

ISSUE BRIEF

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U.S. Should Not Stand By While Government in Burma Undermines Religious Liberty

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Burma's President Thein Sein has proposed four pieces of legislation that threaten the very fiber of Burma's already halting democratic reform process. If passed, the Protection of Race and Religion bills would violate religious liberty and institute potentially severe population control measures. The U.S. should maintain its opposition to them.

Religion Laws

The proposed religion bills address religious conversions, interreligious marriage, population control, and polygamy.¹ From the information available, of the four bills, the Religious Conversion Law and the Population Control Healthcare Law pose the greatest threat to individual liberties.

The Religious Conversion Law creates a Registration Board that would require individuals to undergo screening and certification of their religious conversion by the local government. After review, individuals can be denied the right to convert to their chosen religion. The review process and the mere fact that a personal religious decision has to be reported to the government is a major problem.

The Population Control Healthcare Law advocates population control measures including birth spacing—or the practice of leaving a 36-month

interval between having additional children. The law calls for a survey to determine population density and its relationship to available resources in Burma. If it is determined that a specific region is deemed to have too large a population, the government would mobilize population control apparatus to that region until it is deemed of suitable population size.

Religious Liberty in Burma

The state of religious freedom in Burma is already bleak. Since 1999 and until today, Burma has been designated by the State Department as a “country of particular concern” (CPC) for engaging in “severe violations of religious freedom.”²

Burmese Muslim minority Rohingya face particularly acute persecution. Under Burmese law, Rohingya are not considered citizens of Burma, despite the fact that most Rohingya are born there. The Burmese government attempts to legitimize their claim by referencing a requirement in the 1982 Citizenship Law, which stipulates that ancestors live in Burma prior to the start of British colonial rule.³

Since Rohingya allegedly do not meet this requirement, many are rendered stateless, and therefore operate outside the protection of Burmese laws. Rohingya are denied the right to vote, are more susceptible to violence, and increasingly vulnerable to discrimination.

The majority of religious conflicts today in Burma are between Buddhists and Muslims. However, Christians, especially the Kachin minority, are also targeted.⁴

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Religion Laws Would Exacerbate Religious Persecution

The passage of these religion laws, particularly the Religious Conversion Law and the Population Control Healthcare Law, would worsen Burma's already abysmal track record on religious freedom.

Manipulative population control measures and restrictions on religious liberty have already failed in other countries in the region, including China. The Population Control Healthcare Law is remarkably similar to China's "later, longer, fewer" policies that advocated later marriages, longer birth intervals, and fewer children.⁵

Chinese leadership bought into the Malthusian theory that population grows faster than available food resources. As a result, the Chinese government made the incorrect assumption that poverty under Mao Zedong was attributable to a large Chinese population, rather than to policies of agricultural collectivization and other Communist attempts at redistributing wealth.⁶ This assumption was false.

Attempts at artificially reducing population in China had severe economic and humanitarian consequences.⁷ Furthermore, China's draconian population measures took family matters and incorrectly placed them in the hands of the government.

Now Burma seeks to do the same. Should Burma decide to implement population control, it will lead to foreseeable economic challenges. While Burma is attempting to legitimize population control by hearkening to faulty Malthusian logic, the most likely reason for the introduction of the Population

Control Healthcare Law is to craftily disguise their intention to target Rohingya.

Religious persecution and population control have worked in tandem in Burma before. In 1994, Burma enacted a law limiting Burmese Rohingya to two children. While the two-child law has been inconsistently enforced, it was resurrected in 2013.⁸ In 2013, the international community cautioned against the potential misuse of population control as a tool for persecution. The Population Control Healthcare Law would do just that.

With Burma's record on religious freedom, legislation requiring Burmese to report religious conversion will only further exacerbate religious persecution. When reporting their religious conversion, Burmese would be required to provide extensive personal information, enabling the Burmese government to target not only the individual, but their extended and immediate family as well.

Personal religious decisions are not a matter for the government to meddle in, especially not when the Burmese government has such a poor track record of safeguarding religious liberty.

Recommendations

- **The U.S. government should actively oppose the Race and Religion laws in Burma.** The State Department and the U.S. Embassy in Burma should urge Burmese lawmakers to abandon the proposals and instead shore up Burma's policies on religious liberty. The U.S. government

1. Open Doors UK, "Burma/Myanmar," http://www.opendoorsuk.org/persecution/worldwatch/burma_myanmar.php (accessed March 23, 2015).
2. Press release, "USCIRF Deeply Concerned by Draft 'Religious Conversion Law' in Burma," U.S. Commission on International Religious Freedom, June 11, 2014, <http://www.uscifr.gov/news-room/press-releases/uscifr-deeply-concerned-draft-religious-conversion-law-in-burma> (accessed March 24, 2015), and U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, "Frequently Asked Questions: IRF Report and Countries of Particular Concern," <http://www.state.gov/j/drl/irf/c13003.htm> (accessed March 24, 2015).
3. U.S. Commission on International Religious Freedom, *Burma: Religious Freedom and Related Human Rights Violations Are Hindering Broader Reforms*, November 2014, <http://www.uscifr.gov/sites/default/files/BurmaReport.ReligiousFreedomAndHumanRightsViolations.pdf> (accessed March 24, 2015).
4. Human Rights Watch, *Untold Miseries: Wartime Abuses and Forced Displacement in Kachin State*, March 2012, http://www.hrw.org/sites/default/files/reports/burma0312ForUpload_1.pdf (accessed March 24, 2015).
5. Laura Fitzpatrick, "A Brief History of China's One-Child Policy," *Time*, July 27, 2009, <http://content.time.com/time/world/article/0,8599,1912861,00.html> (accessed March 24, 2015).
6. Stéphane Courtois et al., *The Black Book of Communism: Crimes, Terror, Repression* (Cambridge, MA: Harvard University Press, 1999).
7. Olivia Enos, "China's Self-Created Demographic Disaster Is Coming," *The National Interest*, September 25, 2014, <http://nationalinterest.org/blog/the-buzz/chinas-self-created-demographic-disaster-coming-11353> (accessed March 25, 2015).
8. Olivia Enos, "Opposition to Burma's 'Two-Child Policy' Mounting," *The Daily Signal*, May 29, 2013, <http://dailysignal.com/2013/05/29/opposition-to-burmas-two-child-policy-mounting/>.

should publicly emphasize that true democratic reform means guaranteeing religious freedom for all peoples in Burma.

- **The U.S. should continue to list Burma as a “country of particular concern” in the State Department’s International Religious Freedom report.** Last year’s International Religious Freedom report noted some minor improvements to religious freedom in Burma.⁹ However, any signs of progress are more than offset by the ongoing religious conflict in Burma, the Burmese government’s introduction of the race and religion bills, and its continued persecution of religious minorities. The U.S. should maintain the arms embargo against Burma and refrain from exercising its waiver authority under the International Religious Freedom Act.¹⁰ Until Burma has demonstrated long-term commitment to promoting religious freedom, it should remain a “country of particular concern.”
- **The U.S. should encourage Burma to recognize Rohingya and other displaced minorities as citizens.** Burma is home to large numbers of internally displaced and stateless individuals. Displaced persons are at an increased risk for persecution. If Burma seeks to improve its record on

human rights and religious liberty, it should guarantee that minority populations enjoy the same legal protections as all other citizens of Burma. Burma should legalize the Rohingya, especially Rohingya that already qualify as citizens.¹¹

Conclusion

If Burma wishes to be recognized for its democratic reforms and fully benefit from its reintegration back into the international community, the government must refrain from imposing new repression. The introduction of the four Protection of Race and Religion bills only confirms the international community’s suspicions that Burma is backsliding.

As the leader on international religious freedom, the U.S. should encourage Burma to respect the religious liberty of all its peoples.

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9. U.S. Department of State “International Religious Freedom Report for 2013,” <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper> (accessed March 24, 2015).

10. *Federal Register*, “Secretary of State’s Determination Under the International Religious Freedom Act of 1998,” Vol. 79, No. 185, pp. 57171–57172, <http://www.gpo.gov/fdsys/pkg/FR-2014-09-24/pdf/2014-22769.pdf> (accessed March 30, 2015).

11. Walter Lohman, “A Reverse Roadmap for Burma Sanctions,” Heritage Foundation *Backgrounders* No. 2749, December 12, 2012, <http://www.heritage.org/research/reports/2012/12/a-reverse-road-map-for-burma-sanctions>.