On 1 February 2021 the army of Myanmar/Burma seized power in a coup, declaring a year-long state of emergency and placing civilian leaders and the country's democratically elected leader, Aung San Suu Kyi, under house arrest. The coup ended a decade of political reform which saw some limited positive political developments and concentrated political power in the hands of the commander-in-chief of the Myanmar army, General Min Aung Hlaing. The situation for religious and ethnic minorities in Myanmar has deteriorated further in the aftermath, and internal conflicts have been exacerbated by violent crackdowns on protestors.

Legal framework

Myanmar's 2008 constitution fails to adequately safeguard many fundamental human rights, including freedom of religion or belief for all.

Although Article 34 guarantees the right to freedom of conscience and to freely profess and practice religion, it is subject to conditions which undermine its effectiveness. For example, Article 34 is contradicted by Article 361 which affirms the "special status" of Buddhism, leaving space for the enaction of policies which discriminate against religious minorities in the name of the protection of Buddhism.

Under Article 354 these rights are only granted to citizens, thus denying protection to non-citizens on a discriminatory basis. In the context of Myanmar, where ethnic and religious minorities such as the Rohingya are denied access to citizenship based on discriminatory grounds, this lack of protection is particularly concerning.

A 2015 package of four laws aimed at the "protection of race and religion," which introduce restrictions on religious conversions and interfaith marriage, furthering discrimination against women, and religious and ethnic minorities, remain in effect. Furthermore, the penal code has been used to prosecute those deemed to have "insulted" religion.

Religious intolerance is fuelled in part by discriminatory legislation and a movement of militant Buddhist nationalism which preaches hatred, principally of Muslims, but also threatens Christians and other non-Buddhists, and indeed affects Buddhists who attempt to oppose it. More details can be found in CSW's report, *Burma's Identity Crisis*.

Aftermath of the military coup

The military coup, and the escalating violence that has resulted from it, has exacerbated existing tensions, and is having a brutal effect on those already affected by sectarian violence. Everyone in Myanmar is suffering the consequences of the coup, but it does appear to be that Christians have been targeted with particular intensity. At least five pastors have been murdered and four others jailed in Chin State alone, and several churches in Karenni and Chin states have been shelled and destroyed.

Lethal and non-lethal attacks on citizens have targeted all segments of the population of Myanmar since the coup, with military airstrikes widely documented in Chin, Kayah, Karen and Kachin states, all of which have significant Christian populations. On 25 January 2022 the Assistance Association for Political Prisoners in Burma (AAPP), which has been documenting events since the coup, reported that 1,493 people had been killed and 11,737 arrested. Further information can be found in CSW's Coup Briefing here.

In October 2021, CSW joined Burma Human Rights Network and 112 other organisations and individuals in writing to the UN Secretary-General Antonio Guterres to "personally lead high-level efforts" to address increased FoRB violations which have been observed in Myanmar since the coup. The letter raises concerns about increased hate speech towards Christians and Muslims, and arrests and killings of religious and ethnic minorities, calling on the military to end all hostilities against religious minorities, release all religious and political prisoners, step down from power, and allow the democratically elected government to resume.

Rohingya crisis

In August 2017 Myanmar's army launched attacks on Rohingya villages and civilians which resulted in over 700,000 people fleeing to Bangladesh, thousands killed, and hundreds of villages burned. Reports of the atrocities of mass violence perpetrated during this period include the burning of homes, schools and mosques, the deliberate burning of people to death inside their homes, mass rape, torture, execution without trial, and the blocking of aid.

The UN Special Rapporteur for human rights in Myanmar has said that the violence against the Rohingya 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; and in January 2020 the International Court of Justice (ICJ) issued a ruling ordering the government of Myanmar to take immediate "provisional measures" to prevent genocide against the Rohingya.

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 which stripped them of rights is still in force, even though the Rohingyas have existed in Myanmar for several centuries. The law has a serious impact on the country's Rohingya population who continue to live in the country without citizenship rights, including the right to vote, to move freely, or to access basic services.

While Aung San Suu Kyi's government faced heavy international criticism for their failure to stop the human rights violations against the Rohingya by Myanmar's military, it seems likely that they were exercising at least some moderating influence on the military more generally, which has now been removed.

Violence against Muslims

Sporadic violence against Muslims has occurred throughout the country since 2012. This is separate from, although related to, the crisis facing the Rohingyas in Rakhine state. Violations include the closure of mosques, demolition of homes and schools, discrimination in the judicial system

and elsewhere, and mob violence.

Ethnic conflict

In recent years violations of FoRB and other human rights have also been observed in several states in northern Myanmar, notably in Kachin and northern Shan states, perpetrated against the majority Christian Kachin and Chin ethnic groups. Widespread conflict between the Burma Army and the Kachin Independence Army (KIA) has led to thousands of civilian deaths, and the displacement of over 120,000 people. In September 2018 the UN Independent International Fact-Finding Mission on Myanmar declared that the violations documented in Kachin and Shan states amounted to crimes against humanity and war crimes.

Recommendations

To the military of Myanmar:

- End all hostilities against civilians, ethnic and religious minorities, and release all religious and political prisoners.
- Allow humanitarian aid to reach the ethnic states.
- Step down from power and allow the democratically elected government to resume.

To the United Nations and Member States:

- Call for a global arms embargo on Myanmar in discussions with allies, after the UN Security Council resolution on the issue was blocked by China and Russia.
- Continue to impose robust, targeted sanctions against the Myanmar military and military-owned enterprises.
- Take a coordinated approach with other UN member states, agencies, international institutions including the EU, and Special Envoys to ensure that in all dialogues and exchanges with Myanmar human rights are raised and demands made that Myanmar fulfils its human rights obligations.
- Urge other countries, including Japan, India, Thailand and Vietnam, to cease all training of the Myanmar military.
- Increase international pressure on the Myanmar military to remove blocks to humanitarian access in the ethnic states.
- Provide cross-border humanitarian aid to those in most need in the ethnic conflict areas.
- Urge the Indian government to allow humanitarian actors to deliver aid along the Myanmar/Indian border, including to the Myanmar refugees in makeshift camps along the Indian border.
- Urge the Indian and Thai governments not to deport Myanmar refugees back to Myanmar.
- Support initiatives by civil society organisations and legal experts seeking to analyse evidence indicating crimes against humanity.
- Support efforts to strengthen and better resource the UNHCR to accelerate applications for Myanmar nationals in countries where they are at risk of deportation to Myanmar.
- Consider funding support for Myanmar's National Unity Government and the diaspora community to advocate for a return to democratic rule in Myanmar.

To the government of the United States of America:

- The State Department should continue to closely monitor FoRB in Myanmar and maintain the country as a Country of Particular Concern.
- The Ambassador for International Religious Freedom, and the US Commission for International Religious Freedom (USCIRF), should request an invitation to visit Myanmar with unhindered access to all parts of the country.
- Deny US travel visas to Myanmar government officials directly responsible for FoRB violations.

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