



(Myanmar)

Religion	Population	Area
<ul style="list-style-type: none"> ○ Buddhists : 74.9% ○ Ethnoreligionists : 9.4% ○ Christians : 7.9% ○ Muslims : 3.7% ○ Hindus : 1.7% ○ Confucianists : 1.5% ○ Others : 0.9% 	54,363,000	676,577 Km ²

Legal framework on freedom of religion and actual application

The constitution in Burma (Myanmar), drafted by the military regime and introduced in 2008, protects freedom of religion for its citizens, declaring in article 34 that “Every citizen is equally entitled to freedom of conscience and the right to freely profess and practise religion subject to public order, morality or health and to the other provisions of this constitution.”^[1] Article 362 recognises “Christianity, Islam, Hinduism and Animism as the religions existing in the Union at the day of the coming into operation of this constitution.” However, article 361 recognises the “special position of Buddhism as the faith professed by the great majority of the citizens of the Union.”

Article 364 forbids “the abuse of religion for political purposes” and states that “any act which is intended or is likely to promote feelings of hatred, enmity or discord between racial or religious communities or sects is contrary to this constitution. A law may be promulgated to punish such activity.”

In addition to the constitution, sections 295, 295A, 296, 297 and 298 of the Penal Code^[2] relate to religion and prohibit religious offences or insults. They are similar to blasphemy laws in other countries. Section 295 relates to acts that destroy, damage or defile a place of worship; section 295A refers to insulting religion; section 296 refers to causing a disturbance at a religious gathering; section 297 relates to trespassing on a place of worship; and section 298 refers to insulting the religious feelings of a person. All these carry with them prison sentences and fines of between one and two years.

In 2015, the previous government of Burma introduced a package of four laws known as the “Protection of Race and Religion”^[3] laws, which remain in effect today. They include legislation that provides registration requirements for marriages between non-Buddhist men and Buddhist women, stipulating obligations to be observed by non-Buddhist husbands and penalties for non-compliance, and regulations on religious conversion and a requirement for conversions

to be approved by a government body.

The Ministry of Religious Affairs' Department for the Perpetuation and Propagation of the Sasana (Buddhist teaching) oversees the government's relations with Buddhist monks and schools and the State Sangha Monk Coordination Committee (SSMNC) oversees the nine religious orders approved in the country. The government bans any organisation of Buddhist monks other than the nine state-recognised monastic orders.^[4]

Incidents

Since 2012, a major campaign of anti-Muslim hatred, discrimination and violence has swept the country, led by a militant Buddhist nationalist movement known as "Ma Ba Tha", or the "Buddhist Committee for Protection of Race and Religion"^[5] In June and October 2012, and again in October 2016 and August 2017, the predominantly Muslim Rohingya people were subjected to grave violence leaving hundreds of thousands displaced and many reports of killings, rapes, torture, arbitrary arrest and destruction of property. Although the initial violence in 2012 was predominantly instigated by the Buddhist Rakhine people, with collusion from the security forces, in 2016 and 2017 the Burma Army unleashed a major military offensive. The military's attacks were reportedly in response to alleged attacks carried out on border guard posts by a new, armed Rohingya group known as the Arakan Rohingya Salvation Army (ARSA). Some reports indicate that ARSA was responsible for a massacre of Hindus.^[6]

Approximately 688,000 people have fled Burma for Bangladesh since August 2017 as a result of what is now widely recognised as a campaign of ethnic cleansing by the Burma Army.^[7] This is in addition to 200,000 Rohingya refugees already in Bangladesh. Between August and November 2017, at least 354 villages were reportedly burnt down by the military.^[8] The United Nations High Commissioner for Human Rights has described the crisis as "textbook ethnic cleansing", while the UN Special Rapporteur on the Situation of Human Rights in Burma has noted that it has "the hallmarks of genocide", and the UK House of Commons International Development Committee has argued that it represents a "deliberate, state-sanctioned, long-term ethnic cleansing of the Rohingya people"^[9]

For the Rohingyas, as for many of Burma's other minority ethnic groups, religion, ethnicity and politics are closely interlinked and so, as the US State Department notes, it is difficult to categorise many incidents as being solely based on religion.^[10] However, without doubt religion is a major factor.

Yet although, in the words of the US Commission on International Religious Freedom, "of the myriad religious freedom challenges the government of Burma (also known as Myanmar) confronted in 2017, the crisis in Rakhine State was the most exigent," it was by no means the only one.^[11] Religious and ethnic minorities throughout the country continued to face challenges. In April 2017 two madrasas were forcibly closed by the authorities in Yangon (Rangoon), under pressure from Buddhist nationalists. At least 21 villages in some parts of the country have been declared Muslim-free zones, and Muslims are facing increasing difficulty obtaining identity cards, renovating or rebuilding damaged mosques or gathering to pray.^[12] In April 2018, seven Muslim men were sentenced to three months in jail for organising prayers in Tharkayta Township, in Yangon.^[13]

Christians also face increasing restrictions in some areas, including what USCIRF describes as "bureaucratic hurdles and societal pressure that make it difficult to gather in public to worship or obtain permission to build churches"^[14] For example, in December 2017 ethnic Chin Christians in Kan Thar Village Tract in Magwe Division received a letter from the local authorities informing them that a prayer gathering during the Christmas season was banned because it was going to take place in a private home.^[15]

Christians in ethnic conflict areas, particularly Kachin State and northern Shan State, are sometimes targeted as part of the wider conflict. Since the ceasefire between the Burma Army and the Kachin Independence Army (KIA) broke down in 2011 at least 66 churches have been destroyed, according to the Kachin Baptist Convention, and over 100,000 civilians remain displaced. In October 2017, two Kachin Baptists, Dumdaw Nawng Lat and Lang Jaw Gam Seng, were sentenced to prison terms of four years and three months and two years and three months respectively, for helping local journalists

to visit the St Francis Xavier Catholic Church in Mong Ko after it had been bombed during an airstrike by the Burma military. They were released in a prisoner amnesty in April 2018.

Pressure on Buddhists working for religious freedom is also severe. In 2015 Htin Lin Oo, a Buddhist and a prominent member of the National League for Democracy, gave a speech in which he argued that Buddhist monks who incite hatred and violence are not acting consistently with the teachings of Buddhism. He was sentenced to two years in prison, under sections 295A and 298 of the Penal Code, for “insulting” Buddhism. In July 2017, the editor of Myanmar Now, Swe Win, was arrested for alleged online defamation after he criticised U Wirathu, the most prominent militant Buddhist nationalist monk.^[16]

Interfaith activists are also experiencing greater challenges. Zaw Zaw Latt and Pwint Phyu Latt, both Muslims working to promote interfaith activities, were jailed in 2015, but in May 2017 then-President Htin Kyaw pardoned them and they were released, along with 259 other prisoners.^[17]

Despite the climate of religious intolerance, Pope Francis’s visit to Burma in November 2017 was well received and he was able to celebrate an open-air Mass attended by at least 150,000 people. He met with Burma’s State Counsellor and de facto head of government Aung San Suu Kyi, the then-President Htin Kyaw and the Commander-in-Chief of the armed forces, Senior General Min Aung Hlaing. On the advice of the local Church he did not use the name Rohingya publicly, as it is not accepted by the government and by many in society, but he raised concerns about their situation in private conversations and met Rohingya refugees in Bangladesh, where he greeted them with the words: “The presence of God is also called Rohingya.” He asked them for forgiveness, saying: “Your tragedy is very hard, very big. We give you space in our hearts. [...] In the name of everyone, of those who persecute you, those who hurt you, and especially of the world’s indifference, I ask for your forgiveness.”^[18] He had previously spoken out several times, including in February 2017, when he asked people to pray “for our Rohingya brothers and sisters driven out of Myanmar ... They have been tortured, killed, simply because they carry on their traditions, their Muslim faith.”^[19] During his visit he met religious leaders from all communities, including the State Sangha Council of Buddhist monks, delivered a speech to government officials, diplomats and civil society and repeatedly appealed for respect for religious freedom and human rights, and for peace, in all his public addresses.^[20]

In May 2018, the bishops of Burma met with Pope Francis in their ad limina visit. The bishops from dioceses in Kachin and northern Shan states urged the Pope to pray publicly for the victims of conflict in northern Burma^[21] and Burma’s Cardinal Charles Maung Bo urged the Vatican to convene an international conference to address the plight of the Rohingyas.^[22] Later in May, Cardinal Bo led an international interfaith delegation from Religions for Peace to visit affected areas in Rakhine State and to meet Aung San Suu Kyi. They subsequently issued an open letter with an appeal for peace.^[23]

In an address to a conference on religious freedom in Asia organised by the Religious Freedom Institute in March 2018, Cardinal Bo said: “Extremism and nationalism have joined forces to produce a dangerous cocktail of hate and intolerance [...]. Those of us, of whatever religion or country, who believe in human dignity, human rights and religious freedom for all must unite to defend those values for everyone, everywhere. As I have said before, ‘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, practise, share and change your beliefs, there is no freedom.’ [...] It is so important that we defend not only the rights of our own particular religious community, but the right to religious freedom for everyone, everywhere. [...] Let us work together to end violence, hatred and terror in our region, and to build a world where every man, woman, and child of every race and religion is recognised both as our fellow citizen and as our brother and sister in humanity. Let us build a world where hope is not an illusion, and where we can join hands, regardless of ethnicity or religion, in peace and solidarity. I pledge to renew my efforts to that end, and I extend my hand to any of my brothers and sisters of any race or religion who will join with me. Peace with justice is possible. Freedom of religion or belief for everyone is achievable. Unity in diversity – where we celebrate such diversity – must be our goal.”^[24]

Prospects for freedom of religion

As long as the military continues to hold real power, Buddhist nationalists are able to pursue their campaign of hatred and crimes against humanity continue with impunity, the prospects for protecting and promoting freedom of religion in Burma are bleak. Only if there is genuine democratisation, a true peace process, a sincere effort to promote reconciliation and inter-religious and inter-ethnic dialogue and harmony, and support and space for civil society and religious leaders to strengthen understanding of freedom of religion or belief within society, can there be any hope that Burma could be a truly multi-religious society that respects and celebrates pluralism and diversity.

Endnotes / Sources

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