

# Myanmar (Burma)

Controversially renamed Myanmar by the military regime, the country otherwise known as Burma is emerging from decades of repressive military rule under emergency powers. Aung San Suu Kyi's National League for Democracy won a larger-than-expected, landslide majority in the 2015 elections, widely regarded as a representative (though not without electoral irregularities). Significant power still rests with the military, however, and Suu Kyi is currently prevented from taking the presidency by the constitution based on the foreign citizenship of her children.

Rating: Severe Discrimination

*This country is found to be in flux, with democratic reforms taking effect, but significant pressure from Buddhist extremists and discrimination still taking place.*

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<u>The non-religious are barred from some government offices (including posts reserved for particular religions or sects)</u>		<u>Systemic religious privilege results in significant social discrimination</u> <u>Prohibitive interreligious social control (including interreligious marriage bans)</u>	
<u>There is an established church or state religion</u> <u>State-funding of religious institutions or salaries, or discriminatory tax exemptions</u>	<u>Religious schools have powers to discriminate in admissions or employment</u> <u>Religious or ideological instruction is mandatory in at least some public schools (without secular or humanist alternatives)</u>	<u>Discriminatory prominence is given to religious bodies, traditions or leaders</u>	<u>Expression of core humanist principles on democracy, freedom or human rights is somewhat restricted</u>
<u>Official symbolic deference to religion</u>			

Legend

## Constitution and government

Myanmar's constitution grants limited rights to freedom of religion and freedom of expression; however, some articles in the constitution, as well as other laws and policies, restrict those rights, and the government continues to enforce those restrictions.

Although the country has no official state religion, Article 361 of the constitution notes that the government "recognizes the special position of Buddhism as the faith professed by the great majority of the citizens of the Union." The government favours Theravada Buddhism through official propaganda and state support, including donations to monasteries and pagodas, encouragement of

education at Buddhist monastic schools, and support for Buddhist missionary activities.

## **Family law**

This report last year noted, “Burma’s liberalization continues apace, with new laws recognizing human rights coming before almost every month.”

However, in 2014 new legislation gained presidential assent in December 2014. The controversial religion and family bill would place massive new restrictions on family life. The law is described as:

*“the result of a campaign led by a radical and extremist Buddhist group called the Association for the Protection of Race and Religion which has put forward four proposals that regulate marriage, the practice of worship, polygamy and family planning.*

*Under the proposed norm, anyone wishing to convert to another religion will have to follow complicated bureaucratic procedures or face yet to be decided penalties. It also regulates the marriage of Buddhist women with men of other religions. These women will have to ask permission from the local authorities to celebrate the wedding, prior to it being publically registered. The spouses may marry “only if” there are no objections and, in case of violation of the law, could face up to several years in prison.”*

[asianews.it/news-en/Burmese-President-signs-the-shameful-law-regulating-religion,-marriages-and-family-life-32872.html](http://asianews.it/news-en/Burmese-President-signs-the-shameful-law-regulating-religion,-marriages-and-family-life-32872.html)

The bill forms part of a pattern of efforts which marginalise non-Buddhists.

## **Religification of government and state**

State-controlled media frequently depicts government officials and family members paying homage to Buddhist monks; offering donations at pagodas; officiating at ceremonies at new or restored pagodas; and organizing “people’s donations” of money, food, and uncompensated labor to build or refurbish Buddhist shrines nationwide. The government publishes books on Buddhist religious instruction.

The government discourages Muslims from enlisting in the military and Christian or Muslim military officers who aspired to promotion beyond the rank of major were encouraged by their superiors to convert to Buddhism. In effect, adherence or conversion to Buddhism is an unwritten prerequisite for promotion to most senior government and military ranks.

Whilst favouring Theravada Buddhism, the government also tightly controls it, forbidding political activity by Buddhist monks, and keeping Buddhist temples and monasteries under close surveillance.

## **Only some religions**

Article 362 of the constitution “also recognizes Christianity, Islam, Hinduism, and Animism as the religions existing in the Union at the day of the coming into operation of this Constitution.” Most adherents of government-recognized religious groups are allowed to worship as they choose; however, the government imposes restrictions on certain religious activities and frequently limits religious freedom. Anti-discrimination laws do not apply to ethnic groups not formally recognized under the 1982 Citizenship Law, such as the Muslim Rohingya in northern Rakhine State.

Article 34 of the constitution states, “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.” Article 354 states that “every citizen shall be at liberty...if not contrary to the laws, enacted for Union security, prevalence of law and order, community peace and tranquility or public order and morality...to develop...[the] religion they profess and customs without prejudice to the relations between one national race and another or among national races and to other faiths.”

Citizens and permanent residents are required to carry government-issued National Registration Cards (NRCs), also known as Citizenship Scrutiny Cards, which permit holders to access services and prove citizenship. These identification cards often indicate religious affiliation and ethnicity, but there appears to be no consistent criteria governing whether a person’s religion is indicated on the identity card. Citizens also are required to indicate their religion on certain official application forms for documents such as passports, although passports themselves do not indicate the bearer’s religion. Members of many ethnic and religious minorities, particularly Muslims, face problems obtaining NRCs.

## **Education and children’s rights**

Buddhist doctrine remains part of the state-mandated curriculum in all government-run elementary schools. Students at these schools can opt out of instruction in Buddhism and sometimes do, but all are required to recite a Buddhist prayer daily. Some schools or teachers may allow Muslim students to leave the classroom during this recitation, but there does not appear to be a centrally mandated exemption for non-Buddhist students.

## **Family, community and society**

### **Rohingya crisis continues**

Longstanding social tensions between Rohingya Muslims and Rakhine Buddhists in the state erupted in communal violence in June and October 2012 that claimed hundreds of lives and resulted in more than 100,000 displaced persons and the segregation of the two groups. Villages of Kaman people, an officially recognized Muslim “national race” group distinct from the Rohingya, were burned to the ground during the second wave of violence in October 2012. An estimated 3,000 Kaman Muslims were attacked, indicating that some of the violence was aimed not only against the Rohingya, but against Muslims in general.

The government continues to deny citizenship status to Rohingya, claiming that they did not meet the requirements of the 1982 citizenship law, which required that their ancestors reside in the country before the start of British colonial rule in 1824. As a result, Rohingya are denied secondary and tertiary education, and employment as civil servants. Rohingya couples needed to obtain government permission to marry and faced restrictions on the number of children they could have legally. Authorities also restricted their access to healthcare.

## **Freedom of expression, advocacy of humanist values**

A new media law was passed in 2013 that greatly liberalized the draconian censorship laws and granted new rights to journalists and citizens. The new law guarantees, for the first time, Burmese citizens’ right to express opinions and convictions. However, the new law imposes some restrictions on journalists and the media which may prove problematic.

Freedoms of association and assembly have increased during the transition from the emergency rule of the military junta. However, a new legal system guaranteeing the right to peaceably assemble has

yet to emerge. The government has relaxed some restrictions on the free operation of the media, gradually removing pre-publication censorship protocols. Restrictions on internet access have also been loosened.

In July 2013 President Thein Sein announced that all political prisoners would be released by the end of the year. In October 2014 the government announced the release of 3,000 prisoners, although the majority of these may be petty criminals according to Burma watchers. The US has extended sanctions on Myanmar, due to persisting rights abuses and army influence on the politics and economy of the country.