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**BURMA**  
Religious Freedom  
Landscape Report



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# INTRODUCTION

Religion has been integral to the spirit and culture of humanity for millennia.<sup>1</sup> The cradle of multiple ancient religions, South and Southeast Asia remains one of the world's most religiously diverse and spiritually vibrant regions on earth. At the same time, all too many of its two and a half billion people suffer on account of their religion. The South and Southeast Asia Action Team, an arm of the Religious Freedom Institute (RFI), exists to advance religious freedom for all people throughout this vast region, especially those who are most persecuted. This landscape report on Burma constitutes an important step towards achieving that goal and represents the combined expertise of numerous scholars and analysts.

The purpose of this report on Burma's religious freedom landscape is to determine where and in what ways this fundamental human right is being preserved and promoted, where it is being violated, and what governments, civil society organizations, and communities can do to strengthen this foundational freedom for the future well-being of Burma as well as South and Southeast Asia as a whole. RFI aims to assess where the terrain is rough and treacherous, as well as where it is smooth and pleasant. Only once you know the landscape and identify a favorable route, any experienced traveler knows, can the journey begin.

The RFI's South and Southeast Asia Action Team focuses on eight of the most populous and strategically

significant countries in South and Southeast Asia: Bangladesh, Burma (Myanmar), India, Indonesia, Malaysia, Nepal, Pakistan, and Sri Lanka. Indonesia and India in particular are the two most populous, economically robust, and strategically significant countries in the region. Together these eight countries have a population of about 2.2 billion people, comprising 86 percent of the regional population (about 2.5 billion) and 28 percent of the total world population (about 7.8 billion).<sup>2</sup> The whole regional population comprises about 32 percent of the world population. South and Southeast Asia is home to the four largest Muslim populations in the world (Indonesia, India, Pakistan, and Bangladesh), 99 percent of the world's Hindus, and almost all of the world's Buddhist-majority countries.<sup>3</sup> In other words, that is more than 1.15 billion Hindus, 825 million Muslims, and over 80 million Buddhists, as well as about 72 million Christians.<sup>4</sup>

The region is also home to some of the most religiously restricted societies in the world, even while several of its countries maintain reasonably robust democratic institutions and dynamic civil societies.

For example, Polity IV's democracy index rates Indonesia and India as "democracies," with high levels of political competition and restraints on executive power, and Freedom House rates both countries as "partly free" electoral democracies.



## About the Religious Freedom Institute

Securing religious freedom for “everyone, everywhere”—for Buddhists in Bangladesh as much as Muslims in Maryland—is the mission of the RFI. An independent, nonprofit organization based in Washington, D.C., RFI is committed to achieving broad acceptance of religious liberty as a fundamental human right, a source of individual and social flourishing, the cornerstone of a successful society, and a driver of national and international security. It achieves this goal by convincing stakeholders in select regions that religious freedom can help them achieve their own goals—political, economic, strategic, and religious.

Accordingly, RFI’s action teams establish a presence in strategic regions across the globe in order to build coalitions and local and regional networks to make religious freedom a greater priority—and ultimately a lived reality—for governments, civil society, religious communities, businesses, and the general public. Each of these sectors of society has a crucial stake in the future of the religious freedom landscape in their country. Drawing on the research of its associated scholars as well as the cumulative body of scholarship produced by its predecessor project, the Religious Freedom Project at Georgetown University, RFI makes an evidence-based case to these and other important sectors and stakeholders that the freedom of religious belief and practice is a principle they can and should embrace in order to benefit themselves and their societies.

Foundational to RFI’s outlook is the recognition that religion is an integral feature of human nature and an irreducible component of human flourishing. Human beings, who are religious animals just as profoundly as they are political animals or conjugal animals, have always asked religious questions, and persist in asking these questions as much as they ever have: Who am I? Where did I come from? What is the meaning and purpose of existence? What is the nature of ultimate reality? The search for the best answers to these questions, and the attempt to align

one's reason, will, and whole being with ultimate or transcendent reality as best as one can discern it, is what we generally call religion. Religious freedom, then, is the most fundamental and distinctively human of all freedoms because it reflects the most basic and characteristically human of all strivings—the striving not only to know the truth, but to *place one's whole self in alignment with the whole truth about the whole of Reality*. As such, religious freedom has at least four distinct dimensions.

The first of these “religious freedoms” reflects the intellectual and spiritual dimension of religion, and requires that all people should be free to use their natural powers of discernment, reason, and intuition to seek and explore the truth about ultimate reality in all of its depths. The second of these freedoms reflects the dimension of doing or practice. It means that all people should be free to engage the truths they have learned from theoretical inquiry and act on them with authenticity and integrity. In other words, this dimension of religious freedom involves engaging one's conscience and will to align oneself as fully as one can with the truths one discovers about transcendent reality. Third, the social dimension means that all people must be free to share the truths they discover about ultimate reality with others, and to join with those of like mind and spirit to live them out. Fourth, the civil or political dimension means that all people should be free, both individually and communally, to express their religious beliefs in civil and political society, and to formulate and propose visions of the common informed by these beliefs. Included here is the right to create and operate religious institutions that reflect a religious community's foundational principles and defining mission.

From a broader perspective, the aforementioned dimensions represent aspects of what might be considered the liberty wing of religious freedom. That is, religious freedom in full requires that people enjoy the liberty to embrace and express whatever beliefs about religion—including unorthodox beliefs or beliefs that differ from traditional religious claims—most accord with the dictates of their own conscience,



without direct, coercive interference by government or non-government actors.

At the same time, religious freedom requires another wing—the wing of equality—in order to take full flight and make it possible for all individuals and societies to achieve both the basic good of religion as well as other components of human flourishing. The equality wing of religious freedom requires that people be free from arbitrary discrimination or unequal treatment because of their beliefs about religion. Violation of religious equality—as through the infliction of systematic discrimination on particular individuals or groups merely because of their religious beliefs or identities, or the creation of a climate of hatred or intolerance of certain people because of religion—is unjust and illegitimate even when it does not directly block or limit one’s free exercise of religion.

One reason is that arbitrary discrimination or unequal treatment is incompatible with the demands of human dignity, which all human beings equally share by virtue of their common humanity. As sources as diverse as the Universal Declaration of Human Rights, the Basic Law for the Federal Republic of Germany, and the Declaration on Religious Liberty of the Roman Catholic Church recognize, human dignity is the proximate ground of religious freedom as well as all fundamental human rights, and it is the ground, furthermore, of every person’s entitlement to equal justice.<sup>7</sup> Another reason is that gross violations of religious equality are incompatible with the vision of a society animated by a dynamic pluralism in which all citizens can share their religious and moral

insights with each other. Only within a framework of basic equality can people of all religious perspectives draw on their distinct convictions and unique “spiritual capital” both to contribute to the common good and to enrich the perspectives of their fellow citizens.

Religious freedom is thus a fundamental and capacious right that deserves secure protection in law and widespread respect in culture. On paper if not in practice, this idea has been widely accepted by the international community. The 1948 Universal Declaration of Human Rights states:

*Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance (Article 18).*

*Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Article 2).<sup>5</sup>*

The mission of the Religious Freedom Institute is motivated by the conviction that religious freedom in full—in its equality dimension and in each of its liberty dimensions—is a natural, universal, and inviolable human right that is grounded in the inherent dignity of every human being. At the same time, because religious

belief and practice are such central components of human life and flourishing, religious freedom is also a powerful driver of a wide array of social goods, including democracy, civil liberty, stability, economic prosperity, equality of women, and security.

RFI activities are further premised on the reality that religious freedom tends to be strong and enduring only when it is embedded in a society's moral and religious culture as well as its legal and political structure. Religious freedom actors must pursue not only top-down institutional reform but also bottom-up persuasion, education, and mobilization. If religious freedom is promoted only by governments and is not practiced at the level of local communities, it remains an empty ideal. On paper, most of the world's national constitutions recognize religious freedom as a fundamental right in one form or another. The reality remains, however, that the vast majority of the world's population lives in countries with high or very high government or social restrictions on religion and the trendlines over the past decade appear to be worsening.<sup>6</sup>

Religious freedom will be a reality for “everyone, everywhere” only when it enjoys grassroots support and is articulated, practiced, and spread at the level of local and national communities and traditions. Advancing religious freedom while respecting local and national contexts entails adopting approaches to articulating and justifying religious freedom that are credible and compelling within local perspectives. In fact, RFI's South and Southeast Asia Action Team seeks to identify and cultivate seeds of religious freedom that are already present in the region's own spiritual and cultural soil. As this Burma landscape report underscores, the soil of South and Southeast Asia tends to be fertile and receptive insofar as all of its countries and cultures enjoy histories and traditions of vibrant religious pluralism.

As the example of Burma highlights, embedding religious freedom in both political structures and moral and spiritual cultures requires an approach that works across multiple sectors—religious, political, legal, cultural, and educational.



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*Religious Freedom Institute*



It requires identifying and mobilizing networks of actors that are willing to contribute resources and effort in a coordinated fashion. Among these actors, RFI's South and Southeast Asia Action Team strives to be a partner that joins with others on a footing of equality and mutual respect, and that works collaboratively towards the goal of religious freedom for "everyone, everywhere," in South and Southeast Asia and beyond.

### ***RFI's South & Southeast Asia Action Team***

RFI pursues its mission and vision through teams of scholars and other experts working to advance religious freedom in a particular region or issue area. This *Burma Religious Freedom Landscape Report* is one of eight religious freedom landscape reports by the South and Southeast Asia Action Team (SSEA-AT) on our eight focus countries of Bangladesh, Burma (Myanmar), India, Indonesia, Malaysia, Nepal, Pakistan, and Sri Lanka. Building on the analysis in these reports, SSEA-AT is committed to advancing religious freedom across South and Southeast Asia. SSEA-AT seeks first and foremost to build mutual trust and partnerships with local religious freedom actors and entities across the region. Currently, the team has accumulated hundreds of such contacts, including over 275 individuals and more than 200 organizations. These contacts comprise an invaluable foundation and support network, which makes it possible to develop a shared assessment of the religious freedom landscape in South and Southeast Asia as well as a shared action plan that seeks to cultivate religious freedom from the ground up. RFI's ongoing engagement efforts in the region include private meetings with religious and political leaders, activists, and other religious freedom actors and organizations; private meetings with legislators and government officials; public events and grassroots outreach; conflict resolution initiatives; policy formation and analysis; humanitarian relief and/or development services; and educational initiatives.

The purpose of the SSEA-AT's country landscape reports is to survey the current state and future trajectory of religious freedom in the region. Specifically, each country landscape analysis, including the present Burma report:

- ◆ Assesses the religious freedom environment in terms of the favorability of political, socio-cultural, religious, economic, and historical conditions; the leading threats and obstacles to advancing religious freedom given these conditions; the major opportunities or enabling conditions for advancing religious freedom; and the positions of leading political and religious actors vis-à-vis religious freedom. Each report focuses on a given country's religious freedom *capabilities* as well as its religious freedom *challenges*.
- ◆ Assesses the state of empirical knowledge and research on religious freedom, including any significant gaps that may exist.
- ◆ Assesses the education system with respect to religious freedom, including the extent to which religious freedom concepts are integrated into primary, secondary, and higher education curricula.

- ◆ Identifies key religious freedom actors (individuals, organizations, and initiatives) already in place, and actors that might engage in religious freedom activities if given the opportunity, resources, and rationale to do so.
- ◆ Assesses the comparative strengths and weaknesses of these actors.
- ◆ Identifies the major gaps or missing elements in their activities.
- ◆ Evaluates the status of communication in the region, including the primary communicative mechanisms by which the views of elites and public opinion are shaped and disseminated.

Based on the findings in the landscape reports, SSEA-AT has developed a Regional Action Plan that lays out a comprehensive strategy for advancing religious freedom in South and Southeast Asia, with RFI as a partner working in close and equal partnership with other actors. The Regional Action Plan includes:

- ◆ A strategic assessment of the status of religious freedom in the region, based on the findings of the landscape reports.
- ◆ A strategy to leverage political, socio-cultural, religious, economic, and historical factors that are conducive to the promotion of religious freedom throughout SSEA.
- ◆ A strategy to operationalize networks of existing religious freedom actors.
- ◆ A strategy to overcome or neutralize obstacles to the advancement of religious freedom.
- ◆ A strategy to identify and encourage new actors, including religious and political leaders, to advance religious freedom.
- ◆ A strategy to expand the quality and scope of freedoms enjoyed by inhabitants of various countries throughout the region.
- ◆ Recommendations on how funders can most strategically invest to advance religious freedom in the region.

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- ◆ **Research Assistants:** Luke Adams, Michael Gioia, and Matt Mills
- ◆ **Research Interns:** Sachal Jacob and Sarah Thomas

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# OVERVIEW

## KEY CHALLENGES

Both social hostility and legal restrictions pose grave challenges to religious freedom in Burma. A series of laws that, on paper, claim to protect religious freedom have been weaponized by the government against religious leaders. Furthermore, a citizenship law introduced in 1982 bars Rohingya Muslims from obtaining citizenship, which is a prerequisite for claiming rights under the Burmese<sup>4</sup> Constitution.

Social intolerance is on the rise in Burma, due in large part to the Ma Ba

Tha movement, a strain of politicized Buddhism that preaches that Burma should be reserved for (Buddhist) Burmans. The movement conducts popular campaigns against employing and doing business with members of other religious groups. This rhetoric compounds pre-existing intolerance in the Burmese military, contributing to genocidal levels of violence against the Rohingya in Rakhine State in 2016 and in 2017 and smaller scale attacks against Muslims and Christians elsewhere in the country.



# BACKGROUND

## RELIGIOUS DEMOGRAPHY & HISTORY

Burma (Myanmar) is a multi-ethnic, multi-religious country in Southeast Asia, bordering Thailand, Laos, China, India and Bangladesh, with a population of nearly 52 million according to the 2014 census. Officially, 90 percent of the population is Buddhist, primarily from the Bamar ethnic majority, but also from Shan, Mon, Rakhine, Karen, and other ethnic minorities. According to official figures from the 2014 census, 6.3 percent of the population is Christian, predominantly from the Kachin, Chin, Karenni, Karen, and other ethnic minorities, while Muslims amount to 2.3 percent, Hindus 0.5 percent, and Animists 0.5 percent. Unofficially, however, the Christian and Muslim populations in particular may be much larger than the official statistics suggest—

perhaps as high as 10-15 percent for Muslims and 7-8 percent for Christians.

In 1989, the ruling military regime changed the country's name to "Myanmar," but the governments of the United States and the United Kingdom, and some human rights groups, have continued to use "Burma." For many years this was because Burma's pro-democracy leader and Nobel Peace Prize Laureate Aung San Suu Kyi requested that people not recognize "Myanmar," arguing that the regime at the time had no mandate to change the country's name and that it did so just a year after thousands of peaceful pro-democracy protestors were shot dead in the streets by the military. In recent years, and particularly since Aung San Suu Kyi became the de

facto head of government, “Myanmar” has become more accepted, and is used by the United Nations (UN), the Association of South East Asian Nations (ASEAN), and the European Union. Burma gained its independence from British colonial rule on 4 January 1948, and has endured civil war in at least one part of the country or another ever since. The leader of the country’s struggle for independence, General Aung San, who was the father of Aung San Suu Kyi, attempted to reconcile the different political demands of Burma’s diverse ethnic nationalities in a conference at Panglong, resulting in a plan for federalism set out in the Panglong Agreement of 1947. However, five months later, he and many of his cabinet were assassinated, and the proposals were never implemented.

Burma’s first prime minister, U Nu, led the newly independent country through its first decade of fragile democracy, but in 1958 General Ne Win persuaded U Nu to step aside to allow him to form a temporary military-led “caretaker” government in the name of bringing stability to the country. New elections were held in 1960, which U Nu won, enabling him to return to office. Two years later, Ne Win seized power in a coup d’état, ushering in over fifty years of direct military rule. The new regime brutally suppressed dissent – political activists were routinely imprisoned and tortured, and the Burmese Army severely and systematically violated the human rights of civilians in the ethnic states.

After the 1988 pro-democracy uprising, the military agreed to hold the country’s first elections in decades in 1990 and, despite the regime’s campaign of mass

intimidation, the newly formed National League for Democracy (NLD), led by Aung San Suu Kyi, overwhelmingly won. However, instead of agreeing to a transfer of power, the military refused to recognize the results, and most of the victors were imprisoned or exiled. Aung San Suu Kyi was under house arrest for a cumulative total of 15 years, during three different periods: 1989-1995, 2000-2002, and 2003-2010.

In 2008, the military drafted and introduced a new constitution, and in 2010 the country held its first elections in twenty years. The elections, however, were widely regarded as a sham, especially because Aung San Suu Kyi was still under house arrest at the time, and the new “civilian” government consisted almost entirely of retired generals. Former General Thein Sein replaced his army uniform with a civilian suit and served as president from 2011-2016. Moreover, the 2008 Constitution gave the military direct control over three key government ministries – Home Affairs, Border Affairs, and Defense – and reserved 25 percent of the seats in Parliament for the military. Aung San Suu Kyi was released from house arrest shortly after the elections in November 2010 and in August 2011 began the first serious talks with the military in many years. President Thein Sein invited her to the capital, Naypyidaw, and they began a dialogue that led to a period of reform, including the release of most political prisoners, increased space for the media and civil society, and ceasefires in many of the ethnic states. In April 2012 Aung San Suu Kyi and the NLD contested and won parliamentary by-elections, giving them a place in Burma’s Parliament for the first time. Then in November 2015,



Burma held its first credible, democratic elections in a quarter of a century, and the NLD won an overwhelming majority.

Under the 2008 Constitution, however, Aung San Suu Kyi was unable to become President, despite being the leader of the party that won an overwhelming majority, because of a rule prohibiting the President from having a spouse or children who are foreign nationals. Although her husband, British academic Michael Aris, died in 1999, her sons remain foreign citizens.

A new position was created for Aung San Suu Kyi, that of “State Counsellor,” making her the de facto head of government, equivalent to a prime minister in many other parliamentary systems. She also serves as Foreign Minister. For the presidency, she nominated her close ally and friend, Htin Kyaw, and they took office in March 2016. In March 2018 Htin Kyaw resigned due to poor health, and the former Speaker of the House of Representatives, Win Myint, became President. Burma’s next elections will be held in 2020.

# CHALLENGES TO RELIGIOUS FREEDOM

## ***Religion, Nationality, Identity, and Politics: Legal Frameworks and Societal Tensions***

In Burma, religion has long been intertwined with nationality, ethnicity, identity and, as a result, politics. This is true for the military and Burmese political parties, but it is also the case for many of the ethnic nationalities. As noted in a new report by Christian Solidarity Worldwide (CSW), *Burma's Identity Crisis: How ethno-religious nationalism has led to religious intolerance, crimes against humanity and genocide*, published in May 2019, to be Burman is to be Buddhist, but equally to be Chin or Kachin is to be Christian, and to be Rohingya is to be Muslim. This close nexus between religion and ethnicity poses challenges for freedom

of religion or belief, and particularly the freedom to change religion or belief.<sup>8</sup> The seeds of this close nexus were sown during U Nu's premiership, when he attempted to introduce Buddhism as the state religion. That proposal sparked the Kachin ethnic minority's decision to begin an armed struggle in pursuit of autonomy within a federal system. Ne Win further fueled hatred of non-Buddhists and was believed to harbor particular hatred of Muslims and Christians, in that order.<sup>9</sup>

The Burma military has tended to drive religious intolerance in Burma until recently. In the predominantly Christian Chin and Kachin states, for example, the Burma Army had a policy of forcing Chin Christians to tear down crosses, which they had built on hillsides as a symbol

of their faith, and construct Buddhist pagodas in their place. In addition, the Burmese government has had a policy of establishing military-backed Buddhist monastic schools in Chin State and some other border states, known as “Na Ta La,” where children from Christian families from among the Chin and other ethnic nationalities have been enticed with the promise of education, but then coerced into abandoning their Christian faith and becoming novice Buddhist monks. Such violations of religious freedom have been well-documented in reports by the Chin Human Rights Organization,<sup>10</sup> Human Rights Watch,<sup>11</sup> and by CSW in its 2007 report, *Carrying the Cross: The military regime’s campaign of restrictions, discrimination and persecution against Christians in Burma*.<sup>12</sup>

Since 2012, however, religious hatred, intolerance, violence, and conflict have swept through Burma in an alarming way, based at least in part in wider societal prejudices. A movement consisting of Buddhist monks and lay people, first known as “969” and now referred to as “Ma Ba Tha” (the Committee for the Protection of Race and Religion), has gained extraordinary public and political influence. Guided by a militant Buddhist nationalist agenda and spearheaded by one of the most notorious preachers of hatred in the region, Buddhist monk U Wirathu, this movement has incited periodic violence against Muslims in different parts of the country, from Rakhine State to Meikhtila, from Oakkan to Mandalay and Lashio.<sup>13</sup>

Burma has witnessed campaigns of discrimination against Muslims in employment, business, and education; increasing difficulties for Muslims

obtaining identity cards or being able to rent property; travel restrictions; the establishment of “Muslim-free” villages; and the introduction in 2015 of a package of four laws – the Race and Religion Protection Laws. These laws severely restrict religious conversion and inter-religious marriage.<sup>14</sup> Burma Human Rights Network published an excellent report in 2017 on “Persecution of Muslims in Burma,” which details examples of these practices throughout the country.<sup>15</sup> In May 2019, three Muslim prayer sites in South Dagon Township, Rangoon, temporarily established for Ramadan, were forced by a Buddhist mob to close down.<sup>16</sup>

Although Muslims have certainly been the primary targets of Ma Ba Tha, some literature and sermons by Buddhist monks have also alluded to Christianity as a “guest religion,” and Christians in certain parts of the country have encountered increased difficulties in building churches. In addition, the continuing military offensive in Kachin State has led to the arrest and imprisonment of some pastors and the destruction of churches.

The 2008 Constitution does provide for freedom of religion or belief, with Article 34 stating: “Every citizen is equally entitled to freedom of conscience and the right to freely profess and practice religion subject to public order, morality or health and to the other provisions of this constitution.” However, the freedom this provision is intended to provide is sometimes undermined by the way various organs of the Burmese government interpret and apply Article 361, which states: “The Union recognizes the special position of Buddhism as the faith professed by the great majority

of the citizens of the Union,” especially when contrasted with Article 362 which merely “recognizes Christianity, Islam, Hinduism and Animism as the religions existing in the Union at the day of the coming into operation of this Constitution.” Importantly, constitutional rights are only guaranteed to citizens, and the 1982 Citizenship Law denies citizenship to Rohingya Muslims.

Article 364 offers an interesting provision, given the politicization of religion: “The abuse of religion for political purposes is forbidden.” It states that any actions which “promote feelings of hatred, enmity or discord between racial or religious communities ... is contrary to this constitution.” In practice, this provision has done little to restrain religious politics in the army and other state organs.

Burma’s Penal Code carries a section on “Offences Relating to Religion.” Section 295 criminalizes acts “injuring or defiling a place of worship, with intent to insult the religion of any class.” Section 295A refers to: “Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs,” while Section 298 relates to: “Uttering words, etc.; with deliberate intent to wound religious feelings.” However, these provisions are not necessarily used to further religious tolerance: In June 2015, a Buddhist member of the NLD, Htin Lin Oo, was jailed for two-and-a-half years under Section 295A of the Penal Code for “insulting Buddhism.” He gave a speech in which he argued, as a Buddhist, that those Buddhists who preach hatred and incite violence are preaching contrary to the teachings of Buddhism. Note also the Protection

of Race and Religion Laws mentioned earlier, which were enacted later in 2015. Finally, police and judges have used laws ostensibly unrelated to religion, including the Peaceful Assembly Act and the Unlawful Associations Act, to target and criminalize religious minority groups.

### ***The Rohingya Crisis***

Over the past two years the crisis unfolding for the persecuted Rohingya people has, understandably, gained the attention of the international community. Over 700,000 Rohingyas have fled their homes in northern Rakhine State since August 2017, but their plight is not new – they have been suffering a campaign of severe persecution and slow ethnic cleansing for decades, which has recently intensified dramatically.

The plight of the Rohingyas is not solely a matter of religious persecution. However, a severe lack of religious freedom is clearly an aspect of their plight. One Rohingya told the Religious Freedom Institute: “We are Muslims. Because of our beliefs and our religion, we are persecuted, as well as because of our look. The majority of Burmese people have some kind of hatred against people who have an Indian look. They call us *kalah*, which is a slur, a degrading term.” The predominantly Muslim Rohingyas have lived in Rakhine State for many generations, and indeed claim to be natives of Rakhine State. But in 1982 Ne Win’s regime introduced a new Citizenship Law that stripped them of their citizenship rights and rendered them stateless. In 2008, Rohingya refugees in Bangladesh said: “The Burmese say we are Bengali,

go back to Bangladesh, but the Bangladeshis say we are Burmese, go back to Burma. We are trapped between a crocodile and a snake. Will someone tell us where we should go?"<sup>17</sup>

As a result of losing their citizenship rights, Rohingyas were subjected to severe restrictions to freedom of movement, access to education, marriage, and religious freedom. However, their suffering intensified in June and again in October 2012, when severe violence broke out between the predominantly Buddhist Rakhine and the Rohingyas, resulting in the displacement of thousands. In October 2016 the crisis escalated when a small armed Rohingya militant group known as the Arakan Rohingya Salvation Army (ARSA) reportedly attacked Burmese police posts, precipitating a massive offensive by the Burma Army that displaced and killed thousands and was accompanied by other gross violations of human rights. This was then repeated on an even larger and more dramatic scale in August 2017. Between August 2017 and February 2018 alone, over 600,000 Rohingya had fled Burma to join the over 400,000 Rohingya already in Bangladesh.<sup>18</sup> The atrocities have been well documented, particularly in key reports by the UN,<sup>19</sup> Amnesty International,<sup>20</sup> Human Rights Watch,<sup>21</sup> and Fortify Rights.<sup>22</sup> The UN has described the crisis as "a textbook example of ethnic cleansing," bearing "the hallmarks of genocide." In September 2018, the UN Independent International Fact-finding Mission on Myanmar published its report, concluding that senior generals in the military must be investigated for



genocide, crimes against humanity, and war crimes. The chair of the Fact-finding Mission, Marzuki Darusman, noted that: "The full findings ... show why, in our report to the Human Rights Council, we insist that the perpetrators of the gross human rights violations and international crimes ... must not go unpunished ... I have never been confronted by crimes as horrendous and on such a scale as these."<sup>23</sup> A case that caught international attention was that of the two Reuters journalists, Wa Lone and Kyaw Soe Oo, who were arrested, prosecuted, convicted, and sentenced to seven years in jail for exposing a massacre by the Burma Army and Rakhine Buddhists of 10 Rohingyas in Inn Dinn



village, northern Rakhine State, in September 2017.<sup>24</sup> They finally received a presidential pardon in the traditional Buddhist New Year amnesty and were released from prison in May 2019.<sup>25</sup>

### ***Burma's International Obligations***

Burma is not a signatory to the International Covenant on Civil and Political Rights and many other international human rights treaties, but it has signed and ratified the following:

- ◆ International Covenant on Economic, Social and Cultural Rights
- ◆ Convention on the Elimination of

All Forms of Discrimination Against Women (CEDAW)

- ◆ Convention on the Rights of the Child

The United Nations has a Special Rapporteur on the Situation of Human Rights in Myanmar, although the current Rapporteur, Yanghee Lee, has been told that she will not be given a visa for the duration of her mandate.

Burma has been ranked a Country of Particular Concern by the United States Department of State every year since 1999. Burma is also a Tier 1 Country of Particular Concern for the United States Commission on International Religious Freedom.

# STRENGTHS OPPORTUNITIES & NEEDS

Burma is in great need of meaningful engagement on religious freedom and countering religious intolerance. However, after five years of expanding the civil society space necessary for such engagement, there is ample evidence indicating that space is contracting as a result of government and military pressures and widespread societal fear. Nevertheless, opportunities still exist in Burma to achieve positive gains for religious freedom generally, and protecting the rights of religious minorities in particular. There remain a number of religious and other civil society actors in Burma prepared to engage with initiatives that originate outside the country, and RFI possesses the contacts and expertise to identify and coordinate with them.

## ***Legal Opportunities & Needs***

Burma has considered a series of draft bills on hate speech. While in principle this

development presents an opportunity to combat social intolerance, the most recent draft unveiled in 2017 presents serious concerns that the government might further limit the freedom of minority groups and civil society actors.<sup>26</sup> As of early 2019, the Ministry of Home Affairs is reportedly considering further changes to the draft legislation.<sup>27</sup> Any legislation in this area that would further harm minority and civil society groups in Burma must be challenged and reformed.

## ***Opportunities & Needs Within Civil Society***

There are a small number of human rights defenders and other civil society actors who still work on promoting and protecting religious freedom. In particular, there is an urgent need to strengthen voices in support of religious freedom from within the Buddhist community, especially among Buddhist monks. There are Buddhist monks who are speaking

out against intolerance, but unlike Ma Ba Tha, which is well-coordinated and well-resourced, the monks challenging them are working in an individual capacity, with little or no coordination with like-minded monks, and with limited resources to spread their message.

### **Organizations & Individuals that Present Opportunities**

Burma's Catholic Cardinal, His Eminence Charles Maung Bo, is without doubt the most outspoken voice for religious freedom in Burma. He is well-respected among all religious communities and increasingly known and respected by civil society. He is involved in coordinating a network of religious and other civil society leaders in support of religious freedom. He is also deeply engaged in facilitating inter-faith dialogue at various levels. Reflecting on the profound value of religious freedom, Cardinal Bo once said: "... Freedom of thought, conscience, religion or belief, as detailed in Article 18 of the Universal Declaration of Human Rights, is perhaps the most precious and most basic freedom of all. Without the freedom to choose, practice, share and change your beliefs, there is no freedom."<sup>28</sup>

In an op-ed in the Washington Post on 13 June 2014, Cardinal Bo said: "Burma stands on a knife edge of hope and fear ... Burma is a multi-ethnic, multi-religious country, with a majority Burman, Buddhist population. If Burma is to be truly free, peaceful and prosperous, the rights of all ethnicities and religious faiths must be protected. A movement that has grown in volume and influence threatens this: extreme Buddhist nationalism. .... There is a need for all of us — religious, civil and political leaders — to speak up to counter hate speech with good speech,

as well as for the government to bring to justice those who incite discrimination and violence."<sup>29</sup>

And in an article in The Wall Street Journal co-authored with Alissa Wahid, the daughter of Indonesia's former President Abdurrahman Wahid, Cardinal Bo and his co-author argue that: "We must learn to separate race, religion and politics. We must speak out for the freedom of religion or belief for all."<sup>30</sup>

Pope Francis has addressed similar themes. He visited Burma for the first time in December 2018 – the country's first-ever Papal visit – and religious freedom was a major theme in each of his homilies and speeches. In an address in Naypyidaw the Pope said: "The arduous process of peacebuilding and national reconciliation can only advance through a commitment to justice and respect for human rights... The future of Myanmar must be peace, a peace based on respect for the dignity and rights of each member of society, respect for each ethnic group and its identity, respect for the rule of law, and respect for a democratic order that enables each individual and every group – none excluded – to offer its legitimate contribution to the common good."<sup>31</sup> While he was criticised for not using the term "Rohingya" in the country, he travelled immediately from Burma to Bangladesh where he met Rohingya refugees in Dhaka and said: "The presence of God is also called 'Rohingya.'<sup>32</sup>

In addition, the Catholic Bishops Conference of Myanmar and its Justice and Peace Commission, as well as the Myanmar Council of Churches, play an important role in advancing



***Without the freedom to choose, practice, share and change your beliefs, there is no freedom.***

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religious freedom. Moreover, the Chief Convener of the Islamic Centre of Myanmar, Al-Haj U Aye Lwin, is a major stakeholder and contributor to religious freedom initiatives. Several Buddhist monks, notably the Venerable Myawaddy Sayadaw, the Venerable Asia Alin Sayadaw (Ashin Seindita), and the Venerable Ashin Zero, are important voices in defense of religious freedom. In May 2019, Asia Alin Sayadaw visited Muslim communities during Ramadan, and a nationwide campaign of giving white flowers to Muslims began,<sup>33</sup> as a gesture of solidarity and harmony.

Among local civil society organizations, The Seagull (based in Mandalay), along with the Chin Human Rights Organization, Equality Myanmar, Smile Education and Co-exist are important.

International organizations contributing in this field include Christian Solidarity Worldwide, Fortify Rights, Human Rights Watch, Institute for Global Engagement, International Commission of Jurists, Religions for Peace, Search for Common Ground, and Stefanus Alliance.

As CSW's report *Burma's Identity Crisis* notes: "In her speech welcoming Pope Francis to Burma in November 2018, Aung San Suu Kyi offered a rare vision of hope. 'Our nation is a rich tapestry of different peoples, languages and religions, woven on a backdrop of vast natural potential,' she said. 'It is the aim of our Government to bring out the beauty of our diversity and to make it our strength, by protecting rights, fostering tolerance, ensuring security for all.'" The report concludes: "If that aim is to be fulfilled then, as this report has detailed, key to peace, reconciliation and democratisation in Burma is the promotion and protection of freedom of religion or belief for everyone. Reform of discriminatory and repressive laws, action to tackle hate speech and promote meaningful, practical, grassroots inter-religious harmony and dialogue, reform of the education system to promote better understanding, and action to end impunity and ensure accountability are the steps that are needed to take Burma away from the path of hatred and conflict. Only then can Burma resolve its identity crisis."<sup>34</sup>



# BURMA

## SWOT ANALYSIS

*Strengths, Weaknesses, Opportunities and Threats (SWOT) Analysis is a structured planning method that evaluates a given organization, program, or a project in each of these areas. What follows is a SWOT analysis for religious freedom for Burma.*

### STRENGTHS

*What does the country do well with regard to religious freedom?*

*What areas are vibrant, positive, and healthy when it comes to religious freedom in the country?*

- ◆ Some protection for religious freedom in the constitution
- ◆ A few voices within civil society and among religious leaders for religious freedom, but they are small and fragile
- ◆ In general, outside Rakhine State, reasonably good day-to-day relations between Buddhists, Christians, and Muslims if it were not for the forces stirring up religious hatred. In Rangoon there is the symbolic image of the Sule Pagoda, the Immanuel Baptist Church, and the Jameh Mosque all on different corners of one square, with a synagogue and a Hindu temple nearby.

### WEAKNESSES

*What does the country do less well when it comes to religious freedom?*

*What areas of weakness does the country encounter with religious freedom?*

- ◆ Constitutional status of Buddhism
- ◆ Passage of the four Race and Religion Protection Laws
- ◆ Misuse of Section 295 of the Penal Code
- ◆ Politicization of religion and linking of religion with ethnic identity
- ◆ Failure to curb hate speech
- ◆ Criminal justice system officials misuse of laws ostensibly unrelated to religion, including the Peaceful Assembly Act and the Unlawful Associations Act, to target and criminalize religious minority groups

# BURMA

## SWOT ANALYSIS

### OPPORTUNITIES

*What are the needs of the people in the country who wish to exercise their right to faith?  
What trends can the country take advantage of to promote religious freedom?  
What is changing in the country's communities that can be harnessed to promote religious freedom?*

- ◆ Peace process and democratization
- ◆ More space (though contracting) for civil society and media
- ◆ Voices of religious leaders supportive of religious freedom from within their tradition

### THREATS

*Are there any threats or regulations with regard to religious freedom in the country?  
What challenges exist in the country that threaten religious freedom?*

- ◆ The military's continuing power
- ◆ Aung San Suu Kyi's inability/unwillingness to intervene
- ◆ Persistent Buddhist nationalist organizations and sentiments
- ◆ Use of social media and other venues to incite hate between groups
- ◆ Threats to human rights defenders, civil society groups, and religious leaders who speak out
- ◆ Continued failure to address hate speech and violence could fuel more tension

# PEW RESEARCH CENTER REPORT

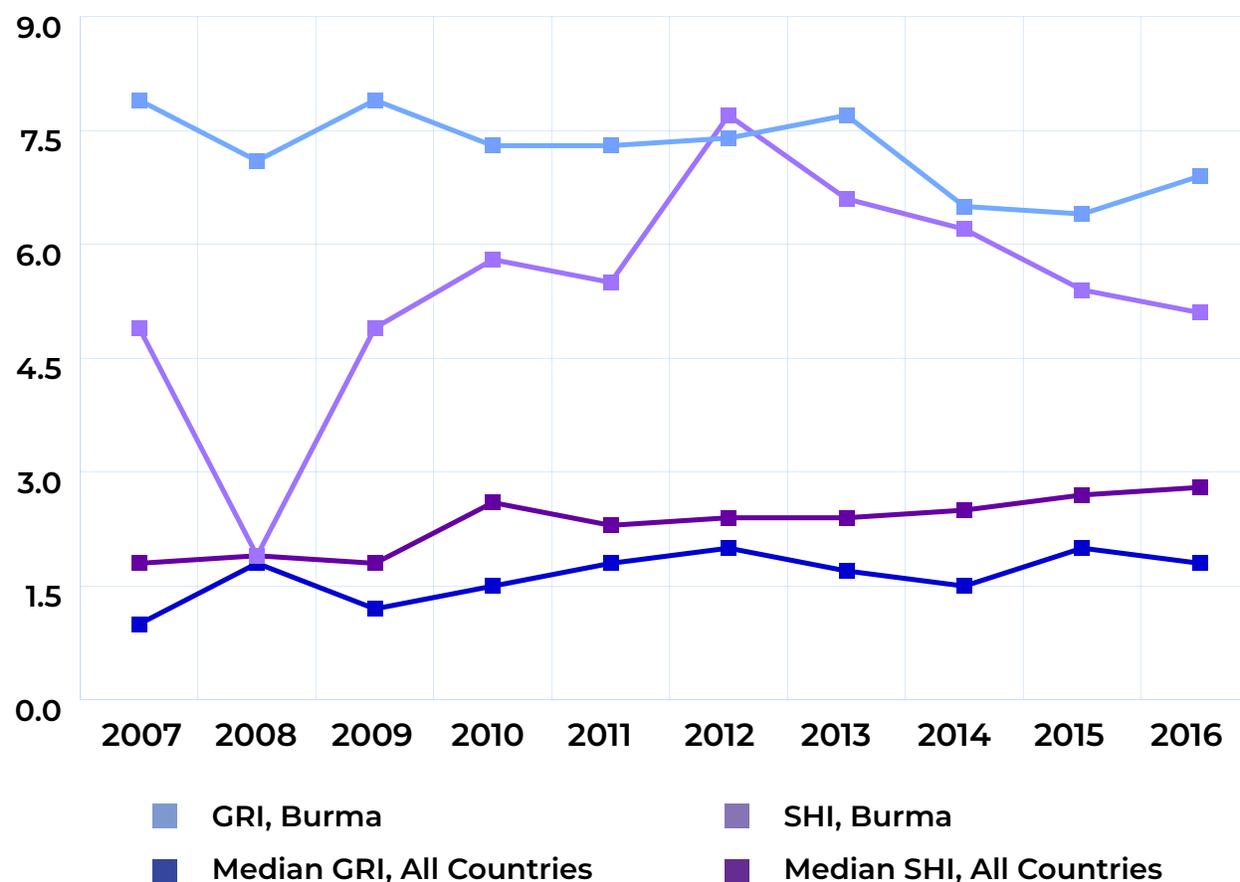
## RESTRICTIONS ON RELIGION AMONG 198 COUNTRIES, 2007-2016

Since 2009, the Pew Research Center has released an annual report<sup>35</sup> on restrictions of religious freedom around the world. The Pew report uses a 10-point index to rate 198 countries and self-governing territories based on Government Restrictions Index (GRI) and Social Hostilities Index (SHI).

The GRI measures government restrictions on religious actors ranging from favoring one religion over another to outright bans on a particular religion. Burma scored “very high” on the GRI in 2016, ranking 23rd worst among 198 countries.<sup>36</sup>

The SHI measures hostilities towards religion by non-state actors ranging from harassment to attacks in the name of religion. In 2016, Burma’s SHI ranked “high” with the 32nd highest (and worst) SHI rating among the 198 countries surveyed.<sup>37</sup>

FIGURE 1: RESTRICTIONS ON RELIGION IN BURMA, (GRI & SHI) 2007-2016





# ENDNOTES

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### **Religious Freedom Institute**

The Religious Freedom Institute is a 501(c)(3) non-profit organization committed to achieving broad acceptance of religious liberty as a fundamental human right, the cornerstone of a successful society, and a source of national and international security.



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316 Pennsylvania Ave. SE, Suite 501  
Washington, DC 20003  
Tel: 202-838-7734  
[rfi@religiousfreedominstitute.org](mailto:rfi@religiousfreedominstitute.org)  
[www.religiousfreedominstitute.org](http://www.religiousfreedominstitute.org)

