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World Report 2015 - Burma

The reform process in Burma experienced significant slowdowns and in some cases reversals of basic freedoms and democratic progress in 2014. The government continued to pass laws with significant human rights limitations, failed to address calls for constitutional reform ahead of the 2015 elections, and increased arrests of peaceful critics, including land protesters and journalists.

Slowing Political Reforms

The government's commitment to staging free and fair elections in 2015 came under question in 2014 as it cancelled planned bi-elections and made no commitment to amend the deeply flawed 2008 constitution. The opposition National League for Democracy party and donor governments pressed for constitutional reform, particularly article 59(f), which effectively disqualifies opposition leader Aung San Suu Kyi from the presidency, and article 436, which provides the military 25 percent of seats in parliament, granting it an effective veto over constitutional amendments. The government resisted demands for substantive discussions of federalism.

The Burmese Defense Services, or Tatmadaw, rejected constitutional amendments, and senior military leaders in numerous speeches vowed to safeguard the existing constitution as one of the military's core duties. Military leaders also maintained that they should retain their quota of reserved seats in parliament, control of key ministries, and emergency powers.

Freedom of Association and Assembly

There were at least 27 political prisoners in Burma at time of writing, according to former prisoner groups. Some 200 other people face charges for what appears to be efforts to exercise their rights to freedom of assembly and expression. The joint government and civil society political prisoner review committee, formed in early 2013 to resolve remaining cases, broke down in 2014 due to disputes between the committee chair, President's Office Minister Soe Thane, and former prisoners. Soe Thane reportedly threatened members of the committee with loss of citizenship if they continued their criticism of the government. A presidential amnesty in October released 3,000 prisoners, only about a dozen of whom were political prisoners, including a number of ethnic Rohingya prisoners.

Protests over land rights intensified in 2014 as farmers faced evictions, at times receiving inadequate compensation or relocation terms. Soldiers committed violence against farmers who had returned to symbolically work their land and call for its return. Military members of the national parliament shut down parliamentary debates on the extent of land-taking over previous decades by the armed forces.

In June, the parliament bowed to popular pressure and amended the Peaceful Procession and Assembly Law, but maintained controversial section 18, which grants broad latitude to local officials to deny permission for gatherings. The draft Association Law, which has attracted widespread civil society criticisms, was still being discussed at time of writing, with the military controlled Ministry of Home Affairs unwilling to remove provisions

granting the authorities wide powers to restrict registration of national and international nongovernmental organizations.

Freedom of Media

Media freedoms, viewed by some donor countries as a key indicator of human rights progress, took a sharp downturn in 2014 as the government increased its intimidation of media.

In January, the Ministry of Information exerted pressure on publishers to change editorial content and bring publications in line with official spellings, and began imposing visa restrictions on exiled Burmese and foreign journalists entering the country by reducing their permission to stay from 3-6 months to only 28 days.

In July, a court sentenced four journalists and the editor of the weekly journal *Unity* to 10 years in prison, later reduced to 7 years, for breaches of the Official Secrets Act over a story alleging a suspected Burmese military chemical weapons plant had been built on seized land. The case alarmed many journalists who saw it as a return to past draconian punishments of media.

In October, the army detained freelance reporter Aung Kyaw Naing (also known as Par Gyi) while he was reporting on fighting between the army and ethnic rebels in Mon State. The army claimed that Par Gyi was shot and killed while attempting to escape; his body was buried near the army camp. The government called on the National Human Rights Commission (NHRC) to investigate, and Par Gyi's body was exhumed and examined, which proved he had been severely tortured and shot to death. On December 2, the NHRC determined the case should be referred to, and heard in, a civil court.

Proposed media laws making their way through parliament will further constrain journalists from reporting openly. One, the Public Service Media Bill, will foster the development of a publicly funded media conglomerate that can be expected to serve as a powerful pro-government voice.

Sectarian Tensions and Violence

Tensions between Burma's Buddhist and Muslim communities continued through 2014. Ultra-nationalist Buddhist monks in the "969 Movement" used inflammatory rhetoric that at times incited violence against Muslims. In July, attacks against Muslim-owned property in central Mandalay resulted in the killing of two men, one Buddhist and one Muslim, until security forces acted to end the violence and impose a curfew.

The authorities investigated and prosecuted some people involved in violence against Muslims, including suspects in the Mandalay violence. In October, seven men were sentenced to seven years in prison for killing ten Muslim pilgrims on a bus in Thandwe township in Arakan State in 2012. The attack increased tensions in the region that led to major violence, including a campaign of "ethnic cleansing" against Rohingya Muslims, in June and October 2012.

The nationwide League to Protect Race and Religion (widely known by its Burmese acronym, Ma Ba Tha) has continued to urge the government to enact four laws designed to protect Buddhism, although the laws appear to be thinly veiled measures to further marginalize Muslim communities. The measures include draft laws on interfaith marriage, religious conversion, family planning and polygamy. One draft law on religious conversion was released to the public for feedback in May, but was criticized as an intrusion into personal matters of faith. Nearly 100 Burmese civil society groups wrote to protest the law. The 969 leadership, including ultra-nationalist monk U Wirathu, denounced the groups, calling them "traitors."

Abuses against Rohingya

Systematic repression of ethnic Rohingya Muslims in Burma's western Arakan State continued in 2014, especially against 140,000 internally displaced Rohingya forced out of their homes during the violence in 2012. An estimated one million Rohingya in Maungdaw and Buthidaung townships along the Bangladesh border continue to face restrictions on movement, employment, and religious freedom.

All Rohingya in Burma are effectively denied citizenship on the basis of the 1982 Citizenship Law, rendering many of them, including children, stateless. The nationwide census conducted in March-April 2014 did not permit Rohingya to self-identify as such, and according to results released in September, 1.2 million people in Arakan State were not included in the census. The number of Rohingya fleeing Arakan State by boat rose dramatically in 2014, with estimates suggesting that 50-100,000 have fled since the start of 2013, mostly for Malaysia.

A January 2014 incident in a Rohingya village called Du Chee Yar Tan in Maungdaw township reportedly resulted in the killing of between 40 and 60 Rohingya villagers by security forces and Arakanese residents. One policeman was also reportedly killed. The United Nations Office of the High Commissioner for Human Rights

conducted a short investigation under restrictive government conditions and confirmed that a violent incident had taken place, and estimated that dozens of killings had occurred.

Two government investigations and one by the Myanmar National Human Rights Commission, which were below international standards and did not include impartial investigators, dismissed the incident as exaggerated. Journalists and independent human rights monitors have not been given adequate access to the area to investigate.

Partly as fallout over this incident, the government suspended on a technicality the work of the humanitarian organization Médecins Sans Frontières (MSF) in Arakan State. This left tens of thousands of Rohingya without badly needed primary health care until MSF was permitted to resume activities in September.

In late March, Arakanese ultra-nationalists conducted coordinated attacks on offices and warehouses of UN and international organizations in Sittwe, forcing the evacuation of over 200 foreign and Burmese aid workers. Continuing restrictions by security forces and threats by local militants have inhibited aid operations.

In October, the secretive government Rakhine [Arakan] State Action Plan for long-term development was leaked. It included provisions for the forced relocation of all Rohingya camps, housing an estimated 130,000 people, to unspecified sites, and a nationality verification process to determine eligibility for citizenship under the discriminatory 1982 Citizenship Law. Those deemed ineligible would be sent to detention camps and face possible deportation. At time of writing the plan had still not been finalized or publicly released.

Ethnic Conflict and Forced Displacement

Amid nationwide ceasefire talks, fighting between the Burmese government and ethnic armed groups intensified in 2014, particularly between the Tatmadaw and Shan, Ta-aung, and Kachin rebels in Kachin and Shan States. Several thousand civilians have fled military abuses, including reported shelling of populated areas.

More than 100,000 civilians in Kachin State have yet to return home following fighting from 2011 to 2013. The security situation remains tense with a large Burmese army troop presence, landmines, and continued abuses by government forces, making the situation not conducive to returns of displaced persons and refugees in safety and dignity. Displaced persons in government-controlled areas face arbitrary arrest and torture from security forces, including for allegedly supporting Kachin insurgents in violation of the Unlawful Associations Act.

An estimated 350,000 people remain internally displaced in eastern Burma, and more than 110,000 refugees live in nine camps across the border in Thailand. Discussions between the Burmese military leadership and Thailand's new military junta in 2014 led to an agreement to repatriate these refugees. Under current conditions—lack of security in the area, extensive landmine infestation, poor rule of law, and an absence of even basic infrastructure and services—any returns would not be sustainable and in line with international standards.

Key International Actors

All major aid donors—including those from the European Union, Australia, the United Kingdom, and Japan—increased aid and development support to Burma in 2014. The World Bank and Asian Development Bank also increased grants to Burma in 2014.

Yanghee Lee, the new UN special rapporteur for human rights in Burma, visited the country in July and reported that despite some progress, the human rights landscape remained serious, particularly in regards to the Rohingya. President Thein Sein did not follow-up on his pledge to US President Barack Obama to permit the formal establishment of an office of the UN High Commissioner for Human Rights (OHCHR).

The government had objected to the inclusion of human rights monitoring and reporting in addition to capacity-building in the office's mandate. Four OHCHR staff members operate in the country on short-term visas and restricted travel, but they are able to interact with government officials.

In speeches at the UN General Assembly and at the annual Asia-Europe meeting in Italy, the Burmese president and foreign minister claimed the government had made sufficient progress to warrant a downgrading of scrutiny of the country's human rights record. Even formerly reluctant critics such as Germany's Chancellor Angela Merkel voiced concern over continuing religious intolerance and ethnic violence during Thein Sein's bilateral visit in September.

The UK, United States, and Australia continued preliminary non-lethal military engagement with the Burmese armed forces said to be designed to foster respect for the rule of law and military transformation.

Burma's armed forces continue to illegally recruit and deploy child soldiers despite cooperation with the UN on a joint action plan to end child recruitment. In 2014 the government staged four child soldier release ceremonies, discharging a total of 378 underage soldiers. Non-state armed groups, particularly in Burma's northern states where fighting has increased, also recruit and use child soldiers, according to widespread reports.

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