



## ***Violation of Freedom of Religion and Belief in Myanmar During anti-Coup Revolution Burma Human Rights Network (BHRN) - July 2022***

On 1 February 2021, the military junta headed by Senior General Min Aung Hlaing, chief architect of the 2017 genocidal campaign against the Rohingya, attempted to overthrow the democratically elected civilian government. The following day, Min Aung Hlaing declared himself the head of the new State Administration Council (SAC), a military-run administrative organization. Since this time, the junta has carried out a brutal nationwide crackdown aimed at suppressing widespread public opposition to its rule. Junta security forces carried out mass killings, torture, arbitrary arrests, and other abuses against protesters, journalists, health workers, and political opposition members amounting to crimes against humanity. Military attacks in ethnic minority areas throughout the country have also resulted in numerous war crimes. The current number of displaced men, women and children in Myanmar remains above one million. This includes nearly 760,000 people displaced by the conflict and insecurity since the February coup.

While these events have garnered international attention, other forms of structural violence and human rights violations of Myanmar's minority religious and ethnoreligious groups have continued to occur largely under the radar, with particularly severe violations against the predominantly Muslim Rohingya community. This includes the military junta's continued efforts to erase the identity of Rohingya. In addition to physical attacks on the Rohingya community and their places of worship, this campaign is also being perpetrated through discriminatory laws, policies, and practices. The junta and its supporters continue to use divisive and hateful rhetoric targeting non-Buddhist religious groups to divide the resistance and deflect and divert attention from the coup. While religious oppression has been a longstanding issue in Burma, the coup emboldened the junta to further persecute, marginalize, and incite violence against religious minorities, particularly the Rohingya and Muslim minorities. There has also been an increase in targeted attacks on mosques, churches, and monasteries and violence perpetrated against minority Christians and Buddhists since the coup.

The below brief details the current human rights situation of Myanmar's minority religious and ethnoreligious groups, particularly the Rohingya, since the illegal coup.

### ***Discriminatory Laws and Policies Targeting the Rohingya and Muslim Minorities Remain in Effect***

For decades, union-and state-level laws and policies in Myanmar have contributed to the marginalization and dehumanization of the Rohingya people. These discriminatory measures have drastically limited their rights to movement, marriage, childbirth, state education, and employment. The result, according to the Independent International Fact-Finding Mission (IFFM) on Myanmar was a "continuing situation of severe, systemic, and institutionalized oppression from birth to death" for the Rohingya.<sup>1</sup>

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<sup>1</sup> U.N. Human Rights Council, *Report of the Independent International Fact-Finding Mission on Myanmar*, U.N. Doc. A/HRC/39/64, September 12, 2018, Section IV, para. 20. Fortify Rights, *Policies of Persecution*.

## Continued Denial of Citizenship

At the union-level, the 1982 Citizenship Law of Myanmar continues to remain as one of the main tools of Rohingya exclusion in the country. Rohingya and other Muslim groups are not recognized as part of the 135 officially recognized ethnic groups. Rohingya are, instead forced to go through the National Verification Card (NVC) process that effectively categorizes them as foreigners whereas other Muslim groups are now forced into “Mixed-blood” category. In September 2021, the U.N. Special Rapporteur on human rights situation in Myanmar, Tom Andrews, highlighted how the junta continues to progress the longstanding campaign to erase the ethnic identity of the Rohingya by forcing them to obtain National Verification Cards which strip them of access to full citizenship rights and protections. In an annex to his report to the U.N. General Assembly, Tom Andrews stated:

*“The junta continues to force or coerce Rohingya to accept the Identity Card for Nationality Verification (ICNV)/National Verification Card (NVC). The ICNV/NVC still does not serve as a predictable or accessible pathway to citizenship, nor has it increased access to rights, including freedom of movement, in a consistent and predictable manner. The NVC process continues to require Rohingya to self-identify as foreigners and, as such, remains an administrative tool to erase Rohingya ethnic identity.”<sup>2</sup>*

Despite the coercive use of NVCs to deprive Rohingya of their rights, some UN agencies and embassies continue to endorse NVCs as a pragmatic solution to Rohingya statelessness.

## Discriminatory Race and Religion Laws

Four laws known collectively as the so-called ‘Race and Religion Protection Laws’ were passed in 2015 and still remain in effect today. The laws were first submitted by following the establishment of Ma Ba Tha, a racist Buddhist nationalist group in Myanmar. The parliament at the time was controlled by the military and their proxy party, the Union Solidarity and Development Party (USDP). These laws authorized state agencies to regulate religious conversion, birth control and marriage between Buddhists and religious minorities. These laws are inconsistent with international norms and standards and are in clear violation of Myanmar’s obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child. Myanmar is a party to both conventions.

## Restrictions on Freedom of Movement

The junta continues to deny the Rohingya the ability to live free and dignified lives by further restricting their freedom of movement. In Rakhine State, about 600,000 Rohingya remain confined to camps and villages without freedom of movement or access to healthcare, education, adequate food, and livelihood activities. Restrictions on movement include requirements for formal permissions to travel, curfews, checkpoints, and restricted zones. Those who travel without receiving prior permission risk arrest and up to two years in prison.

Prior to the coup, the Burma Human Rights Network documented the arrests of at least 1,675 Rohingya Muslims between October 2016 and March 2020<sup>3</sup>. Between 1 February 2021 until March 2022, the junta

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<sup>2</sup> Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, “Annex 1 – Additional Human Rights Concerns Observed by the Special Rapporteur,” U.N. Doc. A/76//Slot3181, September 1, 2021, <https://www.ohchr.org/Documents/Countries/MM/GA76report-annex-SR-Myanmar.pdf>, para. 18.

<sup>3</sup> Burma Human Rights Network, “Nowhere to Run in Burma,” August 26, 2020, <https://www.bhrn.org.uk/en/report/1128-nowhere-to-run-in-burma.html>

arrested and detained at least 850 Rohingya<sup>4</sup> for traveling outside their communities without getting prior permission showing a sharp uptick in the number of arrests since the coup. Those detained risk being subjected to torture and women and girls are at heightened risk of being subjected to sexual and gender-based violence while under detention. The junta's ongoing efforts to restrict the movement of Rohingya are in clear violation of the provisional measures aimed at preventing genocidal acts against the Rohingya.

### ***Rise of Divisive and Hateful Rhetoric Targeting Religious Minority Groups***

Since the military coup, the junta and its supporters have increased their use of divisive and hateful rhetoric targeted at non-Buddhist religious groups to divide the resistance and divert attention from the coup. While religious oppression has been a longstanding issue in Burma, the coup emboldened the junta to further persecute, marginalize, and incite violence against religious minorities, particularly the Rohingya and Muslim minorities.

The junta has also openly supported the extremist nationalist movement in efforts to shore up its religious and cultural legitimacy. In the past, the junta has supported the racist Buddhist nationalist group Ma Ba Tha, which was primarily responsible for spreading hate speech and rumors or fake news that incited violent attacks against the Rohingya and Muslim communities in Rakhine and elsewhere in Myanmar. Prior to the 2017 genocide of the Rohingya, Ma Ba Tha used its reach to mobilize communities, disseminate propaganda and preach messages of hate including the calling for boycotts of Muslim businesses, opposition to the rental and sale of property to Muslims, and the barring of Muslims from entering villages. This was sometimes enforced through physical violence and the destruction of property.

While banned by the NLD in 2017, the group rebranded itself as the Buddha Dhamma Philanthropy Foundation, and encouraged its followers to continue their work under the new moniker. Ultranationalist Buddhist monk and leader of Ma Ba Tha, Ashin Wirathu, was later charged by the National League for Democracy with sedition in May 2019. These charges were dropped by the junta in September 2021 and he was set free. In the current volatile environment, Wirathu's release may exacerbate Buddhist nationalism and religious extremist sentiments. Wirathu and Ma Ba Tha have continued to issue incendiary statements against Muslims and have continued propagating anti-Muslim speech in sermons and through social media. "Killing non-Buddhist is not a sin" said Thi Da Gu Sayadaw on 30<sup>th</sup> Oct 2017 after Rohingya genocide.<sup>5</sup>

### ***National Unity Government (NUG) positioning on the Rohingya Post Coup***

On 16 April 2021, the Committee Representing Pyidaungsu Hluttaw (CRPH), a group of elected Myanmar parliamentarians who evaded arrest during the coup, established the National Unity Government (NUG) as the legitimate elected government to represent and act on behalf of the Myanmar people. The NUG pledged in a statement made on 3 June 2021 to "seek justice and accountability" for crimes committed by military forces against the Rohingya and said if it returned to government, it would repeal Myanmar's 1982 Citizenship Law in order to restore Rohingya citizenship. While a step in the right direction, the NUG has still not recognized the past abuses against ethno-religious communities including genocide and crimes against humanity committed against the Rohingya. The NUG has also not shown any commitment to collaborate with current international efforts at the ICJ and ICC to hold actors within the country accountable.

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<sup>4</sup> Women's Peace Network, "Rohingya Update: Arbitrary Arrest and Detention of Rohingya Since the Attempted Coup," March 2, 2022, [https://mcusercontent.com/6819ae24e30bd9a9db0322d69/files/2a79f5e9-4d82-bf0a-7c7e-702bc869a5c2/Briefer\\_on\\_Arbitrary\\_Arrest\\_Detention.pdf](https://mcusercontent.com/6819ae24e30bd9a9db0322d69/files/2a79f5e9-4d82-bf0a-7c7e-702bc869a5c2/Briefer_on_Arbitrary_Arrest_Detention.pdf).

<sup>5</sup> <https://coconuts.co/yangon/news/not-buddhists-agree-sitagu-sayadaws-militant-message/>

## ***Impact of the Coup on Other Religious Communities***

In addition to the discrimination and oppression of the Rohingya, other minority religious and ethnoreligious groups have been subjected to restrictions on their right to freedom of religion as well as threats, detentions, and violence targeting by the junta since the coup.

### Restrictions on Religious Gatherings

Since the coup, the junta has enforced at least three different laws to limit gatherings, including religious gatherings. Gatherings of five or more persons including for religious reasons is not permitted. Those gathering in groups of five or more for worship can be charged under:

- Myanmar's natural disaster management law resulting in three months to three years' imprisonment or a fine, or both.
- Myanmar's communicable diseases prevention and control law which would result in six months' imprisonment or a fine
- Article 188 of Myanmar's Penal Code which could result in one to six months' imprisonment or a fine.

### Muslim Communities

The Burma Human Rights Network (BHRN) and other human rights groups have documented cases of the junta looting, burning and destroying properties, shops, and places of worship of Muslim communities. In Rakhine state where the military tensions have been growing including Buthidaung, Kyauktaw, Mrauk-U and Minbya, the military junta's forces have been occupying religious sites such as pagodas and mosques and using them as bases to launch their military offensives from. The junta has also murdered several of the NLD's Muslim supporters and Muslim civilians including children since the start of the coup.

### Buddhist Communities

According to Radio Free Asia<sup>6</sup>, nearly 40 Buddhist clergy have been killed and an additional 40 jailed between the start of the coup and mid-April 2022. Some also reported being forcibly disrobed while under custody. Local media has also reported cases of junta soldiers beating Buddhist monks for reciting religious discourse which the junta interpreted as antiregime. The junta have also raided, occupied, and used monasteries as military bases. Monasteries are being closely scrutinized by the junta for any evidence of anti-coup activism.

### Christian Communities

Following the coup, the military junta has increased attacks in Chin, Kayah, Karen and Kachin states, which contain some regions that are majority Christian. Dozens of churches in these states have been destroyed in airstrikes and artillery shelling. The junta have also raided, occupied, and used churches as military bases. Hate speech against Christians has also increased, and Christian leaders have been arbitrarily detained, tortured, and murdered by the junta.

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<sup>6</sup> Radio Free Asia, "Nearly 40 Buddhist clergy killed and 40 jailed since Myanmar coup", April 25, 2022, <https://www.rfa.org/english/news/myanmar/clergy-04252022200817.html>

## ***Call for Action***

Despite the longstanding evidence of widespread and systematic human rights violations, some amounting to crimes against humanity and genocide, impunity remains nearly absolute. As long as the junta enjoys complete impunity for their actions, unyielding oppression of the Rohingya and other ethnic and religious minorities will continue unabated. The junta will continue to leverage nationalism and Buddhist extremism for its own nefarious political agenda, with devastating consequences for religious minorities in the country.

The international community must not to make the same mistakes it made in 2017. The international community must take action now by:

- Taking all possible measures to hold General Min Aung Hlaing and other senior military leaders who bear responsibility for atrocity crimes and severe human rights violations accountable for their crimes.
- Stemming the flow of arms and finances by imposing sanctions on all enterprises that the military directly profits from and to support a global arms embargo to prevent the military from resupplying weapons that they will use to harm and kill innocent civilians and target minority groups.
- Increasing humanitarian assistance, especially for ethnic and religious minorities and particularly for those internally displaced, taking care to use civil society channels that do not result in aid being blocked or misappropriated by the military.
- Taking measures to regulate Big Tech companies and force meaningful oversight, including requiring the platforms to assess and mitigate the risk that their services allow hate speech to flourish.
- Lobbying the National Unity Government (NUG) to fully commit to ensuring all rights for ethnic and religious minorities and present a detailed plan for doing so when they regain power.
- Support the National Unity Government (NUG) to ensure its Cabinet is representative of Myanmar's religious and ethnic minority communities.