

Despite the efforts of the newly created Nationwide Ceasefire Coordination Team (NCCT), comprising representatives of 16 ethnic groups, political disagreements and clashes between the Myanmar armed forces and various ethnic armies continued to hamper the prospect of a nationwide cease-fire in 2014. Infringements on media freedoms persisted, including the arrest and imprisonment of journalists, as well as the death of one journalist in military custody. The country also experienced intensifying rivalry between government and parliamentary officials in the lead-up to 2015 elections.

Deadly anti-Muslim violence and the spread of intolerance and hate speech continued. In a concession to growing anti-Muslim sentiment, President Thein Sein in December introduced a series of legislative proposals—dubbed the Protection of Race and Religion Bills—that would advance a Buddhist nationalist agenda.

Political Rights and Civil Liberties:

Political Rights: 9 / 40 [Key]

A. Electoral Process: 3 / 12

Under the 2008 constitution, whose drafting was controlled by the military, the bicameral legislature consists of the 440-seat House of Representatives, or lower house, and the 224-seat House of Nationalities, or upper house. Both serve five-year terms. A quarter of the seats in both houses are reserved for the military and filled through appointment by the commander in chief, an officer with broad powers who is selected by the military-dominated National Defense and Security Council (NDSC). The legislature elects the president. Military members have the right to nominate one of the three presidential candidates, and the elected members of each chamber nominate the other two.

Ahead of the first national elections under the new charter in 2010, which were neither free nor fair, the military leadership handpicked the election commission and wrote election laws designed to favor military-backed parties, leading the opposition National League for Democracy (NLD) to boycott the polls. There were many allegations of rigged “advanced voting” and other irregularities. The military-supported Union Solidarity and Development Party (USDP) captured 129 of the 168 elected seats in the upper house and 259 of 330 elected seats in the lower house. The USDP also secured 75 percent of the seats in the 14 state and regional assemblies. The Rakhine Nationalities Development Party (RNDP) and the Shan Nationalities Democracy Party (SNDP) earned the second-highest percentage of seats in the House of Nationalities and House of Representatives, respectively. The vote for ethnic minority parties would likely have been higher had balloting not been canceled in several minority-dominated areas due to ongoing fighting. The National Democratic Force (NDF), a breakaway faction of the NLD, won four seats in the upper house and eight in the lower.

In February 2011, the new parliament chose Prime Minister Thein Sein, who had retired from the military to register as a civilian candidate, as president. Outgoing military ruler Than Shwe officially retired but reportedly retained influence through his allies in the new government.

In April 2012 by-elections, the NLD won all 37 seats at stake in the lower house, with one seat going to party leader and longtime political prisoner Aung San Suu Kyi. In the upper house, the NLD captured four of six contested seats, with the other two going to the USDP and the SNDP. Voting was postponed in three constituencies in war-torn Kachin State.

In September 2014, the Union Election Commission canceled the by-elections scheduled for late that year, which would have filled 35 vacant seats in the parliament. It cited busy schedules and unnecessary costs for balloting that would not substantially change the balance of power in the legislature. The NLD supported the decision.

In November, the USDP voted successfully to change the electoral system for the upper house from its current majoritarian system to one based on proportional representation, despite the parliament speaker deeming a similar proposal for the lower house to be unconstitutional. The controversial reform appeared designed to secure USDP power against the increasing popularity of the NLD. For its part, the NLD collected some 5 million signatures in support of overturning the military's de facto veto on constitutional amendments; changes to the charter require a three-quarters parliamentary supermajority, and the military is given a quarter of the seats in each chamber. Removing this veto would presumably pave the way for amendments that would make Aung San Suu Kyi eligible to run for president. The constitution currently bars her candidacy because her children have foreign citizenship.

B. Political Pluralism and Participation: 6 / 16

The 2010 Political Parties Registration Law gave new political parties only 60 days to register for that year's elections, mandated that existing parties reregister, and required parties to expel any members serving prison terms. The 2012 by-elections had fewer restrictions on party organization and mobilization, with only sporadic reports of mild interference. Many parties, including the NLD, convened meetings and rallies throughout the country.

The government has allowed members of the parliament to speak about democratic rights since 2011. While the legislators' time to speak has often been severely limited, many of their speeches receive coverage in the domestic media, and legislators are not harassed for their remarks. Since winning a seat in the 2012 by-elections, Aung San Suu Kyi has gained political influence, though she is criticized for failing to strongly challenge incumbent interests or alter state policy.

The military retains considerable power over political affairs. Although the constitution established a parliament and a civilian president, it also entrenched 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 military has the right to administer its own affairs, and members of the former military government received blanket immunity for all official acts.

Minority groups face restrictions on their political rights and electoral opportunities. In March 2014, the parliament approved a bill amending the Political Parties Registration Law to prohibit residents without full citizenship from forming political parties or contesting elections. The measure effectively curbed political participation by ethnic Rohingyas, who were rendered stateless by a 1982 law and who lack full citizenship documents. During the 2014 census, in a direct violation of the policy of the UN Population Fund, census workers pressured ethnic Rohingyas to register as “Bengalis,” which would suggest that they are migrants from Bangladesh. The vast majority of those who refused to identify as Bengalis were left uncounted, leaving them with little prospect of gaining political rights or recognition.

C. Functioning of Government: 3 / 12

Most of the parliament lacks electoral legitimacy, and the military remains a powerful force in policymaking, particularly through the nontransparent NDSC. The military budget is not publicly available, although there is some parliamentary scrutiny of military affairs.

Corruption is rampant at both the national and local levels. Myanmar was ranked 156 out of 175 countries and territories surveyed in Transparency International’s 2014 Corruption Perceptions Index. The budget process has become more open, but the government does not take significant steps to curb corruption. There are widespread allegations that the government’s economic reforms benefit family members and associates of senior officials. For years the government has knowingly ignored tax evasion by the country’s wealthiest companies and individuals. Official acknowledgement of tax evasion finally occurred in 2014, but the space for public debate of sensitive economic issues is still limited.

Discretionary Political Rights Question B: -3 / 0

The government has long used violence, displacement, and other tactics to alter the demographics of states with ethnic unrest or insurgencies. The Rohingyas in the state of Rakhine have faced harsh restrictions for decades, including limits on family size and the ability and right to marry. Hundreds of Rohingyas remain imprisoned for dubious offenses such as marrying an unapproved spouse. Children born to unrecognized couples or beyond the two-child limit are often denied legal status and services. In September 2014, the government confirmed the approval of its Rakhine State Action Plan, which could leave thousands of Rohingyas in detention camps indefinitely due to their inability to produce documentation outlining their familial history in Myanmar.

Civil Liberties: 16 / 60 (-1)**D. Freedom of Expression and Belief: 6 / 16 (-1)**

Although the official censorship board was dissolved and private daily newspapers were authorized in 2012 for the first time since the 1960s, the country experienced notable backsliding on media freedom in 2014. In March, the president approved two new media laws that decriminalized basic journalistic practices. However, the laws included broadly worded stipulations on protecting “national security” and respecting religion and the rule of law in publishing.

The year’s worst violations of press freedom involved the arrest, conviction, and, in one case, death of journalists. In April, Zaw Pe of the Democratic Voice of Burma media group was convicted and imprisoned on charges of trespassing and disturbing a civil servant. In July, four reporters and the chief executive of the *Unity Weekly News* were sentenced to 10 years in prison and hard labor, later reduced to seven years, under the colonial-era Official Secrets Act for reporting on a possible chemical weapons facility. The October death in military custody of journalist Aung Kyaw Naing, also known as Par Gyi, as well as the lack of an effective investigation into the incident, underscored the precarious situation of journalists in the country.

Previous constraints on internet access have largely unraveled, though internet activity is still subject to criminal punishment under broadly worded legal provisions. Usage is currently limited mostly by bandwidth availability and the cost of service. In 2013 the penalties under the Electronic Transactions Law, which is routinely used to criminalize political activism on the internet, were reduced to fines or prison terms of 3 to 7 years (down from 7 to 15 years) for “any act detrimental to” state security, law and order, community peace and tranquility, national solidarity, the national economy, or national culture—including “receiving or sending” related information. Journalists and others face regular cyberattacks and attempts to infiltrate their e-mail accounts by both state and nonstate actors.

The 2008 constitution provides for freedom of religion. It distinguishes Buddhism as the majority religion, but also recognizes Christianity, Islam, Hinduism, and animism. The government occasionally interferes with religious assemblies and attempts to control the Buddhist clergy. Authorities have also discriminated against minority religious groups, refusing to grant them permission to hold gatherings and restricting educational activities, proselytizing, and construction of houses of worship.

Anti-Muslim riots and violence continue to spread. In January 2014, the United Nations reported that at least 48 Muslims were killed in a Buddhist-led massacre in Maungdaw Township, Rakhine State. In July, anti-Muslim riots in Mandalay left two people dead and led the government to impose a month-long curfew. Social media and some state institutions and mainstream news websites amplified racial and religious tensions. The 969 Movement, a loosely organized Buddhist group that agitates for the protection of Buddhist privileges, urged boycotts against Muslim-run businesses and disseminated anti-Muslim propaganda. It has also been accused of instigating violence, which political leaders have done little to stop; elements in the government and some of the more hard-line monks may be working toward

the same ends. In December, Thein Sein introduced four draft laws, dubbed the Protection of Race and Religion Bills, with the aim of advancing a Buddhist nationalist policy agenda. The proposals, which would restrict, among other things, interfaith marriages and religious conversion, were criticized as both antiwomen and anti-Muslim.

In September, the parliament approved a controversial education law that perpetuates the country's authoritarian approach to academic freedom and fails to uphold fundamental rights, including access to instruction in local languages and education for students with special needs and disabilities.

E. Associational and Organizational Rights: 4 / 12

Under the 2012 Peaceful Assembly and Peaceful Procession Law, organizing a demonstration without government permission is punishable with up to one year in prison. Authorities continue to use this law widely to arrest protesters. In December 2014, security forces shot and killed a woman during a protest against the expansion of a copper mine.

In July the president approved a new Association Registration Law, which features simple, voluntary registration procedures for local and international nongovernmental organizations (NGOs) and no restrictions or criminal punishments for noncompliance. Although the law was a positive development, its effectiveness would depend on implementing regulations that had not yet been passed at year's end, and several registration applications remained unapproved.

The government violates workers' rights, and independent trade unions, collective bargaining, and strikes are illegal. However, in recent years, garment workers have held strikes in Yangon with fewer repercussions than in the past.

F. Rule of Law: 1 / 16

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 deemed a threat to state security or sovereignty. According to a report by the Assistance Association for Political Prisoners (Burma), 72 political prisoners were incarcerated as of November 2014, and 136 were awaiting trial.

A September 2014 report released by two local human rights organizations highlighted the lack of transparency of the government-sponsored Myanmar National Human Rights Commission, as well as its ineffectiveness in carrying out its mission. Some of the country's worst human rights abuses, commonly committed by government troops, are against ethnic minorities, especially the Kachin, Shan, Chin, Karen, and Rohingyas. The violence against Rohingyas and other Muslims that first erupted in May 2012 in Rakhine State has spread to cities across Myanmar. In just over two years, hundreds of people have been killed,

thousands of residents displaced, and hundreds of properties, including religious sites, destroyed. Human rights experts have labeled the dire humanitarian conditions and the recurring systematic abuse faced by Rohingyas in particular as crimes against humanity. The government's failure to protect victims, conduct investigations, and punish perpetrators is well documented, although supporters of the anti-Muslim 969 Movement have also been linked to the violence through distribution of inflammatory materials just before outbreaks occurred.

Also during the year, the government continued to hold meetings with the NCCT to resolve its conflicts with armed ethnic minority groups, but an agreement regarding federalism and adherence to the 2008 constitution remained elusive. Discussions are further hampered by persistent fighting in conflict regions, including an artillery attack by the military near Laiza, Kachin State, that resulted in the deaths of 23 Kachin cadets in November.

A number of laws create a hostile legal environment for LGBT (lesbian, gay, bisexual, and transgender) people. Same-sex sexual conduct is criminalized, and police subject LGBT people to harassment, extortion, and physical and sexual abuse.

G. Personal Autonomy and Individual Rights: 5 / 16

Freedom of internal travel is generally respected outside of conflict zones. Numerous exiled activists who returned to the country have experienced substantial delays and evasion from government authorities when attempting to renew visas and residency permits, despite the president's call for exiles to return to work for the country's development. Illegal toll collection by state and nonstate actors has been a problem, most recently on a stretch of highway linking Thailand with Yangon.

Contentious disputes over land grabbing and business projects that violate human rights continued in 2014. Instances of forced eviction and displacement, lack of sufficient compensation, and direct violence by state security officials abound. As of October, less than 5 percent of more than 6,500 complaints dealing with land rights had been settled by government officials at the state and regional levels. More than 75 percent of nearly 3,000 complaints brought to the Defense Ministry, which deals with the vast land holdings claimed by the military, remain unaddressed.

Women of some classes have traditionally enjoyed high social and economic status, but women remain underrepresented in the government and civil service. Notwithstanding the prominence of Aung San Suu Kyi, whose father led Myanmar's independence struggle, few women have achieved recognition in politics. There are complaints that the government and armed ethnic groups fail to allow women's participation in peace negotiations. Laws protecting women from violence and exploitation are insufficient. Domestic violence and human trafficking are concerns, and women and girls in displacement or refugee camps are at a higher risk of sexual violence and exploitation by traffickers.

Growing anti-Muslim sentiment has affected the women's rights movement. In 2014, after a group of Buddhist women activists, part of a coalition of 97 civil society organizations,

denounced laws that unfairly target Muslims, they received threats to their lives and safety. The government continues to tolerate and presumably direct the army's use of rape as a weapon of war against ethnic minority women. In July, the authorities arrested, imprisoned, and fined a group of Chin women activists for protesting the military's use of rape.

Child labor is endemic in Myanmar. The United Nations estimates that one-third of children ages 7 to 16 are working due to poverty and conflict. To address international concerns and improve childhood development, the government in July 2014 announced plans for a policy to end child labor. Various commercial and other interests continue to use forced labor despite a formal ban on the practice since 2000.

Scoring Key: X / Y (Z)**X = Score Received****Y = Best Possible Score****Z = Change from Previous Year****Full Methodology**