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Freedom in the World 2011 - Burma (Myanmar)

Capital: Rangoon (Note: Nay Pyi Taw serves as the administrative capital)

Population: 50,020,000

Political Rights Score: 7 *

Civil Liberties Score: 7 *

Status: Not Free

Overview

In November 2010, the military junta oversaw Burma's first parliamentary elections since 1990, thoroughly rigging the process to ensure a sweeping victory for the pro-military Union Solidarity and Development Party. The country's main opposition party, the National League for Democracy, refused to contest elections it deemed undemocratic and was formally dissolved by the government in September.

However, Daw Aung San Suu Kyi, the party's longtime leader, was released in mid-November after years under house arrest. The authorities cancelled voting in several border areas populated by ethnic minorities, where the government has limited control and low-intensity civil conflict continued.

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

The present junta, led by 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 the 485 parliamentary 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 Daw Aung San Suu Kyi, who spent most of the next two decades in detention. Aung San Suu Kyi was awarded the Nobel Peace Prize in 1991 for her nonviolent struggle for democracy and human rights.

The SLORC refashioned itself into the State Peace and Development Council (SPDC) in 1997. In late 2000, the government 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.

Cyclone Nargis struck the Irrawaddy Delta on May 2, 2008, causing over 150,000 deaths and severely affecting another 2.4 million people. The SPDC initially attempted to control all foreign and domestic relief efforts, effectively blocking much of the desperately needed aid. In the absence of a government response, local Burmese civil society actors stepped in, and monasteries became distribution points and shelters for survivors. Many Burmese volunteers were detained for trying to deliver aid to cyclone victims, including the popular comedian Zarganar, who was sentenced to 59 years in prison in November 2008.

Despite the severity of the cyclone, the SPDC pushed through a constitutional referendum on May 10, 2008. 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 scheduled for 2010.

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

In March 2010, the SPDC established a hand-picked election commission and announced a series of electoral laws. The USDA, which was ostensibly the regime's mass-based social welfare organization but regularly served as its thuggish political enforcement arm, transformed itself into the Union Solidarity and Development Party (USDP) to contest the elections. In April, Prime Minister Thein Sein and over 20 other top military officials shed their uniforms and registered as civilian candidates with the new party. The USDP ultimately fielded over 1,000 candidates, more than double the candidates of any other party, and ran unopposed in several constituencies. Another progovernment party, the National Unity Party (NUP), fielded 488 candidates for the national legislature alone.

Meanwhile, opposition parties struggled to coordinate their activities and meet tight electoral deadlines, registration fees for candidates, and membership minimums. In a controversial decision, the NLD chose not to reregister to contest the elections, citing the unjust electoral laws. Though the government formally dissolved the party in September, it remained politically active, educating citizens about their right not to vote. A breakaway faction led by Than Nyein, the National Democratic Force (NDF), opted to participate in the balloting but managed to run only 142 candidates. The Shan National Democratic Party, one of the largest of several ethnic-based political parties, contested about 60 seats.

During the campaign, a number of prodemocracy parties complained of intimidation by security forces. The authorities also banned foreign media coverage and independent monitoring of the November 7 elections, and reports of vote-buying and voter

intimidation were widespread.

There were serious allegations of voting irregularities on election day, including complaints of military commanders casting ballots on behalf of their subordinates and the appropriation of "advance voting" ballots by the USDP; though parties may contest the results, the fees for lodging a complaint with the election commission are exorbitant. The USDP enjoyed an overwhelming victory with 76.8 percent of the vote, capturing 129 of the 168 elected seats in the Nationalities Assembly and 259 of the 330 elected seats in the People's Assembly. The USDP also secured 75 percent of the seats in the 14 state and regional assemblies. The NUP won only 3 percent of the seats, and prodemocracy parties captured just a handful of seats, including the NDF's four seats in the Nationalities Assembly and eight in the People's Assembly. 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 ethnic minority-dominated areas. Reports of voter turnout varied from 35 to 60 percent, though the official count was 70 percent. The SPDC was scheduled to remain in power until the new parliament convened within 90 days of the elections.

Just six days after the elections, Aung San Suu Kyi was released from house arrest. Her first public appearance, where she stressed national reconciliation and promised to work with all prodemocracy parties, drew thousands of supporters.

Also in 2010, the government continued a parallel effort to consolidate its control over the country by incorporating armed ethnic minority groups – with which it had established ceasefire agreements – into a government-led Border Guard Force. Ethnic armies attacked Burmese forces along the Thai border late in the year, forcing over 20,000 Burmese to flee over the border for safety.

Political Rights and Civil Liberties

Burma is not an electoral democracy. The military junta has long ruled by decree and controlled all executive, legislative, and judicial powers; suppressed nearly all basic rights; and committed human rights abuses with impunity. The junta 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 constitution also establishes state legislatures, but they are based in the capital. The charter's rights guarantees are limited by existing laws and may be suspended in a state of emergency. Criticism of the constitution is banned by a 1996 order that carries a penalty of 20 years in prison. The military retains the right to administer its own affairs, and members of the outgoing military government receive blanket immunity for all official acts.

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. The country's more than 2,100 political prisoners included about 429 members of the NLD, the victors in the 1990 elections. Some 40 new political parties registered, most with the backing of the SPDC.

A handful of independent ethnic parties and opposition parties fielded candidates. Six prodemocracy parties formed a multiethnic "Democratic Friendship Group," but the opposition remained fractious, weak, and subject to scrutiny and harassment by the authorities. Parties were allowed to campaign within strict limits. They were able to travel, make radio and television appearances, and distribute publications. However, some campaign materials and speeches were censored; chanting, flag-waving, and marching during rallies was forbidden; and any party planning to hold a gathering outside of its own headquarters was required to seek permission from the government a week in advance, though gatherings occurred.

In a system that lacks transparency and accountability, corruption and economic mismanagement are rampant at both the national and local levels. The country was ranked 176 out of 178 countries surveyed in Transparency International's 2010 Corruption Perceptions Index. The SPDC's arbitrary economic policies, such as an official fixed exchange rate that grossly overvalues the kyat, facilitate corruption through erroneous bookkeeping.

The junta drastically restricts press freedom and owns or controls all newspapers and broadcast media. While the market for private publications and blogs is growing, the military censors private periodicals before publication and impedes the importation of foreign news sources. Media crackdowns continued in 2010, with at least 10 journalists detained during the year and two video journalists receiving multidecade prison sentences under the repressive Electronic Act of 1996. The authorities surveil internet cafes, slow or shut down internet connections during periods of internal strife, maintain a rigid firewall, 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, though the government shows a preference for Theravada Buddhism. At times the government interferes with religious assemblies and discriminates against minority religious groups, attempting to control the Buddhist clergy; refusing to grant permission to religious minorities to celebrate holidays and hold gatherings; and restricting educational activities, proselytizing, and construction of houses of worship. Buddhist temples and monasteries have been kept under close surveillance since the 2007 protests and crackdown.

Academic freedom is severely limited. Teachers are subject to restrictions on freedom of expression and are held accountable for the political activities of their students. Since the 1988 student prodemocracy demonstrations, the junta has sporadically closed universities and relocated many campuses to relatively isolated areas to disperse the student population.

Freedoms of association and assembly are restricted. Unauthorized outdoor gatherings of more than five people are banned. Authorities regularly use force to break up or prevent demonstrations and meetings, most notably during the 2007 protests.

The junta violates workers' rights and represses union activity. Some public-sector employees and ordinary citizens were compelled to join the USDA. Independent trade unions, collective bargaining, and strikes are illegal, and several labor activists are serving long prison terms. 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, and this year they experienced difficulties obtaining visas.

The judiciary is not independent. Judges are appointed or approved by the junta and adjudicate cases according to its decrees. Administrative detention laws allow people to be held without charge, trial, or access to legal counsel for up to five years if the SPDC concludes that they have threatened the state's security or sovereignty. The frequently

used Decree 5/96 authorizes prison terms of up to 20 years for aiding activities "which adversely affect the national interest." 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. The number of political prisoners has more than doubled since the 2007 protests. Prison conditions are abysmal; by recent estimates the government spends only 40 cents per prisoner per year and provides only one doctor for every 8,000 prisoners. 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. According to Refugee International, 3.5 million Burmese have crossed into neighboring countries as refugees over the past 50 years. Some ethnic rebel armies maintain low-grade insurgencies, and have reportedly displaced villagers and used forced labor. Both the Burmese armed forces and rebel armies allegedly recruit child soldiers.

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

** Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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