Myanmar Country Profile on Freedom of Religion or Belief (FoRB)
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¹https://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; pertinent actions and approaches affect both international relations and national development in significant ways. The complex issues that are 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. 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.

In the broader context of Myanmar’s development, the practical application of FoRB presents numerous challenges. There is freedom of worship in Myanmar but not freedom of religion. Minority religious communities face state imposed limitations in matters such as rights to publish, speak publicly, invite international guests, and outreach.

Prejudices that are deeply embedded in social attitudes 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. A fairly widespread, contributing attitude is termed by some the “Western Gate” (an idea that Burmese society and Buddhism stand in the way of Muslims coming from the mountains of western Burma to overwhelm Buddhists). State and societal actors are involved in perpetuating these attitudes. Repressive actions by the state affect especially ethnic and religious communities on the nation’s peripheries.

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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 Southeast Asia: Advancing Inter-Religious Dialogue and Freedom of Religion or Belief Project
An issue of special concern is the power of social media to influence public attitudes. There is strong evidence that social media, which have expanded rapidly in recent years, carry hate speech rapidly and far. Responses to these concerns include negotiations, especially with Facebook. Groups that see hate speech as dangerous have launched various counter efforts that include a “flower speech” campaign that aims to convey positive (instead of negative) 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 its application in practice, to state policy, and to societal attitudes.

The 2008 Constitution (Myanmar’s third, and current Constitution, published in September 2008 following a referendum) 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.” It “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.”

The Constitution also 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 and legal provisions on FoRB over the decades reflect evolving approaches to the role of Buddhism in state and society. A 1961 amendment of the 1947 Constitution of the Union of Burma declared Buddhism to be the State Religion of Burma. A further 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 1974 Constitution of the Socialist Republic of the Union of Burma did not give Buddhism a special position as the majority religion. Provisions under the 2008, current Constitution, are described above.

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 Sāsanā (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 Sāsanā, 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 2018 population at 53.7 million (World Bank), an estimated 88 percent are Theravada Buddhists. Christians represent about 6 percent (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 government sources estimated the overwhelmingly Sunni Muslim Rakhine State 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 before October 2016. International organization estimates of Rohingya Muslims remaining in Rakhine State vary between 300,000 and 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, and 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.

Understandings 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 dominated—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. 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**

The rise of Buddhist nationalism and its association with both religious and ethnic exclusive claims to national identity are important forces in Myanmar. They have links to similar phenomena in the region, especially in Sri Lanka and Thailand. Two Burmese Buddhist organizations, Ma-Ba-Tha and 969 (a constituent association of the former), have played material roles in fueling popular fears against religious minorities and especially Muslims. They have helped to popularize a widespread notion that Buddhism is under threat from Islam and “Islamization.” Ma-Ba-Tha members and their leader, Buddhist monk U Wirathu (now in hiding as he is under arrest), have spread such views actively, notably spreading hate speech through social media. They were instrumental in the passage of the four laws targeting Muslims and Muslim practices (see above). Ma-Ba-Tha was banned but is re-emerging in new forms and gains popular support in part through its social work that benefits poor communities directly. Interreligious efforts to counter hate speech but also the underlying social prejudices focus on grass roots and national and international initiatives to promote understanding and social cohesion. A report by an international advisory commission on Rakhine State, headed by the late Kofi Annan, reported in July 2017 with extensive recommendations for action to address underlying issues. Few however have been implemented.

**Citizenship as a Central Issue**

Citizenship is an issue of central importance in Myanmar and is linked to religious identities (especially for Rohingya Muslims, but also Tamil Hindu and Kaman Muslims). Myanmar’s current Citizenship Law, enacted in 1982, recognizes 135 national groups eligible for citizenship by birth. This excludes the Rohingya Muslims, thus effectively making them stateless unless they deny their distinct status. Successive Myanmar governments have been unwilling to accord the Rohingya as Myanmar citizens under the Citizenship Law, instead perpetuating the claim that most, if not all are illegal immigrants.

**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; declining 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 to be the case. The rights of vulnerable groups to freedom of religion and belief are protected officially and by law and 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, have 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 most serious issues center on the crisis in Rakhine State and the mass exoduses of Rohingya Muslims from Myanmar in 1978 and 1991-1992, and, on a far larger scale, in 2017. This was essentially the result of authorities’ outright oppression of Rohingya over many years (including depriving this community of access to citizenship, but popular attitudes reflected especially in inter-communal clashes (between Rakhines and Rohingya) in Rakhine State played a significant part. More recent developments have seen Rohingya Muslims remaining in Rakhine State essentially confined to highly restricted areas with severe limitations on basic services and ambiguous status. The situation is currently before the International Court of Justice in the Hague which in January 2020 ordered the Myanmar government to “take all measures in its power” to protect the Rohingya community in Rakhine State.

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. Similar arguments apply in relation to other minority groups.

**A Balance Sheet: Positive and Negative Factors at Work**

Myanmar’s increasingly vibrant civil society, that emerged after the political opening in 2011, is responding in various ways 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.

Less positively, government official denial of wrong-doing in the mass exodus, deaths, and suffering in Rakhine State and human rights violations in other conflict-ridden areas especially on the peripheries of Myanmar are serious concerns. Links between FoRB and gender discrimination (justified in the name of religion) deserve focused attention. Widespread instances of discrimination and negative social attitudes that center on religious beliefs are important concerns for Myanmar officials and its partners. Recognizing the negative role of hate speech in anti-Muslim sentiments, various commentators have spoken out and written against the negative roles that hate speech plays in present-day Myanmar.
RESOURCES


