

Myanmar Country Profile on Freedom of Religion or Belief (FoRB)

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¹ <https://www.state.gov/international-religious-freedom-reports/>



SUMMARY

The right to Freedom of Religion or Belief (FoRB) (together with other human rights) presents unique challenges for Myanmar (also called Burma). It involves fundamental issues of national identity and governance; and pertinent actions and approaches affect both international relations and national development in significant ways. The complex issues at stake center on the privileged role of Buddhism, understandings of citizenship and accompanying rights, and both governmental and societal treatment of and attitudes towards people following different religious traditions. Each issue is further complicated by the overlapping involvement of ethnic, racial, class, economic, and cultural factors, alongside legacies of Myanmar's history.

Issues of FoRB need to be seen in light of the complex political transition that Myanmar is experiencing, following many decades of isolation and authoritarian rule. An ASEAN study that focused on FoRB concludes that, “the right to freedom of religion is still a very novel concept in Myanmar’s newly emerging political and social milieu.”

Violence directed towards Muslims, notably the Muslim Rohingya community, both by military forces and a broader population, is a central concern affecting peace, justice, and social cohesion. This dates especially from 2012, with successive waves of violence particularly in 2017, that have driven an estimated one million Rohingyas to flee (most to neighboring Bangladesh), and leaves those in Rakhine State in situations of displacement and confinement.² The scale and level of violence explains why the terms ethnic cleansing and genocide are applied by different parties including United Nations bodies, national governments, and human rights organizations.

The US government has since 1999 officially designated Burma as a “Country of Particular Concern” (CPC) under the International Religious Freedom Act of 1998, “for having engaged in or tolerated particularly severe violations of religious freedom, including extrajudicial killings; torture or cruel, inhuman, or degrading treatment or punishment; prolonged abduction and/or detention without charges; and other flagrant denials of the right to life, liberty, or the security of persons.” In 2018, the Secretary of State redesignated Burma as a CPC and identified sanctions to accompany the designation.

Looking at the issue in the broader context of Myanmar’s development, the practical application of FoRB presents numerous challenges. One commentary notes that:

“There is freedom of worship in Myanmar but not freedom of religion— especially for the minority religions, which face state imposed and often excessive, limitations in such matters as to what they can publish, what public lectures they can give, whom they can invite into the country to minister to them, and above all, in what outreach they are permitted to engage in.”³

² Over 700,000 Rohingya who fled from Myanmar to Bangladesh joined others who had arrived earlier so that there are about one million now living in camps in Bangladesh. Many more are in other countries, often in precarious circumstances.

³ Bruce Matthews, *Religious Minorities in Myanmar—Hints of the Shadow*, (1995) 4 (3) Contemporary South Asia 291.



Deeply woven prejudices affect Muslim communities in particular (but also Christians, Hindus, and other communities). They contribute to instances of abuse or discrimination against members of religious minorities by societal actors. A fairly widespread, contributing attitude is termed the “Western Gate” – the idea that only Burmese society and Buddhism stand in the way of “hordes of Muslims” coming through the mountains of western Burma (i.e., northern Rakhine State where the Rohingya population is concentrated) to overwhelm Buddhist areas of Burma and Thailand. State and societal actors are involved. Repressive actions by the state affect especially ethnic and religious communities on the nation’s peripheries.

An issue of special concern is the power of social media to influence public attitudes and specifically strong evidence that social media, which have expanded rapidly in recent years, carry hate speech rapidly and far. Responses include negotiations especially with Facebook; population groups that see hate speech as dangerous have launched various counter efforts that include a “flower speech” campaign to convey positive messages.

The tensions involved are deep-seated and call for long term education and leadership commitments.

FORB PRINCIPLES AND DEBATES IN ACTION

Evolving Constitutional Provisions and Government Oversight of Religious Organizations and Practice

Constitutional provisions related to FoRB are complex, notably as to the role of Buddhism in relation to other religious traditions. Changing provisions reflect unsettled questions about the role of religion in state and society. The complexities apply both to law and to application in practice, to state policy and to societal attitudes.

The 2008 constitution states that every citizen is equally entitled to freedom of conscience and the right to freely profess and practice his or her religious beliefs. Although no official state religion is designated, the constitution notes that the government “recognizes the special position of Buddhism as the faith professed by the great majority of the citizens of the Union.” The constitution “also recognizes Christianity, Islam, Hinduism, and Animism as the religions existing in the Union at the day of the coming into operation of this Constitution.”

However, the constitution limits those rights. Every citizen has the right to profess and practice his or her religion if not contrary to laws on security, law and order, community peace, or public order and morality. The law prohibits deliberate and malicious speech or acts intended to outrage or wound the religious feelings of any class by insulting or defaming its religion or religious beliefs. The law also prohibits injuring, defiling, or trespassing on any place of worship or burial grounds with the intent to insult religion. The constitution forbids “the abuse of religion for political purposes.”

Myanmar is not a Party to the International Covenant on Civil and Political Rights

Changes in constitutional provisions on FoRB over the decades reflect primarily evolving approaches to the role of Buddhism in state and society. During the U Nu government (1961), the third amendment of the

1947 Constitution of the Union of Burma declared Buddhism as the State Religion of Burma. A fourth amendment in September 1961, guaranteed the religious freedom of minority religions. Both became redundant or ineffective after the coup led by General Ne Win on 2 March 1962, who ruled the country by decree until 1974. The Constitution of the Socialist Republic of the Union of Burma was then adopted; it did not give Buddhism a special position as the majority religion.

The role of religion in politics has been a specific issue of concern. The law bars members of “religious orders” (such as priests, monks, and nuns of any religious group) from running for public office, and the constitution bars members of religious orders from voting. The government restricts by law the political activities and expression of the Buddhist clergy (*sangha*). The government bans any organization of Buddhist monks other than nine state-recognized monastic orders. Violations of this ban are punishable by immediate public defrocking and criminal penalties. The nine recognized orders submit to the authority of the government oversight body, the members of which are elected by monks. The Ministry of Religious Affairs’ Department for the Perpetuation and Propagation of the Sāsana (Buddhist teaching) oversees the government’s relations with Buddhist monks and schools. At different times discriminatory approaches and persecution of some groups of monks has been a significant issue.

All organizations, whether secular or religious, are required to register to obtain official status. This official status is required for organizations to gain land titles, obtain construction permits, and conduct religious activities. The Buddhist Sangha is, in theory, under the direct supervision of the State Sangha Mahanayaka Committee (Ma-Ha-Na), but the Department of Religious Affairs under the Ministry of Religious Affairs regulates ordinary Buddhist affairs. The Department of Religious Affairs also regulates the activities of minority religions to a degree. Another department under the Ministry, the Department for the Promotion and Propagation of Sāsana, is solely responsible for Buddhist mission at home and abroad. Whether the State Sangha Mahanayaka Committee can be considered independent from government influence is open to question.

“Four Laws” Challenge FoRB

Four laws passed in 2015 for the “protection of race and religion” remain in effect and present significant human rights issues. *The Buddhist Women Special Marriage Law* stipulates notification and registration requirements for marriages between non-Buddhist men and Buddhist women with specific obligations to be observed by non-Buddhist husbands and penalties for noncompliance. *The Religious Conversion Law* regulates conversion through an extensive application and approval process. *The Population Control Law* allows for the designation of special zones for which population control measures could be applied, including authorizing local authorities to implement three-year birth spacing. *The Monogamy Law* bans polygamous practices, which were already criminalized under the country’s penal code.

Significance of Religious Landscape and Dynamics

Of Myanmar’s total population at 55.6 million (July 2018 estimate), approximately 88 percent are Theravada Buddhists. Approximately 6 percent are Christians (primarily Baptists, Roman Catholics, and Anglicans, along with several smaller Protestant denominations). Muslims (mostly Sunni) comprise an estimated 4 percent of the population. There are small communities of Hindus and practitioners of traditional Chinese and indigenous religions, and a very small Jewish community in Yangon.

NGOs and the government estimated the overwhelmingly Sunni Muslim Rohingya population (pre-2017) at 1.1 million. The UN High Commissioner for Refugees estimates that this figure included more than 800,000 stateless individuals in northern Rakhine State prior to October 2016. As of December 2017, international organizations estimated that 300,000 Rohingya remained in Rakhine State (some more recent estimates put that number at 600,000).

The Complex Intertwining of Ethnicity and Religion

Links between ethnicity and religion have important implications for peace and social cohesion. Theravada Buddhism is the dominant religion among the majority Bamar ethnic group and among the Shan, Rakhine, Mon, in addition to numerous other ethnic groups. Christianity is dominant among the Kachin, Chin, and Naga ethnic groups. Christianity also is practiced widely among the Karen and Karenni ethnic groups, although many Karen and Karenni are Buddhist and some Karen are Muslim. People of South Asian ancestry, who are concentrated in major cities and in the south central region, are predominantly Hindu or Muslim, although some are Christian. Islam is practiced in Rakhine State and in Rangoon, Irrawaddy, Magwe, and Mandalay Divisions by some Bamar and ethnic Indians as well as ethnic Kaman and Rohingya. Chinese ethnic minorities generally practice traditional Chinese religions and to a lesser extent Islam and Christianity. Traditional indigenous beliefs are practiced among smaller ethnic groups in the highland regions.

Concepts of religion, religious majority and minorities, and religious freedom that are relevant today have roots in Burma's colonial era. British colonization, accompanied by Christian missionary activities in minority areas, and significant migration from India contributed to the view, central today, that associated the spread of Christianity and Islam with colonization. There were in fact sizeable numbers of Muslims and Christians during the Konbaung Dynasty (1752– 1885), but before British colonization, two institutions of Buddhism—the monarch as the supreme material supporter of Buddhism or Sangha, and the Sangha as the provider of Buddhist moral education and guidance to the laity, dominated. The outwardly secular British colonial government destabilized the institutional balance between the monarch and the Sangha by effectively annihilating the ruling elite's power base.

Widespread Fear and Prejudice Against Religious Communities, Especially Muslims

Ma-Ba-Tha and 969 (a constituent association of the former), Burmese Buddhist organizations, have popularized widely the claim that Buddhism is under threat from Islam and “Islamization.” Ma-Ba-Tha members have been particularly active in spreading views including hate speech through social media. International media coverage of and commentary on anti-Muslim violence in Myanmar in recent years has highlighted the role of the so-called 969 movement in inciting anti-Muslim sentiments but it does not have an institutional structure per se. Officially launched in October 2012 by a hitherto unknown young monks' association based in Mawlamyine (the capital of Mon State) called Tha-tha-na Palaka Gana-wasaka Sangha Apwè, its leadership is composed of five monks: Myanan Sayadaw Ashin Thaddhamma, Hitadaya Sayadaw Ashin Wimalar Biwuntha, Ashin Wizza Nanda, Ashin Ganda Thara, Ashin Sada Ma and Ashin Pandita.

Citizenship as a Central Issue

Citizenship is an issue of central importance in Myanmar and is linked to religious identities (especially Rohingya Muslims, but also Tamil Hindu, Kaman Muslims). Myanmar's current Citizenship Law, enacted in 1982, draws recognizing 135 national groups eligible for citizenship by birth. This excludes the Rohingya, thus effectively making them stateless. Successive Myanmar governments have failed to naturalize the Rohingya under the Citizenship Law, instead perpetuating the claim that most, if not are illegal immigrants. Two mass exoduses of Rohingya from Myanmar in 1978 and 1991-1992, were essentially the result of authorities' outright oppression of Rohingya at the time, but also of popular attitudes reflected in inter-communal clashes (between Rakhines and Rohingya). The latter have been especially significant since 2012. National registration cards have been a major focus for human rights organizations.

The Complexity of Freedom of Religion and Belief

There are significant gaps between formal protections of FoRB and practice. Muslims rarely hold high ranking positions. Both Muslims and Christians report discrimination in public office and the armed forces in terms of entry and prospects for promotion. Starting from the 1960s, Muslims have increasingly found it almost impossible to join the Myanmar armed forces; increasingly, fewer numbers of Christians from ethnic minority groups are recruited. There is, however, no written evidence of discrimination issued by the armed forces, but religious minorities, especially Muslims and Christians, believe it is the case.

Of particular concern are the rights of vulnerable groups to freedom of religion and belief. No official or social policy affects the right to freedom of religion and belief of women, children, migrant workers, persons deprived of their liberty, and refugees. Minorities are rarely targeted by the central or local authorities with the sole purpose of restricting their religious freedom. Even in the most extreme case of the Rohingya, the loss of the right to freedom of religion occurs together with the loss of other rights.

Specific Violations and Concerns about FoRB

The US State Department notes reports of large-scale abuses by the military and others against ethnic Rohingya (nearly all Muslim), and other minority populations. Abuses include extrajudicial killings, rapes, torture, beatings, arbitrary arrests and detentions, mass displacement, burning of structures, restrictions on religious practice and freedom of movement, and discrimination in employment, granting of building permits, and access to citizenship. Non-Buddhist minorities, including Christians, Hindus, and Muslims, reported incidents in which authorities unduly restricted religious practice and travel, destroyed religious property and texts, denied or failed to approve permits for religious buildings and renovations, and discriminated in employment.

The government has argued that ongoing attacks on and threats against civilians by the Arakan Rohingya Salvation Army (ARSA) explain the deployment of security forces to northern Rakhine State.

A Balance Sheet: Positive and Negative Factors at Work

Myanmar's increasingly vibrant civil society, that emerged after the political opening in 2011, has responded to sectarian conflicts. Interfaith initiatives involve local, national, and international groups



(notably among the latter Religions for Peace). The Myanmar government has promoted or supported international and local dialogues and roundtable discussions for peace and development in Rakhine State. Recognizing the negative role of hate speech in anti-Muslim riots, various commentators have spoken out and written against prevalence of hate speech in present-day Myanmar.

Less positively, government official denial of wrong-doing in the mass exodus, deaths, and suffering in Rakhine State and violations in conflict-ridden areas especially on the peripheries of Myanmar are serious concerns. Widespread instances of discrimination and widespread negative social attitudes often center on religious beliefs. A topic that deserves more attention is the link between FoRB and gender discrimination.



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