

Hidden Plight

CHRISTIAN MINORITIES IN BURMA



Front Cover: Praying Kachin Christian women at a Sunday mass in front of the local church in Laiza, Kachin State, Burma. 11.03.2013
© Julius Schrank

U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Hidden Plight

CHRISTIAN MINORITIES IN BURMA

RESEARCH AND REPORT BY RACHEL FLEMING

DECEMBER 2016

A Burmese translation of this report is available at www.uscirf.gov

USCIRF Commissioners

Thomas J. Reese, S.J.

Chair

Daniel Mark

James J. Zogby

Vice Chairs

Kristina Arriaga de Bucholz

Sandra Jolley

Clifford D. May

John Ruskay

Jackie Wolcott

Ambassador David N. Saperstein, *ex officio*, non-voting member

USCIRF Professional Staff

Erin Singshinsuk, *Acting Executive Director*

Dwight Bashir, *Co-Director for Policy and Research*

Elizabeth K. Cassidy, *Co-Director for Policy and Research*

Judith E. Golub, *Director of Government and Media Relations*

Paul Liben, *Executive Writer*

Sahar Chaudhry, *Senior Policy Analyst*

Catherine Cosman, *Senior Policy Analyst*

Tiffany Lynch, *Senior Policy Analyst*

Tina L. Mufford, *Senior Policy Analyst*

Jomana Qaddour, *Policy Analyst*

Roy Haskins, *Manager of Finance and Administration*

Travis Horne, *Government and Media Relations Specialist*

Eric Snee, *Travel and Administration Specialist*

This report was sponsored by

The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan U.S. federal government commission created by the 1998 International Religious Freedom Act (IRFA) that monitors the universal right to freedom of religion or belief abroad. USCIRF uses international standards to monitor religious freedom violations globally, and makes policy recommendations to the President, the Secretary of State, and Congress. USCIRF Commissioners are appointed by the President and Congressional leaders of both political parties. Their work is supported by a professional, non-partisan staff. USCIRF is separate from the State Department, although the Department's Ambassador-at-Large for International Religious Freedom is a non-voting, ex officio Commissioner.

This report was researched and written by

Rachel Fleming is an independent human rights researcher and activist. She previously worked for Amnesty International UK, before spending eight years working with local Burmese human rights organizations on a range of human rights issues, with a particular focus on religious freedom.



TABLE OF CONTENTS

Introduction by USCIRF	1
Executive Summary	3
Historical background	3
Key Findings	4
Methodology	4
Political Context	5
Ministry of Religious Affairs and Culture	5
Kachin Context	6
Chin Context	7
Naga Context	8
Religious Freedom Violations	9
Violations of the right to choose own beliefs	9
Institutionalized discrimination on the basis of religion	9
Expressions of intolerance and hatred	10
Discriminatory restrictions on land ownership for religious purposes	11
Violations of freedom of religious assembly	12
Forced relocation and destruction of Christian cemeteries	14
Intimidation and violence against Christians	15
Occupation, desecration, and destruction of churches and crosses	16
Imposition of Buddhist infrastructure via state budget mechanisms	17
Coerced conversion to Buddhism	19
Conclusion	21
Author's Recommendations	22
To the Government of Burma	22
To the United States Government	23
Endnotes	24

INTRODUCTION BY USCIRF

Each year since 1999, the U.S. Commission on International Religious Freedom (USCIRF) has recommended that the U.S. Department of State designate Burma as a “country of particular concern” (CPC) for its systematic, egregious, and ongoing violations of religious freedom as defined in the International Religious Freedom Act of 1998 (Public Law [PL] 105-292). This recommendation is part of the Commission’s efforts to encourage reform and respect for religious freedom and related human rights in Burma.

Religious freedom violations across faiths have long been a challenge in Burma. While a new government offers hope that human rights issues finally will be addressed, competing interests and priorities may relegate these concerns further. Undoubtedly, the most dire human rights and humanitarian crisis Burma faces today is the situation in Rakhine State. That Burma’s previous and current governments have allowed Rohingya and other Muslims to suffer in such deplorable conditions—including severe poverty that impacts ethnic Rakhine and others—is unconscionable and belies the country’s democratic aspirations.

This report in no way intends to diminish the plight of Rohingya and other Muslims and the overall situation in Rakhine State. Their situation is unique among the religious freedom violations religious and ethnic minority communities in Burma experience. Indeed, in recent years, anti-Muslim violence has become more pervasive and anti-Muslim attitudes increasingly normalized. Some individuals in the previous government, the monkhood (including the extremely nationalist group known as Ma Ba Tha), and laypersons have deliberately and maliciously discriminated and instigated violence against non-Buddhists, particularly Muslims.

This report does, however, substantiate USCIRF’s position that violations of religious freedom perpetrated by both state and non-state actors in Burma have had a deeply profound, lasting, and negative impact on multiple religious communities. The report seeks to highlight the endemic challenges Christians in Burma—including the Kachin, Chin, and the particularly marginalized Naga—have experienced for decades, and which the new government must strive to mitigate. Additionally, the report recognizes that religious freedom violations do not occur in a vacuum, which is why Burma’s government

must address such abuses through the lens of national reconciliation, civilian control of the military, and constitutional reform.

The report provides an overview of the historical and recent political contexts surrounding religious freedom violations against Christians. It also conveys timely and poignant firsthand accounts of religious freedom conditions, presenting valuable insights from Christian Kachin, Chin, and Naga communities’ distinct perspectives of the challenges they face.

EXECUTIVE SUMMARY

Historical background

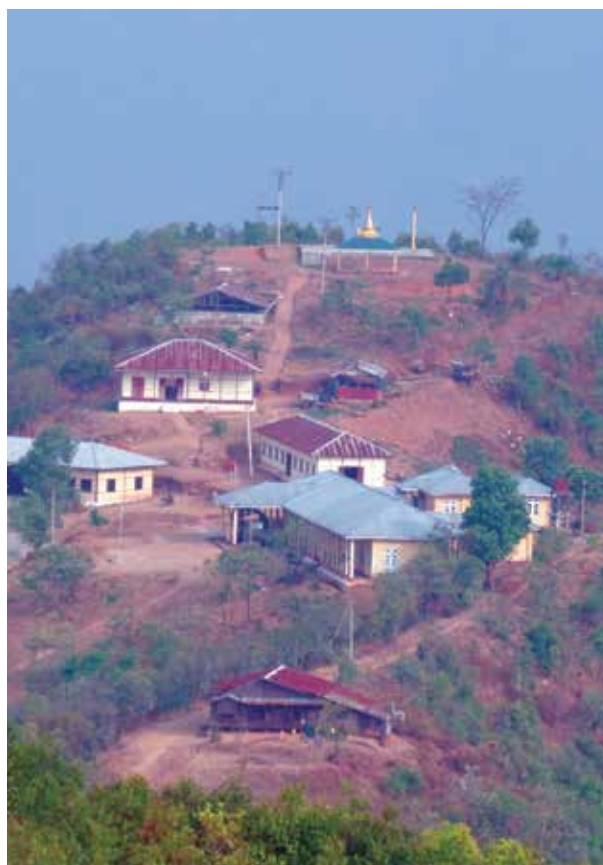
The notion of “protecting race and religion” in Burma (also known as Myanmar) harks back to the anti-colonialist, nationalist motto *myo ba tha tha thatana*, calling on ethnic Burmans to protect their race, language, and religion. It has its roots in the saying “to be Myanmar is to be Buddhist,” a maxim that can be traced back centuries to the founding of the first Burman kingdom when Buddhism was first established as the state religion. Pro-independence leader General Aung San (father of Aung San Suu Kyi) broke with this ideology, instead proposing at the historic Panglong conference in February 1947 a secular vision for the new Union of Burma: a federal union based on the principles of equality and self-determination for different ethnic groups. The Panglong promises were broken after General Aung San’s assassination later that year, and in 1961 then-Prime Minister U Nu drafted a new unitary Constitution and formally instituted Buddhism as the state religion.

The 1962 military coup marked the beginning of socialist rule and effectively negated the official status of Buddhism as the state religion. Since then, successive military regimes have sought to portray Christianity as a “foreign” religion brought in under colonial rule—ignoring the fact that Catholicism had been practiced in the country for almost 500 years. From 1988 to 2010, the State Law and Order Restoration Council/State Peace and Development Council (SLORC/SPDC) regime engaged in “nation-building” through the aggressive promotion of an unwritten, chauvinistic policy of “one nation, one race, and one religion,” but also led vicious crackdowns on Buddhist monks who opposed military rule. Although no longer the official state religion, Buddhism was elevated as the de facto state religion.

As part of the implementation of this policy, in the early 1990s the regime reinstated a separate Ministry of Religious Affairs and created the Department for the Promotion and Propagation of the Sasana (Buddhist teachings). An accurate translation of the ministry’s name, *thatana ye wungyi htana*, would be Buddhist Mission Ministry, not Ministry of Religious Affairs (the latter of which is the official translation). The ministry was instituted to protect, promote, and propagate Buddhism with “might and main,” according to its website.¹ Senior Christian leaders point out that since the time of

the SLORC/SPDC military regime, senior monks have not been present at official meetings to discuss religious matters alongside leaders of other faiths; instead, the minister himself represents Buddhism. This conflation of roles illustrates the elevation of Buddhism as the de facto state religion.

Under the Ministry of Religious Affairs, the regime introduced discriminatory restrictions on building Christian infrastructure and a mechanism for state spending on Buddhist infrastructure through the Department for the Promotion and Propagation of the Sasana. From the early 1990s onward, the military increased its occupation of predominantly Christian Chin, Kachin, and Naga areas, destroying churches and crosses while simultaneously expanding Buddhist infrastructure such as monasteries and pagodas, at times with the use of forced labor exacted from Christians. The regime dispatched monks loyal to military rule to monasteries in Chin, Kachin, and Naga areas via the Hill Regions Buddhist Mission under the Department for the Promotion and Propagation of the Sasana.



Military occupation, Matupi. Photo: Rachel Fleming

At the same time, the regime established the Progress of the Border Areas and National Races Development Program under the Ministry of Border Affairs, still run by the military today. Around 1994, the program opened the first Border Areas National Races Youth Development Training Schools—more commonly known by their Burmese acronym, Na Ta La—in ethnic border areas; coerced conversion to Buddhism at the schools has been documented since that time.

Finally, the SLORC/SPDC created a lasting legacy with the 2008 Constitution, which provides for some religious freedom protections but emphasizes the “special position of Buddhism” as the faith of the majority.

Various constitutional provisions ensure the military is beyond civilian control. In addition to the 25 percent quota of parliamentary seats reserved for military appointees, the military controls the ministries of Defense, Border Affairs, and Home Affairs. Five of the 11 seats on the all-powerful National Defense and Security Council are held by the military, and Article 445 of the Constitution enshrines impunity for the armed forces. The absence of civilian control over the military is the biggest challenge to the National League for Democracy government’s democratic reform agenda, as well as to ending human rights violations.

Key findings

The enduring, constitutionally entrenched power of the military and the elevation of Buddhism as the de facto state religion are key factors in understanding violations of religious freedom currently affecting Christian communities in Burma.

Many of the discriminatory policies and practices instituted under the military regime continue today. The renamed Ministry of Religious Affairs and Culture, the military-run Ministries of Border Affairs and Home Affairs, and the military itself are directly responsible for religious freedom violations. The Committee for the Protection of Race and Religion, better known as Ma Ba Tha, and other ultra-nationalistic monks have played a key role in abusing the right to religious freedom and inciting violence against Christian pastors and missionaries.

Discriminatory restrictions on land ownership for religious purposes affects Christian communities across Burma. Militarized bureaucratic procedures are designed to obstruct permission for land ownership

rather than facilitate it. In order to have a place to gather for worship, Christian communities have no other choice but to circumvent the restrictions. In some majority Buddhist areas—especially the Ma Ba Tha heartlands—Christians are almost entirely unable to congregate for worship, resulting in violations of freedom of religious assembly. Such violations are taking place in the context of continued state spending on the construction of pagodas and monasteries as part of the state’s promotion and propagation of Buddhism.

This report documents incidents of intimidation and violence against Christians, the forced relocation and destruction of Christian cemeteries, violent attacks on places of worship, and an ongoing campaign of coerced conversion to Buddhism, particularly in Chin and Naga areas. In Kachin areas, religious freedom violations are inextricably linked to the ongoing conflict and its root causes. The military routinely occupies churches and summons entire congregations for interrogation. Tatmadaw (Burmese Army) troops have desecrated, damaged, and destroyed churches. The military continues to perpetrate grave human rights violations with near total impunity, including sexual violence in church compounds and the torture of pastors, church workers, and ordinary civilians. To date, approximately 120,000 people have been forced to flee. After more than five years of conflict, many Kachin face protracted displacement and are desperate to return home. As long as the conflict continues, there is no real prospect for internally displaced persons (IDPs) to return in safety and with dignity.

These issues underscore the major challenge facing Aung San Suu Kyi’s National League for Democracy (NLD) government: bringing the military under civilian control. Undertaking substantive reforms to ensure religious freedom for all—in law, policy, and practice—must be a cornerstone of ongoing peace and national reconciliation efforts in Burma.

METHODOLOGY

The research primarily focused on the state of religious freedom for some of the most marginalized populations in Burma: the predominantly Christian Chin, Naga, and Kachin. It also examined the situation facing minority Christian communities living in majority Buddhist areas. From March to May 2016 the researcher

conducted 68 key informant interviews and two focus group discussions, traveling to Kalaymyo in Sagaing Region; Falam, Hakha, and Matupi in Chin State; Khamti in the Naga area in Sagaing Region; Myitkyina in Kachin State; Pakokku in Magwe Region; and Rangoon and Mandalay. The researcher held interviews with Christian leaders from different denominations, as well as civil society representatives of diverse ethnic and religious backgrounds with in-depth knowledge of religious freedom issues. The research centered on the core elements of religious freedom—the right to choose or change religious beliefs, manifest them freely with others, and experience freedom from coercion to change beliefs—and explored the role of perpetrators either directly implicated in religious freedom violations or indirectly implicated in inciting violence against Christians.

POLITICAL CONTEXT

The NLD, led by Aung San Suu Kyi, won a landslide victory in the November 2015 elections, securing the vast majority of contested seats and taking control of government. Ma Ba Tha had sought to exploit religious divisions to garner support for then President Thein Sein's Union Solidarity and Development Party (USDP), but its efforts did not bring about the desired result. Nonetheless, the NLD did not field a single Muslim among its 1,100 electoral candidates. NLD spokesperson Win Htein said, "If we choose Muslim candidates, Ma Ba Tha points their fingers at us so we have to avoid it." Although Muslim candidates ran for other parties, none were elected, resulting in no Muslim representation in the Union parliament for the very first time. A reported 55 Christian Members of Parliament (MPs) were elected to the Union parliament. Ethnic Chin Christian Henry Van Thio was appointed as vice president, and five other Christians were selected as chief ministers in ethnic states—the first time Christians have held such high office in Burma in decades.² While this is a welcome development, the lack of Muslim representation in both the legislature and executive is deeply troubling.

Parliament approved Aung San Suu Kyi's choice of Htin Kyaw as president; he is her close ally and is widely viewed as a proxy figurehead. Aung San Suu Kyi herself is barred from becoming president under clause 59(f) of the military-drafted 2008 Constitution. The NLD pushed through legislation to create a powerful new position of state counsellor to circumvent this restriction. The newly elected president appointed Aung San Suu Kyi to the position, enabling her to fulfil her electoral pledge to govern "above the president" and satisfy her popular mandate. In addition to the new role of state counsellor, Aung San Suu Kyi is also foreign minister and head of the President's Office; as foreign minister, she is guaranteed a seat on the all-powerful National Defense & Security Council (NDSC). Such maneuvers concentrate power with Aung San Suu Kyi, and can also be interpreted as an attempt to counteract the considerable power of the military.

Ministry of Religious Affairs and Culture

One of the first steps taken by the new NLD government was to consolidate the number of government ministries from 36 into 21; as part of this effort, the Ministry of Religious Affairs and Ministry of Culture were merged. Many Chin interlocutors, including a newly elected Chin NLD MP, questioned the need for a Ministry of Religious Affairs at all. According to one pastor, "If we are a real democracy, we don't need that Ministry."

Others acknowledged the risk of a backlash from Ma Ba Tha if the NLD government abolished the ministry altogether, with one civil society representative describing it as "a political landmine."

... the lack of Muslim representation in both the legislature and executive is deeply troubling.

Thura Aung Ko was appointed as minister for religious affairs and culture in the NLD's self-described national reconciliation government. A former brigadier general in the military, he held the post of deputy minister for religious affairs for a decade under the SPDC regime, resigning from the military in 2010 to contest the elections for the USDP in Chin State. During his time in parliament under President Thein Sein's government, he was viewed as a reformist from the military; he is also considered to be close to Aung San Suu Kyi.

Chin interlocutors expressed serious concern about Thura Aung Ko's appointment, pointing to well-documented violations of religious freedom in Chin State during his tenure both as an SPDC minister and a USDP MP. For Chin civil society representatives, his appointment was motivated by political expediency rather than national reconciliation.

Minister Thura Aung Ko has admitted that the USDP government "over-promoted" Buddhism. Initial reports—including the minister's speech to parliament outlining his ministry's plans for the first 100 days of the NLD government, focusing almost exclusively on support for monastic schools and protection and promotion of Buddhist heritage sites—indicate continuity with previous practices.

The minister has delivered very mixed messages on religious freedom. At the time of his appointment, he publicly claimed he would ensure "the equality of the four major faiths (Buddhism, Islam, Christianity and Hinduism),"³ but on his first day in office courted controversy, implying in a media interview that Hindus and Muslims are "not full citizens" of the country.⁴

To date, Thura Aung Ko's ministry has failed to halt a defiant campaign—ongoing in Karen State since September 2015—led by Buddhist monk U Thuzana, better known as Myaing Kyee Ngu Sayadaw. The monk, who is closely linked to the Democratic Karen Benevolent Army, an ethnic armed organization, has fueled religious tensions in the area by building pagodas in the compounds of Baptist and Anglican churches, as well as a statue of Buddha close to a mosque. U Thuzana's actions have so far been tolerated by Muslim and Christian communities, whose leaders have urged restraint. Minister Thura Aung Ko told a meeting of interfaith activists that the problem was resolved because the Anglican Archbishop had "given" the land to Buddhists.

KACHIN CONTEXT

Current religious freedom challenges facing the Kachin are inextricably linked with the ongoing armed

conflict and its root causes. The Kachin Independence Organization (KIO) and its armed wing, the Kachin Independence Army (KIA), were formed in response to the broken promises of the Panglong agreement, as well as anger at U Nu's decision to promulgate Buddhism as the state religion in 1961.

June 2016 marked the somber milestone of the fifth anniversary of when the Tatmadaw broke the 17-year-long ceasefire, sparking renewed conflict. In May 2016 the Tatmadaw launched new offensives against the KIA in Hpakant and Mansi townships, including the use of airstrikes in the Mansi area, forcing civilians to flee. The launch of new offensives since the NLD-led government came to power underscores the immense challenge of bringing the military under civilian control.

Particularly striking is the paramount role Kachin churches (mainly Baptist and Catholic, but also other smaller denominations) have played in responding to the humanitarian crisis triggered by renewed armed conflict, while at the same time their congregations continue to suffer egregious human

rights violations, including religious freedom.

To date, the conflict in Kachin areas has forced approximately 120,000 people to flee. Some people fled to areas under KIO control, while others sought shelter in churches in government-controlled areas. Five years on, some IDPs are still living in

churches. Kachin churches established and continue to manage the majority of the IDP camps, numbering more than 120 in Kachin and northern Shan states.

Access is a significant challenge for humanitarian actors. Delayed travel authorization to IDP camps in government-controlled areas and entirely restricted access to KIO-controlled areas have led to severe consequences for people in need of support. This has been compounded by a funding shortfall and changing modalities of assistance provided by UN agencies and international non-governmental organizations (NGOs). In many IDP camps, food rations have been replaced with cash provisions of around \$8 per person

Particularly striking is the paramount role Kachin churches have played in responding to the humanitarian crisis triggered by renewed armed conflict, while at the same time their congregations continue to suffer egregious human rights violations, including religious freedom.

per month, which interlocutors emphasized is insufficient to meet basic needs. Amid reports of land-grabbing by the military—and under increasing pressure to provide food for their families—some IDPs risk going back to work on their farms, in spite of the threat of landmines and of being caught in the crossfire of renewed fighting. IDPs are desperate to go back home; however, as long as the armed conflict continues, there is no real prospect for IDPs to return in safety and with dignity.

CHIN CONTEXT

In spite of considerable efforts by Chin civil society in recent years to defend their rights, the Chin people continue to face significant religious freedom challenges. The Chin also face an ongoing struggle for lasting peace, and the lack of civilian control over the military continues to be a major issue.

Since March 2015, the Tatmadaw has sporadically clashed with ethnic armed group the Arakan Army



Falam town, Chin State. Photo: Rachel Fleming

operating in Paletwa township in southern Chin State, bordering Arakan State, forcing hundreds of Chin villagers to flee. Chin civilians continue to be caught in the crossfire.⁵

In 2012, ethnic armed group the Chin National Front (CNF) and its armed wing, the Chin National Army (CNA), and the government signed ceasefire agreements, the most comprehensive out of all the bilateral agreements. The CNF is also a signatory to the October 2015 Nationwide Ceasefire Agreement signed by eight armed groups. The bilateral ceasefire agreements explicitly prohibit human rights abuses by both the Tatmadaw and the CNF. However, the Tatmadaw has continued to commit human rights violations with impunity, including sexual violence, forced recruitment, and arbitrary arrest, detention, and torture of civilians.

The bilateral agreements also provide for the full enjoyment of all tenets of religious freedom, and specify the right to own land for religious purposes, freely construct churches, and proselytize. The CNF argued for their inclusion following public consultations during which Chin people raised the lack of religious freedom as a key concern. The agreements provide for a ceasefire monitoring body, the Chin Ceasefire Monitoring Team (CCMT). The CCMT does not have the financial or human resources to effectively monitor all the provisions of the agreements, such as the protections for religious freedom; in fact, its main challenge is to prevent an outbreak of conflict between the CNF and the Tatmadaw.⁶

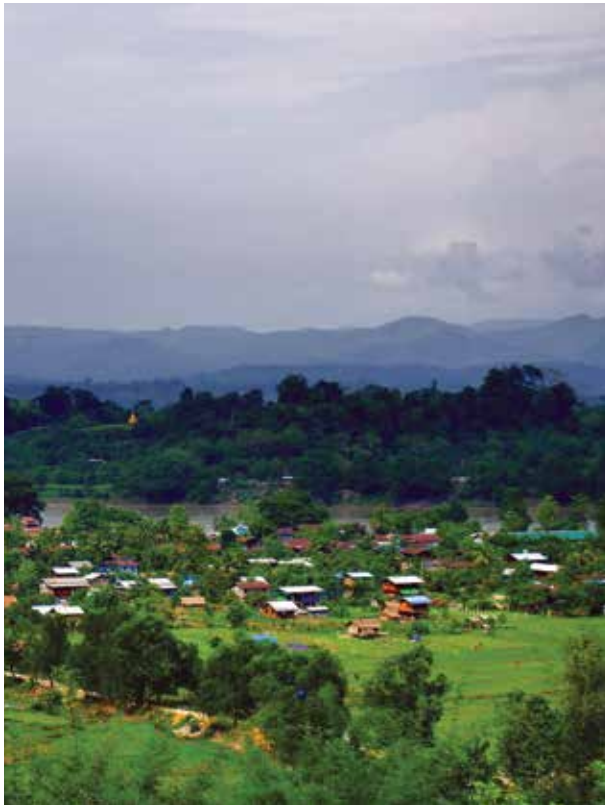
The historic Chin National Conference in November 2013, held for the first time in decades, brought together representatives from the CNF, Chin civil society, and the Chin State government. The conference put forward 12 recommendations on religious freedom. These recommendations effectively expanded upon the protections enshrined in the bilateral ceasefire agreements, and included calls for the authorities to grant land ownership rights for religious purposes and to restore all Christian crosses that were destroyed under various pretexts. However, such important efforts to ensure protection of religious freedom via the peace process have been seriously undermined by ongoing religious freedom violations against Chin Christians.

NAGA CONTEXT

The history of the Naga people, their aspirations for self-determination, and the human rights violations they have faced are not well understood in Burma. Naga people have long lived in their own ancestral homeland, which encompasses areas of present-day northeast India and Burma. They were never under the reign of the Burmese kingdom, nor were Naga areas in Burma under British colonial rule.

The Nationalist Socialist Council of Nagaland (NSCN), an armed group formed in 1980, split into two factions in 1988, named after their respective Naga leaders: NSCN-K, led by S.S. Khaplang and active in Burma as well as northeast India, and NSCN-IM, founded by Isak Chishi Swu and Thuningaleng Muivah and active in northeast India. The NSCN's overriding objective is to establish an independent Christian nation-state known as Nagalim by unifying all the Naga-inhabited areas in northeast India and Burma.

Naga aspirations for self-determination are undermined by the 2008 Constitution: the "Naga self-administered zone" defined by the constitution has limited powers amounting to a municipality, and only includes



Chindwin river, Khamti, Naga area. Photo: Rachel Fleming

the three townships of Lahe, Nanyun, and Layshi, excluding areas that historically were considered part of the Naga homeland and are rich in natural resources, such as Khamti in Sagaing Region.⁷ In 2012, NSCN-K signed a Sagaing Region-level, basic five-point ceasefire agreement, but declined to sign a Union-level agreement, as its position is for a unified, independent Naga nation-state, an international issue that transcends national boundaries.

Under military rule, the Tatmadaw subjected Naga Christian communities to a brutal forced conversion campaign, which began in 1994 and lasted for a decade or more. Tatmadaw soldiers tortured Christian missionaries and pastors, occupied dozens of villages, and forcibly converted villagers to Buddhism at gunpoint. Soldiers burnt down churches and, in some cases, forced congregations to destroy their own churches at gunpoint. In one 1999 case, soldiers forced a congregation to dismantle their church and carry the wood 30 miles to be used to construct a Burma Army camp. Tatmadaw soldiers subjected civilians from five different villages in Lahe Township to water torture. Soldiers held villagers' heads under water and asked, "Do you see your Jesus Christ down there?" Churches were burned down in all five villages.

This campaign was part of a divide-and-rule strategy along religious lines, with the aim of severing the Naga community's links with the NSCN-K, whose motto is "Nagaland for Christ." It was implemented as part of the Tatmadaw's "four cuts" policy, designed to undermine support for ethnic armed groups by cutting off access to funds, recruits, food, and information. The Tatmadaw also insisted leaders of important Naga cultural committees must be Buddhist, on the basis that they viewed Christianity as a "foreign" religion and believed Christian leaders would be influenced by the armed group.⁸

Many pastors, missionaries, and ordinary villagers fled to India as a result of this persecution. Although some villagers became Buddhist after being subjected to this brutal campaign, many more chose to remain Christian, and the military's campaign was largely unsuccessful. Today, Naga communities face ongoing violations of religious freedom, including a subtler forced conversion campaign via the Na Ta La school system under the Ministry of Border Affairs.

RELIGIOUS FREEDOM VIOLATIONS

The freedom to choose a religion is a fundamental human right, recognized in international human rights instruments and widely recognized as having customary international law status. Religious freedom more broadly encompasses freedom from discrimination, the right to choose or change religious beliefs and manifest them freely with others, and freedom from coercion to change beliefs. Places of worship, freedom of religious assembly, and the freedom to express one's convictions to others are essential elements of manifesting the individual and collective right to freedom of religion or belief. Coercion to change beliefs can take different forms, ranging from threat of physical force or penal sanctions to compel individuals to convert, or policies or practices having the same effect, such as restricting access to education or employment unless an individual converts. The rights of children to choose their own religious beliefs are given special protection under the Convention of the Rights of the Child, to which Burma is a state party.⁹

Violations of the right to choose own beliefs

Christian denominations strongly opposed the Religious Conversion Law, one of the package of bills for the so-called “protection of race and religion.” Originally proposed and drafted by Ma Ba Tha and signed into law by President Thein Sein in 2015, each of the four discriminatory laws—regulating monogamy, marriage, birth spacing, and religious conversion—restrict religious freedom and undermine women's rights.

The Religious Conversion Law unlawfully restricts the right to freely choose a religion, interferes with proselytizing, and could be used to criminalize such activities. Although the law is not currently being implemented—as there are no accompanying bylaws (usually required before a law can be enforced in Burma)—it is already having an indirect impact. The General Secretary of the Chin Baptist Convention explained, “Some Buddhists want to convert, they tell us they want to be Christian, but they are afraid of this law. People are

afraid of choosing their own religion. We tell our missionaries that they have to be careful. They are fearful about explaining their own faith. If they are reported to the authorities, they may face problems.”

Under the USDP government, the NLD officially opposed the four laws. Civil society representatives have noted it may be challenging for the NLD government to directly abolish the four laws due to the threat of a backlash from Ma Ba Tha. In July 2016 the government defended the four laws before the UN's committee on the Convention on the Elimination of All Forms of Discrimination against Women, to which Burma is a state party.

Institutionalized discrimination on the basis of religion

Kachin, Naga, and Chin Christian employees are routinely overlooked for promotion within the civil service and other government sectors, in favor of Buddhists. For example, in the Chin State capital of Hakha, all but two of the department heads within the state-level administration are Burman Buddhists.

When Christians do hold government positions, they face sanctions if they refuse to support Buddhist activities. In some cases, the authorities take contributions from Christian civil servants' salaries for Buddhist activities, such as building pagodas and organizing Buddhist New Year (*Thingyan*) celebrations, a practice

continued from the time of military rule until today. Government workers dare not refuse, for fear of losing their jobs or other negative consequences. In Hakha in 2016, the authorities collected money from some civil servants

for Thingyan, and some female government employees were ordered to perform in traditional Thingyan dances. One Christian woman reported, “We were even threatened that we would be dismissed from our position [if we refused]. I do not think any of the performers really gave their consent. We don't like it, we are just afraid to lose our jobs.”

Such problems are compounded by the difficulties people face in accessing education, particularly in remote and rural Kachin, Chin, and Naga areas. Many

The Religious Conversion Law unlawfully restricts the right to freely choose a religion, interferes with proselytizing, and could be used to criminalize such activities.

Naga and Chin leaders equate discrimination with central government neglect. One Naga civil society representative explained, “Many people haven’t even heard of the name Naga . . . because we are forgotten. The Union government has ignored us and as a result, we don’t have education facilities, proper health services, or basic infrastructure like roads and bridges.”

There are no state-run universities in Chin State, and bureaucratic hurdles such as changing household registration documents plus other associated costs of relocating elsewhere in Burma for further study are prohibitive for many Chin. Instead, many choose to study at Christian institutions in Chin State. However, the government does not officially recognize degrees and other qualifications offered by Christian theological colleges and universities, which means graduates from Christian institutions cannot secure employment in the government sector.

Expressions of intolerance and hatred

The elevation of Buddhism as the de facto state religion, coupled with state-sanctioned institutionalized discrimination against religious minorities, emboldens ultra-nationalistic groups such as Ma Ba Tha. Under the USDP government, the source of Ma Ba Tha’s power arguably came from tacit state support, which allowed it to conduct both its online and offline activities with unparalleled freedom. By contrast, activists accused of sharing social media posts mocking the Tatmadaw were given six-month jail terms.

Ma Ba Tha is frequently portrayed as an anti-Muslim organization. Muslims—and Rohingya in particular—are the primary target of Ma Ba Tha’s vitriol. Ma Ba Tha’s hateful ideology in the guise of protecting “race and religion” is far-reaching and extremely dangerous—any minority group could become a target of its intolerance and incitement to hatred and violence. Ma Ba Tha’s complexity, pervasive reach, and influence threatens all minority rights.

A number of anti-Christian hate speech posts on Facebook by known Ma Ba Tha monks point to Christians becoming Ma Ba Tha’s latest target. A March 12, 2016, post by Wirathu, one of the most provocative voices of Ma Ba Tha, purportedly shows Chin Christian girls disrespecting Buddha statues. At least two of the images are not from Burma, and are reminiscent of

fake inflammatory images targeting Muslims posted by Wirathu and others in the past. This malevolence was likely triggered by Chin Christian Henry Van Thio’s appointment as vice president. Other posts circulating on Facebook decried his appointment and were “liked” and shared multiple times.



Facebook post by Wirathu. Photo: Rachel Fleming

There are a number of ultra-nationalist monks and associations who are not formally a part of Ma Ba Tha, but share its ideology and are even more extreme. Examples include monks from the National Monks’ Union and the Myanmar National Network, both involved in leading a public protest against the appointment of Vice-President Van Thio in April 2016.



Anti-Vice President Van Thio screenshot. Photo: Rachel Fleming

In June 2016, ultra-nationalist monks gathered in Rangoon to mark the third anniversary of the group, and vowed to continue protecting “race and religion.” In July, the tide appeared to turn against Ma Ba Tha when the government-appointed monks’ body, the *Sangha Maha Nayaka* committee, sought to distance itself from the group, stating that Ma Ba Tha had not been created in accordance with the official procedures of the sangha. The NLD government set up a task force to prevent and mitigate interreligious violence, and Religious Affairs and Culture Minister Thura Aung Ko publicly promised legal action against Ma Ba Tha if the group kept “making problems with other religions.”

Discriminatory restrictions on land ownership for religious purposes

The most pervasive issue affecting Christians is land ownership for religious purposes. The bureaucratic procedures put in place during SPDC military rule in the early 1990s, and still in practice today, amount to discriminatory restrictions designed to obstruct permission rather than to facilitate it.

There are up to eight different levels of permission required to build a church or plant a cross, including the township-level General Administrative Department (GAD) under the military-run Ministry of Home Affairs and the Ministry of Religious Affairs and Culture in Naypyidaw. The GAD acts as the government’s civil service, and its pervasive reach extends from Naypyidaw down to the village and ward levels. It is a militarized bureaucracy, not only in its hierarchy but also because former military officers often hold district and township-level administrator positions. As a result, applications for religious land ownership for churches or crosses usually disappear into a bureaucratic black hole, and permission almost never materializes. This practice makes it extremely difficult to get official permission to construct a church or plant a cross.

. . . applications for religious land ownership for churches or crosses usually disappear into a bureaucratic black hole . . . [making] it extremely difficult to get official permission to construct a church or plant a cross.

In order to have a place of worship, Christians have to circumvent the restrictions. Individuals (with the backing of their church) usually buy land in their own names and apply for residential building permission, and in some cases pay bribes, so that they can have a place of worship. In ethnic areas like Chin State, Kachin State, and the Naga area—where customary land use practice is still accepted to some extent—this practice is tolerated, but the churches are effectively illegal. In 2014, all the churches in Hakha applied to have the ownership changed from private individuals to churches, but to date none have received a response.



A Baptist church, Hakha. Photo: Rachel Fleming



A Catholic church, Khamti. Photo: Rachel Fleming



Lautu Baptist Church. Photo: Rachel Fleming

In predominantly Buddhist urban areas, the regulations are more strictly enforced. In Rangoon, new churches built in the past five to 10 years have been able to circumvent the restrictions on church-owned land outlined above by obtaining permission for a residential building instead. To remain inconspicuous and avoid any problems from the authorities, the church members refrain from using religious symbols or signboards on the building exterior. One Chin Baptist pastor explained, “If possible, of course we want to decorate the building with Christian symbols. For us, since we have been under this situation for so long, we no longer expect to be able to do that. We have different kinds of fear in our hearts still, so we can’t think about decoration like that yet.”

In other predominantly Buddhist urban areas like Mandalay, Christians sometimes gather for worship in a small “house church”—also not identifiable as a place of worship from the outside. In December 2015, a Shan Baptist congregation invited its neighbors to a Christmas celebration at its small house church. After some local Buddhists complained to the nearby Mae Soe Yein monastery (home to Wirathu), the township-level Sangha Maha Nayaka committee and the township Department of Religious Affairs separately summoned the Shan Baptist pastor for questioning about the legality of his place of worship and planned Christmas celebration. The congregation has since decided to find another location to establish a church.

Christian communities are angry about the discriminatory nature of the restrictions. One pastor explained, “What we really want is to have the church building and land ownership under the church name itself, not under private names. For example, the Buddhist monastery has a proper area allocated to it. The government gives a license or [land] registration under the monastery name, but for Christians we cannot have that.” A Chin elder said, “In this country, the government builds a lot of pagodas with the State budget. Meanwhile Christian churches are not even allowed to own a plot of land.”

Violations of freedom of religious assembly

Violations of freedom of religious assembly affect all Chin, Naga, and Kachin Christian communities in diverse ways in different geographic areas, although there are also similarities.

In state-funded schools, Christian students are expected to pay homage to the Buddha or recite Buddhist scriptures. From around September to November, all school children, regardless of their religious background, have to observe the *Uposatha*, known in Burmese as *ubot nei*, or Buddhist Sabbath. When this falls on a weekday, school is substituted on Saturdays or Sundays. This interferes with the right to religious assembly, including for Seventh-day Adventists who worship on Saturdays. This practice continues in majority Christian Naga, Chin, and government-controlled Kachin areas.

All Chin, Naga, and Kachin Christian leaders still need to seek permission from the GAD for large worship gatherings, and must also inform it about seminars and other Christian activities.

In 2016, the Ministry of Home Affairs reportedly issued orders to the GAD to monitor Christian and Muslim religious activities, such as how they are funded and with whom religious leaders are meeting. This may explain the origins of a GAD order received by a Naga Baptist pastor in May 2016, instructing him to seek permission 10 days in advance for any kind of religious activities. He reported, “This reflects that we are still being monitored and watched by the government, so anything can happen.”

In conflict-ridden Kachin areas, villagers are scared to gather for religious worship. Any time they assemble, they run the risk of Tatmadaw soldiers accusing them of conducting KIA-related activities, which in turn can lead to arbitrary arrests, detention, and torture of civilians under the pretext of unlawfully associating with an armed group, or other serious consequences.

In Chin State, government employees are routinely ordered to work on Sundays without compensation. Chin representatives raised the issue with then President Thein Sein during an official visit to Hakha in February 2015, and he agreed the practice should be stopped. However, it has continued, most recently in May 2016 when obligatory teacher training mandated by the Union-level government took place on Sundays, interfering with the right to religious assembly.

In the Naga area, monks from the Hill Regions Buddhist Mission (HRBM), under the Department for the Promotion and Propagation of the Sasana within the Ministry of Religious Affairs and Culture, have stopped the construction of Christian churches and crosses,

violating freedom of religious assembly in the process.

In one particular case, a Catholic priest and other Catholic households in a village in Khamti Township have faced problems for decades due to the preaching of successive HRBM monks, who claim that Buddhism is the state religion. The Catholic priest in particular faced threats, isolation, and immense pressure from the Buddhist families in the village—supported by the monk—to convert to Buddhism. In 2014, Catholic villagers negotiated permission from the township Department of Religious Affairs to construct a small church in the village. After they started to build the foundations, the HRBM monk stopped the construction. The Catholic priest reported, “The monk spoke to me very arrogantly and rudely. He said, ‘Christianity is a foreign religion, why are you so stubborn to believe in Christianity?’ It’s been so difficult for us, we cannot build even a small church to be able to worship together. As the Christian community, we are marginalized and isolated. Our village is literally run by the monk.”

In predominantly Buddhist Ma Ba Tha heartland areas like Mandalay, and Pakokku in Magwe Region where Christians are in a small minority, congregations are unable to gather for worship, in part due to Ma Ba Tha’s pressure on local authorities. In a Mandalay suburb, a Chin Baptist pastor tried to build a church after securing residential building permission in 2013. The authorities ordered the pastor to stop after a complaint by the Shwe Gyi Zee association, a Buddhist social welfare organization run by monks, where the head monk is linked to Wirathu and Ma Ba Tha. The pastor was allowed to complete construction, but was forced to give a sworn statement in front of a judge saying the facility would not be used as a church. The pastor said, “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.”

In Yesagy, a town near Pakokku in Magwe Region, pressure from Ma Ba Tha has prompted two legal cases against another Chin Baptist pastor. Christians are a very small minority in Yesagy; only around 17 of 4,000 households are Christian. As it is effectively impossible to secure permission to legally construct a church by following the official procedures, the pastor applied for permission to construct a residential building. Ma Ba Tha

monks from Theik Gyi monastery—including Ma Ba Tha’s township-level President U Zawana and central-level official U Kawei—lodged their opposition to the construction application and encouraged the local Buddhist community to do the same. Following pressure from Ma Ba Tha, the municipal authorities brought a legal case against the pastor; he ignored a resulting December 2013 order to destroy the building. The Ma Ba Tha monks then went to the GAD office and demanded the pastor destroy the building, or else they would do it. Under pressure from Ma Ba Tha, the GAD brought a second case against the pastor, which was thrown out of court on a technicality in 2014.



Damaged compound, Yesagyo. Photo: Rachel Fleming



Damaged compound, Yesagyo. Photo: Rachel Fleming

Angered by the authorities’ apparent failure to take legal action against the pastor, Ma Ba Tha incited local Buddhists to stone the building and destroy property on three occasions, most recently in June 2015, for several days in a row. The pastor reported the attacks to the

police but no action was taken. “Sometimes my wife cannot sleep at night due to the fear,” said the pastor. The situation is currently at a stalemate. The pastor explained, “Even if we ask for permission again, we will not get it. After the court dropped the [second] case, we applied again. But it was rejected again, so we still don’t have permission. I don’t know about under this new NLD government.”

Forced relocation and destruction of Christian cemeteries

Discriminatory restrictions on land ownership for religious purposes also facilitate land-grabbing by the authorities. Since 2012, the authorities in Kalaymyo (a town in Sagaing Region where many Chin live) have grabbed land from 16 cemeteries, all but two of which are Christian. The orders came from then Chief Minister of Sagaing Region Tha Aye, a former major general in the Tatmadaw. 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 costs at new cemeteries.

In two particular cases, Chin Christian communities strongly resisted the orders. In the case of the Santha cemetery, authorities ordered the community to move their cemetery at least five times since the 1980s. Only a fraction of people were able to move their loved ones’ remains before the authorities destroyed the cemetery by bulldozer in May 2013. One Chin pastor explained, “Even my first-born son, I didn’t have time to move his grave.” In early 2015, the authorities built a high school on part of the cemetery site, but the Christian community maintains it is not needed, as there is already a high school in the area. Only 30 students are attending the new school.

In another case, a Chin Christian community had land registration documents for Toungphila cemetery, which has been in existence for a century. In June 2015, while the community was in the process of trying to negotiate with the authorities for the cemetery to remain, the grounds were bulldozed in the middle of the night under police protection. The authorities have since built an herbal medicine clinic and government staff quarters on part of the cemetery site; the community maintains the authorities had other land they could have used instead.

These cases have had a devastating impact on hundreds of families in Kalaymyo: when the authorities



Toungphila cemetery site. Photo: Rachel Fleming

destroyed the Toungphila and Santha cemeteries, they disturbed remains at recent burial plots, as well as ancestral remains. As in many societies, in the Chin cultural tradition it is very important to take care of sacred sites and ancestral remains. A Chin civil society representative explained, “Cemeteries are sacred sites, we feel attached to the land. If someone removes or destroy the remains, it’s like making our ancestors die twice.” The communities held public protests and sought to take their complaints to the highest levels of government—citing a report by the parliamentary Land Acquisition Investigative Committee, which stated that acquisition of religious buildings and cemeteries should be avoided—but never received a response.

Intimidation and violence against Christians

Ultra-nationalist monks, the authorities, and the Tatmadaw have all played a key role in intimidation and violence against Christians.

Since 2013, Ma Ba Tha monks in Magwe Region have tried to force the only Christian family out of a Buddhist village near Yesagy. Initially they tried to evict the family, telling them they should move to another village where there are Christians. When the family refused, the

village headman—encouraged and emboldened by Ma Ba Tha—has repeatedly used other strategies, such as forbidding anyone to work on the family’s paddy fields, to try and force them out, leaving the family isolated and facing ongoing discrimination.

In Pauk township in Magwe Region, in a village of around 100 households, a Christian missionary from the Chin Baptist Convention became the target of Buddhist monks associated with the 969 Movement monks in 2014, effectively forcing the missionary out of the village as he could no longer make enough money from his small shop to survive. When a second missionary originally from the village came back to replace the first, 969 monks instigated a land dispute to force him out, calling on the community to isolate him. The villagers were divided about the campaign, and a physical fight broke out. In March 2016, tensions further escalated when a local Buddhist broke into the missionary’s house, destroyed property, and physically assaulted him; the perpetrator was arrested and detained. Christian leaders and the Christian householders in the village believe he was acting on the orders of the ultra-nationalist monks.

In the Naga area, a missionary from the Full Gospel Assembly denomination in Khamti has experienced ongoing harassment and complaints from local Buddhists since 2011, including being threatened at

In Pauk township in Magwe Region, . . . a Christian missionary from the Chin Baptist Convention became the target of Buddhist monks . . . , effectively forcing the missionary out of the village. . . .

knifepoint and stoned during worship services at his temporary house church, even during a funeral service held for his sister. Rather than seeking to protect the Christian congregation, in April 2016 the township Department of Religious

Affairs issued an order for the missionary to move out of the area on the premise that he is disturbing Buddhist neighbors. The neighborhood is predominantly Christian, but Burman Buddhist government employees also live in the area, alongside ethnic Shanni Buddhists.

In February 2015 in Paletwa in southern Chin State, a group of Baptist missionaries were temporarily detained by Tatmadaw soldiers who extorted money from them on the premise that they did not have a permission letter from the GAD to conduct their mission work.

In conflict-affected Kachin areas, the Tatmadaw has perpetrated grave human rights violations against Kachin Christian communities, documented by several local and international human rights groups. Such violations include sexual violence in church compounds, forced labor exacted from Christian congregations, extrajudicial killings, and the torture of pastors, church workers, and ordinary civilians.

The Tatmadaw has summoned entire Kachin congregations for interrogation. In March 2016 in a village in Kutkai Township in northern Shan State, Tatmadaw soldiers detained and interrogated a Baptist pastor and 35 villagers at the local monastery. Soldiers forced village elders to sign documents stating that the village did not have any connections with ethnic armed organizations. In April, local people from two different villages in Hsenwi Township in northern Shan State were summoned to their Roman Catholic churches and interrogated.

Early on in the conflict in 2011, Tatmadaw soldiers shot into a church while people were taking shelter there, injuring civilians, including Deacon Lum Hkawng. After shooting the deacon, soldiers dragged him outside; he has since disappeared. The Myanmar National Human Rights Commission investigated the case, but have yet to provide Lum Hkawng's family an explanation for his disappearance.

In January 2015, two volunteer teachers, Maran Lu Ra and Tangbau Hkawng Nan Tsin, from the Kachin Baptist Convention (KBC), were gang-raped and murdered within the KBC church compound in Kawng Kha village in Muse Township in northern Shan State. Fifty Tatmadaw soldiers arrived in the village the day before the attack and were stationed just over 100 meters from the KBC compound, according to eyewitness accounts. An investigation by KBC and a subsequent report published in January 2016 presents compelling circumstantial and eyewitness evidence alleging that Tatmadaw soldiers are responsible for the killings. For its part, the Tatmadaw issued a public statement warning it would take action against anyone who makes "false accusations" against the military. The

police investigation has been fundamentally flawed. Reverend Dr. Hkalam Samson, general secretary of the Kachin Baptist Convention, asserted, "This case will be like a benchmark for the new government - will they be different, or the same as the previous government? This is the measure of whether or not this new government follows justice and the rule of law, or not."

Occupation, desecration, and destruction of churches and crosses

Under military rule, the Tatmadaw occupied Chin, Naga, and Kachin areas and routinely occupied, desecrated, or destroyed places of worship, Christian crosses, and other sacred sites. This practice continues today in active armed conflict zones.

Paletwa Township in southern Chin State has seen increased militarization and troop movement since early 2015, including periodic church occupations by the Tatmadaw. Tatmadaw soldiers occupy Kachin churches on a routine basis. In some instances, militia members and government soldiers take over a church still in use by villagers, disrupting their right to religious assembly. In May 2016, a humanitarian worker witnessed soldiers occupying a Kachin church in Muse in northern Shan State. He explained, "Churches and schools are not supposed to be targets, but they are hiding in those churches, because they know the KIA will not shoot at the churches. . . . They want to occupy the churches for their protection." In other instances, Tatmadaw soldiers occupy churches after

Tatmadaw soldiers have desecrated churches by deliberately destroying church property, including church pews and Bibles . . .

fighting has broken out; the Tatmadaw's presence forces villagers to flee, abandoning their homes completely due to fierce fighting.

Throughout the course of the Kachin conflict, churches have been damaged during heavy fighting. The KBC has documented serious damage to 66 of its churches, some beyond repair. In some villages where heavy artillery was deployed, like Nam San Yang village in Waimaw Township, churches of different denominations have been completely destroyed and all of the villagers forced to flee. In other cases, the destruction of Christian monuments has been deliberate. In February 2015, Tatmadaw soldiers

destroyed a Roman Catholic cross on a prayer mountain near Tang Gau village in Hpakant Township following a nearby skirmish with the KIA.

Tatmadaw soldiers have desecrated churches by deliberately destroying church property, including church pews and Bibles, and in some cases even defecating in churches. One IDP from Gara Yang village in Waimaw Township explained, “Earlier this year we got permission to go back to my village [for a visit]. We had to get permission first from the army base, otherwise we couldn’t go back. . . . The military are still occupying my village now. Everything was destroyed in both the KBC and [Roman Catholic] churches. . . . We saw it for ourselves. The Tatmadaw threw out all the church property, the church pews and everything is destroyed. When they damage the churches like that they really hurt our feelings.”

Imposition of Buddhist infrastructure via state budget mechanisms

One of the legacies of the SPDC regime was the creation of a mechanism for state spending on Buddhist infrastructure through the Department for the Promotion and Propagation of the Sasana, under the now-renamed Ministry of Religious Affairs and Culture. The state’s elevation of Buddhism goes beyond mere “over-promotion” to become the de facto state religion, violating religious freedom in the process. In conflict-ridden Kachin areas, the Tatmadaw’s practice of destroying Christian churches and crosses and Kachin cultural heritage while simultaneously expanding Buddhist infrastructure continues today. In Chin and Naga areas, efforts to replace Christian crosses previously destroyed under military rule have faced many challenges, including the struggle for land ownership for religious purposes and ongoing state spending on Buddhist monasteries and pagodas against the will of local people.

In Kachin State, the case of Sinlum village tract in Momauk Township has caused intense pain and suffering for Kachin people. Sinlum is an historic place for Kachin, not only because of its connections with the Baptist Church—the first Kachin Baptists were baptized there—but also because one of the first Kachin Baptist pastors, Reverend Lahpai Zau Tu, was a prominent Kachin leader originally from the area. In late 2011, all the villagers fled the area when it was caught up in the fighting. Tatmadaw soldiers ransacked a church and destroyed a historic Bible that had belonged to Reverend

Lahpai Zau Tu. Since then, the Tatmadaw soldiers have occupied the village tract, and in 2013 they built a pagoda; they have also started to build a monastery. Military families and other Burmese Buddhists brought to the area by the Tatmadaw now occupy it.

In northern Kachin State, the Tatmadaw has also shown a total disregard for Kachin cultural heritage in Putao. In 2014, at a popular site at Machyang Baw known as the “rock dragon” and regarded as sacred in the folklore of spirit-worshipping Kachin, a local army commander commissioned construction work to attach a painted dragon head to the natural rock formation and built a pagoda at the top of the site, against the wishes of local people. A similar incident took place the following year when a pagoda was constructed at Nat Jawng, an island in Mali Hka River, famous in Kachin cultural heritage as the gathering place of ancestral spirits.

In the Naga area, local people in Tamanthi complained that the government is currently spending millions of kyats (Burma’s currency) on building monasteries in



Machyang Baw site. Photo: Kachinland Heritage Foundation



Nat Jawng. Photo: Kachinland Heritage Foundation

all-Christian villages, against the wishes of the people. A pastor explained, “The government itself is the one building those monasteries, so we don’t complain to anyone.”

A village upriver from Khamti in the Naga area where the vast majority of households are Christian (five percent are Buddhist) has faced repeated violations of religious freedom, starting in 2004 when Tatmadaw soldiers destroyed a cross the villagers had planted on a prayer mountain, and made the location their temporary base. Several years later, the HRBM built a monastery in the village by exacting forced labor from the villagers.

In recent years there have been ongoing disputes between the HRBM monks and the villagers, who want to plant a cross on the sacred site of the prayer mountain to replace the one destroyed by the military. Despite seeking official permission from the Department of Religious Affairs in Khamti, the villagers’ request was ignored. In the meantime, the monks prepared to build a pagoda at the site, against the wishes of local people. The villagers planted their new cross anyway, which the monks subsequently destroyed at the end of 2015. Local officials from the GAD and Department of Religious Affairs inspected the site and made false promises to the villagers, assuring them the monks would build their pagoda elsewhere. Instead, the monks proceeded with the construction, which was almost completed at the time of writing. According to one pastor, “This is our village. We will do whatever we want, we will go ahead and plant the cross. . . . But now the villagers are hesitant to fight this, and to go ahead with Christian activities. Some are saying we should just give up, because Buddhism is the State religion.”

In Chin State in January 2015, then Chief Minister of Chin State Hung Ngai—a former brigadier general in the Tatmadaw—ordered that a newly planted cross in Hakha be dismantled on the basis that it had been planted without permission. One of the elders involved in planting the cross explained, “None of the churches have permission, and many crosses have been destroyed, so we knew we would never get permission.” The large cross came to Chief Minister Hung Ngai’s attention after the Chin elder arranged to clear pine trees around the site of the cross, and it became visible from the town. Minister Hung Ngai personally ordered that charges be brought against the elder under the Forestry Act. The elder appeared in court

14 times, and was convicted and ordered to pay a fine or face three months in jail.

The order to dismantle the cross provoked public outcry and the threat of large-scale public protests in Hakha. Hakha Christian Ministers’ Fellowship (HCMF) leaders also discussed the issue with then President Thein Sein during his visit in February 2015. Following significant public pressure, Minister Hung Ngai told the HCMF it could apply to own three acres of land surrounding the cross. He insisted, however, that the same size of land would be allocated for Buddhism, on a higher peak on the same mountain range. This was met with strong resistance from the Chin Christian community, since five state-sponsored Buddhist pagodas had already been built to the east of the town.

For now, the cross is still standing and the pagoda has not been built, but this is due to significant public pressure rather than to any substantive change in policy or practice. Although it applied more than a year ago,



Calvary cross, Hakha. Photo: Rachel Fleming



Calvary cross, Hakha. Photo: Rachel Fleming

the HCMF does not yet have official land ownership of the area surrounding the cross.

In Matupi in southern Chin State, an umbrella organization of churches applied for permission in 2012 to plant a cross on a mountain peak to replace one previously destroyed by the military, but did not receive a response. In 2013, locals planted a cross at a nearby waterfall to replace another cross destroyed by the military. Based on their earlier experience, they did not seek prior permission.



Cross, Matupi. Photo: Rachel Fleming

Coerced conversion to Buddhism

Another legacy from the SPDC regime is the Na Ta La schools, which the Tatmadaw continues to utilize as a means of forcing Christians to convert. According to 2016 statistics from the military-run Ministry of Border Affairs, there are 33 Na Ta La schools across the country, with more than half in rural, impoverished Chin (nine schools), Kachin (four), and Naga (four) areas.¹⁰ According to government-adopted UN statistics, Chin State is the most impoverished region of Burma, with 73 percent of people living below the poverty line.

The Na Ta La school system exploits four key problems: abject poverty among the Chin and Naga in particular, as well as the Kachin; the lack of education facilities; the need and desire for education; and institutionalized discrimination, which means Christians are usually limited to low-level government positions and face barriers to securing promotion.

Today, remote parts of southern Chin State, northern Kachin State, and many Naga communities remain very isolated, especially in the Naga self-administered zone. Chronic underfunding of the mainstream state education system and teacher shortages—particularly in remote areas—means families must typically pay costs such as annual fees, school materials, and supplementary income for teachers. There are not enough middle and high schools in remote rural areas, so if parents want their children's education to continue beyond the primary level, they must find the means to send them to school in towns. Such financial pressures to cover the costs of education are beyond the means of many Christian families living in abject poverty.

One of the few ways children from impoverished backgrounds in remote rural areas can access education beyond primary school is within the Na Ta La system; however, they are systematically prevented from practicing Christianity while at the schools, and effectively are required to convert to Buddhism. Opened by the Ministry of Border Affairs to support the “development” of ethnic borderlands, these institutions ostensibly operate as boarding schools, as they provide accommodation and cover all costs for orphans and children from single-parent and poor families while they complete grades five through 10 within the state school system.

The authorities prevent Christian students in the Na Ta La system from attending church and engaging

in Christian worship. In addition, children follow a special compulsory curriculum, which sets the Na Ta La schools apart from mere “boarding houses.” Every morning and evening, children have to practice



Ministry of Education high school building, Matupi. Photo: Rachel Fleming



Na Ta La school, Khamti. Photo: Rachel Fleming

Buddhist worship. Buddhist literature and culture are taught on Saturdays, and on Sundays children are taught “Union Spirit,” which is essentially pro-military propaganda and includes singing nationalistic songs. Initiation into the monkhood or nunhood for a period every year is compulsory.

According to Naga interlocutors, in order to gain admittance, children have to take an entrance exam that is largely based on the school curriculum. However, the children are also asked oral questions, such as, “Do you bow down to monks?” and “Are you willing to wear monks’ robes?” In order to attend school, they answer yes. At the time of admission, children are told that it is not compulsory for students to be initiated as monks or nuns. However, when the time comes, the children have to be initiated or face expulsion from school. Disturbingly, children attending the schools are reportedly cut off from their parents and allowed to return home only a few days per year.

The Ministry of Border Affairs also runs vocational training schools, technical institutes, and universities. Na Ta La graduates are guaranteed a government position, often at high levels—provided they have officially converted to Buddhism during their time in the program, including by changing their religion on their National Registration Card. In one case, a university-level Na Ta La graduate was directly appointed as a deputy officer in a government department in Hakha in Chin State, at the same level as a Chin Christian woman who had given more than 25 years of service before securing that position. The Na Ta La graduate was also given an elite opportunity of being seconded to a master’s degree under the Na Ta La program, on his full salary.

Such issues raise concerns about the purpose of the Na Ta La schools. A Naga civil society representative explained, “It’s very strange, but very strategic – those schools are under the management of the Ministry of Border Affairs, which is totally controlled by the army. If this is education, why aren’t those schools under the Ministry of Education? All the Na Ta La graduates, they are the ones who will run the GAD. No matter which party rules this country, they have to deal with that GAD. And that is totally run by the army, because it is under the Ministry of Home Affairs.”

By all accounts, the Na Ta La schools have a hidden agenda to convert Christians to Buddhism. In the Naga

area, a few years after the Tatmadaw's brutal forced conversion campaign began, the Ministry of Border Affairs opened the first Na Ta La school in Khamti. The school in Nanyun in the Naga self-administered zone opened most recently, in 2014. There are reliable reports that 75 percent of the students currently in the school are Christians. A senior Naga Christian leader described the schools as "[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."

Kachin interlocutors also raised concerns about the Na Ta La schools in Kachin areas. Chin Christian leaders and civil society repre-

sentatives spoke out strongly against the Na Ta La program, describing it as a state mechanism utilizing the state budget to exploit abject poverty for the aggressive promotion of Buddhism. A former Chin State cabinet member under the USDP government said, "I want them to stop state-sponsored promotion of Buddhism. It's very simple, the Ministry of Border Affairs also provides support to build monasteries and pagodas, not only the Ministry of Religious Affairs [and Culture]. They have Na Ta La schools under Border Affairs. Verbally they say they accept Christians, but in practice in the schools the students have to follow many Buddhist rituals. Here the military would like to get favor from the majority in Burma, because the majority are Buddhist. Even under a democratic government we still have that Na Ta La program."

CONCLUSION

Christian communities across Burma continue to experience deep pain and suffering due to egregious violations of religious freedom.

In the words of one Chin pastor, "We still have a lot of pain in our hearts, our feeling is so strong."

Discussing the lasting legacy of the military's brutal forced conversion campaign in Naga areas, a senior Naga Christian leader explained, "One of the challenges that our pastors and church members are facing is the trauma from the past. We are still afraid to

do anything openly and freely, even organizing a small Christian festival. We have in our minds that we are scared of the authorities."

Many Kachin expressed understandably high levels of frustration with their situation, after more than five years of renewed armed conflict. There is deep disappointment at the perceived lack of action by the international community in response to the ongoing conflict. The predominant perception is that Kachin are overlooked and forgotten. Others expressed

frustration that Aung San Suu Kyi has not yet spoken up for IDPs; her silence is a source of bitter disappointment for many Kachin.

Senior leaders in Burma's government need

to publicly acknowledge and remedy the fact that the elevation of Buddhism as the de facto state religion and resulting policies and practices have violated the rights of Christians and other religious and ethnic minorities. The NLD-led government must clearly stand by human rights principles, including religious freedom. In the words of one senior Naga Christian leader, "I think if the government made an official announcement that there is religious freedom for all, that we are free to build churches, preach and teach other religions freely . . . if we get those kinds of freedoms, it will help us to move forward." A Chin pastor emphasized, "We don't want any special favors, just equal treatment under the law. We are not asking for special privileges, just our basic rights."

The NLD government's new task force to prevent and mitigate interreligious violence must take a strong stand on incitement to violence against religious minorities—particularly by Ma Ba Tha and other ultra-nationalist forces.

Institutionalized discrimination against Christians must also be addressed so that Christians and other religious minorities can secure promotions in government sectors. In addition, real development requires improvements in road connectivity to end rural isolation in Naga, Chin, and Kachin areas, and significant investment in education. Such improvements would mean Christian Naga, Chin, and Kachin children and youth are no longer compelled or

By all accounts, the Na Ta La schools have a hidden agenda to convert Christians to Buddhism.

coerced to convert to Buddhism in order to access education beyond the primary level or job opportunities currently reserved for Buddhists.

All of these issues are inextricably linked to the major challenge facing Aung San Suu Kyi's NLD government: bringing the military under civilian control.

Undertaking substantive reforms to ensure religious freedom for all in law, policy, and practice must be a cornerstone of ongoing peace and national reconciliation efforts in Burma. Chin, Kachin, and Naga Christian leaders and civil society representatives all view a truly secular state and greater self-determination as key solutions for their country going forward, and their voices need to be heard.

The United States can play a role by engaging senior leaders in Burma's government on religious freedom issues and emphasizing their importance to ongoing peace and national reconciliation efforts. The U.S. government can also bolster civil society efforts to promote and protect the right to freedom of religion or belief and encourage meaningful interfaith dialogue as a means of counteracting the hateful influence of groups like Ma Ba Tha and other individuals who espouse incendiary ideologies. Interlocutors emphasized the need for training programs about freedom of religion or belief at all levels—at the community grassroots level up to the ministerial level. Increased support for interfaith dialogue at the grassroots level would also be widely welcomed. However, interfaith dialogue should be rooted in international standards and a clear understanding of religious freedom as the individual right to choose one's faith, rather than common misconceptions about defending the values of a particular religion or the rights of the majority.

AUTHOR'S RECOMMENDATIONS

To the Government of Burma:

- Ensure that religious freedom for all and protection of minority rights is a cornerstone of ongoing peace and national reconciliation efforts, and that such efforts are inclusive of all stakeholders, including political parties, civil society, and religious leaders;
- Take concrete steps to end violence and human rights violations against ethnic and religious minorities, including the investigation and prosecution of those perpetrating human rights violations or inciting discrimination and violence,

especially members of the military, Ma Ba Tha, and other ultra-nationalistic forces, to end the culture of impunity;

- Transition to civilian control over the military and order the immediate cessation of offensives in Kachin and northern Shan states, and provide universal and unfettered access for humanitarian actors to all areas affected by armed conflict;
- Undertake substantive reforms to the Ministry of Religious Affairs and Culture to ensure equal treatment for all religious faiths, and guarantee religious freedom for all in law, policy, and practice, and in accordance with international human rights standards;
- Streamline bureaucratic procedures for securing land ownership to build places of worship and for other religious purposes, and ensure they apply equally to all religious faiths;
- Address institutionalized discrimination by introducing concrete anti-discrimination measures, with a view to overhauling hiring, promotion, and working practices within all government sectors;
- Abolish the Na Ta La schools program under the Ministry of Border Affairs, and requisition the buildings to be used as schools under the Ministry of Education;
- Significantly increase public spending on basic infrastructure development and education in Naga, Chin, and Kachin areas, with particular attention to road connectivity, construction of middle and high schools in remote areas, and investment in teacher training in those areas;
- Seek international technical expertise and financial assistance for consultations on constitutional reform, inclusive of all stakeholders, with a view to establishing a genuine federal Union and bringing the military under civilian control;
- Invite the UN Special Rapporteur on freedom of religion or belief to visit the country, and seek his technical expertise, particularly on tackling online hate speech and incitement to violence; and
- Ratify core human rights instruments, including the International Covenant on Civil and Political Rights and the International Convention to End Racial Discrimination, and review domestic

legislation to bring it into line with international human rights standards.

To the United States Government:

- Continue to designate Burma a country of particular concern, unless and until the government of Burma meets the following benchmarks:
 - Take concrete steps to end violence and human rights violations against ethnic and religious minorities, including the investigation and prosecution of those perpetrating human rights violations or inciting discrimination and violence, especially members of the military, Ma Ba Tha, and other ultra-nationalistic forces, to end the culture of impunity;
 - Undertake substantive reforms to the Ministry of Religious Affairs and Culture to ensure equal treatment for all religious faiths and to guarantee religious freedom for all in law, policy, and practice, and in accordance with international human rights standards;
 - Streamline bureaucratic procedures for securing land ownership to build places of worship and for other religious purposes, and apply these processes equally to all religious faiths;
 - Address institutionalized discrimination by introducing concrete anti-discrimination measures, with a view to overhauling hiring, promotion, and working practices within all government sectors.
 - Urge Burma's government to ensure that religious freedom for all and protection of minority rights is a cornerstone of ongoing peace and national reconciliation efforts, and that such efforts are inclusive of all stakeholders, including political parties, civil society, and religious leaders;
 - Create a Religious Freedom Fund to be administered through the U.S. Embassy in Rangoon to support grassroots-level civil society efforts to promote understanding of religious freedom;
 - Continue to support interfaith dialogue efforts in Burma, but ensure that understanding and promotion of the right to freedom of religion or belief is a core component of such initiatives as a prerequisite for financial support; and
- Increase financial support for IDPs across Burma, and press the authorities of Burma to ensure universal and unfettered access for humanitarian actors to all areas affected by the conflict.

ENDNOTES

1 See Ministry of Religious Affairs and Culture website: http://www.mora.gov.mm/mora_ministry1.aspx, accessed June 22 2016.

2 They are: Salai Lian Luai, Chin State chief minister; Daw Nan Khin Htwe Myint, Karen State chief minister; Dr. Khet Aung, Kachin State chief minister; U Mann Jonny, Irrawaddy Region chief minister; and Dr. Lae Lae Maw, Tenasserim Region chief minister.

3 See *Aung Ko: A 'traitor' to his party, but loyal to his country*, Democratic Voice of Burma March 23 2016, accessed 22 June 2016: <http://www.dvb.no/news/aung-ko-a-traitor-to-his-party-but-loyal-to-his-country/61272>.

4 See *NLD Religious Affairs Minister: Muslims Are Not Full Citizens*, the Irrawaddy, April 4 2016, accessed 22 June 2016: <http://www.irrawaddy.com/burma/nld-religious-affairs-minister-muslims-are-not-full-citizens.html>.

5 In reliable accounts of one June 2016 incident, while on patrol in the area, Tatmadaw soldiers occupied the homes of Chin civilians against their will. A firefought broke out in the village between the Arakan Army (AA) and the Tatmadaw, and a child was injured. AA soldiers burned down the Chin homes Tatmadaw soldiers had occupied in an apparent act of revenge. While the AA is not a party to the NCA or any bilateral agreements, its provisions apply to the Tatmadaw. The November 2015 military code of conduct under the NCA forbids parties to the agreement from demanding property, food, labor, services, or money from civilians.

6 Under the terms of the agreements, the Tatmadaw are supposed to inform the CNF one week before they conduct troop movements near CNF-designated areas. However, according to reliable reports, the Northwestern Commander based in Monywa routinely ignores this provision and orders troops to patrol in CNF-controlled territory, fueling tensions between the two sides.

7 The Naga self-administered zone itself is largely under the control of the General Administrative Department, the civil service run by the military-dominated Ministry of Home Affairs, while the Tatmadaw and the Ministry of Border Affairs wield power over the wider Naga area bordering India.

8 The committees play an important role in Naga society, as they settle community disputes according to Naga customary law. Before the SLORC/SPDC era, leadership of those committees was under the chieftain system. Today, the leaders are democratically elected.

9 See Special Rapporteur on freedom of religion or belief, *Rapporteur's Digest on Freedom of Religion or Belief*, 2011.

10 See Ministry of Border Affairs website: <http://www.mba.gov.mm/english/?q=technical-schools-national-youths-border-areas-location>.



**UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM**

732 North Capitol Street, N.W., Suite A714
Washington, D.C. 20401

www.uscirf.gov

Telephone: (202) 523-3240, Fax: (202) 523-5020
email: media@uscirf.gov