

KEY FINDINGS

In 2020, religious freedom conditions in Burma remained poor. The government continued to commit widespread and egregious religious freedom violations, particularly against Rohingya Muslims. Denial of basic citizenship rights and systematic discrimination based on ethnic-religious affiliation severely restricted the freedom of religion or belief of minority communities.

November 2020 marked Burma's second general election since the end of full military rule in 2011. Although two previously excluded Muslim candidates from democratically elected leader Aung San Suu Kyi's National League of Democracy (NLD) won seats, the government utilized the 1982 Citizenship Law, which it interprets to bar the Rohingya from citizenship, and the [Election Law](#), which requires candidates to prove citizenship, to again block Rohingya Muslims from running or voting. In October, Burma's Union Election Commission [cancelled](#) the elections in over 50 majority-Muslim townships in conflict-ridden regions where religious minorities reside, including Karen, Shan, Kachin, and Rakhine states. In February 2021, the Burmese military, known as the [Tatmadaw](#), [seized power](#) in a military coup and detained Leader Suu Kyi and other NLD officials.

Ongoing clashes in 2020 between the Tatmadaw and ethnic armed groups—including in Rakhine, Chin, Shan, Karen, and Kachin states, where Muslim and Christian religious minorities reside—resulted in civilian casualties, displacement, and property destruction, including of houses of worship. The [ongoing conflict](#) between the Tatmadaw and the Arakan Army (AA) intensified. In June, Tatmadaw clearance operations against the AA in Rakhine's Muslim-majority [township of Rathedaung](#) forcibly displaced thousands of civilians. The [United Nations \(UN\)](#) reported that at least [500 civilians, mostly Rohingya Muslims and some Christians](#), were killed in 2020 in Rakhine and Chin states, and more than 100 children were killed or maimed during the first half of the year. In

October, the Tatmadaw reportedly used Rohingya [children as human shields](#) to clear passage through landmines and to protect its soldiers from potential enemy fire.

In 2017, the Burmese military [perpetrated](#) mass killings and rapes with what the UN described as genocidal intent against the Rohingya in Rakhine State, forcing over 700,000 to flee to Bangladesh within days. Hundreds of thousands of Rohingya and other religious minorities have continued to flee due to violence. Of the 600,000 Rohingya who are still in Burma, approximately 130,000 remain in government-run [internment camps](#) along with several thousand Kaman Muslims. [Severe travel restrictions](#)—enforced by arrests—on those living in these camps prevent internally displaced persons (IDPs) from obtaining employment, healthcare, and education. Although, in 2020, Burmese authorities dropped charges for travel against over [200 Rohingya](#), many remain imprisoned for attempting to flee ongoing violence. Muslims in IDP camps live in squalid conditions with [limited access to aid](#) and information due to government-imposed [internet blockades](#).

Efforts to hold the Burmese government accountable for international crimes, including genocide, continued. In January, the International Court of Justice (ICJ) in The Hague [announced](#) a provisional ruling in a case led by The Gambia that Burma must “take all measures within its power” to ensure that the military and any irregular armed units “do not commit acts of genocide” against the Rohingya. During the pendency of the case, Burma is required to report regularly on its implementation of the order. In September, The Netherlands and Canada [joined](#) the case to support The Gambia. The International Criminal Court (ICC) investigation [launched](#) in November 2019 into the military's action in Rakhine remains ongoing. The government, including Suu Kyi, continued to deny that the military engaged in genocide against the Rohingya.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Redesignate Burma as a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA);
 - Impose targeted sanctions on Burmese military and government agencies and officials responsible for severe violations of religious freedom by freezing those individuals' assets and/or banning their entry into the United States under human rights related financial and visa authorities, citing specific religious freedom violations;
 - Definitively and publicly conclude whether the ongoing and severe atrocities committed by the Burmese military meet the legal definition of crimes against humanity and/or genocide; and
 - Actively support efforts to hold Burmese officials accountable through the international legal system, including assisting and strengthening the documentation of mass atrocities and pressuring American companies that have facilitated the sharing of hateful content targeting religious minorities to share information with investigative and judicial authorities.
- The U.S. Congress should:
- Provide increased funds to support atrocity prevention programs and response efforts to address the dire humanitarian crisis of the Rohingya in Burma and countries hosting Rohingya refugees and pass legislation addressing religious freedom violations in Burma, such as the [Burma Human Rights and Freedom Act](#).

KEY USCIRF RESOURCES & ACTIVITIES

- **Event:** [USCIRF Conversation on An Update on Rohingya Refugees](#)
- **Factsheet:** [The Path Towards Justice: Accountability for International Crimes Against the Rohingya of Burma](#)
- **Factsheet:** [Rohingya Refugees](#)
- **Hearing:** [Citizenship Laws and Religious Freedom](#)

Background

Burma has a Buddhist majority (87.9 percent) with Christian (6.2 percent), Muslim (4.3 percent), Animist (0.8 percent), and Hindu (0.5 percent) populations. The 2008 constitution recognizes all these religions, with Buddhism as the de facto state religion. Religious and ethnic minorities not belonging to the majority Bamar ethnicity and Buddhist faith have faced longstanding persecution. Burma's race and religion laws regulate religious conversion, marriage, and births and restrict the religious freedom of non-Buddhists, particularly Muslims.

In November 2020, Burma held its second democratic general election, where Suu Kyi's NLD secured another [majority win](#). The NLD government faced criticism for its inaction on the atrocities perpetrated against religious and ethnic minorities, most notably military operations in Rakhine; indeed, Suu Kyi defended the military in the ICJ. In February 2021, the Tatmadaw seized power from and detained Leader Suu Kyi and other NLD officials in a military coup.

Rohingya Refugees

Burma's longstanding and continuous military operations in Rakhine have caused internal displacement and sparked mass migration to Bangladesh and other Southeast Asian countries for many years. At the end of 2020, there were nearly one million registered refugees residing in Cox's Bazar, Bangladesh, including Muslims, Christians, and Hindus. The Burmese government's ongoing actions and policies have made it [impossible](#) for refugees to safely [return](#) home. In 2020, the Bangladeshi government directed thousands of Rohingya refugees in Cox's Bazar to relocate to the cyclone- and flood-prone island of [Bhasan Char](#).

While the majority of Rohingya refugees fled to Bangladesh, a significant number escaped to [Malaysia, Indonesia, and Thailand](#). Some Rohingya refugees have managed to settle successfully in these countries, but others have faced discrimination or further religious freedom violations. During the COVID-19 pandemic, governments in Malaysia and Thailand turned back boats with Rohingya refugees, resulting in many deaths. In April 2020, at least [32 Rohingya Muslims died on a ship](#) that drifted for weeks after it failed to reach Malaysia.

Violence, Discrimination, and Intolerance toward Rohingya Muslims

The government has effectively institutionalized discrimination against Rohingya Muslims through restrictions on participation in elections, marriage, family planning, employment, education, religious choice, property rights, and freedom of movement. The government has proclaimed that the Rohingya are not citizens of their birthplace and homeland of Burma; it fails to acknowledge the Rohingya as one of the 135 legally recognized national races or ethnic groups of Burma and instead refers to them as foreign migrants.

The Tatmadaw has been accused of targeting the Rohingya with killings, mass rape, and other sexual violence; disappearances; forced starvation; arbitrary detentions and arrests; and looting, burning, and property confiscations. Two Tatmadaw soldiers reportedly in

[ICC custody confessed](#) on video to committing atrocities against Rohingya, claiming that superiors ordered units to "exterminate all Kalar"—a derogatory name for the [Rohingya](#).

In June, the Tatmadaw resurfaced on [Facebook](#), nearly two years after the platform removed numerous army accounts and pages for spreading hatred against Rohingya Muslims. The military spokesman said the Tatmadaw intends to combat information deemed anti-nationalist or fake news via Facebook through two newly created Burmese-language military accounts that remain open following the coup. Despite its role in hosting content inciting violence in the past, Facebook has not [shared evidence](#) from its platform with international justice mechanisms.

Some political candidates employed anti-Muslim slogans and speech ahead of national elections in November. Days before the election, hardline Buddhist nationalist monk Ashin Wirathu—who had been charged with sedition and was removed by Facebook in 2018 for posts inciting violence and genocide against Muslims—[handed himself over to authorities after more than a year on the run](#).

Abuses against Christians

The Burmese government also has violently targeted Christian communities. In March, in one example of Burmese military [airstrikes on predominately Christian villages](#), 21 people were killed, including a seven-year-old boy, in Chin state. According to Chin Christian leaders, more than 1,500 villagers fled their homes. [Chin Christian leaders](#) suspect army personnel fired indiscriminately in part because the inhabitants were Christian. In February, the Tatmadaw filed charges against two [Baptist pastors](#) in Kachin for holding an event at their church which allegedly supported ethnic rebel groups.

Key U.S. Policy

During FY 2020, the United States provided more than [\\$437 million](#) to support Rohingya refugees' host communities and internally displaced Rohingya within Burma, including those who fled mass atrocities in Rakhine State.

Several U.S. officials expressed concern over the ongoing conflict in Burma. Then Secretary of State Michael R. [Pompeo](#) addressed the "violent oppression" of Rohingya Muslims by the Burmese military and called for [justice and accountability for the Rohingya](#). In October, then [Under Secretary of State for Political Affairs David Hale spoke](#) with Leader Suu Kyi to reaffirm U.S. support for democratic reform and an end to conflict, particularly in Rakhine State. On December 2, the U.S. Department of State [redesignated](#) Burma as a CPC under IRFA for engaging in or tolerating systematic, ongoing, egregious violations of religious freedom, and it reimposed as the relevant presidential action the existing ongoing arms embargo referenced in 22 CFR 126.1.

In January 2021, Secretary of State Antony Blinken stated during his confirmation hearing that the administration of President Joseph R. Biden would review whether the Burmese government's persecution of the [Rohingya constituted genocide](#). After the February 2021 coup, the Biden administration [reimposed broad sanctions](#) against the Burmese military.