Flygtningenævnets baggrundsmateriale

Bilagsnr.:	**278**
Land:	Myanmar
Kilde:	US Department of State
Titel:	Country Report on Human Rights Practices 2019
Udgivet:	11. marts 2020
Optaget på baggrundsmaterialet:	7. maj 2020

BURMA 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Burma has a quasi-parliamentary system of government in which the national parliament selects the president and constitutional provisions grant one-quarter of parliamentary seats to active-duty military appointees. The military also has the authority to appoint the ministers of defense, home affairs, and border affairs and one of two vice presidents, as well as to assume power over all branches of the government should the president declare a national state of emergency. In 2015 the country held nationwide parliamentary elections that the public widely accepted as a credible reflection of the will of the people. The National League for Democracy (NLD) party leader Aung San Suu Kyi was the civilian government's de facto leader and, due to constitutional provisions preventing her from becoming president, remained in the position of state counsellor.

The Myanmar Police Force (MPF), under the Ministry of Home Affairs (led by an active-duty general), is responsible for internal security. The Border Guard Police is administratively part of the MPF but operationally distinct. The armed forces under the Ministry of Defense are responsible for external security but are also engaged extensively in internal security, including combat against ethnic armed groups. Under the constitution civilian authorities have no authority over the security forces; the armed forces commander in chief, Senior General Min Aung Hlaing, maintained effective control over the security forces.

Extreme repression of and discrimination against the minority Rohingya population, who are predominantly Muslim, continued in Rakhine State. Intense fighting between the military and the ethnic-Rakhine Arakan Army (AA) that escalated in January displaced thousands more civilians, further disrupted humanitarian access to vulnerable populations, and resulted in serious abuses of civilian populations. Fighting between the military and ethnic armed groups in northern Shan State, as well as fighting there among ethnic armed groups, temporarily displaced thousands of persons and resulted in abuses, including reports of civilian deaths and forced recruitment by the ethnic armed groups.

Significant human rights issues included: reports of extrajudicial and arbitrary killings by security forces; enforced disappearance by security forces; torture and rape and other forms of sexual violence by security forces; arbitrary detention by the government; harsh and sometimes life-threatening prison conditions; political prisoners; arbitrary or unlawful interference with privacy; significant problems

with the independence of the judiciary; severe restrictions on free expression including arbitrary arrest and prosecution of journalists, and criminal libel laws; substantial interference with the rights of peaceful assembly and freedom of association, including arrests of peaceful protesters and restrictions on civil society activity; severe restrictions on religious freedom; significant restrictions on freedom of movement, in particular for Rohingya; significant acts of corruption by some officials; some unlawful recruitment and use of child soldiers; trafficking in persons; crimes involving violence or threats targeting members of national, ethnic, and religious minorities; laws criminalizing consensual same-sex sexual conduct between adults, although those laws were rarely enforced; and the use of forced and child labor.

There continued to be almost complete impunity for past and continuing abuses by the military. In a few cases the government took limited actions to prosecute or punish officials responsible for abuses, although in ways that were not commensurate with the seriousness of the crime.

Some armed ethnic groups committed human rights abuses, including killings, unlawful use of child soldiers, forced labor of adults and children, and failure to protect civilians in conflict zones. These abuses rarely resulted in investigations or prosecutions.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were many reports security forces committed arbitrary or unlawful killings (see also section 1.g.).

Security forces used excessive and sometimes lethal force against civilians. On May 2, soldiers shot and killed eight of 200 villagers detained for suspected ties to the AA in northern Rakhine State's Rathedaung Township.

There were reports of suspects in custody dying as a result of police mistreatment. On June 2, Tun Myint Win was arrested by police for allegedly participating in a protest against the building of a cement factory. He was sent to Oboe Prison in Mandalay and died on June 5; his family attributed his death to police abuse during his detention. On June 13, Tun Myint Win's mother was also charged with

protesting, and as of November her case continued. Through October, 15 persons died in military detention in Rakhine State.

The trial of four individuals charged in the death of Ko Ni, a prominent Muslim lawyer and adviser to Aung San Suu Kyi who was assassinated outside Rangoon's international airport in 2017, concluded on February 15 with the conviction of four men. As of October the ostensible organizer was yet to be found. Civil society groups and religious groups noted Ko Ni's death had a chilling effect on lawyers working for constitutional reform and accountability for military abuses, as well as on Muslims fighting for improved treatment.

On May 6, seven soldiers convicted of the murder of 10 Rohingya men and boys in Inn Dinn during the 2017 military crackdown were released after serving less than a year of their 10-year prison sentence.

Arbitrary and unlawful killings related to internal conflict also occurred (see section 1.g.).

b. Disappearance

There were reports of disappearances by security forces.

Amnesty International documented the military's enforced disappearance of six men--one ethnic Mro and five ethnic Rakhine--in mid-February.

Disappearances related to internal conflict also occurred (see section 1.g.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture; however, members of security forces reportedly tortured and otherwise abused prisoners, detainees, and other citizens and stateless persons in incidents not related to armed conflict. Such incidents occurred, for example, in Rakhine. Authorities generally took no action to investigate incidents or punish alleged perpetrators.

The government did not launch any investigation into reports of sexual violence by the military from this or prior years.

Two soldiers raped and tortured an ethnic Ta'ang woman on May 10 in Namhsan Township, Shan State. On March 18, approximately 150 soldiers entered a village near Mrauk U in Rakhine State and rounded up young men hiding in the monastery with other villagers. The men were separated out, stripped naked, and forced to do jumping exercises and were beaten, while being asked about the AA.

Security forces reportedly subjected detainees to harsh interrogation techniques designed to intimidate and disorient, including severe beatings and deprivation of food, water, and sleep. Human rights groups reported incidents of torture by security forces and some ethnic armed groups in ethnic minority areas.

From August 8 to 21, a young man accused of being an AA member was held incommunicado and subjected to electric shocks by soldiers, forcing him to confess to having ties with the AA, according to the United Nations.

Prison and Detention Center Conditions

There were continued reports that conditions in prisons, labor camps, and military detention facilities were harsh and sometimes life threatening due to overcrowding, degrading treatment, and inadequate access to medical care and basic needs, including food, shelter, and hygiene. Observers noted some minor improvement in more centrally located prisons.

The Ministry of Home Affairs Department of Corrections operates the prison and labor camp system and continued to significantly restrict access by international organizations--other than the International Committee of the Red Cross (ICRC)--to prison and detention facilities generally.

The military did not permit access to its detention facilities.

Physical Conditions: There were an estimated 47 prisons and 48 labor camps, the latter referred to by the government as "agriculture and livestock breeding career training centers" and "manufacturing centers." More than 20,000 inmates were serving their sentences in these labor camps across the country. Authorities reportedly sent prisoners whose sentences did not include "hard labor" to labor camps in contravention of the law and rented out prisoners as labor to private companies. In spite of reforms in recent years, conditions at the camps remained life threatening for some, especially at 18 camps where prisoners worked as miners.

A prominent human rights group estimated there were approximately 100,000 prisoners. Women and men were held separately. Overcrowding was reportedly a serious problem in many prisons and labor camps; a human rights group reported that occupancy at the country's largest prison was more than double capacity. Some prisons held pretrial detainees together with convicted prisoners. Authorities held some political prisoners separately from common criminals, but political prisoners arrested in land rights disputes were generally held together with common criminals.

Bedding was often inadequate and sometimes consisted of a single mat, wooden platform, or laminated plastic sheet on a concrete floor. Prisoners did not always have access to potable water. In many cases family members had to supplement prisoners' official rations, medicine, and basic necessities. Inmates reportedly paid wardens for necessities, including clean water, prison uniforms, plates, cups, and utensils.

Medical care was inadequate and reportedly contributed to deaths in custody. Prisoners suffered from health problems, including malaria, heart disease, high blood pressure, tuberculosis, skin diseases, and stomach problems, caused or exacerbated by unhygienic conditions and spoiled food. Former prisoners also complained of poorly maintained physical structures that provided no protection from the elements and had rodent, snake, and mold infestation.

Prison conditions in Rakhine State were reportedly among the worst, with hundreds of Rohingya and ethnic-Rakhine subjected to torture and abuse by state prison and security officials.

Administration: Some prisons prevented full adherence to religious codes for prisoners, ostensibly due to space restrictions and security concerns. For example, imprisoned monks reported authorities denied them permission to observe Buddhist holy days, wear robes, shave their heads, or eat on a schedule compatible with the monastic code. Some authorities continued to cite security considerations to deny permission for Muslim prisoners to pray together as a group, as is the practice for Friday prayers and during Ramadan.

Prisoners and detainees could sometimes submit complaints to judicial authorities without censorship or negative repercussions.

Independent Monitoring: The ICRC had conditional access to all prisons and labor camps; it did not have access to military detention sites. With prior approval from

the Prison Department, it could visit all prison and labor camps twice monthly but could not meet privately with prisoners. The ICRC reported its findings through a strictly confidential bilateral dialogue with prison authorities. These reports were neither public nor shared with any other party.

Improvements: The UN Office on Drugs and Crime ran a program aimed at strengthening prison health systems. It included implementing the Standard Operating Procedures on Healthcare in Prisons, launched in 2018, to provide training to medical staff working on drug treatment and mental health assistance. The program continued to provide comprehensive support to prisons in Rangoon, Mandalay, Myitkyina, and Lashio.

d. Arbitrary Arrest or Detention

The law does not prohibit arbitrary arrest, and the government continued to arrest persons, often from ethnic and religious minorities, and notably in Rakhine State, on an arbitrary basis.

Amnesty International documented seven cases of arbitrary arrest in Rakhine State in the first half of the year. The arrests were exclusively of men, usually ethnic Rakhine men of fighting age, and were often accompanied by torture and other mistreatment aimed at obtaining information about the AA.

The law allows the government to extend sentences after prisoners complete their original sentence. The Minister of Home Affairs may extend a prison sentence unilaterally by two months on six separate occasions, for a total extension of one year.

The law allows authorities to order detention without charge or trial of anyone they believe is performing or might perform any act that endangers the sovereignty and security of the state or public peace and tranquility. The civilian government and the military continued to interpret these laws broadly and used them arbitrarily to detain activists, student leaders, farmers, journalists, political staff, and human rights defenders.

Legal mechanisms exist to investigate abuses by security forces but were seldom used and generally perceived to be ineffective.

Arrest Procedures and Treatment of Detainees

Personnel from the Office of the Chief of Military Security Affairs and police commonly conducted searches and made arrests at will, despite the law generally requiring warrants.

By law authorities may hold suspects in pretrial detention for two weeks (with a possible two-week extension) before bringing them before a judge or informing them of the charges against them. Lawyers noted police regularly detained suspects for the legally mandated period, failed to file a charge, then detained them for a series of two-week periods with trips to the judge in between.

The law does grant detainees the right to consult an attorney, but in some cases authorities refused to allow suspects to meet with a lawyer. In May 2018 the government amended the law to provide access to fair and equal legal aid based on international standards and to ensure legal aid workers could operate independently and with legal protection. Through October the legal aid program handled 132 cases, mostly in Shan and Mon States.

There is a functioning bail system, but bribery was a common substitute for bail. Bail is commonly offered in criminal cases, but defendants were often required to attend numerous pretrial hearings before bail was granted. In some cases the government held detainees incommunicado. There were reports of authorities not informing family members of the arrests of persons in a timely manner, not telling them of their whereabouts, and often denying them the right to see prisoners in a timely manner.

Arbitrary Arrest: There were reports of arbitrary arrests, including detention by the military in conflict areas. Amnesty International further documented seven cases of arbitrary arrest in Rakhine State in the first half of year. These arrests were exclusively of men, usually ethnic Rakhine men of fighting age, and were often accompanied by torture and other mistreatment aimed at obtaining information about the AA.

Pretrial Detention: Judges and police sometimes colluded to extend detentions. According to lawyers, arbitrary and lengthy pretrial detentions resulted from lengthy legal procedures, large numbers of detainees, judicial inefficiency, widespread corruption, and staff shortages. Periods of detention prior to and during trials sometimes equaled or exceeded the sentence that would result from a guilty conviction.

Detainee's Ability to Challenge Lawfulness before a Court: Security forces often arrested and detained individuals without following proper procedures, in violation of national law. Arbitrary arrest or detention was sometimes used to suppress political dissent.

e. Denial of Fair Public Trial

The law calls for an independent judiciary, although the government manipulated the courts for political ends and sometimes deprived citizens of due process and the right to a fair trial, particularly in freedom of expression cases.

The criminal justice system was overburdened by a high number of cases lodged against small-time drug users, who constituted an estimated 50 percent of caseloads in the courts. Corruption remained a significant problem. According to civil society organizations, officials at all levels received illegal payments at all stages of the legal process for purposes ranging from influencing routine matters, such as access to a detainee in police custody, to substantive decisions, such as fixing the outcome of a case.

The military and the government directly and indirectly exerted influence over the outcome of cases, often through overly broad or arbitrary application of legislation on speech or association. On September 20, a former army captain, U Nay Myo Zin, was sentenced to one year in prison for his critical public remarks in April about the military leadership and in support of constitutional reform.

Trial Procedures

The law provides for the right to a fair and public trial, but also grants broad exceptions, effectively allowing the government to violate these rights at will. In ordinary criminal cases, the government allowed courts to operate independently, and courts generally respected some basic due process rights such as allowing a defense and appeal. In practice defendants do not enjoy a presumption of innocence or the rights to be informed promptly and in detail of the charges against them; to be present at their trial; to free interpretation; or, except in capital cases, to consult an attorney of their choice or have one provided at government expense. There is no right to adequate time and facilities to prepare a defense; defense attorneys in criminal cases generally had 15 days to prepare for trial. In May 2018 the Union Attorney General's Office adopted a fair trial standards manual, but because of the low standard of legal education, prosecutors, defense attorneys, and judges were often unfamiliar with precedent, case law, and basic legal procedures.

While no legal provision allows for coerced testimony or confessions of defendants to be used in court, authorities have reportedly engaged in both practices. There were reports of official coercion to plead guilty despite a lack of evidence, with promises of reduced sentences to defendants who did so. There were reports of coercion to plead guilty despite a lack of evidence with promises of reduced sentences to defendants who did so.

Although the law provides that ordinary criminal cases should be open to the public, in practice members of the public with no direct involvement in a case were denied entry to courts. There is no right to confront witnesses and present evidence, although defense attorneys could sometimes call witnesses and conduct cross-examinations. Prodemocracy activists generally were able to retain counsel, but other defendants' access to counsel was inadequate.

Local civil society groups noted the public was largely unaware of its legal rights, and there were too few lawyers to meet public needs.

Political Prisoners and Detainees

The government continued to detain and arrest journalists, activists, and critics of the government and the military. According to civil society groups that use a definition of political prisoners that includes those who may have engaged in acts of violence and excludes some charges related to freedom of expression and religion, there were 50 convicted political prisoners as of October. Another 580 individuals were facing trial for their political views, of whom 179 were detained and the rest were out on bail, according to the Assistance Association for Political Prisoners.

On March 19, Aye Maung, chairman of the Arakan National Party, was sentenced to 20 years in prison for high treason and another two years for defamation of the state. He was arrested and charged in January 2018 after his public remarks at the commemoration of the 233rd anniversary of the fall of the Arakan Kingdom--remarks that allegedly expressed and encouraged support for the rebel AA.

Aung Ko Htway, jailed in March 2018 for defaming the military following an interview he gave to an international media outlet on his experiences as a former child soldier, was released in September.

Many former political prisoners experienced significant surveillance and restrictions following their release, including the inability to resume studies

undertaken prior to incarceration, secure travel documents, or obtain other documents related to identity or ownership of land.

Civil Judicial Procedures and Remedies

No specific mechanisms or laws provide for civil remedies for human rights violations; however, complainants may use provisions of the penal code and laws of civil procedure to seek civil remedies. Individuals and organizations may not appeal an adverse decision to regional human rights bodies.

Property Restitution

Under the constitution the state owns all land, although the law allows for registration and sale of private land ownership rights. Authorities and private-sector organizations seized land during the year; restitution was very limited, despite the law. In Shan State communities were further concerned by the expansion of private-sector investment for coal mining on the seized land. Protests in September stopped studies for a copper mine in Sagaing Region.

The law provides for compensation when the government acquires land for a public purpose; however, civil society groups criticized the lack of safeguards in the law and said that compensation was infrequent and inadequate in such cases. The government can also declare land unused and assign it to foreign investors or designate it for other uses.

There is no judicial review of land ownership or confiscation decisions; administrative bodies subject to political control by the national government make final decisions on land use and registration. Researchers and civil society groups said land laws facilitate land confiscation without providing adequate procedural protections. In some cases advance notice of confiscations was not given.

In 2018 land-law amendments undercut provisions that favored recognition of traditional land-tenure systems. In late 2018 the Ministry of Agriculture announced that small holders had six months to register their land or risk becoming trespassers on their own land. If rigorously enforced, this order could result in millions of persons losing rights of access to their lands. Awareness of the amendments remained low in affected communities.

Police arrested farmers during the year for violating the land-use law. In September a court in Ayeyarwaddy Region sentenced eight farmers, who claimed

to be the original and uncompensated owners of land seized as vacant and transferred to a private company, to two years in prison for farming the land. During the year many other farmers were awaiting trial in similar cases.

Civil society groups raised concerns that the vacant-land law posed a particularly serious threat to traditional collective land ownership patterns prevalent in areas inhabited by ethnic minority groups. Ethnic and civil society groups staged protests during the year in Kachin and Karen States, Mandalay Region, and elsewhere over the government's land policies.

Observers were concerned that the law could also be used to prevent displaced Rohingya from returning to their land or receiving adequate compensation. Officials stated that burned land would revert to the government and posted signs in several instances to that effect. Moreover, following the military campaign in Rakhine State, authorities bulldozed villages, demolished structures, and cleared vegetation to build security bases and other structures. Because of this and because the land law also requires that land not used productively within four years revert to the government, civil society groups saw little progress in returning land confiscated by the government.

The General Administration Department under the Ministry of the Office of the Union Government oversees land return. Adequate compensation was not provided to the many farmers and rural communities whose land was confiscated without due process during the former military regime, including by the Myanmar Oil and Gas Enterprise, the Myanmar Ports Authority, and the military itself.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law protects the privacy and security of the home and property, but these protections were poorly enforced. The law does not protect the privacy of correspondence or other communications, and activists reported authorities routinely conducted surveillance of civil society organizations' operations.

Some activists reported the government systematically monitored citizens' travel and closely monitored the activities of politically active persons, while others reported they did not experience any such invasions of privacy. Special Branch police, official intelligence networks, and other administrative systems (see section 2.d.) were reported agents of such surveillance.

The law restricts the ability of Buddhist women to marry non-Buddhist men by imposing a requirement of public notification prior to any such marriage and allowing for objections to the marriage to be raised in court, although the law was rarely enforced.

In Rakhine State, local authorities prohibited Rohingya families from having more than two children, although this was inconsistently enforced. Authorities there also required Rohingya to obtain a permit to marry officially, a step not required of other ethnicities. Waiting times for the permit could exceed one year, and bribes usually were required. Unauthorized marriages could result in prosecution of Rohingya men under the penal code, which prohibits a man from "deceitfully" marrying a woman, and could result in a prison sentence or fine.

There were reports of regular, unannounced nighttime household checks in northern Rakhine State and in other areas.

g. Abuses in Internal Conflict

There were long-running armed internal conflicts across the country. Reports of killings, disappearances, beatings, torture, forced labor, forced relocations, the use of child soldiers, excessive use of force, disregard for civilian life, sexual violence, and other abuses committed by government forces and armed opposition and rebel groups were common. Within the military, impunity for abuses and crimes generally continued, although the military took disciplinary action in some cases.

In December 2018 the military declared a four-month unilateral ceasefire covering Kachin and Shan States; it was extended to September 21. The ceasefire was partly responsible for a reduction in violence in Kachin State, although fighting, including military violations of the cease-fire, continued in northern Shan State and there was a significant upturn in violence in August. Conflict continued in central and northern Rakhine State between the military and the Rakhine-ethnic AA.

Fighting in Kachin continued throughout the year, resulting in civilian casualties, credible reports of military abuses of civilians, and the displacement of large numbers of people; fighting also affected the Paletwa Township in southern Chin State. In Shan State, clashes continued between and among various groups and the military, with credible allegations of abuse of civilian populations by both the military and ethnic armed groups. In most of the southeast, pervasive and organized violent abuse of civilian populations in ethnic minority areas declined,

largely due to a number of bilateral cease-fire agreements reached with ethnic armed groups.

Killings: Military officials reportedly killed, tortured, and otherwise seriously abused civilians in conflict areas without public inquiry or accountability. Following ethnic armed groups' attacks on the military, the military reportedly often directed its attacks against civilians, resulting in civilian deaths. Some ethnic armed groups, most notably the Ta'ang National Liberation Army (TNLA), allegedly killed civilians suspected of being members of rival armed groups. The AA allegedly killed civilians suspected of providing information to the military.

On September 10, two decapitated male bodies were found in the middle of a market in Kan Htaung Gyi town in Rakhine State's Myebon Township. The incident brought to 13 the number of unsolved murders of civilians in northern Rakhine State during the year. The military and the AA accused each other of being responsible.

On August 15, the TNLA, likely with some support from allied ethnic armed groups, attacked military and police bases, killing 13 security personnel. The military and TNLA were responsible for artillery and other fire that resulted in the deaths of civilians, including five civilians (three of them children) killed on August 31 during fighting near Kutkai. Each side blamed the other for the civilian deaths.

In September the military announced its court of inquiry would begin court-martial proceedings against an unspecified number of soldiers for "weakness in following instructions" in connection with 2017 clashes with the Arakan Rohingya Salvation Army in Gu Dar Pyin, Rakhine State. A military spokesperson stated the court martial concerned violations of the military's rules of engagement and was not connected to press reports of a mass grave of Rohingya men in Gu Dar Pyin.

Abductions: Government soldiers and nonstate armed groups abducted villagers in conflict areas. There were credible reports that the military abducted individuals in Rakhine State in March and kept them incommunicado. In February the AA abducted civilians from Paletwa, Chin State, and took them into Bangladesh; they returned the civilians months later to their homes. On September 23, government soldiers in Shan State reportedly arrested 14 civilians, including four girls, and forced them to join their patrol, with one civilian ordered to march in front of the column formation.

Physical Abuse, Punishment, and Torture: Nongovernmental organization (NGO) reports provided credible information that the military engaged in torture and beating of civilians alleged to be working with or perceived to be sympathetic to ethnic armed groups in Rakhine State. There were also continued reports of forced labor and forced recruitment by the United Wa State Army (UWSA), the Restoration Council of Shan State, and the TNLA.

Reports continued that the military forced civilians to carry supplies or serve in other support roles in conflict areas such as northern Shan, southern Chin and Rakhine States.

The United Nations, media, and NGOs during the year documented the widespread use of rape and sexual violence by the military in Rakhine, Kachin, and Shan States since at least 2011.

Civilians, armed actors, and NGOs operating inside the country and along the border reported continued landmine use by the military and armed groups.

Child Soldiers: The military and four armed groups--the Kachin Independence Army, the armed wing of the Kachin Independence Organization; the Karen National Liberation Army, the armed wing of the Karen National Union; the TNLA; and the UWSA--were listed in the UN secretary-general's 2019 report on Children and Armed Conflict as perpetrators of the recruitment and use of children.

The penalties imposed for recruiting and using child soldiers were not commensurate with the seriousness of these crimes. In past years most of these cases reportedly culminated in reprimands, demotions, relocations, fines, or decreases in pensions, penalties significantly less than those prescribed by criminal law. Despite military directives prohibiting the use of children, some children were still recruited. There were reports middlemen helped bypass age verification procedures to allow the enrollment of underage recruits, sometimes at the request of the recruits' families. The Ministry of Defense undertook to investigate military personnel implicated in recruiting child soldiers. There was, however, no evidence that the government prosecuted soldiers in civilian courts for recruitment or use of child soldiers.

The military generally allowed UN monitors to inspect for compliance with agreed-upon procedures for ending the recruitment of children and identifying and demobilizing those serving in armed conflict. There were, however, some delays in securing official permissions, and access to conflict areas was generally denied.

The government continued to prevent ethnic armed groups from signing joint plans of action with the United Nations to end the recruitment of child soldiers and to demobilize and rehabilitate those already serving.

Also see the Department of State's *Trafficking in Persons Report* at https://www.state.gov/trafficking-in-persons-report/.

Other Conflict-related Abuse: The government restricted the passage of relief supplies and access by international humanitarian organizations to conflict-affected areas of Rakhine, Kachin, and Shan States. The government regularly denied access to the United Nations, international NGOs, and diplomatic missions, asserting the military could not ensure their security or by claiming that humanitarian assistance would benefit ethnic armed group forces. In some cases the military allowed gradual access as government forces regained control over contested areas.

As of October there were an estimated 40,000 internally displaced persons (IDPs) in areas of the country outside government control, primarily in northern Kachin State. Fighting in Rakhine and Shan States displaced tens of thousands of persons during the year, compounding the long-term displacement of conflict-affected communities in these areas. Most of those newly displaced in Shan State, however, were able to return home during the year. Locally based organizations had some access to IDPs in areas outside government control, but the military increased restrictions on their access, including through threats of prosecution. The military has largely restricted access to IDPs and Rohingya in general in the conflict-affected areas of Rakhine State to only the Red Cross and the World Food Program, resulting in unmet humanitarian needs among these IDPs. The government has not granted the United Nations or other international organizations humanitarian access to areas in Kachin State outside of military control since June 2016.

More than 107,000 persons remained displaced by conflict in Kachin and Shan States. In some cases villagers driven from their homes fled into the forest, frequently in heavily mined areas, without adequate food, security, or basic medical care (see section 2.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides that "every citizen shall be at liberty in the exercise of expressing and publishing freely their convictions and opinions," but it contains the broad and ambiguous caveat that exercise of these rights must "not be contrary to the laws enacted for national security, prevalence of law and order, community peace and tranquility, or public order and morality." Threats against and arrests of journalists continued during the year.

Freedom of Expression: Freedom of expression was more restricted than in 2018. Authorities arrested, detained, convicted, intimidated, and imprisoned citizens for expressing political opinions critical of the government and the military, generally under charges of defamation, incitement, protesting without a permit, or violating national security laws. This included the detentions and trials of activists and ordinary citizens. The government applied laws carrying more severe punishments than in the past, including laws enabling years-long prison sentences.

The criminal defamation clause under the telecommunications law was frequently used to restrict freedom of expression. Several critics of the government and the military faced charges under this law. On August 29, for example, noted filmmaker and human rights activist Min Htin Ko Ko Gyi was sentenced to one year in prison for Facebook posts that were critical of the military's role in politics; he also faced other potential charges.

Five members of the Peacock Generation performance troupe were detained without bail for a satirical performance during the April New Year holiday criticizing the military's role in politics. On October 30, five members were found guilty of defaming the military and were sentenced to one year of labor. As of November the case for other charges continued.

Military officers brought or sought to bring charges against several prominent religious figures based on their criticism of the military, including multiple Buddhist monks and the prominent Kachin Baptist reverend, Hkalam Samson. Authorities dropped the complaint against Samson, but the cases against at least two prominent, protolerance monks critical of the military and Bamar Buddhist ultranationalism, Sein Ti Ta and Myawaddy Sayadaw, remained open as of November.

A variety of laws were used to censor or prosecute public dissent. On June 19 and 21, the military used a privacy law to press charges against 12 individuals, including reporters, for allegedly aiding and abetting trespass on seized land in Kayah State. As of November the case continued.

Some persons remained wary of speaking openly about politically sensitive topics due to monitoring and harassment by security services and ultranationalist Buddhist groups. Police continued to monitor politicians, journalists, writers, and diplomats.

Press and Media, Including Online Media: Independent media were active and able to operate, despite many official and unofficial restrictions. The government continued to permit the publication of privately owned daily newspapers. As of July authorities approved 46 dailies; however, press freedom declined compared with 2018, and the security forces detained journalists under laws carrying more severe sentences than those it used in previous years.

Local media could cover human rights and political issues, including, for example, democratic reform and international investigations of the 2017 ethnic cleansing in Rakhine State, although they observed some self-censorship on these subjects. Official action or threats of such action increased against journalists reporting on conflict in Rakhine State involving the AA. The government generally permitted media outlets to cover protests and civil conflict, topics not reported widely in state-run media.

The military continued to practice zero tolerance of perceived critical media commentary through prosecution by civil authorities. Members of the ruling party increasingly prosecuted journalists perceived as critical.

In May the president granted amnesty to two Reuters reporters detained in late 2017 and sentenced in 2018 to seven years in prison under the Official Secrets Act for their investigation of security forces' activities in northern Rakhine State.

On September 30, a court ruled a defamation case could again be heard against *Myanmar Now* editor in chief Swe Win. Charges were dismissed on July 2 after the plaintiff, Wirathu, repeatedly failed to appear in court; as of November the case continued. Swe Win was arrested in 2017 for allegedly sharing a Facebook post suggesting the monk Wirathu, a prominent Ma Ba Tha (a local Buddhist organization) figurehead, violated the monastic code of conduct by making statements commending the 2017 assassination of well known Muslim constitutional lawyer Ko Ni (see section 1.a.).

The government relaxation of its monopoly and control of domestic television broadcasting continued, with five private companies broadcasting using Ministry

of Information platforms. Many media outlets reported the cost of applying for and maintaining a television channel was prohibitive. The government offered three public channels--two controlled by the Ministry of Information and one by the military; the ministry channels regularly aired the military's content. Two private companies that had strong links to the previous military regime continued to broadcast six free-to-air channels. The government allowed the general population to register satellite television receivers for a fee, but the cost was prohibitive for most persons outside of urban areas. The military, government, and government-linked businesspersons controlled the eight privately or quasi-governmentally owned FM radio stations.

Violence and Harassment: Nationalist groups continued to target journalists who criticized government policy on intercommunal and Rakhine State issues. Businesspersons engaged in illegal enterprises, sometimes together with local authorities, also harassed and threatened journalists reporting on their activities, including with the threat of legal action. Officials continued to monitor journalists in various parts of the country.

Censorship or Content Restrictions: Although generally not enforced, laws prohibit citizens from electronically passing information about the country to foreign media, exposing journalists who reported for or cooperated with international media to potential harassment, intimidation, and arrest. There were no reports of overt prepublication censorship, and the government allowed open discussion of some sensitive political and economic topics, but incidents of legal action against publications that criticized the military or the government heightened concern among local journalists and increased self-censorship.

Self-censorship was common, particularly on issues related to Buddhist extremism, the military, the situation in Rakhine State, and the peace process. Journalists reported that such self-censorship became more pronounced after the 2018 trial and conviction of two Reuters journalists. The government ordered media outlets to use certain terms and themes to describe the situation in northern Rakhine State and threatened penalties against journalists who did not follow the government's guidance, which exacerbated already high levels of self-censorship on this topic. Authorities prevented journalists' access to northern Rakhine State except on government-organized trips that participants reported to be tightly controlled and designed to advance the government's narrative. The government continued to use visa issuance and shortened visa validities to control foreign journalists, especially those not based in the country.

The government censorship board reviews all films to be screened inside the country. On June 15, the screening of a film critical of the military was abruptly pulled from the opening night of the Human Rights Human Dignity International Film Festival. The founder of the festival, Min Htin Ko Ko Gyi, was in jail at the time and was later convicted of criticizing the military (see section 2.a.).

Journalists continued to complain about the widespread practice of government informants attending press conferences and other events, which they said intimidated reporters and the events' hosts. Informants demanded lists of hosts and attendees.

Libel/Slander Laws: Military and civilian government officials used broad defamation statutes to bring criminal charges against journalists, activists, and ordinary citizens.

In February a Dawei Township court fined the editor of the Thanintharyi Journal 500,000 kyat ($330) over the journal's 2017 publication of a satirical article about a regional official. On August 26, six Karenni youths were charged with slander for calling the Kayah State chief minister a traitor over his support for the erection of a statue to Aung San Suu Kyi's father. On November 7, they were sentenced to six months in prison with labor.

In September a local NLD office in Ayeyarwaddy Region brought charges against a cartoonist for allegedly defaming the township and the NLD. On September 19, an NLD official in Mandalay sued two Facebook users, alleging their satiric memes defamed the regional chief minister.

Internet Freedom

The government did not generally censor online content. The government did, however, restrict access to the internet. On June 20, the Ministry of Transport and Communications ordered mobile phone operators to stop mobile internet traffic in eight townships in northern Rakhine State and in Paletwa Township in southern Chin State due to "disturbances of peace and use of internet services to coordinate illegal activities." The ban was lifted on August 31 in five of the nine affected townships but remained in effect in four townships in northern Rakhine State as of November.

The Telecommunications Law includes broad provisions giving the government the power to temporarily block and filter content, on grounds of "benefit of the

people." According to Freedom House, pressure on users to remove content continued to originate from the government, military, and other groups. The law does not include provisions to force the removal of content or provide for intermediary liability, although some articles are vague and could be argued to cover content removal. Pressure to remove content instead came from the use or threat of use of other criminal provisions.

The government's Social Media Monitoring Team reportedly continued to monitor internet communications without clear legal authority and used defamation charges to intimidate and detain some individuals using social media to criticize the military, government officials, or the ruling party. There were also instances of authorities intimidating online media outlets and internet users. Social media continued to be a popular forum to exchange ideas and opinions without direct government censorship, although there were military-affiliated disinformation campaigns on social media.

Academic Freedom and Cultural Events

Government restrictions on academic freedom and cultural events continued.

The government tightened restrictions on political activity and freedom of association on university campuses. On February 13, seven students of Yadanabon University in Mandalay were found guilty of arson and of holding a December 2018 protest without providing proper notification. The students were sentenced to a total of three months' in prison with hard labor. The seven students were prominent members of the Yadanabon Student Union and were involved in organizing a series of protests beginning on December 28 on Yadanabon University campus, calling for improved campus security. During the protest dozens of students burned a mock coffin containing photos of the university rector, the chief minister of Mandalay Region, the regional minister for electricity, road, and transportation, and the minister for security and border affairs.

The government generally allowed the informal establishment of student unions, although among university rectors and faculty there was considerable fear and suspicion of student unions. Although some student unions were allowed to open unofficial offices, the All Burma Federation of Student Unions, as in previous years, was unable to register but participated in some activities through informal networks.

There were reported incidents of the government restricting cultural events. There is a ban on street art.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, but the government restricted these rights.

Freedom of Peaceful Assembly

Although the constitution provides the right to peaceful assembly, it was not always respected in practice. Authorities used laws against criminal trespass as well as provisions which criminalize actions the government deemed likely to cause "an offense against the State or against the public tranquility" to restrict peaceful assembly.

Restrictions remained in place in 11 Rangoon townships on all applications for processions or assemblies. Some civil society groups asserted these restrictions were selectively applied and used to prevent demonstrations against the government or military. Farmers and social activists continued to protest land rights' violations and land confiscation throughout the country, and human rights groups reported the arrest of farmers and supporters. Many reported cases involved land seized by the former military regime and given to private companies or persons with ties to the military.

Whether civil society organizations were required to apply for advance permission before holding meetings and other functions in hotels and other public venues varied by situation and by government official. Some officials forced venues to cancel civil society events where such permission was not obtained; others required civil society organizations to request advance permission from the local government to meet with diplomats.

Following a peaceful protest in February against the erection of a statue of the Burmese independence hero (and father of Aung San Suu Kyi) General Aung San in Loikaw, Kayah State, the local government arrested 55 demonstrators, with charges of defamation and illegal protest which were later dropped after negotiations between activists and the local government.

On October 2, the chairwoman of the Karen Women's Union, Naw Ohn Hla, and two other activists were convicted and sentenced to 15 days in prison for holding

an unauthorized Karen Martyr's Day celebration in Rangoon in August. They had sought approval from authorities before the commemoration, but it was not granted because of the use of the term "martyr," a term the government tended to associate exclusively with Aung San and the members of his cabinet who were assassinated alongside him.

Freedom of Association

Although the constitution and laws allow citizens to form associations and organizations, the government sometimes restricted this right.

In July the State Sangha Maha Nayaka Committee (a government-appointed body of high-ranking Buddhist monks) again declared Ma Ba Tha an "illegal organization." The State Sangha Maha Nayaka Committee had banned Ma Ba Tha from using that name in 2017. Some local branches of the organization continued to use the name on their signs in spite of the ban, and as of October no action had been taken against them.

The law on registering organizations stipulates voluntary registration for local NGOs and removes punishments for noncompliance for both local and international NGOs. Some NGOs that tried to register under this law found the process extremely onerous.

Activists reported that civil society groups, community-based organizations, and informal networks operated openly and continued to discuss human rights and other political problems openly. They reported, however, that state surveillance of such operations and discussions was common and that government restrictions on meetings and other activity continued during the year.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at https://www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law does not protect freedom of internal movement, foreign travel, emigration, or repatriation. Local regulations limit the rights of citizens to settle and reside anywhere in the country. By law the president may require the registration of

foreigners' movements and authorize officials to require foreigners to register every change of address exceeding 24 hours.

The government appeared to restrict informally repatriation by maintaining an opaque "black list" of individuals, including some from the exile community, who were prohibited from entering the country.

In-country Movement: Regional and local orders, directives, and instructions restrict freedom of movement.

Restrictions on in-country movement of Rohingya were extensive. Authorities required the largely stateless Rohingya to carry special documents and travel permits for internal movement in areas in Rakhine State where most Rohingya reside. Township officers in Buthidaung and Maungdaw Townships continued to require Rohingya to submit a "form for informing absence from habitual residence" for permission to stay overnight in another village and to register on the guest list with the village administrator. Obtaining these forms and permits often involved extortion and bribes.

Restrictions governing the travel of foreigners, Rohingya, and others between townships in Rakhine State varied, depending on township, and generally required submission of a document known as "Form 4." A traveler could obtain this form only from the township Immigration and National Registration Department (INRD) and only if that person provided an original copy of a family list, a temporary registration card, and letters from two guarantors. Travel authorized under Form 4 is generally valid for two to four weeks, but it is given almost exclusively for medical emergencies, effectively eliminating many opportunities to work or study. The cost to obtain the form varied from township to township, with required payments to village administrators or to the township INRD office ranging from the official amount of 30,000 to more than two million kyats ($20 to $1,320). Extensive administrative measures are imposed on Rohingya and foreigners in Rakhine State, which effectively prevented persons from changing residency.

There were credible reports of hundreds of Rohingya serving prison terms of up to two years for attempting to travel out of Rakhine State without prior authorization. In October authorities convicted 30 Rohingya for attempting to travel from Rakhine State to Rangoon without travel permits. The court sentenced 21 of them to two years in prison and sent eight children to a detention center. The youngest, age five, was being held in a Pathein prison with his mother as of November. In

January seven Rohingya, including a child, from Kyauktaw Township in Rakhine State were sentenced to two years' detention for travelling without valid documents after walking 300 miles to western Bago Region.

Foreign Travel: The government maintained restrictions to prevent foreign travel by political activists, former political prisoners, and some local staff of foreign embassies, although such persons reported encountering far fewer delays and restrictions. Stateless persons, particularly Rohingya, were unable to obtain documentation necessary for foreign travel.

e. Internally Displaced Persons

As of October an estimated 263,000 individuals were living as IDPs due to violence in Kachin, Rakhine, and northern Shan states. Some 101,000 Rohingya IDPs have been displaced since 2012. The UN Office of Coordination for Humanitarian Affairs estimated that more than 28,000 of the primarily Rohingya IDPs in Rakhine State have been displaced by armed conflict since January and that more than 8,000 persons were displaced in northern Shan State at the height of the violence there in August, although most of these later returned home. Approximately 128,000 Rohingya remained confined to IDP camps in Rakhine State following 2012 intercommunal violence; a small number of Kaman and Rakhine have also lived in IDP camps since 2012. An additional estimated 7,000 Rohingya remained internally displaced following atrocities beginning in 2017 in northern Rakhine State along with a small number of individuals from other ethnic groups. Accurate figures were difficult to determine due to continued poor access to affected areas.

In addition to internal displacement provoked by conflict, a March report by the UN special rapporteur on human rights in Burma highlighted displacement (as well as the loss of livelihood) caused by natural resource extraction and environmental destruction in Kachin, Shan, and Kayin States. The special rapporteur noted increased human rights abuses associated with militarization around resource extraction sites prevented IDPs from returning home.

The United Nations and other humanitarian agencies reported significant deterioration in humanitarian access during the year, and the military blocked access to IDPs and other vulnerable populations in areas controlled by nonstate armed groups (see section 1.g., Other Conflict-related Abuse). Access to displaced persons in or near conflict zones continued to be a challenge, with the military

restricting access by humanitarian actors seeking to provide aid to affected communities.

The government restricted the ability of IDPs and stateless persons to move, limiting access to health services and schooling. While a person's freedom of movement generally derived from possession of identification documents, authorities also considered race, ethnicity, religion, and place of origin as factors in enforcing these regulations. Residents of ethnic-minority states reported the government restricted the travel of IDPs and stateless persons.

Some 101,000 Rohingya IDPs lived in Sittwe's rural camps, where they relied on assistance from aid agencies. Humanitarian agencies provided access to clean water, food, shelter, and sanitation in most IDP camps for Rohingya.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: The government did not always cooperate with the UN High Commissioner for Refugees (UNHCR) or other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, and other persons of concern. For example, the government routinely refused to allow humanitarian organizations access to Rakhine State and other locations.

Access to Asylum: The law does not provide for granting asylum or refugee status, and the government has not established a system for providing protection to refugees. UNHCR did not register any asylum seekers during the year.

g. Stateless Persons

The vast majority of Rohingya are stateless. Following the forced displacement of more than 700,000 Rohingya to Bangladesh in 2017, up to 600,000 Rohingya were estimated to remain in Rakhine State. There were also likely significant numbers of stateless persons and persons with undetermined nationality throughout the country, including persons of Chinese, Indian, and Nepali descent. Although these latter groups did not face the same level of official and social discrimination as Rohingya, they were still subject to the lesser rights and greater restrictions of associate and naturalized citizenship.

The government recognizes 135 "national ethnic groups" whose members are automatically full citizens. The law also establishes two forms of citizenship short

of full citizenship: associate and naturalized. Citizens of these two types are unable to run for political office; form a political party; serve in the military, police, or public administration; inherit land or money; or pursue certain professional degrees, such as medicine and law. Only members of the third generation of associate or naturalized citizens are able to acquire full citizenship.

The law defines "national ethnic group" only as a racial and ethnic group that can prove origins in the country dating back to 1823, the year prior to British colonization. In practice the government has granted or withdrawn "national ethnic group" status from ethnic groups throughout the country on various occasions. Because the Rohingya are not on the list, and due to other government action, they are stateless. Several ethnic minority groups, including the Chin and Kachin, criticized the classification system as inaccurate.

Some Rohingya are technically eligible for full citizenship. The process involves additional official scrutiny and in practice requires substantial bribes to government officials, and even then it does not provide for the rights guaranteed to other full citizens. Members of other ethnic groups faced similar challenges.

The law does not provide protection for children born in the country who do not have a "relevant link" to another state.

The government continued to call for Rohingya to apply for National Verification Cards (NVC), created in 2015. The government claims that these cards are necessary to apply for citizenship. NGO reports indicated that Rohingya were pressured or coerced to accept NVCs. For example, there were reported cases of government officials requiring Rohingya to have an NVC to go fishing or access a bank account. Many Rohingya expressed the need for more assurances about the results of the process. Many said they were already citizens and expressed fear the government would either not affirm their citizenship or would provide a form of lesser citizenship, thereby formalizing their lack of rights. Some townships in Rakhine State required Rohingya to identify as "Bengali" to apply for NVCs.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens limited ability to choose their government through elections held by secret ballot; the electoral system is not fully representational and does not assure the free expression of the will of the people. Under the constitution, active-duty military are appointed to one-quarter of all national and regional parliamentary seats, and the military has the right to appoint

the ministers of defense, home affairs--which has responsibility for police, prisons, and other domestic security matters--and border affairs. The military can also indefinitely assume power over all branches of the government should the president declare a national state of emergency. The constitution prohibits persons with immediate relatives holding foreign citizenship from becoming president. Amending the constitution requires approval by more than 75 percent of members of parliament, giving the military effective veto power over constitutional amendments.

Elections and Political Participation

Recent Elections: Observers considered the 2015 national election to be generally reflective of the will of the people, notwithstanding some structural shortcomings, and considered subsequent by-elections in 2017 and 2018 basically free and fair. Observers raised concerns that 25 percent of seats in parliament were reserved for unelected military officers; potential Muslim candidates were disqualified by their political parties on an apparently discriminatory basis; almost all members of the Rohingya community, many of whom voted in elections prior to 2015, were disenfranchised; and the government canceled voting in some conflict-affected ethnic minority areas. The NLD, chaired by Aung San Suu Kyi, won more than 77 percent of the contested 1,150 seats at the state, regional, and union levels in the 2015 election.

Political Parties and Political Participation: Opposition parties and civil society organizations continued to exercise their rights to assemble and protest. New political parties were generally allowed to register and compete in elections, which featured fewer restrictions on party organization and voter mobilization. Only sporadic interference from government officials was reported. Competition was skewed in part by the military-backed United Solidarity and Development Party's systematic support from the military, whose personnel and their families are eligible to vote, casting ballots in military barracks in some cases. Moreover, some legal provisions can be invoked to restrict parties' operations. The constitution contains a requirement that political parties be loyal to the state, which carries the potential for abuse. Laws allow for penalties, including deregistration, against political parties that accept support from foreign governments or religious bodies, or that are deemed to have abused religion for political purposes or disrespected the constitution.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate.

Nevertheless, women and minorities continued to be underrepresented in government. Aung San Suu Kyi was the only woman in a national cabinet of 24 ministers. Women made up only about 13 percent of national and local elected legislators. Women were chief ministers of Kayin State and Tanintharyi Region, although the latter was dismissed in March following accusations of corruption.

As of October, five chief ministers of the seven ethnic states belonged to the largest ethnic groups of their states, including the chief minister of Rakhine State; one of two union-level vice presidents belonged to the Chin ethnic minority group and one belonged to the Mon ethnic group. Ethnic-minority parliamentarians from ethnic-minority political parties made up about 9 percent of legislators at the national, state, and regional level; this did not include the numerous ethnic-minority members of the NLD, or the Union Solidarity and Development Party.

As noncitizens in the view of the government, Rohingya were excluded from the political process. Most Rohingya-majority areas were represented by an ethnic Rakhine nationalist party. No Muslim candidate won in 2015, resulting in a national parliament that for the first time had no Muslim representatives.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government continued efforts to curb corruption.

Corruption: Corruption remained a problem, particularly in the judiciary. Police reportedly often required victims to pay substantial bribes for criminal investigations and routinely extorted money from the civilian population. The government took some steps to investigate and address corruption of government officials.

On September 9, the Anti-Corruption Commission charged Aung Zaw, general manager of the state-owned Burma Pharmaceutical Industry, with bribery for the improper purchasing of raw materials for the factory. As of November the case continued. On July 26, Industry Minister Khin Maung Cho was forced to resign for failing to open a tender process for the procurement of raw materials worth more than one billion kyats ($660,000) at the same factory.

Financial Disclosure: Public officials were not subject to public financial disclosure laws. The law requires the president and vice presidents to furnish a list of family assets to the speaker of the joint houses of parliament, and the law

requires persons appointed by the president to furnish a list of personal assets to the president. The government did not make the reports available to the public.

Civil servants cannot accept gifts worth more than 25,000 kyats ($17). The rules also require civil servants to report all offers of gifts to their supervisors, whether or not they are accepted.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

The government did not allow domestic human rights organizations to function independently. Human rights NGOs were able to open offices and operate, but there were reports of harassment and monitoring by authorities, and authorities sometimes pressured hotels and other venues not to host meetings by activists or other civil society groups.

Foreign human rights activists and advocates, including representatives from international NGOs, continued to be restricted to short-term visas that required them to leave the country periodically for renewal. The government continued to monitor the movements of foreigners and interrogated citizens concerning contacts with foreigners.

The United Nations or Other International Bodies: The government has not agreed to the opening of an Office of the UN High Commissioner for Human Rights (OHCHR) and has not approved visa requests for OHCHR staff.

In August a UN fact-finding mission, established by the UN Human Rights Council, published two reports on the country: one on sexual and gender-based violence and the gendered impact of ethnic conflicts and the other on the military's economic interests and their relation to human rights abuses. The government rejected the mandate of the fact-finding mission and the content of its reports and denied the mission members permission to enter the country.

The government has also refused cooperate with or give the Independent Investigative Mechanism for Myanmar, created by the UN Human Rights Council, access to the country.

The government continued to refuse entry to the UN special rapporteur on the situation of human rights in Myanmar, but permitted the UN secretary-general's special envoy on Myanmar, Christine Schraner-Burgener, to open an office in the

country and to meet with senior officials, including Aung San Suu Kyi and Commander in Chief Min Aung Hlaing.

The ICRC had access to civilian prisons and labor camps. The government also allowed the ICRC to operate in ethnic-minority states, including in Shan, Rakhine, and Kachin States.

Government Human Rights Bodies: The Myanmar National Human Rights Commission investigated some incidents of human rights abuses. In some cases it called on the government to conduct investigations into abuses. Its ability to operate as a credible, independent mechanism remained limited. The commission supported the development of human rights education curricula, distributed human rights materials, and conducted human rights training.

The Independent Commission of Enquiry for Rakhine State, formed by the government in July 2018, continued its investigations but had not released any findings as of November. Previous government-led investigations into reports of widespread abuses by security services against the Rohingya in northern Rakhine State in 2016 yielded no findings of responsibility by security forces and were criticized by international observers as deeply flawed.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape is illegal but remained a significant problem, and the government did not enforce the law effectively. Spousal rape is not a crime unless the wife is younger than 14. Police generally investigated reported cases of rape, but there were reports police investigations were not sensitive to victims. Civil society groups continued to report police in some cases verbally abused women who reported rape, and women could be sued for impugning the dignity of the perpetrator.

On July 6, an estimated 6,000 demonstrators protested the alleged sexual assault in May of a two-year-old girl at a nursery school in Nay Pyi Taw and over concerns about the transparency of the trial. Thousands of Facebook users changed their profile pictures to the silhouette of a girl to demand “Justice for Victoria,” the pseudonym of the victim. On July 9, the leader of the campaign was arrested for Facebook posts “defaming” the police officers investigating the case. Both cases continued as of November.

Domestic violence against women, including spousal abuse, remained a serious problem. Abuse within families was prevalent and considered socially acceptable. Spousal abuse or domestic violence was difficult to measure because the government did not maintain comprehensive statistics and victims typically did not report it, although the government attempted to document cases, and reported cases were on the rise. The law prohibits committing bodily harm against another person, but there are no laws specifically against domestic violence or spousal abuse unless the wife is younger than 14. Punishment for violating the law includes sentences ranging from one year to life in prison in addition to possible fines. Overlapping and at times contradictory legal provisions complicated implementation of these limited protections.

Sexual Harassment: The penal code prohibits sexual harassment and imposes a maximum of one year's imprisonment and a fine for verbal harassment and a maximum of two years' imprisonment and a fine for physical contact. There was no information on the prevalence of the problem because these crimes were largely unreported. Local civil society organizations reported police investigators were not sensitive to victims and rarely followed through with investigations or prosecutions.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization. A 2015 law, however, contains provisions that if enforced could impose coercive birth-spacing requirements. Under the law the president or the national government may designate "special regions" for health care following consideration of factors such as population, natural resources, birth rates, and food availability. Once a special region is declared, the government may create special health-care organizations to perform various tasks, including establishing regulations related to family-planning methods. The government has not designated any such special regions since the law's enactment.

A two-child local order issued by the government of Rakhine State pertaining to the Rohingya population in two northern townships remained in effect, but the government and NGOs reported it was not consistently enforced (see section 1.f.).

Discrimination: By law women enjoy the same legal status and rights as men, including property and inheritance rights and religious and personal status, but it was not clear the government enforced the law. The law requires equal pay for equal work, but it was not clear the formal sector respected this requirement. NGOs reported some sectors, such as the garment industry, did not comply.

Poverty affected women disproportionately. The law governing hiring of civil service personnel states that nothing shall prevent the appointment of men to "positions that are suitable for men only," with no further definition of what constitutes positions "suitable for men only."

Customary law was widely used to address issues of marriage, property, and inheritance; it differs from the provisions of statutory law and was often discriminatory against women.

Children

Birth Registration: The law automatically confers full citizenship to children of two parents from one of the 135 recognized national ethnic groups and to children who met other citizenship requirements. Moreover, the government confers full citizenship to second-generation children of both parents with any citizenship, as long as at least one parent has full citizenship. Third-generation children of associate or naturalized citizens can acquire full citizenship.

A prominent international NGO noted significant rural-urban disparities in birth registration. In major cities (e.g., Rangoon and Mandalay), births were registered immediately because registration is required to qualify for basic public services and to obtain national identification cards. In smaller towns and villages, birth registration often was informal or nonexistent. For the Rohingya community, birth registration was a significant problem (see section 2.d.). The Advisory Commission on Rakhine State noted in its interim report that nearly one-half of all residents in Rakhine State lacked birth documentation.

A birth certificate provides important protections for children, particularly against child labor, early marriage, and recruitment into the armed forces and armed groups. Sometimes a lack of birth registration complicated access to public services in remote communities.

Education: By law, education is compulsory, free, and universal through the fourth grade (up to age 10). This leaves children ages 10 through 13 vulnerable to child labor, since they are not required to attend school but are not legally permitted to work, as the minimum age for work is 14. The government continued to allocate minimal resources to public education, and schools charged informal fees.

Schools were often unavailable in remote communities and access to them for internally displaced and stateless children also remained limited.

Child Abuse: Laws prohibit child abuse, but they were neither adequate nor enforced. NGOs reported corporal punishment was widely used against children. The punishment for child abuse is a maximum of two years' imprisonment or a maximum fine of 10,000 kyats ($6.60). There was anecdotal evidence of violence against children occurring within families, in schools, in situations of child labor and exploitation, and in armed conflict. The Ministry of Social Welfare, Relief, and Resettlement continued its child protection programs in partnership with UNICEF to improve data collection, develop effective laws, provide psychosocial assistance, and combat trafficking. Violence in Rakhine, Shan, and Kachin States exposed many children to an environment of violence and exploitation.

Early and Forced Marriage: The law stipulates different minimum ages for marriage based on religion and gender. The minimum age for Buddhists is 18, while the minimum age for non-Buddhists is 16 for boys and 15 for girls. Child marriage still occurred, especially in rural areas. There were no reliable statistics on forced marriage.

Sexual Exploitation of Children: Children were subjected to sex trafficking in the country, and a small number of foreign child-sex tourists exploited children. The law does not explicitly prohibit child-sex tourism, but it prohibits pimping and prostitution, and the penal code prohibits sex with a minor younger than 14. The penalty for the purchase and sale of commercial sex acts from a child younger than 18 is 10 years' imprisonment. The law prohibits child pornography and specifies a minimum penalty of two years' imprisonment and a fine of 10,000 kyats ($6.60). On July 23, the Child Rights Law was enacted; it provides for one to seven years' imprisonment, a fine of one million to two million kyats ($660 to $1,320), or both for sexual trafficking or forced marriage. If a victim is younger than 14, the law considers the sexual act statutory rape. The maximum sentence for statutory rape is two years' imprisonment when the victim is between the ages of 12 and 14 and 10 years to life imprisonment when the victim is younger than 12. On March 25, the penal code was amended; the penalty for rape against a girl younger than 12 is imprisonment for life or for a term of 20 years.

The country's antitrafficking in persons law requires a demonstration of force, fraud, or coercion to constitute a child-trafficking offense.

Displaced Children: The mortality rate for internally displaced children in conflict areas was significantly higher than in the rest of the country (see section 2.d.). The United Nations estimated that 53 percent of the 128,000 IDPs in Rakhine State

were children; the vast majority of this population was Rohingya. The United Nations estimated that 46 percent of the 100,000 IDPs in Kachin State and 48 percent of the 9,000 IDPs in Shan State were children.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html.

Anti-Semitism

There was one synagogue in Rangoon serving a small Jewish congregation. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at https://www.state.gov/trafficking-in-persons-report/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, hearing, intellectual, and mental disabilities. The law directs the government to ensure that persons with disabilities have easy access to public transportation. The government did not effectively enforce these provisions.

Civil society groups reported that children with disabilities attended school through secondary education at a significantly lower rate than other persons; many never attended school due to stigma and lack of any accommodation for their needs.

Persons with disabilities reported stigma, discrimination, and abuse from civilian and government officials. Students with disabilities cited barriers to inclusive education as a significant disadvantage.

Military veterans with disabilities received official benefits on a priority basis, usually a civil service job at pay equivalent to rank, but both military and ethnic-minority survivors of conflict in rural areas typically did not have access to livelihood opportunities or affordable medical treatment. Official assistance to civilian persons with disabilities in principle included two-thirds of pay for a

maximum of one year for a temporary disability and a tax-free stipend for permanent disability. The law providing job protection for workers who become disabled was not implemented.

National/Racial/Ethnic Minorities

Wide-ranging governmental and societal discrimination against minorities persisted, including in areas such as education, housing, employment, and access to health services. Ethnic minorities constituted 30 to 40 percent of the population. The seven ethnic minority states comprised approximately 60 percent of the national territory, and significant numbers of minorities also resided in the country's other regions.

International observers noted significant wage discrepancies based on religious and ethnic backgrounds were common.

Burmese remained the mandatory language of instruction in government schools. The government's official education plan does not cover issues related to mother-tongue instruction, but ethnic languages have been taught as extra subjects in government schools since 2013. Outside of Mon State, however, progress has been limited due to resource constraints, the nonstandardization of regional languages, a lack of educational material in minority languages, and varying levels of interest. In schools controlled by armed ethnic groups, students sometimes had no access to the national curriculum.

Tension between the military and ethnic minority populations, while somewhat diminished in areas with cease-fire agreements, remained high, and the military stationed forces in some ethnic groups' areas of influence and controlled certain cities, towns, and highways. Ethnic armed groups, including the Kachin Independence Army, the Karen National Union, and the AA, pointed to the presence of large army contingents as a major source of tension and insecurity. Reported abuses included killings, beatings, torture, forced labor, forced relocations, and rapes of members of ethnic groups by government soldiers. Some groups also committed abuses (see section 1.g.).

The name Rohingya refers to a predominantly Muslim ethnic group that claims to have lived in what is now Rakhine State for generations. In 2016 the government began to refer to the group as "Muslims in Rakhine State." Many military and government officials, however, continued to use the term "Bengali," which the Rohingya consider pejorative as it suggests they are not from Burma. The

"Bengali" term is also used on identification documents, including as the person's race on his or her citizenship card if he or she was naturalized.

The Rohingya faced severe discrimination based on their ethnicity and sometimes their religion. Most Rohingya faced extreme restrictions on their ability to travel; use health-care services; engage in economic activity (see section 7.d.); obtain an education; register births, deaths, and marriages (see section 2.d.); freely practice their faith; and participate in political processes (see section 3). Most of those displaced in 2012 remained confined to semipermanent camps with severely limited access to education, health care, and livelihoods.

The government required Rohingya to receive prior approval for travel outside their village of residence and prohibited them from working as civil servants, including as doctors, nurses, or teachers. Authorities in northern Rakhine State forced Rohingya to work and arbitrarily arrested them. Authorities required Rohingya to obtain official permission for marriage and limited the registration of children to two per family, although local enforcement of the two-child policy was inconsistent. NGOs reported the government resumed issuing birth certificates to Rohingya newborns in northern Rakhine State, although Rohingya born in the last two decades generally did not have birth certificates.

Rohingya were restricted in their ability to construct houses or religious buildings. Authorities continued to prevent Rohingya from accessing mosques in Rakhine State.

The military and other security forces committed widespread atrocities against Rohingya villagers starting in 2017 that were documented during the year, including extrajudicial killings, rape, torture, arbitrary arrest, and burning of hundreds of villages, religious structures, and other buildings. These atrocities and associated events have forced more than 700,000 Rohingya to flee to Bangladesh as of October and constituted ethnic cleansing against the Rohingya.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Consensual same-sex sexual activity remains illegal under the penal code, which contains a provision against "unnatural offenses" with a penalty of a maximum of 10 years' imprisonment and a fine. Laws against "unnatural offenses" apply equally to both men and women, but were rarely enforced. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons reported that police used the threat of

prosecution to extort bribes. While the penal code was used more for coercion or bribery, LGBTI persons, particularly transgender women, were most frequently charged under so-called shadow and disguise laws. These laws use the justification that a person dressed or acting in a way that is perceived as not being in line with their biological gender is in "disguise." According to a local NGO, transgender women reported higher levels of police abuse and discrimination than other members of the LGBTI community.

In March 2018 authorities in Rangoon used the "unnatural offenses" law to charge an openly gay restaurant owner for allegedly sexually assaulting a male member of his staff. As of November the case continued.

Political reforms in recent years made it easier for the LGBTI community to hold public events and openly participate in society, yet discrimination, stigma, and a lack of acceptance among the general population persisted. There were reports of discrimination based on sexual orientation and gender identity in employment. LGBTI persons reported facing discrimination from medical-care providers.

HIV and AIDS Social Stigma

There were continued reports of societal violence and discrimination, including employment discrimination, against persons with HIV/AIDS. Negative incidents, such as exclusion from social gatherings and activities; verbal insults, harassment, and threats; and physical assaults continued to occur. Laws that criminalize behaviors linked to an increased risk of acquiring HIV/AIDS remain in place, directly fueling stigma and discrimination against persons engaged in these behaviors and impeding their access to HIV prevention, treatment, and care services.

High levels of social stigma and discrimination against female sex workers and transgender women hindered their access to HIV prevention, treatment, and social protection services. Police harassment of sex workers deterred the workers from carrying condoms.

Other Societal Violence or Discrimination

Anti-Muslim sentiment and discrimination persisted. Members of Buddhist nationalist groups, including members of Ma Ba Tha, continued to denigrate Islam and called for a boycott of Muslim businesses and the establishment of "Muslim-free" villages.

Muslim communities complained about unequal treatment by police, pressures to practice Islam in private, difficulty in obtaining citizenship cards, close monitoring of their travel or denials of travel requests by local governments, and restrictions on educational opportunities. In addition, some Muslims reported discrimination by private parties in renting housing.

Anti-Muslim hate speech was prevalent on social media, in particular on Facebook, the most popular social media platform in the country. Independent reporting indicated that the military, using false accounts, was also responsible for generating and promulgating hate-speech content.

Multiple sources noted that restrictions on Muslims and Christians impeded their ability to pursue higher education and assume high-level government positions; Muslims also were unable to invest and trade freely.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law permits labor organizations to demand the reinstatement of workers dismissed for union activity, but it does not explicitly prohibit antiunion discrimination in the form of demotions or mandatory transfers, nor does it offer protection for workers seeking to form a union. The law does not provide adequate protection for workers from dismissal before a union is officially registered.

Laws prohibit civil servants and personnel of the security services and police from forming unions. The law permits workers to join unions only within their category of trade or activity, and the definition of trade or activity lacks clarity. Basic labor organizations must have a minimum of 30 workers and register through township registrars with the Chief Registrar's Office of the Ministry of Labor, Immigration, and Population (Ministry of Labor). Township labor organizations require a minimum of 10 percent of relevant basic labor organizations to register; regional or state labor organizations require a minimum of 10 percent of relevant township labor organizations. Each of these higher-level unions must include only organizations within the same trade or activity. Similarly, federations and confederations also require a minimum number of regional or state labor organizations (10 percent and 20 percent, respectively) from the next lower level in

order to register formally. The law permits labor federations and confederations to affiliate with international union federations and confederations.

The law provides for voluntary registration for local NGOs, including NGOs working on labor issues. Organizations that choose to register are required to send organizational bylaws and formation documents to the government. Broader restrictions on freedom of assembly remained in place (see section 2.b.).

The law gives unions the right to represent workers, to negotiate and bargain collectively with employers, and to send representatives to a conciliation body or conciliation tribunal. Union leaders' rights to organize, however, are only protected after the official registration of the union. The law does not contain detailed measures regarding management of the bargaining process, such as requiring bargaining to be in good faith or setting parameters for bargaining or the registration, extension, or enforcement of collective agreements. The National Tripartite Dialogue Forum (NTDF), with representatives from government, business, and labor unions, met three times during the year. The NTDF consults with parliament on revising legislation on labor.

The law stipulates that disputes in special economic zones be settled in accordance with original contracts and existing laws. The government appointed a labor inspector for each such zone and established zonal tripartite committees responsible for setting wage levels and monitoring the ratio of local and foreign labor.

In May parliament passed an amended law on the settlement of labor disputes; however, the implementing regulations remained under draft. The law continues to provide the right to strike in most sectors, with a majority vote by workers, permission of the relevant labor federations, and detailed information and three days' advance notice provided to the employer and the relevant conciliation body. The law does not permit strikes or lockouts in essential services. For "public utility services" (including transportation; cargo and freight; postal; sanitation; information, communication, and technology; energy; petroleum; and financial sectors), lockouts are permitted with a minimum of 14 days' notice provided to the relevant labor organizations and conciliation body. Strikes in public utility services require generally the same measures as in other sectors, but with 14 days' advance notice and negotiation between workers and management before the strike takes place to determine maintenance of minimum service levels. The law prohibits strikes addressing problems not directly relevant to labor issues.

The amended law no longer defines complaints as "individual" or "collective," but as "rights-based" or "benefits-based." A "rights-based" dispute includes violations of labor laws, whereas a "benefits-based" dispute pertains to working conditions. The type of dispute determines the settlement procedure. Under the amended law, "rights-based" disputes do not go through a conciliation process or an arbitration proceeding, but go directly to court proceedings. The amended law significantly increases fines for labor violations, but it eliminates prison terms as punishment for violations.

Labor groups continued to report labor organizations' inability to register at the national level, a prerequisite for entering labor framework agreements with multinational companies, due to the registration requirements under the law. In addition, the International Labor Organization (ILO), labor activists, and media outlets continued to report employers firing or engaging in other forms of reprisal against workers who formed or joined labor unions. Trade unions reported cases in which criminal charges were filed against workers for exercising their right to strike, and trade union members were arrested and charged with violating peaceful assembly laws when holding demonstrations regarding labor rights generally. Labor organizations also reported that local labor offices imposed unnecessary bureaucratic requirements for union registration that were inconsistent with the law.

Workers and workers' organizations continued to report they generally found the Ministry of Labor to be helpful in urging employers to negotiate, but there were consistent reports of employers engaging in forms of antiunion discrimination.

b. Prohibition of Forced or Compulsory Labor

Laws nominally prohibit all forms of forced or compulsory labor, although it is allowed for use by the military and in penal institutions. Laws also provide for the punishment of persons who impose forced labor on others. The government did not effectively enforce the law.

The law provides for criminal penalties for forced labor violations; penalties differ depending on whether the military, the government, or a private citizen committed the violation. The penalties are insufficient to deter forced labor.

The government established an interim complaints mechanism under the authority of the President's Office with the aim of having a more fully developed mechanism

at a later date. The ILO and unions expressed concerns that the government's mechanism does not provide for protections for victims.

The ILO reported the number of complaints of forced labor was decreasing. Reports of forced labor occurred across the country, including in conflict and cease-fire areas, and the prevalence was higher in states with significant armed conflict.

The military's use of forced labor in Rakhine, Kachin, and Shan States remained a significant problem, according to the ILO. Forced labor reports included forced portering and activities related to the military's "self-reliance" policy. Under this policy, military units are responsible for procuring their own food and labor supplies from local villagers--a major factor contributing to forced labor and other abuses.

Although the military and the government received complaints logged by the complaints mechanism, no military perpetrators have been tried in civilian court; the military asserted that commissioners and other ranks were subjected to military justice.

Prisoners in the country's 48 labor camps engaged in forced labor (see section 1.c., Prison and Detention Center Conditions).

The ILO did not receive any verified reports of forced labor in the private sector. Domestic workers remain at risk of domestic slavery.

Also see the Department of State's *Trafficking in Persons Report* at https://www.state.gov/trafficking-in-persons-report/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law does not prohibit all of the worst forms of child labor. In July parliament passed the Child Rights Law, which set the minimum age at 14 for work in certain sectors, including shops, establishments, and factories; the law establishes special provisions for "youth employment" for those older than 14. There is, however, no minimum age for work for all sectors in which children were employed, including agriculture and informal work. Some sector-specific laws identify activities that are prohibited for children younger than 18. The law prohibits employees younger than 16 from working in a hazardous environment, and the government has

prepared a hazardous work list enumerating occupations in which child labor is specifically prohibited.

Trained inspectors from the Factories and General Labor Laws Inspection Department monitored the application of these regulations, but their legal authority only extends to factories. In addition, inspectors were hindered by a general lack of resources.

The Ministry of Labor worked with other ministries to collect better data on existing child labor and continued a campaign directed at parents to raise awareness of the risks of child labor and provide information on other education options available to children. The Ministry of Labor engaged with the Ministry of Education on two programs: one to bring children out of the workplace and put them in school, the other to support former child soldiers' pursuit of classroom education or vocational training. The Labor Ministry supported vocational schools to train young workers for jobs in nonhazardous environments.

The ILO noted the widespread mobilization and recruitment of children for use in armed conflict. Penalties under the law and their enforcement for other child labor violations were insufficient to deter violations.

The government did not effectively enforce the law. Child labor remained prevalent and highly visible. Children were at high risk, with poverty leading some parents to remove them from schools before completion of compulsory education. In cities children worked mostly as street vendors or refuse collectors, as restaurant and teashop attendants, and as domestic workers. Children also worked in the production of garments.

Children often worked in the informal economy, in some instances exposing them to drugs and petty crime, risk of arrest, commercial sexual exploitation, and HIV/AIDS and other sexually transmitted infections (also see section 6).

Children were vulnerable to forced labor in teashops, agriculture, and begging. In rural areas children routinely worked in family agricultural activities, occasionally in situations of forced labor.

Also see the Department of *Labor's Findings on the Worst Forms of Child Labor* report at https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations do not specifically prohibit employment discrimination.

Women remained underrepresented in most traditionally male-dominated occupations (mining, forestry, carpentry, masonry, and fishing) and were effectively barred from certain professions.

There were reports government and private actors practiced anti-Muslim discrimination that impeded Muslim-owned businesses' operations and undercut their ability to hire and retain labor, maintain proper working standards, and secure public and private contracts. There were reports of discrimination based on sexual orientation and gender identity in employment, including the denial of promotions and firing of LGBTI persons. Activists reported job opportunities for many openly gay and lesbian persons were limited and noted a general lack of support from society as a whole. Activists reported that in addition to general societal discrimination, persons with HIV/AIDS faced employment discrimination in both the public and private sectors, including suspensions and the loss of employment following positive results from mandatory workplace HIV testing.

e. Acceptable Conditions of Work

The official minimum daily wage was above the poverty line. The minimum wage covers a standard eight-hour workday across all sectors and industries and applies to all workers except for those in businesses with fewer than 15 employees. The law requires the minimum wage to be revised every two years. Labor unions and activists criticized the May 2018 raise in the minimum wage as too small for workers to keep up with the rising cost of living.

The law requires employers to pay employees on the date their salary is due for companies with 100 or fewer employees. For companies with more than 100 employees, the employer is required to pay employees within five days from the designated payday. Overtime cannot exceed 12 hours per workweek, should not go past midnight, and can exceed 16 hours in a workweek only on special occasions. The law also stipulates that an employee's total working hours cannot exceed 11 hours per day (including overtime and a one-hour break). The law applies to shops, commercial establishments, and establishments for public entertainment.

The law sets the terms and conditions required for occupational safety, health, and welfare. It was not clear if workers could remove themselves from situations that endanger their health or safety without jeopardizing their employment.

The Ministry of Labor's Factories and General Labor Laws Inspection Department oversees labor conditions in the private sector. The government did not effectively enforce the law. The number of labor-law inspectors and factory inspectors was insufficient to address occupational safety and health standards, wage, salary, overtime, and other issues adequately. In some sectors other ministries regulated occupational safety and health laws (e.g., the Ministry of Agriculture, Livestock, and Irrigation). Workers' organizations alleged government inspections were rare and often announced with several days' notice that allowed factory owners to bring facilities--often temporarily--into compliance. Corruption and bribery of inspectors reportedly occurred.

The public sector was reasonably likely to respect labor laws; frequent violations occurred in private enterprises. Workers continued to submit complaints to relevant government agencies and the dispute settlement mechanism.

Several serious industrial accidents occurred during the year. In April, for example, more than 50 miners died in an accident at a jade mine.