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2013 Scores

Status: Not Free
Freedom Rating: 5.5
Civil Liberties: 5
Political Rights: 6

Ratings Change

Burma's political rights rating improved from 7 to 6, and its civil liberties rating improved from 6 to 5, due to the successful participation of opposition parties in legislative by-elections and the continued easing of long-standing restrictions on the media, private discussion, public assembly, civil society, private enterprise, and other activities.

Overview

In April 2012, opposition leader Aung San Suu Kyi and her National League for Democracy (NLD) swept parliamentary by-elections, having boycotted the main elections in 2010. The NLD's inclusion in the political process was accompanied by the continued liberalization of the media, internet, and economy, and by the sporadic release of political prisoners. Burma's relations with foreign democracies also improved during the year, with several significant visits by international leaders. Despite this progress, ethnic and sectarian violence flared in parts of the country, and armed conflicts between the government and some of the country's ethnic minority militias remained unresolved.

Burma gained independence from Britain in 1948 after a long anticolonial struggle. In 1962, following a period of unruly parliamentary politics, General Ne Win led a coup that toppled the civilian government. The ruling Revolutionary Council subsequently consolidated all legislative, executive, and judicial power and pursued radical socialist and isolationist policies. As a result of decades of mismanagement by unelected regimes, Burma, once one of the wealthiest countries in Southeast Asia, eventually became one of the most impoverished in the region.

A new military junta, eventually led by Senior 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 of this violence, a younger generation of army commanders created the State Law and Order Restoration Council (SLORC) to rule the country.

The SLORC refused to cede power in 1990 after the National League for Democracy (NLD) won 392 of 485 parliament seats in Burma's first free elections in three decades. Instead the junta nullified the results and jailed dozens of NLD members, including party leader Aung San Suu Kyi, who spent most of the next two decades in detention.

In late 2000 the military leadership, who renamed themselves the State Peace and Development Council (SPDC), began holding talks with Aung San Suu Kyi, leading to an easing of restrictions on the NLD by mid-2002. However, the party's revitalization apparently rattled hard-liners within the regime during the first half of 2003. On May 30 of that year, scores of NLD leaders and supporters were killed when SPDC thugs ambushed an NLD motorcade. Arrests and detentions of political activists, journalists, and students followed the attack.

The largest demonstrations in nearly 20 years erupted in cities across the country in August and September 2007, triggered by a sharp fuel-price increase. The 88 Generation Students, a group composed of dissidents active in the 1988 protests, formed the vanguard of many 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.

In May 2008 the government pushed through a constitutional referendum despite the devastation caused by Cyclone Nargis, which had struck just a week earlier, killing over 150,000 people. Burmese political opposition and international human rights groups denounced the new charter, which was approved by an implausibly high margin and would ensure military control of the political system even after elections. In an apparent bid to remove potential obstacles prior to the voting, the authorities continued to arrest and imprison dissidents throughout 2009. More than 300 activists, ranging from political and labor figures to artists and bloggers, received harsh sentences after closed trials, with some prison terms exceeding 100 years.

The national elections held in November 2010 were neither free nor fair, as the SPDC had hand-picked the election commission and wrote election laws designed to favor military-backed parties, leading the NLD to boycott the polls. There were many allegations of rigged "advanced voting" and other irregularities. Ultimately, the Union Solidarity and Development Party (USDP), the political reincarnation of the USDA, captured 129 of the 168 elected seats in the Nationalities Assembly, or upper house, and 259 of 330 elected seats in the People's Assembly, or lower house. The USDP also secured 75 percent of the seats in the 14 state and regional assemblies. The Rakhine Nationalities Development Party and the Shan National Democracy Party (SNDP) earned the second-highest percentage of seats in the Nationalities Assembly and People's Assembly, respectively. However, the vote for ethnic minority parties would likely have been higher had balloting not been canceled in several minority-dominated areas. The National Democratic Force (NDF), a breakaway faction of the NLD that decided to contest the elections, won just four seats in the upper house and eight in the lower.

Outgoing prime minister Thein Sein, who had retired from the military to register as a civilian candidate, was chosen as president by the new parliament, and took office in March 2011. SPDC leader Than Shwe officially retired, but he reportedly retained influence through his allies in the new government.

Thein Sein took a number of steps toward reform in 2011, easing controls on the media, releasing scores of political prisoners, urging the return of political exiles, and legalizing peaceful demonstrations. He also launched a dialogue with Aung San Suu Kyi, who had been released from house arrest shortly after the elections, allowing her to travel the country and meet with members of her party.

In April 2012, the NLD participated in by-elections for both chambers of the national parliament. The party won all 37 seats at stake in the lower house, with one seat going to Aung San Suu Kyi. In the upper house, the NLD captured four of the six seats that were contested, with the other two going to the USDP and the SNDP. However, voting was postponed in three constituencies in the war-torn Kachin State.

Also during 2012, the authorities continued to liberalize the environment for foreign media operating in Burma, further eased constraints on internet access, and all but eliminated censorship of the domestic press. Aung San Suu Kyi became a regular fixture in the national media, and her image was widely visible in Burmese towns and cities, including in private homes and taxis. Meanwhile, diplomats from democratic countries were allowed to travel within Burma far more freely than at any time in the past, and a series of high-profile visits by international leaders included one by U.S. president Barack Obama in November.

The government met with some success in 2012, especially with the Karen National Union, in its long-standing effort to convince ethnic minority militias to give up their claims to autonomy. However, the Kachin Independence Army, one of the largest groups, had resumed fighting with the government in June 2011, and the conflict continued to intensify throughout 2012, with major battles occurring on a weekly basis.

Perhaps the most significant challenge for Thein Sein's government that emerged in 2012 was an outbreak of violence between the Rohingya minority – Muslims who the government asserts are illegal migrants from Bangladesh – and the Buddhist populations of Rakhine State. Long-simmering animosity between the communities was stoked by allegations of criminal attacks and reprisals. More than 100 people were reportedly killed, tens of thousands more were displaced, and mobilizations of government security forces led to allegations of human rights abuses. The situation in Rakhine State remained tense at year's end.

Political Rights and Civil Liberties

Burma is not an electoral democracy. The military, which has long controlled all executive, legislative, and judicial powers, carefully rigged the electoral framework for the 2010 national elections, which were neither free nor fair. The process of drafting the 2008 constitution, which the elections put into effect, was closely controlled by the military and excluded key stakeholders such as the NLD. Although the charter establishes a parliament and a civilian president, it also entrenches military dominance, and allows the military to dissolve the civilian government if it determines that the "disintegration of the Union or national solidarity" is at stake.

The bicameral legislature consists of the 440-seat People's Assembly, or lower house, and the 224-seat Nationalities Assembly, or upper house. A quarter of the seats in both houses are reserved for the military and filled through appointment by the commander in chief, an officer who has broad powers and is selected by the military-dominated National Defense and Security Council. The legislature elects the president, though the military members have the right to nominate one of the three candidates, with the other two nominated by the elected members of each chamber. The charter's rights guarantees are limited by existing laws and may be suspended in a state of emergency. The military retains the right to administer its own affairs, and members of the outgoing military government received blanket immunity for all official acts. The military budget is still not publicly available, although some parliamentary scrutiny of military affairs has recently become possible.

In 2011 and 2012, the government allowed members of the parliament to speak about democratic rights. The legislators' time to speak was severely limited, but many of their speeches received coverage in the domestic media, and they were not harassed for their remarks.

In 2010, the Political Party Registration Law gave new political parties only 60 days to register, mandated that existing parties reregister, and required parties to expel members currently serving prison terms. However, during the 2012 by-elections, there were fewer restrictions on party organization and mobilization, with only sporadic reports of mild interference, and many parties, including the NLD, convened meetings and rallies throughout the country.

In a system that lacks transparency and accountability, corruption and economic mismanagement are rampant at both the national and local levels. Burma was ranked 172 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index. The government in 2012 continued to pursue economic reforms that had begun under the military regime, including the privatization of many state assets. However, the process has been marred by accusations that it primarily benefited family members and associates of senior government officials. While the space for public debate of these sensitive economic issues is still limited, there is a growing consensus that the country's future development will require more transparency.

The government has relaxed some restrictions on the free operation of the press. Private publications and blogs are proliferating, and the state has gradually removed prepublication censorship protocols. Previous restrictions on internet access have been largely unraveled, and the primary limitations are now bandwidth and access to inexpensive connections. Efforts to attack opposition media and internet operations have sharply diminished. Nonetheless, the violence in Rakhine State in 2012 generated unprecedented online vitriol, especially against those perceived to harbor pro-Rohingya sympathies.

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 attempts to control the Buddhist clergy. Buddhist temples and monasteries have been kept under close surveillance since the 2007 protests and crackdown. The authorities have also discriminated against minority religious groups, refusing to grant them permission to celebrate holidays and hold gatherings, and restricting educational activities, proselytizing, and construction of houses of worship.

Academic freedom has been severely limited. Under the military junta, teachers enjoyed no freedom of expression and were often held accountable for the political activities of their students. Universities were sporadically closed, and many campuses were relocated to relatively isolated areas to disperse the student population. However, there have been signs of more open academic discussion since 2011, as well as eased restrictions on private education, and there are growing efforts to reform the University of Rangoon, with significant support from foreign backers.

Freedoms of association and assembly are better respected than under the military regime, though there have been unsystematic efforts to rescind laws restricting freedom of assembly and public expression. Authorities reportedly remain concerned about the destabilizing potential of large-scale demonstrations, and continue to rely on repressive crowd-control tactics. In November 2012, security forces violently dispersed a protest by monks and villagers against the expansion of the Letpadaung copper mine in upper Burma. The assault, which caused significant injuries among the protesters, drew a public outcry and an unusual apology from a senior police representative. Other public gatherings during the year, including some that were technically illegal, proceeded largely without incident.

Nongovernmental organizations (NGOs) providing social services in remote areas, especially those where ethnic conflict continues, regularly face threats to their activities. International humanitarian organizations have expanded their work in the country but continue to encounter severe restrictions and monitoring, again most notably in ethnic minority areas. In 2012, international organizations met with fewer obstacles in acquiring visas for their members to visit the country, and a growing number of domestic NGOs sought to influence the government's reform efforts.

The government violates workers' rights and represses union activity. Some public-sector employees and ordinary citizens were compelled to join the USDA during the years of military rule. Independent trade unions, collective bargaining, and strikes are illegal. However, garment workers have held strikes in Rangoon in recent years, with fewer repercussions than in the past. Various commercial and other interests continue to use forced labor despite a formal ban on the practice in 2000.

The judiciary is not independent. Judges are appointed or approved by the government and adjudicate cases according to its decrees. Administrative detention laws allow individuals to be held without charge, trial, or access to legal counsel for up to five years if the government concludes that they have threatened the state's security or sovereignty. Political prisoners have often been held incommunicado in pretrial detention, facilitating torture, but it is unclear exactly how widespread such practices were in 2012. The government allowed several large-scale prisoner releases in 2011 and 2012, and the freed inmates included some political prisoners. However, the release of political prisoners often coincides with trips abroad by Burmese officials or visits to Burma by high-profile delegations, and conditions are often placed on the release of political prisoners, who can be arbitrarily returned to prison. Impunity for crimes and human rights violations committed by state security forces remains deeply entrenched.

Some of the worst human rights abuses take place in border regions populated by ethnic minorities, who comprise roughly 35 percent of Burma's population. In these areas the military kills, beats, rapes, and arbitrarily detains civilians, according to human rights groups. The Kachin, Chin, Karen, and Rohingya minorities are frequent victims. In 2012, renewed fighting in Kachin areas resulted in some 100,000 people being displaced from their homes. Tens of thousands of ethnic minorities in Shan, Karenni, Karen, and Mon states still live in squalid relocation centers as a legacy of previous military campaigns.

China's sizable investments in various extractive industries in Burma, in addition to the migration of hundreds of thousands of Chinese workers and businesspeople, have led to rising anti-China sentiment in recent years.

Burmese women have traditionally enjoyed high social and economic status, but women remain underrepresented in the government and civil service. Notwithstanding the prominence of Aung San Suu Kyi, few women have achieved public recognition during the current political opening. Domestic violence and human trafficking are concerns, and women and girls in refugee camps are at an increased risk of sexual violence and exploitation by traffickers. In the past, the Women's League of Burma has accused the military of systematically using rape and forced marriage as weapons against ethnic minorities during counterinsurgency campaigns.

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