

BURMA 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution grants limited rights to freedom of religion; however, some articles in the constitution, as well as other laws and policies, restrict those rights. In practice the government enforced those restrictions. The trend in the government's respect for religious freedom did not change significantly during the year. The government implemented considerable political and economic reforms, resulting in improved respect for many human rights. While some deficiencies in respect for and protection of the right to religious freedom continued, the government continued to support interfaith dialogue and provided some members of the international community and international organizations greater access to ethnic minority areas. During the year the government released most of the 104 Buddhist monks arrested for political activities, including the majority of the monks arrested in the violent crackdown that followed pro-democracy demonstrations in September 2007.

Some local government officials in Rakhine State reportedly took part in communal violence that erupted in June that largely targeted members of the Muslim Rohingya community. The government maintained restrictions on certain religious activities and actively promoted Theravada Buddhism over other religions, particularly among certain ethnic minority populations. Adherence or conversion to Buddhism was an unwritten prerequisite for promotion to most senior government and military ranks. The government restricted the political activities and expression of some Buddhist clergy (Sangha). Religious activities and organizations were subject to restrictions on freedom of expression, association, and assembly. The government continued to monitor the meetings and activities of some organizations, including religious organizations.

Societal abuses and discrimination based on a mix of ethnicity and religious affiliation, belief, or practice occurred. Longstanding social tensions between Rohingya Muslims and Rakhine Buddhists in Rakhine State erupted in communal violence in June and October that claimed an estimated 250 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. 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. There were reports of continued tension between the

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Buddhist majority and the Christian and Muslim minorities, specifically in ethnic minority states.

The U.S. government advocated religious freedom with all sectors of society, including government officials, religious leaders, private citizens, scholars, diplomats of other governments, and international business and media representatives. U.S. officials traveled to Rakhine State and other ethnic border regions on numerous occasions, offered support to local nongovernmental organizations (NGOs) and religious leaders, including through small grants and training programs, and relayed information to otherwise isolated human rights NGOs and religious leaders. Since 1999 the secretary of state has designated Burma as a “Country of Particular Concern” (CPC) under the International Religious Freedom Act for having engaged in or tolerated particularly severe violations or abuses of religious freedom. The secretary of state redesignated Burma as a CPC in August 2011. Although the United States has eased most sanctions in response to the Burmese government’s political and economic reforms, the U.S. government maintains specific sanctions against the country for its violations of religious freedom.

Section I. Religious Demography

Although there has not been a census since 1983, a 2012 U.S. government source estimates the population to be 54,584,700. Theravada Buddhism is the dominant religion. The principal minority religious groups include Christians (primarily Baptists, Roman Catholics, and Anglicans, along with several other small Protestant denominations), Muslims (mostly Sunni), Hindus, and practitioners of traditional Chinese and indigenous religions. Some sources suggest that approximately 90 percent of the population practices Buddhism, 4 percent Christianity, and 4 percent Islam. These statistics likely underestimate the non-Buddhist proportion of the population. A very small Jewish community in Rangoon has a synagogue but no resident rabbi.

The country is ethnically diverse, with significant correlation between ethnicity and religion. Theravada Buddhism is the dominant religion among the majority Burman ethnic group and also among the Shan, Rakhine, and Mon ethnic minorities. 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. Citizens of South Asian origin, who are concentrated in major cities and in the south-central region, are predominantly Hindu or Muslim, although some are

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Christian. Islam is practiced widely in Rakhine State and in Rangoon, Irrawaddy, Magwe, and Mandalay Divisions, where some Burmese, ethnic Indians, ethnic Bengalis, ethnic Kaman, and Rohingya practice the religion. Chinese ethnic minorities generally practice traditional Chinese religions. Traditional indigenous beliefs are practiced widely among smaller ethnic groups in the highland regions.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

While the constitution grants limited rights to freedom of religion, some articles in the constitution, as well as other laws and policies, restrict those rights.

Most adherents of government-recognized religious groups generally are allowed to worship as they choose; however, the government imposes restrictions on certain religious activities and frequently limits religious freedom.

Antidiscrimination 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.”

The law bars officiants of religious orders (such as priests, monks, and nuns) from running for public office, and the constitution bars “members of religious orders” from voting. Article 364 forbids “the abuse of religion for political purposes,” and restrictions on political activities and on ethnic groups often negatively affect freedom of religion.

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 continues to show a preference for Theravada Buddhism through official propaganda and state support, including donations to monasteries and pagodas,

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

The government restricts the political activities and expression of the Buddhist clergy (Sangha), although some monks have resisted such control. Based on the 1990 Sangha Organization Law, 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 State Monk Coordination Committee (“Sangha Maha Nayaka Committee” or SMNC), the members of which are elected by monks.

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. The government continues to fund two state Sangha universities in Rangoon and Mandalay, which train Buddhist monks under the purview of the SMNC. The state-funded International Theravada Buddhist Missionary University in Rangoon, which opened in 1998, has a stated purpose “to share the country’s knowledge of Buddhism with the people of the world.”

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.

In August the government relaxed pre-publication censorship for most media groups and publications, including religious publications, but all religious organizations remain subject to post-publication censorship and review by the Ministry of Religious Affairs. Many Muslim and Christian groups note that the government no longer requires the submission of religious materials prior to publication, although this is not the case in Kachin State. Although there are no provisions in the penal code criminalizing the importation of translations of the Bible and Quran in indigenous languages, there are reports that informal barriers remain in place in some areas.

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Religious organizations are not required to register with the government, but religious organizations wanting to engage in certain activities (such as religious education or charitable work) must obtain government permission.

The government discourages proselytizing by non-Buddhist clergy, often through the use of censorship. These restrictions mostly affect some Christian denominations and Islamic groups. Unlike in the past, when the government expelled foreign missionary groups, the government now permits some foreign religious groups to operate in the country, seemingly as part of a general easing of visa restrictions.

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 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.

The government observes the following religious holidays as national holidays: the Full Moon Day of Tabaung, the four-day Thingyan (Water Festival), Buddhist New Year's Day, the Full Moon Day of Kason, the Full Moon Day of Waso, the Full Moon Day of Thadinkyut, the Full Moon Day of Tazaungmone, and Christmas. Government newspapers generally announce the dates for Diwali and Bakri Eid, and banks and government offices close on those dates.

Government Practices

There were reports of abuses of religious freedom, including reports of imprisonment and detention. There were also reports of sexual violence by Burmese army officials in houses of worship in ethnic minority areas. The government did not hold these officials accountable. In May a Burmese news source reported the gang-rape and prolonged torture of a Christian woman in the sanctuary of a church near the Kachin-China border town of Pan Wa, near the planned site of the Chipwi hydropower dam on the May Kha River. According to a Kachin women's organization, about 10 soldiers beat, stabbed, and raped the woman over a period of three days without penalty. Kachin-based religious organizations reported the arrest and abuse of religious leaders, particularly the late

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October arrest and physical abuse of two pastors in Mongo township, located between Shan and Kachin States.

There were credible allegations of the involvement of local border security authorities known as the Nasaka, a security arm of the Ministry of Border Affairs, in the burning of villages during the protracted period of communal unrest in Rakhine State. There were also credible reports of Rohingya being arbitrarily detained in local police stations and Nasaka camps since June. Detainees were reportedly denied food, water, and sleep, and some deaths in custody were reported. Violence in Rakhine State claimed the lives of an estimated 250 people and led to the displacement of more than 100,000. Many of the affected internally displaced persons (IDPs) have been resettled in segregated camps with no ability to pursue livelihoods.

While numerous contacts in northern Chin State reported a significant easing of restrictions against the Christian majority, there were continued reports that some government officials encouraged or enticed non-Buddhists to convert to Buddhism in southern Chin state. An exiled Chin human rights group released a report claiming that local government officials in southern Chin state enticed Christian families to send their children to Buddhist schools, called NaTaLa schools, in exchange for food and free education for their children. In previous years, those who refused to convert upon completion of schooling were allegedly subjected to forced labor as porters for the military; however, there were no reports that this practice continued during the year. There were no reports that government officials used Christian and Muslim students to build monasteries and pagodas, unlike in years past. Government officials reportedly forced some non-Buddhist students to shave their heads in accordance with the practice of Buddhist monks. Reports suggested that the government also sought to encourage members of the Naga ethnic group in Sagaing Division to convert to Buddhism through similar means.

The government continued its efforts to exert control over the Buddhist clergy (Sangha). Unlike in previous years, no monks were defrocked. The arrest of monks declined significantly during the year. According to one local group that tracks political prisoners, the government released hundreds of political prisoners in January, September, and November, including nearly all of the monks who had been imprisoned following the 2007 Saffron Revolution. Nyi Nyi Lwin--also known as U Gambira, a monk who led the Saffron Revolution--was released from prison in January and subsequently re-arrested in December for political, rather than religious reasons.

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According to the Assistance Association of Political Prisoners in Burma (AAPP)--formerly based in Thailand but now also working in Burma--at the end of the year only two monks remained in prison. The government continued to detain Shin Nyana, a monk sentenced in 2010 to 20 years imprisonment for his teaching of a religious doctrine that did not comport with Theravada Buddhism. Authorities reportedly denied imprisoned monks permission to keep Buddhist Sabbath (Uposatha), wear robes, and shave their heads while in prison. They were also not allowed at times to eat food compatible with their monastic code.

Authorities continued to disrupt religious gatherings of some ethnic and religious minorities and to treat their houses of worship disrespectfully. In March an international organization reported the disruption of a Christian conference in Chin state by elements of the Burmese Army. Three days later, the organization reported that military personnel burned Bibles, destroyed church property, and stole audio/video equipment from a Baptist church in Kachin state after villagers fled violence.

Muslims across the country, as well as ethnic Chinese and Indians, often were required to obtain permission from township authorities to leave their hometowns. Authorities often denied Rohingya and other Muslims living in Rakhine State permission to travel for any purpose; however, permission was sometimes obtained through bribery. Authorities granted Muslims in other regions more freedom to travel, but they still faced restrictions. For example, Rohingya living in Rangoon needed permission from immigration authorities to travel into and out of Rakhine State.

The government denied 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. Most Rohingya asserted that their presence in the area predated the British arrival by several centuries. Since 1982, Rohingya commonly have been referred to as “illegal immigrants” within Burma and “stateless” by the international community. Without citizenship status Rohingya did not have access to secondary education in state-run schools. Authorities did not permit those Muslim students from Rakhine State who completed high school to travel outside the state to attend college or university. Authorities continued to bar Muslim university students who did not possess NRCs from graduating. These students were permitted to attend classes and sit for examinations, but they could not receive diplomas unless they claimed a “foreign” ethnic minority affiliation. Rohingya also were unable to obtain

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employment in any civil service positions. 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. Muslim newcomers were not allowed to buy property or reside in Thandwe, Rakhine State, and authorities prevented Muslims from living in the state's Gwa or Taungup areas.

Some restrictions on religious freedom remained, and included those on repairing and building new facilities for worship, the ability for some groups to hold religious gatherings without interference, and prisoners' ability to practice their respective religions freely. The government selectively enforced legal restrictions on religious freedom. Religious organizations were subject to restrictions on freedom of expression and association.

Government censors continued to enforce some restrictions on local publication of the Bible, Quran, and other Christian and Islamic texts. The most onerous restriction was a list of more than 100 prohibited words censors would not allow in Christian or Islamic literature, forbidden as "indigenous terms" or derived from the Pali language long used in Buddhist literature.

In addition to religious publications, the government on occasion subjected sermons, ceremonies, and festivals to censorship and other controls, and at times interfered with religious gatherings. There were reports that Islamic lectures required prior written permission from ward, township, police, district, and division level authorities. Law enforcement reportedly questioned participants on the nature of the lectures both before and after they occurred.

Some Christian theological seminaries and Bible schools continued to operate, along with several Islamic madrassahs. Some Christian schools did not register with the Myanmar Council of Churches, a group representing 14 Christian denominations, but were able to conduct affairs without government interference.

Authorities continued to restrict gatherings to celebrate traditional Christian and Islamic holidays. In satellite towns surrounding Rangoon, Muslims generally were allowed to gather for worship and religious training only during major Muslim holidays. Several sources reported that Rohingya Muslims were unable to hold congregational Eid prayers because mosques were locked after communal violence in June. Sources stated that unsanitary conditions in IDP camps made the Eid rituals impossible, and that emergency orders in effect to prevent rioting, including curfews, also prevented Eid prayers in many villages in Rakhine State.

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The government continued to discriminate against minority religious groups, restricting educational activities, proselytizing, and the restoration or construction of churches and mosques. In practice nearly all promotions to senior positions within the military and civil service were reserved for Buddhists.

In most regions, Christian and Islamic groups that sought to build small places of worship on side streets or other inconspicuous locations were able to do so only with informal approval from local authorities. There were reports of the destruction of large Christian crosses in Chin state, most of which were on prominent hilltops. Authorities stopped construction on the Sufi Shahul Hamid Nagori Flag Post and Mosque in Insein, and the structures were subsequently torn down after authorities claimed that the construction exceeded the scope of the permits; the city government then filed criminal suits against the trustees of the mosque. Formal construction requests in prominent locations reportedly encountered delays, were often denied, and even when approved could subsequently be reversed by more senior authorities.

It remained extremely difficult for Muslims to acquire permission to build new or repair existing mosques, although internal maintenance was allowed in some cases. Historic mosques in Mawlamyine, Mon State and Sittwe, Rakhine State, as well as other areas, continued to deteriorate because authorities did not allow routine maintenance. A number of restrictions were in place on the construction or renovation of mosques and religious schools in northern Rakhine State. According to a representative of an Islamic association, local authorities in Bago confiscated an ancient Muslim cemetery.

The roof repair of a Rangoon mosque became the center of controversy after the Yangon City Development Committee forced the mosque to suspend work. Key local politicians allegedly approved the renovation project after the Muslim community agreed to support them in the April elections. However, authorities revoked the permit after the Buddhist community allegedly sent a letter of protest to the Union Election Commission in Naypyitaw. By year's end, Rangoon authorities approved the rebuilding of the roof and a new one had been erected.

Christian groups reported greater ease in obtaining permission to buy land or build new churches during the year. In some cases, however, authorities denied permission to build and to repair religious facilities.

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The government openly supported Buddhist seminaries and permitted them to construct large campuses. Buddhist groups generally did not experience difficulty in obtaining permission to build new pagodas, monasteries, or community religious halls.

The government allowed members of religious groups, except the Rohingya, to establish and maintain links with coreligionists in other countries and to travel abroad for religious purposes. The government sometimes expedited its burdensome passport issuance procedures during the year for Muslims making the Hajj or for Buddhists going on pilgrimage to Bodhgaya, India. Approximately 5,000 non-Rohingya Muslims from Burma participated in the Hajj during the year. The government expedited passport issuance and helped facilitate some travel arrangements for 350 of the pilgrims. The government also expedited passports and helped facilitate travel for more than 2,000 private citizens who made pilgrimages to Bodhgaya.

The SMNC and Ministry of Religion also subjected the Sangha to special restrictions on freedom of political expression and association. Members of the Sangha were not allowed to preach sermons pertaining to politics. Religious lectures that reflected political views often drew criticism or censure from the SMNC and Ministry of Religion. The SMNC evicted Shwe Nya Wah Sayadaw, the Abbot of Sardu Pariyatti Monastery, in February for political activities, including a 2011 speech at the headquarters of the pro-democracy National League for Democracy party. Shwe Nya Wah Sayadaw was banned from giving sermons for a year in 2011 because the SMNC deemed his sermons too political.

State-controlled media frequently depicted government officials and family members paying homage to Buddhist monks; offering donations at pagodas; officiating at ceremonies to open, improve, restore, or maintain pagodas; and organizing ostensibly voluntary “people’s donations” of money, food, and uncompensated labor to build or refurbish Buddhist shrines nationwide. The government published books on Buddhist religious instruction.

The government discouraged 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. Some Muslims who wished to join the military reportedly had to list “Buddhist” as their religion on their applications, although they were not required to convert.

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The government continued interfaith dialogue, sponsoring for example the non-political and largely charitable activities of an interfaith group consisting of Buddhist, Muslim, Christian, and Hindu representatives. The government consulted with the group to inform the Rangoon government's response to the crisis in Rakhine State and to prevent the violence from spilling into the city. The government also endorsed the formation of the interfaith Myanmar Religions for Peace group in September.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Preferential treatment for Buddhists and widespread prejudice against ethnic South Asians, particularly Rohingya Muslims, were key sources of social tensions between the Buddhist majority and Christian and Muslim minorities. Muslims in Rakhine State, particularly those of the Rohingya minority group, continued to experience severe forms of legal, economic, educational, and social discrimination. For example, there were reports that some members of the Rakhine Buddhist community urged boycotts of Muslim-owned businesses in Rakhine and Karen States.

The October violence in Rakhine State spread to non-Rohingya Muslims and, consequently, affected approximately 3,000 Kaman Muslims, an officially recognized ethnic group. Following the onset of unrest in Rakhine State, in October hand grenades were thrown into three mosques in Karen State causing minor damage. There were reports of anti-Muslim pamphlets in Hpa-an, the capital of Kayin state, including calls for non-Muslims to cease trade with Muslim vendors. Because ethnicity and religion are often inextricably linked, it is difficult to categorize many incidents specifically as ethnic or religious intolerance.

Also in October, thousands of monks marched in Rangoon and Mandalay to protest the opening of an office for the Organization of Islamic Cooperation (OIC) in northwest Rakhine state following an outbreak of communal violence. Hours after the monks dispersed, President Thein Sein announced that the government would no longer permit OIC representation in Burma, stating that "it is not in accordance with the desire of the people."

There were no reports of anti-Semitic acts.

Section IV. U.S. Government Policy

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The U.S. government continued to promote religious freedom in its contacts with all sectors of society and increased its engagement with the government on religious freedom issues. President Obama's visit to Burma in November, the first visit of a U.S. president, specifically highlighted religious freedom as a fundamental need and a crucial component of national reconciliation. Senior U.S. officials, including the assistant secretary and deputy assistant secretary of state for human rights, democracy, and labor, the special assistant to the president and senior director for multilateral affairs and human rights of the National Security Staff, the special representative and policy coordinator for Burma, and the special representative to Muslim communities, raised ongoing U.S. concerns about religious freedom during their visits.

Embassy officials discussed the importance of increasing religious freedom with high-level government officials, including the minister of religious affairs, private citizens, scholars, and representatives of other governments. Embassy representatives, including the ambassador, met repeatedly with leaders of Buddhist, Christian, Jewish, and Muslim religious groups, including ethnic minority religious leaders, members of the faculties of schools of theology, and other religiously affiliated organizations and NGOs. Embassy officials were granted permission to travel to ethnic states to discuss human rights and religious freedom. The ambassador took three trips to Rakhine State to assess the situation and express U.S. concern about the continuing violence and orchestrated the diplomatic community's response to the crisis.

The embassy regularly distributed U.S. government and NGO statements and reports on violations of religious freedom in the country. In addition, the embassy partnered with some faith-based organizations on educational programs on religious freedom and tolerance.

Since 1999, Burma has been designated as a Country of Particular Concern (CPC) under the International Religious Freedom Act. The secretary of state redesignated the country as a CPC in August 2011 for having engaged in or tolerated particularly severe violations of religious freedom. In connection with this designation, the United States has an ongoing embargo referenced in 22 CFR 126.1 (a). The U.S. government maintains this embargo on the country for its continuing violations of religious freedom.