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Human Rights Essay Contest

The Controversial Article 18 of the UDHR in Myanmar

Article 18 of the Universal Declaration of Human Rights (UDHR) was adopted by the United Nations in 1948, which states that “everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.” This article 18 guarantees everyone, whether male or female and are minority or majority to have the freedom of thought, conscience and religion. However, the article *The Politics of Article 18: Religious Liberty in the Universal Declaration of Human Rights* states that “article 18 never addresses the difficult questions of how the relation between states and religious institution should be regulated; it leaves terms like “teaching,” “practice,” “worship,” and “observance” undefined; and it never clarifies under which circumstances religious liberty can and cannot be curtailed” (Lindkvist, 429). Lindkvist also claims in his article that those actors who formed the Article 18 were “subtly but importantly transformed the way religious liberty was framed in international affairs.” In the article *The right to freedom of religion or belief and its intersection with other rights*, it states that “none of the international instruments guaranteeing the freedom of religion and belief provides a definition of these terms” (Donald, Howard, 2). The word “religion” itself has a variety of meaning because different people understand religion differently. Even the terms like “teaching,” “practice,” “worship,” and “observance” can be understood differently. Leaving out the real meaning of those terms can lead to misconception and misinterpretation of the Article

18. Since religion and belief were not clearly defined in the Article 18, the Human Rights Committee (HRC) gave a statement that “this article protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief; that the terms ‘religion’ and ‘belief’ are to be broadly construed; and, that Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions” (Donald, Howard, 2). This statement would say that any belief and practices such as rituals, cultural, and traditions are to be protected by Article 18. Article 18 was a big topic when it was formed into the Universal Declaration of Human Rights. Although it was a big issue for world leaders and religious scholars to work together and come up with a meaningful solution to what religious freedom means. Nonetheless, the article 18 of the UDHR was formed, but the problems to defining religious liberty and belief still remain today.

Article 18 of the UDHR may play a different role in different parts of the world. In terms of what some Asian leaders think about human rights ideas of the UDHR in the book *Religion and Human Rights*, “in the early 1990s, a number of non-Buddhist Asia political leaders... ignited the “Asian values” debate with their claim that human rights are a part of Western culture and therefore excessively individualistic; human rights, they claimed, did not suit Asian culture, which was inherently communitarian” (King, 103). King brought up an interesting point by mentioning the differences of culture, values, and beliefs between Asians and Westerners. This idea may be true to most of the Asian countries. Arguably, the Asian values are totally different from the Western values. This can be seen in families, schools, and characteristics of the people between Asian and the West. Some people even accused that the Universal Declaration of Human Rights was mainly formed by the Westerners and were from the Western values. Not

only were the terms “teaching,” “practice,” “worship,” and “observance” were left undefined in the article 18, but the Article also brought up issues for other countries who do not share common values and beliefs as the West. The differences in beliefs and values between Asians and the West may even be a greater challenge to understanding Article 18 in a general term.

In the United Nations standpoint, Article 18 of the UDHR is being violated throughout the world. The article *An Article of Faith: Protecting Religious Freedom* states that, “across Asia, Article 18 faces serious threats” (Alton, 268). One of the Asian countries that constantly violated human rights and Article 18 is Myanmar. Myanmar, formerly known as Burma, is one of the Asian countries who does not fully align with the idea of human rights. This may be due to the fact that Myanmar is ruled by the military regime. Some facts about Myanmar is that the majority of the people in Myanmar are Buddhists and the majority of their people are very traditionalists. Buddhism in Myanmar is estimated to be 89% of the population, while 4% is Islam, 4% is Christianity, and 3% is other religions. Some historical facts about Myanmar after the Burmese got their independent from the British is that, the country was ruled by the Burmese military dictators. The Burmese took the independence for their own without considering for other groups of peoples who are living in Myanmar. Many ethnic groups have lived in Myanmar for thousands of years, while some other ethnic groups have settled there only for hundreds of years. Among the settlements are the Rohingya people who are estimated to be 1.3 million population today in Myanmar. The Burmese military today and throughout the past decades have ruled the country very brutally. The regime today does not align with the international law, neither want to accept the democratic ideology. However, some groups in Myanmar such as the National League for Democracy (NLD) have constantly fighting for democracy. Many Buddhist monks have also protested against the regime for human rights and freedom. In the book

Religion and Human Rights, King includes that, “this movement [NLD] is led by Aung San Suu Kyi, students, and Buddhist monastics. In 1988, during the first popular uprising against the ruling junta, the Burmese people (who are almost all Buddhists) filled the streets, singing, ‘I am not among the rice-eating robots.... Everyone but everyone should be entitled to human rights.’ In 2007, during the so-called ‘Saffron Revolution,’ the streets of Burma were again filled with Buddhist monks and nuns, calling upon the government to respect human rights or step down” (King, 103). The NLD movement today continues to fight for democracy and human rights. The Human Rights Watch also documented various accounts of Myanmar violating human rights and the international law. The violation of human rights in Myanmar includes ethnic cleansing, rape, torture, religious discrimination, and brutal execution towards ethnic groups and peoples.

One of the cases relating to religious and human rights violation in Myanmar is the Rohingya crisis. The Council on Foreign Relations states that “Discriminatory policies of Myanmar’s government since the late 1970s have compelled hundreds of thousands of Muslim Rohingya to flee their homes in the predominantly Buddhist country. Most have crossed by land into Bangladesh, while others have taken to the sea to reach Indonesia, Malaysia, and Thailand.” The ongoing persecution and discrimination against the Rohingya are not just ethnic issues but the Islamic religion as well. There is a conflict between the Muslims and Buddhists, which led to more violence toward the Rohingya people. The U.S. Commission on International Religious Freedom states that “Muslims in Burma have faced periodically targeted oppression, such as during the regime of the military junta. Yet in recent years, there have been increased expressions of anti-Muslim sentiment and increased targeted violence.” Many news had also reported that the Rohingya people are facing persecution, discrimination, and torture by the Burmese military. From the last couple of years, the Rohingya crisis has been on the top news.

The Rohingya crisis for some people claims that the Burmese military had violated the international law and human rights. The United Nations even referred this as a “textbook example of ethnic cleansing.” However, some Burmese people and the military denied that the claim was false and that there is no human rights violation in Myanmar. The Burmese military even accused the Rohingya Muslim of raping their women, killing their soldiers, and taking over their land. In response, the military acted aggressively toward the Rohingya people. Both claims were sometimes difficult to tell from what the news portrayed. In the historical account, the Rohingya are an ethnic people who claimed to have settled in Myanmar for more than a hundred years. The majority of them are Muslims and are rooted to Bangladesh. Although the Burmese government does not consider them as one of the official ethnic groups in Myanmar. They considered them as illegal immigrants and denied them from having citizenship, job, and equal opportunity.

In continuation to the Rohingya crisis, violence against the Rohingya people is not just from the Burmese military. Even among the Buddhist monks who teach about peace and try to live up to the eightfold path oppress the Rohingya Muslims. Some Buddhists do not even consider the Rohingya crisis to be a genocide. CNN even titled its news, “Rohingya crisis: ‘It’s not genocide,’ say Myanmar’s hardlines monks.” Islamophobia and nationalism may have played a huge role in the Rohingya crisis. There were some Buddhists who feared that Islam is a threat to the country and that the Muslims are going to take over the Burmese land. They had responded aggressively toward the Rohingya and the Muslims in the past years, which they thought they were standing up for their rights as Buddhists and as citizens of Myanmar.

One of the Myanmar Buddhist movements that strongly opposes the Rohingya people and the Muslims is the 969 movement. Some people claim that the 969 movement is an extremist

movement, while others claim that the movement is a peaceful movement. The 969 movement according to the *969 Movement* website, is “a social movement to preserve the cultural traditions of Buddhism in Buddhist countries. It started in 1999 in Myanmar by U Kyaw Lwin and later on by venerable Wirathu.” According to Benjamin Schonthal and Matthew Walton on *The (New) Buddhist Nationalisms? Symmetries and Specificities in Sri Lanka and Myanmar*, “[the 969 movement] was founded in June 2013, although its rapid growth began with the founding of an Upper Myanmar branch in January 2014” (84). The website *969 Movement* seems to favor the 969 movement when saying that it is about “preserving and protecting the religion,” while other people see it as “The Buddhist extremist movement.” The goal for the 969 movement was to promote and protect Buddhism, which for some people thought was good, but other people thought it was bad because of its extremism.

The 969 movement does not have a clear origin. But according to Andrew Marshall on *Myanmar's official embrace of extreme Buddhism*, “a Reuters examination traces 969's origins to an official in the dictatorship that once ran Myanmar, and which is the direct predecessor of today's reformist government.” Myanmar former president Thein Sein have also supported the 969 movement when he was in office. The movement today is also supported by some the government senior officials. The movement for some Buddhist people were to oppose the Muslims and the Islamic religion. For other Buddhists were to promote peace and protect the Buddhist religion. According to Benjamin Schonthal and Matthew Walton, “[the 969 Movement was] mobilizing in 2012 and gradually gained prominence and notoriety throughout the first half of 2013” (84). The people who mobilized the movement were monks and lay Buddhists who were very nationalists. The 969 movement also had a logo, and that logo had the number 969, a chakra wheel, and four Asiatic lions. Schonthal and Walton state in the article that, “969 is a

long-standing numerological shorthand for Myanmar's Buddhists, referring to lists in the Pali scriptures of the 9 great qualities of the Buddha, the 6 great qualities of the *dhamma* (his teachings), and the 9 great qualities of the *sangha* (the monastic community)" (84). Many Buddhists had the logos and stickers of the 969. They put them on their doors, in their cars, and calendars. The 969 Movement first started by boycotting the Muslim shops. They also opposed any Burmese who shopped at the Muslim store. It was a way to stop supporting the Muslims.

Ashin Wirathu was a Buddhist monk and a leader of the 969 Movement. He was once jailed for twenty-five years by the former military junta for speaking out against the Muslims and calling himself the "Burmese bin Laden." However, he was released nine years early in 2012. He continued his preaching against the Muslims. He gave many speeches that stirred up more conflicts among the Burmese and the Rohingya Muslims. His speeches were about nationalism. In one of the speeches, he stated that, "Whatever you do, do it as a nationalist." He strongly spoke out about his nationality and religion. He thought the Muslims were taking over the land, and that they grew very rapidly to dominate the Burmese people. He also organized Buddhist monks in the communities to speak out against the Muslims. He claimed himself to be a peaceful preacher, but some people considered his speech to be a hate speech towards the Rohingya Muslims. Even some Buddhists said he was not a real Buddhist. Wirathu had also made himself on the TIME cover magazine, which he was portrayed as "The Face of Buddhist Terror." Although Wirathu still continues to speak out against the Rohingya Muslims and the 969 movement continues to grow through his leadership.

What does Article 18 of the UDHR mean for the Buddhists in Myanmar, and how effective is Article 18 for the Rohingya Muslims? Going back to the Asians argument on the Article 18, which they argued that human rights are just a part of Western culture and that they

do not suit the Asian values. The human rights ideas are not just controversial between Asian and the West, but even among individuals of Western people. Buddhists people in Myanmar have a different understanding of religious rights than the people in the West. Unless Article 18 is clearly defined, and the terms like “teaching,” “practice,” “worship,” and “observance” are well understood in the same context among every person in the world, then the Article might become very effective to the world. As for now, Article 18 of the UDHR may mean differently for Buddhists in Myanmar. In 1988 when the first popular uprising against the ruling junta, most of the people that protested against the government were Buddhists. They were demanding for human rights. And again in 2007, Buddhist monks and nuns demanded the government to respect human rights. The human rights Buddhists demanded from their government were not clarified, but based from the assumption, it could be the right to have jobs, education, health, and property. Or simply because they wanted the government to stop persecuting their own people. Many citizens felt their rights are being taken away, which some those rights can be understood universally. This demand for human rights from the government would mean that Buddhists in Myanmar in 21st Century accept the ideas of human rights including the Article 18. However, they may have a different context of human rights toward the non-Buddhist people.

Article 18 may not be very effective for the Rohingya Muslims in Myanmar. The reason is that the Rohingya Muslims are a minority, and when they grew stronger, the Buddhists thought their rights might be taken away from them. When Rohingya Muslims practice Islam and when they grew in numbers, those rights became a threat to the Buddhist people. The fear of rights being taken away becomes an act of violence toward the Rohingya Muslims. However, Buddhists should have understood the context of Article 18, such that everyone should have the right to freedom of thought, conscience, and religion. Somehow, these rights are not well played

out in Myanmar in terms of the United Nations standpoint. In the past, Buddhists demanded human rights from their government, but today, the right to “manifest his religion or belief in teaching, practice, worship and observance” seem to only matter to the Buddhists and not toward the Muslims or other minority groups.

There are many factors that contributed to the opposition to the Article 18 in Myanmar. One of them is the rise of nationalism among the Burmese Buddhists. Wirathu preaches to the Buddhist people that, “Whatever you do, do it as a nationalist. If you look at anything with your eyes, see it in nationalist point of view. If you listen to anything with your ears, listen to it in a nationalist way. Anything you do, do it in a nationalist way.” This ideology and nationalist point of view are opposing other people who do not have the same race and religion as them. When a country is very nationalist, that country is strongly siding on its own people, cultures, values, and belief, while other people, culture, values, and belief who infiltrated in that country are seen as threats. Wirathu preaches peace among his people, but he preaches hate against other people who do not share the same values as him. He sees them as threats and strongly opposes them. Wirathu also speaks out about the role that Buddhists have in politics. He states that “the role of the monks is inseparable from Myanmar’s politics. Monks will be working for the people in Myanmar’s politics without expecting any returns.” Buddhism in Myanmar does not only play a role in religion, but also in politic. Since Myanmar is predominantly a Buddhist country and Buddhism play a huge role in both religion and politics, Article 18 may not be completely accepted in the country. Article 18 has no power for other people who are not Burmese, such as Rohingya Muslim. However, the Article is effective only to the Burmese people in Myanmar.

In conclusion, Article 18 was created to protect the people of faith and non-faith. It meant to give people the freedom to believe in anything or not to believe in anything. The Article was

controversial, and the terms were left undefined. It also raises various problems from different countries and different people. Particularly in Myanmar, Article 18 is being violated according to United Nations point of view. Many countries, especially the West, accused the Burmese military and Buddhists such as the 969 Movement of violating human rights. Although, the Burmese military claim that they do not commit human rights violation. The Buddhists claim that the 969 Movement is to protect Buddhism and oppose other ideology such as Islam. It is nationalism, religious ideology, and political reasons that Article 18 cannot be fully implemented in Myanmar.

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