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BURMA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Burma's military overthrew the democratically elected civilian government via a coup d'état on February 1, 2021, declaring a state of emergency and transferring all executive, legislative, and judicial authorities to the State Administration Council, an authoritarian military-run administrative organization led by armed forces Commander-in-Chief Min Aung Hlaing. The regime extended the state of emergency by six months in January and again in July. The opposition National Unity Government, some ethnic armed organizations, civil society groups, and deposed civilian leaders continued efforts to restore democracy and apply reforms to address military abuses.

The Burma Police Force is primarily responsible for internal security. The Border Guard Police is administratively part of the Burma Police Force but operationally distinct. Both fall under the Ministry of Home Affairs, led by an active-duty military general and itself subordinate to the military command. Regime armed forces, as in prior years, were engaged almost exclusively in internal activities, including violence against prodemocracy actors and ethnic armed organizations. Members of the regime security forces continued to commit atrocities and numerous gross violations of human rights across the country.

Deposed State Counsellor Aung San Suu Kyi, President Win Myint, and other leading members of the deposed civilian government and National League for Democracy party remained in detention. Armed opposition efforts, and to a lesser degree nationwide prodemocracy protests and actions by the Civil Disobedience Movement, continued to disrupt the regime's ability to exert full administrative control over governing institutions. The regime responded with violent repressive tactics such as the continued arrest of political opponents, the reported use of extensive lethal violence against unarmed persons, torture, sexual violence, and other abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; forced disappearances; torture or cruel,

inhuman, or degrading treatment or punishment by the regime; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; transnational repression against individuals in another country; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; punishment of family members for alleged offenses by a relative; serious abuses in a conflict, including reportedly unlawful or widespread civilian harm, enforced disappearances or abductions, torture, and physical abuses or punishment; unlawful recruitment or use of child soldiers; serious restrictions on freedom of expression and media, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, censorship, and the existence of criminal libel laws; substantial interference with the freedoms of peaceful assembly and association; particularly severe restrictions on religious freedom; restrictions on freedom of movement; the inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; gender-based violence carried out by the regime; lack of investigation of and accountability for gender-based violence; crimes involving violence or threats targeting members of national and ethnic minority groups; trafficking in persons; the existence of laws criminalizing consensual same-sex sexual conduct between adults, although those laws were rarely enforced; significant restrictions on workers' freedom of association, including violence and threats against labor activists; and some of the worst forms of child labor.

Impunity for abuses by regime officials and security forces was absolute. There was no credible information that the regime took actions to prosecute or punish those responsible for human rights abuses or corruption.

Some ethnic armed organizations and Peoples Defense Force groups or members committed human rights abuses, including killings, disappearances, physical abuse and degrading treatment, and failure to protect local populations in conflict zones.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically

Motivated Killings

There were numerous reports that regime security forces committed arbitrary or unlawful killings of civilians, prisoners, and other persons in their power.

According to the Assistance Association for Political Prisoners (AAPP), which noted that the actual number was likely to be much higher, there were 2,096 verified reports of persons killed by the regime as of September 1. Some ethnic armed organizations (EAOs) and Peoples Defense Force (PDF) groups or members committed human rights abuses, including killings, disappearances, physical abuse and degrading treatment, and failure to protect local populations in conflict zones (see also section 1.g.).

On December 24, 2021, media outlets reported regime security forces killed more than 30 civilians, including women and children, fleeing an escalation in violence between the military and resistance forces in Hpruso Township, Kayah State. The victims were found burned in their cars. On December 28, Save the Children confirmed two staff conducting humanitarian activities were among the victims.

The regime encouraged the development of proxy vigilantes to target prodemocracy groups and their families. Since late April, pro-military vigilante groups carried out a series of targeted killings of prodemocracy supporters and their family members. The groups – many operating under the name of Thway Thauk, or “Blood Comrades” – operated primarily in urban areas. Local media reports indicated that Thway Thauk groups carried out a series of targeted killings in Mandalay, Rangoon, and Tanintharyi Regions. In April, these groups killed at least 13 persons, including nine National League for Democracy (NLD) members after announcing the launch of “Red Operation,” an assassination campaign directed at NLD and PDF members and their families.

According to the NLD’s Human Rights Documentation Team, as of September 22, regime security forces had killed 55 NLD members, of whom 13 died during interrogation.

b. Disappearance

There were numerous reports of disappearances allegedly committed by the

regime.

On April 26, according to *Myanmar Now*, seven students from Rangoon's Dagon University were reportedly detained by regime security forces after participating in a prodemocracy protest. Requests for information regarding the arrests by the families and local media outlets remain unanswered by regime authorities. Another eight students in Mandalay were also reported missing under similar circumstances in April.

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

The law prohibits torture; however, members of regime security forces reportedly tortured and otherwise abused suspects, prisoners, detainees, and others. Such incidents occurred, for example, during interrogations and were widely reported across the country. Alleged harsh interrogation techniques were designed to intimidate and disorient and included severe beatings and deprivation of food, water, and sleep. Other reported interrogation methods described in news reports included rubbing salt into wounds and depriving individuals of oxygen until they passed out. There were also reports (see below) of security forces raping and sexually assaulting women and girls during security operations and detention.

On April 9, a political prisoner arrived at the Dawei Prison COVID-19 quarantine center with severe bruising following his recent arrest and interrogation by regime security forces in Tanintharyi Region, a political prisoners' network told *Myanmar Now*. He reportedly was badly beaten with bruises all over his body, including his face.

On September 16, a local journalist shared through various media outlets details of the physical and sexual assault he endured at a regime interrogation center in Rangoon in December 2021. "I started to think about ending my life. I felt like I had no future," he said, adding it took him months to reveal the full extent of the experience to his wife.

According to nongovernmental organizations (NGOs), women in custody were subjected to sexual and gender-based violence, and verbal abuse. Women who

reported sexual violence faced further abuse by police and the possibility of being sued for impugning the dignity of the perpetrator.

On March 6, according to the Women's League of Burma, a community-based organization working on the rights of women with a focus on systematic sexual violence, regime security forces raped and killed a woman, age 42, and then stabbed her daughter, age three, to death during a raid in Pauk Township, Magway Region.

Impunity for rights abuses was pervasive for regime officials and security force leaders and members. There was no credible evidence that the regime took action to investigate incidents or punish alleged perpetrators of abuses or to include human rights training as part of its overall training of regime security forces. The regime routinely denied responsibility for atrocities and abuses.

Prison and Detention Center Conditions

Conditions in prisons, labor camps, and military detention facilities were reportedly harsh and frequently life threatening due to overcrowding; degrading and abusive treatment; and inadequate access to medical care (including COVID-19 treatment) and basic needs, including food, shelter, and hygiene.

Abusive Physical Conditions: There were 48 known prisons and 50 known labor camps in 2020. Women and men were held separately. Some prisons held pretrial detainees together with convicted prisoners. Children were sometimes held in pretrial detention with adults. Labor camps, which predated the coup, existed across the country; the regime provided no information on conditions in the camps or the number of inmates, which was more than 20,000 before the coup. The military's practice of using public facilities (e.g., community halls) as interrogation centers continued, according to AAPP.

Several reports documented poor conditions within prison facilities, including inadequate sewage systems, insufficient – and often inedible – rations, and a lack of basic necessities. Overcrowding was reportedly a serious problem in many prisons and labor camps. According to AAPP, occupancy at Insein Prison, the country's largest, more than doubled after the February 2021 coup, requiring the construction of additional buildings on the property.

Medical care was inadequate, and this reportedly contributed to deaths in custody. Prisons failed to adopt measures to protect prisoners from COVID-19. Despite regular regime reporting at national and subnational levels on COVID-19 cases and deaths, the regime did not make data available on the impact of COVID-19 in prisons. Prisoners suffered from other health problems, including malaria, heart disease, high blood pressure, tuberculosis, skin diseases, and intestinal illnesses caused or exacerbated by unhygienic conditions and spoiled food and former prisoners complained of poorly maintained physical structures that provided no protection from the elements and were infested with rodents, snakes, and molds.

Conditions for women were deplorable, with a lack of access to sufficient toilets and no privacy. Prison guards denied requests for sanitary products for menstruation and other basic hygiene products.

According to local media reports, after the coup, women in detention experienced higher levels of sexual and gender-based violence, harassment, and humiliation by officials.

Administration: The Department of Corrections in the Ministry of Home Affairs operates the prisons and labor camp system.

Prisoners and detainees could sometimes submit complaints to judicial authorities prior to the coup, but there was no clear legal or administrative protection for this right. As of December, there was no credible evidence of prisoners and detainees submitting complaints. Some prisons prevented full adherence to religiously based codes of personal conduct, ostensibly due to space restrictions and security concerns.

According to AAPP reports, family members were allowed to deliver limited rations, exchange letters censored by prison authorities, and pay a cash deposit used by prisoners to buy over-priced basic commodities subject to up to 40 percent “service charges” by prison authorities.

Independent Monitoring: The regime denied access to prisons and detention sites by the International Committee for the Red Cross, the UN Office on Drugs and Crime, and other independent nongovernmental observers. According to regime-controlled media, the Myanmar National Human Rights Commission

visited approximately 10 prisons and labor camps during the year, providing no further details on the visits.

d. Arbitrary Arrest or Detention

The law does not prohibit arbitrary arrest. Persons held generally were unable to exercise their legal right to appeal the legality of their arrest or detention either administratively or before a court.

Arrest Procedures and Treatment of Detainees

The law allows authorities to order the 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. Aspects of the privacy protection law remained suspended by the regime to legalize arrests and private property searches without a warrant.

The law allows authorities to hold suspects in pretrial detention for two weeks (with a possible two-week extension) before bringing them before a judge or informing them of their charges for crimes carrying potential sentences of less than seven years' imprisonment. For crimes carrying potential sentences of more than seven years' imprisonment, suspects can be detained up to 30 days. The regime is not, however, obliged to respect this provision of the law. There is a functioning bail system, although the courts regularly denied bail to prodemocracy supporters. There were numerous reports that authorities did not inform family members or attorneys of arrests in a timely manner and regularly denied family visits.

Incommunicado detention was common. The regime detained politicians, election officials, journalists, activists, protesters, and Civil Disobedience Movement (CDM) members, refusing to confirm their locations in violation of international law, according to media reports, eyewitness accounts, and social media posts. In September, AAPP reported that an estimated 9,326 individuals listed by the regime as "under detention" were in unknown locations, accounting for approximately 78 percent of those detained for prodemocracy activities. Even when the whereabouts of prisoners were known, prisoners were regularly denied access to lawyers and family members.

Arbitrary Arrest: There were numerous reports of arbitrary arrest, including detention by the regime in unknown locations. Since the coup, AAPP calculated that regime security forces have made at least 14,850 arrests and more than 11,891 of those individuals remained in some form of detention as of September 1. According to AAPP, more than 277 family members of prodemocracy supporters, including 43 children, were among those the regime detained.

According to the NLD Human Rights Documentation Team, as of October 7, 165 NLD members were arrested, of whom 11 were MPs and the rest members of the NLD who served at different levels in various township committees.

On July 26, local media and an NLD member reported that regime security forces arrested a former member of the NLD's Rangoon Township Executive Committee, age 45, at his home on July 23 for allegedly supporting the PDF. Regime authorities later informed family members that the man died of a heart attack in the interrogation center and that his body had been cremated. The Rangoon Region NLD vice-chairman told media on July 26 that the security of NLD members serving at the township level was in danger and that the party warned members to stay in hiding and use secret codes to communicate.

On September 21, media reported that regime forces arrested Myo Kyaw, an NLD MP from Kachin State's Mohnyin constituency on August 24 while Myo was traveling near Myitkyina, Kachin. The reports alleged that Myo died from torture during interrogation. According to an NLD MP, regime forces found National Unity Government (NUG) bonds and an NUG Treasury document on Myo.

Pretrial Detention: Prior to the coup, judges and police sometimes colluded to extend detentions. According to the Independent Lawyers' Association in 2020, arbitrary and lengthy pretrial detentions resulted from lengthy, complicated legal procedures and widespread corruption. These problems continued following the coup, worsened by the regime's ability to detain persons indefinitely without trial. For those facing trial, detention prior to and during trials sometimes equaled or exceeded the sentence after conviction. The regime amended the legal aid law in 2021 removing the right to legal aid services during pretrial detention. Additional amendments limited legal aid for stateless persons, asylum seekers, foreigners, and migrant workers.

Although habeas corpus exists in national law, regime security forces violated this law by arresting and detaining individuals without following proper procedures. Arbitrary arrest or detention remained high to suppress political dissent, according to AAPP, and detainees had limited ability to meaningfully challenge the lawfulness of detention before a court due to its lack of judicial independence from the regime.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, a protection the regime has not respected. On March 14, the regime appointed three new Supreme Court judges, including a former Vice Judge Advocate General, expanding the court from nine to 11 judges. Military-appointed judges maintain an absolute majority on the court.

Judicial corruption was a significant problem. According to NGOs, eyewitness accounts, and media reports, judicial officials at all levels received illegal payments at all stages of the legal process for purposes ranging from influencing routine matters to substantive decisions, such as fixing the outcome of a case.

Trial Procedures

Regime-declared martial law continued in numerous townships across the country; in those areas military commanders held all judicial (and executive) power. In martial law courts, defendants had few or no rights, including to legal counsel and appeal (except in cases involving the death penalty, which may be appealed to armed forces Commander in Chief Min Aung Hlaing). Hearings were abbreviated, verdicts were reached within one or two sessions, and sentences were typically the maximum allowed. According to data collected by AAPP, there were 86 post-coup death row prisoners as of November 11. At least 121 individuals were sentenced in absentia, of whom 42 were sentenced to death.

Although no formal changes to trial procedures in civilian courts were made following the coup, the lack of judicial independence left much to the interpretation of the regime. The law grants broad exceptions to the right to a fair and public trial, effectively allowing the regime to violate these rights at will. Trial rights not allowed include: a presumption of innocence; to be informed promptly

of the charges; a fair, timely, and public trial; to communicate with an attorney of their choice (or have one provided at public expense if unable to pay); adequate time and facilities to prepare a defense; free assistance of an interpreter; the ability to confront prosecution or plaintiff witnesses and present witnesses and evidence; to not be compelled to testify or confess guilt; and to appeal.

While the right to counsel remains in the law, many defense lawyers were unwilling to handle prodemocracy cases due to fear for their personal safety. According to AAPP, the regime arrested 14 lawyers associated with prodemocracy cases as of September.

According to the Institute for Strategy and Policy, most sentencing occurred in absentia, including the death sentence.

Political Prisoners and Detainees

The regime detained and arrested politicians, election officials, journalists, activists, protesters, religious activists, and CDM members. Political prisoners were not always held separately from the prison's general population. Many political prisoners were held incommunicado and there were numerous reports of political prisoners being denied medical services. According to local media reports, all political prisoners were vulnerable to sexual violence.

The regime continued to deny, in effect, political prisoners the right to receive visitors by holding them in institutions far from their homes or by otherwise imposing extensive restrictions on visits.

AAPP estimated that there were 12,942 individuals under detention on political grounds as of November 11, an increase of 4,604 from December 31, 2021. Many former political prisoners remained subject to surveillance and restrictions following their release, including the inability to secure identity or travel documents.

As of September, deposed state counsellor Aung San Suu Kyi was sentenced to 23 years' imprisonment and hard labor for a range of offenses including breaking COVID-19 pandemic protocols and sedition. Her trials were closed to the public and the regime placed a gag order on her attorneys barring them from

communicating with the public about her case. Aung San Suu Kyi was arrested in February 2021 and held in an unknown location until her transfer to solitary confinement inside the Nay Pyi Taw prison in June. She faced seven additional charges including alleged corruption regarding the use of a state-owned helicopter and for allegedly accepting a bribe. Deposed President Win Myint, also arrested in February 2021, was tried on eight of the same charges as Aung San Suu Kyi, convicted, and sentenced to five years' imprisonment.

On July 23, the regime executed four political prisoners, including prodemocracy leader Ko Jimmy and NLD member of parliament Phya Zeya. These, the first formal executions in the country in more than three decades, contravened assurances given by the regime to Association of Southeast Asian Nations members and raised the prospect that death sentences against another 117 political prisoners could be carried out.

Apart from formal executions, in September Human Rights Watch alleged the regime was responsible for scores of deaths of political prisoners, highlighting six cases that included the use of torture and failure to investigate or take action against those responsible.

Amnesty: The regime released almost 6,000 prisoners November 17 as part of an amnesty marking the National Day, including an estimated 700 political prisoners such as former NLD spokesperson Myo Nyiunt and prominent prodemocracy advocate Mya Aye. The regime also released more than 800 prisoners February 12 as part of an amnesty marking Union Day that did not include any political prisoners. The regime also announced the release of 46 individuals detained on suspicion of ties to the Arakan Army, an EAO, and of more than 1,600 inmates, including 42 foreigners, to mark the Buddhist New Year on April 17. No political prisoners were amnestied in April.

Transnational Repression

Bilateral Pressure: There were credible reports that the regime attempted to pressure the Thai government to impose stricter control on movement across the border with Burma to undermine the ability of prodemocracy supporters, including members of the NUG and the Committee Representing the Union Parliament, to

depart the country.

Civil Judicial Procedures and Remedies

The law allows complainants to use provisions of the penal code and laws of civil procedure to seek civil remedies for human rights abuses. Individuals and organizations may not appeal an adverse decision to regional human rights bodies but may make complaints to the regime-controlled Myanmar National Human Rights Commission. The ability of complainants to raise human rights abuses through the judicial system or the commission remained limited. In July, the regime-controlled Supreme Court introduced procedures on court-led mediation in civil suits with limited transparency on the details.

Property Seizure and Restitution

Under the 2008 constitution the state owns all land, although there is a limited amount of freehold land, and the law allows for registration and sale of private land ownership rights. Most land is held in long-term leases, meaning that while the government still owns the leasehold, private parties may lease land on a long-term basis with a general expectation that the leasehold would automatically roll over upon its expiration. The law provides for compensation when the government acquires privately held land for a public purpose; however, the postcoup situation is unclear. According to the 2008 constitution, the government may also declare land unused or “vacant” 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 regime control make final decisions on land use and registration. The law does not favor recognition of traditional land tenure systems (customary tenure). There were numerous reports that the regime used its authority to seize property of prodemocracy supporters.

In August the regime-controlled Supreme Court approved the petition of Aung San Suu Kyi’s estranged older brother Aung San Oo to sell the family home in Rangoon. The house was reportedly valued at approximately \$27 million and was legally disputed for years.

In August the regime, acting without a court ruling or order, seized property worth approximately \$5.6 million from a gem business owner in Mandalay for allegedly

supporting prodemocracy activities including PDF fighters. The seizure included a massive array of property including vehicles, houses, and jade.

As of May 20, credible media reports indicated that the regime seized approximately 580 properties owned by individuals with ties to the prodemocracy movement. The regime also seized properties belonging to members of the Committee Representing the Union Parliament, the NUG, or their families. The regime amended laws to permit extrajudicial seizure of property owned by defendants. In most cases, such seizures occurred after a suspect was charged, but in some cases, property was seized before charges were filed.

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

Although pre-coup law protected privacy and the security of the home, in February 2021 the regime amended the Law Protecting the Privacy and Security of the Citizens to legalize entering properties without warrant. Unannounced nighttime household checks were common. The law does not protect the privacy of correspondence or other communications. The regime regularly monitored private electronic communications through online surveillance; there were numerous reports that the regime monitored prodemocracy supporters.

In July *Reuters* reported the regime's installation of cameras with facial recognition capabilities in more cities across the country. The new devices were added to those in five cities where camera systems touted as crime prevention measures were either installed or planned by the deposed civilian government.

g. Conflict-related Abuses

Fighting between the regime and opposition forces was reported across the country, with frequent fighting in Chin, Karen, and Kayah States and Sagaing and Magway Regions. Fighting between the military and the Arakan Army in Rakhine State resumed midyear when the military launched its first airstrikes since the informal 2020 ceasefire. Fighting between EAOs in Shan State continued, including between the Restoration Council of Shan State and the Shan State Progressive Party with support from the United Wa State Party, according to media

reports.

Reports of killings, disappearances, excessive use of force, disregard for civilian life, sexual and gender-based violence, and other abuses committed by regime security forces were common; some EAOs and PDF groups were accused of similar abuses.

In January the Karen National Union dismissed Major General Saw Nerdah Mya and Lieutenant Saw Ba Wah for their roles in the 2021 “Wawle massacre” that killed 25 civilians in Myawaddy Township, Karen State.

Killings: Deliberate killings and deaths due to excessive or unjustified use of force by the regime and some opposition forces were reported. The military routinely conducted airstrikes that killed civilians and destroyed civilian infrastructure.

In January in Karenni State, staff and patients fled a Loikaw hospital amid clashes and regime-imposed electricity blackouts; regime planes bombed two Internally Displaced Persons (IDP) camps, killing at least six IDPs.

On September 16, bombs reportedly from two military helicopters hit a monastic school in Tabayin Township, Sagaing Region, killing seven children and injuring another 14 plus three teachers, according to the *Irrawaddy* news website. Two more children died when regime soldiers later raided the village. The soldiers reportedly cremated the seven children killed in the airstrike, which residents told local media was an attempt to remove any trace of the killings. “The junta soldiers did not leave a single body part, so parents could not hold funerals,” a villager added.

On October 19, media reported that at least eight individuals were killed in two explosions and a subsequent shooting at Rangoon’s Insein Prison. Regime-controlled *MRTV* declared the explosions were caused by “mines inside parcels” brought into the prison by “opposition terrorists” posing as visitors. Those killed included three prison officers and five visitors; an additional 18 persons were wounded. An eyewitness told *Myanmar Now* that a number of civilians were present when the explosions occurred, as they were at the prison to deliver food and other necessities to their incarcerated relatives. Following the explosions,

gunshots were fired from a prison watchtower – presumably by prison guards or junta troops – causing individuals at the location to scatter.

Abductions: There were reports of such abuses including on February 28 when military troops took a group of civilians, including at least 80 children, hostage for two days during clashes with resistance forces in Yinmabin Township, Sagaing Region. According to the *Irrawaddy*, during the raid, the children, who were all younger than 12, were detained while attending school at a monastery.

Physical Abuse, Punishment, and Torture: There were reports of such abuses by the military and some opposition forces. In March, 63 Sagaing-based PDF groups released a joint statement via local media condemning the Yinmarbin PDF group for actions against civilians and members of other PDF groups including threats, abduction, torture, and the killing of 21 individuals since November 2021.

On November 10, media outlet *Radio Free Asia* reported on seven leaked cell phone videos that recorded the use of brutal torture tactics against opposition forces in Pekon Township, Shan State. The videos included the beating of bound individuals until they became unresponsive.

Child Soldiers: The military and some EAOs (the United Wa State Army, Kachin Independence Army, the Restoration Council of Shan State/Shan State Army (South), the Shan State Progress Party/Shan State Army, and the Arakan Army) were listed in the UN Secretary-General's *2022 Annual Report on Children and Armed Conflict* as perpetrators of the unlawful recruitment and use of children. Other EAOs, such as Ta'ang National Liberation Army, also recruited and used children, according to local media reports. Meaningful use of the National Complaint Mechanism, focused on the elimination of forced labor but which also receives reports on the recruitment and use of child soldiers, was limited. There was no credible evidence that the regime or EAOs prosecuted offenders.

The U.S. Government has determined that Burma had or used child soldiers from March 2021 to March 2022. Please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/trafficking-in-persons-report/.

Other Conflict-related Abuse: According to numerous local media reports, UN counterparts, and NGOs the regime restricted the passage of relief supplies,

including medical supplies, and access by international humanitarian organizations to conflict-affected areas, primarily in Mandalay, Sagaing, and Magway Regions, and Rakhine, Chin, Karenni, and Karen States. The UN High Commissioner for Refugees reported humanitarian access to at least 1.4 million of the 6.2 million persons targeted for assistance during the year was considered “difficult” or “very difficult.”

A June 28 update by the UN High Commissioner for Refugees reported that “most of the affected communities across the southeast remain difficult to reach,” and cited “checkpoints and roadblocks” among the challenges faced by humanitarian actors, along with delays and denials of travel authorizations, the volatile security situation, and increased scrutiny of humanitarian supplies and personnel. Local reports indicated military checkpoints often confiscated aid (e.g., food and medicine), and the delivery of motorbikes intended for IDPs. According to the UN Special Rapporteur on Human Rights, the regime arrested medical workers and patients, attacked and occupied hospitals, and blocked the delivery of medicines and medical supplies to displaced populations. Observer Research Foundation, a New Delhi-based think tank, reported in June that “the military junta has limited humanitarian entrees across the country’s conflict zones. It has imposed blockades on supplies or has denied travel permissions. In the Chin State and the northwest part, the movement of goods has stopped almost completely, and regular checks are taking place.”

The military reportedly forced civilians to act as human shields, carry supplies, or serve in other support roles; human rights organizations documented the use of villagers as human shields in Karen, Kachin, and Shan States. The Mine Action Area of Responsibility within the NGO Global Protection Cluster reported 185 landmine explosions from January to June, in which 33 percent of the casualties were children.

Radio Free Asia reported that the military burned down nearly 700 houses in Khin-U township in Sagaing in March. In May the Institute for Strategy and Policy estimated 22,299 houses and buildings had been burned down since the coup; of those, 15,530 were in Sagaing Region. According to *Irrawaddy* reporting in March, more than 100 Buddhist and Christian religious buildings were among the structures destroyed by the regime since the coup, mainly by artillery and airstrikes

in Chin State and Sagaing and Magway Regions.

As of September, the World Health Organization reported 319 attacks on health-care workers since the coup, accounting for 21 percent of global health-care worker attacks during this period. The World Health Organization recorded the deaths of 47 health workers (10 percent of the global total), and 66 health-care worker injuries.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The 2008 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.” The regime continued its full-scale crackdown on freedom of expression throughout the year.

Freedom of Expression: Freedom of speech was severely limited. Those who spoke openly against the regime or in favor of the NLD, NUG, or democracy more broadly risked abuse and punishment by regime authorities. The regime used the revised privacy law to allow authorities to review content on individuals’ cell phones at checkpoints and during neighborhood raids.

On April 5, the regime sentenced Tin Tun Aung to three years in prison under section 505 (a) of the Penal Code for speaking to media outlet *Western News* about his raising of a white flag at the army’s Battalion 289 camp near Paletwa Township, Chin State. The regime detained Lieutenant Colonel Zaw Win Ko from the Criminal Investigation Department for criticizing regime security forces’ hitting of protesters with a vehicle in Rangoon’s Kyimyindaing Township on December 5, 2021. A court sentenced him to three years in prison on March 11.

Violence and Harassment: The regime harassed and detained reporters and subjected them to violent and at times lethal abuse for covering anti-regime protests. For example, the *Associated Press* reported freelance photojournalist Soe

Naing died in military custody on December 14, 2021, after his arrest on December 10 for taking photos during a “silent strike” in Rangoon. He was the first journalist known to have died in custody after the military seized power. The *Irrawaddy* reported regime troops arrested Aye Kyaw (Hayman), a documentary filmmaker in Sagaing Township, Sagaing Region, at his home on July 30. His body was found by passers-by on a road later that day. He was the fourth journalist known to have been killed since the coup.

Regime harassment of journalists took many forms. In February the regime confiscated the home of *Khit Thit Media* Editor-in-Chief Thalun Zaung Htet. On April 25, the pro-regime militia group Thway Thauk (“Blood Comrades”) posted calls on its Telegram instant messaging channel to execute reporters, editors, and family members of media outlets *Khit Thit*, *Irrawaddy*, *Mizzima*, *DVB*, and *Ayeyarwady Times*.

The regime used various laws to harass, imprison, and try journalists, including laws on sedition, which carry a possible 20-year prison term, and on unlawful association, which can result in a three-year sentence. On August 15, *Frontier Myanmar*, a news and business magazine, reported the regime charged its columnist, Sithu Aung Myint, with both sedition and incitement. That same day, the regime arrested BBC Media Action freelance producer Htet Htet Khine and charged him with unlawful association for his alleged ties to the NUG.

In January the regime began to use the Counter-Terrorism Law, which allows for longer sentences than does incitement, against journalists. On April 5, a regime-controlled court sentenced a Taunggyi-based reporter of *Golden Triangle News Agency* to 10 years in prison on terrorism charges. The same day, a Sintgaing Township, Mandalay Region court sentenced the chief reporter of *Channel Mandalay TV*, to five years in prison on a terrorism charge. He was arrested when the military raided an alleged PDF training site at a farm in Sintgaing Township on August 30, 2021. Win was also charged with incitement and spreading “false news,” which carries a maximum three-year prison penalty.

Doxing was another form of harassment and pro-military social media activist Han Nyein Oo was the most prominent channel on Telegram for doxing prodemocracy activists. There were reports that regime security forces often appeared at homes

within hours of their residents' doxing by Han, who Telegram banned for violating its community standards on March 11. His channel, however, reappeared the next day under a modified name and continued to operate as of October.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: After the coup, the regime banned independent media outlets that did not self-censor reporting on the prodemocracy movement. The regime also banned the use of certain terminology in reporting, such as “junta,” “coup d’état,” and “military council.”

In a further effort to suppress media freedom, in November 2021 the regime appointed Ohn Maung and Myo Tun as the Myanmar Writers Association's chairman and vice chairman, respectively. Ohn Maung won several national poetry awards under previous military regimes. Myo Tun worked for the Ministry of Defense's Directorate of Public Relations and Psychological Warfare. The two were previously appointed to the Myanmar Press Council.

In January the regime sentenced the deputy chief editor of *Zeyar Times News Agency* and an agency reporter to two years in prison. The regime charged the two under section 505 (a) of the Penal Code, accusing them of describing the regime as a “military coup council,” publishing news of the NUG and the Committee Representing the Union Parliament, and urging civil servants to join the Civil Disobedience Movement. The latter was also charged with terrorism.

The regime continued to close critical media outlets and shuttered publishers that distributed books not in line with its own narrative. *Radio Free Asia* reported on June 1 that the regime closed the Lwin Oo Publishing House “for importing and distributing” *Myanmar's Rohingya Genocide: Identity, History and Hate Speech*. The regime Information Ministry also closed down the Kan Kaunggyin Eain Nge Lay (Lucky Tiny House), Shwe Lat, and Yan Aung Sarpay publishing houses, and the Win Toe Aung printing press for publishing or printing books on sensitive themes, including lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI+) issues.

Libel/Slander Laws: Even before the coup, the military could and did use various legal provisions, such as a criminal defamation clause in the telecommunications

law, to restrict freedom of expression. On July 28 the regime charged Japanese journalist Toru Kubota under Section 505(a) of the criminal code for encouraging dissent against the military. Section 505(a) criminalizes encouraging dissent against the military and carries a maximum three-year jail term; it was widely used in the crackdown on dissent. He was later released and deported as part of the regime's large-scale November prisoner release.

On October 14, the regime announced it would take legal action against *The Irrawaddy* and *BBC Burmese* for reporting that military forces opened fire on Buddhist pilgrims during an October 12 firefight with opposition insurgents in eastern Mon State. "It is reported that *The Irrawaddy* and *BBC Burmese* news agencies, the blatant liars and the pessimist's stooges, are going to be sued under the Electronic Communications Law, News Media Law, and the state defamation law for their accusation that the security forces randomly fired shots into crowds of pilgrims, a shameless act of violating media ethics," the junta said in an October 14 news broadcast.

National Security: Although the regime prosecuted some media critics using laws related to national security, in general the regime used other methods to pursue its critics. The regime maintained its designation of the NUG and other prodemocracy groups as terrorist organizations.

Internet Freedom

The regime continued to practice zero tolerance of online dissent. The regime surveilled and censored online content, restricted access to the internet, and prosecuted its online critics. Even before the 2021 coup, the telecommunications law included broad provisions giving the government the power to temporarily block and filter content for the "benefit of the people." According to Freedom House, the regime, the military, and pro-military groups pressured users to remove anti-regime and prodemocracy content. The telecommunications law does not explicitly include provisions to force the removal of content or provide for intermediary liability. Regime authorities instead used, or threatened to use, other provisions of criminal law to pressure internet users to remove content.

The regime limited users' ability to communicate anonymously by requiring users

to register all prepaid SIM cards and increasing prices on mobile data usage. Subscribers were required to provide their name, national registration document, birthday, address, citizenship, and gender to register a SIM card; noncitizens must provide their passports. Telecommunications companies reportedly required some subscribers to include information beyond the bounds of the regulations, including their ethnicity. In May the regime imposed a tax on imported mobile phone handsets and required registration of IMEI numbers, a unique 15-digit manufacturer's code that acts as a mobile phone's digital fingerprint.

The regime arrested a man from Maubin Township, Ayeyarwady Region and charged him with sedition for filming and sharing online a recording of heavy rains brought about by a cyclone. Telecommunications and internet surveillance allegedly contributed to violent crackdowns on citizens, including physical assaults and enforced disappearances in retaliation for online activities. The regime restricted mobile data network access in 25 townships across the country. Moreover, blocking of social media websites, such as Facebook and Twitter, used by prodemocracy groups to resist the regime, continued. Since the coup, authorities allegedly arrested Facebook users found to have posted anti-regime content or use anti-regime profile photos. For example, on September 6, the regime announced the arrest and intended prosecution of two Facebook users on allegations of intent to destroy national stability through their Facebook posts.

In regions perceived as supportive of the opposition, the regime at times simply shut down internet and related communications. For example, the regime cut mobile data internet access in most townships in Sagaing Region after September 2021, except in a few major townships including Monwya, Kalay, and Shwebo where military command centers were located. The regime maintained a "whitelist," established in May 2021, of at least 1,200 approved websites with local internet service providers and telecommunications companies. The approved "whitelist" included more than 100 companies in the financial, delivery service, and entertainment sectors, including Instagram, YouTube, Netflix, and Tinder. The "whitelist" further specified that some social media sites were permitted if "used by many customers for business purposes."

Restrictions on Academic Freedom and Cultural Events

The regime restricted academic freedom and cultural events.

According to an official of the Myanmar Teachers' Federation, since the coup the regime suspended more than 125,000 teachers for joining the CDM.

Approximately 19,000 university staff members were also suspended, according to the teachers' group. The regime detained CDM-affiliated teachers who provided online lessons at a school linked to the NUG. In July, nine striking teachers working for Kaung for You Education, an online school for students boycotting regime schools, were arrested, forcing the school to temporarily close.

Artists who previously addressed human rights or political issues were in hiding or in exile.

b. Freedoms of Peaceful Assembly and Association

The regime curtailed the freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The regime restricted freedom of assembly and maintained a blanket ban on protests and demonstration across the country which severely impeded activists' ability to organize and protest. Following the 2021 coup, the right to freedom of assembly was violently curtailed after widespread anti-military protests. In most parts of the country, the regime banned all gatherings of more than five individuals, imposed a strict curfew, and used lethal and indiscriminate force against peaceful protesters. Regime security forces continued to meet protesters with violence and lethal force. According to numerous reports in local media, small-scale prodemocracy protests continued across the country despite violent intimidation and suppression by regime security forces. Military violence in response to protests continued throughout the year, resulting in the deaths of hundreds of protesters and the arrest of thousands more.

On at least three occasions, regime security forces drove vehicles into crowds of protesters. One such an incident was reported on May 30. In early June, at least five teenagers suffered multiple injuries after military soldiers drove their vehicle

into a flash protest. *Myanmar Now* reported July 7 that a military officer rammed his vehicle into a small group of young protesters in Rangoon and beat them before placing them under arrest.

Freedom of Association

The regime restricted the right to freedom of association, including by using arbitrary detentions to prevent the formation of new associations or destroy old ones perceived to be antiregime. The law on registering organizations stipulates voluntary registration for local NGOs and removes punishments for noncompliance for both local and international NGOs. Prior to the coup, the civilian government interpreted the law as requiring NGOs that received foreign funding to register with the government. After the coup, the regime required banks to report on all foreign funds received by both local and international NGOs.

On August 15, the regime-controlled Central Bank of Myanmar ordered agents to log the personal details of all customers using mobile banking apps and visually record them through photos or CCTV. Local media reports asserted the move was an attempt by the regime to restrict prodemocracy fundraising.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

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. Authorized officials may require the registration of foreigners' movements and require foreigners to register every change of address exceeding 24 hours.

In-country Movement: Regional and local orders, directives, and instructions restricted freedom of movement. The regime tightened restrictions on freedom of movement after the 2021 coup. Numerous local media reports described regime security force roadblocks and random searches of private cars and taxis. Nightly

curfews in Rangoon and several other cities also restricted movement, as did a requirement that all visitors register with the local ward administrator. Local media reported that the regime harassed health-care workers and sometime seized ambulances when medical emergencies occurred after curfew. Due to escalating fighting with the military, the NUG and EAOs warned civilians to travel only in case of an emergency in areas affected by violence. COVID-19 mitigation regulations, at times abused for political or security reasons, also restricted movement.

Limitations on freedom of movement for Rohingya in Rakhine State were unchanged. Rohingya may not move freely; they must obtain travel authorization to leave their township. In contrast to the pre-coup rule that Rohingya traveling without documentation could return to their homes without facing immigration charges, the regime's General Administration Department issued a directive resuming legal actions against Rohingya traveling without permission in Sittwe and Kyauktaw Townships, Rakhine State.

Foreign Travel: The regime restricted foreign travel by prodemocracy supporters and expanded measures to increase oversight. According to an official order dated May 13, 2021, "the authorities have directed airlines that all bookings for departures must be made at least 10 days in advance of the intended departure and be shared with [the] Ministry of Foreign Affairs." The regime also reportedly cancelled, or refused to issue, passports to prodemocracy supporters and required key business leaders to request advance approval for travel. Numerous prodemocracy supporters expressed concern for their security and safety if they tried to leave the country by air. There were confirmed reports of questioning and limited detention at airports.

e. Protection of Refugees

The regime did not always cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) or other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, or other persons of concern.

Access to Asylum: The law does not provide for granting asylum or refugee

status, and neither the deposed civilian government nor the military regime established a system for providing protection to refugees. UNHCR did not register any asylum seekers during the year.

f. Status and Treatment of Internally Displaced Persons

UNHCR estimated that 1.3 million persons were internally displaced, either in camps or informally, in the country as of September 12. Of those displaced, 866,400 fled their homes since the coup, most notably in areas such as Sagaing and Magway Regions. Decades of conflict between the central government and ethnic communities also contributed to the large number of IDPs.

As of September 5, UNHCR estimated that 981,600 IDPs were living in their own State and Region, principally in Kachin, Shan State, Northwest Burma (Sagaing Region, Chin State), Rakhine State, central Burma (Magway Region, Bago Region), and Southern Burma (Kayah, Mon, Kayin, and Tanintharyi). IDPs in Sagaing Region alone numbered 526,700, the highest concentration in the country.

The regime systematically obstructed humanitarian relief for IDPs. On April 13, regime authorities blocked a UN World Food Program convoy carrying basic foodstuffs for IDPs in Kyaukhtu Township, Magway and Mindat Township, Chin State. According to a representative from the Chin Human Rights Organization, “we are seeing a continuation of (the regime’s) explicit intention of starving innocent civilians. To actively block humanitarian aid efforts where they are clearly marked with the UN logo is a blatant violation of the Geneva Convention.”

The military’s deliberate destruction of homes contributed significantly to an increase in the number of IDPs. On May 12, the *Irrawaddy* reported that more than 5,000 persons fled their homes after military troops torched approximately 500 houses in four villages in Taze Township, Sagaing Region, contributing to the more than 7,000 houses the nonprofit Data for Myanmar estimated the military burned in Sagaing Region alone as of May.

g. Stateless Persons

The country contributes to statelessness, including through discrimination on grounds of ethnicity and religion, in nationality laws and in their practical

administration, and in the birth registration process.

The law defines a “national ethnic group” as a racial and ethnic group that can prove origins in the country dating back to 1823, a year prior to British colonization, and the regime officially recognized 135 “national ethnic groups” whose members are automatically granted full citizenship. The law also establishes two forms of citizenship short of full citizenship: associate and naturalized. Citizens in these two categories 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.

Rohingya, most of whom are Muslim, are not recognized as a “national ethnic group” and the vast majority are stateless as a result. Following the genocide, crimes against humanity, ethnic cleansing, and forced displacement of more than 740,000 Rohingya to Bangladesh in 2017, up to 600,000 Rohingya were estimated to remain in Rakhine State. Some Rohingya may be technically eligible for full citizenship. The process involves additional official scrutiny and was complicated by logistical difficulties, including travel restrictions and significant gaps in understanding the Burmese language. This also required substantial bribes to regime officials, and even then, it did not result in equality with other full citizens. In particular, only Rohingya were required to go through an additional step of applying for the National Verification Card, through which they receive identity documents that describe them as “Bengali.” Regime officials treated Rohingya with the presumption of noncitizenship, undermining access to public services and contributing to a wide range of societal discrimination.

There were also significant numbers of stateless persons and persons with undetermined nationality, 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, the regime granted members of these groups only the lesser rights, and imposed the greater restrictions, of associate and naturalized citizenship. The regime did not single these groups out the same way as Rohingya when obtaining citizenship.

The law does not provide any form of citizenship (or associated rights) for children born in the country whose parents are stateless.

Section 3. Freedom to Participate in the Political Process

The 2008 constitution provided citizens a limited ability to choose their government through elections held by secret ballot. In 2021, the military deposed the democratically elected parliament and dismissed the members of the Union Election Commission (UEC), replacing them with regime loyalists and appointing a former military major general to replace the ousted UEC chairman.

The regime used laws against terrorism to arrest and punish groups and individuals who were active in the country's pre-coup political life. The regime maintained its designation of the NUG, the Committee Representing the Union Parliament, and PDF groups as unlawful terrorist organizations. According to the law, anyone associated with these groups could face 10 years to life in prison, although no one had been put on trial as of year's end.

Elections and Political Participation

Recent Elections: Observers considered the 2020 national elections to be generally reflective of the will of the population, notwithstanding some structural shortcomings. The NLD won more than 80 percent of the 1,150 contested seats at the state, regional, and union levels, including 396 of 476 races for national assembly seats.

Political Parties and Political Participation: Political parties continued to face narrowing political space amid regime investigations and threats to ban them from competing in elections. Political parties not aligned with the military were denied the rights to assemble and protest peacefully. The regime, moreover, conducted politically motivated investigations into prodemocracy political parties and their leaders, particularly the NLD. On May 3, the regime-appointed UEC announced the suspension of the Democratic Party for a New Society for one year after the party failed to submit its financial records for audit. On August 11, the UEC issued a notice requiring political parties to seek its approval before meeting foreign organizations and individuals. The notice cited various legal provisions

that allow for the revocation of a party's registration if it directly or indirectly receives and expends financial, material, or other assistance from a foreign government or person, a religious association, or another association. On August 23, the UEC issued a notice requiring foreign organizations and individuals to report to the regime's Foreign Ministry through their respective embassies if they were to meet a political party member; the Foreign Ministry issued a parallel directive.

Participation of Women and Members of Minority Groups: No laws limit the participation of women in the political process, and they did participate in 2020 elections as voters and candidates. Laws limiting the citizenship status of many ethnic minority groups (see section 2.g., Stateless Persons) also limited their rights to participate in political life. Women and members of historically marginalized and minority groups were underrepresented in government prior to the coup.

In the 2020 general elections, 194 women were elected to parliament.

Section 4. Corruption and Lack of Transparency in Government

The regime-controlled Anti-Corruption Commission continued to target deposed NLD politicians and other former civilian government leaders for prosecution under anticorruption law. As of September, the commission charged at least 60 former NLD and civilian government officials, including additional charges levied against Aung San Suu Kyi, former President Win Myint, union-level ministers, and state and regional ministers appointed by the previous government. Most observers considered these charges baseless.

Corruption was widespread in all dimensions of political life, including especially the judicial system. Petty extortion by police was paralleled by more serious graft at higher levels, such as demanding bribes from victims to conduct criminal investigations.

Corruption: The regime used corruption laws almost exclusively against opponents, as noted. Such cases, which often relied on coerced testimony, did not provide an accurate picture of actual corruption, which was widespread.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

The regime did not allow domestic human rights organizations to function independently or openly. Human rights NGOs continued to operate, but reported harassment, monitoring by authorities, and arbitrary detention. The regime, for example, sometimes pressured hotels and other venues not to host meetings organized by activists or civil society groups. Regime security forces also raided and damaged NGO offices.

The United Nations or Other International Bodies: The regime systematically denied attempts by the United Nations, other international organizations, and NGOs to investigate human rights abuses or to access the locations of alleged abuses. Foreign human rights activists and advocates, including representatives from international NGOs, continued to face visa restrictions. Several international NGOs' local partners were repeatedly asked to show financial statements and other documents that revealed their relationship with foreign funders and some reported unprecedented levels of scrutiny when withdrawing funds, being asked by their bank for copies of grant agreements and lists of local partners.

The regime refused to cooperate with or grant access to the Independent Investigative Mechanism for Myanmar created by the UN Human Rights Council to investigate alleged atrocities in the country.

The regime continued to refuse entry to the UN special rapporteur on the human rights situation in the country. The regime allowed the UN secretary-general's special envoy to visit in August but did not allow her to meet with detained elected leader Aung San Suu Kyi and other key members of the prodemocracy movement.

Government Human Rights Bodies: The Myanmar National Human Rights Commission has the nominal power to conduct independent inquiries, and in some cases may call for investigations into abuses. In fact, the commission had limited ability to operate as a credible, independent mechanism. A local NGO, focused on reform of the commission, stated it ignored calls from civil society to denounce the regime and that commission members extorted money from political prisoners.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of women and men is illegal but remained a significant problem, and the regime did not enforce the law effectively. Rape of a woman outside of marriage carries a maximum sentence of 20 years in prison.

Spousal rape is not a crime unless the wife is younger than the legal age of marriage (which may vary according to ethnicity or religion), and the penalty is a maximum of two years in prison. 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 the legal age of marriage.

Overlapping and at times contradictory legal provisions complicated implementation of these limited protections.

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 regime did not maintain comprehensive statistics and survivors typically did not report it.

Sexual Harassment: The law prohibits sexual harassment and prescribes a maximum penalty of two years in prison if the harassment involves physical contact. Harassment is punishable by a fine or up to one year in prison. The regime did not report information on the prevalence of the problem, and many of these crimes were unreported. NGOs reported regime police investigators were not sensitive to survivors and rarely followed through with investigations or prosecutions.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of regime authorities. The law allows the government to impose coercive birth-spacing requirements – 36 months between children – if the president or national government designates “special regions” for health care based on factors such as population, migration rate, natural resources, birth rates, and food availability. In such special regions, the government may create special health-care organizations to perform various tasks, including establishing family planning regulations. The regime did not designate any such special regions.

In Rakhine State, local authorities prohibited Rohingya families from having more than two children, although some Rohingya with household registration documents reportedly circumvented the law.

The law otherwise limits the right of individuals to manage their reproductive health. Access to sexual and reproductive health services, including emergency contraception for sexual violence survivors through public and private facilities, was very limited and further exacerbated by the collapse of the public health system after the coup. While September reports from Population Services International indicated that demand for oral contraceptives increased significantly in Rangoon after the coup, access to family planning was limited in rural areas. Economic hardship and security concerns in conflict-affected regions also limited access to family planning.

The regime's Department of Social Welfare adapted gender-based violence services to COVID-19 restrictions, including expanding virtual platforms for online training. In the absence of donor funding, however, the regime scaled back health sector training plans for gender-based violence and other services. In the wake of the public health system collapse, implementing partners have tried to fill gaps, mapping out emergency service availability, delivering in-person gender-based violence screening and prevention services through community workers, and referring clients to available services wherever possible.

The United Nations estimated in 2017 that the maternal mortality rate nationwide was 250 deaths per 100,000 live births. No more recent reliable data were available. The 2017 *National Maternal Death Surveillance and Response Report* stated that the maternal mortality ratio was highest in Shan, Chin, and Ayeyarwady States. NGOs regularly reported throughout the year that humanitarian access and movement restrictions among Rohingya limited access to health-care services and contributed to maternal mortality rates in Rakhine State higher than the national average. Complications resulting from unsafe abortions were also a leading cause of maternal deaths.

Other major factors influencing maternal mortality included poverty; the high rate of home births; limited availability of and access to comprehensive sexual and reproductive health services and information, including contraception, and

maternal and newborn health services; low coverage of antenatal care visits; and the lack of access to services from appropriately trained and skilled birth attendants and other trained community health workers. Delivery of these services was likely affected by significant staffing gaps in the public sector health workforce.

Discrimination: By law women enjoy the same legal status and rights as men, including property and inheritance rights and religious and personal status, but regime officials did not enforce the law. Communities around the country implemented customary law to address matters of marriage, property, and inheritance that differed from the provisions of statutory law, and which was often discriminatory against women. The law requires equal pay for equal work, but the formal sector did not respect this requirement, and the regime did not actively enforce it. NGOs reported that other forms of workplace discrimination were common (see also section 7.d.). The law restricts the ability of Buddhist women to marry non-Buddhist men by requiring public notification prior to any such marriage and allowing objections to the marriage to be raised in court. The law was rarely enforced. Poverty disproportionately affected women.

Systemic Racial or Ethnic Violence and Discrimination

Wide ranging institutional and societal discrimination against members of minority groups persisted, including in areas such as education, housing, employment, and access to health services. Members of ethnic minority groups constituted 30 to 40 percent of the population. The seven ethnic minority states comprised approximately 60 percent of the national territory, and a significant number of minority members also resided in majority ethnic Burmese regions. Rohingya continued to face severe discrimination based on their ethnicity and religion (see also section 2.g.).

Children

Birth Registration: The law automatically confers full citizenship to children when both parents are from one of the 135 recognized national ethnic groups and to some children who meet other citizenship requirements. Second generation children may acquire full citizenship if at least one parent has full citizenship. Third generation children of associate or naturalized citizens may acquire full

citizenship. Many long-term residents in the country, including Rohingya, are not among the recognized national ethnic groups, and thus their children are not automatically conferred citizenship (see also section 2.g.). There were significant rural-urban disparities in birth registration, with an informal or almost nonexistent process in small, rural villages. Birth registration is required to obtain a national identification card, and it can provide important protections for children, particularly against child labor, early marriage, and underage recruitment into the armed forces and ethnic armed groups.

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 and are not legally permitted to work (the minimum age for work is 14). Burmese is the mandatory language of instruction in public schools. The national education plan does not allow for other languages of instruction, although some public schools taught ethnic languages as extra subjects. Schools were often unavailable in remote communities and conflict areas, and access to them for internally displaced and stateless children was also limited.

On June 2, the regime ordered primary, middle, and high schools to reopen across the country for in-person classes. Post-coup school enrollment rates remained drastically lower than before COVID-19 and the coup. According to a UNICEF report released in August, 33 percent of schools in Kachin, Kayah, and Chin States, and 50 percent of schools in Sagaing Region, did not open due to conflict between the military and resistance forces. UNICEF estimated that as many as six million children nationwide had restricted or no access to school.

Child Abuse: The laws were neither adequate to deter child abuse nor enforced. There were no reliable data on child abuse.

Child, 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 occurred, especially in rural areas. There were no reliable statistics on forced marriage.

Sexual Exploitation of Children: In June the regime enacted a new Anti-Trafficking in Persons Law. Under the new law, when trafficking involves the sexual exploitation of a child, it is not necessary to demonstrate the use of force or other form of coercion. The new law also bars adoption by deception, includes measures consistent with the UN Convention on the Rights of the Child, and defines a child as a person younger than 18 years of age.

The law prohibits the commercial sexual exploitation of children, including pimping; separate legal provisions prohibit 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 in prison. The law prohibits child pornography and specifies a minimum penalty of two years' imprisonment and a modest fine. The law on child rights prescribes a penalty of one to seven years in prison, a substantial fine, or both, for sex trafficking and forced marriage. If a survivor is younger than 14, the law considers any sexual act to constitute statutory rape. The maximum sentence for statutory rape is two years in prison when the survivor is between ages 12 and 14, and 10 years to life in prison when the survivor is younger than 12. The deposed civilian government introduced these laws. The Bangkok-based NGO End Child Prostitution in Asian Tourism cited a lack of monitoring and evaluation mechanisms as well as of publicly available data sufficient to ascertain the effectiveness of implementation.

Displaced Children: The United Nations estimated that as of September there were approximately 645,000 displaced children in the country, most of whom lived with their families (see section 2.f.). Although no recent, reliable data were available, street children were a long-standing problem and observers believed there were thousands in the country, primarily in cities. For many reasons, either due to domestic abuse, abandonment, or to support their family financially, such children survived day-to-day with no fixed shelter or adult guardian. Post-coup internal conflicts exacerbated the situation for street children.

Antisemitism

There was one synagogue in Rangoon serving a very small and primarily expatriate Jewish population. There were no reports of antisemitic acts.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: Consensual sexual activity “against the order of nature” remained a criminal offense, punishable by up to 20 years in prison and a fine. In addition, LGBTQI+ persons were often subjected to detention or threatened with arrest under section 35 of the Police Act, which punishes persons found between sunset and sunrise with their “face covered or otherwise disguised.”

Violence against LGBTQI+ Persons: Reports of violence against LGBTQI+ persons persisted. As of September, the NUG minister of human rights claimed at least seven LGBTQI+ community members died and another 37 were arrested while peacefully protesting against the regime.

According to media reports, eyewitness accounts, and social media posts, LGBTQI+ prodemocracy supporters were targeted for humiliation by regime officials after arrest, suffering sexual insults, taunts, mocking of clothing, and physical abuse at rates greater than those endured by other prisoners. According to Colors Rainbow, a local LGBTQI+ NGO, regime police beat a gay man after going through private messages on his cell phone. Regime police reportedly taunted him with slurs and beat his legs with batons until he could not walk.

Discrimination: Discrimination, stigma, and a lack of acceptance among the general population towards LGBTQI+ persons persisted. Transgender persons, for example, were subject to police harassment, and their identity was not recognized.

There were reports of discrimination based on sexual orientation and gender identity in employment. Many LGBTQI+ individuals faced significant barriers to education and employment if they were vocal or visible about their status. LGBTQI+ persons reported facing discrimination from health-care providers, including public shaming. Some members of the LGBTQI+ community were

reportedly denied access to HIV treatment while in prison.

Availability of Legal Gender Recognition: There is no mechanism for legal gender recognition or to change the gender assigned at birth on civil or identification documents.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There is no ban on so-called conversion therapy practices or on medically unnecessary “gender normalization” surgeries on intersex children.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: The regime did not permit LGBTQI+ persons or groups to participate in LGBTQI+ related public events, although members of the community continued to support the prodemocracy movement including participation in flash protests.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. While the law requires job protection, equal access to education, and access to public transportation, there was no meaningful enforcement. According to the Eden Center for Disabled Children, children with disabilities had a lower school attendance rate than their peers. According to the nonprofit Myanmar Information Management Unit, 13 percent of the population were living with disabilities in 2019 (the most recent data available). Persons with disabilities age 15 and older were more than twice as likely as others to be unemployed.

Military veterans with disabilities in urban areas received official benefits on a priority basis, usually a civil service job at pay equivalent to rank. Official assistance to civilians 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.

Other Societal Violence or Discrimination

Official and societal violence and discrimination, including employment

discrimination, against persons with living with HIV continued. Reports of abuse included verbal insults, harassment, threats, and physical assault. Significant legal, social, and financial barriers impeded access to services for persons living with HIV. These barriers included stigma, unhelpful gender norms, poor infrastructure, political instability, and the COVID-19 pandemic. Laws criminalizing behaviors that increased the risk of acquiring HIV fueled stigma and discrimination against persons engaged in these behaviors and impeded their access to HIV prevention, treatment, and care services.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The regime committed extensive abuses against organized labor, including the unlawful detention and extrajudicial killing of labor union leaders and members for exercising their fundamental freedoms and human rights. Labor laws often went unenforced or were enforced primarily against organized labor and labor activists and in the interests of business owners and the regime.

The military maintained its designation of at least 16 labor unions as illegal and continued to issue arrest warrants for union leaders, including leaders of the Confederation of Trade Unions of Myanmar. There were numerous reported raids of trade union offices and union leaders' homes.

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct strikes; however, the regime's declaration that all major independent labor organizations are illegal undermined this right. The law permits labor organizations recognized by the regime 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. The law does not provide adequate protection for workers from dismissal before a union is officially registered. The law prohibits 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 via the Chief Registrar's Office of the regime

Ministry of Labor. The law permits labor federations and confederations recognized by the regime to affiliate with international union federations and confederations. The law provides unions recognized by the regime the right to represent workers, to negotiate and bargain collectively with employers, and to send representatives to a conciliation body or tribunal. There were no labor unions recognized by the regime apart from regime sponsored “yellow” unions.

The law provides the right to strike in most sectors with significant restrictions. The law prohibits strikes addressing problems not directly relevant to labor matters. The law does not permit strikes or lockouts in essential services such as water, electric, or health. The military continued to threaten criminal charges against public sector workers who, during strikes, did not return to work.

The regime did not effectively enforce labor laws related to freedom of association. Penalties for violations of related labor laws were commensurate with those for other laws involving denials of civil rights. Penalties were never applied against violators.

Worker organizations reported that formal dispute settlement and court procedures were not effective at enforcing labor laws.

There were reports that employers dismissed union leaders with impunity or with military support. For example, on July 7 at Zaykabar Industrial Park, regime security forces responded with force to a pay dispute between an employer and a group of workers.

The military maintained martial law over two major industrial zones located in Hlain Thar Yar and Shwe Pyi Thar Townships, Rangoon Region, as well as over other townships with a high concentration of industrial and manufacturing enterprises. Labor representatives alleged that some employers hired military-affiliated security guards to harass and intimidate workers, sometimes leading to fatal violence when disputes arose. An NGO that tracks labor issues reported that on April 7, more than 500 workers at a factory went on strike after it was announced the workers would receive only 35 percent of their wages for March, and the employer allegedly threatened workers that if they did not stop striking the military would come and shoot them.

The Confederation of Trade Unions in Myanmar reported the arrest and harassment of trade unionists by regime security forces after the coup. The secretary general of Myanmar Infrastructure, Craft and Service, who was detained in June 2021 when the regime raided the infrastructure, craft, and service union office in Mandalay, remained in prison. Labor sources reported the secretary general was not allowed to meet any visitors or access legal aid while in detention.

At least one labor NGO decided to leave the country due to deteriorating labor conditions. On August 24 the director of a leading business and human rights organization was arrested allegedly for visa violations and was released on November 17. The military authorities continued to interfere in the operations of the International Labor Organization (ILO) country office through the continued imposition of banking restrictions, the denial of visa extensions for ILO officials, and the denial of tax exemptions. The ILO also reported in August that the military takeover took a severe toll on trade unions and NGOs providing services to workers and migrants. The ILO established a senior-level Commission of Inquiry to examine the regime's nonobservance of freedom of association and the right to organize and of the use of forced labor (see section 5, The United Nations or Other International Bodies).

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes most forms of forced or compulsory labor, although insufficient barriers exist for the use of forced labor by the military and penal institutions. The law also provides for the punishment of persons who impose forced labor on others. Penalties differ depending on whether the military, the government, or a private citizen committed the violation. The regime did not effectively enforce the law, particularly in the areas where significant conflict was occurring.

The ILO expressed profound concern over practices of the military authorities, including the use of forced labor.

An NGO that tracks labor issues found instances of workers being detained or threatened with violence, indicators of forced labor. In September 24 garment workers were denied their wages and locked in a factory to force them to complete

their work without pay.

The regime threatened CDM members with criminal charges if they did not return to work (see also section 7.a.).

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

See the Department of Labor's *Findings on the Worst Forms of Child Labor* 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 prohibit some forms of employment discrimination. Restrictions against women in employment exist based on social and cultural practices and beliefs. The law requires equal pay for equal work, but the formal sector did not respect this requirement, and the regime did not actively enforce it. NGOs reported that other forms of workplace discrimination were common. Women remained underrepresented in most traditionally male-dominated occupations (forestry, carpentry, masonry, and fishing) and were effectively barred from them by hiring practices and cultural barriers (see also Section 6, Women). Women were not legally prohibited from any employment except in underground mines. 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."

There were reports that regime and private actors practiced 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 LGBTQI+ persons. Activists reported limited job opportunities for many openly gay and lesbian persons and noted a general lack of support from society. Activists

reported that in addition to general societal discrimination, persons with HIV or 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.

The Confederation of Trade Unions Myanmar reported that some employers dismissed or refused to hire workers with certain geographically assigned nationality ID numbers at the military's request. According to the confederation, the military ordered the employers not to hire workers with national IDs starting with 5, 8, and 12, indicating regions where PDF groups were active.

e. Acceptable Conditions of Work

Wage and Hour Laws: The official minimum daily wage was above the poverty line, although the official poverty line has not been adjusted since 2019. The minimum wage covers all sectors and industries in the formal sector for businesses with more than 15 employees. The law requires the minimum wage to be revised every two years although it was last revised in 2018.

The workweek is 44 hours per week for factories. For shops and other establishments, it is 48 hours per week. Although the law in general states that overtime should not exceed 12 hours per work week, the law allows up to 16 hours of overtime when special matters require additional overtime. Overtime for factory workers is regulated under a separate directive that limits overtime to 20 hours per week. The law also stipulates that an employee's total working hours cannot exceed 11 hours per day (including overtime and a one-hour break). Laws did not apply to those in the informal sector or self-employed.

An NGO that tracks labor issues noted numerous reports of workers at various factories not receiving minimum wages or being forced to work excess hours in the apparel sector.

Occupational Safety and Health: The law sets standards for occupational safety and health (OSH) and welfare that are appropriate for the main industries. The regime Ministry of Labor has the authority to suspend businesses operating at risk to worker health and safety until these risks are remediated.

Labor unions reported instances in which workers could not remove themselves from situations that endangered their health or safety without jeopardizing their employment. An NGO that tracks labor issues reported workers at the AMG garment factory fell ill due to heat and the company not using its fans.

Wage, Hour, and OSH Enforcement: The regime Ministry of Labor's Factories and General Labor Laws Inspection Department oversees labor conditions in the private sector. Inspectors were authorized to make unannounced inspections and initiate sanctions.

The regime did not effectively enforce the law. Penalties for wage and hour violations were commensurate with those for similar violations such as fraud but were not applied. Similar violations, such as for employer negligence, were rarely applied against violators. The number of labor law inspectors and factory inspectors was insufficient to address wage, salary, overtime, OSH standards, and other matters adequately. In some sectors, other regime ministries regulated OSH laws (e.g., the Ministry of Agriculture, Livestock, and Irrigation).

Informal Sector: Although no recent data were available, experts believed that a large majority of workers were in the informal sector. The informal sector likely increased with COVID-19 and after the 2020 coup. Wage, hour, and OSH laws did not apply to those in the informal sector or self-employed.

Informal sector jobs usually lacked basic benefits such as social and legal protections. In at-risk industries – defined as having occupational hazards, volatile payment structures, and ease in exploiting labor rights – on average, one in five workers had an informal work arrangement, although the proportion was even higher in manufacturing, construction, recreation, and personal services. In addition, nearly two-thirds of the workers in medium- to high-risk industries were employed informally.