

Suspended in Time

THE ONGOING PERSECUTION OF ROHINGYA MUSLIMS IN BURMA



UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Front Cover: The view of a setting sun from the internally displaced person Rohingya refugee camps of Sittwe
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PREFACE

The U.S. Commission on International Religious Freedom (USCIRF) has monitored religious freedom conditions in Burma (also known as Myanmar) since the Commission first began its work in 1999. The law that created USCIRF, the International Religious Freedom Act, instructed the Commission to, among other things, recommend U.S. government policies in response to religious freedom violations around the world. Based on Burma's systematic, egregious, and ongoing violations of the freedom of religion or belief, USCIRF consistently has recommended it be designated as a "country of particular concern," or CPC, every year since the Department of State first made the designation in 2000. USCIRF based this recommendation on its comprehensive assessment of the situation for religious minority communities, and also at times the ill treatment of majority Buddhists, relative to international human rights standards.

As part of its monitoring, USCIRF in 2016 commissioned a research project to investigate religious freedom conditions for Christian communities in Burma. The research sought to investigate the facts and causes of discrimination, violence, and other abuses against Christians. The result of this research, called "Hidden Plight: Christian Minorities in Burma," is available at www.uscifr.gov.

In seeking to shed light on the little-known circumstances of Christians in Burma, USCIRF acknowledged the serious humanitarian crisis faced by Rohingya and other Muslims—and indeed all people in Rakhine State. The deprivation of their rights—by both government and societal actors—is one of the most profound human rights tragedies of the 21st Century. In recent years, some within and outside Burma have argued the Rohingya situation has nothing to do

with religious freedom. Yet this viewpoint ignores the fact that while Rohingya Muslims may not be targeted entirely based on religion, they are singled out as different and perceived as a threat because of their religion and ethnicity.

While the lengthy history of the Rohingya Muslim crisis is beyond the scope of this paper, an examination of the marked deterioration of rights under the previous government provides insight into ways Burma's government can address the crisis and the international community can encourage and assist.

The following policy paper analyzes religious freedom conditions for Rohingya Muslims from 2011, when President Thein Sein's government took office, to July 7, 2016, the date marking the National League for Democracy (NLD) government's first 100 calendar days in office.¹

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¹ In some cases, this paper references significant events that occurred before or after this period.

INTRODUCTION

More than four years ago, two waves of sectarian violence struck Rakhine State. In the time since, Rohingya Muslims, Rakhine Buddhists, and individuals of other ethnicities and beliefs throughout the state have suffered grievous deprivations of basic rights, including inadequate access to food, water, shelter, education, and health care; restrictions on freedom of movement; denial of needed humanitarian aid; limited opportunities to obtain an education or earn a living; egregious human rights abuses resulting in death, injury, and displacement; and, in the case of Rohingya Muslims, the denial of the right to a nationality and citizenship.

Severe poverty across Rakhine State has exacerbated the situation for all who live there. Moreover, ongoing attacks by Burma's Army, the Tatmadaw, against the Arakan Army (an ethnic armed group) and civilians have displaced hundreds of people and condemned countless children into forced labor. It is critical that all affected communities in Rakhine State receive both domestic and international humanitarian aid to lift them out of poverty and neglect.

All of this has occurred under intense international scrutiny that—paradoxically—imposed on Burma few practical consequences for such a serious escalation of abuses. Indeed, the situation is so dire for many individuals that some have called the violations crimes against humanity, or even genocide. Meanwhile, Burma's government directly and indirectly fomented a groundswell of sometimes violent ethnoreligious nationalism with strong anti-Muslim undertones, and at the same time shunned international criticism of its growing human rights abuses.

The full scale of this crisis has been decades in the making. Historically, ethnic Rakhine (predominantly

Buddhist) and ethnic Rohingya (predominantly Muslim) have experienced periods of both peaceful coexistence and ethno-religious tensions in the geographical area known today as Rakhine (or Arakan) State. In the absence of clear, well-defined borders, it is difficult to distinguish individuals indigenous to the area from those who for centuries regularly moved along the fluid western edge of Rakhine State. Muslims, including Rohingya Muslims, were among both those with organic roots to the land and those who commonly flowed across this porous region.

Following the 1962 coup led by General Ne Win, Burma's military government maintained power in part through a divide-and-conquer strategy that pitted Buddhists, Christians, and Muslims against each other, and, in Rakhine State, ethnic Rakhine

against their Rohingya neighbors. Reflecting this strategy, the government in 1982 stripped the Rohingya of citizenship and subsequently allowed violence, discrimination, and human rights abuses against

Rohingya Muslims to occur with impunity.

This ill treatment continues today. For several reasons, however, conditions for Rohingya Muslims deteriorated during the presidency of Thein Sein, who took office following the 2010 general elections—the first since 1990. First, the government legislated new discriminatory measures—the four “race and religion laws”—that target Rohingya Muslims and other religious minorities. Second, some individuals, including within the government and monkhood, took advantage of greater freedom to advance anti-Muslim hatred, using Facebook and other online media to fabricate and spread rumors that incited and legitimized discrimination and violent acts. Third, the government rarely held accountable perpetrators or inciters of violence.

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Fourth, and perhaps most significant, is the overall political framework in which abuses against Rohingya Muslims occurred. Before Thein Sein took office, the military-controlled government characterized the elections as Burma's return to civilian rule and a critical element in the so-called "seven-step roadmap to democracy,"² which originated in 2003. The roadmap primarily centered around the drafting of a new national charter that ultimately resulted in the 2008 Constitution, still in effect today. That constitution, however, further entrenched the military's power, and the military government proceeded with the national referendum vote shortly after the devastating Cyclone Nargis. Although the military outwardly stepped aside, the new quasi-civilian government³ under President Thein Sein portrayed a façade that in practice made only nominal progress toward democratic norms.

² The seven steps, in brief, are: 1) Reconvene the National Convention to write a new constitution; 2) Implement a "genuine and disciplined" democratic system of government; 3) Draft a new constitution; 4) Adopt the constitution through a national referendum; 5) Hold free and fair parliamentary elections; 6) Convene the parliament; and 7) Build a "modern, developed, and democratic nation."

³ The resulting government was only quasi-civilian given the military's enduring role in several key ministries, its embedded position in the parliament, and the fact that many former military officials merely shed their uniforms for civilian business attire.

TREATMENT OF ROHINGYA MUSLIMS, 2011-2016

The following chronology catalogs religious freedom violations against Rohingya Muslims and related political developments beginning in 2011 with the start of the nominally civilian government, and ending on the 100th calendar day of the NLD government in 2016.

2011

For the 2011 calendar year, reports from both the U.S. Department of State and USCIRF noted ethnoreligious tensions between Buddhists and non-Buddhists, difficulties for Muslims in obtaining permission to build or repair mosques, the military's abuse of ethnic and religious minorities, and the government's restrictions on Rohingya Muslims, including the denial of economic, educational, and social opportunities available to Buddhists and the denial of citizenship. Police often restricted the number of Muslims allowed to gather in one place, and in some areas Muslims were only allowed to gather for worship and religious training during major holidays. Police and border guards continued inspecting mosques in Rakhine State; Na Sa Ka, Burma's notorious border security force, arrested those found building or repairing mosques. Reportedly, Na Sa Ka also arrested Rohingya Muslims suspected of associating with alleged rebel groups based in Bangladesh. Dozens of Rohingya Muslims fled Burma by boat trying to reach Malaysia and Indonesia, and more than one thousand reportedly were arrested by Bangladeshi authorities when trying to cross into that country.

2012

The year 2012 was a turning point, with decades-long tensions turning violent. In early June 2012, violence broke out in Rakhine State following the rape and murder of a Buddhist woman by three Muslim men. In response, Rakhine Buddhists killed 10 Muslims; the violence then spread more broadly between Buddhists and Rohingya Muslims across four townships throughout the state. In total, dozens died (exact numbers are



A Myanmar policeman and soldier provide security as Muslims gather near their refugee camp in Sittwe, capital of Rakhine state in western Myanmar. (AP Photo/Khin Maung Win)

disputed), and the clashes destroyed more than 2,000 buildings, including Rohingya and Rakhine homes and both Muslim mosques and Buddhist monasteries. Local police did not stop the initial violence; instead, they supported Rakhine groups' ongoing attacks on Rohingya villages and denied international humanitarian access to Rohingya areas and camps. President Thein Sein imposed curfews and declared a state of emergency, placing the military in control.

In October 2012, sectarian violence reignited in dozens of coordinated attacks that resulted in beatings, deaths, the destruction of entire villages, and additional displacement of Rohingya in Rakhine State. Once again, witnesses reported that security forces failed to stop and prevent violence. Anti-Rohingya, anti-Muslim protestors also demonstrated both within and outside Rakhine State.

Together, the June and October 2012 violence in Rakhine State had three devastating consequences: 1) hundreds of people, predominantly Rohingya Muslims, died at the hands of aggressors, who largely have never been held accountable; 2) an estimated 100,000 people (later increasing to at least 140,000)—the vast majority of whom were Rohingya Muslims—became internally displaced in Rakhine State; and 3) the en masse flight of

Rohingya Muslims from Burma—often by attempting the dangerous journey by sea—markedly increased.

In November 2012, U.S. President Barack Obama visited Burma. In remarks at the University of Yangon, President Obama expressed concern about the violence in Rakhine State and used the term “Rohingya.”⁴ Following President Obama’s visit, President Thein Sein made 11 commitments to improve his country’s human rights conditions, which he reiterated when visiting the White House in 2013. Most human rights advocates consider the majority of these commitments unfulfilled by the time he left office on March 30, 2016. Notably, he failed to meet his self-imposed deadline to release all political prisoners by the end of 2013.

2013

In 2013, Burma saw increasing activity by extremist nationalist groups, such as the 969 Movement, which supported anti-Muslim campaigns, including a “Buy Buddhist” effort that targeted Muslim-owned businesses. Buddhist monks and laypeople who identified with 969’s objective to protect Buddhism from threats, including the perceived threat of Islam’s expansion in Burma, turned to anti-Muslim rhetoric and, at times, violence.

For example, in March 2013, violence in Meiktila reportedly was sparked by an argument in a gold shop and the retaliatory killing of a Buddhist monk, which triggered violence there and elsewhere in the country as some Buddhists struck back. Over three days, armed mobs, including some Buddhist monks, burned more than 1,500 Muslim homes in Meiktila, damaged or destroyed three Islamic schools and more than a dozen mosques, displaced thousands of people, and killed more than 100 people. Buddhists also began targeting Muslims who were not Rohingya; for example, in October 2013, Buddhists attacked ethnic Kaman Muslims in Thandwe, resulting in at least six deaths and approximately 100 homes

⁴ For more in-depth discussion of the controversy surrounding this term, see “Recent Developments and Future Trends” later in this paper.



Muslims worship in a refugee camp near Sittwe, capital of Myanmar’s western state of Rakhine, in June 2013, where Rohingya Muslim people started to live after a conflict with Buddhists in June 2012. (Kyodo via AP Images)

destroyed. Other episodes of violence also occurred in Rangoon Region, Shan State, and Sagaing Region.

The government did hold a few perpetrators accountable (both Muslims and Buddhists), including 25 individuals in connection with the violence in Meiktila and two for violence in Okkan. However, police

and security forces who reportedly participated in anti-Muslim violence were not held responsible. Moreover, witnesses videotaped police in Meiktila who stood by as Buddhists ransacked and destroyed Muslims’

shops, and failed to intervene when several Buddhists chased and attacked a Muslim boy, beating and ultimately killing him with a sword.

2014

In January 2014, violence in Du Chee Yar Tan village in Maungdaw Township, Rakhine State, resulted in more than 40 deaths. Reportedly, the violence began when ethnic Rakhine villagers killed eight Rohingya Muslims they believed were illegal immigrants from Bangladesh. According to reports, Rohingya villagers retaliated by killing a local police officer.

Intercommunal violence in Mandalay in July 2014 resulted in the deaths of two men—one Muslim and one Buddhist—as well as several injuries and property damage, including the burning of a mosque and

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several Qur'ans inside. A blog post about an alleged rape sparked the incident; the post was circulated online and posted to nationalist Buddhist monk U Ashin Wirathu's Facebook page, though it was later proven to be fabricated. Notably, the violence could have been much worse had it not been for the government-imposed city-wide curfew and the efforts of the Mandalay Peace Keeping Committee, a non-governmental group comprising religious and community leaders of various faiths, and others who intervened during the riots.

President Obama again visited Burma in November 2014, coinciding with the annual meetings of the Association of Southeast Asian Nations (ASEAN), which Burma chaired in 2014. Ahead of President Obama's visit, the Administration announced it was placing parliamentarian Aung Thaung on the list of "specially designated nationals" for his role in undermining reforms in Burma, including actions that inflamed religious and ethnic tensions, such as violence against Muslims. Aung Thaung died of natural causes in July 2015.

In late 2014, Burma's government introduced the Rakhine State Action Plan, which, among other things, called for a verification process to determine Muslims' eligibility for citizenship pursuant to the 1982 Citizenship Act. Rohingya Muslims, as well as other Muslims whom officials alleged to be Rohingya, were forced to identify as "Bengali" to apply for citizenship. Under the plan, Muslims unwilling to reclassify their identity as Bengali or unable to produce required documents would be confined indefinitely in camps with limited rights, mobility, and access to services. A pilot program in Myebon Township resulted in more than 1,000 applications, with more than 200 applicants (most of whom reportedly were Kaman Muslim) deemed eligible for full citizenship, and more than 160 eligible for naturalized citizenship after identifying as Bengali. Following protests from some Rakhine Buddhists, the pilot program was suspended, though the government did attempt to revive it on several occasions.

2015

In 2015, as elections approached, the government enacted a package of "race and religion" laws,⁵ each of which discriminates against and restricts the religious freedom of non-Buddhists, particularly Muslims, and diminishes women's rights. The laws—regulating religious conversions, marriages, and births—were advanced by a network led by nationalist Buddhist monks from the Organization for the Protection of Race and Religion, also known as Ma Ba Tha. Each of the four measures inten-

tionally was signed into law before Election Day to garner Buddhist support at the polls.

There were other ways in which extreme nationalists capitalized on the election season to stoke religious tensions. Some political and Buddhist leaders expressed intolerance toward Muslims,

labeling candidates and political parties "pro-Muslim" as a means to siphon away support and votes.

The elections also provided the government justification to deny Rohingya Muslims their political rights. First, the government revoked voting rights for individuals with temporary ID cards, also known as "white cards." The majority of the estimated 700,000–800,000 white card holders were Rohingya Muslims, most of whom had voting rights in previous elections. President Thein Sein announced all white cards would expire at the end of March 2015 and ordered them turned over to authorities by the end of May. This not only revoked the voting rights of white card holders, but also eliminated many individuals' only form of identification.

Additionally, officials in Rakhine State and at the Union Election Commission denied Rohingya Muslims the right to run for office in the 2015 elections. The then opposition NLD chose not to field any Muslim candidates. A small handful of other Muslim candidates, none Rohingya, ran nationwide. None were successful in

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⁵ The four laws are: Religious Conversion Law, Buddhist Women's Special Marriage Law (also known as the Interfaith Marriage Law), Monogamy Law, and Population Control Healthcare Law.



Muslim Rohingya people in the Myebon Internally Displaced Persons (IDP) camp in Myebon township in the western Myanmar Rakhine state. (AFP PHOTO/ Soe Than WIN)

winning a seat, marking the first time Muslims have no representation in the national parliament.

In 2015, the Rohingya Muslim refugee crisis drew international attention. Following the discovery in May 2015 of mass graves in Thailand and Malaysia, a region-wide crackdown on trafficking and people-smuggling routes left stranded countless boats carrying at least 5,000 individuals, many of whom were Rohingya Muslims fleeing Burma. Thousands eventually landed in Malaysia and Indonesia, though many died during the journey, and the whereabouts of many others have never been determined. According to the UN High Commissioner for Refugees (UNHCR), a combined 31,000 Rohingya Muslims and Bangladeshis fled Burma and Bangladesh by boat during the first half of 2015, a 34 percent increase over 2014.

JANUARY–JULY 7, 2016

The first part of 2016 marked the transition from Thein Sein's government to the new NLD government. However, the ill treatment of Rohingya Muslims continued unabated. In January, nationalist Buddhist monk and Ma Ba Tha figurehead Ashin Wirathu posted a video on Facebook reenacting the tragic rape and murder of a woman whose death sparked the June 2012 violence in Rakhine State; Facebook blocked the video on

February 1, 2016. Wirathu reportedly stated the video was intended to warn the new NLD government that it should prioritize race and religion, by which he meant Burman Buddhists.

On March 21, 2016, UNHCR reported that some Rohingya Muslims had returned to the communities from which they escaped following the 2012 violence in Rakhine State. Approximately 25,000 out of more than 140,000 are believed to have returned. However, this means 120,000–125,000 Rohingya Muslims remain in deplorable camps, and some human rights advocates contend that not all those who returned did so voluntarily. UNHCR also reported fewer Rohingya Muslims and other asylum seekers departing Burma in the first few months of 2016.

On March 17, 2016, the U.S. Department of State issued the "Atrocities Prevention Report" mandated by P.L. 114-113 to describe violence against religious and ethnic groups in the Middle East and Burma. With respect to Rohingya Muslims in Burma, the report

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underscored pervasive governmental discrimination and the role of nonstate actors in perpetrating violence. The report also noted the imperative for Burma's government to address the myriad human rights abuses in Rakhine State.

The same day, the UN Human Rights Council adopted the report from Burma's second Universal Periodic Review, though Burma's government rejected every recommendation pertaining to Rohingya Muslims.

On March 29, 2016, outgoing President Thein Sein lifted the state of emergency in Rakhine State that had been in place since the first wave of violence in June 2012. However, reports indicate local authorities in many locations continue to restrict the movements of those forced to live in camps for internally displaced persons.

On April 19, 2016, a boat traveling from Pauktaw Township in Rakhine State sank off the coast of Sittwe, the state capital, killing more than 20 people, including nine children. Most of the individuals on the boat reportedly came from a camp for internally displaced

persons in Sin Tet Maw, where state authorities restrict their movement and limit access to basic necessities. In response to the accident, the U.S. Embassy in Rangoon issued a statement expressing concern and sadness about the tragic loss of life and extending “condolences to the families of the victims, who local reports state were from the Rohingya community,” as was believed at the time.

Subsequent reports suggested those aboard the boat may have been Kaman, a distinct, largely Muslim ethnic group. Both ethnic Rohingya and ethnic Kaman primarily reside in Rakhine State and experience harassment, discrimination, and other forms of ill treatment based on their ethnoreligious identity. Notwithstanding the identity of the victims of the April 19 accident, some in Burma took umbrage with the U.S. Embassy’s use of the term “Rohingya.” On April 28, 2016, hundreds of nationalist protestors, including Buddhist monks and supporters of the extreme nationalist group Ma Ba Tha, staged out the U.S. Embassy in Rangoon. On May 3, 2016, Burma’s Ministry of Foreign Affairs stated publicly that it preferred the U.S. Embassy avoid using the term.



A group of Buddhist monks protest against the United States for its use of the term Rohingya to describe Myanmar’s stateless Muslim community outside the U.S. Embassy in Yangon, Myanmar. (REUTERS/Soe Zeya Tun)

On May 31, 2016, the President’s Office announced the Central Committee for Implementation of Peace and Development in Rakhine State, led by State Counsellor Aung San Suu Kyi and tasked with developing plans to address that state’s poverty. Members of the committee soon visited Rakhine State to assess conditions.

On June 7, 2016, state-level officials commenced a revised citizenship verification plan in three townships

of Rakhine State: Ponnagyun, Kyaukphyu, and Myebon. Earlier in the year, a Rakhine member of parliament, Khin Saw Wai, urged the legislative body to address the citizenship issue in order to document Rohingya Muslims, who she and others believe are illegal immigrants, and restrict their return to Burma should they leave. Unlike the 2014 citizenship verification process that forced Rohingya and many Kaman Muslims to identify as Bengali, this process eliminated ethnicity and religion identifiers. However, Rohingya Muslims in Ponnagyun refused to participate unless allowed to identify as Rohingya Muslim. Individuals who enroll in the verification program are issued blue identity cards known as National Verification Certificates, or NVCs, and are then scrutinized at the township, state, and central government levels to determine their eligibility for citizenship.

In June 2016, Burma’s Ministry of Information instructed state media to refer to Rohingya Muslims as “the Muslim community in Rakhine State” during the visit of UN Special Rapporteur Yanghee Lee.

RECENT DEVELOPMENTS AND FUTURE TRENDS

Several key events occurred after the period covered by this paper that bear mentioning. First, following comments by Rangoon Chief Minister Phyo Min Thein questioning the necessity of Ma Ba Tha, on July 12, 2016, the State Sangha Maha Nayaka Committee (the official monk-led association, also known by the acronym Ma Ha Na) publicly declared it had never endorsed Ma Ba Tha and asserted its own position as the only sangha association that represents all of Burma's Buddhists. This position was echoed by government officials whom USCIRF staff met in Naypyidaw in August 2016. In addition, a charity organization called Thet Daw Saunt filed a defamation lawsuit against Wirathu over his 2015 insults targeting UN Special Rapporteur Yanghee Lee after she criticized Burma's four race and religion laws.

Second, on July 21, 2016, the Ministry of Labor, Immigration and Population released the long-delayed religion data from the 2014 national census. Despite many predictions, the country's Muslim population did not dramatically increase, even when accounting for the estimated 1.09 million people in Rakhine State who were not counted and are presumed to be Muslim. Over the years, some within the Buddhist community who sought to deny rights to Rohingya Muslims pointed to a presumed increase in the country's Muslim population to justify their brutal words and actions. However, the government's own census figures discredited these claims.

Third, on August 23, 2016, the State Counsellor's Office under the direction of Aung San Suu Kyi announced it would establish a nine-member Advisory Commission on Rakhine State led by former UN Secretary General Kofi Annan. The Advisory Commission, which made a preliminary visit to Rakhine State in September, is tasked with reviewing the development and humanitarian needs in the state and making recommendations to the government. Some in Rakhine State, including members of the Arakan National Party and civil society, have expressed strong dissatisfaction with the Advisory Commission, largely because it includes three foreigners, including Annan. In response to critics, Annan publicly clarified

that the commission's mandate will not include a human rights investigation or report. By excluding Rohingya Muslims from the commission (as well as from the Union Peace Conference-21st Century Panglong) and by excluding human rights from the Advisory Commission's review, it seems unlikely the community's concerns and plight will be adequately addressed.

Lastly, on October 9, 2016, a large group of assailants believed to be Rohingya Muslims carried out a series of attacks in and around Maungdaw Township in Rakhine State, targeting Border Guard Police and other law enforcement facilities. Several dozen people—including police officers—were killed in the attacks and lingering violence and thousands more displaced. Media reports documented retaliatory attacks against Rohingya Muslims, including allegations of arbitrary arrests, extrajudicial killings, arson, and rape; Burma's government has raised doubts about several of these reports. In early November, an international delegation, including U.S. Ambassador Scot Marciel, visited northern Rakhine State, though did not visit all the affected areas. At the time of this writing, the government's investigations into the attacks were ongoing. If individuals identifying



Armed Myanmar army soldiers patrol a village in Maungdaw located in Rakhine State as security operations continue following the October 9, 2016 attacks by armed militant Muslims. The United Nations called for an investigation into claims Myanmar troops have been killing civilians and torching villages in northern Rakhine, as reports emerged thousands of Rohingya had been forced from their homes. (STR/AFP/Getty Images)

as Rohingya Muslims are found to be responsible, then the Union and Rakhine State governments should look closely at their policies of repression that likely have fueled resentment, and in this case possible extremism, among some Rohingya Muslims. Perpetrators of any subsequent violence—whether civilian or military/law enforcement—must be held accountable. Thus far, the governments’ responses appear to tighten restrictions and further deny rights, particularly access to humanitarian aid; at the time of this writing, humanitarian assistance was just beginning to resume.

One hurdle neither the Union or Rakhine State government can sidestep is the controversy over using the terms Rohingya and Bengali. Thus far, much of the focus regarding Rohingya Muslims has been about the terms—perhaps an intentional maneuver by those who seek to inflame tensions and avoid addressing the crisis’ root causes.

The dispute over terminology has come to symbolize increasingly sharp divisions between tolerance and intolerance. The international community’s use of the term Rohingya is highly controversial within Burma, and in June 2016, Burma’s Ministry of Information instructed state media to refer to the group as “the Muslim community in Rakhine State” rather than Rohingya. The previous government referred to the community as Bengali, implying they are foreigners and illegal immigrants who moved to Burma post-independence. The current government avoids the terms Rohingya and Bengali altogether. These positions reflect the central and state governments’ existing policies and practices that either specifically target Rohingya and other Muslims for discrimination, violence, or other crimes, or fail to address the actions of nonstate actors perpetrating these abuses.

USCIRF recognizes the strong sentiments tied to the use of the terms Rohingya and Bengali and the historical significance associated with each term. Those who do not believe Rohingya are true inhabitants of Burma eligible for citizenship refer to them as Bengali, which is considered an inflammatory and derogatory term. On the other hand, many, including USCIRF,

strongly believe in the right of Rohingya Muslims to individually and collectively identify as they choose, even though doing so upsets those who believe the term infers indigeneity upon a community not legally recognized among Burma’s ethnic groups.

The use of the term Rohingya, however, should not distract from the underlying challenges at the root of the humanitarian crisis facing this community. Identity—and the factors that contribute to an individual’s or group’s relationship to an identity—are complicated and fluid. Those who oppose or challenge the identity of a group do not by that act diminish or terminate anyone’s ability or right to associate with that identity. Removing certain terminology from the lexicon may appear to be a diplomatically cautious way to avoid provoking tensions, but it is also a form of compulsory censorship that violates the spirit of the Universal Declaration of Human Rights’ Article 19.

Using or not using divisive terms such as Rohingya and Bengali is one thing; exploiting them for political gain or to deny individuals or communities basic freedoms

and rights is inhumane and unconscionable.

Imposing perpetual statelessness and depredation upon the Rohingya community, for example, is not only cruel but also in clear violation of international human rights standards.

Regardless of the terms it uses, Burma’s government must address the dire conditions for all in Rakhine State swiftly and impartially, to end not only the widespread and devastating poverty affecting all residents but also what some have called an apartheid-like situation, ethnic cleansing, or genocide against Rohingya Muslims. Over the last five-and-a-half years, two successive governments have allowed the already deplorable conditions for Rohingya Muslims to deteriorate to the point of dehumanization. Terminology cannot be the excuse that further delays immediate action.

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CONCLUSION AND RECOMMENDATIONS

The new government notwithstanding, Burma's ongoing transition to democracy is imperiled by previous governments' repeated failures on human rights, including religious freedom and tolerance. The country also remains the scene of unrelenting ethnic conflicts and pervasive discrimination against religious and ethnic minorities.

Rohingya Muslims are at the epicenter of this ill treatment: government-directed abuses and/or government indifference to riots and mob violence against Rohingya and other Muslims have killed hundreds, displaced thousands, and destroyed hundreds of religious properties, including religious sites, since 2012.

Burma's transition, both between different governing parties and to a more democratic form of government, presents many priorities that require urgent attention. In any society, competing interests can cause tensions;

whereas some disagreements may snarl the legislative and policy process, others can turn violent, particularly when persons or groups seek to elevate by force one ideology and/or faith over all others. In the case of the latter, political or societal forces often

appeal to sectarianism to achieve political ends or amass more power. USCIRF has seen such political aspirations motivate and enable extremist and nationalist groups to target other religious communities, leading to greater intolerance in society, including grave violations of religious freedom. Extremist and nationalist elements achieve this by stoking underlying antipathies toward or divisions between religious communities. Ultimately, such political and societal drivers can prompt mass movements of people fleeing persecution.

In short, the Rohingya crisis exists not just because Rohingya Muslims in Burma are being denied their rights, including religious freedom; there also is a strategic and malicious political dynamic at play, one that has not vanished simply because the 2015 elections are over. If the NLD government aspires to a true democratic form of government that respects and protects universal human rights, it must take bold, decisive, and immediate steps to change the current trajectory for Rohingya Muslims.

This includes: signing and ratifying the International Covenant on Civil and Political Rights; improving access to humanitarian aid in Rakhine State where Rohingya Muslims and others are displaced, restricted from movement, or denied basic services; inviting the UN Special Rapporteur on Freedom of Religion or Belief to visit and allowing the UN High Commissioner

for Human Rights to open a country office to assess the human rights violations against all individuals in Rakhine State; ceasing the criminalization of the peaceful exercise or expression of religion or belief; and doing away with discriminatory policies, practices, and laws – especially the

1982 Citizenship Law that marginalizes and excludes Rohingya Muslims. In addition, the government should consider ways to formally include Rohingya Muslims in governing processes, such as by engaging them in the 21st Century Panglong discussion about national reconciliation.

The U.S. government, in turn, must continue to raise with Burma's government concerns about Rohingya Muslims' human rights. Efforts should include supporting interfaith collaborations, in which Rohingya Muslims also participate, especially at the grassroots

If the NLD government aspires to a true democratic form of government that respects and protects universal human rights, it must take bold, decisive, and immediate steps to change the current trajectory for Rohingya Muslims.

level; advocating for improved access to humanitarian aid in Rakhine State; encouraging religious freedom advocacy among non-traditional audiences, such as the business community and the media; urging the government of Burma to cease punishing expression deemed blasphemous, defamatory of religion, or contemptuous or insulting to religion; and using the term Rohingya, both publicly and privately, which respects the right of Rohingya Muslims to identify as they choose. Additionally, in lieu of sanctions, the U.S. government should apply section 604(a) of the International Religious Freedom Act to deny visas to or admission into the United States to individuals responsible for or known to have directly carried out particularly severe violations of religious freedom.

Rohingya Muslims face a difficult day-to-day existence with little ability to honor their past, prosper in the present, or make plans for their future. They are suspended in time, largely unable to create a better life for themselves or their children. It is a moral imperative for the United States and the international community to impress upon Burma through every appropriate point of leverage that neither time, nor the judgment of history, will reflect kindly on the new government if it chooses to procrastinate in addressing this ever-growing crisis.



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