreds of political prisoners and increased space for media, civil society and political actors. Preliminary ceasefires with most of the ethnic armed resistance groups were agreed. In 2015 the National League for Democracy (NLD) won the country's first democratic elections in 25 years.

There is still an extremely long way to go and the past two years have seen very grave setbacks. Democratisation is extremely fragile and increasingly undermined, and there is evidence of significant regression in some areas, particularly freedom of the press, freedom of expression and freedom of religion or belief. The military remain powerful, retaining 25% of seats in parliament and control of three key ministries: home affairs, border affairs and defence. Meanwhile a movement of militant Buddhist nationalism has arisen, creating an atmosphere of rising religious intolerance and severe threats to freedom of religion or belief. A United Nations Independent International Fact-Finding Mission has found evidence of genocide and crimes against humanity and has recommended a referral to the International Criminal Court.

Violations of freedom of religion or belief

Since 2012 Burma has seen a dramatic rise in religious intolerance, resulting in serious threats to freedom of religion or belief. A campaign of militant Buddhist nationalism has emerged which preaches hatred, principally of Muslims, but also threatens Christians and other non-Buddhists, and indeed affects Buddhists who attempt to oppose it. Hate speech and discrimination are widespread, affecting daily needs such as access to housing, education and employment. Sporadic violence against Muslims has occurred throughout the country since 2012. This is separate from, although of course related to, the crisis facing the Rohingyas in Rakhine state, which is addressed in the subsequent section.

Legislation has contributed to religious intolerance. In 2015 the previous government introduced a package of four laws aimed at the 'protection of race and religion'. These laws were passed despite opposition from civil society and the NLD within Burma, and from the international community, which highlighted significant human rights concerns. The legislation introduces restrictions on religious conversions and interfaith marriage, and furthers discrimination against religious and ethnic minorities, and against women. Furthermore, the penal code has been used to prosecute those deemed to have 'insulted' religion.

Rohingya crisis

On 25 August 2017 the Rakhine Advisory Commission, set up by Aung San Suu Kyi and chaired by former UN Secretary-General Kofi Annan, published its report on the situation

of the Rohingya people in Rakhine State with a set of recommendations offering the best hope of progress towards justice and peace. Within hours, a small, armed militant group known as the Arakan Rohingya Salvation Army (ARSA) reportedly launched attacks against 30 Burmese police posts.

This sparked a disproportionate response from the Burma Army involving attacks on villages and civilians. This has resulted in over 700,000 people fleeing to Bangladesh, thousands killed, hundreds of villages burned and reports of horrific human rights atrocities including:

- Burning of homes, schools and mosques
- Deliberate burning of people to death inside their homes
- Mass rape
- Torture
- Execution without trial
- Blocking of aid.

This violence against the predominantly Muslim Rohingya people has given rise to a humanitarian crisis described by the UN High Commissioner for Human Rights as 'a textbook example of ethnic cleansing'. The UN Secretary-General has described the situation as 'catastrophic', and various NGOs continue to warn that the recent escalation of violence by Burma's security forces against the predominantly Muslim Rohingya population constitutes crimes against humanity. The UN Special Rapporteur for human rights in Burma has said that the situation has the 'hallmarks' of genocide. The Independent International Fact-Finding Mission established by the UN Human Rights Council claims to have documented evidence of genocide.

The crisis follows decades of severe persecution of the Rohingyas. The state has continued to deny Rohingyas their citizenship rights, rendering them stateless, as the 1982 Citizenship Law remains in force even though the Rohingyas have existed in Burma for several centuries, and certainly many generations. The law has a very serious impact on the country's Rohingya population who continue to live in the country without citizenship rights such as the right to vote, to move freely, or to access basic services.

It has been over a year since these atrocities were perpetrated and the international community has taken woefully insufficient action either to bring them to an end or to bring the perpetrators to justice. The Independent International Fact-Finding Mission has called for a case to be brought to the International Criminal Court on charges of genocide and crimes against humanity.

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The situation has been aggravated by lack of co-operation on the part of the Burmese government. The government has been uncooperative with the Human Rights Council Independent International Fact-Finding Mission on Burma since it began in March 2017. In December 2017 the UN Special Rapporteur Yanghee Lee was denied access to the country despite having had cooperation from the government in the past. In response to the decision, Ms Lee commented, “They [the Burmese Government] have said that they have nothing to hide, but their lack of cooperation with my mandate and the fact-finding mission suggests otherwise.”

Ethnic conflict against the Kachin and Shan

Ethnic conflict against the Kachin and Shan peoples has also continued, leaving at least 140,000 civilians displaced, 200 villages attacked and 66 churches destroyed within the last five years.

In their statement on 23 April the Kachin Community warned of an escalation in Burma Army military offensives against the country’s ethnic groups: ‘The Burma military is escalating attacks against ethnic groups in the country, including in Rakhine state, Kachin state, Shan state and most recently breaking the ceasefire in Karen state.’ It continued: ‘There is no shortage of evidence of violations of international law committed by the Burma military. The United Nations has been documenting these crimes for decades. A detailed assessment in 2016 stated that what may amount to war crimes were being committed in Kachin State and Shan State.’ The Independent International Fact-Finding Mission has concluded that crimes against humanity are being perpetrated in Kachin and Shan states.

The judicial system has systematically failed to hold accountable perpetrators of abuses such as torture, forced labour, rape and sexual violence. The judicial system also directly discriminates against these minorities. On 27 October 2017 two Kachin Christians, Dumdaw Nawng Lat, 67, and Langjaw Gam Seng, 35, received prison sentences for guiding journalists through a church that was reportedly bombed by the Burmese military. However, in a welcome development, on 19 January 2018 six soldiers were sentenced to ten years in prison for killing three ethnic Kachin civilians.

Freedom of the press

On 12 December 2017 two Reuters journalists working on the Rohingya crisis (explained below), Wa Lone, 31, and Kyaw Soe Oo, 27, were arrested. Within an hour of their arrest a request had been sent to the president’s office for permission to charge the men under the little-used colonial era Official Secrets Act. Permission was granted the next day. One defence lawyer noted that this speed was unusual. On 3 September 2018 they were convicted and sentenced to seven years in prison.

Recommendations

- Work to secure the referral of a case to the International Criminal Court on charges of genocide and crimes against humanity, as recommended by the UN Independent International Fact-Finding Mission. Seek a UN Security Council resolution imposing a global arms embargo on the Burmese army, with targeted sanctions against Senior General Min Aung Hlaing.
- Call on the Burmese government to allow unhindered access to the country for international humanitarian aid agencies, human rights monitors, media, UN representatives for the Fact-Finding Mission, and the UN Special Rapporteur for human rights in Burma.
- Ensure that no members of the Rohingya community who have fled Burma are returned until their safety upon return can be guaranteed.
- Ensure that engagement with Burma on human rights or freedom of religion or belief does not focus entirely on the plight of the Rohingya to the exclusion of the Kachin and Shan people, and Muslims, Christians and other minorities throughout the country; and that freedom of religion or belief is recognised as a priority for all the people of Burma.
- Urge the Burmese government to take meaningful action to address hate speech and discrimination, implementing the tools of the Rabat Plan of Action and other international programmes for countering religious hatred.
- Encourage the Burmese government to repeal all legislation that discriminates against religious and ethnic minorities, including laws that limit religious conversion and interfaith marriage. In particular, urge the Burmese government to change or repeal the 1982 Citizenship Law, allowing the Rohingya full citizenship rights.
- In the medium and long term, invest in supporting initiatives to address racial and religious hatred in Burma, to support voices of peace and moderation, and to encourage a reconciliation process.

As Christians, we stand with everyone facing injustice because of their religion or belief.