

Burma's identity crisis

**How ethno-religious nationalism has led
to religious intolerance, crimes against
humanity and genocide**

May 2019

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free to believe



Explanatory note

CSW has always used the name ‘Burma’, rather than the official name of the country, ‘Myanmar’, and continues to do so. Ever since the military regime changed the name to Myanmar in 1989, one year after the bloody suppression of pro-democracy demonstrations, Aung San Suu Kyi and the National League for Democracy (NLD), and many of the country’s ethnic nationalities, requested the international community not to adopt the military’s name, arguing that the regime had no mandate to change the name of the country. Although Aung San Suu Kyi and the NLD are now in government, it is unclear what their wishes are, and so we tend to use Burma and Myanmar interchangeably, depending on the context. In this report we use Burma throughout, except when directly quoting sources which themselves use Myanmar. Similarly we use the name ‘Rangoon’ for the country’s formal capital and major city, except where the official name ‘Yangon’ is used in direct quotations.

Much of the research for this report was conducted first hand by CSW, through visits to Burma and its borders, interviewing ethnic and religious minorities, Buddhist monks, civil society and refugees. However, given the scale of the topic, and limitations on access to some areas, we have referred to information researched and published by other human rights groups and international organisations, notably the United Nations, the US Commission on International Religious Freedom, Amnesty International, Human Rights Watch, Fortify Rights and the Burma Human Rights Network. Whenever we have included material published by another organisation, we have cited and acknowledged it fully. This report is, therefore, a combination of CSW’s own first-hand research and a synthesis of information from other sources.

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Executive summary

Burma (Myanmar) has been ruled for over half a century by a succession of military regimes which have consistently committed grave violations of human rights. Burma has also endured over 60 years of civil war between the military and many of the ethnic nationalities who seek autonomy and federalism. In 2015 a new civilian government was elected, in the first credible democratic elections in a quarter of a century; and the leader of the country's democracy movement, Aung San Suu Kyi, a Nobel Peace Prize Laureate who spent 15 years cumulatively under house arrest, became the de facto head of government. Hopes were raised that a new era of democracy had arrived, in which human rights would be protected and peace achieved. After just three years in office, those hopes have been dashed as repression and the abuse of human rights continue, and peace seems further away than ever. Instead of democratisation, Burma has witnessed genocide and crimes against humanity.

At the heart of Burma's conflict is the question of its identity – a question reflected in the continuing debate over the name of the country. Does Burma wish to be a multi-ethnic, multi-religious society in which the diversity of different ethnicities and religions is celebrated and people of all races and religions are granted equal rights, or does it wish to be a Burman, Buddhist nation which at best tolerates non-Burmans and non-Buddhists, or worse, seeks to repress, restrict and drive them out? Does it wish to be a democracy which respects the dignity and rights of all human beings, or does it wish to continue as a repressive dictatorship made even more repressive by religiously-fuelled hatred of the kind that led the country's most prominent Buddhist monk, Sitagu Sayadaw, to tell the military in a sermon broadcast live on television to over a quarter of a million people that it is not a sin for Buddhists to kill non-Buddhists? Does it wish to be a society which sees people as human beings, or one where Christians are listed in an 'ABC' of dangers to society alongside HIV/AIDs and Hepatitis B?

Freedom of thought, conscience and religion as it is set out in Article 18 of the Universal Declaration of Human Rights, or freedom of religion or belief as it is more commonly known, is a foundational human right in any democratic, free society. Yet in Burma today, that basic right is restricted and in some respects denied, through legislation, regulations, hate speech, discrimination, intimidation and violence.

There are four principle drivers of religious intolerance in Burma today. Firstly, a rise in Burman Buddhist nationalism, based on the concept that to be Burmese is to be Buddhist and fuelled by a visceral hatred of Muslims in particular and Christians to a lesser extent. This is driven principally by certain Buddhist monks and their preaching, and is very influential in parts of society. Secondly, the military has long used ethnic and religious identity to stoke conflict and strengthen their power. Thirdly, commercial interests have led to a resentment of Muslim businesses and a call for people to boycott them. And fourthly, civilian politicians – of various political parties – some of whom share the Buddhist nationalist agenda, and others who may be more moderate but lack the political will or courage to confront it.

In Burma, religion and ethnicity are intertwined and very difficult to separate. Many of the violations of freedom of religion or belief in Burma occur in the context of ethnic and political conflict. At times cases of religious discrimination and persecution are clear to see; at other times it is difficult to differentiate between religious and racial hatred or, especially in the case of the military, between religiously-motivated violence and the wider conflict. It is also important to remember that Buddhists among the ethnic minorities – Shan, Mon and Rakhine in particular – suffer at the hands of Burmanisation. What we can be clear about is that ethnic and religious minorities in Burma have endured, and continue to face, severe violations of human rights, including freedom of religion or belief.

The international community is now well aware of the genocide against the predominantly Muslim Rohingyas. But while their plight is certainly the most egregious, it is by no means the only illustration of religious intolerance or religiously-motivated violence or hatred in Burma. Throughout Burma, Muslims who are not Rohingyas have been the targets of hate speech and violence, and Christians also face restrictions, discrimination and abuse. Buddhists themselves who try to counter extremist Buddhist nationalism face dangers too.

There is no shortage of reports on specific aspects of the ethnic and religious conflicts in Burma, particularly the plight of the Rohingyas and the wider persecution of Muslims. There are, however, few reports which attempt to provide as comprehensive as possible a picture of violations of freedom of religion or belief throughout the country. This report is an attempt to do this. There will inevitably be some issues or examples which it has not been possible to include, but this report aims to examine the sources of intolerance, the role of legislation, the impact on Muslims and Christians throughout the country, the response of the international community, and ways forward.

If Burma is to have any hope of moving forward, religious intolerance must be confronted. Perpetrators of crimes against humanity must be held accountable, preachers of hate must be countered and brought to justice, and those brave civil society activists and few religious leaders who do try to defend freedom of religion or belief and promote inter-religious harmony must be supported.

The Union recognizes the special position of Buddhism as the faith professed by the great majority of the citizens of the Union.

Article 361 of the 2008 constitution

The arduous process of peacebuilding and national reconciliation can only advance through a commitment to justice and respect for human rights...The future of Myanmar must be peace, a peace based on respect for the dignity and rights of each member of society, respect for each ethnic group and its identity, respect for the rule of law, and respect for a democratic order that enables each individual and every group – none excluded – to offer its legitimate contribution to the common good.

Pope Francis in an address to government authorities, civil society activists and diplomats in Naypyidaw, 28 November 2017



Recommendations

To tackle religious intolerance and protect and promote freedom of religion or belief in Burma, CSW recommends the following actions:

To the government of Burma (Myanmar)

- Hold the perpetrators of crimes against humanity, war crimes and genocide accountable and ensure they are brought to justice.
- Review and repeal or reform all discriminatory and repressive laws which restrict freedom of religion or belief, freedom of expression, freedom of peaceful assembly and other basic human rights.
- Prioritise judicial reform and the provision of legal assistance to religious and ethnic minorities.
- Consult with civil society and religious leaders and invest in practical initiatives to promote interfaith dialogue, harmony and reconciliation at a grassroots level.
- Review the education system and curriculum, to ensure that Burma's young people are taught about other religions in an accurate and fair way that promotes mutual understanding and prevents misunderstandings that fuel hostilities.
- Review and consider implementation of the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, the Beirut Declaration on 'Faith for Rights' and other international mechanisms for the protection and promotion of freedom of religion or belief.
- Introduce legislation to address hate speech, while being careful to protect and enhance freedom of expression.
- Establish a commission to address religious discrimination in government, particularly in regard to immigration, identity cards and employment practices, and to promote non-discrimination in the workplace.
- Invite the UN Special Rapporteur on freedom of religion or belief, the EU Special Envoy for the promotion of freedom of religion or belief outside the EU, the US Ambassador-at-Large for International Religious Freedom, the US Commission on International Religious Freedom and other international envoys, representatives and mechanisms for freedom of religion or belief to visit the country, with unhindered and unrestricted access to all parts of the country, for a dialogue with the government, civil society and religious leaders.

To the international community

- Establish a mechanism to ensure accountability for the perpetrators of crimes against humanity, war crimes and genocide.

- Impose carefully targeted sanctions on key individuals within the military known to have ordered or been complicit with or perpetrated crimes against humanity, war crimes and genocide.
- Urge the government of Burma to review and repeal or reform all discriminatory and repressive laws which restrict freedom of religion or belief, freedom of expression, freedom of peaceful assembly and other basic human rights.
- Urge the government of Burma to prioritise judicial reform and the provision of legal assistance to religious and ethnic minorities.
- Consult with civil society and religious leaders in Burma and invest in practical initiatives to promote interfaith dialogue, harmony and reconciliation at a grassroots level.
- Urge the government of Burma to review the education system and curriculum, to ensure that Burma's young people are taught about other religions in an accurate and fair way that promotes mutual understanding and prevents misunderstandings that fuel hostilities.
- Urge the government of Burma to review and consider implementation of the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, the Beirut Declaration on 'Faith for Rights' and other international mechanisms for the protection and promotion of freedom of religion or belief.
- Urge the government to introduce legislation to address hate speech, while being careful to protect and enhance freedom of expression.
- Urge the government to establish a commission to address religious discrimination in government, particularly in regard to immigration, identity cards and employment practices, and to promote non-discrimination in the workplace.
- Support initiatives to strengthen the capacity and awareness of policy-makers and government officials in regard to freedom of religion or belief.
- Urge the government of Burma to invite the UN Special Rapporteur on freedom of religion or belief, the EU Special Envoy for the promotion of freedom of religion or belief outside the EU, the US Ambassador-at-Large for International Religious Freedom, the US Commission on International Religious Freedom and other international envoys, representatives and mechanisms for freedom of religion or belief to visit Burma, with unhindered and unrestricted access to all parts of the country, for a dialogue with the government, civil society and religious leaders.

Introduction

Burma, officially known as Myanmar, is a multi-ethnic, multi-religious society in which Buddhism is the majority belief but Christianity, Islam, Hinduism and Animism also have a significant presence. For over half a century Burma has been ruled by a succession of military regimes and, despite hopes of democratisation since 2011, even with a civilian-led government the military remains dominant. And ever since Burma's independence on 4 January 1948, the country has endured political, ethnic and religious conflict.



Daniel Sinclair/CSW

‘Buddhists are hosts and Muslims are guests. The guests must obey the hosts.’

Sitagu Sayadaw, 2012

In 2010 Burma's democracy leader and Nobel Peace Prize Laureate Aung San Suu Kyi was released from house arrest, and the following year the president at the time, former General Thein Sein, began a process of engagement with her, introducing political reforms, including the release of political prisoners, ceasefires with ethnic armed resistance groups, and a relaxation of restrictions on the media and civil society. In 2015 the country's first credible democratic elections in 20 years resulted in an overwhelming majority for Aung San Suu Kyi's party, the National League for Democracy (NLD), leading to the inauguration of a new civilian-led government. Under Burma's 2008 constitution, however, the military retains control of three key ministries – home affairs, border affairs and defence – and have 25% of the seats in the legislature reserved for them.

In 2012, just as what appeared to be a process of political reform was beginning, a campaign against the predominantly Muslim Rohingyas escalated, resulting in horrific violence in Sittwe, Rakhine State, in June and October 2012. The previous year, the military broke a 17-year ceasefire with the predominantly Christian Kachin armed resistance, and unleashed a major new offensive in northern Burma. In 2013 anti-Muslim violence broke out in other parts of the country, including Meiktila, Lashio, Oakkan, Bago and Mandalay. In 2015, in their final months in office, Thein Sein's government introduced legislation known as the ‘Protection of Race and Religion Laws’, which severely restrict the rights to religious conversion and inter-religious marriage. Since then, under the new NLD-led government, religious intolerance has continued; and the crisis facing the Rohingyas escalated into a military offensive in October 2016 and August 2017 that the United Nations has described as ethnic cleansing, crimes against humanity and possibly genocide.

It is the Rohingyas' plight that has caught the attention of the world, partly because it is the most egregious and partly because almost the entire Rohingya population was driven out of their homes in Rakhine State, across the border into Bangladesh, where at least one million are now living as refugees.

However, what fewer people in the international community have realised is that, while the assault on the Rohingyas is especially appalling, and widely regarded as genocidal, religious and racial hatred in Burma is not by any means confined to this. The wider Muslim population in Burma, who are not Rohingyas, have been targeted by a widespread campaign of hatred, including the preaching

of hate speech by Buddhist monks, sporadic outbreaks of violence, discrimination in economic, educational and societal circles, restrictions on identity cards and citizenship rights, restrictions on freedom of religion or belief especially in terms of the construction or renovation of mosques or in some cases even the use of mosques for prayers, and the declaration of some villages in different parts of the country as ‘Muslim-free zones’.¹

Christians have also faced restrictions, discrimination and persecution. In 2007 CSW published a report titled *Carrying the Cross: The military regime's campaign of restrictions, discrimination and persecution against Christians in Burma*, and the situation has continued. Although there may have been some symbolic improvements, such as the appointment of an ethnic Chin Christian as the country's Vice President under the new government, and a relaxation of the ban on construction of crosses in Chin State, restrictions on the construction of churches, occasional incidents of violence against Christians, and the targeting of churches in Kachin areas as part of the armed conflict continue. The appointment of an ethnic Chin Christian as Vice President is symbolically important because until then non-Burman ethnic groups and especially non-Buddhists could not receive promotion in the military or government beyond the rank of Major. Nevertheless, on the ground there has been little change.

‘Religious freedom is a foundational human right but we do not enjoy it, because of hate speech. The root cause is the lack of education, and the system is being destroyed by the military. If the government can improve education, hate speech will decline.’

A Muslim in Kalay, 2016

Although Hindus have been less affected, according to the Burma Human Rights Network in their October 2018 briefing on *The State of Religious Freedom in Burma*, ‘many Burmese Hindus continue to identify themselves as Buddhist for their own security.’² Hindu temples often include the statue of the Buddha and Buddhist flags, partly as a reflection of the close relationship between Hinduism and Buddhism, but also as a form of protection.

Religious and ethnic identity are closely intertwined in Burma. To be a Burman or Bamar, the majority population, one is expected to be Buddhist, and this is true too for the Rakhine, Shan and Mon ethnic nationalities. Equally, to be Kachin, Chin or Karenni is to be Christian, and to be Rohingya is to be Muslim. Only

the Karen, as an ethnic group, has a plurality of religious identities, with the majority being Buddhist but a significant minority being Christian and a smaller Animist minority. This association between religious belief and ethnic identity is heavily politicised, and is a major factor behind the rise of religious nationalism which has fuelled intolerance and led to grave violations of freedom of religion or belief in Burma.

This report is the result of over three years' research and is an attempt to assemble the evidence of religious intolerance affecting the entire country and all its major ethnic and religious groups. CSW travelled regularly in Burma, to Rangoon, Mandalay, Karen State, Sagaing Division, Chin State and Kachin State, and to the refugee camps on the Bangladesh-Burma border, as part of the research for this report. The aim is to provide as comprehensive as possible a picture of the situation for freedom of religion or belief in Burma today, and to propose ways forward for addressing these challenges. There have been numerous reports about the Rohingyas, several about the persecution of Muslims more generally, and few about the persecution of Christians, but this report aims to bring these different aspects of religious intolerance in Burma together to form a nationwide picture of the impact which the rise of religious nationalism has had on everyone.

The most significant forces behind the movement of religious nationalism are a network of Buddhist nationalist monks known as ‘Ma Ba Tha’, the government through policies and legislation enacted and by its failure to end impunity and hold the perpetrators of religiously-motivated violence accountable, and the military, widely regarded as the power behind these other two elements. As one Muslim in Kalay told CSW, ‘Religious freedom is a foundational human right but we do not enjoy it, because of hate speech. The root cause is the lack of education, and the system is being destroyed by the military. If the government can improve education, hate speech will decline.’

In an article in ‘Frontier Myanmar’ Than Toe Aung summarises the challenge powerfully. ‘Growing up, I had an identity crisis,’ he writes. ‘I always had questions about who I was and where I belonged. Being a Muslim kid in a predominantly Buddhist society, my childhood was an unhappy one. My family was one of the few Muslim families in the ward where we lived on the outskirts of Yangon. At school, I was the only Muslim kid in class. In our classroom, I was often referred to as *kalar*, a racial epithet commonly used against people of South Asian descent. There were times when my Bamar Buddhist teachers at the government school would tell the whole class – while looking at me straight in the eyes – how *kalar* were bad people...One teacher would also come into the classroom, frown, sniff and say the room stank of ‘*kalar* scent’...I was often told by kids to go

back to *kalar pyay* (meaning *kalar* country or kingdom) because Burma is a Buddhist country, and some would tell me that I would be force-fed pork if I did not behave well. In my teenage years, I began to think more about identity. I would ask myself, why am I being treated like this?...The real question is, how do we, the minorities, reclaim a sense of belonging to this country that we consider home. Moreover, as challenging as it may seem, how do we persuade the majority ethnic and religious community, Bamar Buddhists, to support an inclusive common identity?’

He adds that Burma lacks ‘a strong, inclusive national identity,’ and that minorities are regarded by the majority Bamar Buddhists as ‘guests’, and he emphasises that ‘the belief that Muslims are essentially ‘foreigners’ begins in the classroom. Prior to Ne Win's seizure of power in 1962, Burma had one of the best education systems in Southeast Asia, but under military rule, the education system existed largely to transmit military propaganda. As a result, the history textbooks still used in government schools are highly inaccurate and often portray ruthless Bamar kings as ‘heroes’, ethnic minorities as ‘rebels’ and ‘savages’, and Muslims and anyone of South Asian descent as ‘intruders’. He concludes that ‘building a shared national identity will be a challenging task – but it is an essential one. It will take years to dismantle decades of the discriminatory policies and transform the education system. Schools should highlight the benefits of diversity...The government should start embracing pluralism...Ultimately, the idea that ‘to be Burmese is to be Bamar and Buddhist’ should be supplanted by a broader notion – that ‘to be Burmese is to be born in Burma’. Only then can we create the inclusive and cohesive society to which we aspire.’³

Protecting and promoting freedom of religion or belief, as set out in Article 18 of the Universal Declaration of Human Rights, is of foundational importance to any democracy. If Burma is to have any prospect of democratisation, for which hopes were raised between 2011-2016 but have been dramatically set back in recent years, it must find just and durable solutions to its biggest challenge: how to build a nation based on the principle of unity in diversity, a country that is truly multi-ethnic and multi-religious, where people of different beliefs and ethnicities can be equal citizens and peaceful neighbours to each other.

¹ Burma Human Rights Network, ‘Persecution of Muslims in Burma’, September 2017, p.41-50

² Burma Human Rights Network, ‘The State of Religious Freedom in Burma’, October 2018

³ Frontier Myanmar, ‘Identity Crisis’, 21 January 2019 <https://frontiermyanmar.net/en/identity-crisis>

Sources of intolerance

Religious intolerance is one of the biggest challenges facing Burma today. It has been stoked by the military and the government in Burma for decades. An anti-Muslim, anti-Christian Buddhist nationalism has been encouraged by authorities and peddled with impunity by extremist monks who have been given a considerable platform and whose preaching is seldom challenged. Violence has divided communities and made people more susceptible to believing these narratives. In its most extreme form, this has resulted in genocide and crimes against humanity against the Muslim Rohingya people in Rakhine State.



But in other parts of the country, religious hatred against other Muslims and Christians festers. There are few signs of hope today, even though the Buddhist Sangha condemned the Buddhist nationalist group Ma Ba Tha in July 2016, and Burma's de facto head of government, Daw Aung San Suu Kyi, spoke of her desire to confront religious hatred after winning the elections in 2015. Civil society initiatives, interfaith dialogue and the efforts of some religious leaders to counter intolerance continue, although they are less vocal today than a few years ago.

This chapter will examine the sources of intolerance and identify four factors behind religious persecution and discrimination. Initially it is important to consider Buddhist nationalist theology, in order to generate an understanding of how the peaceful teachings of Buddha have been shaped into an extremist ideology. This will be followed with a consideration of the politicisation of Buddhism and the resulting rise of extremist nationalist groups, looking at their history and the space that has been opened for them in public discourse. The analysis will then consider how nationalists have used multiple platforms to spread hate speech, considering how social media, material culture, preaching, print and television have all been appropriated for the nationalist cause. CSW interviews will show how incidents of violence have fuelled intolerance in areas that were torn apart in 2013-2014 and in subsequent years. Finally, the chapter will end with a consideration of the extent of intolerance. It must be emphasised that there are some limits on intolerance; some Buddhist monks have a more pluralistic vision for society and there are activists and religious leaders in Burma who oppose extremism and work for reconciliation. However, they are usually working alone, with very limited resources and at considerable risk, in contrast with the ultra-nationalist monks who are well-coordinated, well-protected and well-resourced.

Buddhist nationalist theology

Theravada Buddhism is practised by approximately 89% of the Burmese population, and by the majority of ethnic Burmans who make up 68% of the nation.⁴ While official census figures should not be trusted as authoritative, given that Burma does not have the infrastructure or the political will to run an objective census, there is no doubt that Theravada Buddhism is the religion of the overwhelming majority of people in Burma.

In recent years Theravada Buddhist monks have been both leaders of movements for democracy, peace and

reconciliation as well as nationalistic attacks on Muslims and Christians. How can this be the case?

Theravada Buddhism is a diverse religion which does not have a single doctrinal statement. The Buddhist nationalist ideas which currently drive inter-religious tension derive their authority from the Theravada Buddhist tradition, but should not be seen to represent the views of all or even the majority of Theravada Buddhists.

At the core of Buddhist ethics is a mandate to be compassionate and peaceful. As a result, there is a strong argument for an ethic which promotes religious tolerance. The four principles which allow someone to take the eight-fold path are called the *byama-so taya* in Burmese:⁵

- *Metta* – loving kindness
- *Karuna* – compassion
- *Mudita* – sympathetic joy
- *Upekkha* – equanimity.

If followed, these should foster an ethic which promotes harmony and peace rather than destructive tendencies and often Theravada Buddhist monks have been the leading voices in promoting equality and peace. Even those leading the more intolerant Buddhist nationalist movement are aware that their actions do not always fall in line with this ethical framework. Ashin Sada Ma, a 969 monk,⁶ remarked that forbidding inter-religious marriages was 'not the traditional Buddhist way...'⁷ U Wirathu, the most prominent extremist Buddhist nationalist monk, has admitted that the action of buying only Buddhist goods is not the Burmese way, commenting that 'It is not the Burmese way, but a Muslim way, and they practice this...If they support their own shops, why won't we Buddhist [sic] do the same?'⁸

The reason that nationalist monks continue with their actions is because of another tradition of Theravada Buddhism: it can be acceptable to take actions against non-Buddhist communities if they are undertaken in defence of the *Sasana*.⁹ The Pali word *Sasana* refers broadly to Buddhist religion, but could be understood as including the entire Buddhist community and the Buddha's teaching. Without the *Sasana*, enlightenment is impossible; this means that its defence is critically important. Over centuries in Theravada Buddhist kingdoms, the health of the polity and the religion has been understood to be 'interdependent'.¹⁰ The state and the leaders have recognised it is their duty to create an environment conducive to the wellbeing of religion. This is a tradition with precedent stretching as far back as

⁴ Matthew J. Walton and Susan Hayward, 'Contesting Buddhist Narratives: Democratization, Nationalism, and Communal Violence in Myanmar', *Policy Studies*, 2014, p.4

⁵ Walton and Hayward, 2014, p.36

⁶ 969 is the Buddhist nationalist movement which became Ma Ba Tha (see below).

⁷ Karen Human Rights Group, 'Easy Target: The Persecution of Muslims in Burma', 31 May 2002, p.23-4 <http://khrg.org/2002/05/khrg0202/easy-target-persecution-muslims-burma?page=1>

⁸ Walton and Hayward, 2014, p.23

⁹ *ibid.*, p.20

¹⁰ *ibid.*, p.21

the first century, when the Sinhalese King defeated the Tamil King in order to protect the *Sasana*. It has been a feature of south-east Asian history since then. Another famous example was when the Burmese Buddhist King Bodawpaya argued that his intention of conquering the Arakanese kingdom of Mrauk U in 1785 was for defence of the *Sasana*.¹¹ As a result, it is widely accepted in Burma and other similar Buddhist nations that when someone calls on you to ‘defend the motherland’, it is a cry to defend the *Sasana* and the Buddhist nation.

Burmese Theravada Buddhism holds two impulses in tension: on the one hand the compassionate and peaceful impulses within Buddhism, and on the other the mandate to defend the *Sasana*. Buddhist nationalists promote a view that Burmese Buddhism faces an existential threat and needs to be defended from religious minorities.

Burma’s political history and the rise of Buddhist nationalism

For more than 50 years, Burma was ruled by a succession of brutal military regimes that ranked among the worst dictatorships in the world. Accused of crimes against humanity, successive regimes used torture, rape as a weapon of war, forced labour, human minesweepers and forcibly conscripted child soldiers on a widespread and systematic basis.

After a decade of democracy following independence in 1948, the civilian government was replaced by military rule led by General Ne Win in 1958, with the purpose of restoring order to a nation torn apart by armed uprisings. In 1960 fresh elections were held and the previous government led by Prime Minister U Nu was returned to power. A year later, U Nu proposed making Buddhism the state religion, a move which prompted the overwhelmingly Christian Kachin ethnic group to rebel. Two years later, however, Ne Win launched a coup d’etat and the military ruled the country brutally for over five decades.

The combined force of the Saffron Revolution in 2007 and Cyclone Nargis in 2008 challenged the military regime and prompted them to devise a new political system in which they removed their uniforms but retained power, establishing a nominally civilian government. This government, led by former generals, continued to perpetuate grievous abuses, although there were signs of progress which included the release of political prisoners, a relaxation of restrictions which resulted in greater space for civil society and media, ceasefires with

most of the ethnic armed groups, and a dialogue with democracy leader Aung San Suu Kyi. The success of the 2015 elections saw the world jubilant as the government was transferred from the military to the NLD for the first time in half a century.¹²

Nevertheless, there remain grave challenges and concerns. The constitution, which ensures that the military retains direct control over three critical government ministries – home affairs, border affairs and defence – as well as 25% of the parliamentary seats, thus guarantees that the military continues to hold considerable power and can continue to perpetrate crimes against humanity with impunity.¹³ Alongside this there has been an increase in an extremist, hate-fuelled form of Buddhist nationalism which marginalises religious and ethnic minorities. The rise of Buddhist nationalism is rooted in the policies of the previous military regime known as the State Peace and Development Council (SPDC), but has been developed and encouraged in recent years by a discriminatory triumvirate made up of Union Solidarity and Development Party members (USDP), extremist Buddhist monks and nationalist grass-roots supporters.

The politicisation of Buddhism under the military

From 1962, successive military regimes used Buddhism as a political tool. Generals from the junta made a show of attending Buddhist festivals, giving alms at the monasteries and building pagodas in order to give themselves a public image as committed Buddhists.¹⁴ They also planted military intelligence operatives in the Buddhist *Sangha* in order to infiltrate the religious authorities, and used their apparent piety in order to legitimate their rule.

Theravada Buddhist monks have long been accustomed to playing an important role in Burmese politics, shaping Burmese national identity.¹⁵ According to Burmese historical tradition, in ancient Burmese kingdoms there was a mutually beneficial patronage relationship between the ruling monarchy and the *Sangha* (monastic community). Under colonialist power they became the champions of a Burmese nationalist and Buddhist revival movement. The role of monks as resisters of colonial rule ultimately consolidated their influence when that period ended. Though the military regime attempted to implement a form of socialism, the influence of monks ensured that it was a Buddhist socialism. Monks have received patronage throughout the period, and the regime built religious structures for the Buddhist community because they recognised that the support of monks gave them legitimacy.¹⁶

Presenting themselves as the protectors of Buddhism, the SPDC encouraged and instigated violence against Muslims and Christians to divert public attention away from economic or political concerns and generate political support, both from Burmese and ethnic minority Buddhists. Muslims and Christians were treated as a threat and the SPDC limited their right to freedom of religion or belief and committed a catalogue of human rights violations against them including forced labour, extortion, forced relocation, arbitrary arrest, torture, rape and summary executions.¹⁷

A notable example of the success of politicised Buddhism was in Karen State where they used a policy of divide and rule to split the ethnic Karen opposition group (see chapter on Christians). The formation of the Democratic Karen Buddhist Army (DKBA), a Karen Buddhist group allied with the SPDC, illustrated the power of politicised Buddhism to reinforce SPDC power.¹⁸ In Karen State the DKBA worked with the SPDC to systematically abuse Muslim and Christian Karen. The DKBA were involved in the destruction of mosques and churches, and the forced relocation of Muslim and Christian villagers; DKBA soldiers tried to force Muslims to worship Buddhist monks and construct Buddhist altars.¹⁹

Fear of non-Buddhists has thus been promoted by the state for decades and has led to the rise of widespread suspicion of non-Buddhists and left space in public discourse for the spreading of anti-Muslim or anti-Christian hate speech. Indeed, for many years anti-Muslim pamphlets have been circulating immediately preceding anti-Muslim violence in Burma. For example, in her book *Living Silence: Burma under Military Rule*, Christina Fink notes that in October 1996 in Rangoon, pamphlets were circulating which said:

‘Burmese Citizen – Beware! The Muslims living in Burma are attempting to expand their religion while destroying Buddhism in Burma by using the following ways:

- 1. Land: All the land in the country shall be owned by the Muslims
- 2. Money: To organise Buddhists to become Muslims using the power of money
- 3. Women: To organise Buddhist women to get married to Muslims using money and other ways
- 4. Doctrine: To preach Muslim doctrine at every place

- 5. State power: After successfully using these above methods and [the] majority of the people become Muslim, to take state power.²⁰

The rise of Buddhist nationalism since 2011

The transition towards a fragile quasi-democracy has increased, not diminished, the power of Buddhist nationalism. The evolving political landscape since 2011 has increased the power of Theravada Buddhist monks. The expansion of space for civil society has magnified the power of the voices of religious leaders in Burma. Furthermore, the USDP, the party run by the military junta which took power in 2011, had to find reasons to appeal to the population and challenge the popularity of Aung San Suu Kyi. They have positioned themselves as the party which ‘defends race and religion’, appealing increasingly aggressively to a populist nationalist form of Buddhism and giving patronage to extremists. Ma Ba Tha and other nationalist groups have flourished in recent years as a result.

The current government’s minister for religious affairs and culture, ex-military general Thura Aung Ko, has admitted that the USDP ‘over-promoted’ Buddhism.²¹ He has a very mixed record in regard to freedom of religion or belief, publicly claiming that he would ensure the ‘equality of the four major faiths’ while still focusing policy almost solely on support for monastic schools and the protection and promotion of Buddhist heritage sites.²² However, in November 2018 he accused the Rohingyas of being ‘brainwashed’ into ‘marching’ on Buddhist-majority Burma.²³ Speaking at the funeral of the founder of the DKBA, the Buddhist monk U Thuzana, Thura Aung Ko described Islam as an ‘extreme religion’.²⁴ He said: ‘Recently, my master, Ywama Sayadaw Ashin Tilokabhiwamsa, inculcated me with good advice on protecting race (Buddhists) and Buddhism. For the duty of protecting race and Buddhism is necessarily a national concern for every Buddhist without failing. So that I [am] gracefully pleased to obey his command.’ The Chin Human Rights Organisation reported in 2008 that Thura Aung Ko, serving as the SPDC’s deputy minister for religious affairs, was accused of raping a Chin school teacher during his campaign visit to Chin State in the referendum on the country’s new constitution.²⁵

11 *ibid.*, p.21
12 For a thorough account of the historical developments in Burma see Benedict Rogers, *Burma: A Nation at the Crossroads (revised edition 2015)*.
13 See chapter on Discriminatory legislation.
14 CSW, ‘Carrying the Cross: The military regime’s campaign of restriction, discrimination and persecution against Christians in Burma’, 23 January 2007, p.15 www.csw.org.uk/2007/01/23/report/36/article.htm
15 Walton and Hayward, 2014, p.10
16 *ibid.*, p.10

17 Karen Human Rights Group, 2002, p.10
18 CSW, 2007, p.16
19 Karen Human Rights Group, 2002, p.2
20 Christina Fink, *Living Silence: Burma under Military Rule*, Zed Books, 2001, p.225
21 United States Commission on International Religious Freedom, ‘Hidden Plight: Christian Minorities in Burma’, December 2016, p.6 www.uscifr.gov/reports-briefs/special-reports/hidden-plight-christian-minorities-in-burma
22 *Ibid.*, p.6
23 Reuters, ‘Myanmar religion minister says Rohingya “brainwashed” to “march” on the country’, 4 December 2018 www.reuters.com/article/us-myanmar-rohingya/myanmar-religion-minister-says-rohingya-brainwashed-to-march-on-the-country-idUSKBN1O31AX
24 UCA News, ‘“Muslims upset over Myanmar minister’s comment”, 4 December 2018 www.ucanews.com/news/muslims-upset-over-myanmar-ministers-comment/84011
25 Chin Human Rights Organisation, ‘School teacher raped by SPDC Cabinet Minister’, 23 June 2008 www.chro.ca/index.php/publications/rhododendron/67-rhododendron-2008/160-volume-xii-no-iii-may-june-2008

Defending Buddhism against the Muslim ‘enemy’

Theravada Buddhism and the monks in particular carry considerable cultural power in Burma’s political landscape. Many Theravada Buddhist monks have been sympathetic to a nationalistic defence of the *Sasana*. In 1991 the military regime created a Department for the Promotion and Propagation of the Sasana (DPPS), a unit within the Ministry of Religious Affairs.²⁶ In recent years rhetoric seeking to defend Burmese Buddhism has soared because there is an increasingly widespread, although profoundly misplaced, perception that Burmese Buddhism is facing an existential threat. This perceived threat is supposed to come from a number of corners, but the Islamist threat is the one most keenly felt, as there is a widespread view that there is both a global and local Muslim threat.

A listening project by Oxford University and the Myanmar ICT for Development Organization (MIDO), and a study by C4ADS, have provided thorough analyses of anti-Muslim sentiment in Burma.²⁷ Both found that stereotypes and prejudices against Muslims were common, and that narrators tended to describe Muslims as ‘violent, untrustworthy and devout.’²⁸ There is a perception that Muslims pose an existential threat to Burma and Buddhism itself. These stereotypes are ingrained and are being reinforced by nationalist groups who are systematically attempting to marginalise Muslims in order to protect the *Sasana*. The existence of the stereotypes gives credence to hate speech while also ensuring that news stories which may not technically be ‘hate speech’ are interpreted through anti-Islamic lenses and thus perpetuate discrimination.

Muslims are perceived as an existential physical threat to Burmese purity and religious sanctity, according to the prevailing narrative of the Buddhist nationalists. The global terror threat looms large in the cultural imagination. The lack of nuance in international coverage of Muslim violence has increased fears and led to a rising Islamophobia in Burma. There is a consensus amongst Burmese elites that many Muslims are aiming to exploit and undermine their faith. U Wirathu’s words have fuelled this. In 2013 he said, that ‘Everywhere in the world, the Muslims themselves are the violators of basic human rights...they have brutally violated freedom of religion in every society they control...’²⁹

It is not only radical Ma Ba Tha monks who think like this. The late U Win Tin, a distinguished journalist, co-founder of the NLD, close associate of Aung San Suu Kyi and long-time political prisoner suggested that ‘no one can deny that Muslims are usually extremists.’³⁰ Aung San Suu Kyi herself contributed to the narrative in an interview with the BBC where she laid emphasis on the ‘very great’ Muslim power globally, when asked about Burmese violence.³¹

The June 2015 copy of Ma Ba Tha magazine *Aung Zeyathu* had six articles, three of which were titled:

- 1. ‘The 2015 Election and the Danger of the Jihadist Incursion’
- 2. ‘Op Ed: Why I am worried about the boat people’
- 3. ‘The Jihadist threat of the homebound journey’

This is a typical Ma Ba Tha publication, and captures a powerful motif in their thought. Muslims are understood to be a unitary violent group with an agenda to destroy Burma. The sizeable minority, particularly in Rakhine State, are considered a threat and Ma Ba Tha position themselves as defenders against that threat. The rise of Islamic State and militant jihadism has fuelled this type of rhetoric and given it additional rhetorical force. In November 2016 Ashin Wirathu compared himself to Donald Trump, claiming that he was similar to Trump because he was just ‘protecting against the dangers of Islamisation’. The belief that Muslims pose an existential physical threat justifies and drives Buddhist nationalist action.³²

Muslims are also considered a threat to Burmese culture, sanctity and purity. Rumours are common about an agenda that Muslim men have to violate or rape Buddhist women. The government and Ma Ba Tha have helped to stoke this. In 2010 a monk published a book named ‘*If You Marry A Man of Another Evil Race and Religion*’ which had a section of stories of Buddhist women who were sexually abused and raped as a result.³³ It is common for pictures to be placed on social media of Buddhist women being sexually abused by Muslim men. In 2016, the Minister for Home Affairs, Lieutenant General Kyaw Swe, told the media that Rohingyas were ‘invading’ the country, saying: ‘For us, one man only marries a woman. For them, a man marries four women. If one woman is breeding ten children, there can be forty people in a

family.’³⁴ In 2015, the interfaith marriage law was passed (see Discriminatory legislation), restricting the rights of non-Buddhist men to marry Buddhist women. One individual told CSW that his girlfriend is a Christian but is identified as Buddhist on her National Registration Card (NRC), while he comes from a Muslim family, so legally they cannot marry. If a third party reported their relationship to the police, they could face prosecution under this law. False rumours about sexual violence have often been the root of mass inter-communal violence (see chapter on Human rights violations against Muslims).

Burmese religious and cultural sanctity is considered to be under threat from Muslims too. Women’s veiling practices and the slaughtering of cows at Eid are considered particularly objectionable. One popular Facebook post, which received 10,000 likes, from late September 2015 referred to a stampede in Mecca that killed over 1,000 pilgrims and stated it was karma for the Muslim slaughter of cows.³⁵ There is a distinct lack of tolerance for the religious practices of Muslims and they are frequently described as ‘*kalar*’, an abusive term which implies that Muslims are dirty, of a lower class, and not Burmese.

The rise of the 969 movement and Ma Ba Tha

In response to this trio of fears, nationalist groups have gathered momentum. The 969 movement emerged in 2012 as a way of strengthening the *Sasana* against the dangers of Islamic economic success.³⁶ The success of Muslims was perceived to be threatening, particularly in less developed parts of Burma, and people were encouraged to ‘Buy Buddhist’ (see chapter on Human rights violations against Muslims). U Wirathu at the time claimed that there was a ‘Muslim conspiracy’ to conquer Burma through economic exploitation and interfaith marriage.³⁷

In 2014 the 969 movement was solidified into Ma Ba Tha (Organisation for the Protection of Race and Religion), with U Wirathu remaining the figurehead. From being a loose coalition who were trying to undermine Muslim economic prosperity, Ma Ba Tha has initiated a more targeted campaign which uses the influential position of nationalist monks to bring about legal and political change.

The organisation is led by a 52-member Central Committee and in 2015, it claimed to have 250 offices and 10 million followers across Burma.³⁸ Their influence was at its height in 2014 and 2015 when they were receiving government patronage. The first petition which was presented by Ma Ba Tha in January 2014 in support of the Protection of Race and Religion Bills had 1.3 million signatories,³⁹ and by February 2014, it had three million signatories (8% of the national population).⁴⁰ A number of well-known and highly respected monks rank highly within Ma Ba Tha. Sitagu Sayadaw, also known as Ashin Nyaanissara, one of the most popular monks in Burma, previously served as Vice Chairman of Ma Ba Tha and is still one of the movement’s patrons, along with U Wirathu, who managed the ‘education and propagation’ department.

Ma Ba Tha encouraged a ‘Burmans for Burma’ campaign, known as the ‘Dobamar Movement’, based on anti-colonial and anti-Indian sentiment that emerged during the British colonial era. In this campaign Buddhists are urged to buy goods only at Buddhist-owned shops and to boycott Muslim businesses, arguing that if Muslim businesses make profits, they will use such wealth to ‘eliminate’ Buddhism and to manipulate Buddhist women into marrying Muslims.

They have used a number of methods to promote ‘defence of the *Sasana*’. These have included incitement to hatred and violence, the spread of false news and the intense lobbying of government in order to bring about political change. They have succeeded in ensuring that Rohingya Muslims are not considered to be Burmese citizens, that other Muslims have been subjected to discrimination, hatred and violence, and in securing patronage for their views and the passage of laws such as, most famously, the Four Laws for the Protection of Race and Religion.⁴¹

Ma Ba Tha is of course not the only Buddhist nationalist organisation – other small local groups who share the Buddhist nationalist ideology have emerged in different parts of the country, such as the Patriotic Buddhist Young Monk Association, who have engaged in violent attacks on Muslim vendors near the Shwe Dagon Pagoda in Rangoon and on Muslims during the celebration of the Prophet Mohammed’s birthday. They have also attempted to disturb inter-faith activities.

26 Reuters, ‘Special Report: Myanmar gives official blessing to anti-Muslim monks,’ 27 June 2013 <https://uk.reuters.com/article/us-myanmar-969-specialreport/special-report-myanmar-gives-official-blessing-to-anti-muslim-monks-idUSBRE95Q04720130627>

27 Center for Advanced Defense Studies, ‘Sticks and Stones: Hate Speech Narratives and Facilitators in Myanmar,’ 5 February 2016 www.burmapartnership.org/2016/02/sticks-and-stones-hate-speech-narratives-and-facilitators-in-myanmar/ Oxford University and MIDO, ‘Threat and virtuous defence: Listening to narratives of religious conflict in six Myanmar cities,’ 22 July 2015 www.sant.ox.ac.uk/sites/default/files/m.mas_working_paper_1.1_-_threat_and_virtuous_defence_-_july_2015.pdf

28 Center for Advanced Defense Studies, 2016, p.13

29 Walton and Hayward, 2014, p.18

30 *ibid.*, p.18

31 BBC, ‘Suu Kyi blames Burma Violence on “climate of fear”’, 24 October 2013 www.bbc.co.uk/news/world-asia-24651359

32 South China Morning Post, ‘Anti-Muslim Buddhist Monk Ashin Wirathu in Myanmar says Trump “similar to me”’, 18 November 2016 www.scmp.com/news/asia/southeast-asia/article/2047276/anti-muslim-buddhist-monk-ashin-wirathu-myanmar-says-trump

33 Center for Advanced Defense Studies, 2016, p.16

34 Coconuts Yangon, ‘Rights Groups Condemn ‘Blatantly Inflammatory’ Comments by Myanmar Minister on Rohingya ‘Invasion’’, 19 October 2016 <https://coconuts.co/yangon/news/rights-groups-condemn-blatantly-inflammatory-comments-myanmar-minister-rohingya-invasion/>

See also DVB’s interview with Lieutenant General Kyaw Swe <http://burmese.dvb.no/archives/172420> (Burmese)

35 *ibid.*, p.21

36 Walton and Hayward, 2014, p.22

37 Walton and Hayward, 2014, p.17

38 Center for Advanced Defense Studies, 2016, p.23-24

39 *New York Times*, ‘The People vs. The Monks’, 6 June 2014 www.nytimes.com/2014/06/07/opinion/the-people-vs-the-monks.html?_r=0

40 Radio Free Asia, ‘Myanmar Leader Backs Buddhist Monks’ Calls for Laws to “Protect” Religion, Race’, 27 February 2014 www.rfa.org/english/news/myanmar/laws-02272014174350.html

41 See chapters on Rakhine State, Discriminatory legislation and Human rights violations against Muslims.

Buddhist nationalism and Christianity

Ma Ba Tha and wider Buddhist nationalism are often stereotyped as primarily anti-Muslim movements. Although they do focus upon primarily anti-Muslim sentiment, it is important to emphasise that the narrative presented about the perceived threats to Burmese Buddhism has led to intolerance against all religious minorities. Ma Ba Tha monks have spread anti-Christian hate speech posts on social media. On 12 March 2016, for example, U Wirathu shared pictures of Chin Christian girls supposedly disrespecting Buddhist statues. The US Commission on International Religious Freedom (USCIRF) found that at least two of the images were not from Burma, but were fake images designed to defame the young women.⁴² Furthermore, churches, missionaries and Christian officials have recently been the victims of intimidation and threatening actions on the basis that Christianity threatens Burmese identity.⁴³ Ma Ba Tha’s discriminatory campaigning is helping to foster a toxic environment for religious minorities of all traditions.

The power of Ma Ba Tha and extremist nationalism

The fact that some Theravada Buddhist monks have bought into a narrative which claims that Buddhism is besieged does not fully explain why this movement has gathered such momentum. The political context has driven the success of nationalism, giving Ma Ba Tha a platform.

Political transition from military to civilian-led government began in Burma in 2011. After five decades of international isolation and military government, the process of ‘disciplined democracy’ began. Although the military continues to dominate, many of the developments from 2011 to 2016 were positive. President Thein Sein, a former military general, brokered a number of ceasefires with ethnic armed groups, released most political prisoners and opened up political space for the NLD which eventually saw their election in 2015.⁴⁴

However, as the country began to open up, religious nationalism grew. The military’s patronage for extremists has been at the heart of this, supporting, extending and legitimising anti-Muslim, pro-Buddhist sentiment. It has created a public sphere where anti-nationalist messages are censored while anti-Muslim sentiment is acceptable.

Government patronage

As has already been noted, Burmese Buddhism and the monks in particular had previously been used to legitimate the rule of the military junta. Once President Thein Sein opened up Burmese politics so that the NLD were allowed to compete, the USDP and the military needed to appeal to the populace and provide reasons for their continued rule. Buddhist identity politics provided an obvious way to appeal. The USDP manoeuvred into a position as a party that would protect race and religion. This was seen in their legislation, policy and campaigning.

The most notable legislative example was the passage of the Four Laws to Protect Race and Religion in 2015. Ohn Myint, minister of livestock and fishery under Thein Sein posted a picture on Facebook of a mass Ma Ba Tha rally in Yangon after the Four Race and Religion bills passed, saying:

‘Race and Religion shall be protected, Well done, Well done, Well done! It is the victory of our whole race, We Win, We Win, We Win!’⁴⁵



The rally in question was a Ma Ba Tha rally in October 2015 attended by tens of thousands of Buddhist monks, nuns and supporters, with thousands more watching on screens outside.⁴⁶ At this event Sitagu Sayadaw gave a keynote speech which elevated Iranian theocracy as an ideal type of constitution, and called on Buddhist nationalists to push for further measures to protect Buddhism:

‘For this reason, the law for protection of nationality and faith, although it shoots, bang, bang, it does not seem to hit right. Look at the laws of some other countries, Pakistan for example; they are similar to Iran’s. So also Malaysia. In our country Buddhism was made state religion in 1960-1, causing a big uproar of objections. Today that law is no more in force. Therefore even though you tried you are still far from your aims. That is my assessment...’⁴⁷

The military government worked in collaboration with Ma Ba Tha to promote laws which were nationalistic and discriminatory against religious minorities. They gave a platform to extremists, and government ministers actively promoted the nationalistic message.

The arrest of interfaith activists in February 2016, or the use of Section 295 of the Penal Code, which is the equivalent of a blasphemy law, to prosecute critics, are examples of the law’s misuse.⁴⁸ Similarly the USDP’s campaigning attempted to question whether Aung San Suu Kyi would stand up for Buddhists, as the NLD’s commitment to democracy and human rights was perceived by Buddhist nationalists as antithetical to the protection of Buddhism.

President Thein Sein’s spokesperson, Ye Htut, shared a video on Facebook of Aung San Suu Kyi being aggressively questioned by a Buddhist nationalist. He attached the caption: ‘This is freedom of expression and I always welcome that kind of question...’⁴⁹

On 20 September 2015 Mya Taung Sayadaw (above), Central Committee Member of Ma Ba Tha, spoke at a ceremony and said,

‘Will you vote for a party supported by Islamic people?’

The audience replied, ‘No.’

He said, ‘Who is that party?’

The audience replied, ‘NLD.’

He added, ‘You should only vote for the party who promote race and religion and should not vote for the party who are going to destroy race and religion. And not only you should not vote for the party supported by Islamic people but also you should totally make sure not to vote Islamic party.’



42 United States Commission on International Religious Freedom, 2016, p.10
43 See chapter on Christianity.
44 Walton and Hayward, 2014, p.1
45 CSW source.

46 BBC News, ‘Myanmar’s Ma Ba Tha monks flex their political muscle’, 8 October 2015 www.bbc.co.uk/news/world-asia-34463455
47 Sitagu Sayadaw, ‘Golden Speech’, 4 October 2015, p.23
48 Myanmar Times, ‘Interfaith activists convicted, given two years in prison’, 29 February 2016 www.mmtimes.com/index.php/national-news/mandalay-upper-myanmar/19211-interfaith-activists-convicted-given-two-years-in-prison.html
49 CSW source.

Censorship and the media

The Burmese state-run media further fuels extremism by failing to challenge anti-Muslim hate-speech, providing a platform for Buddhist nationalists, and censoring other narratives. Buddhists are almost never presented as perpetrators of violence by the media, even when they are evidently the aggressors.⁵⁰ This creates a climate of impunity for Buddhist perpetrators of violence.

State media has historically been politicised. After the national uprising in 1988 and the dishonoured election in 1990, won by the NLD in a landslide, the *New Light of Myanmar* – as it was known before it changed its name in 2014 to the *Global New Light of Myanmar* – and its vernacular counterpart, *Myanmar Ahlin*, often published vicious attacks on the junta’s nemesis, Daw Aung San Suu Kyi, accompanied by grotesque caricatures.⁵¹ Alongside this the state media was responsible under the USDP and the SPDC for the spreading of anti-Muslim hate speech and propaganda, providing a platform for Buddhist nationalist voices.

There was hope that the rise of the NLD would mark a change in policy as a result of the appointment of Dr Pe Myint, a respected journalist and writer, as Minister for Information. Certainly there have been some advances in freedom but these have not been extended to matters of religion. Khin Maung Kyaw Din, editor of the state-run *Kyemon* said,

‘We are allowed to cover any subject except sensitive issues such as race and religion.’⁵²

In practice this means that the state media is only allowed to publish the government’s line on these ‘sensitive’ issues. The *Global New Light of Myanmar* has been used as a platform to respond to international criticism. During the crackdown on Rakhine State in 2016, the *Global New Light of Myanmar* wrote solely about the ‘terrorist attack’ against Buddhist border guards on 9 October 2016 without referencing human rights violations against Rohingyas in Rakhine.⁵³

Its editorials and opinion pieces accused foreign journalists of working ‘hand in glove’ with terrorists and have suggested that Rakhine State’s Muslim community is a ‘thorn’ that has ‘to be removed’ and its members are ‘detestable human fleas’.⁵⁴ Meanwhile, the *Myanmar Times* was forced in November 2016 to stop covering events in Rakhine State after reporting on human rights abuses. Furthermore, two Kachin Christians were arbitrarily detained on 24 December 2016 by the military, after speaking to journalists about the destruction of a Catholic church in Mong Ko.⁵⁵ In 2018, Wa Lone and Kyaw Soe Oo, two Burmese reporters working for Reuters were charged under the Official Secrets Act and jailed for seven years after exposing a mass grave in Rakhine State.⁵⁶ They were released as part of a mass amnesty on 7 May 2019. News which places Buddhism or the military in a bad light is censored, while anti-Muslim slander is acceptable in Burma.⁵⁷

In the first eight months of the NLD-led government in Burma, 40 people were sued by the government for ‘defamation’ and other types of peaceful speech under the Telecommunications Act, Section 66(d).⁵⁸ Many of these prosecutions were for ‘defaming’, i.e. criticising, military figures. The use of the defamation law is one of a number of tools used to give the military a degree of immunity from criticism. The military continues to hold multiple key cabinet positions and 25% of the seats in parliament as a result of the 2008 constitution. This means that under the NLD, these interests continue to hold considerable weight and there remain significant barriers to meaningful dialogue and reform. Aware of the unpopularity of Muslims and the Rohingya minority, Aung San Suu Kyi has failed to meaningfully condemn or challenge Buddhist nationalist rhetoric, and indeed has at times defended the military. While the NLD has always stood for democracy, in government so far it has not acted to defend basic human rights, particularly freedom of religion or belief, because of the political consequences of doing so. This means that the four ‘race and religion laws’ remain in law, Muslims and Christians continue to face systematic discrimination, and a politicised Buddhist nationalism has a grip over public discourse.

A multimedia platform for hate speech

The politicisation of Buddhist nationalism has given space in Burma for widespread Buddhist nationalist rhetoric. U Wirathu and others are allowed to slander religious minorities with impunity. Extremists have taken the opportunities offered by these political circumstances and have harnessed multiple forms of media to great effect in their efforts to propagate a nationalist message.

Buddhist monks have made specific, intense preaching tours in order to spread an anti-Muslim message. Their message is populist and extreme, and communicated to those across the social class spectrum. The chairman of Ma Ba Tha, Ashin Tiloka, is known for his simple teaching style which makes complex Buddhist morals understandable to a wide audience. In June 2015 alone U Wirathu preached an anti-Muslim message on nine separate occasions.⁵⁹ His schedule is typical of populist extremist monks whose religious authority has given them a huge platform for spreading hate speech. Up until the November 2015 election, thousands attended Ma Ba Tha rallies which communicated a simple nationalistic, anti-Muslim message. People even began to wear Ma Ba Tha t-shirts to rallies, in a sign that nationalism had become commercially viable.

Hate speech has also been spread through newspapers, magazines and television. Ma Ba Tha produce a number of low-cost, weekly publications. *Aung Zeyathu* is a weekly newspaper available at tea shops for 1,000 kyat (\$0.78), *Atumashi* is a magazine published for citizens of Upper Burma, and the *Myitta tugun* is a regular periodical which sells for 500 kyat.⁶⁰ Their bi-monthly magazine *Tharkithwe* or ‘*Royal Blood*’ circulated in 2016 to around 50,000 people, more than the regular circulation received by *The Irrawaddy*. On top of this Ma Ba Tha monks publish books and other literature which can be easily bought in Burmese bookshops. They also have a sizeable television presence, and in September 2015, Ma Ba Tha signed a deal with SkyNet, Burma’s largest cable news provider, to broadcast its sermons. SkyNet camera crews have been seen at Ma Ba Tha events and given monks ample airtime.⁶¹

The rise of social media has added another forum of even greater significance. Facebook and other sites have been used as a platform to promote their agenda and sometimes spread slander and fake news. U Wirathu

has over 264,906 followers on Facebook. Another monk, Ashin Sopaka, operates four social media accounts, each with thousands of followers. These accounts regularly release a high volume of content, sharing the monks’ preaching agenda alongside political content, sometimes spreading hatred of and inciting violence against Muslims. Memes, videos or doctored images which show Muslims as dangerous rapists or terrorists are common. These images are crude and dehumanising, and yet are legitimised by the fact that religious leaders are willing to share them.

On 29 January 2016, U Wirathu shared a video called *The Black Day* which was a re-enactment of the rape and murder of a Buddhist girl which sparked violence in Rakhine State in 2012 (see chapter on Rakhine State).⁶² According to the *Myanmar Times*, ‘U Wirathu’s post was taken down by Facebook on 1 February, but only after it had been viewed 120,000 times and shared widely for three days.’ It referred to Muslims by the abusive term ‘*kalar*’, and was filled with hate speech. In February 2016 another Ma Ba Tha monk spread a rumour on social media that 3,000 mosques were being used as hiding places for arms and explosives; he went on to urge people to kill Muslims in future religious riots.⁶³ U Ko Ni, a highly respected Muslim lawyer and legal adviser to the NLD, was assassinated on 29 January 2017 by Kyi Linn. At 10.30pm that evening, a picture of the murder suspect was shared by Tin Ko Latt; it had gained over 18,000 shares in two days. The post was accompanied with this abusive message:

‘For the whole country he didn’t care about his life; he killed the scoundrel Nga Ni [disrespectful distortion of U Ko Ni’s name]. Let’s honour Kyi Linn from Mandalay, the man who did heroic work by himself.’⁶⁴

This glorification of the assassination of a Muslim is far from an exceptional example. The volume of this type of content being shared should not be underestimated. The UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, has highlighted the role of Facebook in fuelling hatred and violence, saying in March 2018: ‘We know that the ultra-nationalist Buddhists have their own Facebooks and are really inciting a lot of violence and a lot of hatred against the Rohingya or other ethnic minorities. I’m afraid that Facebook has now turned into a beast, and not what it originally intended.’⁶⁵

50 Adapt Research and Consulting, ‘Intercommunal Violence in Myanmar: Risks and Opportunities for International Assistance’, April 2014, p.11
51 Frontier Myanmar, ‘The NLD’s new chapter in propaganda’, 31 January 2017 <http://frontiermyanmar.net/en/the-nlds-new-chapter-in-propaganda>
52 ibid.
53 See chapter on Rakhine State.
54 Frontier Myanmar, ‘The NLD’s new chapter in propaganda’, 31 January 2017 <http://frontiermyanmar.net/en/the-nlds-new-chapter-in-propaganda>
55 *Myanmar Times*, ‘Two Mong Koe church leaders transferred to Muse police custody’, 26 January 2017 www.mmmtimes.com/index.php/national-news/24694-two-mong-koe-church-leaders-transferred-to-muse-police-custody.html
56 Reuters, ‘Dangerous News: How two young reporters shook Myanmar’, 8 August 2018 www.reuters.com/investigates/special-report/myanmar-reporters-democracy/
57 Coconuts Yangon, ‘Myanmar Times joins the enemies of press freedom’, 4 November 2016 <http://yangon.coconuts.co/2016/11/04/myanmar-times-joins-enemies-press-freedom>
58 Human Rights Watch, ‘Burma: Don’t Prosecute Peaceful Speech’, 24 January 2017 www.hrw.org/news/2017/01/24/burma-dont-prosecute-peaceful-speech

59 Burmese Muslim Association Situation Updates June 2015.
60 Center for Advanced Defense Studies, 2016, p.25
61 Ibid., p.26
62 *Myanmar Times*, ‘U Wirathu condemned and warned over hate speech video’, 2 February 2016 www.mmmtimes.com/index.php/national-news/18779-u-wirathu-condemned-and-warned-over-violent-video.html
63 Burma Human Rights Network, February 2016
64 Coconuts Yangon, ‘Post praising U Ko Ni’s Alleged Assassin goes viral in Myanmar’, 30 January 2017 <http://yangon.coconuts.co/2017/01/31/post-praising-u-ko-nis-assassin-goes-viral-myanmar>
65 BBC, ‘UN: Facebook has turned into a beast in Myanmar’, 13 March 2018 www.bbc.co.uk/news/technology-43385677

Burma’s identity crisis

The anti-Muslim message is communicated through material culture too. Banners are being erected in townships throughout Burma with statements declaring that only Buddhists are welcome or that this is an ‘Islam-Free Zone.’⁶⁶ A CSW contact took pictures in a number of townships across Burma and found many examples of this:



Southern Shan State, Yat Saute Town, 15 June 2015



Translation: Islam-free zone

- 1. Islamic people are not allowed to sleep even a night.
- 2. Households shall not be sold or hired to Islamic people.
- 3. No one is allowed to get married to Islamic people.



Unidentified; Translation: ‘Kalars [racist word for Muslims] and people of different religion are totally not allowed to enter.’



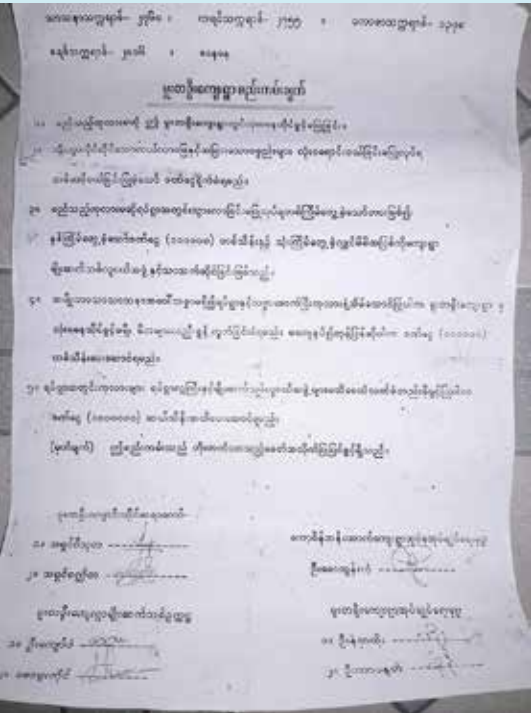
Southern Shan State, Taungyi Township

Translation: ‘People of different religions and race are absolutely not allowed to live here...Islam, Christianity, Hinduism and other religions are not accepted here. We have never accepted people of other religions and we will never accept them in the future.’



Several Muslims doing border trade on the China-Burma border told us that in 2017, many Muslims were identified as ‘Myanmar kalar’ under nationality in their temporary border-crossing pass. ‘Kalar’ is a highly offensive term intended to humiliate Muslims.

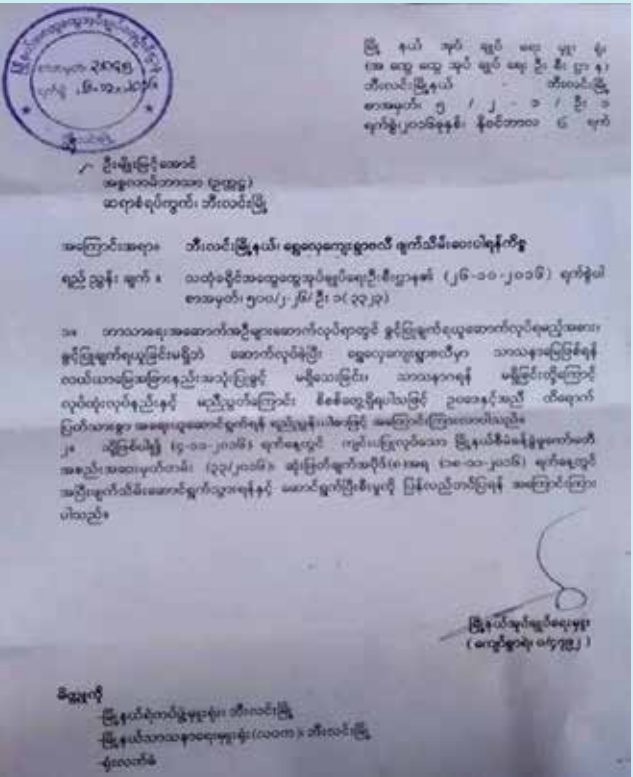
A copy of a local agreement between a village head monk and village government administrative officers. This agreement was made in 2016, in Kauk Sein Ban village and Muu Ta Kwee village in Kayin state. The agreement states ‘5 Facts’:



- 1. Not to allow any ‘kalar’ to live in this village.
- 2. To fine people who sell land and other things to people who not belong to the village.
- 3. Not to allow any villagers to communicate with or befriend ‘kalars’. Those who violate this principle will be fined 100000 Myanmar Kyats for first two times, and on the third time the nationalist group will take action to the individual by their own means.

- 4. If anyone marries a ‘kalar’, they are betraying their religion and race and will be driven out of the village along with their parents and relatives.
- 5. If anyone host ‘kalar’ who pass by the village, they will be fined 1 Million Kyat.

A copy of letter from the village Sangha council of Ma Au Alae village, Yesakyo Township, Magway region, announcing that the local administrative office and Sangha council have agreed:



- 1. Not to allow Muslims to pass through the village.
- 2. Not to sell lands to Muslims.
- 3. To put a signboard saying ‘no Muslim allowed to enter’ in places in the village.
- 4. Village administrator to implement the agreement strictly.

66 Burma Human Rights Network, ‘Persecution of Muslims in Burma’, p.41-50

It is worth emphasising that Ma Ba Tha and others use different media strategically in tandem with each other. Social media is used to publicise all the other avenues, from the monks’ preaching schedules through to their television appearances. In Kone Thar Township there is a sign which *kalars* are not allowed to enter. A Mandalay Ma Ba Tha leader then shared the photo on Facebook saying, ‘This kind of Muslim-free zone should be set up throughout the country.’⁶⁷ The power of the material message was magnified by the use that leaders in the Ma Ba Tha movement made of social media.

Violence fosters hate speech in Meiktila

On 26 September 2016 a CSW contact interviewed 13 community members from the Buddhist and Muslim communities. The interviews expose the power that inter-communal violence has to create lasting tension between communities, and find that it was both local authorities and extremist nationalist groups that stirred up anti-Muslim hatred in Meiktila. The incidents of mass violence in 2012, 2013 and 2014, and the way that they were presented as having been sparked and initiated by Muslims has created a context in which anti-Muslim, Buddhist nationalist rhetoric has flourished.⁶⁸ In the words of one Muslim women, ‘There have been no more direct attacks but there is a lot of tension, and hate speech continues in the town.’

Swan Htet Myo Oo, a 17-year-old Muslim from Meiktila said, ‘There is still a lot of tension, Ma Ba Tha is very strong...Any activities which aim to build peace are disturbed by the local authorities, specifically the Home Affairs department. In some parts of the township Muslims are not allowed to go back to their homes either by the local authority or by community-led nationalist groups. There are still eight mosques closed.’

Ms A, a 33-year-old Muslim from Yadana Man Aung Quarter whose house was destroyed in 2013 said, ‘There will often be attempts to start violence. Hate speech is preached every month and Wirathu often comes to Meiktila.’

Mr B, a 47-year-old Muslim from Pyi Taw Thar Quarter said, ‘Muslims face a lot of threats on the road but most of us do not dare to counter them. A lot of anti-Muslim campaigns happen in economics. Local government are also very discriminatory towards us. Children also face discrimination at school.’

Mr C, a 78-year-old Muslim from Pyi Thar Yar Quarter whose house was destroyed in 2013 said, ‘The mosques are still closed. We cannot do religious education in our quarter. The restriction comes from the township religious ministry.’

Ms D, 39-year-old Buddhist from Chan Aye Quarter, said, ‘There is a lot of mistrust between the two communities. Small clashes can lead to big violence. A lot of hate campaigning is still going on.’

The violence has created a deep lack of trust between communities, divisions which mean that people are more susceptible to believing the discriminatory messages about Muslims and are more willing to take violent action.

Limits on intolerance and the decline of Ma Ba Tha in 2016-2017

Theravada Buddhist monks have long been cultural leaders and prophetic voices in Burma. In the dark days of the military junta the monasteries filled a void left by a negligent government. The government failed repeatedly to provide programmes for education, public health and disaster relief. As a result, there are at least 1,500 monastic schools and community health clinics operating out of monasteries. In 2008, the response to Cyclone Nargis was coordinated through monasteries (sometimes in partnership with Christian organisations).⁶⁹

While some of their influence has been a result of patronage, and patronage has fed movements like Ma Ba Tha, Theravada Buddhist monks have a powerful, and independent, influence in their own right. Indeed they have provided critical moral leadership at watershed moments in Burma’s history, most recently in the Saffron Revolution of 2007, where the peaceful demonstration of monks exposed the brutality of the military regime and arguably precipitated the passage of the 2008 constitution and the reforms of 2011.⁷⁰

Since 2011, Buddhist monks have often been at the forefront of movements for tolerance and reconciliation. In Kachin State in August 2012, the president of the Kachin Baptist Convention (KBC) noted that a group of ‘Saffron Revolution monks’ had recently offered relief to victims of conflict. In early 2014, a monk walked a six-day journey in Rakhine State, from Sittwe to Mrauk U, in support of national peace and reconciliation.⁷¹ In 2013, a prominent monk in Lashio gave shelter in his monastery to hundreds of Muslims during anti-Muslim violence, and in so doing saved lives. Another monk in Meiktila did the same. Several prominent monks work to counter the voices of intolerance, and have been known to provide aid to Muslims.

One study found that the majority of those living in towns which experienced outbreaks of violence in 2013-2014 were keen to distance themselves from violence, declaring: ‘This is not who we are.’ This finding is deeply significant, as it serves to emphasise that while the voice of Ma Ba Tha and others is vocal and influential, it has not transformed the views of the majority of Burmese citizens, or even Buddhist monks,

but has rather seen the rise of a powerful and unhindered minority. In 2014 in Mandalay, it was the Buddhist monks who ensured that the violence did not escalate out of control. Monks have helped foster peace and unity in the new political landscape.

When the NLD assumed office in March 2016, there was enormous hope among the people of Burma, including the ethnic nationalities and religious minorities, and throughout the international community. That hope was tempered by caution in the knowledge that the military retained considerable power and that the de facto head of government, Aung San Suu Kyi, was constrained by constitutional limits which restricted her power and surrounded her with senior military figures. Nevertheless Aung San Suu Kyi’s promise, in an interview with Fergal Keane on the BBC, that hatred has no place in this nation and that her government would protect the rights of non-Buddhist and non-Burman minorities, gave people hope.⁷²

Her failure to respond to the crisis in Rakhine, indeed her denial of the evidence and her rejection of the international community’s outrage, as well as her government’s failure to make progress on ending the conflict in northern Burma and to begin to tackle religious and racial hatred, have been a cause of major disappointment and concern. Although from time to time the new government has made statements about reconciliation and countering intolerance, and has on occasion responded swiftly to incidents – as in the case in Bago Division in January 2017, when Buddhist nationalists attempted to shut down a Muslim religious ceremony in Bago Division⁷³ – overall, the situation is alarming.

Furthermore, extremist nationalists are a military-backed minority who have spread an anti-Muslim message so that it has increasing power in Burma, but they are not the sole voice or even the most influential group of Buddhists. The *Sangha*, the state-backed monks’ council decried Ma Ba Tha as ‘unlawful’ in July 2016 and many of the activities of Ma Ba Tha temporarily stopped after this.⁷⁴

Having said this, Ma Ba Tha’s regional affiliates remain active, and U Wirathu has more social media followers now than ever before and continues to actively preach hatred and spread slander on Facebook. The military assault on the Rohingyas in Rakhine State in October 2016 and August 2017 also gave energy to Buddhist nationalist fears, as news

of an apparent Islamic insurgency has fed into anti-Muslim narratives. Ma Ba Tha is far from a dead cause, even if its power has been restrained since the *Sangha* disowned it. On 27 January 2017 Maung Thway Chon, a Ma Ba Tha central committee member, announced that if the government wanted to change the Race and Religion Protection Laws, they would face ‘unwanted consequences’ at the hands of Ma Ba Tha.⁷⁵

After U Wirathu praised the suspects involved in U Ko Ni’s murder on 1 March 2017, the government and the Buddhist Sangha Council made an important challenge to his hate speech.⁷⁶ On 10 March the 47 senior monks who run the state Buddhist Sangha Council officially banned him from preaching for one year.⁷⁷ A statement the following day by the Ministry of Religious Affairs and Culture said that restrictions on the monk were due to his criticism of the current government, religious hate speech made at his Dhamma talk at Kyunku, and his praising of suspects involved in the murder of NLD legal adviser U Ko Ni on Facebook. This is an important first step but the situation remains tense, and Ma Ba Tha’s influence, and the influence of Buddhist nationalism, continues to be extensive. Even U Wirathu has not yet been silenced: he took to preaching ‘silent sermons’ whereby he will sit with tape on his mouth and play an older recording of one of his sermons in the background, as an act of protest.⁷⁸

On 2 June 2017 Ma Ba Tha changed its name, after an order by the Buddhist Sangha to disband, and was newly christened the Buddha Dhamma Parahita Foundation. It was also announced that a political party with ties to Ma Ba Tha would be created – tentatively named the ‘135 Patriots Party’.⁷⁹ The name is a sign that the organisation is feeling the pressure, and U Wirathu complained on 12 June 2017 that Facebook had temporarily blocked his account.⁸⁰ However, the creation of a new political party is a concerning development and must be monitored closely. The London-based Burma Human Rights Network’s executive director, Kyaw Win, condemned the attempt by elements from the group formerly known as Ma Ba Tha to transform into a political party. He added,

67 CSW source.
68 See chapter on Hate speech and violence.
69 Walton and Hayward, 2014
70 ibid., p.11
71 ibid., p.12
72 BBC, ‘Myanmar election: Full BBC interview with Aung San Suu Kyi’, 10 November 2015 www.bbc.co.uk/news/av/world-asia-34774469/myanmar-election-full-bbc-interview-with-aung-san-su-kyi
73 The Irrawaddy, ‘NLD Government Needs to Shut Down Ma Ba Tha Affiliates’, 19 January 2017 www.irrawaddy.com/opinion/editorial/nld-government-needs-to-shut-down-ma-ba-tha-affiliates.html
74 The Irrawaddy, ‘State-Backed Monks’ Council Decries Ma Ba Tha as “Unlawful”’, 13 July 2016 www.irrawaddy.com/news/burma/state-backed-monks-council-decries-ma-ba-tha-as-unlawful.html
75 The Irrawaddy, ‘Ma Ba Tha Resists Reforms to Race and Religion Laws’, 27 January 2017 www.irrawaddy.com/news/burma/ma-ba-tha-resists-reforms-to-race-and-religion-laws.html
76 The Irrawaddy, ‘U Wirathu Takes to Social Media to Thank Suspects in U Ko Ni’s Murder’, 1 March 2017 www.irrawaddy.com/news/u-wirathu-takes-to-social-media-to-thank-suspects-in-u-ko-nis-murder.html
77 The Irrawaddy, ‘The Fall of U Wirathu’, 15 March 2017 www.irrawaddy.com/news/burma/the-fall-of-u-wirathu.html
78 The Irrawaddy, ‘Despite Ban, U Wirathu Vows to Continue “Silent Sermons”’, 21 March 2017 www.irrawaddy.com/news/burma/despise-ban-u-wirathu-vows-continue-silent-sermons.html
79 Democratic Voice of Burma, ‘Ma Ba Tha rebranding, political decoupling do little to soothe critics’, 2 June 2017 www.dvb.no/news/ma-ba-tha-rebranding-political-decoupling-little-soothe-critics/75845
80 The Irrawaddy, ‘U Wirathu Claims Facebook Blocked His Accounts’, 12 June 2017 www.irrawaddy.com/news/burma/u-wirathu-claims-facebook-blocked-accounts.html

‘While Ma Ba Tha’s popularity seems very limited, it is a genuine concern that they may use propaganda and fear-mongering to gain popular support. While it feels unlikely they can succeed this way, it is worrying that it is possible.’⁸¹

Although the NLD-led government has at times taken initial steps to challenge Ma Ba Tha, it must go much further and address hate speech in all its forms if the toxic intolerance is to be meaningfully countered.

Conclusion

Speaking on 19 September 2012, Daw Aung San Suu Kyi made calls for reconciliation in Burma:

‘Basically, wherever there is hate, there is fear. So, hate and fear are very closely related. You have to remove the roots of hatred – that is to say you have to address these issues that make people insecure and that make people [feel] threatened.’⁸²

The challenges remain very similar today. Intolerance is fuelled by a matrix of fears and a powerful lobbying

group feeding and fuelling those fears. A powerful multimedia campaign has spread hatred far and wide, and violence has fostered inter-communal tension. The legislative framework creates institutional discrimination and justifies hatred.

This is not to say that Burma is a nation simplistically divided along sectarian lines. Broadly speaking, there are four categories of attitude within Burmese society: those motivated by a deep-seated racial and religious hatred; those who might not be filled with hatred but rather with ignorance, believing decades of propaganda about Muslims, and in particular the Rohingyas, that they are illegal immigrants, or worse, that they are terrorists and extremists; those who know the truth but are fearful about speaking out; and a few who know the truth and are courageous enough to speak out and work to counter both hatred and ignorance.

Among the first and second categories there are those who might not endorse the violence, and indeed might even condemn it, but who share the prejudice.

Reconciliation and peace are only possible if efforts to address ignorance and promote understanding are strengthened, and if those who challenge the Buddhist nationalists spreading hatred are supported. The *Sangha* and the government’s tentative challenges to Ma Ba Tha are welcome, but much more is required.



Kachin children

⁸¹ Democratic Voice of Burma, ‘Ma Ba Tha rebranding, political decoupling do little to soothe critics’, 2 June 2017

www.dvb.no/news/ma-ba-tha-rebranding-political-decoupling-little-soothe-critics/75845

⁸² Mizzima, ‘Remove Roots of Hatred’, 19 September 2012 <http://mizzimaenglish.blogspot.com/2012/09/remove-roots-of-hatred.html>

Discriminatory legal framework in Burma

969 movement Buddhist monk Hitadaya Sayadaw’s declaration that his life’s fundamental priority lies in the protection of race and religion provides a helpful window into understanding the Burmese legislative framework and how it impacts freedom of religion or belief and other human rights. The emergence of a powerful strain of Buddhist nationalism in Burma has shaped the laws of the nation and how they are to be interpreted. As policy-makers and judges have been sympathetic to Ma Ba Tha and the 969 movement in recent years, Burma has an increasingly discriminatory matrix of legislation.

The 2008 constitution

‘I certainly will get old but I will try hard so that my religion, Buddha’s teachings, my race and my country won’t get old.

I certainly will get hurt but I will try hard so that my religion, Buddha’s teaching, my race and my country won’t get hurt.

I certainly will die but I will try hard so that my religion, Buddha’s teachings, my race and my country won’t die.’

Hitadaya Sayadaw, Special Preaching on ‘To Protect Race, Religion and Buddha’s Teachings’⁸³

⁸³ Hitadaya Sayadaw, ‘Special Preaching on ‘To Protect Race, Religion, and Buddha’s Teaching’’, April 2014



Daniel Sinclair/CSW

Not all of the legislation would necessarily have to be interpreted in a way that acts to marginalise religious minorities. In fact, if it was changed, Article 34 of the 2008 constitution would protect freedom of religion or belief. However, the law fails to safeguard minorities because judges, legislators and local political actors have collaborated to ensure that often the legal framework in Burma protects a Buddhist interest, not the right that each individual citizen has to freedom of religion or belief. People from minority religious groups are left vulnerable and marginalised, without the necessary constitutional or legal protection.

This chapter will provide an examination of four sets of laws in order to illustrate that the Burmese legal framework currently systematically discriminates against religious minorities and fails to provide freedom of religion or belief for all:

- 1. The 2008 constitution.
- 2. Section 295 of the Burmese legal code.
- 3. The four ‘race and religion’ laws.
- 4. Other discriminatory legislation.

The 2008 constitution

The 2008 constitution was published on 9 April 2008; it replaced the 1974 constitution and was ratified by a heavily rigged referendum held on 10 May 2008.⁸⁴ In 2003, following domestic pressure by the NLD and international pressure in reaction to the continued detention under house arrest of Aung San Suu Kyi, Burma’s dictator at the time, Senior General Than Shwe began to put plans in place to move Burma towards a nominally civilian government.⁸⁵ A move began which was designed to present the veneer of democracy in order to legitimate military rule. The 2008 constitution was correspondingly produced by the ruling party and was designed to maintain military control. It fails to adequately safeguard many fundamental human rights, including freedom of religion or belief for all.

Three problems with the 2008 constitution are outlined which combine to undermine freedom of religion and belief for all:

- 1. Protection of freedom of religion or belief is too vague and not emphatic enough.
- 2. The military (the *Tatmadaw*) has too much power.
- 3. Freedom of religion or belief for all is not safeguarded.

⁸⁴ Human Rights Watch, ‘Vote to Nowhere: The May 2008 Constitutional Referendum in Burma’, May 2008 www.hrw.org/sites/default/files/reports/burma0508webwcover.pdf Amnesty International, ‘Myanmar: Constitutional Referendum Flouts Human Rights’, 9 May 2008 www.amnesty.org/en/press-releases/2008/05/myanmar-constitutional-referendum-flouts-human-rights-20080509/
⁸⁵ Benedict Rogers, *Burma: A Nation at the Crossroads*, 2012, p.204
⁸⁶ Constitution of the Republic of the Union of Myanmar, 2008, Article 34
⁸⁷ *ibid.*, Article 354
⁸⁸ *ibid.*, Article 360(b)
⁸⁹ *ibid.*, Article 364

Protection of freedom of religion or belief is too vague

Article 34 of the 2008 constitution says:

‘Every citizen is equally entitled to freedom of conscience and the right to freely profess and practice religion subject to public order, morality or health and to the other provisions of this constitution...’⁸⁶

Although appearing to protect freedom of religion or belief for all, this article is subject to conditions which undermine its effectiveness. Article 34 is contradicted by Article 361 which says, that ‘The Union recognizes the special position of Buddhism as the faith professed by the great majority of the citizens of the Union.’ In writing the ‘special status’ of Buddhism into the constitution, space is left for the enactment of policies which discriminate against religious minorities in the name of the protection of Buddhism.

Furthermore, freedom of religion or belief is only granted as long as religion doesn’t ‘undermine’ ‘public order’, ‘morality’, ‘health’ or ‘other provisions of this constitution’. Ultimately the result is that a vaguely defined idea of ‘public welfare’ trumps freedom of religion or belief in the 2008 Constitution. Article 354 says that ‘peace and tranquillity’, the ‘prevalence of law and order’, ‘Union security’, ‘public order and morality’ all trump essential rights such as freedom of expression or freedom of religion or belief.⁸⁷ This is further made explicit in paragraph 360 (b): ‘The freedom of religious practice so guaranteed [in Section 34] shall not debar the Union from enacting law for the purpose of public welfare and reform.’⁸⁸

This is particularly relevant in instances where religion and politics interact. Article 364 says that:

‘The abuse of religion for political purposes is forbidden.’ Any actions which ‘promote feelings of hatred, enmity or discord between racial or religious communities...is contrary to this constitution...’⁸⁹

This could be a progressive law, promoting unity and peace. It could be a law which would outlaw the discriminatory actions of Buddhist nationalists. Unfortunately what these two lines of the constitution mean has not been adequately defined and Buddhist nationalists have instead been allowed to use the law to justify arbitrary attacks on freedom of religion or belief. The process which has allowed this is one which views the expansion of Islam and the presence of Muslims as in itself a political process. *Tatmadaw* [Burmese Defence Services] training sessions in Naypyidaw have included a lecture entitled ‘Fear of Losing One’s Race,’ which suggested that Burma was in danger of becoming extinct because of the manoeuvring of ‘Bengali Muslims.’⁹⁰ This kind of rhetoric and propaganda is common; it leads to interpretations of the law which lack objectivity and hinder freedom of religion or belief.

The Tatmadaw has too much power

This draws us to another problematic element of the 2008 constitution: the considerable power given to the *Tatmadaw* (the military). The constitution was, according to Human Rights Watch, ‘designed in large part to entrench continued military rule.’⁹¹ It stated from the beginning that one of its six central objectives was the ‘enabling of the *Tatmadaw* to be able to participate in the National Political Leadership role of the State.’⁹² Throughout the constitution, we see this principle working itself out in practice. The ‘*Tatmadaw* has the right to independently administer and adjudicate all affairs of the armed forces.’⁹³ 110 of the 440 seats in the lower ‘People’s Assembly’ (Pyithu Hluttaw)⁹⁴ and 56 of the 224 seats in the upper ‘Assembly of Nationalities Parliament’ (Amyotha Hluttaw), a quarter of the seats in both houses, are reserved for military personnel directly selected by the commander-in-chief of the *Tatmadaw*.⁹⁵ They are also allowed to stand for non-reserved seats, meaning that they could potentially have even greater influence.⁹⁶ The commander-in-chief is also entitled to appoint a similar proportion of military appointees to all state and regional parliaments, ensuring a dominant military role at all levels of governance.⁹⁷ Furthermore, the commander-in-chief is given control of three key ministries – home affairs, border affairs and defence – ministries which directly shape government policy towards ethnic and religious minorities.⁹⁸

The power of the military is constitutionally safeguarded in Burma. The constitution thereby ensures that the

actions of the democratically elected government are not sovereign, but that political equilibrium is complex and finely balanced. The *Tatmadaw* have a Buddhist nationalist agenda and are given freedom by the constitution to commit acts of violence with impunity against religious or ethnic minorities in the name of ‘public health’ or ‘morality’. They have abused this power consistently over multiple decades.

Freedom of religion or belief for all is not protected

Finally, it is worth highlighting that the constitution only protects the rights of ‘citizens’. Amnesty International highlights that:

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. In general, human rights must be guaranteed to all persons within the state’s territory and jurisdiction irrespective of citizenship status.⁹⁹

The Rohingya people of Rakhine State have been victims of genocide and crimes against humanity. Their troubles begin with their lack of constitutional protection and the denial of their rights to citizenship. Key to any just solution and any possibility of their return to Rakhine State in the future is the restoration of their citizenship rights.

⁹⁰ Al Jazeera, ‘Promoting the “Muslim threat” in Myanmar’, 28 October 2015 www.aljazeera.com/indepth/features/2015/10/cloneofpromoting-muslim-threat-myanmar-151025123-151025132207025.html
⁹¹ Human Rights Watch, 2008, p.44
⁹² Constitution of the Republic of the Union of Myanmar, 2008, Article 6(f)
⁹³ *ibid.*, Article 20(b)
⁹⁴ *ibid.*, Article 109(b)
⁹⁵ *ibid.*, Article 141(b)
⁹⁶ *ibid.*, Article 369(a)
⁹⁷ *ibid.*, Article 161(d)
⁹⁸ *ibid.*, Article 201
⁹⁹ Constitution of the Republic of the Union of Myanmar, paragraph 354 Amnesty International, ‘New Expression Meets Old Repression: Ending the cycle of political arrests and Imprisonment in Myanmar’, 24 March 2016, p.34 www.amnesty.org/en/documents/asa16/3430/2016/en/

Section 295 of the penal code

Burma and India had Section 295 added to their penal codes in 1927 in order to curb communal tension.¹⁰⁰ This stipulates that the ‘deliberate and malicious intention of outraging the religious feelings of any class by insulting its religion or religious beliefs’ shall be punished with imprisonment or fine.¹⁰¹ Unfortunately the notion of ‘insult’ and the interpretation of what it means to have ‘deliberate and malicious intentions’ are not clearly defined and are open to abuse.

Courts in Burma have interpreted this law in discriminatory ways. People have been prosecuted for, in effect, ‘blasphemy’ without any evidence of deliberate intent to insult religion. Legitimate acts of expression are deemed to insult religion and are open to prosecution. For instance, in 2015 Philip Blackwood and colleagues Tun Thurein and Htut Ko Ko Lwin were jailed for two and a half years with hard labour for posting a psychedelic image of the Buddha wearing headphones, in order to promote their bar.¹⁰²

The law contributes to discrimination because of biases in the judiciary. Statements offensive to religious minorities have gone unpunished while false evidence against minorities has been accepted as legitimate. Htin Linn Oo, a Buddhist writer and NLD information officer, was sentenced to two years in prison with hard labour in 2015 simply for making a speech in which he criticised those who preach hatred. As a Buddhist, he said that preaching hatred and inciting violence were incompatible with the teachings of Buddhism, and for doing so he was accused of insulting Buddhism. The charges against a moderate Buddhist who had the courage to raise important questions about Buddhist nationalism illustrate the damage that the misuse of Section 295 of the penal code can cause when extremists control the judiciary.¹⁰³

It is concerning to note that Ma Ba Tha activists believe that the punishment for blasphemy is insufficient and are demanding a tougher punishment in order to ‘control the spread of Islam’. The law itself breaks both international law and Burma’s own constitution. It leaves minorities vulnerable to baseless accusations. It should be eradicated, not strengthened.¹⁰⁴

The Four ‘Race and Religion’ Laws

Since 2012, Buddhist nationalism and inter-religious tensions have taken centre stage in Burmese politics.¹⁰⁵ The emergence of Ma Ba Tha (the Organisation for the Protection of Race and Religion) and the 969 movement have given a significant platform to a strain of nationalism which intimately ties Buddhism to Burmese national identity. These nationalistic groups have many sympathisers in the military and tap into widespread fears of Islam.¹⁰⁶ One of their priorities is the ‘protection of race and religion’, and they have sought to promote this both at a grassroots and a policy level.

The four ‘Race and Religion’ Laws were drafted by Buddhist nationalists and reflect their priorities. They were drafted by Ma Ba Tha and submitted by President U Thein Sein in early 2014. The speaker of the Pyidaungsu Hluttaw at the time, Thura U Shwe Mann, initially returned them to the government and informed them that they were not in the proper format.¹⁰⁷ Even acts which may, with hindsight, be perceived as insulting but may not have been intended maliciously, or would not normally be criminalised in a democracy, are treated as crimes. After this, a 12-member commission was formed on 7 March 2014, headed by Deputy Attorney-General U Tun Tun Oo, who edited the initial draft laws into a legitimate format. They were passed in May 2015.

Given Ma Ba Tha’s central role in the drafting of the laws, they unsurprisingly prioritise Burma’s Buddhists. In their bid to protect Burma’s religious identity, they undermine freedom of religion or belief for all. In early 2014, more than 100 civil society groups issued a joint statement saying the introduction of a faith marriage law would be ‘disgraceful...’ because of its implications for women’s rights and freedom of religion or belief.¹⁰⁸ The Religious Conversion Law was likened by one Burmese MP to the ‘Spanish Inquisition’.¹⁰⁹ The UN Special Rapporteur on minority issues, Rita Izsak, cautioned that ‘these bills particularly discriminate against ethnic and religious minorities and have the potential to fuel existing tensions in the country,...’ in a statement she issued jointly with the UN Special Rapporteur on human rights in Burma, the UN Special Rapporteur on freedom of religion or belief, the UN Special Rapporteur on the right to health, and the head of the Working Group on the issue of

discrimination against women in law and in practice, expressing their ‘alarm’.¹¹⁰ The four laws, designed to ‘protect race and religion’, contribute therefore to the matrix of discriminatory legislation.

This report will focus on the connotations of three of the four pieces of legislation on the rights of minorities and freedom of religion or belief. The fourth piece of legislation, the Monogamy Bill, does not significantly undermine these (though it does undermine other rights), and therefore will not be the focus here.¹¹¹

Religious Conversion Law

The UN Special Rapporteur on freedom of religion or belief commented in 2012 that ‘the right to conversion and the right not to be forced to convert have the status of unconditional protection under international human rights law’.¹¹² The ‘Religious Conversion Law’ begins with the promising comment that ‘everyone...has the right to convert from his or her current religion to another’.¹¹³ Unfortunately, this attempt to regulate freedom of religion actually undermines this right by erecting state bureaucracy as a barrier to make conversion more difficult.¹¹⁴

The law requires that conversion is officially recognised by a ‘Registration Board on Religious Conversion’.¹¹⁵ A detailed personal account of conversion has to be submitted, and the Board is then given freedom to judge the authenticity of a conversion. They are mandated to question whether the person ‘truly believes in the said religion’.¹¹⁶ This is supposedly designed to safeguard people against forced conversion.¹¹⁷ In reality, it creates a barrier to conversion, particularly for religious minorities. The Registration Board is made up of local administrative officials and there are no provisions to ensure that religious minorities have a place on the Board.¹¹⁸

In the current political climate, with a strong strain of Buddhist nationalism holding sway at a regional governmental level throughout Burma, the introduction of this Registration Board is a significant barrier to the right that people have to convert. The intrusive details that the law requires converts to divulge also conflict with the Right to Privacy as laid out in Article 12 of the Universal Declaration of Human Rights.¹¹⁹

The current political situation ensures that other Articles in the Religious Conversion Law exacerbate problems. Article 14 simply states that:

‘No one is allowed to apply for conversion to a new religion with the intent of insulting, degrading, destroying or misusing religion.’¹²⁰

The lack of detail about what this means leaves the Article open to abuse; a similar criminalisation of ‘insult’ has led to ‘frequent attacks against religious minorities in India’.¹²¹

Article 15 is a vague provision which outlaws ‘inducement’, ‘intimidation’, or ‘undue influence’ in the conversion process.¹²² If these terms were properly defined, then this law could provide helpful protection. As it is, the law is open to abuse. There is nothing to stop a local official considering a conversation about religion to be ‘undue influence’ or ‘inducement’. The freedom of expression of minorities is thus left vulnerable, local officials having the power to use their own discretion to decide what constitutes ‘inducement’ and potentially hand out a two year prison sentence. Rather than protecting freedom of religion or belief, it gives local state authorities the power to decide whether freedom of religion or belief should be protected or denied. In light of the prominence of Ma Ba Tha and Buddhist nationalism at a local level, this leaves people’s rights open to abuse.

The Religious Conversion Law also places restrictions on the right of children to convert. It states that only a person who is 18 years or older is old enough to convert.¹²³ This breaks Article 14 of the Convention on the Rights of the Child, a convention which guarantees the right of the child to freedom of religion, and a convention which Burma ratified in 1991.¹²⁴ It also has a number of concerning connotations. For instance, if the parents of a child converted, the child would be unable to attend their parents’ new place of worship. If a child aged 16 decided to convert, they would be unable to.¹²⁵

Ultimately the Religious Conversion Law is a piece of legislation which reflects the interests of Ma Ba Tha and

100 Myanmar Times, ‘Blasphemy statutes deny human rights’, 21 July 2015 www.mmtimes.com/index.php/opinion/15579-blasphemy-statutes-deny-human-rights.html Detailed analysis of this can be found in Human Rights Watch, ‘“They Can Arrest You at Any Time”: The Criminalization of Peaceful Expression in Burma’, June 2016, pp.81-85 www.hrw.org/report/2016/06/29/they-can-arrest-you-any-time/criminalization-peaceful-expression-burma

101 Myanmar Penal Code, Section 295(a)

102 Myanmar Times, ‘Blasphemy statutes deny human rights’, 21 July 2015 www.mmtimes.com/index.php/opinion/15579-blasphemy-statutes-deny-human-rights.html

103 ibid.

104 ibid.

105 See ‘Sources of Intolerance’.

106 Burma Partnership, ‘Briefing Paper – Freedom of Expression, Religion and Belief’, September 2015, p.4 www.burmapartnership.org/wp-content/uploads/2015/10/Briefing-Paper_Freedom-of-Expression_FINAL.pdf

107 Myanmar Times, ‘MP likens religion bill to Spanish inquisition’, 23 January 2015 www.mmtimes.com/index.php/national-news/12859-mp-likens-religious-conversion-bill-to-spanish-inquisition.html

108 ibid.

109 ibid.

110 United Nations Office of the High Commissioner for Human Rights, ‘Myanmar: UN rights experts express alarm at adoption of first of four “protection of race and religion” bills’, 27 May 2015 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16015&LangID=E

111 For commentary on the ‘Monogamy Bill’, see Amnesty International and International Commission of Jurists joint statement, ‘Myanmar: Parliament must reject discriminatory “race and religion” laws’, 3 March 2015 www.amnesty.org/en/documents/asa16/1107/2015/en/

112 United Nations General Assembly, Elimination of all forms of religious intolerance, Interim report of the Special Rapporteur on freedom of religion or belief, A/67/303, 13 August 2012 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N12/461/30/PDF/N1246130.pdf?OpenElement>

113 The Union of Myanmar Parliament, Religious Conversion Law, 2014, Article 4

114 ibid., preamble

115 ibid., Article 3

116 ibid., Article 5(d)

117 ibid., Article 10(b)

118 ibid., Article 3

119 Amnesty International and International Commission of Jurists, 2015

120 Religious Conversion Law, Article 14

121 ADF International, ‘Briefing Paper: Draft Burmese Religious Conversion Law’, 10 July 2014, p.3

122 Religious Conversion Law, Article 15

123 Religious Conversion Law, Article 5(a)

124 United Nations Office of the High Commissioner for Human Rights, Convention on the Rights of the Child, Article 14(1) www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx

125 ADF International, 2014

the Buddhist nationalist lobby. It is designed to protect Buddhism, and a Burmese Buddhist identity, not freedom of religion or belief for all. The introduction of regulatory boards, vague discriminatory laws, and restrictions on the conversion of minors, make conversion a more difficult process. The law leaves religious minorities vulnerable to unjust prosecution because the right to convert is reduced to a matter of magisterial discretion. It has rightly been widely condemned.¹²⁶

Buddhist Women’s Special Marriage Law

The Buddhist Women’s Special Marriage Law is another piece of recent legislation which protects Buddhism at the expense of other religious groups in Burma. It explicitly regulates the marriage of Buddhist women with men from other religions. It undermines freedom of religion or belief, freedom of expression, the rights of women and the rights of the child in Burma.¹²⁷

Had the intention of the legislation been to provide greater protection against forced conversions resulting from marriage, then it should have applied to all religions and genders equally. The fact that the legislation only applies to Buddhist women means that its very nature is discriminatory. It has the power to perpetuate stereotypes about non-Buddhists while also providing no protection to the husband. Article 35 talks about the threat of physical abuse that Buddhist women face.¹²⁸ The singling out of non-Buddhist men contributes to a potentially toxic environment for religious minorities.

Article 24 places unacceptable restrictions on the non-Buddhist husband. Article 24 (g) says that the non-Buddhist husband of a Buddhist wife must not ‘insult, in words, or through visible representation or gesture, with bad intention to cause bitter feeling to the Buddhist.’¹²⁹ This is discriminatory and one-sided, providing no protection for the husband. It lacks clarity: its imprecise embargoes on ‘insult’ and the causation of ‘bitter feeling’ leave the husband at the mercy of the local judiciary – in the current climate, effectively unprotected by the law. This thereby infringes on the husband’s freedom of religious expression.

Article 24 (e) is also problematic: it requires that he does not cause a ‘Buddhist woman to relinquish the faith of Buddhism by various means, and to convert to his religion.’¹³⁰ The phrase ‘various means’ is hopelessly vague; an uncharitable judge could construe

a conversation about the other religion to be a ‘cause’ which led to conversion, and thus prosecute the husband. This law therefore has the potential to strip Buddhist women of their right to choose their religion, while also leaving the non-Buddhist husband open to unjust prosecution. It protects Buddhism, but fails to protect the rights of women or freedom of religion or belief.

In privileging the Buddhist interest, the law also contravenes the Convention of the Rights of the Child which Burma ratified in 1991. All provisions relating to the custody of children put the interest of the Buddhist mother above the interest of the child, contravening Article 3 (1) and Article 18 (1) of the Convention.¹³¹

The Buddhist Women’s Special Marriage Law may protect institutionalised Buddhism, but it does this at the expense of the rights of women, the rights of the child, freedom of expression and freedom of religion or belief. It is an irredeemable piece of legislation and its repeal should be an urgent priority.

Population Control Healthcare Law

This law expresses the admirable intention of ‘effectively implementing population control healthcare activities’ towards the objective of ‘improving living standards while alleviating poverty...and developing maternal and child health’.¹³² Unfortunately, the law lacks safeguards against human rights violations and discrimination against minorities.

The law looks to institute ‘birth spacing’, the ‘practice of having at least a 36 month interval between one child birth and another.’¹³³ It is open to interpretation whether this should be enforced, or merely encouraged. If the law is enforced through coerced abortion or forced sterilisation, the law could be used to seriously breach women’s rights and the commitments that Burma made when it signed the UN Convention on the Elimination of all Forms of Discrimination against Women.

In addition, there is no protection in the law for minority groups. The formation of a ‘Region or State population control healthcare group’ is required, but there is no provision made to ensure that there is gender, ethnic or religious equality in these groups.¹³⁴ Critics of the law argued when it was being drafted that it has the potential to empower local governments to unfairly restrict minorities’ rights.¹³⁵ In the past, the Rohingyas were subject to discriminatory policies restricting couples to

having no more than two children.¹³⁶ Population control can be used for ethnic cleansing and this law fails to provide safeguards against it.

UN human rights experts expressed their concerns in a statement in May 2015, arguing that:

*...the provisions are extremely vague and lack any protection against discrimination...Evidence shows that attempts to impose strategies aimed at ‘controlling population growth’ often disproportionately target marginalized and minority groups and can have discriminatory, coercive and punitive effects that go against basic rights and freedoms, particularly those of women...*¹³⁷

These concerns remain today. In fact, local lawmakers in Rakhine State urged that the law be applied to restrict the birth rate of Rohingya Muslims.¹³⁸ Aung Taung Shwe of the Arakan National Party, representing Buthidaung Township, said on 22 September 2016 that the government ought to ‘restrict the birth rate in these areas’ as these areas are ‘appropriate areas’ in which to enforce the Protection of Race and Religion Laws. He remarked that:

‘The authorities did not carry out their duties based on the law, and the population of the people has increased greatly.’

Although in this instance the then Union Minister for Health and Sport Dr Myint Htwe rejected the suggestion as a violation of ‘medical ethics’ as it would involve the sterilisation of women against their will, the fact that this was tabled as a legitimate suggestion and was debated at a local level shows the tangible threat posed by this legislation in Burma today.

Other discriminatory legislation

1982 Citizenship Law (See chapter on Rakhine State)

This law, which effectively strips the Rohingyas of their citizenship rights, will be examined in the chapter on the Rohingyas.

Law relating to the Right of Peaceful Assembly and Peaceful Procession (2012 Peaceful Assembly Law)

The 2012 Peaceful Assembly law is flawed and has been used not only to violate Article 20 of the Universal Declaration of Human Rights, which recognises the right of everyone to peacefully assemble, but also to restrict

freedom of religion or belief. The law was supposed to safeguard the right to freedom of assembly by designating what it meant to assemble legally, but instead has been used to restrict the right that people have to freely meet and has been used to target religious groups.¹³⁹

Under the original law, citizens were required to obtain government permission for assembly and give five days’ notice. Anyone organising an assembly without government consent faced the possibility of criminal charges, as did anyone who violated any one of a number of broad restrictions the statute imposed on what could be expressed, orally or in writing, at assemblies. A new Peaceful Assembly and Peaceful Processions Law (2016 Peaceful Assembly Law), passed by the upper house of Parliament on 31 May 2016, corrects some of the flaws of the 2012 statute but still restricts freedom of assembly and freedom of expression in ways that significantly exceed those restrictions permissible under international legal standards.¹⁴⁰

The new law continues to require excessive detail about the words or slogans that protestors will chant and who will speak, and circumscribes the formation of spontaneous assembly. Both the 2012 and 2016 assembly laws impose a number of vaguely defined and overly broad restrictions on the speech of the participants. Both laws state that protesters must not talk or behave in a way that may cause ‘disturbance or obstruction, danger or injury or a concern that these might take place.’ They must not say things ‘which affect the State or the Union, race, or religion, human dignity, and moral principles.’ Finally, they ‘must not spread rumours or incorrect information.’ Violation of any of these restrictions could result in a sentence of up to three months in prison, and Article 10 of the 2016 Peaceful Assembly Law authorises the police to disperse an assembly for failure to follow any of the rules imposed by the law.¹⁴¹

This law has been used to inhibit freedom of religion or belief in a number of ways. On 2 November 2014 journalist Shwe Hmone was banned from protesting on World Impunity Day.¹⁴² Instead of protesting she gathered with some people to pray and was sued six months later for violating Article 19 of the Peaceful Assembly Law on 16 May 2015. She said, ‘I could not believe I was being sued. In 2014 so many journalists were sued—from media groups such as Bi Middyay Sun, DVB, Unity. A journalist died during his ongoing trial. We would pray for them. We have been to pray for them many times. I couldn’t believe I was being sued over praying.’

¹²⁶ See United States Commission on International Religious Freedom, ‘USCIRF Deeply Concerned by Draft “Religious Conversion Law” in Burma’, 11 June 2014 www.uscifr.gov/news-room/press-releases/uscirf-deeply-concerned-draft-religious-conversion-law-in-burma Human Rights Watch, ‘Burma: Discriminatory Laws Could Stoke Communal Tensions’, 23 August 2015 www.hrw.org/news/2015/08/23/burma-discriminatory-laws-could-stoke-communal-tensions
¹²⁷ The Myanmar Buddhist Women’s Special Marriage Law www.burmalibrary.org/docs21/2015-Myanmar_Buddhist_Women_Special_Marriage_Bill.pdf
¹²⁸ *ibid.*, Article 35
¹²⁹ *ibid.*, Article 24(g)
¹³⁰ *ibid.*, Article 24(e)
¹³¹ United Nations Office of the High Commissioner for Human Rights, Convention on the Rights of the Child www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx
¹³² Population Control Healthcare Law, Preamble.
¹³³ *ibid.*, Article 2(c)
¹³⁴ *ibid.*, Article 9
¹³⁵ The Irrawaddy, ‘Upper House to Debate “Protection Bills”’, 19 January 2015 www.irrawaddy.com/news/burma/upper-house-debate-protection-bills.html

¹³⁶ Amnesty International and International Commission of Jurists, 2015
¹³⁷ United Nations Office of the High Commissioner for Human Rights, ‘Myanmar: UN rights experts express alarm at adoption of first of four “protection of race and religion” bills’, 27 May 2015 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16015&LangID=E
¹³⁸ The Irrawaddy, ‘Arakan Lawmaker’s Bid to Restrict Muslim Birth Rate Rejected’, 27 September 2016 www.irrawaddy.com/news/burma/arakan-lawmakers-bid-to-restrict-muslim-birth-rate-rejected.html
¹³⁹ Human Rights Watch, 2016, p.31
¹⁴⁰ *ibid.*, p.31
¹⁴¹ *ibid.*, p.35; Peaceful Assembly Law Articles 9 and 10
¹⁴² *ibid.*, p.41

Prosecutions for peaceful assembly have also continued under the new government – with even those who have sought to comply with Burma’s restrictive Peaceful Assembly and Peaceful Procession Law facing prosecution. Student leaders of an interfaith ‘peace walk’ of almost 100 people in Rangoon in May 2016 were charged with violating the law by following an ‘unauthorized route’.¹⁴³ Lungjung Tu Raw was charged with violating the Peaceful Assembly Law after thousands of ethnic Kachin marched against the war in their state on 6 October 2016, even though he had received permission from the authorities to protest. The police claim that the protestors violated the law by chanting slogans which had not been approved.¹⁴⁴ While Parliament has undertaken to amend the draconian assembly law, the proposed revisions fall short of international standards for freedom of assembly.¹⁴⁵

Section 505(b) of the penal code

Section 505(b) provides a sentence of up to two years’ imprisonment for anyone who ‘makes, publishes, or circulates any statement, rumour, or report with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public, whereby any person may be induced to commit an offence against the State or against the public tranquillity’.¹⁴⁶

Successive Burmese governments have repeatedly used Section 505(b) against activists and critics, particularly those involved with public protests. When new MPs were sworn in at the end of February 2016, more than 100 people were facing charges under Section 505(b) in cases that AAPP deemed ‘political’.¹⁴⁷ As religion and politics are so intricately intertwined in Burma, many of these ‘political’ cases are religiously motivated attacks on those who challenge Buddhist nationalism.

Telecommunications Act (2013)

In 2013 the government passed the Telecommunications Law to regulate the ‘transmission or reception of information in its original or modified form by wire, fiber optic cable or any conducting cable, by means of radio, optical or any other form of electromagnetic transmission.’ The law requires anyone wishing to possess or use telecommunications equipment to obtain a licence to do so, and provides criminal penalties for possessing telecommunications equipment or providing telecommunications services without a licence.¹⁴⁸

The law also imposes restrictions on speech using telecommunications equipment, and provides criminal penalties for violating those restrictions. Section 66(d) provides a sentence of up the three years in prison for ‘extortion of any person, coercion, unlawful restriction, defamation, interfering, undue influence, or intimidation using a telecommunications network’.¹⁴⁹

The law is too vague and has been used for political purposes. In October 2015 the Thein Sein government began aggressively using Section 66(d) to prosecute users of social media for posts viewed as somehow ‘insulting’ to the military or President Thein Sein. This is an abuse of freedom of expression, as the UN Human Rights Committee has made clear: the mere fact that an expression is considered insulting to a public figure is not sufficient to justify the imposition of criminal penalties.¹⁵⁰

Humanitarian worker Patrick Khum Jaa Lee was arrested on 14 October 2015 for allegedly posting on Facebook an image showing a foot stepping on a photograph of the military commander-in-chief. Mr Khum Jaa Lee was charged with ‘defaming the military’ in violation of Section 66(d). He was denied bail, despite suffering from uncontrolled hypertension and serious asthma. He denied making the post, saying that he had only commented on a post on someone else’s page to warn that it was dangerous. Mr Khum Jaa Lee, who has worked with international organisations including UNICEF and USAID to provide humanitarian relief to those internally displaced by the conflict in Kachin State, believes his arrest was intended to stop his work. His wife fears that it may have been directed at her. ‘There are few Kachin activists based in Yangon who can draw attention to what is happening there,’ she said. ‘It could be a threatening message that if they want to do something they can.’¹⁵¹

The Telecommunications Law has continued to be used freely by the current government to stamp out critics of both the NLD and the military government. Yanghee Lee noted on 20 January 2017 that: ‘I have received reports that over 40 people are now facing prosecution for defamation under section 66 (d) of the Telecommunications Law – many of them merely for speaking their minds’.¹⁵²

These cases include those who have criticised the actions of the military in Rakhine State; the prominent NLD member U Myo Yan Naung Thein was charged for posting on Facebook a call for the resignation of the armed

forces, after hearing reports of abuses in the area.¹⁵³ Such restrictions on freedom of expression have a profound bearing on freedom of religion or belief.

Conclusion

U Ko Ni, the prominent Muslim legal advisor to Aung San Suu Kyi and a vocal supporter of legal reform, was assassinated outside Yangon Airport on 29 January 2017.¹⁵⁴ The death of this advocate for reform is a tragic sign of the battle that is ahead for the legal recognition of human rights and freedom of religion or belief in Burma. Ko Ni was acutely aware of the gravity of the situation, as Dr Melissa Crouch, Senior Lecturer at the University of New South Wales described in a tribute to him:

‘In August 2016, U Ko Ni was particularly concerned when I spoke to him on the phone about the current situation. I had never heard him talk in such pessimistic tones before, his concern for people’s safety, human rights and security paramount. He warned that it was not safe for locals to be talking in public forums about constitutional or human rights issues, but encouraged us to continue to do so.’¹⁵⁵

The legislative framework in Burma was written by a military regime intent on promoting Buddhism at the expense of other religions. From the very core of the structure, the constitution, legislation is framed in a way which fails to protect religious minorities but instead leaves them vulnerable to targeted abuse. The 2008 constitution, Section 295(a) of the penal code, the four Race and Religion Laws, the Peaceful Assembly Law, Section 505(b) of the penal code and the 2013 Telecommunications Act have all been used to limit religious freedom. The 1982 Citizenship Act has also been central to the marginalisation of Rohingya people in Rakhine State, as will be shown in a later chapter.

The NLD are yet to meaningfully reform this legislation but have instead worryingly shown themselves to be complicit in its use. The Telecommunications Act has been abused since March 2016 in an unjustifiable way. It is important that the international community heeds U Ko Ni’s call and continues to advocate for significant reform of the legislative framework and the protection of human rights.

143 The Irrawaddy, ‘Rangoon “Peace Walk” Leaders Charged for Illegal Assembly,’ 16 May 2016 www.irrawaddy.com/news/burma/rangoon-peace-walk-leaders-charged-for-illegal-assembly.html
144 The Irrawaddy, ‘Police File Charges Against Kachin Protest Leader’, 12 October 2016 www.irrawaddy.com/news/police-file-charges-against-kachin-protest-leader.html
145 The Irrawaddy, ‘Freedom of Speech Remains Illusory in the New Burma’, 8 November 2016 www.irrawaddy.com/opinion/commentary/freedom-of-speech-remains-illusory-in-the-new-burma.html
146 Human Rights Watch, 2016, p.49
147 ibid., p.50
148 ibid., p.61
149 ibid.
150 ibid.
151 ibid., p.63
152 United Nations Office of the High Commissioner for Human Rights, ‘End of Mission Statement by Special Rapporteur on the situation of human rights in Myanmar’, 20 January 2017 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21107&LangID=E#sthash.CYmViNRC.dpuf

153 Myanmar Times, ‘Section 66(d), the newest threat to freedom of expression in Myanmar?’, 23 November 2016 www.mmtimes.com/index.php/national-news/23843-section-66-d-the-newest-threat-to-freedom-of-expression-in-myanmar.html
154 New York Times, ‘U Ko Ni, a Prominent Muslim Lawyer in Myanmar, Is Fatally Shot’, 29 January 2017 www.nytimes.com/2017/01/29/world/asia/myanmar-u-ko-ni-yangon-assassination-daw-aung-san-suu-kyi.html?_r=0
155 New Mandala, ‘A personal tribute to U Ko Ni’, 31 January 2017 www.newmandala.org/personal-tribute-u-ko-ni/

Human rights violations against Muslims

Across Burma Muslims have been subject to religious persecution since the inception of military rule in 1962. Under the rule of the military regime they were vulnerable to human rights abuses including religious persecution, forced labour, extortion, forced relocation, arbitrary arrest, torture, rape and summary executions. The situation has continued to deteriorate significantly since the end of SPDC rule as a result of the rise of Buddhist nationalism (see Sources of intolerance). Since 2011 Muslims across the country have been subject to human rights abuses which include targeted religious persecution, the destruction of mosques and Muslim property, restrictions on travel and other basic freedoms, and discrimination in the law courts. Furthermore, since 2013 Muslims have been victims of significant acts of mob violence. While there has been a reduction of such incidents since their peak in 2013, there have been occasions where mobs have been incited since. The most recent incident outside of Rakhine State, which will be treated separately in another chapter due to the unique severity of persecution against the Rohingyas, took place in Bago region in June 2016.



Human rights violations against Muslims pre-2011

Under the military dictatorship Muslims were treated as a threat and were subject to a host of human rights abuses including religious persecution, forced labour, extortion, forced relocation, arbitrary arrest, torture, rape and summary executions.¹⁵⁶

Burma's 1982 Citizenship Law limited the rights of citizenship to those who can prove that their ancestors were resident in Burma prior to 1823. While most ethnic minorities were considered indigenous, the law was used to deny many Muslims citizenship. The State Law and Order Restoration Council (SLORC), as the junta was known before it changed its name to the SPDC, changed the format of the national identity cards in 1990 to show the bearer's ethnicity and religion. Muslims who then applied for the new cards were denied based on the Citizenship Law.¹⁵⁷ This led to severe restrictions on travel and on access to education and employment. In an interview with the Karen Human Rights Group in 2002, a 33-year-old man from Sagaing Division described how he could only travel if he paid a bribe to military and police checkpoint guards:

'If we can pay them enough to satisfy them, then they are satisfied. If we can't pay them enough to satisfy them then they interrogate us. They would arrest us and send us back.'¹⁵⁸

Due to ingrained racism and religious prejudice, even Muslims who held identity cards could be subjected to similar restrictions, finding themselves barred from work and travel.

Under the junta, forced relocation was common and Muslim land was often targeted first. For example, in mid-1995 Burmese authorities wanted to establish a base in Karen State. They blocked off a Muslim portion of a village and posted signs reading 'Army Land, Do not Enter', offering no compensation to villagers.¹⁵⁹ When forces of the Burmese regime captured central Doooplaya District from the Karen National Union (KNU) in 1997, Muslims were driven en masse from their villages, copies of the Qur'an were torn up in front of them and their mosques were blown up using dynamite or bulldozed.¹⁶⁰

When mosques and other religious buildings were destroyed by the military or other groups in the junta period, Muslims were unable to get permits to rebuild their religious buildings as a result of a ban on the construction of mosques and churches. This type of targeted religious persecution took place alongside the building of Buddhist pagodas in Christian or Muslim villages in Chin State and Sagaing Division.¹⁶¹

Like many other minorities in Burma, the Muslim population were regularly subject to forced labour under the junta. Forced labour could vary from short term work like digging ditches along roads and cutting the grass in front of military offices, to portering and working at local army camps. Those subject to forced labour were vulnerable to other human rights abuses. Soe Naing, a Muslim villager from Karen State described being reprimanded for poor work:

'They hit my head and my head was split...They hit me five times with a piece of bamboo. It was as big as a torchlight...I was bleeding. I bled all over my body. The SPDC commander himself hit me...They thought I had already died and they left me. They left me beside the bullock cart track... They thought I had already died and they left me beside the track.'¹⁶²

There were also outbreaks of mass violence against Muslims. For instance between February and October 2001, anti-Muslim riots took place in cities and towns across Burma. Mosques, homes and shops were destroyed, and many Muslims were killed or injured. It was widely believed that the military junta were the orchestrators of these attacks as this was not the first time supposedly 'spontaneous' outbreaks of violence had occurred against Muslims, and the evidence showed that the military were responsible for the violence.¹⁶³

¹⁵⁶ Karen Human Rights Group, 2002, p.10

¹⁵⁷ *ibid.*, p.12

¹⁵⁸ *ibid.*, p.14

¹⁵⁹ *ibid.*, p.21

¹⁶⁰ *ibid.*, p.8

¹⁶¹ *ibid.*, p.29

¹⁶² For more Muslim testimonies about forced labour under the SPDC see Karen Human Rights Group, 2002, p.25

¹⁶³ Karen Human Rights Group, 2002, p.7

Human rights violations against Muslims since 2011

Although Burma saw a positive expansion of civil society space and civil freedoms under the government of President Thein Sein from 2011-2016, the rise of Ma Ba Tha and extremist Buddhist nationalism precipitated increased violations of freedom of religion or belief.¹⁶⁴ Violations against Muslims in Burma since 2011 include the boycotting of businesses, obstruction of Muslim religious practice, the demolition of mosques and Muslim property, restrictions on travel and other basic freedoms, and incidents of individual and mass violence.

Targeting and boycotting of Muslim businesses

U Wirathu claimed in 2012 that there was a ‘Muslim conspiracy’ to conquer Burma through economic exploitation and interfaith marriage.¹⁶⁵ The 969 movement was a reaction against the perceived threat posed by the prosperity of Muslim businesses and the practice of Muslims buying halal food. The campaign, which began in 2012, encouraged Buddhists to shop only at Buddhist stores and avoid marrying, hiring or selling their homes or land to Muslims.¹⁶⁶ Stickers with the number ‘969’ were distributed as a symbolic counter to Islamic ‘786’ stickers which were used to designate that a restaurant served halal food.

One Muslim shopkeeper in northern Rangoon, Burma’s largest city, described his sales falling by two-thirds in a month and a half following the circulation of a video of Wirathu’s anti-Muslim preaching in 2013. He said, ‘They want to hurt Muslim businesses. When our business goes down, the Burmese will be rich.’¹⁶⁷ Propaganda which was targeted at Muslim businesses certainly swayed the views of Aye Aye Khine who said in an interview with *The Irrawaddy* that:

‘Before I didn’t think about whether people were Buddhist or Muslim. After listening [to a 969 DVD], I learned how to keep the Buddhist faith.’¹⁶⁸

The targeting of Muslim businesses began in 2012 and continues today. In 2016 Muslims were banned from selling goods around the Shwe Dagon pagoda. Muslim butchers have been particularly pressured because of Buddhist beliefs about the sanctity of animal life. On 19 December 2016 a group of monks from the Patriotic Myanmar Monks Union raided a butcher’s house in Ma

U Bin Township, Irrawaddy region.¹⁶⁹ The raid on the butcher’s house was made around midnight and the raid was reported on social media with the aim to incite religious tension. Ashin Thusi Ta of the Patriotic League commented that:

‘Even though we would like to do our monk work, we are forced to get involved as cattle are being slaughtered unlawfully in mass numbers in Myanmar. . . [The] people of Myanmar dislike killing of the animals, Muslim kalars should know that fact.’

In April 2016 the construction of a Muslim slaughterhouse was cancelled, Muslims from Aphouk Township were banned from getting a butcher’s licence, and the construction of a Muslim slaughterhouse in Shwe Nyaung Township was cancelled after pressure from Ma Ba Tha.¹⁷⁰

The boycotting of Muslim businesses has been a degrading and targeted attempt to create division in communities, discriminating against Muslims based upon their religion. Given that Muslims are a minority in Burma, the boycotting of their businesses by Buddhists has left many businesses unviable. Article 3 of the 1981 United Nations Declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief says,

‘Discrimination between human beings on grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights.’¹⁷¹

The targeted nature of the actions of the 969 movement, a movement which existed to cripple Muslim businesses, mean that it is an act of religious persecution and a violation of human rights.

Obstruction of Muslim religious practice

Muslims have been vulnerable to having their mosques demolished or confiscated by the government, extremist monks or the local authorities. Extremist monks have been allowed to do this with impunity in Karen State; in March 2016 Ma Ba Tha confiscated mosque land in Myawaddy, Karen State¹⁷² and on 25 April 2016 Myaing Gyi Ngu Sayadaw U Thuzana, a prominent Buddhist monk, forcibly built a pagoda inside the compound of Marakaz mosque as part of a campaign throughout

2015 to 2016 which claimed that it had been built on the site of old Buddhist pagodas.¹⁷³ In the latter case, the authorities have been impotent as a result of the local support that U Thuzana has, according to a Burma Human Rights Network interviewee, who said that the authorities ‘tried to resolve the matter, but they could not. When the pagoda was built inside the mosque even the chairperson of the State came. They knew about it but the monk refused to meet the authorities. No one took any action. They [the monks] behave as if they were asked by the state to do such actions. They did it blatantly.’¹⁷⁴

In Kachin State both the local authorities and grassroots supporters of Buddhist nationalism have been responsible for the demolition of mosques. In June 2016 local authorities in Kachin State demolished a Muslim prayer hall which had stood for 30 years, and on 1 July 2016 a prayer hall in Pha Khant Township, Kachin State, was demolished by a mob of 200 Buddhists. In Mandalay Division on 20 November 2014 a mosque was dismantled as a result of pressure from the local General District Administration.

Restrictions have also been placed upon the construction or renovation of mosques. In Irrawaddy Division, for instance, a mosque in Kyone Ma Nge Township was damaged in Cyclone Nargis and the local General Administration Department failed to give the Muslim community permission to repair the roof.¹⁷⁵ In Bago region a number of mosques were destroyed by Buddhist mobs during intercommunal violence in 2013 (see below). In Okkan a mosque wall and fence were destroyed; permission was sought from the Taikkayi Township General Administration Department but has not yet been granted.¹⁷⁶ The same story was true in Moe Nyo Township where Muslims have not even been allowed to clean the grass in the compound of the mosque in the aftermath of mob damage. A resident of Nattalin Township, Bago Region, said, ‘In Nattalin there are 70 Muslim households and there is only one mosque. A request for permission to repair the mosque was submitted in 2013 but has not yet been granted.’ This has been a long-running matter of policy in Bago. There are a number of mosques which were damaged in Taungoo as a result of religious violence in 2001 that have still not been given permission to re-open or renovate.¹⁷⁷

In Meiktila Township, Mandalay Division, the site of extreme violence in 2013, Muslims have been given no permission to repair mosques and homes. According to a Buddhist monk who promotes inter-faith dialogue, ‘Before these incidents there were 13 mosques in the town; now only five remain active and especially older Muslims have difficulty practising their religion due to this.’

The widespread restrictions placed on mosque repairs and construction alongside the demolition or confiscation of mosques by local authorities or extremist Buddhists is religious persecution, which stands in the way of the free practice of religion for Muslims across Burma and is a serious violation of freedom of religion or belief.

In Kalaymyo, a town in Sagaing Division in the foothills of Chin State, where the population is evenly divided between Buddhists and Christians with a small Muslim community, Muslims are feeling increasingly vulnerable. Out of a population of 300,000, the Muslim community numbers approximately 400 people. In 1997 their mosque was destroyed completely, after tensions in Taungoo. According to witnesses who spoke to CSW, ‘Monks came to attack us, for no reason. The monks came from three different monasteries. They were all monks, no lay people.’ During the Full Moon Festival in October 2016, a mob came and threw stones at the mosque. ‘This kind of attack happens quite often,’ said one Muslim. ‘We had been living here together for a long time peacefully, but we have faced more challenges recently. More than half of the monasteries in Kalay are preaching hatred against us. Further violence has only been prevented because the Muslim community has engaged with local civil society groups who help protect them.’

Alongside the targeting of Muslim places of worship, the ceremonies and practice of religion have been undermined and are under threat. Protests have been lodged on two counts in a number of locations. Firstly, if Muslims meet for prayer outside of the official spaces of worship they are vulnerable to having their meetings shut down. This violates the right that people have to practise their religion in public or private, but is a particularly grievous restriction in light of the barriers there are for Muslims who want to register or repair their own space of worship. In Shwe Pyi Thar Township in Yangon there are 3,000 Muslim households with a total population of 20,000, and yet only five legally recognised places of worship. In 2016 local Muslims applied for permission to gather for prayers at 11 homes where they had been meeting for some time, and only six were granted it. This left many people without a space to practise their religion.

There have also been multiple protests about the mass gathering of Muslims for worship activities. In 2016 in Yangon a Buddhist nationalist group called the ‘Patriots’ lodged a complaint with the authorities against the gathering of Muslims for prayers at an Islamic school.¹⁷⁸ In Tharkayta Township there was a ban on worship at eight Islamic schools in 2015 after a complaint. Similarly on 31 October 2016 the authorities in Bago Township issued a ban on prayers at the three mosques in town.

¹⁶⁴ For details of the rise of Ma Ba Tha see earlier chapter.
¹⁶⁵ Walton and Hayward, 2014, p.17
¹⁶⁶ The Irrawaddy, ‘New Numerology of Hate Grows in Burma’, 29 April 2013 www.irrawaddy.com/news/burma/new-numerology-of-hate-grows-in-burma.html
¹⁶⁷ *ibid.*
¹⁶⁸ *ibid.*
¹⁶⁹ Burma Human Rights Network, December 2016
¹⁷⁰ Burma Human Rights Network, April 2016
¹⁷¹ United Nations General Assembly, Declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief, 25 November 1981 (A/Res/36/55)
¹⁷² Burma Human Rights Network, March 2016

¹⁷³ CSW source.
¹⁷⁴ Burma Human Rights Network interview in Hline Bwe township, 2016.
¹⁷⁵ Burma Human Rights Network report on mosques, 2016.
¹⁷⁶ *ibid.*
¹⁷⁷ *ibid.*
¹⁷⁸ Burma Human Rights Network report on mosques, 2016

Hardliners attempted to shut down a ceremony in Yangon on 8 January 2017 during a Muslim religious festival.¹⁷⁹ Most recently, in late April 2017 a group of Buddhist ultra-nationalists disrupted mass Muslim prayer at a madrasa and ultimately pressured police into allowing them to seal the schools shut.¹⁸⁰

The demolition of Muslim homes and schools

Muslims have also been vulnerable to having their property rights violated. This has occurred most prominently during mass inter-communal violence (see below), though it has also been more specifically targeted. On 17 February 2013 a group of 300 Buddhists demolished an Islamic school in Tharkayta Township, Yangon Region. Ultra-nationalists justified the action on the basis that they were doing repair work without permission. In May 2016 a Muslim house in Karen State was demolished as a result of Buddhist nationalist pressure.¹⁸¹ On 13 December 2016 two Islamic schools near Rangoon were closed down by the local authorities. A teacher from Nizamul School said, ‘Our school has been doing teaching in this place from past 10 years. We have done convocation ceremonies annually. We organised these ceremonies with the permission of the local authorities. During that ten year period there were seven ward administrators in office, but none of them have made any objection.’



Muslim vendor expelled from Shwedagon Pagoda, October 2017

Discrimination in the judicial system and other human rights abuses

Local authorities and ultra-nationalists often appear to work in tandem to discriminate against Muslims. One of the central reasons that they have been vulnerable to this kind of religious persecution is that there are inherent biases within the judicial system. The Burma Human Rights Network reported 44 incidents of discrimination in the judicial system between January and August 2016.¹⁸² Although these are not all intense or severe incidents of persecution, they are a sign of the ill will of the local authorities to Muslims. Perhaps more concerning is that they have found significant evidence of ultra-nationalist monks being invited to take part in the process of judicial decision making. The Myanmar National Network is one of a number of nationalist monk networks working in Burma and they often put considerable pressure on juries. For example, on 8 February 2016 they influenced a civil case in Mandalay, on 6 August 2016 they put pressure on the legal system to take action against local Muslim white card holders at a police station in Yangon Region, and on 2 May 2016 they put pressure on a case involving a Buddhist girl who eloped with a Muslim man.¹⁸³

Discrimination in the judicial system has affected Muslims in other ways too. In April 2016 two Muslim activists for interfaith dialogue, Zaw Zaw Latt and Pwint Phyu Latt, were sentenced to jail on a trumped up charge of illegal border crossing by the authorities. They were both interfaith activists whom Ma Ba Tha had campaigned against on the grounds that they had committed blasphemy by encouraging ‘interfaith mating’; they were charged by the local authorities for illegally crossing borders during their interfaith tour of the country. While other activists were being released from prison by the NLD, religious biases which lie at the heart of the local judiciary ensured that interfaith activists faced sentencing.¹⁸⁴ Their sentencing was part of a wider set of restrictions on the travel of Muslims in Burma. In November 2015 22 ethnic Kaman Muslims from Rakhine State who had full citizenship in Burma were denied leave to move or travel to Yangon.¹⁸⁵ Muslims are vulnerable to everyday restrictions on travel and other basic human freedoms as a result of nationalist local authority and border control officials.

Muslims in Kalaymyo told CSW that they are now denied an identity card at the township level, and have to travel a long distance to the regional government in Monywa, 140 miles away, to be issued their identity cards. ‘Even then, not everyone gets ID,’ one Muslim said. ‘In some

cases, in the same family the elder brother gets it but his younger brother doesn’t. The elder has to pay a lot of money so the family cannot afford to pay for the younger one. It can cost more than 30,000 kyats (\$30), whereas Buddhists get their identity cards for free, or for 3,000 kyats (£3).’

As a result of the tensions, tiny provocations have to be avoided. In 2014, for example, according to the Muslim community in Kalaymyo, a small road accident resulted in a novice Buddhist monk suffering a minor injury. The driver happened to be a Muslim. The monk threatened to hold a press conference and turn it into a major issue, but was persuaded not to. Instead, the Muslim man had to pay all the fees for the monk’s medical treatment.

In another incident in the same year, a Muslim accidentally crashed with an unlicensed car belonging to a Buddhist monastery. The damage was minimal, but the monastery demanded that the Muslim man buy a new, very expensive car.

In 2015 there was an accident in which a car crashed into a Muslim-owned shop in Kalaymyo. The owner demanded compensation, but the driver refused, threatened to bring in the monks, and finally settled by contributing a small amount of money with a warning not to demand more.

Facebook has been used to fuel hatred in Kalaymyo. On 12 October 2016, just a few days after the military offensive in Rakhine State, a police officer posted a comment under a post about the situation in Rakhine, with expletives, saying, ‘Kill Muslims’.

In 2015 a Muslim student gave his teacher a gift, but she refused it, saying she would not accept a ‘Muslim gift’. She then posted on Facebook that she had done this.

In 2014 some in the Christian community began to hear rumours that Muslims were planning to destroy their churches. This was untrue, and was an attempt by Buddhist nationalists to incite violence and division between Muslims and Christians.

The telecommunications company Ooredoo, a Qatari corporation, has set up a telephone network in Burma, and some of their staff are from Bangladesh and other parts of South Asia, as well as some local Muslims. ‘In the villages far from Kalay, people are not well-educated, so rumours began that Ooredoo was bringing in “Bengalis”,’ said one Muslim in Kalaymyo. ‘Ma Ba Tha spread these rumours. The company started to face threats, so they had to explain to people.’

‘Before 2012, I felt safe around town,’ one Muslim in Kalaymyo told CSW on a visit in 2016. ‘But since 2012, we feel unsafe. We can’t trust security.’ Another appealed for help. ‘There are two things that are needed: action on hate speech, and investment in education and development. Uneducated people are easy to influence with false information. The government must work on reconciliation and education,’ he said. ‘Religious freedom is a foundational human right, but we don’t enjoy that right, because of hate speech. The root cause is lack of education. If the government can improve education, hate speech will decline.’

Incidents of mob violence since 2013

There have been multiple incidents of mob violence since 2013. The following is a summary of some of the incidents:

- 17 February 2013, Thaketa Township, Yangon District: A mob of Buddhists attacks an Islamic school.¹⁸⁶
- 20-22 March 2013, Meiktila Township, Mandalay Division: Muslims in Meiktila are attacked in one of the worst episodes of anti-Muslim violence outside Rakhine State. According to official figures, 12,800 people were displaced and 44 people killed.¹⁸⁷ CSW sources suggest that in reality 30,000 people had to flee their homes and around 200 were killed. These included children, some of whom were burnt to death. Approximately 2,000 million kyats’ worth of property was destroyed. Twelve of the thirteen mosques in the township were destroyed. Five of these were burnt down.¹⁸⁸ Three thousand people still remain in IDP camps, and only five mosques have been allowed to be used for worship again.
- 24 March 2013, Tat Kone Township, Mandalay Division: Three mosques are attacked and destroyed. All three are still allowed to be used for worship but the authorities have blocked any attempts at renovation.¹⁸⁹
- March 2013-November 2014: Violence in Ya Mae Thin Township, Mandalay Division¹⁹⁰
 - 23 March 2013: Ywar Htan Mosque and Muslim community around the mosque are attacked by a mob, some houses burnt down.
 - 14 July 2014: Ywar Htan Mosque is forced to shut down.
 - 27 July 2014: Kan Gyi Mosque is shut down by a township administrator who claims that it is in the area of Shwe Se Khone Pagoda.
 - 20 November 2014: Kan Gyi Mosque is

179 Mizzima, ‘Buddhist hardliners attempt to stop Myanmar Muslim ceremony,’ 9 January 2017 www.mizzima.com/news-domestic/buddhist-hardliners-attempt-stop-myanmar-muslim-ceremony
180 Burma Human Rights Network, ‘Report: Several Anti-Muslim Incidents Signal Worrying Trend in Yangon’, 15 May 2017 www.bhrn.org.uk/en/report/15-several-anti-muslim-incidents-signal-worrying-trend-in-yangon.html
181 Burma Human Rights Network, May 2016
182 Burma Human Rights Network, January 2016-August 2016
183 Burma Human Rights Network, May 2016
184 Burma Campaign UK, ‘Free Burmese Interfaith Activists!’, 29 April 2016 <http://burmacampaign.org.uk/free-burmese-interfaith-activists/>
185 Burma Human Rights Network report on mosques, 2016

186 Altsean Burma, ‘Anti-Muslim Violence in Burma’, BN 2013/1095, 17 April 2013 www.altsean.org/Docs/PDF%20Format/Thematic%20Briefers/AntiMuslim%20violence%20in%20Central%20Burma.pdf
187 ibid.
188 CSW source.
189 CSW source.
190 CSW source.

- destroyed. The destruction is carried out by township and district level authorities alongside the Buddhist members of an interfaith dialogue group set up by President Thein Sein. The mosque was around 500 years old.
- 30 November 2014: The compound of both mosques and the 500-year-old Muslim cemetery are taken over by the government.
- 25-28 March 2013: Violence in Bago Region
 - Involves destruction or ransacking of mosques and Muslim-owned property in eight townships.¹⁹¹
- 30 April 2013: Riots in Okkan, Rangoon Region
 - Buddhist mobs overrun two mosques and torch more than 100 homes in central Burma, killing at least one person and injuring at least nine more. Another 77 homes are destroyed in the nearby villages of Yadanakon, Panipin, Chaukthe and Thekon.¹⁹²
- 29 May 2013: Violence and riots in Lashio, Shan State, lead to at least one death and the displacement of thousands of Muslims after inter-religious conflict. The violence is in retaliation to a Muslim man supposedly raping a Buddhist woman.¹⁹³
- 24 August 2013: Riots in Kanbalu, Sagaing Region. Violence flares up in Htan Gon Village. State television reports that 42 houses and 15 shops owned primarily by Muslims are razed during the three-hour riot.
- 1-2 July 2014, Mandalay, Mandalay District. Riots follow reports spread by U Wirathu that two Muslim brothers had raped their Buddhist maid.¹⁹⁴ One Muslim man and one Buddhist man die as a result of the violence and scores of properties are damaged in Muslim neighbourhoods.¹⁹⁵
 - 31 December 2014: Eleven Muslim men are convicted of the murder of U Tun Tun, the Buddhist man, and sentenced to 10-13 years of imprisonment with hard labour.
- 25 February 2015: 15 Buddhist men are sentenced to one to two years for vandalising Muslim graves.
- 23 June 2016, Thuyethamain Village, Bago Region: A mosque, an Islamic school and a cemetery are destroyed in an incident of mob violence. The mob

- acts on the allegation that a warehouse which is under construction in the village would be used as an Islamic school.
- 1 July 2016: Mob of 200 in Phakhant Town (Kachin State) vandalise a mosque; only six leaders were charged.¹⁹⁶
- 9 May 2017: Mob of ultra-nationalist monks involve themselves in a search for Muslims living ‘illegally’ in Yangon. This becomes violent when no illegal residents are found. Two men are attacked, and one Muslim man has to go to hospital. Arrest warrants are issued for seven people, two of whom are monks. Two have been arrested.¹⁹⁷

On 25 March 2013 CSW travelled to Ayela, two miles from the capital Naypyidaw and very close to Naypyidaw Airport, to visit a Muslim community which had been attacked three days earlier, on 22 March. One Muslim community leader told the delegation what had happened:

At 10pm on 22 March, people gathered in the village, having heard that a mob was on the way. I sent news to the authorities. Then a big crowd – maybe as many as 1,000, but I am not sure – came. When the mob came, the people ran away. Only 15 police came, but they also ran away, instead of doing their duty. The mob came from outside, maybe from Meiktila or motivated by Meiktila. Now, only a small number of Muslims remain. Out of 260 Muslims, only 15 have stayed. The mob burned down the madrasa, attacked another building, our dining hall, and destroyed the inside of the mosque. They went into houses, stole possessions – clothes, money, food. They were shouting, ‘Kill Muslims, kill Muslims, kill kala.’ No one was injured or killed, but that was only because they all managed to run away. It was very frightening. We have never had problems before. Buddhists and Muslims never had any conflict in this area. We have lived here for 200 years with no problems, but now there is absolutely no communication with Buddhist neighbours. We don’t dare greet each other on the street. If the security forces are here and do their duty, then we will dare to live here. If they cannot protect us, we won’t dare to live here. Four or five people were subsequently arrested for the violence, and we were asked to write a list of what was destroyed, which we submitted to the authorities. But we don’t think people will pay compensation. We just hope everything will be peaceful.’

Mob violence since 2013

Sporadic incidents of mass violence against Muslims since 2013 have led to serious violations of human rights. In most incidents, the instigators and perpetrators of such violence have been outsiders, entering a community that in many cases has had Buddhists and Muslims living together peacefully for decades. Yet Buddhist nationalists have been extraordinarily successful in whipping up anti-Muslim prejudice, with rumour and religious propaganda, and thus incited violence.

Government figures are often complicit in these acts of violence. Some accounts record that those inciting violence were hired by the USDP. Even in situations where this was not the case, biases towards Buddhist nationalists by local authorities ensure that the police have failed to stop violence when they could have done.

The scope of the violence is determined by the local community. Inter-communal tensions, often related to geographical or social conditions, make certain communities more susceptible to outbreaks of religious violence than others. In particular, grievances about Muslim wealth have sometimes played into inter-communal tensions. There are also local factors which can make communities less susceptible to violence. Strong interfaith relationships have limited the scope of violence in the past: for example, in 2014 in Mandalay the Muslim community was able to call on Buddhist monks, through their interfaith network, to intervene and prevent further violence.

Manufactured spontaneity: external actors directly inciting violence

Although mob violence in recent years has appeared to be the result of inter-communal religious tension, a far more important factor in its instigation has been the pre-meditated attacks of outsiders. The testimony of the majority of interviewees in local communities cited in recent studies emphasise this. Violence has been instigated by outsiders and then interpreted by them to lay the blame on religious tension in the local community.¹⁹⁸ Of course tensions in the local communities have contributed to differing degrees, but they have never been the driving factor in outbreaks of violence. These spontaneous acts of violence share one common feature: they were manufactured by outsiders.

Manufactured spontaneity has a long history in Burma; the military junta has frequently used undercover units to carry out repressive activities or to single out minority groups. Examples include the anti-Chinese riots in the 1970s or the deployment of the Swan Ah Shin (Masters of Force) to attack monks during the Saffron Revolution in 2007.¹⁹⁹ U Thein Win Aung, a scholar and writer from Mandalay, remarks that:

‘For people who don’t know the true history of Myanmar, these riots may seem to have sprouted out from nowhere. But for those of us who have lived through the different military regimes, we can see their fingerprints all over it...’²⁰⁰

Violence in Mandalay on 1-2 July 2014 provides the clearest example of outside actors manipulating events. On 1 July 2014, 25-30 armed outsiders appeared in the town to incite mob attacks against Muslims.²⁰¹ What set this violence apart from previous incidents was that, in Mandalay, local people refused to join in with the violence. Attempts to foster support from both the local community and the local monks failed.²⁰² The staged nature of events was exposed: this was not an outpouring of inter-communal tension. Local journalists reported that 25-30 armed outsiders committed destructive acts.²⁰³ They were unaided by the local populace, but unopposed by the police. This meant that they were able to have a far greater impact than should have been possible. Some Mandalay residents were unsure who the perpetrators were; others were convinced that these were ‘government-sponsored thugs.’²⁰⁴ Regardless, it is clear that the events were supposed to incite violence and cause rifts within the Mandalay community.

Events in Mandalay provide a lens through which one can understand events in other townships and locations. All communities surveyed by the Centre for Peace and Conflict Studies emphasised that outsiders were the key instigators of violence.²⁰⁵ Strangers arrived to destroy buildings, loot shops and set items on fire. A young Bamar Buddhist driver in Meiktila shared this account:

191 Altsean Burma, 2013
192 The World Post, ‘Myanmar Anti-Muslim Violence Injures At Least 10 in Okkan As Mosques, Homes Attacked’, 30 April 2013 https://web.archive.org/web/20140405135323/http://www.huffingtonpost.com/2013/04/30/myanmar-anti-muslim-violence_n_3185932.html?utm_hp_ref=world
193 The Irrawaddy, ‘Anti-Muslim Violence Hits Lashio, Mosque, Shops Burned,’ 29 May 2013 www.irrawaddy.com/news/burma/anti-muslim-violence-hits-lashio-mosque-shops-burned.html
194 Justice Trust Policy Report, ‘Hidden Hands Behind Communal Violence in Myanmar: Case Study of the Mandalay Riots’, March 2015, p.19 www.burmalibrary.org/docs21/Justice_Trust-2015-03-Hidden_Hands-en-to-rev1-red.pdf
195 *ibid.*, p.19
196 Burma Human Rights Network, Human Rights Updates, July 2016
197 Burma Human Rights Network, ‘Report: Several Anti-Muslim Incidents Signal Worrying Trend in Yangon’, 15 May 2017 www.bhrn.org.uk/en/report/15-several-anti-muslim-incidents-signal-worrying-trend-in-yangon.html

198 Justice Trust Policy Report, 2015 Centre for Peace and Conflict Studies, ‘“This is Not Who We Are”: Listening to communities affected by communal violence in Myanmar, September 2015, p.6 www.centrepeaceconflictstudies.org/publications/browse/8288-2/
199 Justice Trust Policy Report, 2015, p.1
200 *ibid.*, p.1
201 *ibid.*, p.3
202 *ibid.*, p.22-24
203 *ibid.*, p.3
204 CSW source.
205 Centre for Peace and Conflict Studies, 2015, p.30

‘A group of strangers stopped me, yelling, “Are you Bamar or *kalar*? If you are *kalar*, we will slaughter all of you...’

He was Bamar and cited a Buddhist prayer...he was therefore spared... but elsewhere he ‘saw children being brutally butchered in the Mingalaw Zae Yon area.’²⁰⁶

Community members observed strangers ‘inciting violence, rallying community members to take part in violent and criminal activities, and also in taking part in acts of violence and vandalism themselves.’²⁰⁷ In interviews with CSW, a number of victims of violence spoke about how they were the victims of extremist violence but protected by their Buddhist friends. One 47-year-old man from Meiktila Township described how his Buddhist friends saved him from attackers; Shar Ko Ko, another male Muslim from Meiktila said:

‘I was attending an Islamic school called Aziziyar. On 20 March, at 12 PM, a teacher told us to go back home and not to come back to school. I was at the mosque at 5pm and heard that a mosque near the market was attacked. At 6pm...me, my father, and my mother were hiding at home [from attackers] and some of our Buddhist neighbours protected us...’

On the whole, the outsiders instigating violence were Buddhist nationalists and therefore their attacks were directed against Muslims. Having said that, the true calculated nature of their actions is exposed through the fact that sometimes they also incite violence against Buddhists for their political agenda. Outsiders are reported to have coerced Muslims into undertaking provocative criminal activity.²⁰⁸ In Shwebo and West Bago, individuals unknown to the community persuaded Muslims to commit crimes.²⁰⁹ For instance, in one township, a mentally disabled 17-year-old was reportedly coerced into raping a woman.²¹⁰ His actions motivated and justified brutal violent retaliation. In these instances, Buddhist nationalists coerced Muslims into committing crimes and then used the crime as a justification for inciting violence from within the local community. They catalysed violence in three ways here: they manipulated the Muslim man into committing a crime; they spread rumours about the crime which tapped into the fears of the local community; and they then actively worked to foster mob violence.

External actors shaping local community perceptions

The role of outsiders goes beyond direct personal incitement on the ground. External actors shaped the way that events have been interpreted by spreading rumours and fostering fear of religious minorities. Mandalay erupted into violence in July 2014 in response to the alleged rape of a Buddhist woman by Muslim men, which was shared widely by U Wirathu.²¹¹ Mandalay residents have since concurred that the Facebook report was false.²¹²

Rumour also has power to increase the extent of violence. The Centre for Peace and Conflict Studies emphasise that rumours of impending Muslim attacks have increased fears during times of mob violence and thus increased the severity of the violence.²¹³ Even in areas where there are good inter-communal relations, rumours which feed into existing stereotypes or caricatures have the power to incite fear. Fear has the power to significantly increase the magnitude of violence. In Meiktila, where violence was at its most devastating, a petty shop brawl resulted in between 45 and 200 deaths, and the displacement of more than 10,000 people. The reason for this was first because there were outsiders inciting violence. Yet, the Mandalay case study shows that this did not necessarily lead to mass mob violence. The extent of the violence in Meiktila has to be understood in reference to a number of additional factors. A crucial factor was the fostering of fear and tension by outsiders. Ma Ba Tha has increasingly spread hate content through CDs, sermons and banners. A common factor in the outbreak of inter-communal violence in Burma has been that the ground was prepared in the targeted regions by spreading propaganda and hate speech.²¹⁴

Weak rule of law and a complicit government

The extent to which those acting to promote violence have been sanctioned by the government is another important question. Ma Ba Tha received government patronage for their Buddhist nationalist views in the years running up to the 2015 election, and the policy of Thein Sein’s government was framed to protect Buddhists rather than freedom of religion or belief. One CSW source was convinced that those acting in Mandalay in 2014 were ‘government-supported thugs.’²¹⁵ A similar sentiment was expressed by a Buddhist from Mandalay who highlighted the way that these incidents often provided distraction from unpopular government initiatives:

‘The conflict in Mandalay was meant to divert people’s attention from the [move to amend] Article 436 of the constitution. The conflict in Meiktila was meant to divert people’s attention from the Letpadaung incident... etc.’²¹⁶

Citizens of Sittwe and West Bago had similar suspicions. One man emphasised the way that the Hluttaw assisted the propagation of violence in West Bago.²¹⁷ Although government cooperation in violence is difficult to prove, it is quite possible that figures from the nationalist military establishment were part of the collaborative effort behind the scenes to coordinate mob violence.

Regardless of whether the government was actively coordinating violence, we do know that local and national authorities have been complicit. At a national level, policy and practice have recently been favourable to Ma Ba Tha and the Buddhist nationalists. This is illustrated by laws such as the Four ‘Race and Religion’ laws, and by the vocal support for U Wirathu and Ma Ba Tha expressed by prominent members of Parliament, particularly members of the USDP and the military. At a local level, there have been multiple accounts of security forces actively choosing not to intervene and stop violence. In Meiktila, security forces sent from Naypyidaw actively chose not to stop the violence; one resident recounted that ‘The worst thing was when the security forces from Naypyidaw arrived. There were around ten trucks. They didn’t stop the violence... [they] were watching the problem idly...’²¹⁸ A man from Lashio similarly remembered that: ‘A man was hit and fell down on the road. The police just kicked him with their feet then dragged him like a dog. They pointed guns at my daughter who was holding the wounded man.’²¹⁹ In Mandalay, the lack of local community involvement exposed local authority complicity most profoundly.²²⁰ The group of 25-30 outsiders could easily have been stopped by the police, but witnesses record watching as the police chose to allow the violence to continue unhindered. Weak rule of law and policing ensured that outsiders could act with impunity. Government at both a local and a national level have been complicit in the emergence of mob violence.

The geographies and factors which precipitate inter-communal tension

Of course, mob violence requires local community participation, and in order to understand the scope of mob violence, it is worth considering the geographical and social factors which precipitate violence. Stephen Gray and Josephine Roos are right to highlight that it is important not to overlook ‘non-religious dimensions of the conflict’.²²¹ Their analysis highlights that certain communities are more resilient, able to withstand outside pressures and attempts to catalyse conflict, than others. Social and economic linkages or conflicts have the capacity to play into how readily a community will succumb to provocation and act violently.

Comparing Meiktila and Mandalay

A comparison between the scope of violence in Meiktila (2013) and Mandalay (2014) provides a helpful avenue into understanding the extremity of violence. In Mandalay the local community did not respond to outsiders’ attempts to incite violence, while in Meiktila they did. The reasons for this can be understood with reference to an analysis of the social and the economic situation:

Economic grievances push people to violence

In certain communities in Burma, a poor population can have a tendency to look enviously at its Muslim neighbours. The wealth of Muslims can be a source of grievance for Buddhists and increase the likelihood of violent action.²²² The situation is exacerbated by the perception that Muslims only buy from Muslims. The ‘969’ ‘Buy Buddhist’ movement emerged in reaction to the perception that Muslims only bought food from ‘786’, i.e. halal shops. Prior to violence in Meiktila, there were complaints about the Muslim community’s dominance over the cattle industry; there was also a variety of land disputes which were provoked as a result of inadequacies of contract and property law.²²³ There were in this area, therefore, inter-communal tensions which were unrelated to religious faith but which divided the two communities. These provided motivation for religious violence and increased the number of people willing to riot.

By contrast, Mandalay is a relatively prosperous city where there were not economic tensions. This increased the resilience of local people to calls to violence, and helped promote harmony. One person from Mandalay noted recently that:

206 *ibid.*, p.32
207 *ibid.*, p.31
208 *ibid.*, p.6
209 *ibid.*, p.32
210 *ibid.*, p.6
211 Justice Trust Policy Report, 2015, p.20
212 Centre for Peace and Conflict Studies, 2015, p.35; CSW source.
213 Centre for Peace and Conflict Studies, 2015, p.32-33
214 See ‘Sources of intolerance’.
215 CSW source.

216 Centre for Peace and Conflict Studies, 2015, p.40
217 *ibid.*, p.41
218 *ibid.*, p.37
219 *ibid.*, p.38
220 Justice Trust Policy Report, 2015
221 Adapt Research and Consulting, 2014, p.2
222 *ibid.*, p.8
223 *ibid.*, p.14

‘...Poverty and the daily struggle for survival...put a strain on the spirit and rational faculties of people.’²²⁴

It certainly is true that local economic conditions have contributed to inter-communal tensions in recent years.

Social concord hampers attempts to incite violence

Another reason that violence did not erupt in Mandalay to anywhere near the same extent as Meiktila is that in Mandalay interfaith harmony initiatives existed which meant that the local monks and people were unwilling to act violently against their neighbours. Monks in Mandalay instructed their followers not to act violently, consistently reiterating that ‘We do not have a problem between Buddhist and Muslim communities.’²²⁵ This conviction ensured that violence did not escalate in the way that it had done in Meiktila. Respect between faith communities contributed to peace, and ensured that the community was less willing to respond to provocation.

Violence causes violence

A final point that is worth emphasising is that violence itself has the power to divide communities and reduce their resilience. Witnesses of violence often recount the fear that violence catalyses; Muslims more or less universally testify to the fear they feel in Burma at the moment.²²⁶ And yet, it is not only Muslims who are scared – Buddhists are too. Sometimes this is for their Muslim friends and for others the key feeling is a fear of retaliation.²²⁷ This can lead to a breakdown of trust. This has happened since the violence in Lashio, where residents have explained the difficulties they now face talking to their former friends.²²⁸ In Shwebo, the violence of 2003 had already left a lasting rift which acted to increase the power of the fearful rumours spread during the violence in 2013. Violence in 2013 only served to reinforce division and segregation. A minority of communities felt nothing had changed, but this is unusual. Violence itself creates distrust and increases the likelihood that people will act violently. CSW's interviews in Meiktila Township, as detailed in the chapter on ‘Sources of intolerance’, found that extreme violence has fostered hate speech and increased social tensions. These incidents of violence leave communities vulnerable to further incitement in the future

Conclusion

On 15 March 2016 at a United Nations side event in Geneva, Cardinal Charles Maung Bo of Burma described the effect of the rise of Ma Ba Tha on religious freedom in Burma:

‘Over the past four years, the rights of religious minorities have come under increasing threat. Starting with the violence in Rakhine State in 2012, spreading to an anti-Muslim campaign in Meiktila, Okkan and Lashio in 2013, and to Mandalay in 2014, and then moving from violence, killing and destruction to a more insidious campaign of discrimination, hate speech and restrictive legislation, this movement – which began as a group called ‘969’ and transformed into an organisation known as ‘Ma Ba Tha’ – is based on an extremist, intolerant form of Buddhist nationalism that completely distorts the key teachings of Buddhism...and instead preaches hatred and incites violence.’²²⁹

Human rights violations have been shaped and motivated by the discriminatory matrix of the nationalist military, extremist religious leaders, and sympathetic local authorities. There has been, as Cardinal Bo highlights, a concerted campaign which targets Muslims in recent years. Muslims have been victims of an array of abuses in recent years including targeted religious persecution, economic marginalisation through the boycotting of businesses, discrimination in the judicial system and acts of extreme violence. The context, where anti-Muslim hate speech is common and the local authorities are complicit, has given extremist groups the freedom to act with impunity. Carefully manufactured incidents of mass violence in 2012-2014 have created the illusion that Burma is a nation irreparably divided. It must be emphasised that many Buddhists in Burma wish

to distance themselves from this kind of persecution. ‘This is not who we are’ is the statement which resounds from the majority of communities interviewed by the Centre for Peace and Conflict Studies.²³⁰ Inspiring stories of Muslims being protected by their Buddhist neighbours provide a counter-narrative to the story which Buddhist nationalists want to propagate – of a nation totally divided along sectarian lines. Muslims are

vulnerable to human rights abuses but the divisions are not irreparable. Courageous action from the NLD-led government is needed to stem the tide, foster mutual understanding and protect a minority which has been abused for too long. There are, however, no signs of such courageous action, and that makes the situation particularly dangerous.



Minhla Township Mosque was destroyed in 2013.

²²⁴ CSW source.

²²⁵ Justice Trust Policy Report, 2015, p.24

²²⁶ Centre for Peace and Conflict Studies, 2015, p.41

²²⁷ *ibid.*, p.42

²²⁸ *ibid.*, p.46-47

²²⁹ Remarks by His Eminence Cardinal Charles Maung Bo at a United Nations side event, 15 March 2016.

²³⁰ Centre for Peace and Conflict Studies, 2015

The persecution of the Rohingyas

The United Nations' Independent International Fact-Finding Mission on Myanmar, whose report was published in September 2018, concludes that senior generals in the military must be investigated for genocide, crimes against humanity and war crimes. Describing the violations of human rights perpetrated against the Rohingyas in August 2017 as war crimes and crimes against humanity, Radhika Coomaraswamy, a member of the Fact-Finding Mission, said: 'The crimes themselves, and the manner in which they were perpetrated, were found to be similar in nature, gravity and scope to those that have allowed for genocidal intent to be established in other contexts.' The chair of the Fact-Finding Mission, Marzuki Darusman, said: 'During their operations the Tatmadaw has systematically targeted civilians, including women and children, committed sexual violence, voiced and promoted exclusionary and discriminatory rhetoric against minorities, and established a climate of impunity for its soldiers. The full findings we are releasing today show why, in our report to the Human Rights Council, we insist that the perpetrators of the gross human rights violations and international crimes, committed in Rakhine, Kachin and Shan States must not go unpunished. They also show why the top generals should be investigated and prosecuted for genocide in Rakhine State. I have never been confronted by crimes as horrendous and on such a scale as these.'²³¹

²³¹ United Nations Office of the High Commissioner for Human Rights, 'Myanmar: UN Fact-Finding Mission releases its full account of massive violations by military in Rakhine, Kachin and Shan States', 18 September 2018



Burmese Rohingya Organisation UK

This report follows repeated warnings of genocide, crimes against humanity, war crimes and ethnic cleansing. The UN Special Rapporteur for human rights in Burma, Yanghee Lee, said in March 2018 that what had happened in Rakhine State had 'the hallmarks of genocide',²³² the UN High Commissioner for Human Rights at the time, Zeid Ra'ad al-Hussein, told the UN Human Rights Council in September 2017 that it was a 'textbook example of ethnic cleansing',²³³ and the UN Secretary-General Antonio Guterres described the crisis as a 'catastrophic' humanitarian disaster.²³⁴

Even prior to these remarks by senior UN officials, the Office of the United Nations High Commissioner for Human Rights (OHCHR) warned in 2016 that the 'pattern of violations against the Rohingyas may amount to crimes against humanity'.²³⁵ The severity of the situation cannot be overstated. John McKissick, head of the United Nations Office of the High Commissioner for Refugees (UNHCR) in the Bangladeshi border town of Cox's Bazar, told the BBC that the Burmese government is pursuing a campaign of ethnic cleansing against the Muslim Rohingya minority from its territory.²³⁶

The Rohingyas in Rakhine State are stateless, with their very survival in question. For decades they have endured grinding persecution, marginalisation and dehumanisation, and are described by Médecins Sans Frontières (MSF) as among the most persecuted minorities in the world. In Bangladesh, they are told they are Burmese and should go back to Burma. In Burma, they are met with hostility and told they are Bengali and should return to Bangladesh. 'We are trapped between a crocodile and a snake,' one refugee told CSW in 2008. 'We are treated as foreigners in Burma. But if we are foreigners, please show us which country we belong to, and we will go there,' said another.²³⁷

As the only ethnic minority in Burma who are not recognised as citizens, the Rohingyas have been subjected to extreme, systematic discrimination. As a stateless group, they have no human rights guaranteed by the law. They have been victims of a variety of extreme human rights violations including but not limited to forced labour, summary execution, sexual violence, restricted freedom of movement, targeted religious persecution, forced birth control, acts of mass violence, forced displacement and arbitrary detention. There have been sporadic incidents of extreme mass violence which have caused the forced displacement

of hundreds of thousands of people, and hundreds of thousands to flee as refugees from Burma to Bangladesh and other neighbouring nations.

Many Rohingyas supported and campaigned for the NLD prior to the 2015 election, and so feel particularly betrayed by Daw Aung San Suu Kyi's failure to express any sympathy for them in light of the genocide. The worst human rights crisis in Burma's recent history erupted from 2016-2017, under the NLD government. The overwhelming majority of Rohingyas have fled to Bangladesh, and refuse to return to Burma unless and until there are efforts to repeal the 1982 Citizenship Law which entrenches their marginalisation into law, and provide security to ensure that the military offensives of October 2016 and August 2017, which led to the displacement of hundreds of thousands, summary execution, the burning of homes and mass rape of Rohingyas, do not recur.

History of the Rohingyas

Rakhine State has a population of over three million people. The two major ethnic groups are the Rakhine and the Rohingyas. There are around 2.1 million ethnic Rakhine who are predominantly Buddhists; and there are over one million Rohingyas, the vast majority of whom are Muslims.²³⁸

The history of Rakhine is intensely disputed. Ultra-nationalist Rakhine Buddhists portray the Rohingyas as illegal immigrants who migrated from East Bengal during the British rule of Burma; official state histories support this claim and exclude Rohingyas from the 135 state-recognised ethnic groups.²³⁹ The Rohingyas, on the other hand, claim to have inhabited the state for centuries. Some even claim that Muslim kings ruled Rakhine for over a hundred years in 1430.²⁴⁰

While the exact details of Rakhine State history may be disputed and are unlikely ever to be fully clarified, primary historical sources written 200 years ago provide significant evidence that the Rohingyas have resided in Rakhine State since at least the 18th century. In 1799 a linguistic analysis of Rakhine State noted that there was a language 'spoken by the Mohammedans, who have long settled in Arakan, and who call themselves Rooingya, or natives of Arakan'.²⁴¹ The Paton Report of 1826, written when the British moved into Rakhine State, estimated

²³² United Nations Office of the High Commissioner for Human Rights, 'Statement by Ms. Yanghee Lee, Special Rapporteur on the situation of human rights in Myanmar at the 37th session of the Human Rights Council', 12 March 2018 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22806&LangID=E

²³³ UN News, 'UN human rights chief points to "textbook example of ethnic cleansing" in Myanmar', 11 September 2017

<https://news.un.org/en/story/2017/09/564622-un-human-rights-chief-points-textbook-example-ethnic-cleansing-myanmar>

BBC, 'Rohingya crisis: Humanitarian situation catastrophic, UN says', 14 September 2017 www.bbc.co.uk/news/world-asia-41260767

²³⁵ UN News, 'Myanmar: UN rights chief warns of "spiral of violence" in Rakhine State', 29 November 2016 www.un.org/apps/news/story.asp?NewsID=55668#.WD77hLKSUI

²³⁶ BBC, 'Myanmar wants ethnic cleansing of Rohingya - UN official', 24 November 2016 www.bbc.co.uk/news/world-asia-38091816

²³⁷ Benedict Rogers, *Burma: A Nation at the Crossroads*, revised edition 2015, p.138

²³⁸ International State Crime Initiative, 'Countdown to Annihilation: Genocide in Myanmar', 2015, p.27

<http://statecrime.org/data/2015/10/ISCI-Rohingya-Report-PUBLISHED-VERSION.pdf>

²³⁹ Maung Zarni and Alice Cowley, 'The Slow-Burning Genocide of Myanmar's Rohingya', *Pacific Rim Law and Policy Journal*, Volume 23, June 2014, pp.689-690

<https://digital.law.washington.edu/dspace-law/handle/1773.1/1377>

²⁴⁰ Benedict Rogers, *Burma: A Nation at the Crossroads*, revised edition 2015, p.133

²⁴¹ Maung Zarni and Alice Cowley, 2014, p.690

that 30% of the population was ‘Mussalman’ or Muslim.²⁴² Rakhine is a region of western Burma which borders Bangladesh and is separated from the rest of Burma by the Yoma (Arakan) mountain range. As a result it has historically had a distinctive multi-cultural and multi-ethnic social mix which is dissimilar to other states in Burma.²⁴³

Rohingyas began to be marginalised shortly after independence. In 1948 the Union Citizenship Act defined Burmese citizenship and identified specific ethnicities as the ‘indigenous races of Burma’ which were allowed to gain citizenship.²⁴⁴ The list did not include Rohingyas but the Act had a provision which allowed those who had lived in Burma for at least two generations to have identity cards, and many Rohingyas received them under this provision.

Although they were now discriminated against by the law, in reality Rohingyas were still treated as citizens of Burma prior to 1962. In the early years after independence there were still many in Burma who argued that Rohingya Muslims were Burmese. In 1954 the then Prime Minister U Nu emphasised the political loyalty of Rohingya Muslims to their predominantly Buddhist country in a radio address. The speech used the word ‘Rohingya’ to describe the ethnic group in a way that the state now refuses to.²⁴⁵ Similarly, Brigadier Aung Gyi, a senior deputy of General Ne Win, made remarks in 1961 which emphasised the indigenous nature of the Rohingyas. In a comment which challenges any narratives which present the Rohingyas as ‘Bengali’, he said that this ‘is not a case where one single race splits itself into two communities in two different neighbouring countries.’²⁴⁶

As a result of their ambiguous position there were many Rohingya people who voted in the national election of 1960. A Rohingya spokesman claims that from 1941-1962, for example, 90% of teachers in northern Arakan State were Rohingya, and 80% of positions in the police and judiciary were filled by Rohingyas in northern Arakan State. Rohingyas were issued with NRCs in 1955, along with all other citizens of Burma. ‘During the democracy era [from 1947-1962], we did not feel discriminated,’ said one Rohingya leader.²⁴⁷

It was after military rule commenced in 1962 that the systematic discrimination of the Rohingya became a matter of policy. On General Ne Win’s accession to power, the military government ceased to give citizenship to Rohingya children. Since then, the persecution of Rohingya Muslims in Rakhine State has steadily worsened.

In 1974 the government made it a requirement of all citizens to obtain NRCs, but allowed Rohingyas to obtain only Foreign Registration Cards. This restricted educational and job opportunities considerably.²⁴⁸ In 1982 General Ne Win then instituted a Citizenship Law that prohibited Rohingyas from obtaining full citizenship, leaving all but a minority stateless. This law was implemented after the 1990 elections and still applies today. It has stripped Rohingya people of citizenship rights, leaving them vulnerable to a variety of grave violations.

In 1978 Operation Naga Min was launched. The aim of this operation was to take action against foreigners who were illegally trespassing in Burmese territory.²⁴⁹ Under the policy, many Rohingyas were accused of being ‘Bengali’ immigrants and were detained and tortured. A widespread campaign of terror and violence perpetrated by both the local populace and the military against the Rohingyas followed, which eventually forced around 200,000 Rohingya people to flee the country into Bangladesh.²⁵⁰ Many of these people were subsequently forcibly repatriated by Bangladesh.

Since 1978 there has consistently been widespread discrimination against Rohingyas in Burma alongside sporadic incidents of mass anti-Rohingya violence. Particularly notable waves of mass violence took place in May 1991, March 1992, 2001, 2012, 2016 and 2017. These all sparked the mass migration and internal displacement of thousands of people: there are more than one million Rohingyas living in exile, in Bangladesh, Malaysia, Thailand, Pakistan, Saudi Arabia, the United Arab Emirates, Europe and the United States.²⁵¹ It is important to highlight that when mass violence is not taking place, the Rohingyas continue to be stateless and vulnerable to abuses including arbitrary detention, summary execution, torture, rape and targeted religious persecution.

The Rakhine: The marginalised become the oppressors

Historically the severity of the discrimination against the Rohingyas in Burma has been a result of the combined action of military government and local ultra-nationalist Rakhine Buddhists. The Rakhine are themselves one of the most vulnerable minorities within Burma, which has been a driving factor behind inter-ethnic tensions as the discontent of one vulnerable minority group has been funnelled into hatred of Burma’s most vulnerable minority.

Rakhine Buddhists have reason for discontent because they have been victims of significant discrimination which, though less targeted than that directed at Rohingyas, has resulted in widespread human rights abuses including forced labour, rape, and the forcible recruitment of child soldiers.²⁵² Rakhine civilians, accused of ties with the Arakan Army, have been tortured, and following clashes with the Arakan Army in early 2015, the Tatmadaw were accused of blocking aid to the displaced Rakhine.²⁵³



Rakhine is also the poorest state in Burma and the local people have been economically exploited.²⁵⁴ Although resource rich, Rakhine State’s natural resources have been used by the Burmese central government with little regard for the ethnic Rakhine. For instance, in 2015 the government earned \$170 million per month from the gas from the Shwe Gas Project. This was 40% of the country’s income but was of little benefit to Rakhine State.²⁵⁵

There is a widespread fear amongst the Rakhine that their culture itself is being eroded. In schools, teachers use Burmese and the Rakhine language is prohibited. The regime is carrying out ‘an attack on our language, identity and culture,’ one Rakhine told CSW.²⁵⁶

Rakhine State citizens could justifiably feel disenfranchised by the state. Yet, state actors are not held by the majority of the Rakhine to be the primary enemy. CSW’s 2008 briefing on the situation in Rakhine State noted that the military junta had pursued a policy which turned the Rakhine against the Rohingyas in order to maintain Rakhine support; one Rohingya leader said, ‘The SPDC uses the Rakhine against us as part of a divide and rule policy.’²⁵⁷ The International State Crime Initiative report entitled *Countdown to Annihilation: Genocide in Myanmar* finds that this policy was still in place in 2015 and that the Burmese

government has been very successful at ‘manipulating the Rakhine into believing that their primary enemy is not the state, but the Rohingyas.’²⁵⁸ There have been a number of elements to this strategy: economic discontent has been blamed on Muslim *kalar* taking the jobs of Rakhine Buddhists; rumours have been spread amongst the Rakhine claiming that the Muslim residents of Maungdaw are extremists; and international coverage of the ‘global terror’ threat has provided the basis for a widespread belief that Rakhine culture is under threat from ‘Bengali Immigrants’ intent on the collapse of Burma and Buddhism. Successive military governments actively spread these ideas and have thereby ensured that Rakhine discontent has primarily been translated into anti-Muslim action.

Hate speech and rumour

False rumours and hate speech about Rohingya Muslims are common and drive anti-Rohingya action. Radical monks from Ma Ba Tha and the Rakhine political elites have created a myth about the Rohingyas which presents them as the primary threat to Rakhine and Burmese civilisation. U Wirathu consistently claims that ‘In order to occupy Myanmar, the Muslims created a race...’²⁵⁹ His claim that the Rohingyas were not indigenous to Burma but are really an Islamic expansionist creation is common. Than Myint, a Rakhine historian, similarly said that ‘They took our historic origin and created a fake history.’²⁶⁰ As a result his view is that if ‘we allow them to stay, our people will be swallowed up.’

A conventional understanding of history among ethnic Rakhine and ultra-nationalist Buddhists is that Rohingyas are imposters with ambitions to overthrow Burmese Buddhism. This is spread by state media, by prominent monks on social media, and by ethnic Rakhine leaders. This influential triumvirate also helps to ensure that the news about events in Rakhine State universally presents Muslims as the perpetrators of violence, even if the military are the initiators. This meant that when the military unleashed its offensives in 2016, and again on an even more significant level in 2017, it was the death of border guards which was the focus of state media and not the disproportionate response of the military which resulted in mass human rights violations and the suffering of hundreds of thousands of Rohingyas. The same was true in 2012, when Buddhists were presented as the attacked victims and violence against Rohingyas was justified as a necessary security measure. Widespread rumours about Muslims attacking or raping people fill social media regardless of their truth. They help to create divisions among the peoples of Rakhine State and reinforce the fears of the ethnic Rakhine.

242 ibid., p.690
243 ibid., p.691
244 Allard K. Lowenstein International Human Rights Clinic, Yale Law School, ‘Persecution of the Rohingya Muslims: Is Genocide Occurring in Myanmar’s Rakhine State? A legal analysis’, October 2015 www.fortifyrights.org/downloads/Yale_Persecution_of_the_Rohingya_October_2015.pdf Al Jazeera, ‘Genocide Agenda’, October 2015 www.aljazeera.com/investigations/genocideagenda.html
245 Maung Zarni and Alice Cowley, 2014, p.693
246 ibid., p.694
247 CSW, ‘Burma: Visit to the Bangladesh-Burma border’, 26 August 2008, p.7 www.csw.org.uk/2008/08/26/report/100/article.htm
248 Allard K. Lowenstein International Human Rights Clinic, 2015
249 Maung Zarni and Alice Cowley, 2014, p.705
250 ibid., p.705
251 Benedict Rogers, *Burma: A Nation at the Crossroads*, p.128

252 CSW, ‘Burma: Visit to the Bangladesh-Burma border’, 26 August 2008 www.csw.org.uk/2008/08/26/report/100/article.htm
253 International State Crime Initiative, 2015, p.30
254 UNICEF, ‘UNICEF in Myanmar: Rakhine’ www.unicef.org/myanmar/overview_25052.html
255 International State Crime Initiative, 2015, p.29
256 CSW, ‘Burma: Visit to the Bangladesh-Burma border’, 26 August 2008, p.16 www.csw.org.uk/2008/08/26/report/100/article.htm
257 CSW, ‘Burma: Visit to the Bangladesh-Burma border’, 26 August 2008, p.16 www.csw.org.uk/2008/08/26/report/100/article.htm
258 International State Crime Initiative, 2015, p.31
259 Al Jazeera, 2015
260 ibid.

The Arakan National Party

The Arakan National Party is a leading propagator of hate speech and rumour. The leading ethnic Rakhine party campaigns for the interests of the Rakhine and the protection of Rakhine Buddhism at the expense of all other interests, and the human rights of others if necessary. Rakhine leaders perceive themselves to be defenders of Burma, guardians of the ‘Western gate’ against a Bengali invasion. They are unashamedly nationalistic and anti-Rohingya. The International State Crime Initiative report found that:

...it is not uncommon to see Nazi and SS paraphernalia (t-shirts, helmets etc.) as well as copies of Mein Kampf being sold on the street. Against this background and standing in front on an Arakan Army calendar entitled ‘Defenders of Our Fatherland’, Sittwe’s Arakan National Party spokesperson told ISCI that Rohingyas should be moved to ‘concentration camps’ in central Myanmar before asking, with a smile on his face, to change that to ‘refugee camps’, obviously conscious of the connotations.²⁶¹

There is deep anger in Rakhine State over perceived international prejudice in favour of the Rohingyas.²⁶² There have been numerous protests in Sittwe in recent years against international support for the Rohingyas. Ban Ki-Moon’s use of the word Rohingya, UN Special Rapporteur Yanghee Lee’s visits to Rakhine State, and the plans by the Organisation of Islamic Cooperation (OIC) to open an office in Burma have all sparked protests. In 2014, the perception that MSF was favouring Rohingya Muslims over Rakhine Buddhists triggered violent attacks on UN and INGO offices in Sittwe, and eventually ensured MSF’s expulsion.²⁶³

Layers of discrimination

Rakhine State has a divided population. On one side there is a minority without a home whose history has

been whitewashed. Stateless and vulnerable, and since 2016 and 2017 almost entirely driven out, they have been treated like criminals despite the fact that many have ancestors who were indigenous to Rakhine State. On the other side, there is another ethnic group who have legitimate grievances about their historic treatment by the state. Yet, their discontent has been channelled into anti-Rohingya sentiment as the Rohingyas have been portrayed as Bengali intruders with ambitions for Rakhine extinction. Hate speech and rumour have helped to create a virulent anti-Rohingya nationalism amongst the Rakhine which means that the Rohingyas are in a profoundly vulnerable position.

The next section looks in more detail at how the Rohingyas have faced various forms of discrimination. Initially it examines the connotations of the fact that the Rohingyas are a ‘stateless people’, and then it considers incidents of violence against them.

A stateless people

Article 15 of the Universal Declaration for Human Rights states that the right to a nationality is a fundamental human right, and that ‘no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality’.²⁶⁴ It implies the right of each individual to acquire, change and retain a nationality and that to deprive someone of their nationality is to deprive them of an inviolable right. In 1982 General Ne Win instituted a Citizenship Law that prohibited Rohingyas from obtaining full citizenship and effectively totally deprived them of this basic human right. This was only fully implemented after the 1990 elections. The Rohingyas were able to vote in 1990, using their NRCs, but in 1994, the Rohingyas’ status was downgraded to that of ‘temporary resident’, and they were issued with new white Temporary Registration Cards (TRCs), at a charge of 2,500 kyats. The result of this was that, in the words of one Rohingya, ‘the regime claims we are mere residents, not citizens’.²⁶⁵

Only 40,000 of the country’s 1.3 million Rohingyas are recognised as citizens.²⁶⁶ The 1982 Citizenship Law requires that every citizen be able to provide proof that they were residents of Burma before 1948. Many Rohingyas did not have access to sufficient documentary evidence, even if their families were citizens in this period, and therefore had their identity cards withheld.

Subsequently it has proved very difficult for Rohingyas who were not given citizenship in 1982 to gain citizenship status. Naturalisation requires fluency in one of Burma’s national languages, but most Rohingyas only speak Rohingya dialect and don’t learn Burmese or other ethnic

languages due to poor education.²⁶⁷ Furthermore there is an institutional prejudice which means that Rohingya applications for citizenship almost always fail. Whereas 60 years ago, Rohingyas could hold full citizenship without reference to their ethnicity, all identity cards now mark Rohingyas out as ‘Bengali’.²⁶⁸ The requirement that Rohingyas declare that they are Bengali leads to the rejection of virtually all Rohingya applications for citizenship. There have been attempts to verify the citizenship of Rohingyas, but local opposition has ensured that these fail. The most recent citizenship verification process, piloted in 2014, allowed 200 Muslims to register for citizenship as ‘Bengali’. This was suspended following opposition of local Buddhist Rakhine to the acceptance of any supposedly Bengali people in their territory.²⁶⁹

Between 2010 and 2015, many Rohingyas held ‘white cards’ which acted as temporary ID cards.²⁷⁰ In February 2015, a Referendum Law gave ‘white card’ holders the right to vote in a referendum. Extremists protested this, and in response to protests President Thein Sein announced on 11 February 2015 that white cards would actually expire on 31 March 2015.²⁷¹ The result of this was that the Referendum Law ultimately disenfranchised the Rohingya rather than providing hope for ‘white card’ holders. The ‘white cards’ of 400,000 people were confiscated. For some of these people, they were issued a green card in June 2015. This allowed Rohingyas to apply for citizenship but bestowed no further legal rights. As a result, Rohingyas have been left without temporary legal status and without the right to vote.

In the run-up to the November 2015 election, the extent of the disenfranchisement of Rohingyas was made clear. In late August 2015 election authorities in Rakhine State blocked 25 parliamentary candidates from running for office, including 19 in northern Rakhine State on the grounds that their parents were not citizens. This included the then-sitting MP for Buthidaung, U Shwe Maung, who was a member of ASEAN Parliamentarians for Human Rights (APHR).²⁷² Although the Union Election Commission did eventually reinstate 11 of the rejected Muslim candidates, there have been few attempts to ensure that the elections which Rohingya Muslims were contesting were free and fair.²⁷³ The NLD showed little appetite for supporting the Rohingyas either, despite receiving support from many of the Rohingyas. The NLD excluded Muslims from a list of more than 1,000 candidates contesting the November 2015 election.²⁷⁴

Connotations of statelessness

‘By denying us citizenship, they are denying our entire existence, our struggle and our survival.’²⁷⁵

This poignant remark by a Rohingya man in an interview with the Simon-Skjodt Center for the Prevention of Genocide captures the severity of the situation of stateless Rohingya in Rakhine State. Laws in Burma provide protection for the human rights of citizens; they provide little guarantees for ‘foreigners’ or the stateless. Rohingyas have been subjected to diverse and extreme human rights violations without any ability to appeal to the law for protection as a result; in fact it is often the law which is used to justify their subjection.

Human rights violations which have occurred against Rohingyas as a result of their stateless status include:

- Forced labour
- Restrictions on freedom of movement
- Sexual violence
- Targeted religious persecution
- Birth spacing
- Arbitrary detention
- Vulnerability to violence.

There have recently been outbreaks of inter-communal violence, particularly notably in 2012 and of course the military’s offensives in October 2016 and August 2017, which have led to more extreme and a wider variety of human rights violations including:

- Summary execution
- Mass rape
- Torture
- Burning of homes
- Killing
- Internal displacement
- Human trafficking.

The next section will consider these layers of persecution in greater detail.

Forced labour

Na Sa Ka (the Rakhine State border force) and the

261 International State Crime Initiative, 2015, p.45
262 ibid., p.37
263 ibid., p.37
264 Universal Declaration of Human Rights, Article 15 www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf
265 CSW, ‘Burma: Visit to the Bangladesh-Burma Border’, p.8
266 Amnesty International, ‘Deadly Journeys: The refugee and trafficking crisis in Southeast Asia’, 21 October 2015, p.12 www.amnesty.org/en/documents/ASA21/2574/2015/en/
267 Allard K. Lowenstein International Human Rights Clinic, 2015, p.7
268 Simon-Skjodt Center for the Prevention of Genocide, ‘“They want us all to go away”: Early Warning Signs of Genocide in Burma’, May 2015, p.10 www.ushmm.org/m/pdfs/20150505-Burma-Report.pdf
269 International State Crime Initiative, 2015, p.57
270 Radio Free Asia, ‘Myanmar Officials Issue Green Cards to Muslims in Rakhine State’, 15 June 2015 www.rfa.org/english/news/myanmar/officials-issue-green-cards-to-muslims-in-rakhine-state-06152015145915.html
271 Simon-Skjodt Center for the Prevention of Genocide, 2015, p.10
272 ASEAN Parliamentarians for Human Rights, ‘Disenfranchisement and Desperation in Myanmar’s Rakhine State: Drivers of a Regional Crisis’, October 2015, p.16 <https://reliefweb.int/report/myanmar/disenfranchisement-and-desperation-myanmar-s-rakhine-state-drivers-regional-crisis>
273 ibid., p.16
274 ibid., p.18
275 Simon-Skjoot Center for the Prevention of Genocide, 2015, p.4

military have engaged Rohingyas in Rakhine State in forced labour for many years. As the Rohingyas are stateless, they are not beneficiaries of labour protection laws that should apply to other citizens. The practice began in 1990 and has carried on since then. Between January and June 2014 alone, more than 6,000 adults and 2,000 children were forced to work for the authorities.²⁷⁶ In 2008 the then UN Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, reported allegations that Rohingyas had been killed for their refusal to perform forced labour.²⁷⁷

Na Sa Ka single out Rohingya Muslims in Northern Arakan for forced labour. Three defectors from the Na Sa Ka border force confirmed that the Rohingyas were targeted:

‘I was used to this system of arresting Muslims, asking for money, torturing them – every day...We only arrested Muslims, not Rakhines.’²⁷⁸

Mr C., a Rohingya refugee in Bangladesh from Mimbya Township, described to CSW how the Na Sa Ka targeted his village for forced labour:

‘The Na Sa Ka routinely demanded forced labour, by rotation. They would go to our village and demand forced labour, and then move to another village, and a few weeks later they would come again to our village. They did this the whole time. We had to work in the army camps, cutting the grass, building fences, collecting wood, carrying food supplies and bricks. They treated us very rudely. I was often kicked and punched. Sometimes, if a village headman was unable to provide people for labour, he would be beaten. Everyone, including women and children, had to do forced labour.’²⁷⁹

Restrictions on freedom of movement

As the majority of Rohingya are not recognised as citizens of Rakhine State, they are technically obliged by law to abide by the 1940 Foreigners Act. This requires local government to grant a licence to anyone desiring to move between different towns or villages.²⁸⁰ The Regional Order No.1/2009 requires Rohingya to give authorities a week’s notice before travelling within Rakhine State. Approval is rarely granted for travel. It usually requires the payment of a bribe of between 500 kyats and 1,000 kyats which Rohingya cannot afford.²⁸¹ Even once approval is granted, Rohingya face harassment at checkpoints along the way. These restrictions severely impede access to health care or education from other towns. The restrictions of movement are yet another violation of basic human rights.

Sexual violence

Reports have consistently come out of Burma in the last three decades of sexual violence being committed with impunity against Rohingya women. The Tatmadaw, the Na Sa Ka, the local police force and Rakhine villagers have raped and sexually assaulted women and girls. Women taken for forced labour are particularly vulnerable, and in times of mass violence (see below) gang rape has been commonplace. The Tatmadaw has held women in Rakhine State as sex slaves and used rape as a form of intimidation, as it has throughout Burma for decades. Rohingya women are particularly vulnerable, given that they have no ability to appeal to the law for protection and are victims of such extreme prejudice.

A Na Sa Ka defector described the way that Na Sa Ka troops raped Rohingya women:

Sergeants and Corporals especially raped Muslim women. They would gather all the men of one village in one place, and we junior soldiers would have to guard them at gunpoint while the officers abused the women. In one village, Shan Kha Li, I had to watch over the men while a Na Sa Ka Sergeant and some corporals abused their wives.’²⁸²

Targeted religious persecution

Article 34 of the 2008 constitution says that every citizen is entitled to freedom of conscience and religion. Rights to freedom of religion or belief have been restricted to citizens and as a result there have been numerous instances of targeted attacks against Rohingyas Muslims.

Oppression by Rakhine civilians and local government has worked in tandem to ensure a hostile atmosphere for Muslims. In 2001 mobs attacked at least 28 mosques and religious schools. State security did nothing to stop the attacks but rather participated in the destruction.²⁸³ During the 2012 violence, mosques were specifically targeted. At least 33 mosques were destroyed in Sittwe alone.²⁸⁴

Permission to build mosques is also very difficult to obtain. It is almost impossible to build religious buildings in Rakhine State for Muslims. According to a Rohingya source, very few new mosques have been built since 1962.²⁸⁵ The central mosque in Maungdaw is reportedly still only half-built and without a roof.

There have been restrictions on Muslims attempting to get married. In order to have a marriage licence men have to be clean shaven, which breaks Rohingya religious customs.²⁸⁶ A marriage licence costs between 5,000 and 500,000 kyats to obtain.²⁸⁷ Since at least 2005 the government has allowed some Rohingya couples to obtain marriage licences only if they agree to have no more than two children. Women in legal marriages who have more than two children, and women who have children out of wedlock, are subject to possible prison sentences of up to ten years.

In 2018 CSW visited the refugee camps in Bangladesh. Among the Rohingya refugees who were interviewed was Hafez Ziur Rahaman, a 38-year-old imam, who told CSW that on 27 August 2017 he fled his village with over 200 families after the military attacked. More than 100 people were burned, shot or stabbed to death. When asked whether he experienced religious discrimination, his eyes filled with tears. ‘The soldiers came into the mosque. Before burning it down, they took the Holy Qur’an, and played football with it. They kicked it around between them, and then ripped it apart. Then they set fire to the Qur’ans and the mosque.’

Birth spacing

State-level authorities in Rakhine State issued a policy document in 2008 titled ‘Population Control Activities’, specifying how law enforcement officials in Rakhine State should force people to ‘use pills, injections and condoms for birth control at every regional clinic, township hospitals and their own regional hospitals.’²⁸⁸ Rohingyas are vulnerable to enforced population control measures as a result of not having full citizenship status.

In 2015 the Population Control Healthcare Law was passed which legitimated birth spacing as a valid government form of government policy. When this law was ratified, a UN press release commented that:

...its provisions are extremely vague and lack any protection against discrimination... Evidence shows that attempts to impose strategies aimed at ‘controlling population growth’ often disproportionately target marginalized and minority groups and can have discriminatory, coercive and punitive effects that go against basic rights and freedoms, particularly those of women.’²⁸⁹

These concerns remain pressing today. In fact, local lawmakers in Rakhine State have recently urged that the law be applied to restrict the birth rate of Rohingya Muslims.²⁹⁰ Aung Taung Shwe of the Arakan National Party, representing Buthidaung Township, said on 22 September 2016 that the government ought to ‘restrict the birthrate in these areas’ as these areas are ‘appropriate areas’ in which to enforce the ‘Protection of Race and Religion Laws’. He remarked that:

‘The authorities did not carry out their duties based on the law, and the population has increased greatly.’

²⁷⁶ Allard K. Lowenstein International Human Rights Clinic, 2015, p.14
²⁷⁷ *ibid.*, p.10
²⁷⁸ Benedict Rogers, *Burma: A Nation at the Crossroads*, p.129
²⁷⁹ CSW, ‘Burma: Visit to the Bangladesh-Burma Border’, p.13-14
²⁸⁰ Allard K. Lowenstein International Human Rights Clinic, 2015, p.16
²⁸¹ Benedict Rogers, *Burma: A Nation at the Crossroads*, p.128
²⁸² CSW, ‘Burma: Visit to the Bangladesh-Burma Border’, p.22

²⁸³ Allard K. Lowenstein International Human Rights Clinic, 2015, p.11
²⁸⁴ International State Crime Initiative, 2015, p.47
²⁸⁵ Benedict Rogers, *Burma: A Nation at the Crossroads*, p.129
²⁸⁶ Allard K. Lowenstein International Human Rights Clinic, 2015, p.12
²⁸⁷ Benedict Rogers, *Burma: A Nation at the Crossroads*, p.128
²⁸⁸ Allard K. Lowenstein International Human Rights Clinic, 2015, p.12
²⁸⁹ United Nations Office of the High Commissioner for Human Rights, ‘Myanmar: UN rights experts express alarm at adoption of first of four protection of “race and religion” bills’, 27 May 2015 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16015&LangID=E
²⁹⁰ The Irrawaddy, ‘Arakan Lawmaker’s Bid to Restrict Muslim Birth Rate Rejected’, 27 September 2016 www.irrawaddy.com/news/burma/arakan-lawmakers-bid-to-restrict-muslim-birth-rate-rejected.html

Although in this instance the Union Minister for Health and Sport Dr Myint Htwe rejected the suggestion as a violation of ‘medical ethics’ as it would involve the sterilisation of women against their will, the fact that this was tabled as a legitimate suggestion and was debated at a local level shows the tangible threat posed by this legislation in Burma today.

Arbitrary detention

Under President Thein Sein’s government, there were multiple incidents of the arbitrary detention of Rohingyas. Human Rights Watch reported that since 1995, the Na Sa Ka arbitrarily detained between 2,000 and 2,500 Rohingyas for actions such as repairing their homes without permission.²⁹¹ Arakan Project researchers documented arrests of 260 Rohingyas in late 2014 alone.²⁹² The lack of legal protection offered for Rohingyas mean that they can be arrested on trumped up charges without consideration for the validity of the charges. Those in custody are often beaten and mistreated, and are only able to secure their release through bribery of Na Sa Ka commanders.

A Na Sa Ka defector remarked:

‘Sometimes I would be patrolling with another Na Sa Ka soldier, and we would ask Muslims for chicken, food or money. If they refused, we would arrest them and their family, and bring them to the headquarters, where we kept them until they could pay. Every parent loves their son or daughter, so if we arrested a person, their parents – or relatives – would usually come to give us money.’²⁹³

Vulnerability to violence

Prior to the genocidal campaigns of 2016 and 2017, and aside from the mass violence of 2012, Rohingyas continued to suffer lower level violence as a result of the lack of protection under the law. An example is violence in Du Char Yar Tan village.²⁹⁴ On 9 January 2014 ethnic Rakhine killed eight Rohingya men in the village.

Local state-sanctioned reports claimed that this was in response to Rohingya residents who had kidnapped and killed a local police sergeant. Four days later, local police did not intervene when Buddhists killed many more Rohingya with swords, knives and sticks. On 14 January 2014 events escalated and local officials ordered Lon Htin to arrest all male Rohingyas over the age of ten in surrounding areas. MSF reported that it treated 22 people for stab wounds, all of whom were Muslims. An OHCHR report found that 40 people were killed at least.²⁹⁵

Children have also been vulnerable to violent exploitation. In an interview with CSW in 2008, one man recounted how at the age of ten soldiers stopped him and ordered him to carry their belongings. ‘I told them I was on my way to school and that if I carried their luggage I would be late for school. They got angry and told me they would beat me if I did not do what they said. Again I refused, and they kicked me and forced me to carry their things.’²⁹⁶

Incidents of mass inter-communal violence

As a result of their statelessness, the Rohingyas have also been victim of a number of waves of mass inter-communal violence and military offensives. Particularly notable incidents of mass violence took place in May 1991, March 1992, 2001, 2012, 2016 and 2017.²⁹⁷ This report will focus in detail upon incidents of violence between 2012 and 2017.

Violence in 2012

On 28 May 2012 Thida Htwe, a 27-year-old Rakhine Buddhist, was robbed, allegedly raped, and murdered in Ramri Township. Locals accused three Muslim men, and Rakhine activists produced a pamphlet detailing the crime, distributing them around the region.²⁹⁸ News spread further via social media and government newspapers which referred to the Rohingyas as ‘Muslim Kala’.

On 3 June 2012, an estimated 300 Rohingyas were murdered. In one incident, ten Muslims were shepherded off a bus by a mob and beaten to death. The police and soldiers saw the incidents but did not intervene.²⁹⁹ Events escalated after this. On 8 June Rohingyas retaliated, rioting and destroying Rakhine property, killing seven Rakhine. This sparked a protest on 10 June where 600 protestors gathered at Shwedagon Pagoda, Yangon, and demanded the removal of ‘Bengalis’ from Burma.

The country proceeded to enter a state of emergency and

riots expanded exponentially. Violence was perpetrated by Rakhine and the military in collaboration. Al Jazeera in their report, the *Genocide Agenda*, found evidence that Rakhine civilians were bussed into Rohingya townships in order to stir unrest.³⁰⁰ Between June and October, violence, rape and arson were commonplace. On 21 October violence broke out in Min Bya Township, and spread from there. Human Rights Watch released pictures of wide-scale arson in Muslim residential areas.³⁰¹ A 25-year-old man from Sittwe, a teacher from a madrasa, told Amnesty International that he saw 25 of his students killed in front of him.³⁰² Testimonies like his and others from refugee camps report torture, sexual violence and other violations committed by mobs.

Displacement and blocks on aid in 2012

As events developed, the combination of sustained mob violence and mass arson combined to displace large numbers of people. A policy of enforced segregation was imposed as a ‘security’ measure. Sittwe, once a multicultural city, was virtually emptied of its Muslim population and those who remained were segregated from the Rakhine Buddhist population, in a form of apartheid. Muslim neighbourhoods were heavily monitored by the police and army.³⁰³ There was little attempt by the government to aid the Rohingyas who were forcibly displaced. In fact, in July 2012 President Thein Sein attempted to wash his hands of responsibility, asking the UNHCR to place all Rohingya people in UNHCR refugee camps or send them abroad.³⁰⁴ 140,000 Rohingyas ended up living in IDP camps and tens of thousands more fled abroad as a result of violence.³⁰⁵

The IDP camps faced food shortages and a lack of adequate health care provisions. This was worsened by aid blocks in Rakhine State. Rakhine Buddhists have complained at notable points about supposed biases shown towards Rohingyas. In July 2012 MSF officials were arrested for ‘inciting riots’.³⁰⁶ In 2014 the perception that MSF was favouring Rohingya Muslims over Rakhine Buddhists triggered violent attacks on UN and INGO offices in Sittwe, and eventually ensured MSF’s expulsion.³⁰⁷ The Emergency Coordination Centre was established at the demand of Rakhine leaders to monitor delivery of aid to ensure they get an equal share. MSF had been providing aid to 500,000 people and 200,000 in IDP camps in the region. They were expelled fully from February 2014 until early 2015, when they were

once more allowed limited access. Blocks on aid have worsened humanitarian conditions in Rakhine State and are a serious human rights violation.

Treatment of refugees after the 2012 violence

Tens of thousands of Rohingyas fled to other countries in the aftermath of the huge outbreak of violence and as a result of conditions in IDP camps. The United Nations High Commission for Refugees estimates that 31,000 people left the Bay of Bengal from Rakhine State and Bangladesh in the first six months of 2015; 63,000 left from the same area in 2014. The majority of these were Rohingya Muslims who could either, in the words of the UN Special Rapporteur, ‘stay and die or leave by boat’.³⁰⁸

Refugees lived in desperate conditions. Many were beaten by boat crews, trafficked and enslaved. According to Amnesty International:

People were beaten for moving, for begging for food or water, and for asking to use the toilet. Children were beaten for crying. Amnesty International spoke to one person who was beaten so viciously that they had lost consciousness for several hours, and still suffer from the beating’s physical and psychological effects.³⁰⁹

Human Rights Watch found evidence of graves of dozens of Rohingyas in Thailand close to the Malaysian border.³¹⁰

There have been other dangers associated with fleeing Burma. In particular, restrictions on asylum seekers by Bangladesh, Thailand, Indonesia and Malaysia have made boat crossings precarious and potentially life threatening. In mid-2015 the UNHCR estimated that over 1,100 people had died in the Bay of Bengal and Andaman Sea since 2014.³¹¹ In June 2015 8,000 refugees were stranded at sea, in need of water, food and medical care.³¹² After international criticism, Indonesia, Malaysia and Thailand changed their approach and offered

291 Human Rights Watch, ‘‘The Government Could Have Stopped This’’: Sectarian Violence and Ensuing Abuses in Burma’s Arakan State’, 31 July 2012, p.16 www.hrw.org/report/2012/07/31/government-could-have-stopped/sectarian-violence-and-ensuing-abuses-burmas-arakan
292 Arakan Project, ‘Arbitrary Arrests and Beatings in North Rakhine State from 25 Sept to 31 Dec 2014’, 2015
293 CSW, ‘Burma: Visit to the Bangladesh-Burma Border’, p.24
294 Allard K. Lowenstein International Human Rights Clinic, 2015, p.35
295 United Nations Office of the High Commissioner for Human Rights, ‘Pillay calls for killings in northern Rakhine State to be investigated’, 23 January 2014 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14194&LangID=E
296 CSW, ‘Burma: Visit to the Bangladesh-Burma Border’, p.14
297 Benedict Rogers, *Burma: A Nation at the Crossroads, revised edition 2015*, p.128
298 Allard K. Lowenstein International Human Rights Clinic, 2015
299 *ibid.*, p.19

300 Al Jazeera, 2015
301 Human Rights Watch, ‘Burma: New Violence in Arakan State’, 25 October 2012 www.hrw.org/news/2012/10/26/burma-new-violence-arakan-state
302 Amnesty International, 2015, p.12
303 Allard K. Lowenstein International Human Rights Clinic, 2015, p.24
304 *ibid.*, p.21
305 Simon-Skjodt Center for the Prevention of Genocide, 2015, p.6
306 Allard K. Lowenstein International Human Rights Clinic, 2015, p.22
307 International State Crime Initiative, 2015, p.37
308 UN Special Rapporteur on the Situation of Human Rights in Myanmar, ‘Report of the Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee’, *UN Doc. A/HRC/28/72, 23 March 2015*
309 Amnesty International, 2015, p.6
310 Human Rights Watch, ‘Thailand: Mass Graves of Rohingya Found in Trafficking Camp’, 1 May 2015 www.hrw.org/news/2015/05/01/thailand-mass-graves-rohingya-found-trafficking-camp
311 United Nations High Commissioner for Refugees, ‘Mixed Maritime Movements in South-East Asia in 2015’, June 2015, p.2 <https://unhcr.atavist.com/mmm2015>
312 *ibid.*, p.9

‘temporary shelter’ to up to 7,000 people.³¹³ This failed to stop the deaths of thousands in the region.

Violence in 2016

On 9 October 2016 an attack on three border guard posts on Burma’s frontier with Bangladesh in Rakhine State led to the death of nine police officers. The Burmese military claimed that this was an act of terrorism by Rohingya people and started a major crackdown in response as they ‘investigated’ the crime. Throughout October there were multiple instances of summary execution, torture and mass rape; and thousands were forced to flee their homes. Human Rights Watch found evidence of more than 1,500 homes burned down during this period.³¹⁴ International journalists and aid organisations were not given access to Rakhine State as the government insisted that there was nothing to see.

The violence increased in severity after 12 November. The military used heavy weapons and helicopter gunships against Rohingya villages, killing and injuring hundreds and displacing 20,000 Rohingyas in one weekend. BHRN interviewed a 13-year-old boy who managed to flee from the fighting after being severely injured, with a deep wound on his back and smaller wounds elsewhere.³¹⁵ The boy said he was hit on 13 November when a helicopter was firing overhead. Although he was unsure what he was hit by, his injuries suggest it was shrapnel during the attack. In an interview with two further witnesses, BHRN were told that security forces intentionally chained civilians inside homes before burning them down during fighting over the weekend of 12 November.

Following this crackdown, thousands of Rohingyas fled across the border into the Cox’s Bazar Internally Displaced Persons (IDP) camp in Bangladesh. Many found themselves blocked at the Bangladesh border, as the Bangladeshi government renewed its efforts to tighten border controls. Despite this, on 9 January 2017 the UN Office for the Coordination of Humanitarian Affairs (OCHA) estimated that 65,000 had crossed the border since 9 October, 22,000 in the first week of January alone.³¹⁶

Reports emerged from the refugee camps which verify earlier allegations. United Nations officials estimated that more than 1,000 Rohingyas were killed, and there were countless testimonies from women of gang rape

and the torching of homes by Burmese soldiers.³¹⁷ Of the 101 Rohingya women interviewed by the United Nations, in a harrowing flash report based on interviews with Rohingya refugees released on 3 February 2017, 52% had been raped or subjected to other forms of sexual violence at the hands of the military.³¹⁸

In an interview with Amnesty International, Fatimah, a 32-year-old Rohingya woman who had fled to Bangladesh, said that the military entered her village and dragged her out to a paddy field where they raped her:

‘Three military officers raped me...I don’t remember what happened next because I fell unconscious...I woke up early the next morning. I could not get up so I crawled across the paddy field.’³¹⁹

Perhaps the most horrific stories are those of the children who have been murdered by security forces. The United Nations flash report interviewed several mothers whose children had been murdered.³²⁰ One 25-year-old mother said this:

‘They beat and killed my husband with a knife. They went into my house. Five of them took off my clothes and raped me. My eight-month-old son was crying of hunger when they were in my house because he wanted to breastfeed, so to silence him they killed him too with a knife. I thought I would die, but I survived.’

The mass displacement of Rohingyas left hundreds of thousands vulnerable to extreme weather. Cyclone Mora flattened hundreds of temporary homes in Rakhine State and in Cox’s Bazar camp in Bangladesh, which houses hundreds of thousands of refugees, on 30 May 2017.³²¹ Andrew Dusek, the associate communications officer at the UN’s refugee agency, UNHCR, said on 7 June 2017:

‘There is a pressing need to find shelter solutions for those whose homes were destroyed, damaged or dismantled in the context of the security operation in northern Rakhine [Arakan] State. Many returnees are currently staying in makeshift shelters, which provide little protection from the weather. With the arrival of the rainy season, which has already caused significant damage to existing shelters in many parts of Rakhine, it is extremely urgent that people have a protective and dignified roof over their heads and are able to resume livelihood activities.’³²²

Violence in 2017

The military’s campaign in 2016, as horrific as it was, was, however, merely a precursor to an even more severe offensive in 2017.

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 with a set of recommendations offering a 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 an almost immediate response from the Burma Army involving attacks on villages and civilians on a scale even more serious than the previous year, resulting in over 700,000 people fleeing to Bangladesh, thousands killed, hundreds of villages burned and reports of 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.

Among those CSW met in the refugee camps in Bangladesh in March 2018, just seven months after the crisis began, almost everyone had seen loved ones killed and villages burned. Accounts of mass rape were widespread, and there were many refugees whose eyes had been shot out and limbs blown off, who told of others whose eyes had been gouged out, throats slit and limbs hacked off. Thousands are believed to have been killed, and accounts have emerged of babies being snatched from their mothers’ arms and thrown into a fire, families burned alive, villagers lined up and executed at gunpoint. ‘The Burma army was trying to drive us out of our land,’ said Saiful, a young student from Maungdaw who escaped over the mountains. ‘We are indigenous, we have a long history, but they have been trying to remove us all, day by day, year by year. They made it impossible for us to stay – how could we survive?’

Sixteen-year-old Khalida’s story encapsulates the horror. Lying paralysed on the floor of her bamboo hut, she explained she had been shot multiple times in her leg, and was unable even to sit up. ‘More than 300 Rohingyas in my village were killed by the Burma army in their attack,’ she told CSW. ‘My father, two sisters and one brother were killed. My mother was also shot but survived.’ Her 18-year-old brother, Mohamed Rafiq, fled their village before the military attacked, and discovered her among hundreds of bodies when he returned. With the help of other villagers, he carried her to the Bangladesh border, where after two days they found a boatman who would take them across, for a fee. They paid 70,000 Burmese kyats (\$46) and got her to a hospital, where she stayed for several months. Eventually she was told that she could not receive further treatment, and had to go to the refugee camp – where she was informed that because she had missed registration, she could not receive daily rations. After telling her story, Khalida slowly lifted her head and smiled. ‘Thank you,’ she said. ‘Thank you for caring enough to come all the way from your country to visit us. Please come and see us again.’

313 *ibid.*, p.10
314 Human Rights Watch, ‘Burma: Military Burned Villages in Rakhine State’, 13 December 2016 www.hrw.org/news/2016/12/13/burma-military-burned-villages-rakhine-state
315 Burma Human Rights Network, ‘Report on Rohingya Refugees in Bangladesh Tell of Horrors in Maungdaw’, 16 May 2017, p.3 www.bhrn.org.uk/en/report/14-report-on-rohingya-refugees-in-bangladesh-tell-of-horrors-in-maungdaw.html
316 *Guardian*, ‘65,000 Rohingya flee from Myanmar to Bangladesh following crackdown: UN’, 10 January 2017 www.theguardian.com/world/2017/jan/10/65000-rohingya-flee-from-myanmar-to-bangladesh-following-crackdown-un
317 *Guardian*, ‘More than 1,000 Rohingya feared killed in Myanmar crackdown, say UN officials’, 9 February 2017 www.theguardian.com/world/2017/feb/09/more-than-1000-rohingya-feared-killed-in-myanmar-crackdown-say-un-officials
318 United Nations News Centre, ‘UN report details “devastating cruelty” against Rohingya population in Myanmar’s Rakhine province’, 3 February 2017 www.un.org/apps/news/story.asp?NewsID=56103#.WKMe4PmLRPY
319 Amnesty International, ‘Myanmar: “We are at Breaking Point” – Rohingya: Persecuted in Myanmar, Neglected in Bangladesh’, 19 December 2016 www.amnesty.org/en/documents/asa16/5362/2016/en/
320 United Nations Office of the High Commissioner for Human Rights, ‘Interviews with Rohingyas fleeing from Myanmar since 9 October 2016’, 3 February 2017 www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf

321 The Irrawaddy, ‘Cyclone Mora Flattens Hundreds of Homes in Arakan State,’ 30 May 2017 www.irrawaddy.com/news/burma/cyclone-mora-flattens-hundreds-homes-arakan-state.html
322 Democratic Voice of Burma, ‘Thousands urgently require shelter in north Arakan, says UN’, 8 June 2017 www.dvb.no/news/thousands-urgently-require-shelter-north-arakan-says-un/75954

Burmese government reaction

The Burmese government has consistently rejected the account put forward by international human rights groups and media. The military often describe Rohingyas as Bengali immigrants, perpetuating hate speech against them, and Aung San Suu Kyi's government have refused to recognise Rohingyas as a Burmese ethnicity, only referring to them as Rakhine State Muslims. There have been some endeavours to address the situation but many of these have been hindered significantly by the military, and by a lack of political will or courage in the NLD government.

To be fair, it should be noted, as previously mentioned, that in September 2016 Aung San Suu Kyi established the Rakhine State Advisory Commission, headed by Kofi Annan, designed to build bridges between ethnic Rakhine Buddhists and the Rohingya community.³²³ It is unprecedented for a foreigner to be invited to lead an internal government-established human rights and peace-building body in Burma, and Kofi Annan's appointment was resisted by Buddhist hardliners. That the commission was established at all provided a brief flicker of hope, and its report provided a foundation to build on, with its calls for unrestricted humanitarian access, accountability for crimes, the need for constructive inter-communal dialogue aimed at reconciliation. Despite its recommendations being accepted by Aung San Suu Kyi, however, it was overshadowed within hours of its publication by the ARSA attack on Burmese border guard posts and the genocide that ensued.

Following the military's offensive in October 2016, humanitarian aid groups and journalists were initially totally denied access to Rakhine State, even to provide treatment for the many internally displaced people. According to media reports, on 23 November 2016 the United Nations and the World Health Organisation were given access to Buthidaung IDP camp for the first time.³²⁴ On 13 December the UN OCHA reported that out of the 150,000 people who were receiving aid before 9 October, 20,000 people had received assistance but 130,000 had not been reached.³²⁵ Although the government has permitted incremental increases in the resumption of humanitarian activities more recently, restrictions on aid access continue, according to an OCHA report on 8 March 2017.³²⁶ In the northern part of Maungdaw Township, humanitarian organisations have not been allowed to resume most of their protection activities. Some

NGOs report that even where access has been restored, their national staff are not permitted to stay overnight at project sites and have faced other restrictions on their travel routes. The United Nations and other aid organisations have not been allowed to conduct a thorough needs assessment of the area yet.

It has been claimed consistently by military leaders and government spokesperson Zaw Htay that military actions were necessary 'clearing operations' against terrorists and that the military had not committed serious human rights violations. In response to Human Rights Watch's claim that the military had burnt down buildings, it was claimed that it was Rohingyas burning down their own houses for international attention. Human Rights Watch satellite imagery refuted these claims when it found evidence of military vehicles positioned in close proximity to sites of scorched earth.

State Counsellor Aung San Suu Kyi remained silent during October and November 2016. On 2 December 2016 she gave her first interview addressing the situation in Rakhine State. She used the opportunity to call upon the international community to 'focus on resolving difficulties rather than exaggerating them', and claimed that her government have 'managed to keep the situation under control and to calm it down'.³²⁷ Her interview did not address why international aid has been blocked in the region or offer explanation about why the international community has not been allowed to access Rakhine State.

On 1 December 2016 the Rakhine Investigation Commission was established in response to international pressure for the authorities to investigate the situation in Rakhine State. But the Commission was headed by a former army general and its members included the Chief of Police.³²⁸ It concluded that there were 'no cases of malnourishment' and 'no instances of religious persecution', claiming that security forces were acting within the law. Human Rights Watch condemned the report as a 'Myanmar government whitewash mechanism', and called for an independent international inquiry.³²⁹

Analysis: Crimes against humanity and genocide

On 29 December 2016, 23 of the world's leading human rights voices including Archbishop Desmond Tutu, Malala Yousafzai and nine other Nobel Peace Prize Laureates penned an open letter to the United Nations Security Council. The letter warned the United Nations Security Council of 'ethnic cleansing' in Rakhine State and urged

the Security Council to put the issue on its agenda 'as a matter of urgency', while also calling on the international community to 'speak out much more strongly'.³³⁰

Reports from other civil society organisations warned that events may become genocidal. In October 2015 Al Jazeera and Fortify Rights, alongside the Allard K. Lowenstein International Human Rights Clinic at Yale Law School, released a set of documents and reports on the issue, arguing that there was strong evidence that genocide was underway in Rakhine State.³³¹ In May 2015 a report commissioned by the US Holocaust Memorial Museum provided a similar warning.³³² A further important contributor on the question of genocide is the International State Crime Initiative Report, 'Countdown to Annihilation: Genocide in Myanmar'.³³³ In July 2018 Fortify Rights published a report titled "They Gave them Long Swords": Preparations for Genocide and Crimes against Humanity against Rohingya Muslims in Rakhine State, Myanmar', which concludes that, contrary to international opinion, the military offensive was not simply in response to the ARSA attacks; rather that the Burmese authorities had in fact 'made extensive and systematic preparations for the commission of mass atrocity crimes against indigenous Rohingya civilians during the weeks and months before Rohingya-militant attacks on August 25, 2017'.³³⁴

Then in 2018, the UN Fact-Finding Mission concluded that 'gross human rights violations and serious violations of international humanitarian law have been committed in Myanmar since 2011 and that many of these violations undoubtedly amount to the gravest crimes under international law' — in other words, genocide, war crimes and crimes against humanity. These violations are 'shocking for their horrifying nature and ubiquity' and 'stem from deep fractures in society and structural problems that have been apparent and unaddressed for decades'. They are also shocking for 'the level of denial, normalcy and impunity that is attached to them'. Among its recommendations, the Fact-Finding Mission urged the international community to 'use all diplomatic, humanitarian and other peaceful means to assist Myanmar in meeting its responsibility to protect its people from genocide, crimes against humanity and war crimes' and 'ensure accountability for crimes under international law'.³³⁵ It should be noted that the use of rape in war, murdering of civilians, forced displacement, persecution on political, racial, religious or ethnic grounds, arbitrary detention, and torture are all considered crimes against humanity and violate Article 7(1) of the Rome Statute and Article 3 of the Statute of the International Criminal Tribunal for Rwanda (ICTR).³³⁶



³²³ Al Jazeera, 'Kofi Annan vows to lead impartial Myanmar mission', 8 September 2016 www.aljazeera.com/news/2016/09/kofi-annan-vows-stay-impartial-leading-commission-160907074315313.html

³²⁴ Democratic Voice of Burma, 'UN, WHO given access to IDPs in Buthidaung', 24 November 2016 www.dvb.no/news/un-given-access-idps-buthidaung/72778

³²⁵ ReliefWeb, 'OCHA Update - Humanitarian situation in the northern part of Rakhine State, Myanmar - 13 December 2016', 13 December 2016 <http://reliefweb.int/report/myanmar/ocha-update-humanitarian-situation-northern-part-rakhine-state-myanmar-13-december>

³²⁶ ReliefWeb, 'Myanmar: Northern Rakhine Flash Update No. 1 (as of 8 March 2017)', 8 March 2017 <http://reliefweb.int/report/myanmar/myanmar-northern-rakhine-flash-update-no-1-8-march-2017>

³²⁷ Channel News Asia, 'Exclusive: Focus on resolving difficulties in Rakhine rather than exaggerating them, says Suu Kyi', 2 December 2016 www.channelnewsasia.com/news/asiapacific/exclusive-focus-on-resolving-difficulties-in-rakhine-rather-than/3337068.html

³²⁸ Amnesty International UK, 'Briefing: Current Treatment of the Rohingya in Myanmar', 12 January 2017

³²⁹ Democratic Voice of Burma, 'Interim report of Arakan probe fails to impress', 5 January 2017 www.dvb.no/news/interim-report-arakan-probe-fails-impress/73435

³³⁰ Guardian, 'Nobel laureates warn Aung San Suu Kyi over "ethnic cleansing" of Rohingya', 30 December 2016 www.theguardian.com/world/2016/dec/30/nobel-laureates-aung-san-suu-kyi-ethnic-cleansing-rohingya

³³¹ Allard K. Lowenstein International Human Rights Clinic, 2015

³³² Simon-Skjoldt Center for the Prevention of Genocide, 2015

³³³ International State Crime Initiative, 2015

³³⁴ Fortify Rights, "They Gave them Long Swords": Preparations for Genocide and Crimes against Humanity Against Rohingya Muslims in Rakhine State, Myanmar', July 2018 www.fortifyrights.org/downloads/Fortify_Rights_Long_Swords_July_2018.pdf

³³⁵ United Nations Office of the High Commissioner for Human Rights, 'Myanmar: UN Fact-Finding Mission releases its full account of massive violations by military in Rakhine, Kachin and Shan States', 18 September 2018 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23575&LangID=E

³³⁶ Rome Statute of the International Criminal Court, Article 7 www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf

Conclusion

In an interview with CSW in 2008, Mr H., a Rohingya man from South Maungdaw who was living in an official refugee camp in Bangladesh said:

‘I trust Aung San Suu Kyi on the Rohingya issue. I believe in her.’

The Rohingyas believed that the NLD’s election to government might herald a new dawn. However, rather than a new era in which Rohingyas’ basic human rights and dignity were enhanced, on the contrary, it is an era of the worst human rights crisis in Burma’s recent history, and a genocide. Ten years on, all trust and hope in Aung San Suu Kyi has evaporated.

The United Nations Human Rights Chief, Zeid Ra’ad Al Hussein, said on 3 February 2017 that:

‘The devastating cruelty to which these Rohingya children have been subjected is unbearable – what kind of hatred could make a man stab a baby crying out for his mother’s milk? And for the mother to witness this murder while she is being gang-raped by the very security forces who should be protecting her – what kind of ‘clearance operation’ is this?...I call on the international community, with all its strength, to join me in urging the leadership in Myanmar to bring such military operations to an end. The gravity and scale of these allegations begs the robust reaction of the international community.’

His words provide an urgency which must be heeded by all in the international community.³³⁷

In September 2018 the British Foreign Secretary Jeremy Hunt said: ‘Ethnic cleansing in whatever shape or form, wherever it happens, should never go unpunished and the perpetrators of these appalling crimes must be brought to justice. There was gang rape, assaults on children, villages razed, and, in northern Rakhine, mass extermination and mass deportations. This is the kind of issue where countries that believe in civilised values have to take a stand and make sure that justice is done.’³³⁸ He repeated his call for accountability following a visit to Burma later that month. Until now, however, there has been no meaningful international action to bring this about.

Discrimination against, restrictions on and persecution of Christians

Background: Christianity in Burma

Christianity was introduced into Burma by missionaries in the nineteenth century. The faith has primarily flourished among non-Burman ethnic groups. The first Karen conversion took place in 1828 and subsequently the faith spread rapidly and there were around 12,000 converts within 25 years.³³⁹ In the late nineteenth century there started to be Chin, Kachin and Karenni converts too, and today there are sizeable Christian minorities among the Chin, Kachin, Karenni, Naga and Karen people.

339 CSW, 2007 www.csw.org.uk/2007/01/23/report/36/article.htm

337 United Nations News Centre, ‘UN report details “devastating cruelty” against Rohingya population in Myanmar’s Rakhine province’, 3 February 2017 www.un.org/apps/news/story.asp?NewsID=56103#.WKMe4PmLRPY
338 BBC, ‘Myanmar Rohingya: Military must face justice, says Hunt’, 4 September 2018 www.bbc.co.uk/news/uk-politics-45410372



According to official government statistics, Buddhism is professed by 89% of the population while 5% of the population is Christian. Independent researchers and religious leaders estimate that the percentage of Christians in Burma is higher.³⁴⁰

Among some of the ethnic groups, Christianity is now the majority religion. Chin Christian leaders claim that up to 90% of Chin are Christians.³⁴¹ The Chin are one of the most diverse ethnic groups, consisting of multiple different tribes, and Christianity is one of the common threads which provides a measure of cultural consistency and ethnic unity. Christianity is thus at the core of Chin identity.³⁴² A similar proportion (90%) of Kachin people are Christians, while around 80% of Karenni³⁴³ and around 40% of the Karen³⁴⁴ population are Christian. The majority of Naga people in Sagaing Division are also Christians.

Ties between religion and ethnic identity have ensured that violations of freedom of religion or belief have been part of the story of Burmese Christians from the beginning. Buddhism has been so much entwined with Burman culture, nationality and heritage that Burmese rulers have tended to use a nationalistic strain of Buddhism for their political purposes, distorting Buddhism from a peaceful religion into a politicised creed.

This chapter will consider the changing nature of violations of freedom of religion or belief against Christians in Burma. Initially the campaign of discrimination, restriction and persecution by successive military regimes will be considered. This will be followed by an examination of how the treatment of Christians has changed since Burma’s transition towards democracy began in 2011. The situation in Chin, Karen and Karenni States has improved for Christians but they still continue to be subject to human rights violations and institutional discrimination. In Kachin and Northern Shan States, the war which began in 2011 has ensured that ethnic and religious minorities have continued to be subject to extreme and grievous abuses.

Discrimination, restriction and persecution under military rule

The Burmese military regime which existed until 2011 used Buddhism as a political weapon and as a tool to suppress its non-Buddhist opponents. In 2007 CSW published ‘Carrying the Cross: The military regime’s campaign of restriction, discrimination and persecution against Christians in Burma’, which provided further details and a comprehensive account of the discrimination and persecution conducted against Christians under successive military regimes.³⁴⁵

The expediency of targeting Christians and creating religious division was exposed in Karen State, where the military used a policy of ‘divide and rule’ to split Christian and Buddhist Karen into warring factions. Dissatisfaction among Karen Buddhists at the Christian leadership of the KNU and the Karen National Liberation Army (KNLA) was stirred up by the SPDC, which spread anti-Christian rumours, and the influential Buddhist monk Myaing Gyi Ngu Sayadaw, also known as U Thu Zana. U Thu Zana urged Karen Buddhists to desert the KNLA and kill Christians instead of Buddhists. Hundreds defected and the monks’ movement became an armed force, the DKBA. They arrested five Christian Karen soldiers and tortured them severely – saying they should convert to Buddhism. On 28 December 1994, the Buddhist breakaway faction announced the official formation of the DKBA which worked with the SPDC to fight the ‘Christian’ KNLA. Religion was used effectively by the regime as a tool to generate Karen support, appealing to the ‘Buddhist identity’ of Karen Buddhists to great effect.

A document allegedly from the Ministry of Religious Affairs was widely circulated in Rangoon. It was headlined ‘Programme to destroy the Christian religion in Burma’, and its 17 points included blatant disinformation and slander which was designed to stir up violence against Christians.³⁴⁶

- 1. There shall be no home where the Christian religion is practised.
- 2. No home will accept any preaching about Jesus.
- 3. Teenagers should not wear inappropriate western clothing.
- 4. The Christian concept of ‘No other God but me’ is narrow-minded and should not be acceptable.
- 5. There shall be no Christian preaching/evangelism on an organised basis.
- 6. Take care as the Christian religion is very gentle – identify and utilise its weaknesses.
- 7. If anyone discovers Christians evangelising in the countryside they are to report it to the authorities and those caught evangelising will be put in prison.

- 8. Christians believe ‘Christ died on the cross’ and gives salvation. This is untrue and should be contradicted.
- 9. Buddhists should find Christian weak points and use these weak points to convert Christians to Buddhism.
- 10. Buddhists should study the Christian Bible so that they can contradict those parts which are untrue and be able to resist the Christian message.
- 11. The Old Testament and the New Testament are not the same. The two translations into Burmese by Judson and Thara Kwala are different. Find out their inconsistencies.
- 12. In the Christian religion God only loves the twelve tribes of Israel and does not love all the people in the rest of the world.
- 13. Buddhists love everybody, not just the twelve tribes of Israel. The Christian religion does not love everybody and this should be pointed out.
- 14. The principle of the creation story in the Bible is wrong.
- 15. The offerings taken at Christian meetings should be checked.
- 16. Study the Holy Spirit and show Christians that they have a wrong understanding.
- 17. Christian beliefs have to be contradicted in all circumstances.

Christians were targeted in a wide-ranging campaign instigated as a result of the politicisation of Buddhism. Acts of religious persecution which followed included forced conversion, church closures, arbitrary detention, the destruction of crosses and violence against Christians. Unfortunately the legacy of this politicised Buddhism continues to be felt by Christians today.

Forced conversion

The SPDC conducted an intensive campaign to convert Christians to Buddhism – sometimes by offering incentives, sometimes by force. This was particularly a strategy in Chin and Kachin States. Salai Bawi Lian Mang, a Chin human rights activist, said:

‘Converts to Buddhism are rewarded by exemption from forced labour, and receive monthly stipend and education opportunities plus rice, sugar, cooking oil and basic commodities at especially low prices, while Christians face discrimination, intimidation and insult.’³⁴⁷

Poor Chin and Kachin Christian families were often

offered the opportunity to send their children away to school for a free education. Often the children would then be taken to a Buddhist monastery or monastic school without the permission of the parents and forced to either become novice monks or regularly participate in Buddhist worship. In Bhamo, Kachin State, Kachin girls were forced to dress as Buddhist nuns and those who refused were severely beaten. In January 2003 five Christian children aged between 8 and 17, who had been placed in Buddhist monasteries after they had been recruited by Buddhist monks, ran away and returned home. According to the Chin Human Rights Organization, ‘Most of the children [were] from poor family backgrounds and they were lured away from their parents with the pretext of giving them education in bigger cities. However, the children were instead placed in Buddhist monasteries where they were made to put on robes.’³⁴⁸

Alongside this there were widespread reports that Burma Army soldiers were incentivised to marry ethnic minority Christian women in order to dilute their ethnicity and religion. In Kalaymyo, Sagaing Division, the SPDC reportedly created a special army battalion with the specific purpose of marrying Chin Christian women, particularly the daughters of Christian pastors. The same was true in Kachin State. One former major who had defected from the Burma Army told CSW that Burma Army soldiers were encouraged to marry Kachin Christian women to convert them to Buddhism. Any Buddhist Burman soldier who failed to convert his Christian wife could be denied promotion.

Other discriminatory measures were used too. In Hriphi village in Thantlang Township, Chin State, three Christian families were coerced into converting to Buddhism. They were provided monthly allowances and total exemption from forced labour and other army extortions, while Christians continued to face such abuses. The combination of discrimination against Christians and incentives to become Buddhist created a hostile atmosphere for the Christian faith.

Church closures and restrictions

Churches, particularly ‘house churches’ that meet in private homes, were vulnerable to being raided and closed under the SPDC. In 2001 80 charismatic or evangelical house churches in Rangoon were forced to shut down. In 2005 at least 17 churches were closed in Rangoon and 28 in Mandalay, alongside some in Shan, Chin and Karen States and Irrawaddy division, in areas where there had been a significant number of conversions from Buddhism to Christianity. In 2006, in a town in Magwe Division, Buddhist monks supported by the SPDC issued an order prohibiting the practice of Christianity in the town. A Christian government official tried to arrange a Christian worship service and

340 Chin Human Rights Organization, ‘“Threats to Our Existence”: Persecution of Ethnic Chin Christians in Burma’, 2 September 2012, p.5 www.chro.ca/index.php/publications/73-special-reports/411-threats-to-our-existence
341 Chin Human Rights Organization, ‘Religious Persecution: A Campaign of Ethnocide Against Chin Christians in Burma’, February 2004, p.31
342 Chin Human Rights Organization, 2012
343 Also known as ‘Kayah’.
344 Also known as ‘Kayin’.
345 CSW, 2007
346 *ibid.*, p.17-18

347 *ibid.*, p.22
348 Chin Human Rights Organization, 5 Chin Christian children escaped from Buddhist monastery, 5 February 2003

was ordered not to proceed. He went ahead despite this order, and local people came to stone his house, threatening him and ordering him to stop all Christian activities in the area.

As well as church closures, Christians were subject to restrictions on worship. In December 2000 the authorities forbade Christmas celebrations and prayer meetings in major cities in Chin State, threatening to arrest village chairmen and pastors and to forcibly recruit villagers as porters if they defied the orders. In December 2003 Christians in Taw Phone Yan, Kachin State, received a similar order to cancel Christmas festivities. The Commander of Infantry Battalion 142, Colonel Aung Htoo, issued an order on 19 December banning Christmas celebrations.

In 2006 a Christian-run orphanage near Rangoon was threatened with closure unless it registered with the authorities immediately. The terms of registration, however, required the orphanage to appoint a management committee in which government appointees formed the majority. Furthermore, the orphanage was told that they must remove all Christian symbols, such as crosses and posters with Bible passages on them, from the orphanage, and they could not engage in any Christian teaching in the orphanage. A similar crackdown had occurred in June 2002.

Arrests of Christians

Christians were occasionally arrested for carrying out church activities or were accused – often falsely – of political activities. According to the US State Department, three pastors in Mandalay were arrested in 2006 for building new churches – they were charged with land law violations, not for violating religious regulations.³⁴⁹ In 2002 and 2003 evangelists were threatened with arrest if they opened house churches or kindergartens.³⁵⁰

On 13 February 2001, 27-year-old Pastor Gracy of Rimpi Baptist Church in Chin State was arrested and detained in Hakha army camp, in the capital of Chin State. She was sentenced to two years’ hard labour and sent to Mawlaik-Kalay Akyin Htawng labour camp near Kalaymyo in Sagaing Division, accused of harbouring Chin separatists. It was widely believed that the charge was completely false and that the real reason for her arrest was that she was a Christian pastor.

On 5 April 2002 two pastors, Reverend Htat Gyi and Pastor Lian Za Dal, were arrested in Rangoon. Visitors from other parts of Burma were staying in their home while attending a Bible training course, but in Burma anyone having overnight guests must report to the local authorities. They had failed to do so. They were detained at Dagon

North police station for one night, and then two nights at another location before being sent to Insein Prison.³⁵¹

Prisoners faced torture. One pastor said this:

‘They tied our hands behind our backs while we sat on a chair. They punched us on the face. They used a stick to hit our backs. They kicked our back, head and face. I was beaten by four people. After beating us, they brought us to the hospital, saying we were beaten by other people and they found us on the way. We were in hospital for seven days. Then we went home.’³⁵²

Destruction of crosses and churches and violence against Christians

In various parts of Burma, especially Chin, Kachin, Karen and Karenni States, many churches and crosses were destroyed and Christians violently attacked.

Karen State

To some extent in Karen, Karenni and Kachin States the destruction of churches and attacks on Christians was part of the wider military offensive. As the Burma Army attacked and burnt down a village, it would burn down the church; however, often monasteries were left standing while churches were destroyed, which illustrated that there was a targeted element to the attacks.

As has already been mentioned, the military used a policy of ‘divide and rule’ in order to win over the support of the Karen Buddhists. Part of their politicised attack on Christians involved the destruction of churches and violence against Christians. On 5 May 1995 the SPDC and DKBA burned down the church in Bwa Der village, south of Papun. According to eyewitnesses, ‘the church was the first building they burned!’ The soldiers also carried the big church bell away, to Meh Kay Kyaw, a pagoda on the Salween River. ‘It was a big bell.... This bell wasn’t bought by the villagers, we couldn’t buy such a bell. It was donated by an old white missionary.’³⁵³ The Burma Army and DKBA also threatened to kill all the Christians.

In 1997 at least ten churches were reported to have been burned down. The following year, DKBA troops posted signs in Karen in front of the village churches of Pah Dta Lah, Hee Po Der, and Mah Bpee villages in Ler Doh Township, reading “Anyone who comes to this church on Sunday we will shoot dead.”

Five churches were burned in central Doooplaya district in 2002, during attacks that included a massacre of villagers in Htee Law Bleh and caused the displacement of 5,000

people.³⁵⁴ The previous year, on 23 April 2001, Kaw Kae Church in Kyain Siel Kyi Township, Doooplaya district was burned to the ground, and the pastor was tortured and then taken captive.

Serious offensives in 2005 and 2006 led to grave abuses against the Karen. Over 25,000 people were internally displaced, civilians shot at point-blank range, a nine-year-old child shot and people beheaded. In addition, the targeting of churches continued as part of the wider offensive.

Karenni State

Serious restrictions on the humanitarian and religious work of the Roman Catholic Church took place in Karenni State under the SPDC. Testimonies in CSW’s 2007 report found that the SPDC would block aid provided by churches and targeted pastors. Saw Stephen is a Karen pastor serving in Karenni State. His church, Shadaw Baptist Church, with over 250 members, was destroyed by the SPDC in April 1999. The SPDC burned down the houses of villagers and smashed up the church with axes and sticks. ‘They captured me and took me to their military office. They put me under house arrest for four months in a small room. I could not contact my family,’ said Saw Stephen.³⁵⁵ Following his release he was reassigned to another church, Law Da Lay Baptist Church, with more than 600 villagers attending services. But again, the SPDC closed it down.

Chin State

In Chin State the regime conducted a campaign to destroy churches and crosses which the Chins had built on hilltops and roadsides as symbols of their faith. Throughout the 1990s construction or renovation of many churches was forbidden,³⁵⁶ including among others the construction of the Carson Memorial Hall, the United Pentecostal Church in Hakha, the Christian Centenary building in Hakha, the Zomi Theological Seminary dining hall in Falam, the Church of Jesus Christ in Falam, and hostels at the Chin Christian College in Hakha.

In March 2002 the SPDC ordered Chin Christians in Matupi, southern Chin State, to pull down a 30-foot cross they had built one mile south of the town. The cross had been erected in 1984 and renovated in 2001, but when the Chief of the Bureau of Special Operations, Major General Ye Myint, visited Matupi, he objected to the cross and ordered its removal. Similarly, on 3 January 2005, the SPDC destroyed a giant 50-foot cross built by Chin Christians on the top of Mount Boi near Matupi, believed to be the only remaining cross in Chin State. It was

destroyed on the orders of one of the most senior SPDC officers in the region, Colonel San Aung.

In addition to the destruction of crosses and churches, and restrictions on the construction of new churches, the SPDC regularly and deliberately disrupted church services, physically assaulted pastors and church leaders, and used pastors for forced labour, particularly on Sundays. Forced labour was widespread in Chin State, and Christians were deliberately targeted. They were often forced to build Buddhist pagodas and monuments. In 1997 the SPDC sent a Buddhist monk, Baddandah Tan Wa Yah, to Rihkhawdar in Falam Township to supervise the construction of two new Buddhist pagodas near two villages which were 100% Christian.

In January 2011, Physicians for Human Rights (PHR) published an important report which provided significant evidence of crimes against humanity in Chin State.³⁵⁷ Surveying households in all nine townships in Chin State, they reported a total of 2,951 abuses in the 12 months prior to the interview. Forced labour was the most prevalent, with over 90% of households reporting at least one episode of a household member being subjected to it. According to Physicians for Human Rights, ‘the Burmese military imposed two-thirds of these forced labour demands; they also accounted for all reported rapes. Government soldiers tortured or beat ethnic Chins (reported by 14.8% of households), and killed and abducted civilians with impunity. One out of eight Chin households was forcibly displaced (most to find food), and one-third of all forcible conscriptions were of children under 15.’ The quantitative analysis provided by PHR further substantiated claims that violations against Chin Christians were targeted ethnic and religious persecution, and therefore crimes against humanity and in violation of international law as set out by the Rome Statute of the International Criminal Court.

Kachin State

Despite a ceasefire between the Kachin Independence Army (KIA) and the military which lasted 17 years between 1994 and June 2011, Christians were subject to religious persecution in Kachin State. Christians were denied promotions in the Burma Army, and found their crosses destroyed and serious restrictions on construction of churches. Approval for church meetings and events had to be obtained from the SPDC, and such permission was frequently denied or delayed. In 2002 General Maung Aye, the Burma Army’s Commander-in-Chief, ordered the KBC to cancel its 34th tri-annual convention. The event, which was planned to last three days, was due to be attended by 100,000 people in

349 United States State Department International Religious Freedom Report 2006
350 United States State Department International Religious Freedom Report 2003
351 For more stories see CSW, 2007.
352 ibid., p.30
353 Karen Human Rights Group, ‘SLORC / DKBA Activities: Northern Karen Districts’, 18 July 1995

354 Free Burma Rangers, ‘A Brutal Reign of Terror’, 22 June 2002 www.freeburmarangers.org/2002/06/22/a-brutal-reign-of-terror-situation-update-central-doooplaya-district-karen-state-burma/
355 CSW, 2007, p.35
356 Chin Human Rights Organization, ‘Religious Persecution: a campaign of ethnocide against Chin Christians in Burma’, p.49
357 Physicians for Human Rights, ‘Life under the Junta: Evidence of Crimes Against Humanity in Burma’s Chin State’, January 2011 https://s3.amazonaws.com/PHR_Reports/life-under-the-junta-burma-chin-state.pdf

celebration of the 125th anniversary of the arrival of the first Christian missionary to the Kachin, Ola Hansen, and the 75th anniversary of the translation of the Bible into the Kachin language. Persecution of the Kachin was less overt but took a more insidious, underhand form during the latter years of SPDC rule.

The Nagas

The majority of Nagas are Christians and live in Sagaing Division. They are estimated to number at least 20,000. In 2003 over 1,000 Christian Nagas fled Burma into India. They claimed they had faced persecution by the military regime and Buddhist monks, and had been victims of forced conversion, forced labour, intimidation and violence.³⁵⁸

Conclusion

Under SPDC rule a form of politicised Buddhism was used by the regime in order to generate support and legitimacy. This led to the systematic targeting of ethnic minority Christian groups and a wide range of human rights abuses, some of which amounted to crimes against humanity. Many of these abuses continue today.

Human rights violations against Christians since 2011

On 30 March 2011 Senior General Than Shwe signed a decree officially dissolving the SPDC and setting up a nominally civilian government under the control of the USDP. The USDP was, and continues to be, controlled by former military leaders. Therefore the rise of ‘civilian government’ did not lead to major changes in policy. However, President Thein Sein played a central role in ushering in a new period of limited democratisation. The most significant signs of improvement in 2011 and 2012 included the release of several hundred political prisoners, the relaxation of restrictions on media and civil society, the re-registration of the NLD and their participation in parliamentary by-elections, and the formation of ceasefire agreements with the KNU, the Shan State Army-South and the Chin National Front (CNF).³⁵⁹

Yet this was not a turning point which halted human rights violations entirely. While ceasefire agreements were being drawn up between the Burmese military and the Chin, Karen and Karenni armed groups, on 9 June 2011 fighting broke out between the Kachin’s armed organisation, the KIA and the Burma Army. The conflict which ensued in northern Burma continues to be the

source of grave human rights violations against the majority Christian ethnic Kachin people living in Kachin and northern Shan State, which include killings, arbitrary detention, torture, targeted religious persecution, sexual violence and displacement.

Furthermore, although all-out war has stopped in Chin, Karen and Karenni states and therefore human rights violations have been less extreme, the Burma Army continues to target the majority Christian ethnic minority population and commit human rights abuses against vulnerable double minorities in the areas. These include widespread restrictions on the construction and renovation of Christian infrastructure, destruction of Christian crosses, violations of freedom of religious assembly, the imposition of Buddhist infrastructure in majority Christian land, intimidation and violence, and institutionalised discrimination on the basis of religion.

Kachin State and Northern Shan State

The Burma Army launched a new offensive in Kachin State on 9 June 2011. This started an ongoing conflict between the military and the Northern Alliance-Burma (an alliance of four ethnic armed resistance organisations in Kachin and northern Shan states). This is a conflict that has led to a significant rise in egregious human rights abuses against ethnic minority Christian communities, including killing, arbitrary detention, torture, targeted religious persecution, sexual violence and humanitarian aid blocks which have restricted their access to clean water, health care, proper hygiene and sanitation, and other basic necessities.

Over 100,000 of the predominantly Christian ethnic Kachin people are now in IDP camps. On 31 January 2013 the KBC announced that over 200 villages and at least 66 churches had been destroyed, and the number has only increased since then.³⁶⁰ According to the UN Special Rapporteur Yanghee Lee in 2018, the number of churches destroyed or damaged since 2011 is now over 190, and since April 2018 alone 22 churches have been destroyed or damaged in Myitkyina, Waingmaw and Chi Hpwi.³⁶¹ Even if peace were to be established, landmines in Kachin villages make their return difficult and dangerous. Humanitarian aid access has been blocked by the military.

In 2016 the Network for Human Rights Documentation Burma (ND-Burma) reported an increase in human rights violations in comparison to 2015 as a result of the conflict in Kachin and Northern Shan State.³⁶² They recorded 154 human rights abuses in 2016 alone, almost double the 84 violations recorded in 2015. The report states, ‘The most common human rights violation is torture, with 67 cases recorded in 2016 compared with 26 in 2015. There has also been a large increase in the number of killings,

with 28 cases recorded, compared with 11 in 2015.’³⁶³ As there have been significant restrictions upon access for investigators into Kachin State it is likely that these figures are lower than the reality.

Killing

Civilians have been caught in the crossfire during the war in Kachin and northern Shan State, many of them being subject to extreme human rights abuses by the Burma military and sometimes ethnic armed organisations. On 13 September 2012 a 14-year-old Kachin girl called Shayam Ja Seng Ing was killed in Hpakant Township, Kachin State. Her father and multiple eyewitnesses claim that she was shot and killed by Myanmar Army soldiers during a period of indiscriminate gunfire.³⁶⁴ Rather than providing justice for her family, the Burma Army complained that the father was ‘slandering’ them, meaning that he was forced to attend court more than 45 times on trumped-up charges. The case reveals the level of judicial immunity held by the military.

On the night of 14 June 2013 Zakhung Lum Hkawng, aged 45, was taking his turn as a security guard for his village, Nawng Hen, when Burmese troops entered the village and demanded that the village head provide a guide for them. Lum Hkawng was forced to accompany the troops to Mung Ya Hka Zup village where they clashed with the KIA. The Burmese Army troops accused Lum Hkawng of deliberately leading them into an ambush. They beat and tortured the victim before shooting him dead.

On the same day, an unnamed villager was killed by the Burmese Army at the road between Nan Gat and Ying La villages. A group of villagers from Nawng Hen who went to retrieve the victim’s body were stopped by Burmese Army troops at Nan Gat village and told that they were not allowed to go any further. The same afternoon another round of fighting took place between Burmese troops and the KIA, giving the neighbours the opportunity to take the victim’s body back to his remaining family members, including his elderly mother, wife, and six children.³⁶⁵

Two young Kachin female teachers were gang-raped and murdered by the Burma army on 19 January 2015. The two women, Maran Lu Ra, aged 20 and Tangbau Hkawn Nan Tsin, 21, were Christian teachers from Myitkyina, working with the KBC.³⁶⁶ 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.’

Fighting escalated in 2016 and according to the Kachin Women’s Association Thailand (KWAT), over 15,000 Burma Army troops were deployed against the KIA in 2016, with increasing use of fighter aircraft.³⁶⁷ ND-Burma reported 25 civilian killings by the military in Kachin and northern Shan State in 2016. In the early hours of 30 March troops arrived in Shan State, where they clashed with soldiers from the Ta’ang National Liberation Army (TNLA). A male villager was shot by Burma army soldiers and died, while his grandparents and mother were shot and injured.³⁶⁸

In 2018 a further escalation in fighting led to the displacement of 4,000 civilians, according to the UN. On 9 June 2018 the worldwide Kachin community issued a statement to mark the seventh anniversary of the resumption of conflict, in which they claimed that between 9 June 2011 and 30 April 2018 over 3,800 battles were fought between the KIA and the Burma Army, averaging 46 battles per month. Over 120,000 people have been displaced and currently reside in 167 Internally Displaced Persons camps; over 7,000 have been displaced since the beginning of April 2018 alone. As the Kachin groups’ statement says: ‘There have also been ongoing abductions, deaths, and injuries by landmine explosion, torture and subsequent health problems, and mortar shells exploding on civilians’ houses...This level of intensity has inflicted an unprecedented humanitarian crisis on people of the Kachin region.’ The statement adds: ‘Surely, enough is enough, and it’s time for durable peace and justice. Compounding this humanitarian crisis created and sustained by the Burma Army is the apparent disinterest of the democratically elected NLD government to ensure safety and security of its citizens. When civilians were trapped in the conflict-affected zone this past April, not only did the NLD government stand idly by, but also failed to grant the Kachin community and religious leaders permission to evacuate the trapped civilians to safety.’

In August 2017 the Burma Army’s operations in the area of Kasung village forced more than 1,000 civilians to abandon their homes. In December 2017, on the night of Christmas Eve, the Burma Army fired artillery shells near Woi Chyai IDP camp, according to the Global Kachin Communities statement, resulting in widespread panic and at least one civilian injury. In February 2018

358 CSW, 2007, p.38
CSW, ‘Burma: Visit to Burma and Kachin ethnic group’, 13 February 2012 www.csw.org.uk/2012/02/13/report/151/article.htm
360 Kachin Land News, ‘Kachin Baptist Convention says 66 churches and over 200 member villages destroyed’, 31 January 2013 <http://kachinlandnews.com/?p=23047>
361 United Nations Office of the High Commissioner for Human Rights, UN Special Rapporteur report on the situation of human rights in Myanmar, A/73/332, 20 August 2018
362 Network for Human Rights Documentation Burma, ‘ND-Burma 2016 report finds dramatic increase in human rights violations’, 7 February 2017 <http://nd-burma.org/nd-burma-2016-report-finds-dramatic-increase-human-rights-violations/>
363 ibid.
364 Ja Seng Ing Truth Finding Committee, ‘Who killed Ja Seng Ing?’, 6 December 2014 www.burmapartnership.org/wp-content/uploads/2014/12/REPORT_Who-Killed-JSI_6-Dec_-14.pdf
365 CSW, ‘Burma: Kachin civilians killed’, 28 June 2013 www.csw.org.uk/2013/06/28/news/1480/article.htm
366 CSW, ‘CSW condemns the rape and murder of Burmese teachers’, 22 January 2015 www.csw.org.uk/2015/01/22/news/2442/article.htm
367 Kachin Women’s Association Thailand, ‘A Far Cry From Peace: Ongoing Burma Army Offensives and Abuses in Northern Burma Under the NLD Government’, 15 November 2016, p.3 www.burmalink.org/far-cry-peace-ongoing-burma-army-offensives-abuses-northern-burma-nld-government/
368 Network for Human Rights Documentation Burma, ‘Report on the Human Rights situation in Burma: January-December 2016’, 8 February 2017 <http://nd-burma.org/nd-burma-2016-report-finds-dramatic-increase-human-rights-violations/>

the Burma Army conducted intense air assaults in Sumprabum, Danai and Mansi areas, leading to more civilian deaths and injuries. In April 2018 conflict escalation once again displaced over 5,500 civilians, with an estimated 2,000 Kachins trapped in the conflict-affected zones and 152 held against their will in Lainawng Hku.

On 30 May, according to the humanitarian organisation the Free Burma Rangers, 'Burma Army soldiers from Kamaing Byuha Base indiscriminately fired rifles and rifle grenades at a Roman Catholic church and a nearby house in Kamaing in Kamaing Kawng Ra Village, Hpakant Township. One bullet hit near the church door and one grenade landed without exploding in the church compound 15 meters from the church building. Burma Army soldiers spoke to the village administrator later in order to retrieve their ordnance. The second shell landed next to the home of a villager, Sumlut A Di, sending shrapnel fragments through the bamboo walls of his home and grazing the cheek of his 22-month-old daughter. The shell landed six meters away from the family, who were fortunate to have had the bamboo wall between them and the blast.'³⁶⁹

According to KWAT: 'Villagers rescued from Lai Nawng Khu, Hpakant township, on May 6 and 7, have given terrifying accounts of how 152 people, including 64 children, were blocked when fleeing through the jungle by Burma Army troops of LIB 424, who then used them as human shields and minesweepers. They were made to trek through the jungle single file, interspersed with Burmese troops, causing a villager in front to be injured by a land mine. After being forced to stay near a military base for four days, they were forced back to their village, where they camped in the village church for 17 days, while the troops stayed in their homes, looting their food and property, and wearing villagers' clothes to ward off KIA attacks. Before being released, the IDPs were told by the Burma Army not to stay in IDP camps.'

KWAT also reports that on 11 April about '2,000 civilians from in and around Awng Lawt village, Danai township, starting fleeing to the jungle after 105 mm shells were fired indiscriminately from the Danai Regional Operations Command (20 kilometers to the west) and two jets dropped bombs on the area. Shells killed two civilians and injured an elderly farmer. As hundreds of troops of Battalions 86, 238, 318 and 101 seized the area, IDPs tried to trek to safety through the dense jungle. Several groups of IDPs have been rescued, some after a month in hiding, but about 130 – mostly elderly and disabled – remain trapped in the jungle.

In Injangyang township, according to KWAT, where hundreds

of Burma Army reinforcements from ID 33 and 88 arrived on April 24, and launched attacks on April 26, about 600 IDPs were blocked from fleeing south to Myitkyina on April 27. They were forced to take shelter in churches in Injangyang town. On May 14, community leaders were still negotiating with the Burma Army for safe passage out of the area.'

KWAT claim that: 'Contrary to claims by Burma Army commanders that they have not targeted civilians in their recent offensives against the Kachin Independence Army (KIA), interviews by KWAT with IDPs reveal that in April 2018 Burma Army troops committed war crimes against villagers in three townships in Kachin State: Hpakant, Danai and Injangyang. This includes: blocking IDPs from accessing refuge; using IDPs as human shields and minesweepers; indiscriminate shelling and aerial bombing of civilian areas; looting and destruction of property.'

On 12 May Burmese military jetfighters bombed the Kachin Baptist Mission School in Bawmwang village, northern Kachin State, at 11am. While there were no casualties, the bombs hit buildings belonging to the school. The attack took place while the villagers were at work on their farms. A two-storey wooden building which used to be the mission office and clinic of the American Baptist missionaries and was later used as the main office of the Kachin Baptist Mission School was hit in the attack. With the cooperation of the KBC, the Hkahku Kachin Baptist Association has run a mission middle school in Bawmwang village since the early 1990s. Bawmwang village is located in Mali-Hkrang Walawng, also known as 'Triangle', in northern Kachin State, and is in the KIA's First Brigade administrative territory. Hkun Htoi Layang of Kachin Relief Fund said, 'It is outrageous that the Burma army targets a Kachin Baptist mission school. We are very concerned that the Burma army is targeting more civilians throughout Kachin State, with impunity.'³⁷⁰

Children have also been victims during the fighting. On 1 October 2016 Burmese troops fired six shells into the village of Puwang, Muse township, killing a two-year-old girl and badly injuring boys aged three and four.³⁷¹

Arbitrary detention and torture

Ethnic Kachin Christians have been vulnerable to arbitrary detention and are often falsely accused of working with the KIA even when there is no evidence for this. The Unlawful Associations Act has been repeatedly used to target the ethnic Kachin. On 24 December 2016 two Christian Kachin men went missing after they reportedly left their church premises to meet with Burma Army officers,³⁷² having previously assisted journalists investigating the bombing of a church in Kachin State.

They were subsequently jailed on charges of 'unlawful association'.³⁷³ The Assistance Association for Political Prisoners documents many cases of this kind; in one case for example, 49 young Kachin men, accused of attending KIA militia training, were simultaneously arrested on 7 October 2016 on this charge.³⁷⁴

On 7 December 2018 three Kachin activists were sentenced by a court in Burma to six months in prison and a fine of 500,000 kyats (£250) each, for their role in a peaceful demonstration calling on the Burmese government to help internally displaced people fleeing attacks by the Burma Army. The activists – Lum Zawng, Nang Pu and Zau Jat – were charged with defamation of the Burma Army under Article 500 of Burma's Penal Code, for their role in a peaceful rally on 30 April 2018 and a press conference the next day following the escalation of the conflict between the Burma Army and the KIA. More than 5,000 civilians were reportedly displaced as a result of fighting in 2018, and at least 2,000 were trapped without access to humanitarian assistance for several weeks. The protests, in which Lum Zawng, Nang Pu and Zau Jet participated, called for assistance for those fleeing the conflict.

Those who are detained arbitrarily are often tortured. Fortify Rights and ND-Burma have reported extensively on torture in Kachin State and northern Shan State.³⁷⁵ Kachin civilians describe a variety of torture techniques including severe beatings, the burning of skin with hot blades, repeated stabbing in non-lethal locations, and sexual assault.³⁷⁶ Eight Kachin farmers were forced to lick pools of their own blood off the ground after prolonged beating. Torture also has a psychological dimension: some survivors describe officers threatening them with death and even forcing them to dig their own graves while others describe the verbal denigration of Kachin ethnicity and Christian religious identity by soldiers during torture.³⁷⁷

In a 2012 visit, CSW met multiple Kachin Christians who described the experience of being tortured for a false confession. One 29-year-old Baptist pastor described how he was accosted after buying essential supplies for his villagers and church members. He was brutally tortured because he refused to falsely confess to being a Kachin Independence Organisation (KIO) officer. He said,

'Then the beating and torture started. One soldier ran straight at me. I knew he was going to hit me, so I prepared myself not to fall down. He kicked me in the chest, but I did not fall down. A second soldier ran and kicked me, but I still did not fall. They got angry, and kicked my back. Blood poured out of my mouth. "Don't try to cheat – you are a KIO officer, a Sergeant Major, or you are a KIO medic, or in charge of rations supply," they said. "No, I am an ordinary church minister," I told them. They told me not to say "church minister" anymore. "We don't want to hear this phrase, 'church minister', anymore". They hit me again and I simply repeated that I am a church minister. Again they hit me. Then I fell down from the repeated kicking. "The Chinese man says you are a KIO officer. Are you still trying to lie?" they said. I told them I was not lying, I am not KIO, I am an ordinary church minister. I have nothing to confess. They hit me and kicked me again and again. I told them that I was getting food for my church members and villagers, and supplies for the church. That is why I went to buy goods in the market. They kicked me again and again. It was inhumane.'³⁷⁸

³⁶⁹ Free Burma Rangers, 'Northern Burma Update: Burma Army Attacks a Church and Shells a Home', 6 June 2018 www.freeburmarangers.org/2018/06/06/northern-burma-update-burma-army-attacks-church-shells-home/

³⁷⁰ CSW, 'Burma army targets Kachin Christian Mission school', 14 May 2018 www.csw.org.uk/2018/05/14/press/3971/article.htm

³⁷¹ Kachin Women's Association Thailand, 2016, p.3

³⁷² The Irrawaddy, 'Two Kachin Pastors Remain Missing', 6 January 2017 www.irrawaddy.com/news/burma/two-kachin-pastors-remain-missing.html

³⁷³ The Irrawaddy, 'Missing Kachin Pastors Confirmed Detained by Burma Army', 20 January 2017 www.irrawaddy.com/news/burma/missing-kachin-pastors-confirmed-detained-by-burma-army.html

³⁷⁴ Assistance Association for Political Prisoners, October 2016 AAPP Monthly Chronology <http://aappb.org/2016/11/aapp-b-monthly-chronology-of-october-2016-and-current-political-prisoners-list/>

³⁷⁵ Network for Human Rights Documentation Burma, 2017 Fortify Rights, '"I Thought They Would Kill Me" Ending Wartime Torture in Northern Myanmar', June 2014 www.fortifyrights.org/downloads/Fortify%20Rights_Myanmar_9_June_2014.pdf

³⁷⁶ Fortify Rights, 2014, p.13

³⁷⁷ *ibid.*, p.14

³⁷⁸ CSW, 'Burma: Visit to Burma and Kachin ethnic group on the China-Burma border', February 2012, p.19 http://burmaactionireland.org/images/uploads/CSW_Visit_to_Burma__Kachin_ethnic_group_on_the_China-Burma_Border_Feb_2012.pdf

In 2013 CSW visited Kachin State again and heard similar stories. One man described how he had been tortured with a knife:

‘They heated a knife in a fire, and cut my legs. Then they put a hand grenade in my mouth, and threatened to pull the pin. They did this several times, keeping it in my mouth for about five seconds at a time, forcing me to admit that I am KIO. But I am not KIO, and so I did not admit. They kept me in the temple for twenty days. For the first three days, I had no food and no water, and I was hung upside down for one day and one night. After putting the hand grenade in and out of my mouth, they then put a plastic bag over my face and poured water over it. They forced me to kneel on sharp stones. They beat me again and again, one after the other.’³⁷⁹

The wives of three Kachin political prisoners described to CSW the torture their husbands had endured. One said:

‘When I visited my husband, his whole face was wounded. He was covered in blood, and his nose was broken. He had faced so many different kinds of torture during interrogation. An iron bar was rubbed along his legs. He was forced to engage in homosexual sex, and forced to dance the traditional Kachin Manau dance. He was told that as he was a Christian, he should kneel on very sharp stones with his arms outstretched like Christ on the cross, and then the others were forced to dance the Manau dance around him. He was beaten on his hands and arms. Police took off his clothes, and asked the men to have sex with each other. When they refused, they were beaten and forced to do it. One of them was tied up with ice and beaten severely. They were sent to a place where a bomb explosion had occurred, and were accused of making the bomb. They were hit in the head with guns. And this morning, I went to court. I could see my husband had a lot of knife wounds.’³⁸⁰

In 2016 a 51-year old assistant pastor was taken from his home by Burma Army soldiers.³⁸¹ The soldiers accused him of having connections with the KIA, called him a ‘dead man’, did not give him food or water and tortured him for three days. He was only released when colleagues came to the soldier’s compound to confirm he wasn’t KIA. Since his release, he cannot hear from his left ear and has trouble seeing from his left eye. He said, ‘I do not want this kind of thing to happen to other people in the future and I want peace. I want the government to ensure that this type of thing does not happen again.’

Targeted religious persecution

Churches have been targeted by soldiers and destroyed in the fighting and over 190 have been destroyed in Kachin State since 2011. Although some of this destruction is an inevitable casualty of war, there have been reports that often Buddhist monasteries will be left untouched while churches have been left destroyed. CSW conducted a series of interviews in Kachin and Northern Shan States in 2012 and heard repeated accounts of churches being targeted by the Burma army. A Kachin Roman Catholic priest said,

‘They do not honour churches. They stay in the churches, open fire at churches.’³⁸²



A Kachin IDP said,

‘When the fighting was happening near my village, near the coal mine, Burma Army troops occupied and damaged the Roman Catholic and Baptist church. Villagers had stored some of their property in the churches, thinking that the church would be safe, but the Burma Army troops took whatever they wanted, including bowls, spoons, everything. They stayed in the church for three days, and destroyed almost everything – the leaves for the roof, personal property, and they burned down houses near the church. I feel very sorry – they did not respect church property, and they did not care about our God. These belong to God, they are not our own property...’

‘I want to tell the world that the Burma Army discriminates against us. We never loot or destroy or disrespect Buddhist pagodas, but they do this with our churches. There is a lot of religious discrimination.’³⁸³

A particularly painful example of the destruction of churches and Kachin Christian culture is the case of Sinlum village in Momauk Township. Sinlum is a historic place for Kachin because it was the birthplace of the Kachin Baptist Church and the home of one of their most revered historic leaders, the Baptist pastor Reverend Lahpai Zau Tu.³⁸⁴ In late 2011 Burma Army soldiers ransacked a church and destroyed a historic Bible which had belonged to Lahpai Zau Tu. Having destroyed the historic churches, the military proceeded to use state funds to put Buddhist infrastructure in its place. In 2013, with no regard for the historic significance and cultural importance of the area for ethnic Kachin Christians, the military built a pagoda and they have now started to build a monastery.

³⁷⁹ CSW, ‘Burma: Visit report’, 13 May 2013 www.csw.org.uk/2013/05/13/report/175/article.htm

³⁸⁰ *ibid.*

³⁸¹ The Irrawaddy, ‘Burma Must Heal Past Wounds to Find Peace’, 8 February 2017 www.irrawaddy.com/opinion/commentary/burma-must-heal-past-wounds-to-find-peace.html

³⁸² CSW, ‘Burma: Visit to Burma and Kachin ethnic group on the China-Burma border’, February 2012, p.10 http://burmaactionireland.org/images/uploads/CSW_Visit_to_Burma_Kachin_ethnic_group_on_the_China-Burma_Border_Feb_2012.pdf

³⁸³ *ibid.*, p.13-14

³⁸⁴ United States Commission on International Religious Freedom, 2016, p.17

On 30 May 2018 Christians from the village of Kaung Mu Lone in Putao, northern Kachin state, were forcibly relocated from their land. They were ethnic Lisu, living in a majority Shan Buddhist village. In May 2018 the Commander-in-Chief of the Burma Army, Senior General Min Aung Hlaing, visited the areas. When he saw the Lisu Christian inhabitants, he announced that Christians should not be allowed to live in that area, because it is religious land belonging to Buddhists. Following this order, the military forced the Lisu Christians to move to another location, which reportedly has no drinking water supply, no school and no road for cars. ‘We wanted to live [where we had been living], since our great grandparents used to live there and all our cattle, land and farms are there,’ said one Lisu. ‘But we were afraid. We dare not to live there because [the military] will come and threaten us again. There was nothing we could do.’³⁸⁵

The targeted religious persecution goes beyond the destruction of churches. One Catholic priest told CSW:

‘The churches are suffering very much. The Burmese government is oppressing us a lot. We do not have much opportunity to carry out missionary work or human development work. Many people have been persecuted, arrested, restricted. It is forbidden to print religious books, even catechism books and hymn books.’³⁸⁶

Targeted religious persecution against ethnic Kachin Christians and their religious practices continues today. Kachin villagers face the threat that if they gather for religious worship they could be accused of KIA-related activities by the Burma army, which leaves them vulnerable to arbitrary arrests, detention, and the torture of civilians.³⁸⁷ Their children are vulnerable to forced conversion as a result of four Na Ta La schools where children from impoverished areas are effectively required to convert to Buddhism if they want to receive an education.³⁸⁸ A Baptist pastor told CSW that Christians are treated as ‘second class citizens’ in Burma because ‘the army is indoctrinated with hatred of Christianity, a belief that Buddhism is the sole religion.’³⁸⁹ The military has targeted the places which are considered sacred to the

ethnic Kachin as a military tactic and thereby violate the right that Christians have to freely practise their religion.

Rape and sexual violence

In January 2014 the Women’s League of Burma (WLB) published a report documenting 104 cases of sexual abuse in ethnic areas over a period of four years.³⁹⁰ Of these cases, 41 were accounts of gang rape and some of the victims were as young as eight years old. At least 27 of the women were either murdered or died from their injuries. Many of these cases were in Kachin or northern Shan States. In November 2016 the WLB published an updated report to mark the International Day to End Violence Against Women, which documented 92 cases of violence (not specifically sexual violence) against women by government forces between 2010 and 2015, and 18 cases for the period 2015-2016.

The 2014 WLB report included such cases as the 2012 gang rape and prolonged torture by Tatmadaw troops of a grandmother in a church in Luk Pi village near the Kachin-China border. During a military offensive against Kachin rebels, soldiers found the woman sheltering in a church. About ten troops beat her with rifle butts, stabbed her with knives, stripped her naked and gang-raped her over a period of three days. The woman has suffered from severe mental illness since the ordeal. Despite there being a witness to the attack, the Tatmadaw has not opened any investigation into this crime.

Further examples include the case of the two women who were gang raped and murdered on 19 January 2015 (see above) or the case of a 17-year-old Kachin student who was raped by a government school teacher in November 2015.³⁹¹ Under pressure from the school administration and local authorities, the family felt compelled to accept monetary compensation and sign a document ‘officially’ ending the case. The community, including other schoolteachers, youth and local CSOs, pressured restlessly to have the case opened. Eventually the teacher was charged with rape and a trial is currently ongoing. Language barriers and transportation issues are slowing down the proceedings as the victim speaks only the local Kachin language and lives in a very remote area, far from the court. An accomplice might be prosecuted as well thanks to the efforts of civil society to obtain justice for the girl. Despite obtaining what seems to be a genuine access to justice, the girl has been banned from her local church after she and her family refused to confess their ‘guilt’ in front of the congregation.

Internal displacement and the destruction of homes

According to UN OCHA’s report on the situation in Kachin and northern Shan State, published in December 2018, there are 106,000 people displaced in camps and host villages in Kachin and Shan states, of which about 80% are estimated to be women.³⁹² A further 74,500 were temporarily displaced by conflict between January 2017 and December 2018, although most subsequently returned to their places of origin.

Intense fighting in Kachin and northern Shan State in 2011-2013 was the cause of this mass displacement. A scorched earth campaign by the Burmese military and intense fighting between the military and ethnic armed organisations led to the destruction of over 200 villages. Burma has one of the highest numbers of landmines in the world,³⁹³ and ongoing war means that very few of the IDPs have been able to return home. In January 2017 thousands were forced to flee their IDP camps after these were shelled and sought refuge in China, but found their access blocked at the border.³⁹⁴

‘We are not allowed to go into China,’ a 20-year old displaced Kachin man living in Pa Kahtawng IDP camp near Maijayang town in Kachin State told Fortify Rights. ‘If a mortar falls in this camp and there is fighting around us, where will we flee? There will be nowhere for us to run. I’m afraid the Chinese government won’t accept us. Whenever there is fighting around here, the border is full of Chinese soldiers and they won’t allow anyone to pass.’³⁹⁵

On 21 January 2017 UN Special Rapporteur Yanghee Lee described the stories of a family from Zai Awng IDP camp:

‘I met a family who was displaced from Zai Awng IDP camp after shells fell nearby – they had fled in terror and resorted to digging a hole in the forest to stay in at night for six days whilst they tried to gather the funds needed to escape the area – six days in a hole with four children, the youngest a few months old and another only two. I heard after my visit, that some of those from the Zai Awng camp were displaced for a third time. These people have done nothing wrong, yet they suffer, merely because they live in an area, where others fight. When I raised this case with the State Government, and by state government meaning the military side, the response was again denial – I was told the IDP camp did not exist, as I was told before that in Kutkai there were no IDPs either.’³⁹⁶

The government has abjectly failed to respond to the gravity of the situation and continually chooses denial over action.

Humanitarian aid blocks

Government lockdowns on areas affected by war have prevented aid organisations from delivering humanitarian aid to IDPs. It is estimated that 65,000 IDPs from Kachin State are suffering from acute food shortages as a direct result of the military’s blocking of aid.³⁹⁷ It is believed by many civil society groups that the government lockdowns are an intentional tactic in line with their ‘four cuts’ strategy intended to cripple ethnic armed groups by cutting off access to food, funds, information and recruitment which has led to severe food shortages.³⁹⁸ Seng Zin, general secretary of the KWAT has said that she is ‘concerned that refugees are being blocked from getting aid by the government in order to pressure the KIA into signing the national ceasefire.’³⁹⁹ ND-Burma Coordinator, Han Gyi, commented, ‘The Burma/Myanmar army has long used the blocking of humanitarian aid to the most vulnerable affected by the conflict as a tool to pressure ethnic nationalities to fall in line with their agenda. This cynical power play makes the trust necessary for national reconciliation and lasting peace impossible.’⁴⁰⁰

UN OCHA said:⁴⁰¹

‘Starting in April 2016, the Government and military have not permitted the World Food Programme (WFP) and other international humanitarian organizations to take food or other relief supplies into areas beyond Government control. Instead, the Government issued an instruction requiring IDPs in areas beyond Government control to travel to designated distribution points in Government-controlled areas in order to collect any necessary relief supplies. Even for Government-controlled areas, international humanitarian organizations are experiencing unprecedented delays in obtaining travel authorizations for international staff and this is having an impact on humanitarian activities in Kachin. In addition, there are concerns that access of national staff of both international and national organizations may be affected by new travel authorization processes.’

Legal immunity

Under the 2008 constitution the army retains a firm grip on state power, complete autonomy over its own affairs and legal immunity. Even in 2015 and 2016 very few

385 Information provided by the Humanity Institute.

386 CSW, 2012, p.10

387 United States Commission on International Religious Freedom, 2016, p.13

388 ibid., p.19

389 CSW, 2012, p.10

390 Women’s League of Burma, ‘Same Impunity, Same Pattern: Report of Systematic Sexual Violence in Burma’s Ethnic Areas’, 14 January 2014 <http://womenofburma.org/same-impunity-same-pattern-report-of-systematic-sexual-violence-in-burmas-ethnic-areas/>

391 Women’s League of Burma, ‘Access to Justice for Women Survivors of Gender-based violence committed by state actors in Burma’, 24 November 2016 http://womenofburma.org/wp-content/uploads/2016/11/VAW_BriefingPaper-Nov2016-Eng.pdf

392 United Nations Office for the Coordination of Humanitarian Affairs, ‘Myanmar: Civilians displaced by fighting in Kachin/Shan 2017-18 (as of 10 Dec 2018)’, 10 December 2018 <https://reliefweb.int/report/myanmar/myanmar-civilians-displaced-fighting-kachinshan-2017-18-10-dec-2018>

393 United Nations Office for the Coordination of Humanitarian Affairs, ‘2017 Humanitarian Response Plan: More than half a million people in need’, 5 December 2016

394 Frontier Myanmar, ‘Displacing the displaced as Kachin assault rages’, 23 January 2017 <http://frontiermyanmar.net/en/displacing-the-displaced-as-kachin-assault-rages>

395 Fortify Rights, ‘China: Protect Ethnic Kachin Refugees Fleeing War in Northern Myanmar’, 13 January 2017 www.fortifyrights.org/publication-20170113.html

396 Mizzima, ‘UN releases full text of Yanghee Lee’s end of mission statement’, 21 January 2017 www.mizzima.com/news-domestic/un-releases-full-text-yanghee-lees-end-mission-statement

397 Network for Human Rights Documentation Burma, ‘Pawns in their game: the military’s blocking of aid to IDPs in Kachin and northern Shan State’, 22 December 2016 <http://nd-burma.org/pawns-in-their-game-the-militarys-blocking-of-aid-to-idps-in-kachin-and-northern-shan-state/>

398 Network for Human Rights Documentation Burma, 2017

399 ReliefWeb, ‘Army Restrictions Leave Kachin Refugees Without Aid’, 21 August 2015 <http://reliefweb.int/report/myanmar/army-restrictions-leave-kachin-refugees-without-aid>

400 Network for Human Rights Documentation Burma, ‘Pawns in their game: the military’s blocking of aid to IDPs in Kachin and northern Shan State’, 22 December 2016 <http://nd-burma.org/pawns-in-their-game-the-militarys-blocking-of-aid-to-idps-in-kachin-and-northern-shan-state/>

401 United Nations Office for the Coordination of Humanitarian Affairs, 2017 Humanitarian Response Plan: More than half a million people in need, 5 December 2016

cases have been taken to court. KWAT report the case of Mrs Hpau Kum Lu, an elderly widow who was raped by a soldier on 13 April 2015.⁴⁰² Villagers witnessed the act and caught the man from Infantry Battalion 438 of the Burmese army, bringing him before the village administrators. The villagers sent a complaint to the police station, accusing the soldier of violating various laws, including Articles 456 and 376 for rape. However, the commander of Burma Army Infantry Battalion 438 refused to hand the soldier over to be prosecuted under civilian law, even though the villagers wanted to address the issue in a public court. January 2017 saw the second anniversary of the rape and murder of two Kachin teachers and little sign that justice for their case or for the case of Mrs Hpau Kum Lu will ever be attained.

Two encouraging exceptions to this include the sentencing of seven soldiers for killing civilians in Shan State and the sentencing of soldiers for the killing of a Kachin student in June 2016.⁴⁰³ This may provide some small hope for advocacy in the future and tentative signs that the government is looking to limit the power of the military. As it is, however, the majority of victims continue to never see justice.

Conclusion

On 21 January 2017 Yanghee Lee said:

‘It is evident that the situation in Kachin and at the northern borders is deteriorating. Those in Kachin State tell me that the conditions have deteriorated – that the situation is now worse than at any point in the past few years. Whilst I was not able to travel to the areas most severely affected, the situation is now such that even in Myitkyina, the capital of the state and home to over 300,000 people, residents are afraid – and now stay home after dark.’⁴⁰⁴

It is evident that there is considerable work to do. In December 2016 UN OCHA said:

‘Due to the proximity of armed personnel to civilians, there are serious ongoing protection concerns that require constant monitoring and attention. Advocacy related to international humanitarian principles will need to be further strengthened...This includes issues such as distinguishing between civilians and combatants, protection of civilians against indiscriminate attacks, protection of children in armed conflict, preventing and responding to gender-based violence, freedom of

movement for civilians, humanitarian access and safe passage for conflict-affected civilians.’⁴⁰⁵

Their call for the strengthening of the protection of civilians and granting of humanitarian access must be priorities for the international community in response to a deteriorating situation where minorities suffer enormously. The suffering of the majority Christian ethnic Kachin is under-reported but continues to be intense and requires attention. In June 2018, in rare media coverage, both Sky News and the BBC⁴⁰⁶ carried reports on the attacks on Kachin civilians.⁴⁰⁷ Sky’s Alex Crawford reported that: ‘What we found in this forgotten part of the world was worrying evidence of a second genocidal campaign – at least that’s certainly what the Kachin people believe...Thousands have died in bombings and attacks against them carried out by the

Myanmar military – and these attacks have increased substantially since January after the same forces had spent months driving the Rohingya out from the west of the country. The national forces have been using helicopters and heavy artillery to bomb Kachin rebel positions. Thousands of civilians have been stranded in the thick jungle and fled several times to escape the attacks. We spoke to many Kachin civilians who had moved multiple times to try to reach safety, some on the backs of elephants. A number spoke of attacks in or near civilians who had taken shelter in the camps for displaced people dotted across the region. Lashi Ókawm Ja, a mother of four now living in one of the dozens of camps in the north of Myanmar, told Sky News: “I am convinced the Burmese government is trying to ethnically cleanse the Kachin people. Whenever they see Kachin people they try to kill us and they rape the women, even the women who are pregnant.” The vice president of the Kachin Independence Council (KIC), General Sumlut Gunmaw, also believes Myanmar’s authorities want to crush them. “Maybe their actions against us are not so sudden as their violence against the Rohingya, but their intentions are just the same. They want to eliminate us,” he said.’⁴⁰⁸

Violations of freedom of religion or belief outside Kachin and Northern Shan State

While 2011 was a negative turning point in Kachin and northern Shan States, President Thein Sein’s tenure in office saw preliminary steps towards peace in other ethnic states. In early 2012 a number of significant and lasting ceasefires were signed with the KNU, the Karenni National Progressive Party (KNPP) and the CNF. These ceasefires, which explicitly prohibit human rights abuses, have ensured that the human rights situation in Karen, Karenni and Chin State is less severe than it was in the final years of SPDC rule.

However, significant challenges persist in all of these regions. Religious persecution continues and the United States Commission on International Religious Freedom said in December 2016 that the ‘new government must strive to mitigate’ ‘the endemic challenges Christians in Burma...have experienced for decades.’⁴⁰⁹ Ongoing violations against Karen, Karenni, Chin and Naga people include widespread restrictions on the construction and renovation of Christian infrastructure, destruction of Christian crosses, violations of freedom of religious assembly, the imposition of Buddhist infrastructure in majority Christian land, intimidation and violence, and institutionalised discrimination on the basis of religion. It is also worth noting that peace has not led to the end of a military presence in areas of Karen, Karenni and Chin States. In areas where there is a significant military presence, serious violations have continued.

Restrictions on the construction and renovation of Christian infrastructure

Significant restrictions on the construction and renovation of churches or the planting of crosses remain. There are eight different levels of permission required to build a church or plant a cross, and one must receive permission from the township-level General Administrative Department (GAD) in order to do this.⁴¹⁰ The GAD acts as the local government’s civil service and it is under the authority of the military-run Ministry of Home Affairs. This bureaucratic body, headed by the military, very rarely, if ever, grants applications to Christian groups that apply for permission to build churches or plant crosses.

A pastor made this point to the Chin Human Rights Organization in March 2012:

‘If you want to construct a church building, permission must be obtained from the Ministry of Religious Affairs... You will never get it, even if you ask...’⁴¹¹

Individual Christians have been forced to circumvent the restrictions by buying and building properties in their own names, and in some cases paying bribes in order to receive permission.⁴¹² In ethnic areas such as Chin State or Kachin State this practice is tolerated, but the churches are technically illegal and therefore vulnerable to being clamped down upon. In 2014 all the churches in Hakha, Chin State applied to have the ownership changed from private individuals to churches, but have still to receive a response.⁴¹³

Restrictions on land ownership have extended to Christian cemeteries. Since 2012 the authorities in Kalymyo (a town in Sagaing Region where many Chin live) have grabbed land from 16 cemeteries, all but two of which are Christian.⁴¹⁴ In most cases families were given a chance to remove the remains of their loved ones, but no compensation was offered in any of the cases, and families were required to pay for the cost of new cemeteries.

In two cases Chin Christian communities resisted the orders and had their burial sites demolished before they were able to recover the remains of loved ones. One Christian community had owned land registration documents for Tounghphila cemetery for over a century. While the community, in June 2015, was in the process of negotiating with the authorities over whether the cemetery could remain, the grounds were bulldozed in the middle of the night under police protection.⁴¹⁵ Meanwhile, in the case of the Santha cemetery where there had been a long negotiation process, only a few people managed to move their loved ones’ remains before the authorities destroyed the cemetery by bulldozer in May 2013.

Destruction of Christian crosses

There has been an increase in military movement in Paletwa Township in southern Chin State due to clashes between the Arakan Army and the Burma Army. The Burmese army have occupied churches and destroyed crosses while present in the region.⁴¹⁶

402 Kachin Women’s Association Thailand, 2016, p.14-15
403 Network for Human Rights Documentation Burma, ‘Pawns in their game: the military’s blocking of aid to IDPs in Kachin and northern Shan State’, 22 December 2016 <http://nd-burma.org/pawns-in-their-game-the-militarys-blocking-of-aid-to-idps-in-kachin-and-northern-shan-state/>
404 Mizzima, ‘UN releases full text of Yanghee Lee’s end of mission statement’, 21 January 2017 www.mizzima.com/news-domestic/un-releases-full-text-yanghee-lees-end-mission-statement
405 United Nations Office for the Coordination of Humanitarian Affairs, 2017 Humanitarian Response Plan: More than half a million people in need, 5 December 2016
406 BBC, ‘Myanmar’s military accused of violence against Kachin people’, 6 June 2018 www.bbc.co.uk/news/av/world-asia-44390792/myanmar-s-military-accused-of-violence-against-kachin-people
407 BBC, ‘Myanmar violence: Thousands flee fresh fighting in Kachin state’, 28 April 2018 www.bbc.co.uk/news/world-asia-43933332
408 Sky News, ‘Uncovered: “Worrying evidence” of new genocidal campaign on Kachin Christian minority in Myanmar’, 5 June 2018 <https://news.sky.com/story/uncovered-worrying-evidence-of-new-genocidal-campaign-in-myanmar-11395173>

409 United States Commission on International Religious Freedom, 2016, p.1
410 *ibid.*, p.11
411 Chin Human Rights Organization, 2012
412 United States Commission on International Religious Freedom, 2016, p.11
413 *ibid.*, p.11
414 *ibid.*, p.14
415 *ibid.*, p.14
416 *ibid.*, p.16

Religious persecution in Wa territory

In 2018, a new dimension to the catalogue of violations of freedom of religion or belief opened up, only this time not at the hands of the Burma Army. The ethnic armed group known as the United Wa State Army (UWSA), which has close ties to the Chinese Communist Party, launched a major crackdown on Christians in its territory, in Shan State, close to the Chinese border, on 13 September 2018. The Wa region is home to multiple ethnic groups including the Wa, Kachin, Ta'ang, Lahu, Lisu, Kokang and Shan, who observe various religions including Buddhism, Christianity, Islam and Spiritism. Christians comprise around 30% of the estimated 450,000 Wa population.

According to the Union of Catholic and Asian News (UCAN), pastors have been detained, churches destroyed and shut down, and religious schools closed as part of a crackdown on what the UWSA has referred to as religious extremists. The UWSA has announced that all churches built after 1992 were constructed illegally and will be destroyed, and has forbidden the construction of new churches. Five churches have reportedly been destroyed and 52 have been shut down. Furthermore, undated videos have emerged online which appear to show UWSA officials destroying crosses.⁴¹⁷ In October 2018 reports emerged of approximately 100 Christians who were released by the UWSA after being forced to sign pledges stating that they would only pray privately in their homes.⁴¹⁸ Days later, religious leaders in the region reported that 41 male and female Bible students had been forcibly recruited into the UWSA.⁴¹⁹ Soon after that, it was reported that a group of eight Catholic clergy and laypeople were expelled from the Wa region. These included two priests, three nuns, and three lay teachers, following an expulsion order issued on 12 October aimed at clergy who arrived in the region after 1992. In September, another priest, five nuns, and six teachers were similarly expelled. It is unclear what the motivation behind the crackdown is, although it is widely believed that China may be influencing the UWSA because it is nervous about missionary activity along its borders.

Evaluation: Violations of freedom of religious assembly

Article 20(1) of the UDHR says:

‘Everyone has the right to freedom of peaceful assembly and association.’⁴²⁰

417 Twitter @FreeKachin, ‘Destroying of crosses and sealing off churches has been widespread in Wa State, in past few days,’ 19 September 2018 https://twitter.com/FreeKachin/status/1042630218710769664?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1042630218710769664&ref_url=https%3A%2F%2Fwww.ucanews.com%2Fnews%2Fchina-backed-rebels-target-myanmar-christians%2F83516

418 Union of Catholic and Asian News, ‘Christians forced to sign pledge curbing faith in Myanmar region,’ 10 October 2018 www.ucanews.com/news/christians-forced-to-sign-pledge-curbing-faith-in-myanmar-region/83588

419 Union of Catholic and Asian News, ‘Bible school students forcibly recruited by ethnic militia,’ 15 October 2018 www.ucanews.com/news/bible-school-students-forcibly-recruited-by-ethnic-militia/83630

420 Universal Declaration of Human Rights, Article 20(1) www.un.org/en/universal-declaration-human-rights/

421 United States Commission on International Religious Freedom, 2016, p.13

Christians across Burma continue to face violations of this basic right. The restrictions on construction and renovation of churches are the most significant example. In one case in the Naga area, a Catholic priest has received threats and been barred from building a small church for decades by the local Buddhist monks and authorities. This has made it very difficult for the community to meet and worship, thus hindering freedom of peaceful assembly.

In areas where Christians are a small minority, such as parts of Mandalay or Magwe Region, the situation is exacerbated and Ma Ba Tha pressure has the power in certain cases to almost entirely halt Christian assembly. For example, a Chin Baptist pastor living in a Mandalay suburb has tried to gain permission to build a church since 2013, but has failed to receive permission to use the facility for worship because of pressure placed on the authorities by Ma Ba Tha. The pastor told USCIRF:

‘The authorities told us if you worship here, the Buddhist monks will come and stone your building and burn it down. We are very afraid of those monks. We cannot use it as a worship place so far.’⁴²¹

Similar cases have been reported in Magwe region.

In Kalaymyo CSW interviewed several pastors who have faced difficulties in their villages. One pastor established a church in a village ten miles outside Kalay in 2009, but he said, ‘We came under a lot of pressure from the village authorities.’ The village monk called the military. ‘Later the military came. A Colonel forced me to sign a document agreement not to build the church. The monk did not want Christians in the village. They banned us from Sunday worship. Some members of our congregation were ex-military, so they receive an army pension. They were threatened that if they continued to worship there, their pension would be withdrawn. We were told that if we gathered with more than five people, we could be jailed.’ When one Buddhist converted to Christianity, they were teased relentlessly by villagers. ‘They were called BuChrist – Buddhist-Christian – and were asked how much they had been paid to become a Christian. They were told that they were no longer Bamar, but had become Chin, even though they were not Chin. Eventually they were driven out of the village. This village

was declared a “no-Christian zone”. Monks preach anti-Christian hate speech – they say that if Christians live in the villages with Buddhists, whole villages will become Chin!’

According to one pastor in Kalay, a common tactic is to deny burial rights to Christians in villages. ‘For example,’ he said, ‘a Buddhist man was dying of cancer, and the church took care of him. He converted to Christianity a few days before he died, and as a consequence, he was not allowed to be buried in the village. The Buddhists wouldn’t allow it, so he had to be taken to a cemetery outside. A Christian lady died, and again the village would not allow her burial. After some negotiation they said she could be buried, but without a cross on the grave. So her family took her to a village fourteen miles away, for a proper burial, but the villagers said they would not allow her corpse to pass through the village – so her body had to be carried a very difficult way across farmland to reach the cemetery.’

Students at the Kalaymyo Technological University founded a Christian Fellowship, and in 2008 they tried to

build a small chapel. They obtained approval from the township authorities, but the villagers objected and they were forced to stop, despite having built the foundations. In 2011 students held meetings to try to restart the fellowship, and began the process to secure the villagers’ agreement for them to construct a small building. The students began construction, but villagers opposed it and threatened to tear it down. ‘The villagers told us that “A Buddhist village does not need a church,” but in fact it is not a church, it is simply a hostel for students and a small prayer room,’ one student told CSW. ‘And there are 200 Christian students living in the village. But we feel threatened. The villagers often come and attack us by throwing stones.’

In areas where Christians are in the majority, there are other complications. Chin, Kachin and Naga leaders are required to seek permission for all large worship gatherings from the General Administration Department, and there is no guarantee that permission will be granted.



Kachin in an Internally Displaced Persons camp

On 10 March 2012 more than 1,000 delegates from 80 branches of a particular church gathered in a remote area of Matupi Township in southern Chin State. Despite having official permission to meet, several Burma Army soldiers disrupted the meeting and rebuked the village authorities for not informing them that it was occurring. A Member of Parliament of Chin ethnicity who was present at the conference challenged the soldiers’ behaviour, but they still proceeded to disrupt worship proceedings at the conference for the next 24 hours.⁴²²

On Christmas Eve 2018, a Buddhist mob attacked Chin Christians in Ann Township in southern Rakhine State as they were preparing to celebrate Christmas.⁴²³ On 17 December, Christians gathering for a Christmas celebration in Kanta Kawn Township, Magway Region, were stoned by a group of unidentified men, injuring six people.⁴²⁴

Imposition of Buddhist infrastructure

Both the state and extremist nationalist monks have used their influence and resources to build Buddhist infrastructure in majority Christian areas against the wishes of the local population. The nominally civilian government of President Thein Sein freely used resources to build Buddhist infrastructure in Chin and Naga areas where churches and crosses had been destroyed. In the Naga area, local people in Tamanthi complained the government is spending millions of kyats on Buddhist monasteries in areas where only Christians live. A pastor bemoaned the powerlessness of the local population to USCIRF, saying: ‘The government itself is the one building those monasteries, so we don’t complain to anyone.’⁴²⁵ Around Hakha and in other areas of Chin State, multiple monasteries have been built while crosses and churches have been demolished.

However, perhaps the most serious example of this kind of religious persecution has been undertaken by the influential monk Myaing Gyi Ngu Sayadaw, U Thuzana, who attempted to build Buddhist pagodas on sites of Christian and Muslim worship in Karen State through 2015 and 2016. U Thuzana, who died in October 2018, was the Buddhist monk who was behind the divisions among the ethnic Karen along religious lines and founded the DKBA, and has a long history of targeting Christians. In 2015 he claimed that he had had dreams which informed him that churches and mosques in the local area were built on the site of old Buddhist pagodas (*stupas*). He began to attempt to return the land to its Buddhist roots by forcibly building pagodas in the compounds of churches and mosques in 2015 and 2016.⁴²⁶

The first incident began on 21 August 2015, when U Thuzana led a group to start building a pagoda in a church compound in Hpa-an Township.⁴²⁷ This was followed by further activity in April and May 2016. On 5 April 2016 he placed a Buddhist flag inside an Anglican church and said that according to a dream this used to be the site of an old pagoda; he proceeded to initiate the building of a pagoda on the site.⁴²⁸ On 24 April 2016 100 people attended the opening of the pagoda. On 25 April 2016 the Sayadaw proceeded to initiate the building of a pagoda in the compound of Marakaz mosque. A little over a week later another pagoda was built near the Anglican church.

Media reports indicate that the Sayadaw ignored requests from local government officials, senior sayadaws and the leaders of the KNLA – the armed wing of the KNU – to cease his construction projects. It was only due to the tolerance and patience of local Christians and Muslims that the situation did not escalate.⁴²⁹ On 24 April 2016, the day that the pagoda was opened on land owned by the Anglican church, an Anglican bishop urged the local Christian population to be patient and law-abiding rather than taking justice into their own hands.

The Sayadaw was an influential monk who has the backing and protection of the DKBA, and as a result he has been able to commit these violations of freedom of religion or belief without much opposition and with support from the local community. For instance, when he built a pagoda in Kow Taw Village, Hlaing Bwe Township on 23 April 2016, 500 villagers turned up to take part in finishing the building project.⁴³⁰ His position in the community means that people believed his propaganda and he was able to act against the wishes of central government authorities. The Sangha Council did request him to stop, but did not have the ability to enforce their request and the government did not make any attempt to prevent him.

Coerced conversion to Buddhism: Na Ta La schools

Ethnic minority Christians are among some of the poorest inhabitants in Burma and there is a lack of educational provision in the areas which mean that many from Chin, Naga and other areas have been forced to send their children to Na Ta La schools. At least nine of the 33 existing Na Ta La schools are in Chin State, and one third of Na Ta La trainees are ethnic Chin which

indicates that they are specifically targeted.⁴³¹ The Na Ta La school system was set up by the SPDC and exploits the poor education provision in order to indoctrinate young Christian children into Buddhism.



Na Ta La schools present themselves as boarding schools, providing accommodation and covering the costs for orphans and children from single parent or poor families. However, children at Na Ta La schools are systematically prevented from practising Christianity and are effectively required to convert. The authorities bar church attendance and enforce compulsory Buddhist worship. Buddhist literature and culture is taught on Saturdays, and many children are forced to be initiated into monkhood for a period of each year.⁴³²

The Ministry of Border Affairs has also incentivised the conversion of Na Ta La graduates by guaranteeing prestigious jobs to graduates of the school who have officially converted to Buddhism. In one case a university level Na Ta La graduate was fast-tracked to an important position in the Hakha local government ahead of Christian workers who had served for decades.⁴³³

It appears that these schools are part of an attempt by the Ministry of Border Affairs to strategically convert ethnic minority Christian youth. A senior Naga church Leader told USCIRF that the schools were the military’s ‘strategy to convert people to Buddhism. Children become Buddhist and later on they get government positions. It’s a systematic process and it must be exposed.’⁴³⁴

Institutionalised discrimination on the basis of religion

The Na Ta La schooling system is the most extreme example of institutionalised discrimination which takes place against religious minority groups in Burma. Christian educational institutions are not recognised and Christian employees are regularly overlooked for promotion within the civil service. In Hakha, the capital city of Chin State, 90% of the population is Chin and Christian, and yet all but two of the local departments are headed up by Burman Buddhists.⁴³⁵

One vital reason for institutionalised discrimination is the education system. For example, there are no state-run universities in Chin State, and it is a complex and prohibitively expensive process to relocate to other regions.⁴³⁶ Many ethnic Chin therefore choose to study at Christian institutions in Chin State, but the government refuses to officially recognise degrees from these institutions, and therefore the education system reinforces institutionalised discrimination.

In the minority of cases that Christians are promoted to positions of significant influence, Buddhist nationalists have organised significant protests. On 2 April 2016 after the State Counsellor appointed U Henry Van Thio, a Christian and a Chin, as a Vice President, nationalists convened a protest march in Yangon.⁴³⁷ A leading nationalist activist, U Naung Taw Lay, said the group organised the protest against the appointment of U Henry Van Thio as a Vice President, as it feared his appointment could lead to the disappearance of Buddhism from Burma. U Henry Van Thio’s appointment was a significant achievement, a sign of goodwill from the new NLD-led government, and it shows the power that the government can have to promote freedom of religion or belief for all and equal rights for all ethnicities when it chooses to do so. However, the level of protest and the false sense of paranoia that many Buddhist nationalists have in these cases, illustrates the scale of the challenge in addressing religious discrimination and intolerance in Burma.

Intimidation and violence against Christians

Christians have also been subject to intimidation and violence by ultra-nationalist state and non-state actors. Those who live in Buddhist majority areas are particularly vulnerable. In 2015 a mob attacked a Catholic church in Bago Region.⁴³⁸ Since 2013, Ma Ba

422 Chin Human Rights Organization, 2012, p.15
423 The Irrawaddy, ‘Christians, Buddhists brawl in Southern Rakhine on Christmas Eve,’ 26 December 2018 www.irrawaddy.com/news/burma/christians-buddhists-brawl-northern-rakhine-christmas-eve.html
424 Morning Star News, ‘Six Christians injured in stoning of Christmas service in Burma,’ 24 December 2018 <https://morningstarnews.org/2018/12/six-christians-injured-in-stoning-of-christmas-service-in-burma/>
425 United States Commission on International Religious Freedom, 2016, p.17-18
426 CSW source.
427 CSW source.
428 CSW source.
429 Frontier Myanmar, ‘Of pagodas, churches and mosques,’ 15 May 2016 <http://frontiermyanmar.net/en/pagodas-churches-and-mosques>
430 CSW source.

431 United States Commission on International Religious Freedom, 2016, p.19 Chin Human Rights Organization, 2012, p.8
432 United States Commission on International Religious Freedom, 2016, p.20
433 *ibid.*, p.20
434 *ibid.*, p.21
435 *ibid.*, p.10
436 *ibid.*, p.11
437 Burma Human Rights Network, April 2016
438 CSW source.

Tha monks in Magwe Region have tried to force the only Christian family out of a Buddhist village near Yesagyo.⁴³⁹ In Pauk Township, Magwe Region, two Christian missionaries from the Chin Baptist Convention have been targeted by ‘969’ monks. In 2014 the first missionary was forced out of the village because of an economic boycott on his goods. When the second missionary came to replace the first, 969 initially levied a land dispute against him to try and push him out. Villagers were divided about the campaign and physical violence broke out. In March 2016 events escalated further and a local Buddhist broke into the man’s house and physically assaulted him.⁴⁴⁰ It is believed the Buddhist man was acting on the orders of ultra-nationalists.

On 7 July 2017 a mob attacked Christians in a church in Teetaw village, Sagaing Division, injuring four people. According to the CHRO, the houses of local Christians were also destroyed, as four Christian converts refused to re-convert to Buddhism. Twelve people fled the village and sought shelter in Httiyait, where the mob pursued them. According to witnesses, ‘had the police not arrived in time, the attackers were ready to burn down the house and kill the occupants. Some of the attackers were yelling “Burn them down,” while others tried to stop them for fear that the fire could spread to other houses nearby.’⁴⁴¹ Harassment had already begun in January 2017 and several times mobs gathered with sticks and knives to threaten the Christians. ‘Christianity is just *kalar*’s religion, you are singing *kalar*’s song,’ the village administrator had shouted on one occasion.

On 15 January 2018 the village administrator and Buddhist monks in Po Lay village, Min Yua village tract, Gantgaw township in Magwe division decided to expel Pu Va Dawng, who had converted to Christianity. A month later, on 29 February 2018, Christians in Tatke village, Done Chaung village tract, Setuttaya township in Magwe division were prohibited from building a house for the church pastor or to hold prayers or worship in their homes.⁴⁴²

On 10 July 2018 two Chin Christian nursery school teachers from Pade Kyaw village, Ann district in Rakhine State were attacked by a mob of local men, including Buddhist monks, while they were having cold drinks in the home of the local pastor. A mob of about 200 people, including four monks, pulled the women out of the house and began beating them. The monks asked: ‘Who sent you to this village, from where did you gain permission to stay here?’ Subsequently a meeting was called for all the villagers by the monks, and the villagers were asked

to sign an agreement to disturb the Christians during their church services. The pastor and the congregation were afraid, so did not gather to worship, and instead a mob came to stone the pastor’s house. ‘Incidents of this kind, the Christians being disturbed and intimidated by majority Buddhist groups, is [sic] seen frequently,’ said Mai Mar Mar Win, one of the nursery school teachers.⁴⁴³

On 12 August 2018 Reverend Tin Shwe was attacked and hospitalised, according to CHRO, ‘after receiving lacerations to his head and face.’ His mobile telephone was also stolen in the assault. A mob assaulted him while he was having lunch in Hinywet village, Ann township, Rakhine State.⁴⁴⁴

Intimidation and violence has occurred against Christians in Naga and Chin areas too. On 27 December 2012 a 13-year-old Chin girl was sexually assaulted by Burma Army soldiers. No action was taken by the authorities in response.⁴⁴⁵ In the Naga areas, a missionary from the Full Gospel Assembly was harassed, threatened at knifepoint and stoned during services at his temporary house church. The local township authorities did nothing to protect him, but chose to issue an order for the missionary to move out of the area in April 2016 on the basis that he was disturbing Buddhists.⁴⁴⁶

Violations as a result of ongoing military presence in ceasefire areas

‘Peace’ does not necessarily lead to a reduction of the military presence or vulnerability to extortion and abuse of religious minorities by the Buddhist-majority army. In February 2015 a group of Baptist missionaries in southern Chin State were detained and had money extorted from them by Burma Army soldiers.

In Karen and Karenni States, the end of fighting led to an increase in the presence of the Burmese military which has had a number of damaging effects. Displaced people are often reluctant to return to their villages because of the vivid memories of the abuses of the military, and as a result crops have been ruined and IDPs remain vulnerable to economic exploitation.⁴⁴⁷ The Burmese government and military under President Thein Sein intentionally exploited the local resources, stealing timber and contaminating rivers.

One Karenni man told HART in 2013,

‘The Burmese Government has changed its tactic not its heart. They fear that there will be an overthrow of their regime, like what happened in Libya. So they are gaining international recognition from US, UK – but internally, they are destroying the survival of ethnic nationals by stealing our resources... When they sell our resources to foreign firms, we receive nothing. Everyone wants development... but we only want sustainable development...’⁴⁴⁸

In another interview with HART in 2015, a man confirmed that this practice of exploitation continued, saying, ‘Less people have to flee for their lives because of fighting. But people are facing a new threat. Before, they were facing the direct threat of the attackers, but now they are facing the theft of land and farms.’⁴⁴⁹ He went on to note that the ceasefire agreement may not be long lasting because ethnic minorities are not respected: ‘If the foundation is not solid you can make a beautiful house but it will not last. Same with this country. We all like the beauty but the foundations must be strong first. We need love and forgiveness.’

A similar story is true in Chin State where more than 70% of Chin people live below the poverty line.⁴⁵⁰ CHRO recorded that between 2011 and 2013, the most common human rights abuse against the Chin was extortion or arbitrary taxation. This accounted for 40% of abuses recorded in the period.⁴⁵¹ The natural resources in Chin State, such as the existence of a rich supply of nickel ore, have also been exploited by the government without the agreement of the local residents.

Conclusion

In his Easter message in 2015, Cardinal Bo addressed the country’s decades of ethnic conflict:

The country needs reconciliation among communities. A war rages in the northern Kachin and Shan regions...The blood of the innocents cries out for reconciliation. How long can the ethnic communities cry for justice and

reconciliation? Blessed are the peacemakers. May peace be to this house (Luke 10:5). Ethnic communities are crucified in this country.

His words continue to be both apposite and haunting as we approach the end of the NLD-led government’s first term in office and the next elections in 2020. Grave violations of human rights continue to be frequent, widespread and systematic.

Outside of Kachin and northern Shan State, in areas where there have been ceasefire agreements, there have been some fragile improvements. On 7 May 2012 the CNF and the government signed a 15-point peace charter in Hakha. Point of agreement number 13 supposedly guarantees basic human rights and religious freedom for ethnic Chin nationals.⁴⁵²

However, the many violations of freedom of religion or belief which are recorded here from those states and which are still taking place against ethnic Chin, Kachin, Karen, Karenni, Burman, Wa and Naga Christians present the worrying conclusion that the ‘special position’ granted to Buddhism in the 2008 constitution takes precedent over guarantees of religious freedom in ceasefire agreements. Although it is less widely reported, the rise of Buddhist nationalism impacts not only Muslims but also Christians and others, and makes Burma an uncomfortable place for minorities of all stripes. CSW concluded the 2007 report, *Carrying the Cross*, with a quote from a Chin pastor which sums up the desires of Christians across Burma. Twelve years on his words still carry enormous resonance for Christians in Burma:

‘Please let the world know we want freedom. Freedom, just freedom. Freedom to speak, freedom to worship, freedom to praise God, freedom to work, freedom to learn, freedom to write. Just freedom.’⁴⁵³

439 United States Commission on International Religious Freedom, 2016, p.15

440 ibid., p.15

441 Chin Human Rights Organization, ‘Stable and Secure? An Assessment on the Current Context of Human Rights for Chin people in Burma/Myanmar’, 2018 www.chro.ca/images/CHRO_Stable-and-Secure-report-2018.pdf

442 Information provided by Chin Human Rights Organization.

443 Chin Human Rights Organization, 2018

444 ibid.

445 Chin Human Rights Organization, ‘Briefing: The Human Rights Situation for Chin in Burma/Myanmar, 2011-13’, 3 January 2014, p.2

446 United States Commission on International Religious Freedom, 2016, p.15

447 Humanitarian Aid Relief Trust, ‘HART Visit: Thai-Burma Borderlands, Kachin, Shan and Karen/Karenni Peoples, February 13-25” 2013’, p.4 www.hart-uk.org/wp-content/uploads/2013/03/HART-Visit-to-Kachin-Shan-and-Karenni-peoples-Feb2013.pdf

448 ibid., p.18

449 ibid., p.26-27

450 Chin Human Rights Organization, ‘Briefing: The Human Rights Situation for Chin in Burma/Myanmar, 2011-13’, 3 January 2014, p.2

451 ibid., p.2

452 Burma Partnership, ‘Chin National Front-Government Agreement’, 7 May 2012 www.burmapartnership.org/2012/05/chin-national-front-government-agreement/

453 CSW, 2007, p.43

The international community's response

After the genocides of Rwanda and Srebrenica, world leaders promised repeatedly: 'Never again.' In Burma the warning signs of crimes against humanity, ethnic cleansing and genocide against the Rohingyas, and crimes against humanity and war crimes against the Kachin, Shan and other ethnic groups, have been clear for much of the past decade or more. Indications of rising intolerance, exhibited by hate speech and sporadic violence, have been in evidence for some time. Threats to freedom of religion or belief have been clear for many years. The international community has responded often with good rhetoric, including calls for an end to impunity and action to address accountability. What has been lacking has been specific practical action.



The United Nations has provided an important space for the international community and civil society to collaborate in advocating for victims of human rights abuses. The Special Rapporteur on the situation of human rights in Burma, whose mandate was first established in 1992, has consistently provided accurate and authoritative analysis of the situation in Burma. The Special Rapporteur's research has fed into other United Nations mechanisms such as the Human Rights Council, the General Assembly and the Universal Periodic Review, which have held the government of Burma to account.

Alongside this, the United States and the European Union have issued strong statements urging Burma to change. Both maintained sanctions until 2012. However, between 2013 and 2016, as Burma took the first preliminary steps towards democratisation, sanctions were lifted – many would argue prematurely.

Civil society, the media and international human rights advocates have rightly spoken extensively about the crisis in Rakhine State, but the conflict in Kachin and northern Shan State, and wider religious intolerance throughout the country, have often been ignored.

Special Rapporteur on the situation of human rights in Myanmar

The mandate of the UN Special Rapporteur on the situation of human rights in Myanmar was first established in 1992 under the Commission on Human Rights Resolution 58, and extended annually. Yanghee Lee is the current Special Rapporteur and has provided an important commentary on the situation on human rights in Burma. On 28 October 2016 she remarked that:

'Significant steps forward have been made and the government deserves to be congratulated, but the success story is not yet complete. The international community has a responsibility to continue to encourage the changes needed to ensure that everyone in Myanmar can access their fundamental human rights – regardless of their race, religion, ethnicity, socio-economic status or location.'⁴⁵⁴

The Special Rapporteur has consistently presented a balanced account of the situation. Keen on improving international dialogue with the Burmese government, she has laid emphasis both on the improvements and remaining challenges since 2014.

She has highlighted that there are positive developments in Burma:

- The peaceful general elections in November 2015 were welcomed as marking 'a new chapter in Myanmar's history'.⁴⁵⁵
- The government's 100 day action plan, announced on 30 March 2016, was broadly aligned with the priority areas set out in the Special Rapporteur's previous report.⁴⁵⁶
- The government secured the release of 200 political prisoners.⁴⁵⁷

She has also laid emphasis upon the fact that major work has to continue in the following areas:

- While many prisoners have been released, there are still many political prisoners in detention.⁴⁵⁸
- There are multiple concerns associated with existing ethnic conflict, including the abuse of child soldiers, violence against civilians and the use of torture.⁴⁵⁹
- Rakhine State continues to publish local orders which are discriminatory in law and practice.⁴⁶⁰
- Internally displaced persons are not adequately supported in Rakhine State and other regions.⁴⁶¹

⁴⁵⁴ United Nations Office of the High Commissioner for Human Rights, 'International community must not lose sight of Myanmar challenges, UN expert warns', 28 October 2016 www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20788&LangID=E

⁴⁵⁵ United Nations Office of the High Commissioner for Human Rights, 'Report of the Special Rapporteur on the situation of human rights in Myanmar', 29 August 2016 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/272/60/PDF/N1627260.pdf?OpenElement>

⁴⁵⁶ *ibid.*

⁴⁵⁷ United Nations Office of the High Commissioner for Human Rights, 'International community must not lose sight of Myanmar challenges, UN expert warns', 28 October 2016 www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20788&LangID=E

⁴⁵⁸ *ibid.*

⁴⁵⁹ Reports of the Special Rapporteur on the situation of human rights in Myanmar, 2014, 2015, 2016. See http://ap.ohchr.org/documents/dpage_e.aspx?m=89

⁴⁶⁰ Special Rapporteur Reports 2014, 2015, 2016.

⁴⁶¹ Special Rapporteur Reports 2014, 2015.

- Aid is blocked in Rakhine and Kachin States for Internally Displaced Persons.⁴⁶²
- Minorities continue to be marginalised in Burma.
- Laws such as the Peaceful Assembly and Peaceful Procession Law or Section 505(b) of the penal code hinder freedom of expression.⁴⁶³
- The Burmese government is yet to ratify the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture.⁴⁶⁴

The Special Rapporteur issued a number of strongly worded statements following the crackdown in Rakhine State which began on 9 October 2016. On 18 November 2016 she criticised the military for the abuses committed in the crackdown, saying:

‘The security forces must not be given carte blanche to step up their operations under the smokescreen of having allowed access to an international delegation. Urgent action is needed to bring resolution to the situation...It is not acceptable that for six weeks there was a complete lockdown, with no access to the affected areas.’

On 6 January 2017 Yanghee Lee launched an official visit to assess the developments in the country. At her final press conference on 20 January 2017 she flagged up her concerns about the situation in Kachin and Northern Shan State and Rakhine State.⁴⁶⁵

On the situation in Rakhine State she said, ‘I believe another important relationship that requires trust building is the relationship between the people and the Government, particularly with the security forces in this instance. By conducting a security operations [sic] with seemingly little regard for the rights and dignity of the majority population residing in the affected areas, the security forces have further weakened the trust the Muslim population had cautiously put into the new Government.’

Concerning Kachin State she said, ‘The plight of people in this area is too often overlooked, but sadly, here too, people are suffering and the hope generated by the outcome of the 2015 elections is starting to wane.’

On 9 February 2017 Yanghee Lee revealed that she believed that the situation in Rakhine State was of sufficient severity that a United Nations Commission of Inquiry should be convened to investigate charges of crimes against

humanity.⁴⁶⁶ Her report to the Human Rights Council in March 2017 expanded upon the human rights abuses which are committed against people in Kachin, Rakhine and other states in Burma.⁴⁶⁷ She noted her concerns about a culture of impunity which continues to exist, built on previous recommendations, and called for a Commission of Inquiry into the situation in Rakhine State.

In her August 2018 report, she states that she ‘remains disturbed by consistently high levels of hate speech, especially targeting religious minorities.’ She also noted that the General Administration Department of the Home Affairs Ministry in several townships in Yangon, Kachin State, Shan State and Irrawaddy Division has issued an order restricting the teaching of Islam and Arabic, and the building of new places of worship for Christians and Muslims. She expressed concern that this ‘infringes the rights of all people to freely teach and study their religion...’⁴⁶⁸

In her most recent report, published in March 2019, the Special Rapporteur reiterates her view that ‘the pervasive nature of hate speech is alarming’. She recommended immediate action to address the national elementary school curriculum, which includes lessons and textbooks containing ‘discriminatory and incendiary material’. She cites a lesson on patriotic spirit which says that ‘we loathe those of mixed blood, for they prohibit the progression of a race’. As she argues, ‘Teaching children these ideas promotes racial superiority and communal disharmony.’ She also highlighted continuing concerns regarding Facebook’s failure to adequately stop the proliferation of hate speech.⁴⁶⁹ According to a news report in *The Irrawaddy*, the Ministry of Education has now ordered the removal from the civic education curriculum of the lesson which the Special Rapporteur referred to, following an open letter by more than 100 civil society groups to the President registering a complaint about this lesson.⁴⁷⁰

UN Human Rights Council and General Assembly

The conclusions and responses of the United Nations Human Rights Council and the General Assembly have been well informed by the work of the Special Rapporteur. On 23 March 2016 the Human Rights Council welcomed ‘positive developments in Myanmar towards political and economic reform, national reconciliation,

good governance and rule of law, and the efforts made to promote and protect human rights.’⁴⁷¹ It also welcomed the peaceful transition of power. Yet the Council also expressed concerns about the situation. It emphasised ‘serious concerns’ about the human rights situation in Rakhine State and the treatment of the Rohingya, and called on the government to take concrete steps to improve the human rights situation nationally.

The 70th sitting of the UN General Assembly came to similar conclusions as the Human Rights Council.⁴⁷² The positive developments and the free democratic election were noted, while particular concern was raised about the marginalisation of Rohingya people in Rakhine State.

As a result of Human Rights Council Resolution 29/21, on 20 June 2016 the then United Nations High Commissioner for Human Rights submitted an in-depth report into the treatment of the Rohingya Muslims and other minorities.⁴⁷³ He raised profound concerns about a ‘pattern of gross human rights violations against the Rohingyas that affect fundamental civil, political, economic, social and cultural rights.’⁴⁷⁴ This attack was described as ‘systematic’ and could amount to crimes against humanity. He also suggests in the report that the action over the preceding decades by the military could include war crimes.⁴⁷⁵ The High Commissioner emphasised that it is the government’s responsibility to halt the abuses and that ‘measures are needed to break the cycle of impunity and promote accountability so as to serve justice, achieve reconciliation, and protect the human rights of all people in Myanmar.’⁴⁷⁶



‘The new Government has inherited a situation where laws and policies are in place that are designed to deny fundamental rights to minorities, and where impunity for serious violations against such communities has encouraged further violence against them,’ the UN High Commissioner said. ‘It will not be easy to reverse such entrenched discrimination. This will be a challenging process that requires resolve, resources and time. But it must be a top priority to halt ongoing violations and prevent further ones taking place against Myanmar’s ethnic and religious minorities.’⁴⁷⁷

In response to the publication on 3 February 2017 of a ‘Flash Report’ by the OHCHR in Bangladesh on the situation in Rakhine State, which contained shocking and harrowing allegations about Rakhine State, the High Commissioner responded with a heartfelt plea:

‘The Government of Myanmar must immediately halt these grave human rights violations against its own people, instead of continuing to deny they have occurred, and accepts [sic] the responsibility to ensure that victims have access to justice, reparations and safety.

‘The killing of people as they prayed, fished to feed their families or slept in their homes, the brutal beating of children as young as two and an elderly woman aged 80 – the perpetrators of these violations, and those who ordered them, must be held accountable.’⁴⁷⁸

Zeid Ra’ad al-Hussein’s comments and the Special Rapporteur’s report to the Human Rights Council in March 2017 led to the tabling and passage of a landmark resolution on human rights in Burma by the Human Rights Council, which, although falling short of a Commission of Inquiry, established an independent international fact-finding mission to investigate alleged human rights violations.⁴⁷⁹ In its statement to the Human Rights Council, the government of Burma disassociated itself from the resolution.

462 Special Rapporteur Report 2015.
463 Special Rapporteur Reports 2014, 2015, 2016.
464 Special Rapporteur Reports 2015, 2016.
465 United Nations Office of the High Commissioner for Human Rights, ‘End of Mission Statement by Special Rapporteur on the situation of human rights in Myanmar’, 20 January 2017 www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21107&LangID=E
466 The New Humanitarian, ‘EXCLUSIVE: UN rights envoy urges inquiry into abuses of Rohingya in Myanmar’, 9 February 2017 www.thenewhumanitarian.org/analysis/2017/02/09/exclusive-un-rights-envoy-urges-inquiry-abuses-rohingya-myanmar
467 Report of the Special Rapporteur on the Situation in Myanmar, (A/HRC/34/67) (Advance unedited version), 1 March 2017 <http://reliefweb.int/report/myanmar/report-special-rapporteur-situation-human-rights-myanmar-ahrc3467-advance-unedited>
468 United Nations Office of the High Commissioner for Human Rights, ‘Report of the Special Rapporteur on the situation of human rights in Myanmar’, A/73/332, 20 August 2018 <http://undocs.org/A/73/332>
469 United Nations Office of the High Commissioner for Human Rights, ‘Report of the Special Rapporteur on the situation of human rights in Myanmar’, A/HRC/40/68, 5 March 2019 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24299&LangID=E
470 The Irrawaddy, ‘Racially, Religiously Discriminative Lesson to be Dropped from National Curriculum’, 12 March 2019 www.irrawaddy.com/news/burma/racially-religiously-discriminative-lesson-dropped-national-curriculum.html
471 United Nations Human Rights Council Thirty First Session, 23 March 2016, A/HRC/31/L.30/Rev.1, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/31/L.30/Rev.1
472 United Nation General Assembly, ‘Resolution adopted by the General Assembly on 23 December 2015, Situation of human rights in Myanmar’, A/Res/70/233 www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/233
473 United Nations Human Rights Council, Report of the Human Rights Council on its 29th Session, 25 November 2015, A/HRC/29/2, p.6 www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Pages/ListReports.aspx United Nations Office of the High Commissioner for Human Rights, ‘Situation of human rights of Rohingya Muslims and other minorities in Myanmar’, A/HRC/32/18 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/135/41/PDF/G1613541.pdf?OpenElement>
474 United Nations Office of the High Commissioner for Human Rights, ‘Situation of human rights of Rohingya Muslims and other minorities in Myanmar’, A/HRC/32/18, p.13 <http://undocs.org/A/HRC/32/18>
475 *ibid.*, p.14
476 *ibid.*, p.15
477 United Nations Office of the High Commissioner for Human Rights, ‘Zeid urges action to address serious rights violations against Rohingya and other minorities in Myanmar’, 20 June 2016 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20137&LangID=E
478 UN News Centre, UN report details ‘devastating cruelty’ against Rohingya population in Myanmar’s Rakhine State’, 3 February 2017 www.un.org/apps/news/story.asp?NewsID=56103#.WKGkdfmLREY
479 CSW, ‘UN establishes human rights investigation’, 27 March 2017 www.csw.org.uk/2017/03/27/news/3492/article.htm

The Universal Periodic Review

The second cycle of the Universal Periodic Review – which took place before the crisis in Rakhine State – emphasised positive developments while also providing criticism.⁴⁸⁰ Burma’s presentation made a number of positive claims. They expressed their intention to guarantee human rights, engage internationally, and broker a national ceasefire agreement.⁴⁸¹ Having said this, their commentary on Rakhine State did not allude to the Rohingyas.

The interactive dialogue was constructive. Some nations commended the significant progress that Burma has made. Other nations raised a number of areas where there could be improvement. A range of issues were raised, from Burma’s passage of the ‘Protection of the Race and Religion Laws’ to the continuing detention of political prisoners. Unfortunately, there was no mention of the humanitarian situation in Kachin state by member states.

An analysis of the Burmese government’s response to the recommendations by other nations is revealing. The government accepted 213 recommendations, 33 of which were regarding ratifying international instruments. The government accepted that it must accede to core human rights conventions including the Convention against Torture and the International Covenant on Economic, Social and Cultural Rights. Of the accepted recommendations, 28 were associated with the rights of the child, and 25 were promises to improve women’s rights.⁴⁸²

However, the government did not make similar positive commitments on freedom of religion or belief-related issues. They consistently rejected calls to repeal the ‘Protection of Race and Religion Laws’; and they refused to acknowledge the existence of the Rohingya people group, and thus ignored all petitions on their behalf. They also rejected all calls to ratify the Rome Statute of the ICC.

Evaluating the United Nations’ response

The United Nations has repeatedly called Burma to account over human rights over the years. The Special Rapporteur has ensured that while the positive developments have been celebrated, the international community has continued to call the government of Burma to account over its troubling human rights record. Regrettably, however, while the government has been keen to respond to calls to improve women’s rights or the rights of children, it has been less responsive to freedom of religion or belief-related calls, taking little notice of indictments of Ma Ba Tha, the Four ‘Protection of Race and Religion Laws’, or the treatment of the Rohingya minority in Rakhine State.

The decision to establish a fact-finding mission was a significant positive step forward. Although it fell short of a full Commission of Inquiry, it produced a report that is clear, comprehensive and damning.

Although the Special Rapporteur has emphasised the situation in Kachin and northern Shan States, there were no recommendations made in the 2015 Universal Periodic Review cycle which referenced IDPs in Kachin specifically, and this reflects the fact that the Kachin have been relatively neglected in international commentary on the situation.

Other international actors

The United States traditionally has led the international community’s condemnation of human rights abuses in Burma. The State Department has designated Burma as a ‘Country of Particular Concern’ every year since 1999 under the International Religious Freedom Act. Their concern about the human rights situation and military rule meant that up until December 2016, they imposed sanctions on Burma. The State Department’s annual human rights report for 2018 commented that the key remaining violations include ‘reports of unlawful and arbitrary killings by security forces; torture; harsh and sometimes life-threatening prison conditions; political prisoners; arbitrary or unlawful interference with privacy; arbitrary arrest and prosecution of journalists and criminalization of defamation; substantial interference with the rights of peaceful assembly and freedom of association, including arrests of peaceful protesters and restrictions on civil society activity; restrictions on religious freedom; significant restrictions on freedom of movement, in particular for Rohingya; corruption by some officials; unlawful use of child soldiers by the government; trafficking in persons; crimes involving violence or threats targeting members of national, ethnic, and religious minorities; and the use of forced and child labor’.⁴⁸³

In October 2016 President Obama pledged to lift sanctions on Burma after discussion with Aung San Suu Kyi. He remarked that it was the ‘right thing to do in order to ensure that the people of Burma see rewards from a new way of doing business and a new government’.⁴⁸⁴ One of his final acts on 2 December 2016 was to officially lift these sanctions. He remarked that there had been ‘substantial progress in improving human rights’.⁴⁸⁵

The European Union lifted sanctions during the tenure of President Thein Sein in April 2013.⁴⁸⁶ Since then the Council of the European Union has advocated a conciliatory policy which prioritises dialogue over censure. In June 2016 they released a set of conclusions on EU strategy with Burma.⁴⁸⁷ The Council of the EU was keen to emphasise the positive developments that have taken place, praising the release of political prisoners and the peaceful transition of government. It takes a more positive view of government efforts to deal with the situation in Rakhine State than other reports, and suggests that the Council is looking forward to fostering dialogue with the new government. In line with this policy of dialogue, the European Union praised the government’s establishment of the Rakhine Investigation Commission in December 2016.⁴⁸⁸

Humanitarian aid restrictions in Rakhine, Kachin and northern Shan States received more universal international censure than other human rights abuses. On 9 December 2016, 14 countries including the United States released a joint statement calling on Burma to stop blocks on aid in the northern part of Rakhine State.⁴⁸⁹ The United States’ signature on this statement was undermined by the removal of sanctions only days previously.

The United Kingdom was a notable non-signatory to this open letter. For several years Britain opted to protect its relationship with Aung San Suu Kyi and use private diplomacy. Since 2017 this has changed, and the British government has become more vocal, with visits to the country by British Foreign Secretary Boris Johnson in February 2018 and his successor Jeremy Hunt in September 2018.

It is worth noting, however, that the European Union and the United Kingdom did support the resolution calling for the independent fact-finding mission at the Human Rights Council, which suggests that positive advocacy continues but may be taking place privately.

Another international bloc which has been more publicly vocal since October 2016 is the OIC. At a meeting on 19 January 2017, then Malaysian Prime Minister Najib Razak declared that ‘the killing must stop. The violation of girls must stop’.⁴⁹⁰ He was joined by other leaders of Islamic nations in strongly condemning human rights violations.

APHR, a group of Parliamentarians from member states of the Association of South-East Asian Nations (ASEAN), has also been vocal, issuing a report following a visit to the refugee camps in Bangladesh in March 2018.⁴⁹¹

There has been an important response to human rights abuses by members of international civil society. On 29 December 2016 twenty-three of the world’s most prominent human rights voices, including a dozen Nobel Laureates such as Malala Yousafzai, Archbishop Desmond Tutu and Jose Ramos-Horta, wrote an open letter calling on the United Nations Security Council to intervene to end ‘ethnic cleansing and crimes against humanity’ in Rakhine State. ‘If we fail to take action,’ they argued, ‘people may starve to death if they are not killed with bullets, and we may end up being passive observers of crimes against humanity which will lead us once again to wring our hands belatedly’.⁴⁹² The attacks in Rakhine State have received condemnation and extensive coverage in international media outlets including the BBC, the *Guardian*, the *Wall Street Journal*, the *Washington Post*, and the *New York Times*.⁴⁹³ In addition, in early February 2017 the Pope and Burma’s Cardinal Charles Maung Bo separately declared their condemnation of abuses taking place.⁴⁹⁴

Evaluating international action

In 2016 Western nations chose to give Aung San Suu Kyi’s government diplomatic space and the chance to establish itself without international condemnation. The United States’ decision to remove sanctions, the United Kingdom’s public silence, and the European Union’s emphasis on ‘constructive’ dialogue must be understood in reference to the NLD’s accession to power.

In August 2016, in an unprecedented move, Aung San Suu Kyi invited Kofi Annan to chair the Advisory Commission on the situation in Rakhine State. The invitation of a foreigner to help foster peace in Burma’s most tense political situation was a sign of the NLD government’s willingness to engage with the international community. However, such engagement has been profoundly set back by the Burmese government’s response to the crisis in Rakhine State.

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481 *ibid.*, p.3-4
482 *ibid.*
483 United States State Department, Country Reports on Human Rights Practices for 2018 www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper
484 *Wall Street Journal*, ‘US to End Economic Sanctions Against Myanmar’, 14 September 2016 www.wsj.com/articles/u-s-to-end-economic-sanctions-against-myanmar-1473874082
485 *New York Times*, ‘Obama Lifts Some Sanctions Against Myanmar’, 2 December 2016 www.nytimes.com/2016/12/02/us/politics/obama-lifts-sanctions-myanmar.html?_r=0

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491 APHR, ‘APHR issues summary report of findings from mission to Bangladesh covering the Rohingya crisis’, 6 March 2018 <https://aseanmp.org/2018/03/06/aphr-bangladesh-fact-finding-mission-report/>
492 *Guardian*, ‘Nobel laureates warn Aung San Suu Kyi over “ethnic cleansing” of Rohingya’, 30 December 2016 www.theguardian.com/world/2016/dec/30/nobel-laureates-aung-san-suu-kyi-ethnic-cleansing-rohingya
493 *Wall Street Journal*, ‘Burma Edges Closer to Ethnic Cleansing’, 30 November 2016 www.wsj.com/articles/burma-edges-closer-to-ethnic-cleansing-1480528807
494 National Catholic Register, ‘Who Will Speak Up for Myanmar’s Unwanted Rohingya People?’, 10 February 2017 www.ncregister.com/daily-news/who-will-speak-up-for-the-myanmar-unwanted-rohingya-people

In the words of CSW’s East Asia Team Leader, Benedict Rogers and Jan Figel, the European Union’s Special Envoy for freedom of religion or belief in the *Wall Street Journal* in February 2017:

A year ago the world celebrated Burma’s peaceful transition to democracy, but it’s now clear that the military is determined to hang on to much of its power.

*Under the constitution, the military remains in control of the Home Affairs, Border Affairs and Defense ministries, meaning Ms. Suu Kyi’s leadership is tenuous. While she could have done more to speak out, she does not control the troops. Only Gen. Min Aung Hlaing, the commander-in-chief, has the power to stop the killing and rapes.*⁴⁹⁵

In a further article in August 2018, Mr Rogers and Mr Figel concluded that: ‘Ending impunity is essential because history shows that if those who perpetrate crimes against humanity get away with it, they or others will take it as a signal that they can repeat the same crimes. We warned of this 18 months ago.’⁴⁹⁶

The military are the major perpetrators of abuses across Burma and their continuing control means that the conciliatory policies pushed through by many Western nations are perhaps premature. The United States’ decision to lift sanctions, as reports of the worst human rights abuses in Rakhine State emerged, undermined the diplomatic efforts made by the United States to pressure the government. It is essential that countries do not allow the mirage of a supposedly quasi-democratic transition to blind them to the need to address the question of impunity, and the need for accountability for some of the most serious crimes under international law.

It is right that the OIC nations speak up but it is vital that they are not the sole voice. This must be an international human rights issue, not a ‘Muslim’ issue. A cynical reading of Najib’s actions would see his advocacy for the Rohingyas as an attempt to distract from domestic pressure.⁴⁹⁷ The persecution of Rohingyas is to some extent motivated by a fear of Islam; if it is only Muslims speaking out, that could exacerbate rather than constructively resolve the situation.

Furthermore, failure by the West to stand for the rights of Muslims in Burma, and particularly to seek accountability for genocide and crimes against humanity, could fuel radicalisation and extremism around the world. The Ohio State attacker in November 2016 claimed that it was the abuse of Burma’s Muslims which pushed him to a ‘boiling point’ and led him to conduct a knife attack in the United States.⁴⁹⁸

The best way of supporting the continuing cause of democracy and human rights continues to be to apply pressure, and therefore the decision to establish an

independent Fact-Finding Mission was particularly welcome. The Fact-Finding Mission’s report provides a roadmap for actions by both the Burmese government and the international community, and its recommendations should be implemented without delay.

The growing crisis in Kachin and northern Shan State is also notably absent from international diplomatic discourse and media coverage. The situation in Rakhine State is severe and rightly requires attention, but grievous human rights abuses in Kachin and northern Shan State have not received the attention they deserve in international media and political discourse. The situation was not referenced in the Universal Periodic Review (UPR) or by many international actors speaking out about Burma, yet the situation in Kachin State has escalated in parallel to that of Rakhine State and requires action.

On 15 March 2016 Cardinal Charles Maung Bo spoke at a side event at a meeting of the United Nations Human Rights Council. He said:

‘My country, Myanmar, now stands on the threshold of hope. After over half a century of brutal oppression at the hands of a succession of military regimes, and after more than sixty years of civil war, we now have the possibility to begin to build a new Myanmar, to develop the values of democracy, to better protect and promote human rights, to work for peace. Myanmar has woken to a new dawn, with the first democratically elected government led by our Nobel Peace Prize Laureate Daw Aung San Suu Kyi and the National League for Democracy. We have a chance – for the first time in my lifetime – of making progress towards reconciliation and freedom as a nation. There is a vibrant civil society and a freer media. We know that while evil has an expiry date, hope has no expiry date.

‘And yet there is a very, very long way to go; there are many, many challenges to confront; and no one should think that the election of the new government means that our struggle is over. It is just the very beginning.’⁴⁹⁹

His message juxtaposed hope and enormous challenge in a way which still resonates today. The international community must unite to help the NLD government establish a rooted democracy where human rights and the rule of law is respected; challenge the egregious violations of human rights in Rakhine and Kachin State; hold the perpetrators of grave crimes to account; and work for peace and reconciliation among Burma’s ethnic and religious communities.

‘Myanmar has been blessed with great natural beauty and resources, yet its greatest treasure is its people, who have suffered greatly, and continue to suffer, from civil conflict and hostilities that have lasted all too long and created deep divisions... The healing of those wounds must be a paramount political and spiritual priority...in an attempt to end violence, to build trust and to ensure respect for the rights of all who call this land their home.’

Pope Francis in address to government authorities, civil society activists and diplomats, Naypyidaw, 28 November 2017

‘We Muslims have lived here for 200 years with no problems – but now there is absolutely no communication with our Buddhist neighbours. We don’t dare greet each other on the street.’

A Muslim in Ayela, near Naypyidaw

⁴⁹⁵ *Wall Street Journal*, ‘Burma’s Yet Incomplete Democratic Transition,’ 6 February 2017 www.wsj.com/articles/burmas-yet-incomplete-democratic-transition-1486400191
⁴⁹⁶ *Observer*, ‘Enough talk. Let’s have action on Rohingya massacres,’ 26 August 2018 www.theguardian.com/commentisfree/2018/aug/26/enough-talk-lets-have-action-on-rohingya-massacres-myanmar-rakhine-state
⁴⁹⁷ The Diplomat, ‘Will Najib’s Vocal Defense of the Rohingya Backfire?’, 6 December 2016 <http://thediplomat.com/2016/12/will-najibs-vocal-defense-of-the-rohingya-backfire/>
⁴⁹⁸ *Washington Post*, “‘I can’t take it anymore’: Ohio State attacker said abuses of Burma’s Muslims led to ‘boiling point’”, 29 November 2016 www.washingtonpost.com/news/worldviews/wp/2016/11/29/i-cant-take-it-anymore-ohio-state-attacker-said-abuses-of-burmas-muslims-led-to-boiling-point/?utm_term=.219e8e3c1c88

⁴⁹⁹ Mizzima, “‘Myanmar, now stands on the threshold of hope” Cardinal Charles Maung Bo’, 16 March 2016 <http://mizzima.com/news-opinion/%25E2%2580%2599-myanmar-now-stands-threshold-hope%25E2%2580%2599-cardinal-charles-maung-bo>

Conclusions

At the heart of the question facing Burma is, what is its identity? Does Burma wish to be a country that respects and celebrates the diversity of the different people who inhabit it, and who have lived on its soil for generations, or does it want to be the preserve of one race, one language, one religion?



If it is the latter, then it will proceed further along the path of hatred, violence, war and, ultimately, crimes against humanity and genocide, and will reap nothing other than the condemnation of the international community and a return to the pariah status with which it lived for decades.

If, however, Burma wishes to open up to and engage the world, it must open up to and engage its own people, of all religions and races, and ensure they have an equal stake in its future.

‘The violence did not start on 25 August 2017,’ a young Rohingya, Nurul, told CSW when he was interviewed in a refugee camp in Bangladesh. ‘Rohingyas have been subjected to discrimination in Burma since the military coup in 1962. Ever since then they have been implementing plans to drive us out one by one. It started before I was born. But the violence has become unbearable. People are dying, dying, and the cemeteries are full. What shall we do?’

Kachins in northern Burma are starting to say very similar things. ‘The people have been suffering for 60 years since the end of colonial rule. Rape, sexual violence, torture, and arbitrary arrest are just some of the human-rights abuses that have been meted out,’ Francis Zau Tu, a Kachin activist who visited London as part of a delegation from northern Burma hosted by CSW, told the Church Times. ‘The military and government make ethnic people seem wicked, and want to wipe them out. We will continue to suffer and flee unless we kick out the military dictatorship. Otherwise, generation to generation will suffer, as it already has.’⁵⁰⁰

Chins and other Christians, and Muslims throughout the country, feel similarly.

Yet at heart, despite everything they have been through, they all regard Burma as their home. All they desire is the freedom to be who they wish to be, and believe what they wish to believe. Rohingyas, for example, are clear in their minds where they belong. ‘We are not “stateless”,’ said Nurul. ‘We were born in Burma. Bangladesh isn’t our country, it is just for survival. Rakhine State is our ancestral land. We don’t want to sit here eating dahl - we should go back to Burma. We want to stay together with other ethnic peoples, to live in harmony, to study, trade, work, play together, like we did before. We want to love each other. What we want is our fundamental rights, and we need the help of the international community.’

In her speech welcoming Pope Francis to Burma in November 2018, Aung San Suu Kyi offered a rare vision of hope. ‘Our nation is a rich tapestry of different peoples, languages and religions, woven on a backdrop of vast natural potential,’ she said. ‘It is the aim of our Government to bring out the beauty of our diversity and to make it our strength, by protecting rights, fostering tolerance, ensuring security for all.’

If that aim is to be fulfilled then, as this report has detailed, key to peace, reconciliation and democratisation in Burma is the promotion and protection of freedom of religion or belief for everyone. Reform of discriminatory and repressive laws, action to tackle hate speech and promote meaningful, practical, grassroots inter-religious harmony and dialogue, reform of the education system to promote better understanding, and action to end impunity and ensure accountability are the steps that are needed to take Burma away from the path of hatred and conflict. Only then can Burma resolve its identity crisis.

⁵⁰⁰ Church Times, ‘Myanmar seeks to wipe us out, activist tells UK’, 30 November 2018
www.churchtimes.co.uk/articles/2018/30-november/news/world/myanmar-seeks-to-wipe-us-out-activist-tells-uk

Abbreviations

APHR	ASEAN Parliamentarians for Human Rights
ARSA	Arakan Rohingya Salvation Army
CNF	Chin National Front
DKBA	Democratic Karen Buddhist Army
KBC	Kachin Baptist Convention
KIA	Kachin Independence Army
KIC	Kachin Independence Council
KIO	Kachin Independence Organisation
KNU	Karen National Union
KNLA	Karen National Liberation Army
KNPP	Karenni National Progressive Party
KWAT	Kachin Women’s Association Thailand
MSF	Médecins Sans Frontières
NLD	National League for Democracy
NRC	National Registration Card
OIC	Organisation of Islamic Cooperation
SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
UNHCR	United Nations Office of the High Commissioner for Refugees
UN OCHA	United Nations Office for the Coordination of Humanitarian Affairs
USCIRF	US Commission on International Religious Freedom
USDP	Union Solidarity and Development Party
UWSA	United Wa State Army

**CSW everyone
free to believe**

CSW is a human rights organisation advocating for freedom of religion or belief, and as Christians we stand with everyone facing injustice because of their religion or belief.

T +44 (0)20 8329 0010

🐦 @CSWadvocacy

f /CSWUK

csw.org.uk

PO Box 99

New Malden

Surrey, KT3 3YF

United Kingdom

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