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Freedom in the World 2010 - Burma (Myanmar)

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

Population: 50,020,000

Political Rights Score: 7 *

Civil Liberties Score: 7 *

Status: Not Free

Overview

The military regime forged ahead in 2009 with its "roadmap to democracy," a plan intended to legitimize its grip on power. The process called for national elections that were expected to be held in 2010, and the junta continued to arrest and imprison political dissidents in 2009, ensuring their marginalization ahead of the voting. It also extended the house arrest of opposition leader Daw Aung San Suu Kyi in August, ostensibly punishing her for a bizarre incident in which an American man swam across a lake and stayed uninvited in her home for two days. Tensions between the military and armed ethnic groups increased in the fall, as the groups refused to incorporate themselves into the military's Border Guard Force, impeding the government's goal of national unity by 2010.

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

The present junta, led by General Than Shwe, dramatically asserted its power in 1988, when the army opened fire on peaceful, student-led, prodemocracy protesters, killing an estimated 3,000 people. In the aftermath, a younger generation of army commanders created the State Law and Order Restoration Council (SLORC) to rule the country. The SLORC refused to cede power after it was defeated in a landslide election by the National League for Democracy (NLD) in 1990. The NLD won 392 of the 485 parliamentary seats in Burma's first free elections in three decades. The junta responded by nullifying the results and jailing dozens of members of the NLD, including party leader Daw Aung San Suu Kyi. She went on to spend 14 of the next 20 years in detention. Aung San Suu Kyi was awarded the Nobel Peace Prize in 1991 for her nonviolent struggle for democracy and human rights.

The SLORC refashioned itself into the State Peace and Development Council (SPDC) in 1997. In late 2000, the government began holding talks with Aung San Suu Kyi, leading to an easing of restrictions on the NLD by mid-2002. However, the party's revitalization apparently rattled hard-liners within the regime during the first half of 2003. On May 30, 2003, scores of NLD leaders and supporters were killed when SPDC thugs ambushed an NLD motorcade. Arrests and detentions of political activists, journalists, and students followed the attack, which came to be known as the Depayin massacre.

In a surprise move in 2005, General Than Shwe announced a decision to relocate the country's capital 600 kilometers (370 miles) inland to Nay Pyi Taw, citing congestion and lack of space in Rangoon. Many Burmese believe the decision was made on the advice of astrologers who serve the notoriously superstitious generals.

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

Cyclone Nargis struck the Irrawaddy Delta on May 2, 2008. It was the worst natural disaster in Burma's modern history, causing over 150,000 deaths and severely affecting another 2.4 million people. The SPDC attempted to control all foreign and domestic relief efforts, which effectively blocked much of the desperately needed aid. In the absence of a government response, local Burmese civil society actors stepped in, and monasteries became distribution points and shelters for survivors. Domestic and international relief efforts expanded in June after the Association of Southeast Asian Nations (ASEAN) mediated dialogues with the regime, but the delay worsened conditions for storm victims. Many Burmese volunteers were detained for trying to deliver aid to cyclone victims, including the popular comedian Zarganar, who was sentenced to 59 years in prison in November 2008.

Despite the severity of the cyclone, the SPDC pushed through a constitutional referendum on May 10, 2008. The process of drafting the constitution, which had proceeded intermittently for 15 years, was tightly controlled by the junta and excluded key stakeholders. The regime delayed balloting in areas affected by the cyclone, but after just five days of voting the government claimed that 99 percent of eligible voters had turned out, and that 92.4 percent had voted in favor of the constitution. Burmese political opposition and international human rights groups called the referendum a sham. The new charter paved the way for national elections expected in 2010, part of a seven-step "roadmap" toward a "disciplined" democracy that the junta had laid out in 2003.

In an apparent bid to remove potential obstacles to the elections, the authorities continued to arrest and imprison dissidents throughout 2009. More than 300 activists, ranging from political and labor figures to artists and internet bloggers, received harsh sentences after closed trials, with some prison terms exceeding 100 years. In August, Aung San Suu Kyi was sentenced to 18 additional months of house arrest after a bizarre incident in which an American man swam across Inya lake and stayed for two days in her home, claiming he was protecting her from assassination. Other leading opposition figures remained in detention; Khun Tun Oo, leader of the Shan Nationalities League for Democracy, was serving a 93-year term.

Also in 2009, the regime pursued a parallel effort to consolidate its control over the country by incorporating armed ethnic minority groups – with which it had established ceasefire agreements – into a government-led Border Guard Force. In August, the military showed its willingness to risk the ire of China by clashing with the Kokang ethnic

group in the north and driving a flood of refugees over the border. Nevertheless, ethnic factions such as the United Wa State Army (UWSA) and the National Democratic Alliance Army (NDAA) in Shan State refused to go along with the regime's plan, and a deadline set for October was allowed to pass. The minority groups stepped up their drug-trafficking activities during the year, aiming to raise funds and buy weapons in preparation for hostilities with the government.

Although the United States sought "constructive engagement" with the Burmese regime in 2009, economic sanctions remained in place. The global recession added to the country's difficulties, which include a lack of contract enforcement and effective property rights, as well as arbitrary and ill-informed macroeconomic policymaking.

Political Rights and Civil Liberties

Burma is not an electoral democracy. The SPDC rules by decree; controls all executive, legislative, and judicial powers; suppresses nearly all basic rights; and commits human rights abuses with impunity. Military officers occupy almost all cabinet positions, and active or retired officers hold the top posts in all ministries as well as key positions in the private sector. The SPDC does not tolerate dissent and has a long history of imprisoning anyone who is critical of the government.

The 2008 constitution retains the existing division of the country into seven ethnic states and seven other regions, though these will now include six new autonomous subunits for ethnic minorities. Each of the 14 states and regions will have a legislature with limited authority. At the national level, the charter establishes a bicameral legislature called the Pyidaungsu Hluttaw, which elects the president. A quarter of the seats in all legislatures are reserved for the military and filled through appointment by the commander-in-chief, an officer who has broad powers and is selected by the military-dominated National Defense and Security Council. The military members of the national legislature have the right to nominate one of the three presidential candidates, with the other two nominated by the elected members of each chamber. The constitution includes a bill of rights, but many of the rights are limited by existing laws and may be suspended in a state of emergency. Constitutional amendments require a three-quarters majority in the national legislature and in some cases a national referendum. Criticism of the constitution is banned by a 1996 order that carries a penalty of 20 years in prison. Under the new charter, the military retains the right to administer its own affairs, and members of the outgoing military regime receive blanket immunity for all official acts.

Political party activity remains sharply restricted in Burma. Since it rejected the results of the 1990 elections and prevented the unicameral legislature from convening, the junta has all but paralyzed the victorious NLD. The authorities regularly jail NLD leaders, pressure members to resign, close party offices, and harass members' families. The activities of over 20 other political parties, most of them formed along ethnic lines, are similarly suppressed.

Individuals are relentlessly imprisoned for expressing their political views. About 43 prisons hold political prisoners, and there are over 50 hard-labor camps in the country. A September 2009 Human Rights Watch report estimates that there are over 2,100 political prisoners in Burma – more than double the number in early 2007.

The SPDC has announced that it will hold elections in 2010, but has not set a date or promulgated laws and regulations governing the electoral process and the registration of political parties. Citing the inability to freely organize, the NLD has said it will not participate, but it has yet to call for a voter boycott. Some ethnic parties have indicated that they will take part and have requested international support to ensure an inclusive and fair process. It remains unclear what approach the military will take in establishing a loyalist political party.

In a system that lacks transparency and accountability, corruption and economic mismanagement are rampant at both the national and local levels. The country was ranked 178 out of 180 countries surveyed in Transparency International's 2009 Corruption

Perceptions Index. The SPDC's arbitrary economic policies, such as an official fixed exchange rate that overvalues the kyat by 150 percent, facilitate corruption through erroneous bookkeeping.

The junta drastically restricts press freedom and owns or controls all newspapers and broadcast media. While the market for private publications is growing, the military censors private periodicals before publication and impedes the importation of foreign news sources. Media crackdowns continued in 2009, with at least 17 journalists in detention at the year's end. The authorities practice surveillance at internet cafes and regularly jail bloggers.

The 2008 constitution provides for freedom of religion. It distinguishes Buddhism as the majority religion but also recognizes Christianity, Islam, Hinduism, and animism. At times the government interferes with religious assemblies and discriminates against minority religious groups. Buddhist temples and monasteries have been kept under close surveillance since the 2007 protests and crackdown.

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

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

The junta repeatedly violates worker rights and represses union activity. Some public-sector employees and ordinary citizens are compelled to join the USDA. Independent trade unions, collective bargaining, and strikes are illegal, and several labor activists are serving long prison terms. The regime continues to use forced labor despite formally banning the practice in 2000. Nongovernmental organizations providing social services in remote areas regularly face threats to their activities. International humanitarian organizations have expanded their work in the country but continue to face severe restrictions and monitoring.

The judiciary is not independent. Judges are appointed or approved by the junta and adjudicate cases according to its decrees. Administrative detention laws allow people to be held without charge, trial, or access to legal counsel for up to five years if the SPDC concludes that they have threatened the state's security or sovereignty. The frequently used Decree 5/96 authorizes prison terms of up to 20 years for aiding activities "which adversely affect the national interest." Political prisoners are frequently held incommunicado in pretrial detention, facilitating torture. Impunity for crimes and human rights violations committed by state security forces is deeply entrenched.

Some of the worst human rights abuses take place in areas populated by ethnic minorities, who comprise roughly 35 percent of Burma's population. In these border regions the military kills, beats, rapes, and arbitrarily detains civilians. The Chin, Karen, and Rohingya minorities are frequent victims. Tens of thousands of ethnic minorities in Shan, Karenni, Karen, and Mon states live in squalid relocation centers set up by the military. Over the years, several million Burmese have fled as refugees to neighboring countries. Some ethnic rebel armies maintain low-grade insurgencies, and have reportedly displaced villagers and used forced labor. Both the Burmese armed forces and rebel armies recruit child soldiers.

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

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

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