

# Universal Periodic Review Stakeholder Submissions | Myanmar

Freedom of Religion and Belief

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**SUBMISSION TO THE UNITED NATIONS  
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**Executive Summary**

Smile Education and Development Foundation (SEDF) humbly submits its Universal Periodic Review on freedom of religion and belief, especially concerning Muslim minorities, to the United Nations UPR Human Rights Council.

Freedom to practice religion is not treated as a fundamental right in Myanmar. Religious minorities have faced discrimination and violence. There exist some Constitutional provisions that provide protection for these groups, but the situation at the societal level is not reflective of these provisions. Violence, hate speech and discriminatory practices persist without government oversight. Furthermore, four dangerous bills that would restrict religious conversion and interfaith marriage, among other things, have been passed through the Upper House of Parliament. These bills would institutionalize discriminatory policies and divide society further on religious lines.

Muslims have faced violence in riotous clashes in Rakhine State and Meikhtila since 2012. Hate speech in combination with dangerous rumors and lack of local police intervention has created an environment where a small incident can erupt into hugely violent riots, harming and displacing thousands. Individual attacks based on religious grounds are not uncommon throughout other parts of the country as well.

Without enforcement of basic laws to protect religious minorities, religion is going to continue to divide Myanmar society. We at Smile Education and Development Foundation urge the government to end hate speech against religious minorities and implement measures that give dignity to religious minorities by promoting religious pluralism and acceptance.

### **Background on SEDF and Framework for Reporting**

Founded in 2007 and registered on August 21, 2013, Smile Education and Development Foundation promotes justice through empowering productive citizens using education as a catalyst for social change. We envision a Myanmar where all people live with dignity, peace and justice and are empowered to be self-reliant, active citizens. SEDF promotes freedom of religion and executes projects that combat religious intolerance and conflict.

SEDF aims to equip youth with the power and skills to serve as effective and positive social change makers. With membership of over 4,000 young people diverse in ethnicity, religion and geography, SEDF aims to strengthen the youth voice on issues affecting their communities at both local and national levels. Recently, SEDF successfully carried out an Interfaith Youth Tour. Convening participants from seven cities around Myanmar, we presented youth with the opportunity to visit religious leaders to work through religious conflicts occurring in their communities.

We believe in a ground-up approach to change and support sustainable peace building that starts at the community level. With offices and programming in both Upper and Lower Myanmar, SEDF is informed of the challenges that communities all over the country face in combatting religious discrimination, acts of hate and violent conflicts.

SEDF reached out to our constituencies in communities where we implement programs in order to attain information about freedom of religion and experiences of religious

minorities, specifically Muslim minorities. Through our documenting partner Ywae Latt Yar, we also acquired first hand accounts of violence and discrimination against Muslims, using Karen State as a case study. We have also analyzed current laws and proposed bills. To bolster these primary sources, SEDF is reporting from secondary news sources, NGO reports and other articles.

### **Background on Myanmar Government's Policies on Religious Minorities**

Myanmar's 2008 Constitution includes some provisions that are in line with the Universal Declaration of Human Rights (UDHR) and aimed at promoting religious freedom and protecting minority ethnic and religious communities from violence. Article 364 opposes acts of hatred, which promote discord between religious communities. Article 354 (d) protects Myanmar citizens' freedom to express their language, literature, culture, and religion without infringement from other groups or peoples. Article 352 protects against discrimination in civil service based on race, birth, religion and/or sex.<sup>1</sup>

The constitutional protections outlined above, however, are not implemented in practice. Religious hostilities and discrimination exist without the government's intervention. Clashes between Buddhists and Muslims in Rakhine State and Meikhtila Township have spilled over to other parts of the country as hate speech and rumors pervade many parts of society.

Furthermore, the anti-discrimination laws outlined above do not actually apply to ethnic groups that lack government recognition, such as Rohingya Muslims.<sup>2</sup> Because this ethnic group does not qualify under that 1982 Citizenship Law<sup>3</sup>, they do not receive any benefits from the aforementioned Constitutional provisions. By not protecting this group under the same law as other minorities, the government is opposing Article 6 and 7 of the UDHR.

### **Implementation of Policies that Protect Religious Minorities**

#### ***Government Policies***

Beyond the government's failure to protect freedom of religion within the existing framework, there is legislation in front of Parliament that would actually institutionalize religious persecution. Promoted by the Association for the Protection of Race and Religion (MaBaTha), four bills, called the 'Race and Religion Protection' Laws, are being considered in Parliament. These bills would leave the government with control over interfaith marriages, religious conversations, childbearing and extra-marital relationships. In practice, these laws would be divisive and enable the government to help proliferate Buddhism at the detriment to other religions. The 'Race and Religion Protection' Laws are outlined below:

*The Religion Conversion Bill* requires individuals seeking religious conversions to register with a government designated registration committee. It stipulates that, to

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<sup>1</sup> Constitution of the Republic of the Union of Myanmar, 2008

<sup>2</sup> "Burma." *United States Commission on International Religious Freedom Annual Report* 2014.

<sup>3</sup> *Burma Citizenship Law*, 15 October 1982, available at: <http://www.refworld.org/docid/3ae6b4f71b.html>

convert, one must be 18 years of age, prove that no one is forcing the conversion and submit an application to the committee. The committee will talk to the applicant about religion and traditional laws of religion. After reviewing the application and conversing with the applicant, the committee will issue its decision either permitting or denying conversion. The committee will issue an ID card reflective of one's religious status. The bill also penalizes anyone caught coercing religious conversion. It carries a fine and jail sentence for anyone found guilty of coercion.

Effectively, the bill would allow the state to have near total control over religious practice. Through this bill, individuals lose their freedom to choose how they believe and which religion they practice. Religious conversion is not an issue for which the state should control, and this bill is adversarial to religious freedom. The basic right to practice one's chosen religion requires that the choice is up to the individual and in no one else's hands but that individual. By establishing the committee and requiring registration to convert, the government is controlling and restricting individual choice to freely practice religion. This is in conflict with Article 18 of the UDHR.

Furthermore, the bill allows the registration committee to seek charges against those who they find to be coercing conversion. The bill is ambiguous in its description of how coercion is defined, and therefore could easily be used to dissuade against conversion. In application, this aspect of the bill could deter individuals away from converting and practicing their religions freely for fear of being found guilty of coercion.

*Myanmar Buddhist Women Special Marriage Bill* addresses marriages between a Buddhist woman and non-Buddhist man, and requires that the man convert to Buddhism in order for the marriage to proceed. The man's conversion would be instructed by the Religion Conversion Bill. The bill states that the Buddhist woman must be free to practice Buddhism, and her husband may not infringe upon this. Punishment for infringement upon a wife's Buddhist religion and practice include divorce, loss of custody of children, loss of rights to shared property, imprisonment and/or a fine.

This dangerous bill directly opposes Article 16 of the UDHR and is unequal in its application. That is to say that it only applies to marriages between a Buddhist woman and non-Buddhist man and is a mechanism to restrict interfaith marriage between these two groups. It would provide a means to further divide society on religious lines through unfairly favoring one religion over another. Required conversion for marriage, as depicted in the bill, represses a religiously plural society. By creating more governmental oversight on religion, conversion and marriage, the bill permits the government to control the basic right to believe and practice religion freely.

*Population Control Healthcare Bill* stipulates that women wait 36 months between having children. It creates rural healthcare programs as well.

Beyond its flimsy health programming, the bill infringes upon freedom to practice religion. By mandating that women refrain from childbirth for a three-year period, the bill indirectly forces birth control mechanisms, which are unacceptable to some religious

groups. Additionally, the bill is constructed in such a way that there is a danger that in its application it will be used to control certain segments of the population including minority ethnic and religious groups.

*Monogamy Bill* disallows extramarital affairs and punishes those caught engaging in them. This bill could be restrictive in its application and unfairly target religious minorities.

### ***Authorities***

The institutionalization of racist policies extends to the composition of the government and authorities. Senior government offices and military ranks are unofficially reserved for Buddhists. Muslims and Christians have been discouraged from enlisting in the military and are often unable receive higher ranks if they do enlist.

Furthermore, local police in most regions lack religious diversity as they are primarily composed of Buddhists. Therefore, the police force fails to represent the whole of the population. This lack of diversity contributes to instances where authorities are either complicit in violence against Muslims or fail to intervene.

### ***Anti-Muslim Movements and the Media***

Highlighting the lack of protection for religious minorities are the anti-Muslim movements and rampant hate speech that exist at the societal level. Some of this rhetoric can be attributed to the reduction of restrictions on communications and media.<sup>4</sup> Nationalistic groups and journalists alike have taken advantage of this new freedom to promote their own agendas, easily disseminating harmful rumors and anti-Muslim sentiments.<sup>5 6</sup>

The anti-Muslim narrative has been especially propelled by the ultra-nationalist, Buddhist monk-led 969 Movement. This movement urges the boycott of Muslim businesses and encourages interfaith marriage restrictions through social media, pamphlets, DVDs and other widely distributed promotional materials.<sup>7</sup> Some promotional materials have insulted Allah and the Prophet Muhammad, while even more dangerous video clips have circulated depicting falsified information proliferating the idea that Muslim Rohingyas are attempting to ethnically cleanse Buddhist Rakhines. Because this movement has been branded as pro-Buddhist, many are afraid to speak out, fearful that they may be perceived to be anti-Buddhist.<sup>8</sup>

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<sup>4</sup> Freedom House. "Burma." *Freedom in the World Report 2014* 2014.

<sup>5</sup> "Anti-muslim Riots Turn Deadly in Myanmar's Mandalay City." *Radio Free Asia* 2 July 2014. Web. 12 Feb. 2015. <<http://www.refworld.org/docid/53c8d9ae26.html>>.

<sup>6</sup> "Sixteen Arrested in Wake of Fresh Myanmar Violence." *Radio Free Asia* 7 July 2014. Web. 12 Feb. 2015. <<http://www.refworld.org/docid/53c8d9beeb.html>>.

<sup>7</sup> Walton, Matthew, and Susan Hayword. "Contesting Buddhist Narratives: Democratization, Nationalism and Communal Violence in Myanmar." *Policy Studies* 71: 12-14.

<sup>8</sup> Vandenbrink, Rachel. "Solution to Myanmar Violence Lies in Local Community, Experts Say." *Radio Free Asia* 25 Apr. 2014. Web. 12 Feb. 2015. <<http://www.refworld.org/docid/5391b9b514.html>>.

Reports indicate that authorities have also contributed to this narrative. In September of 2012 in Pa'pon Township, the Border Guard Force Troop placed bulletins on trees that stated four rules to forbid dealing with Muslims economically or socially. These included not selling land to Muslims; not marrying Muslim men; not purchasing goods from Muslim shops; and not interacting with Muslims socially.<sup>9</sup>

The media has also fueled an environment of hate. Anti-Muslim stories often yield high profits in Myanmar, and journalists have misreported religious conflicts to sell publications. An example of this is a news headline that read "Let's Protect the Western Rakhine State Door by using Buddhist Religion."<sup>10</sup> Five Muslim organizations appealed to the President in an official capacity to end hate speech in the media. This request was met with no response.

### ***Attacks on Religious Minorities***

In *Northern Rakhine State*, Rohingya Muslim groups have experienced severe violence and displacement since June 2012 in retaliation to the rape and murder of a Rakhine Buddhist girl. Shortly after, ten Muslim Imams and Pilgrims were murdered in Toungupt. By October, Muslim targets of attack extended beyond Rohingya to include Muslim Kaman (an ethnic group officially recognized by the government) as well. Apart from the violence and destruction, these tensions prompted a large collective of Rakhine to pen a manifesto supporting the removal of Rohingya villages and objecting to the establishment of a liaison office of the Organization of Islamic Cooperation in Yangon. The government approved the latter.<sup>11</sup>

The government responded inadequately to this violence. It launched an investigation, which resulted in a 70-page report where the term "Bengali" was used to denote Rohingya. The government also used the derogatory term for Muslim "Ka Lar" in the media. Through refusal to respectfully allow this group to self identify, the government is further discriminating against and disenfranchising them.<sup>12</sup> The investigation has yielded little results and no reparations for Rohingya Muslims, which means it fails to uphold Article 8 of UDHR.

In 2013, *Meikhtila Township* was the site of anti-Muslim hostilities after a small-scale dispute erupted into riots with widespread destruction of Muslim neighborhoods. The clash was largely met without police interference. One mob attacked an Islamic school, leaving many students and teachers dead. From March 20th to 28th, 28 Mosques were attacked and burned down by mobs of more than 1,000 people. After these clashes, many Muslims were displaced and authorities have been slow to reintegrate them back into their neighborhoods.<sup>13</sup>

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<sup>9</sup> Ywae Latt Yar interviews, Karen State, December 2012- January 2013

<sup>10</sup> English Translation of Article, unavailable

<sup>11</sup> "Burma: New Violence in Arakan State", media release, Human Rights Watch, 27 October 2012

<sup>12</sup> "The Dark Side of Transition: Violence Against Muslims in Myanmar." *Asia Report* 251 (2013): 7-9.

<sup>13</sup> "The Dark Side of Transition: Violence Against Muslims in Myanmar." *Asia Report* 251 (2013): 12-14.

Similar violence has spilled over to other parts of the country thanks to the formula of societal intolerance, harmful rumors and lack of official intervention. In Karen State there have been some isolated attacks on Muslims without explanation or reparation. As part of a larger documentation effort in Karan State, Ywae Latt Yar ascertained the story of an elderly Muslim woman<sup>14</sup> beaten by a Monk. This woman visited her daughter in Kawkada via bus where a Monk sat across from her. After they departed the bus, he attacked her with a piece of wood, beating her head and knees. Villagers intervened and brought her to the hospital where she eventually met with a police officer. After hearing her story, the officer let her know that he believed this Monk had attacked two other people. Without explanation, however, he noted that he would be unable to charge the Monk for her attack. In this instance, the law not only failed to protect minority rights but also failed in seeking justice against the perpetrator, who belongs to the favored religion.<sup>15</sup>

### ***Restrictions on Religious and Civil Affairs for Religious Minorities***

Religious minorities' sacred spaces, clergy and religious traditions/holidays are often monitored and controlled. Officials have censored Islamic sermons, ceremonies and festivals and denied permission to build new Mosques in some areas.<sup>16</sup> In July 2013 at the Kamamaung Mosque, the Government Religious Affairs Department of Karen State issued a verbal warning to congregants not to participate in Ramadan rituals at the mosque. This warning was issued under the guise of safety concerns for Muslims at the time. However, due to other restrictions, Muslims were also unable to gather for prayers at an individual residences. Failure to allow religious practice with others in public or private clashes with Article 18 of UDHR. This incident exemplifies authorities' unfair treatment of minority religions' practice in Myanmar.<sup>17</sup>

Civic participation for Muslims has also been restricted on discriminatory grounds. In some localities voting stations are in Monasteries. Reports of Muslims being denied entrance into Monasteries on religious grounds are common throughout the country. Thereby, these Muslims are denied their right as citizens to vote due to religious discrimination.

### **Recommendations**

SEDF strongly recommends the Myanmar government to:

- a) Prohibit and prosecute incitement of hate speech, discriminatory practices and violence toward minorities;

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<sup>14</sup> Name withheld at victim's request

<sup>15</sup> Ywae Latt Yar interviews, Karen State, December 2012- January 2013

<sup>16</sup> "Burma." *United States Commission on International Religious Freedom Annual Report 2014*.

<sup>17</sup> Ywae Latt Yar interviews, Karen State, December 2012- January 2013

- b) Draft national laws that uphold the international standards to protect and promote freedom of religion and belief;
- c) Withdraw the ‘Race and Religion Protection’ Bills from Parliament
- d) Ensure minorities have equal professional opportunities within the government;
- e) Reform local police forces by recruiting officers of diverse ethnic and religious make up and by training them in riot control, equipping them with non-lethal riot control gear;
- f) Set up information response centers to disseminate accurate information so that small-scale conflicts do not escalate into full-scale violence;
- g) Allow political parties, CSOs, NGOs, INGOs and journalists to access conflict areas to protect religious minorities; and
- h) Refrain from restricting religious ceremonies, sermons and building of Mosques.