

FREEDOM IN THE WORLD

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Burma

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OVERVIEW:

In 2011, opposition leader Aung San Suu Kyi, who had been released from prolonged house arrest in late 2010, entered into a dialogue with the government, traveled around the country to rebuild her political party, and gave interviews to the domestic media for the first time in at least 20 years. Although the new parliament elected in November 2010 was dominated by allies of the military, the new, nominally civilian president appointed a series of reformist advisers, and some independent lawmakers raised human rights issues in the parliament for the first time in decades. The government released thousands of prisoners during the year and promised to relax censorship. The National League for Democracy registered to participate in parliamentary by-elections scheduled for early 2012, and Aung San Suu Kyi planned to run for a seat. Burma also began repairing its relations with foreign countries including the United States. Despite these initial signs of progress, it remained unclear how far the reforms would go, and numerous conflicts between the government and the country's ethnic minority militias remained unresolved.

Burma gained independence from Britain in 1948. In 1962, General Ne Win led a coup that toppled an elected civilian government. The ruling Revolutionary Council then consolidated all legislative, executive, and judicial power and pursued radical socialist and isolationist policies. As a result of decades of misrule by the military regime, Burma, once one of the wealthiest countries in Southeast Asia, eventually became one of the most impoverished in the region.

A new military junta, eventually led by Senior General Than Shwe, dramatically asserted its power in 1988, when the army opened fire on peaceful, student-led, prodemocracy protesters, killing an estimated 3,000 people. In the aftermath, a younger generation of army commanders created the State Law and Order Restoration Council (SLORC) to rule the country. The SLORC refused to cede power in 1990 after the National League for Democracy (NLD) won 392 of 485 parliament seats in Burma's first free elections in three decades. Instead the junta nullified the results and jailed dozens of NLD members, including party leader Aung San Suu Kyi, who spent most of the next two decades in detention.

In late 2000 the military leadership, renamed the State Peace and Development Council (SPDC), began holding talks with Aung San Suu Kyi, leading to an easing of restrictions on the NLD by mid-2002. However, the party's revitalization apparently rattled hard-liners within the regime during the first half of 2003. On May 30 of that year, scores of NLD leaders and supporters were killed when SPDC thugs ambushed an NLD motorcade. Arrests and detentions of political activists, journalists, and students followed the attack.

The largest demonstrations in nearly 20 years broke out in cities across the country in August and September 2007, triggered by a 500 percent fuel-price increase. The 88 Generation Students, a group composed of dissidents active in the 1988 protests, were at the forefront of many of the demonstrations. The protest movement expanded to include thousands of Buddhist monks and nuns, who were encouraged by the general populace. Soldiers, riot police, and members of the paramilitary Union Solidarity and Development Association (USDA) and the Swan Arr Shin militia group responded brutally, killing at least 31 people. The crackdown targeted important religious sites and included the public beating, shooting, and arrest of monks, further delegitimizing the regime in the eyes of many Burmese.

In May 2008 the government pushed through a constitutional referendum despite the devastation caused by a cyclone that struck just a week earlier, killing over 150,000 people. Burmese political opposition and international human rights groups denounced the new charter, which was approved by an implausibly high margin and would ensure military control of the political system even after elections. In an apparent bid to remove potential obstacles prior to the voting, the authorities continued to arrest and imprison dissidents throughout 2009. More than 300

2012 SCORES

STATUS

Not Free

FREEDOM RATING

6.5

CIVIL LIBERTIES

6

POLITICAL RIGHTS

7

activists, ranging from political and labor figures to artists and bloggers, received harsh sentences after closed trials, with some prison terms exceeding 100 years.

The national elections held in November 2010 were neither free nor fair, as the SPDC had hand-picked the election commission and wrote election laws designed to favor military-backed parties, leading the NLD to boycott the polls. There were many allegations of rigged "advanced voting" and other irregularities. Ultimately, the Union Solidarity and Development Party (USDP), the political reincarnation of the USDA, captured 129 of the 168 elected seats in the Nationalities Assembly, or upper house, and 259 of 330 elected seats in the People's Assembly, or lower house. The USDP also secured 75 percent of the seats in the 14 state and regional assemblies. The Rakhine Nationalities Development Party and the Shan National Democracy Party earned the second-highest percentage of seats in the Nationalities Assembly and People's Assembly, respectively. However, the vote for ethnic minority parties would likely have been higher had voting not been cancelled in several minority-dominated areas. The National Democratic Force (NDF), a breakaway faction of the NLD that decided to contest the elections, won just four seats in the upper house and eight in the lower.

Outgoing prime minister Thein Sein, who had shed his military uniform to register as a civilian candidate, was chosen as president by the new parliament, and took office in March 2011. The longtime head of the SPDC, Senior General Than Shwe, officially retired, but he was thought to retain influence through his allies in the new government.

Despite his military background, Thein Sein took a number of steps toward reform in 2011. He launched a dialogue with Aung San Suu Kyi, who had been released from house arrest shortly after the elections, allowing her to travel the country and meet with members of her party. The president also appointed one of her close associates as an adviser to his cabinet. Thein Sein urged political exiles to return to the country, and implicitly admitted in a speech that years of military misrule had left Burma far behind its neighbors in terms of development.

The authorities lifted restrictions on foreign media entering Burma, eased some constraints on the internet, and reduced censorship of domestic media, allowing Aung San Suu Kyi to reach Burmese audiences on a regular basis. Several independent journalists received lengthy prison sentences during the year, however. Diplomats from democratic countries were allowed to travel around Burma far more freely than at any time in the past.

The government established a national human rights commission in September, though many of its members had previously served under highly repressive military regimes. In October the government released some 6,000 prisoners, including over 100 political prisoners, but an estimated 2,000 political prisoners remained behind bars at year's end.

In December, the president signed legislation that legalized peaceful demonstrations, and the reinvigorated NLD registered to participate in parliamentary by-elections scheduled for early 2012. Aung San Suu Kyi was expected to seek a seat in the polls.

The government met with some success during the year in its long-standing effort to convince ethnic minority militias with which it had signed ceasefire agreements to give up their autonomy and join a state-led Border Guard Force. The Kachin Independence Army, one of the largest groups, had resumed fighting with the government, and the conflict continued throughout 2011. A number of other militias appeared to be buying new weapons, allegedly with funds raised from drug trafficking, and several agreed to work together against the Burmese military. However, the government signed several ceasefire deals with smaller militias as 2011 drew to a close.

In part because of pressure from the ethnic minority armies, and in part because of broader public dissatisfaction with the project, in September Thein Sein's government suspended construction on the Myitsone Dam, a large Chinese-funded hydropower project on the upper portion of the Irrawaddy River. The suspension was greeted with praise and some shock by Burmese activists, and led to a short-term cooling in relations between Burma and China.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Burma is not an electoral democracy. The military junta long ruled by decree and controlled all executive, legislative, and judicial powers; suppressed nearly all basic rights; and committed human rights abuses with impunity. It carefully rigged the electoral framework surrounding the 2010 national elections, which were neither free nor fair. The process of drafting the 2008 constitution, which the elections put into effect, had proceeded intermittently for 15 years, was closely controlled by the military, and excluded key stakeholders. Although the charter establishes a parliament and a civilian president, it also entrenches military dominance, and allows the military to dissolve the civilian government if it determines that the "disintegration of the Union or national solidarity" is at stake.

The bicameral legislature consists of the 440-seat People's Assembly, or lower house, and the 224-seat Nationalities Assembly, or upper house. A quarter of the seats in both houses are reserved for the military and filled through appointment by the commander in chief, an officer who has broad powers and is selected by the military-dominated National Defense and Security Council. The legislature elects the president, though the military members have the right to nominate one of the three candidates, with the other two nominated by the elected members of each chamber. The charter's rights guarantees are limited by existing laws and may be suspended in

a state of emergency. The military retains the right to administer its own affairs, and members of the outgoing military government received blanket immunity for all official acts. The military budget is not publicly available.

The Political Party Registration Law, announced in March 2010, gave new political parties only 60 days to register, mandated that existing parties reregister, and required parties to expel members currently serving prison terms. At the end of 2011, the government was still holding some 2,000 political prisoners, including hundreds of members of the NLD. There were a number of new high-profile arrests during the year, including the incarceration of independent journalists and rights activists, both before and after the prisoner releases in October. However, the government publicly welcomed back Burmese exiles who had fled for political reasons and allowed members of the parliament to speak about democratic rights. The legislators' time to speak was severely limited, but many of their speeches received coverage in the domestic media, and they were not harassed for their remarks. Aung San Suu Kyi and her allies were able to travel outside Rangoon with little incident, whereas in previous years they had faced harassment and sometimes deadly violence.

In a system that lacks transparency and accountability, corruption and economic mismanagement are rampant at both the national and local levels. Burma was ranked 180 out of 183 countries surveyed in Transparency International's 2011 Corruption Perceptions Index. The new government in 2011 continued economic reforms that had begun under the military regime, including the privatization of many state assets. However, this process was marred by accusations that it primarily benefited family members and associates of senior government officials. The privatizations threatened to increase corruption and conflicts of interest by creating a new generation of business magnates whose control of industries is dependent on government connections and other forms of collusion.

The government restricts press freedom. The market for private publications and blogs is growing, and while the government censors private periodicals before publication, in 2011 it stopped censoring those that did not explicitly deal with politics. It also relaxed many restrictions on the internet and access to foreign news sources and allowed for the appearance of Aung San Suu Kyi and other opposition leaders in the press. However, the authorities closely watch internet cafes, slow or shut down internet connections during periods of internal strife, and regularly jail bloggers. Possession or use of a modem without official permission can draw a 15-year prison sentence. Websites run by Burmese exiles are frequently the targets of cyberattacks.

The 2008 constitution provides for freedom of religion. It distinguishes Buddhism as the majority religion but also recognizes Christianity, Islam, Hinduism, and animism. At times the government interferes with religious assemblies and attempts to control the Buddhist clergy. Buddhist temples and monasteries have been kept under close surveillance since the 2007 protests and crackdown. The authorities have also discriminated against minority religious groups, refusing to grant them permission to celebrate holidays and hold gatherings, and restricting educational activities, proselytizing, and construction of houses of worship.

Academic freedom has been severely limited. Under the military junta, teachers were subject to restrictions on freedom of expression and held accountable for the political activities of their students. Universities were sporadically closed, and many campuses were relocated to relatively isolated areas to disperse the student population. There were some signs of more open academic discussion in 2011, as well as eased restrictions on private education.

Freedoms of association and assembly are restricted. Authorities regularly use force to break up or prevent demonstrations and meetings, most notably during the 2007 protests. However, in 2011 the government allowed Aung San Suu Kyi and the NLD to hold meetings and public gatherings with little interference.

The government violates workers' rights and represses union activity. Some public-sector employees and ordinary citizens were compelled to join the USDA during military rule. Independent trade unions, collective bargaining, and strikes are illegal, and several labor activists are serving long prison terms. However, garment workers have held strikes in Rangoon in the last two years, with fewer repercussions than in the past. The regime continues to use forced labor despite formally banning the practice in 2000. Nongovernmental organizations providing social services in remote areas regularly face threats to their activities. International humanitarian organizations have expanded their work in the country but continue to face severe restrictions and monitoring. In 2011, international organizations could more easily acquire visas for their members to visit the country.

The judiciary is not independent. Judges are appointed or approved by the government and adjudicate cases according to its decrees. Administrative detention laws allow individuals to be held without charge, trial, or access to legal counsel for up to five years if the government concludes that they have threatened the state's security or sovereignty. Political prisoners are often held incommunicado in pretrial detention, facilitating torture. About 43 prisons hold political prisoners, and there are over 50 hard-labor camps in the country, though the government allowed several large-scale prisoner releases in 2011. Impunity for crimes and human rights violations committed by state security forces is deeply entrenched.

Some of the worst human rights abuses take place in border regions populated by ethnic minorities, who comprise roughly 35 percent of Burma's population. In these areas the military kills, beats, rapes, and arbitrarily detains civilians, according to human rights groups. The Chin, Karen, and Rohingya minorities are frequent victims. Tens of thousands of ethnic minorities in Shan, Karenni, Karen, and Mon states live in squalid relocation centers set up by the military. Government confrontations with ethnic militias displaced tens of thousands of refugees in 2011, though several insurgency groups agreed to ceasefire deals by year's end.

China's sizable investments in various extractive industries in Burma, in addition to the migration of hundreds of thousands of Chinese workers and businesspeople, have led to rising anti-China sentiment. Related violence

broke out in Mandalay in the summer of 2011 when a dispute between Chinese and Burmese gem traders nearly led to a riot.

Burmese women have traditionally enjoyed high social and economic status, but women remain underrepresented in the government and civil service. In the 2010 elections, only 114 out of 3,000 candidates were women. Domestic violence and trafficking are growing concerns, and women and girls in refugee camps are at an increased risk of rape, sexual violence, and being targeted by traffickers. The Women's League of Burma has accused the military of systematically using rape and forced marriage as a weapon against ethnic minorities.

RATINGS CHANGE:

Burma's civil liberties rating improved from 7 to 6 due to an increase in public discussion and media coverage of news and politics, as well as reduced restrictions on education.

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