

Background

On 1 February 2021, Myanmar's military, known as the Tatmadaw, seized control of the government in a coup, declaring a nationwide state of emergency and martial law over 64 out of 330 townships. The coup abruptly ended Myanmar's fragile political reform, reversing a decade-long (2011- January 2021) transition towards civilian governance. Aung San Suu Kyi, the de facto leader of Myanmar, was arrested and sentenced to 33 years in prison, signalling a return to authoritarian military rule. The Tatmadaw's return has been accompanied by escalating violence and severe restrictions on democratic freedoms, including the suppression of civil society, media, and dissenting voices. The situation for ethnic and religious minorities has worsened significantly, with the military conducting brutal campaigns of airstrikes and ground offensives targeting ethnic minority regions, particularly Chin, Kachin, Karen, and Karenni states.

The current crisis has resulted in significant humanitarian challenges, including mass displacement, widespread repression, and severe human rights abuses, particularly affecting Myanmar's ethnic and religious minorities. According to the Assistance Association for Political Prisoners (AAPP), as of 16 October 2024 more than 27,558 people have been arrested in the three-and-a-half years since the coup, with 21,020 still imprisoned today.¹ As of mid-2024, the United Nations (UN) estimates that more than 18.6 million people require humanitarian assistance, a nearly 20-fold increase since February 2021, and over three million civilians have been displaced. As of May 2024, the UN Office of the High Commissioner for Human Rights (OHCHR) reported that at least 32 religious leaders—comprising monks, nuns, pastors, and imams—have been killed throughout Myanmar since the military coup. Freedom of religion or belief (FoRB) remains highly restricted, with arbitrary detention, discriminatory treatment against religious minorities in detention facilities, and the conversion of churches into military camps further highlighting the junta's discriminatory practices.

The situation remains dire, with internet shutdowns affecting 13 out of Myanmar's 14 states.² The OHCHR has documented the arrest of 147 religious figures across Myanmar, including 125 monks and nine pastors, with 124 remaining in detention, primarily for participating in anti-coup protests.³ Detainees, including religious leaders, have been denied the right to practice their faith, exemplified by a Rohingya Muslim woman forced to sleep next to a toilet,⁴ despite her religious need for a clean environment to pray every day,

the broader issue of religious repression under the military regime. The military regime's claims to hold new elections in 2025 are considered both illegal and illegitimate. The US Secretary of State has consistently designated Myanmar as a Country of Particular Concern (CPC) since 1999, reaffirming this status in 2023 due to escalating violations against religious minorities amid the military coup. The ongoing situation amid the coup highlights the urgent need for immediate and coordinated international efforts to alleviate the suffering of the people of Myanmar.

Legal framework

Myanmar's legal framework provides a culture of impunity for the military's human rights abuses while systematically discriminating against ethnic and religious minorities. The 2008 Constitution grants Buddhism a 'special status' and fails to effectively prevent and protect the policies and practices that discriminate against religious minorities under the guise of protecting Buddhism. The 1982 Citizenship Law further compounds this discrimination by categorizing citizenship based on ethnic lineage, leading to the gradual exclusion of Rohingyas and other minorities who are not recognized as a part of Myanmar's ethnic nationalities, through restrictive verification processes favouring certain ethnicities. Moreover, a set of restrictive laws, passed in 2015 under the guise of 'protecting race and religion', imposed strict restrictions on religious conversions and interfaith marriages, further reinforcing systemic discrimination, particularly against women and religious or ethnic minorities. Additionally, Myanmar's military regime is exploiting vague 'blasphemy' provisions in the Penal Code to target and prosecute individuals, particularly from minority religious groups, under accusations of 'insulting' Buddhism. Such practice creates an atmosphere of fear, discrimination, and restricted freedoms of expression and religion or belief.

Targeting of Christians and churches

Religious intolerance in Myanmar is closely linked to the rise of militant Buddhist nationalism, a movement that primarily targets Muslims but has also extended its reach to Christians and other non-Buddhists, especially following the military coup.⁵ Christian communities in Myanmar, particularly in Chin, Kachin, Karen, and Karenni states, have faced severe persecution following the coup with a marked increase in airstrikes and military offensives against these regions. Civilian homes, churches, and community buildings have been targeted, with the UN reporting a 141% increase in airstrikes against civilian locations and a 380% rise in the

1 Assistance Association for Political Prisoners, accessed 16 October 2024 <https://aappb.org/>

2 #KeepItON, 'Shrinking democracy, growing violence: Internet shutdowns in 2023', May 2024 <https://www.accessnow.org/wp-content/uploads/2024/05/2023-KIO-Report.pdf>

3 Report of the United Nations High Commissioner for Human Rights, 'Situation of human rights of Rohingya Muslims and other minorities in Myanmar', 18 June 2024 <https://documents.un.org/doc/undoc/gen/g24/084/78/pdf/g2408478.pdf>

4 International Commission of Jurists, 'Unseen and Unheard: Violations of the Human Rights of Women Deprived of Liberty in Myanmar Briefing Paper', June 2024 https://www.icj.org/wp-content/uploads/2024/07/Briefing-Paper_Violations-of-the-Human-Rights-of-Women-Deprived-of-Liberty-in-Myanmar-1.pdf

5 Global Centre for the Responsibility to Protect, 'Statement by Ms. Alice Wairimu Nderitu, Special Adviser on the Prevention of Genocide, and Ms. Mò Bleeker, Special Adviser on the Responsibility to Protect, on the escalation of violence in Myanmar', 29 July 2024 <https://www.globalr2p.org/resources/statement-on-the-escalation-of-violence-in-myanmar/>

destruction of structures. According to Altsean Burma, 743 airstrikes were reported between January and June 2024 alone,⁶ exceeding the total number for 2023. Churches have been bombed, pastors murdered, and entire villages set ablaze. The International Commission of Jurists (ICJ) reports that the military regime has destroyed over 132 religious buildings, including numerous churches, and established military bases on at least 110 religious properties across the country.⁷ In some states and regions in Myanmar, religious buildings have been converted into military camps used for interrogation and detention since 2021.

Imprisonment of Reverend Dr Hkalam Samson

The case of Reverend Dr Hkalam Samson, a prominent former chairman of the Kachin Baptist Convention (KBC), and Chairman of the Kachin National Consultative Assembly, exemplifies the targeted harassment of Christian leaders. He was arrested on 5 December 2022 at Mandalay International Airport on dubious charges under the section 17/1 of the Unlawful Association Act, Section 52(a) of the Terrorism Act for terrorism allegedly for his engagements with the Kachin Independence Organization, an ethnic resistance armed group, and section 505 (a) of the Penal Code for inciting against the military junta. During the arrest, his bible was reportedly confiscated and labelled as evidence. He has been held in Myitkyina prison without contact with his family, despite prison being allowed for others.

He was later sentenced to six years imprisonment in a closed-door prison trial without legal representation undermining the due process. Though released in April 2024, he was re-arrested without valid reasons within 24 hours of release and then released again in July 2024, reflecting a pattern of intimidation targeting minority religious leaders. Despite being allowed to attend church services, the regime continues to monitor his activities closely according to the CSW advocate's follow up with his daughter and lawyer in August 2024.

Broader violence against Muslims

The Tatmadaw's anti-Muslim stance, which predates the coup, has continued with sporadic violence, including the closure of mosques, destruction of property, and increased targeted arrests. Persecution is exacerbated by an extremist nationalist ideology, which has fuelled violence and systemic discrimination against Muslims throughout the country. However, the most severe abuses have been directed at the Rohingya Muslims.

The Rohingya Crisis amid the coup

The Rohingya, a predominantly Muslim ethnic minority group, faced a brutal military's clearance operation in 2017, which was widely recognized as genocide. Following the crackdown in 2017, over 700,000 Rohingya were forced to flee to Bangladesh amid mass killings, widespread sexual violence, and village burnings. Since the coup, their situation has further deteriorated, however, the breakdown of a ceasefire between the Tatmadaw and the Arakan Army, an ethnic Rakhine Armed Resistance Group, in November 2023, worsened exacerbating pre-existing problems such as severe movement restrictions, mass detentions, and denial of essential services including food, education and healthcare, with increased violence, adding new layers of suffering, including forced recruitment of Rohingya men and boys,⁸ often with the promise of citizenship, and heightened hate speech. The humanitarian crisis has spiralled, with over 327,000 Rohingya newly displaced since the conflict's resurgence in 2023, and 400,000 people face acute food shortages due to blocked cross-border aid and ongoing violence, according to OCHA.⁹ The regime has also restricted aid and movement in Rakhine State, adding to the Rohingya's suffering.

Ongoing international accountability mechanisms

As Myanmar continues to face severe FoRB violations amid the ongoing military coup, various international accountability mechanisms have emerged, particularly focusing on the Rohingya. The International Criminal Court (ICC) is investigating allegations of forced deportation and persecution from the 2016-2017 military operations against the Rohingya, utilising its jurisdiction through Bangladesh, despite Myanmar not being a party to the Rome Statute. Concurrently, the International Court of Justice (ICJ) is examining a case filed by the Gambia alleging genocide against the Rohingya, with provisional measures already in place to prevent further atrocities. In addition, there is a case in Argentina seeking accountability for genocide and gender-based crimes committed by Myanmar's military leaders under universal jurisdiction.

However, these initiatives primarily focus on the Rohingya, leaving significant gaps in addressing the broader abuses faced by other ethnic and religious minorities in Myanmar amid the ongoing coup. This urgent need for comprehensive justice and accountability measures is highlighted by the recent rejection of the Chin Human Rights Organization's attempts to hold the military junta accountable for war

6 Altsean Burma, 'Burma coup watch for the month of June 2024', 12 July 2024 https://drive.google.com/file/d/1kBwpxs0f-MQ_s1o-nRIK-R-Pk2F_ISk/view

7 International Commission of Jurists, 'Myanmar: ICJ publishes an update to its October 2022 report on the violations of the right to freedom of religion or belief since coup d'état in Myanmar', 29 June 2023 <https://www.icj.org/resource/myanmar-icj-publishes-an-update-to-its-october-2022-report-on-the-violations-of-the-right-to-freedom-of-religion-or-belief-since-coup-detat-in-myanmar/>

8 Report of the United Nations High Commissioner for Human Rights, 'Situation of human rights of Rohingya Muslims and other minorities in Myanmar', 18 June 2024

9 ReliefWeb, 'Myanmar Humanitarian Update No. 40', 16 August 2024 <https://reliefweb.int/report/myanmar/myanmar-humanitarian-update-no-40-16-august-2024>

crimes against places of worship in Chin State under universal jurisdiction in the Philippines.¹⁰

Conclusion

The current crisis in Myanmar represents a critical juncture for the international community to take decisive action. Ethnic and religious minorities are disproportionately affected by military abuses, and without sustained international pressure, the military regime will persist in its campaign of repression and impunity. CSW welcomes the targeted sanctions against the military and its enterprises by the UK and other international actors so far, especially targeting of aviation fuel to impede the military's ability to continue aerial bombardment of civilians. But we call on the UK and the international community to go further, to ensure a truly global implementation of a ban on aviation fuel for military use, a global arms embargo and other global financial sanctions, while at the same time increasing humanitarian support for those in urgent need. The international community must work together to sever the military's lifelines while providing vital assistance to the people of Myanmar. Continued advocacy for human rights and accountability is essential for fostering a peaceful and inclusive future where all citizens can enjoy their fundamental freedoms including the right to FoRB regardless of their religion or ethnicity.

Recommendations

To the government of the United Kingdom:

- Lead efforts to enforce a global ban on aviation fuel and impose a comprehensive arms embargo against Myanmar's military (Tatmadaw), including targeted Magnitsky-style sanctions on military leaders involved in human rights violations.
- Strengthen cooperation with the ICC and ICJ to hold Myanmar's military accountable for crimes against humanity, including religious persecution.
- Advocate for the release of detained religious leaders, repeal discriminatory laws, and address the destruction of places of worship, including the repeal or reform of discriminatory laws such as the 1982 Citizenship Law and the restrictive 'blasphemy' provisions in Myanmar's Penal Code.
- Increase humanitarian aid to ethnic and religious minority areas ensuring aid reaches ethnic and religious minority areas heavily impacted by military violence, such as Chin, Kachin, Karen, and Rakhine states.

- Advocate for cross-border aid access via Myanmar's borders with India and advocate for cross-border aid to bypass military blockades.
- Provide diplomatic and financial support to the NUG, promoting federal democracy and inclusive dialogue with ethnic groups.
- Work with ASEAN member states to push for a more robust response to Myanmar's military regime, including regional sanctions and coordinated diplomatic pressure.

¹⁰ Benar News, 'EXPLAINED: Why is a group in Myanmar seeking to try the junta in the Philippines?', 27 August 2024 <https://www.benarnews.org/english/news/philippine/universal-jurisdiction-08272024144649.html>

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