Flygtningenævnets baggrundsmateriale

Bilagsnr.:	**800**
Land:	Myanmar
Kilde:	U.S Department of State (USDoS)
Titel:	Country Report on Human Rights Practices: Burma
Udgivet:	22. april 2024
Optaget på baggrundsmaterialet:	30. april 2025

2023 Country Report on Human Rights Practices: Burma

EXECUTIVE SUMMARY

The human rights situation in Burma deteriorated during the year as the conflict between the military regime and opposition forces escalated. Deposed State Counsellor Aung San Suu Kyi, President Win Myint, and other leading members of the deposed civilian government and the National League for Democracy party remained in detention.

Significant human rights issues included credible reports of: unlawful killings, including extrajudicial killings; enforced disappearance; torture or cruel, inhuman, or degrading treatment or punishment by the regime; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; political prisoners or detainees; transnational repression against individuals in another country; 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 children in an armed conflict by the regime as well as some ethnic armed organizations; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, censorship, and the enforcement of or threat to enforce criminal libel laws; substantial interference with the freedom of peaceful assembly and freedom of association; restrictions on religious freedom; restrictions on freedom of movement; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; extensive gender-based violence; crimes involving violence or threats of violence targeting members of national and ethnic minority groups; trafficking in persons, including forced labor; laws criminalizing consensual same-sex sexual conduct between adults (although those laws were rarely enforced); prohibiting independent trade unions and significant restrictions on workers' freedom of association, including violence and threats against labor activists; and some of the worst forms of child labor.

The government did not take credible steps to identify and punish officials who may have committed human rights abuses.

Some ethnic armed organizations and Peoples Defense Force groups or members committed human rights abuses, including killings, disappearances, and physical abuse and degrading treatment. This included a number of abuses of civilians in connection with the armed conflict.

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, including extrajudicial 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 4,162 verified reports of persons killed by the regime as of October 31. According to the National League for Democracy's (NLD's) Human Rights Documentation Team, as of August 22, regime security forces killed at least 100 NLD members, including 11 women and three elected parliament members during arrest or interrogation or while in detention.

On January 4-5, the website *Irrawaddy* reported that regime soldiers arrested nine NLD party members from three villages in Myittha Township of Mandalay Region. Myo Lin, an NLD member from Htein Kan village, was allegedly killed during interrogation, and his body was not returned to his family.

On July 10, Burma Human Rights Network reported that at least eight students detained in Bago prisons had died from the regime's abuses during interrogation. The regime claimed the deaths occurred during attempted escapes while the eight were being transported to Insein Prison in Rangoon.

The regime encouraged the development of proxy vigilantes to target prodemocracy groups and their families. The groups - many operating under the name of Thway Thauk, or "Blood Comrades" - operated primarily in urban areas such as Mandalay, Rangoon, and in the Tanintharyi Region. Similarly, the military-trained Pyu Saw Htee group operated in other regional areas and reportedly killed multiple NLD supporters. As of August 22, according to the NLD's Human Rights Documentation Team, these groups killed 269 persons, 233 civilians and 36 NLD members during its "Red Operation," an assassination campaign directed at NLD and People's Defense Force (PDF) members and their families.

B. DISAPPEARANCE

There were numerous reports of disappearances allegedly committed by the regime.

On March 12, the Karenni Human Rights Group reported that the regime Light Infantry Division No. 66 entered the Khong Tar internally displaced persons (IDP) camp in Loikaw, Kayah State, and detained several residents, allegedly to use them as human shields. At year's end, requests for information regarding their whereabouts by the families and local media outlets remained unanswered by regime authorities.

On August 30, Karen Human Rights Group stated that since the 2021 coup more than 72 civilians were reported as victims of enforced disappearance in the country's southeast. Regime forces allegedly arrested the disappeared villagers without warning and due process and neither acknowledged any arrests nor informed families of the whereabouts of those disappeared.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT, AND OTHER RELATED ABUSES

The law prohibited torture; however, the emergency order establishing the regime authorized it to disregard any law, and 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. Harsh interrogation techniques were allegedly designed to intimidate and disorient and included severe beatings and deprivation of food, water, and sleep.

On August 7, the news service *Myanmar Now* reported details of physical abuses in Thayarwaddy Prison, including forced 24-hour work shifts particularly targeting prodemocracy political prisoners.

According to nongovemmental 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.

Impunity for rights abuses was pervasive for regime officials and security force leaders and members. The regime routinely denied responsibility for atrocities and abuses. The Independent Investigative Mechanism for Myanmar established by the UN Human Rights Council stated in its 2023 annual report that regime armed forces' failure to investigate or to otherwise curtail the pattern of combat-related war crimes was significant.

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 *50* known prisons and *50* known labor camps, including two new prisons still under construction, according to the AAPP. 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. The military's practice of using public facilities (e.g., community halls) as interrogation centers continued, according to the 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. Insein Prison reportedly held 220 inmates in a 1,200-square-foot room.

Medical care was inadequate, and this reportedly contributed to deaths in custody. Reports indicated prisoners suffered from many health problems, including COVID-19, malaria, heart disease, high blood pressure, tuberculosis, skin diseases, and intestinal illnesses caused or exacerbated by unhygienic conditions and spoiled food.

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.

Administration: The Department of Corrections in the Ministry of Home Affairs operated 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 October, there was no credible evidence of prisoners and detainees submitting complaints.

Independent Monitoring: The regime denied access to prisons and detention sites by the International Committee of the Red Cross, the UN Office on Drugs and Crime, and other independent nongovemmental observers. According to regime-controlled media, the Myanmar National Human Rights Commission visited the Maubin Prison in Ayeyawady Region on October 10.

D. ARBITRARY ARREST OR DETENTION

The law did 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 allowed authorities to order the detention without charge or trial of anyone they believed was performing or might perform any act that endangered 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.

For crimes carrying potential sentences of less than seven years' imprisonment, the law allowed 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 the charges. For crimes carrying longer potential sentences, detention could last up to 30 days. There was a functioning bail system, although the courts regularly denied bail to prodemocracy supporters. Authorities reportedly did not inform family members or attorneys of arrests in a timely manner.

Incommunicado detention was common. The regime detained politicians, election officials, journalists, activists, protesters, and Civil Disobedience Movement members, refusing to confirm their locations, according to media reports, eyewitness accounts, and social media posts. In September, the AAPP reported that an estimated 19,246 individuals listed by the regime as "under detention" were in unknown locations. 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, the AAPP calculated that regime security forces made nearly 25,000 arrests as of September 21. According to the NLD Human Rights Documentation Team, 1,172 NLD members were under arrest as of August 22, of whom 73 were members of parliament and the rest members of the NLD, including 189 women, who served at different levels in various township committees.

On January 17, the regime reportedly arrested a member of the Mandalay regional parliament, Win Myint Khine, along with his son and two others, in his home. A regime-associated Telegram post stated that Win Myint Khine supported the PDF and was in hiding before his arrest.

Pretrial Detention: Arbitrary and lengthy pretrial detention resulted from lengthy, complicated legal procedures, widespread corruption, and the regime's ability to detain persons indefinitely without trial. The regime removed the right to legal aid services during pretrial detention. Additional changes limited legal aid for stateless persons, asylum seekers, foreigners, and migrant workers.

Although habeas corpus existed in national law, regime security forces ignored this right, arresting and detaining individuals without following proper procedures. Arbitrary arrest or detention remained common to suppress political dissent, according to the AAPP, and detainees had limited ability to meaningfully challenge the lawfulness of detention due to the lack of judicial independence from the regime.

E. DENIAL OF FAIR PUBLIC TRIAL

Constitutional provisions for an independent judiciary were effectively suspended. In August, the regime appointed a new chief justice and a new associate justice of the Supreme Court. Regime appointees occupied nine of the 10 seats on the Supreme 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 50 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 could 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. Human Rights Watch (HRW) reported defendants tried before military tribunals faced almost certain conviction regardless of the evidence against them. Neither the public, human rights monitors, nor foreign diplomats had access to the trials. According to data collected by the AAPP, there were 103 post-coup death row prisoners. At least 119 individuals were sentenced in absentia, of whom 43 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, which the emergency decree enabled the regime to ignore, granted 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 included: a presumption of innocence; to be informed promptly of the charges; a fair, timely, and public trial; to communicate with an attorney of one's 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 remained in the law, many defense lawyers were unwilling to handle prodemocracy cases due to fear for their personal safety. In June, HRW found an emerging pattern of intimidation and harassment against defense lawyers representing political detainees, reporting many cases of arrests and mistreatment and torture in detention. According to the AAPP, the regime arrested more than 53 lawyers associated with prodemocracy cases and 29 lawyers remained in detention as of August.

Political Prisoners and Detainees

The regime detained and arrested politicians, election officials, journalists, activists, protesters, religious activists, and Civil Disobedience Movement members. The AAPP estimated the regime arrested 1,591 persons on political grounds as of mid-August; in addition, 22,710 persons arrested on political grounds in previous years (since the coup) remained in detention. 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 and hard labor.

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

Many former political prisoners reportedly remained subject to surveillance and restrictions, including the inability to secure identity or travel documents, following their release.

In August, deposed State Counsellor Aung San Suu Kyi and President Win Myint received partial pardons. A regime court dismissed five of the 19 cases against Aung San Suu Kyi, reducing her prison sentence from 33 to 27 years. The court voided two of eight convictions against President Win Myint and reduced his sentence to eight years.

On September 4, Aung San Suu Kyi reportedly experienced gum swelling and vomiting due to prescribed antibiotics while in prison. The prison administration rejected the suggestion of an outside dental consultation, despite the prison's chief medical officer recommending it.

Aung San Suu Kyi's trials were closed to the public, and the regime placed a gag order on her attorneys barring them from communicating with the public. As of November, Aung San Suu Kyi remained in solitary confinement at Nay Pyi Taw prison; her legal team applied five times for

permission to meet with her but received no response as of October. The team submitted appeals in all her cases.

Amnesty: The country traditionally marked Buddhist holidays by granting amnesties to prisoners. According to the AAPP, the regime released an estimated 2,455 prisoners in four separate amnesties. Among those released were the former union minister of religious affairs and culture, nine foreign prisoners including five Sri Lankan nationals, and 2,153 political prisoners sentenced for terrorism. Corruption, rampant in the criminal justice system, applied to amnesties as well. Families often bribed prison authorities to secure a higher position on the "Pardon/Amnesty" list.

Although thousands of prisoners were released in the four amnesties, there was no reliable data on the number of those amnestied who were detained on political grounds.

F. TRANSNATIONAL REPRESSION

Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence: The regime was alleged to have kidnapped persons in other countries for politically motivated reprisal. According to an HRW report, on July 4, Burmese Muslim activist Thuzar Maung and her family were abducted from their home in Malaysia; their whereabouts remained unknown as of November. HRW stated persons linked to the Malaysian government could have been involved.

Efforts to Control Mobility: There were credible reports that the regime attempted to control mobility in reprisal against citizens abroad by revoking their passports, jeopardizing their legal status. According to an October 30 report by Radio Free Asia, the regime canceled the passports of three Burmese nationals living in Singapore without prior notice or explanation.

Bilateral Pressure: There were credible reports 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 National Unity Government (NUG) and the Committee Representing the Union Parliament, to depart the country. On April 1, Thai authorities arrested three members of the Lion Battalion Commando Column in Mae Sot and handed them over on April 4 to a regime- aligned Border Guard Force in Myawaddy, according to HRW, which alleged Thai officials colluded with the regime by unlawfully returning opposition activists, disregarding the dangers they faced in Burma.

G. PROPERTY SEIZURE AND RESTITUTION

The 2008 constitution stipulated that the state owned all land, although there was a limited amount of freehold land. Most land was held in long-term leases, meaning that while the government owned the land, private parties could lease it on a long-term basis with a general expectation that the lease would automatically roll over upon its expiration. The law allowed for registration and sale of private land ownership rights and provided for compensation when the government acquired privately held land for a public purpose; postcoup, however, the situation was unclear. According to the 2008 constitution, the government could declare land unused or "vacant" and assi$_{gn}$ it to foreign investors or designate it for other uses. There was no judicial review of land ownership or confiscation decisions; administrative bodies subject to regime control made final decisions on land use and registration. The law did not favor recognition of traditional land tenure systems (customary tenure).

As of August 16, media reports indicated the regime seized approximately 1,100 properties owned by 892 individuals with ties to the prodemocracy movement or who provided donations to the prodemocracy movement via mobile phones. 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, even before

charges were filed. According to the AAPP, the regime used its authority to seize property as a weapon to intimidate the public.

H. ARBITRARY OR UNLAWFUL INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

Although precoup law protected privacy and the security of the home, in 2021 the regime legalized entering properties without a warrant. Unannounced nighttime household checks were common. The law did not protect the privacy of correspondence or other communications. The regime regularly monitored private electronic communications through online surveillance; there were numerous reports the regime monitored prodemocracy supporters.

According to the July 9 *Burma Affairs & Conflict Study,* in June and July the regime conducted biometric data collection training and implemented a data collection project in towns and cities nationwide. The data collected included fingerprints, iris patterns, and facial biometrics from registrants plus personal information such as names, addresses, blood types, and telephone numbers of citizens ages 10 and older, as well as of foreign nationals living in the country. Regime news outlets stated the collection was part of a plan for issuing 10-digit national identification cards. Activists expressed concern the regime intended to use the biometric data to increase surveillance.

I. CONFLICT-RELATED ABUSES

Fighting between the regime and opposition forces reportedly intensified in Kachin, Chin, Karen, Shan, and Kayah States and in Sagaing and Magway Regions. 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 ethnic armed organizations (EAOs) and PDF groups were accused of similar abuses.

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.

Regime forces engaged in armed conflict with opposition forces failed to protect noncombatants, resulting in death, injury, and other harm. The military also routinely conducted airstrikes that killed civilians and destroyed civilian infrastructure. In June, the UN secretary-general's *2023 Annual Report on Children and Armed Conflict* recorded 149 child killings (and numerous other injuries to children) by regime forces in 2022. On April 11, regime forces reportedly launched aerial attacks that killed more than 160 civilians at Pazigyi village, Kantbalu Township in Sagaing Region, as the regime's forces dropped bombs on a gathering; media reported two attacks by fixed-wing aircraft followed by indiscriminate shooting from helicopters.

On August 3, an abbot in Magwe's Gangaw District, Tilin Township, was reportedly shot and killed at his monastery by a resistance member from Gangaw Battalion 15.

On August 28, the regime reportedly detonated a mine near Shwe Pyi village in Mandalay's Singu Township, killing one child and injuring another. Singu locals said the regime conducted attacks on civilians to put the blame on the PDF.

Abductions: There were reports of such abuses including on July 16, when drunken regime troops from Infantry Battalion 274 based in Mindat reportedly abducted a pastor and three church elders from a church in a residential ward of Mindat town. According to *Irrawaddy,* all four detainees were believed to have been killed by regime troops during interrogation. In November, there were reports of regime forces detaining youths in Rangoon for conscription or ransom. EAOs in Shan State were also accused of forcible conscription.

Physical Abuse, Punishment, and Torture: There were reports of such abuses both by regime and some opposition forces. Local media reported Lia Do Deih Huai Kum, a woman, age 31, died on September 5 due to severe head injuries after regime security forces allegedly beat her and a male friend in Kale Town, Sagaing Region, on August 27. The victim remained unconscious for 10 days before succumbing to her injuries at a hospital in Mandalay city.

There were reports of both regime security and opposition forces raping and sexually assaulting women and girls during security operations.

A June 17 report from the Burmese Women's Union stated resistance forces committed four of the 59 rape cases reported to it since the coup; regime forces were responsible for the majority. Between June 28 and July 31, Magwe Region's Saw Township authority reportedly arrested eight members of the NUG's People's Security Force jail guards for repeatedly raping a woman arrested in April for theft.

Child Soldiers: The military and some EAOs, including the United Wa State Army, Kachin Independence Army, the Shan State Progress Party/Shan State Army, Myanmar National Democratic Alliance Army, Chin National Front, the Karen National Liberation Army, the Democratic Karen Benevolent Army, Ta'ang National Liberation Army, and People's Defense Forces, were listed in the UN secretary-general's *2023 Annual Report on Children and Anned Conflict* as having recruited and used children. The report found that 235 children (215 boys and 20 girls) as young as age 12 were recruited and used as soldiers. There was no evidence the regime or NUG prosecuted those responsible.

The Secretary of State determined that the regime's military recruited or used child soldiers during the reporting period of April 2022 to March 2023. See the Department of State's annual *Trafficking in Persons Report* at https://www.state.gov/trafficking-in-persons-report/.

Other Conflict-related Abuse: According to numerous local media reports, UN officials, 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 Office for the Coordination of Humanitarian Affairs reported humanitarian access to 82 percent of those displaced by the conflict was considered "difficult" or "very difficult."

Most access constraints were initiated by de facto authorities and regime security forces. 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.

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. According to the Office of the High Commissioner for Human Rights, more than 70,000 homes were deliberately burned by the regime since the coup, most in the northwest. The military reportedly increased airstrikes on civilians by 141 percent in the second year following the coup, while artillery shelling of communities, including hospitals, schools, and places of worship, increased by more than 100 percent.

With the escalation of violence and conflict, an estimated 12 of 14 states and regions were contaminated by mines.

Section 2.

Respect for Civil Liberties

A. FREEDOM OF EXPRESSION, INCLUDING FOR MEMBERS OF THE PRESS AND OTHER MEDIA

The regime, by the terms of its emergency decree exempt from respecting the law, 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.

The law stipulated any attempt to "hinder, disturb, damage the motivation, discipline, health and conduct" of military personnel and government employees and cause their hatred, disobedience or disloyalty toward the military and the government was punishable by up to three years in prison. Under this law, hip-hop singer Byuhar was arrested in May after posting a video criticizing the regime for prolonged electricity shortages in Rangoon. Tik Tok celebrity Zaw Win Maung was arrested on the same charges in July after he posted a short comedy video in which he mocked Commander in ChiefMinAung Hlaing.

The regime restricted academic speech and freedoms. In October 2022, regime amendments to education law notably excluded representatives from student unions and teacher unions from participation in the formation of the National Education Commission. In May, the regime banned political lectures in conflict with regime policy. The law empowered the Ministry of Education's supervisory board to set standards for private schools, issue teaching licenses, and approve curricula.

On August 31, a military tribunal in Sagaing's Ye-U Township handed down a life imprisonment sentence for terrorism to a student named Aye Mya Sandar. The verdict was based solely on her association with and attendance at an NUG-affiliated school.

Violence and Harassment: The regime harassed and detained reporters and subjected them to violent and at times lethal abuse for covering antiregime protests. According to a November 12 Radio Free Asia report, the regime revoked at least 14 media outlet licenses and arrested 156 journalists, of whom approximately 50 remained in detention as of October. Very few journalists were among amnestied prisoners as of October.

Regime harassment of journalists took many forms, including property seizure and sexual assaults.

The regime used various laws to harass, imprison, and try journalists, including those on sedition, which carried a possible 20-year prison term; laws on unlawful association, which could result in a three-year sentence; and counterterrorism, which could carry the death penalty.

In March, Narinjara News and the Border News Agency, two Rakhine-based media outlets, were accused of "deliberately reporting to disturb the peace" after reporting regime soldiers demanded money at checkpoints in Rakhine. Narinjara chief editor Khine Myat Kyaw was charged under the Telecommunications Act for use of coercive speech.

On September 6, a regime military tribunal sentenced photojournalist Sai Zaw Thaike of *Myanmar Now* to 20 years in prison with hard labor for covering the aftermath of May's Cyclone Mocha.

Doxing was another form of harassment. Promilitary 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 targets being doxed on Han's channel. Telegram banned the channel several times for violating its community standards, yet the same doxing cases would reappear a few days later under a modified username and Han continued to operate in concert with like-minded channels that often cross-posted content.

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'etat," and "military council." Media registered with the regime had to follow these censorship rules.

Ministry of Information instructions required broadcasters and content providers to Myanmar Radio and Television to self-censor before broadcasting foreign movies and drama series. In July, the censorship requirement was extended to locally produced films and television series. Effective August 1, television broadcasters and producers were required to submit a brief synopsis of planned movies to the censor board to obtain permission for production.

In March, the regime announced revisions to the Printing and Publishing Law that allowed police or a designated Ministry of Information official to confiscate published material without a court warrant after the published material was administratively declared unlawful.

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.

According to local media, the regime arrested Daw Nyo Aye, a Rakhine activist and chair of the Rakhine Women's Network, on August 15 after she participated in the commemoration of "Rakhine Rice Killing Day." She was reportedly indicted under laws against defamation of the state.

Swiss citizen Didier Nusbaumer and 13 Burmese nationals, including a girl, age 12, were arrested on August 8 for their roles in the film *Don 1 Expect Anything!* released online July 24. Proregime social media channels accused the film of using language that "insults the morals of the monks and harms the cultural traditions of Buddhists."

National Security: Although the regime prosecuted some media critics using laws specifically related to national security, in general the regime used other methods to pursue its critics, especially by doxing them through proxies. The regime maintained its designation of the NUG and other prodemocracy groups as terrorist organizations. According to the AAPP, 6,700 civilians criticized in state-run newspapers were subsequently arrested, although some were eventually released without charge.

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. Precoup law included broad provisions giving the government the power to block and filter content "temporarily" for the "benefit of the people." It did not explicitly allow forced removal of content or provide for intermediary liability.

According to Freedom House, the regime, the military, and promilitary groups pressured users to remove antiregime and prodemocracy content. Regime authorities used, or threatened to use, other provisions of criminal law to pressure internet users to remove content or face lengthy prison sentences.

Mobile device users were required to provide their names, national registration documents, birthdays, addresses, citizenship, occupations, and gender to register a SIM card; noncitizens were required to provide their passports. Telecommunications companies reportedly required some subscribers to include information beyond the bounds of the regulations, including their ethnicity. Telecommunications and internet surveillance allegedly contributed to violent crackdowns on citizens, including physical assaults and enforced disappearances in retaliation for online activities. Throughout the year, proregime social media users conducted "doxing campaigns" by publishing the legal names and physical addresses of persons tied to the prodemocracy movement, including

children attending online school. In the year through August, the regime restricted mobile data network access in 51 townships across the country. Moreover, blocking of social media websites used by prodemocracy groups, such as Facebook and Twitter, continued. Authorities allegedly arrested Facebook users found to have posted content interpreted to be antiregime or used antiregime profile photographs.

In regions perceived as supportive of the opposition or governed by martial law, the regime forced telecommunications service providers to restrict mobile data network speeds, effectively shutting down the internet and voice communications in some areas. *Access Now* verified at least seven shutdowns in 2022, affecting all regions at least once, and no internet access in more than 50 townships for more than a year. Freedom House reported in its 2023 report on internet freedom in the country that, following the forced sale of the last two independent internet service providers in 2022, all service providers were under the direct or indirect control of the military. The regime maintained a "whitelist" 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."

B. FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION

The regime curtailed the freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The regime maintained a blanket ban on protests and demonstration across the country that severely impeded activists' ability to organize and protest. 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. On August 8, seven regime soldiers in civilian clothes reportedly opened fire on six young activists staging a flash protest to commemorate the 35th anniversary of the 1988 prodemocracy uprising. Three of the activists were arrested; their whereabouts remained unknown as of December.

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. As amended by the regime, the law on registering organizations stipulated mandatory registration and required a declaration of funding sources and locations of operation for both local and international non-profit organizations. Notably, religious, economic, or political NGOs were subject to separate laws and provisions. Failure to meet all conditions could result in high fines or up to five years in prison. As of September, registration procedures were vague, lacked many of the prescribed mechanisms to facilitate the process, and were interpreted variously by local officials. Many NGOs argued the law primarily functioned as a tool for the regime to gather information about non-profit organizations, including their staff, operations, and activities.

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 did not protect freedom of internal movement, foreign travel, emigration, or repatriation. Local regulations limited the rights of citizens to settle and reside anywhere in the country. Authorized officials could 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. 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 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 could not move freely; they were required to obtain travel authorization to leave their township. The regime's General Administration Department made it illegal for Rohingya to travel without permission in Sittwe and Kyauktaw Townships, Rakhine State.

According to *Border News Agency,* in August the regime restricted the right of locals to travel in Maungdaw Township in northern Rakhine State. Locals reported that automobiles and motorcycles were prohibited on the Angu Maw to Maungdaw highway after 6 p.m.

Foreign Travel: The regime restricted foreign travel by prodemocracy supporters and expanded measures to increase oversight. All bookings for departures had to be made at least 10 days in advance and be shared with the Ministry of Foreign Affairs. The regime also reportedly canceled, 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 did not provide for granting asylum or refugee status, and there was no system for providing protection to refugees. UNHCR did not register any refugees or asylum seekers during the year.

F. STATUS AND TREATMENT OF INTERNALLY DISPLACED PERSONS (IDPS)

UNHCR estimated that as of November 20, more than two million persons were internally displaced in the country, either in camps or informally. More than one million fled their homes since the coup, most notably in areas such as Sagaing and Magway Regions. Conflicts during the year in northern Shan State significantly increased the number of IDPs from 6,700 to 71,800 in less than a month. Decades of conflict between the central government and ethnic communities also contributed to the large number of IDPs.

On July 12, regime aircraft bombed an IDP camp during airstrikes in Shadaw and Mese Townships in the resistance stronghold of Kayah State, killing at least two civilians and sending thousands of refugees across the border into Thailand's Mae Hong Son Province. The military's deliberate destruction of homes contributed significantly to an increase in the number of IDPs. In June, local media reported more than 12 instances of displacement across at least seven townships in Sagaing Region.

UNHCR estimated that nearly all IDPs were living in their own state and region, principally in Kachin State, Shan State, Northwest Burma (Sagaing Region, Chin State), Rakhine State, Central Burma (Magway Region, Bago Region), and Southern Burma (Kayah State, Mon State, Kayin, and Tanintharyi Region). IDPs in Sagaing Region alone numbered 820,880 as of October, the highest concentration in the country.

The regime systematically obstructed humanitarian relief for IDPs and denied access to conflict-affected persons affected by natural disasters.

In early January, media reported regime officials forcefully closed 25 temporary IDP settlements near Sittwe in Rakhine State. In early March, the regime ordered 140 ethnic Rakhine households (532 individuals) to return from an IDP camp in Ponnakyun Township but offered limited assistance.

On June 8, three weeks after Tropical Cyclone Mocha made landfall in Rakhine State, the regime revoked approvals to provide assistance to cyclone-affected populations, to the detriment of approximately 3.4 million persons in need of humanitarian assistance, according to the United Nations. The ban followed a letter requiring the United Nations and international NGOs to hand over all domestic distribution of relief supplies to regime authorities.

G. STATELESS PERSONS

The country contributed 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 defined a "national ethnic group" as a racial and ethnic group that could 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 were automatically granted full citizenship. The law also established two forms of citizenship short of full citizenship: associate and naturalized. Citizens in these two categories were 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 were able to acquire full citizenship.

Rohingya, most of whom were Muslim, were not recognized as a "national ethnic group," and the vast majority were stateless as a result. As of September, up to 630,000 Rohingya were estimated to remain in Rakhine State. Some Rohingya could have been technically eligible for full citizenship. The process involved additional official scrutiny and was complicated by logistical difficulties, including travel restrictions and significant gaps in understanding the Burmese language. The process also required substantial bribes to regime officials and, even then, 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 received identity documents that described 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, and the National Verification Card requirement did not apply to these groups.

The law did not provide any form of citizenship (or associated rights) for children born in the country whose parents were stateless. The regime issued birth certificates to Rohingya children born in Rakhine State but did not grant citizenship.

Media reported that in January and February the regime arrested 2,000 Rohingya from refugee camps in Rakhine and Bangladesh on their way to Malaysia, with nearly 500 sentenced to two to five years in prison under the immigration law. In an aid worker's description, "They left risking their lives, as they know (sic) they would be free in a new land, if they escape, or they will just go back to their original lives of failure if they get caught. They have already anticipated that they could end up like this."

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. The military replaced the members of the Union Election Commission, which administered national elections, with regime loyalists and appointed a former military major general to chair the commission.

ELECTIONS AND POLITICAL PARTICIPATION

Abuses and Irregularities in 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. The regime delayed an election it promised to hold during the year, citing violence across the country. Media reported that the regime procured electronic voting machines modified with Russian assistance; civil society groups expressed concern that electronic voting machines would make it easier for the regime to alter election results.

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 January 26, the regime enacted a political party registration law requiring parties to apply for reregistration with the Union Election Commission within 60 days or face automatic dissolution. Once the regime accepted a party's application for registration or reregistration as a national party, that party had to amass a minimum of 100,000 members within 90 days of the acceptance, a 100-fold increase from the previous minimum threshold. Additionally, national-level parties were required to establish offices in at least half of the country's 330 townships within six months, contest at least half of all constituencies, and deposit 100 million kyats ($476,000) with a state-owned bank as registration fees. To register a party at the state or regional level, the law required 1,000 party members, a one million kyat ($4,760) deposit in a state-owned bank, and the establishment of five party offices. State or local parties only had to run a single candidate. The registration law also forbade anyone convicted of a crime or affiliated with regime-designated "unlawful associations" from serving as a political party member, a provision that alone made registration impossible for many prodemocracy parties.

On March 28, the Union Election Commission used the new law to disband the NLD and 39 other political parties, including the Shan Nationalities League for Democracy, Kayah State Democratic Party, Arakan League for Democracy, Chin National League for Democracy, and Ta'ang National Party. Eight of these 40 dissolved parties collectively won 987 of the 1,161 parliamentary seats contested in the 2020 general election.

On March 31, regime security forces removed signs and flags from the NLD office in Rangoon's Kamayut Township. In April, the regime Ministry of Home Affairs pressured the Shan Nationalities League for Democracy to remove flags from their offices. On the night of May 8, following vandalism at the NLD Mandalay regional office, the residence of NLD vice-chairman Zaw Myint Maung was bombed, with security forces intimidating the local community with threats and gunfire. In November, the regime removed NLD signs and flags from Aung San Suu Kyi's residence.

Participation of Women and Members of Marginalized or Vulnerable Groups: Laws limiting the citizenship status of many ethnic minority groups limited their rights to participate in political life. Women and members of historically marginalized and minority groups continued to be underrepresented in government.

Section 4.

Corruption in Government

The regime-controlled Anti-Corruption Commission continued to target deposed NLD politicians and other former civilian government leaders for prosecution under anti-corruption law. As of August, according to the AAPP, 46 former NLD and civilian government officials, Aung San Suu Kyi, and former President Win Myint faced charges under the Anti-Corruption Law. 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. On October 7, the regime's Supreme Court rejected the appeals on six corruption convictions, including four related to the Daw Khin Kyi Foundation, a charity. The remaining two cases involved accusations of receiving cash from a crony.

For additional information about corruption, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report,* which includes information on financial crimes.

Section 5.

Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

The regime did not allow domestic human rights organizations to function independently or openly and regularly disrupted the routine activities of numerous NGOs across various sectors. 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. On July 30, regime forces raided an All Burma Federation of Student Unions office in Nyaung Kan village, Budalin Township, Sagaing Region, and killed three members, including Ko Kyaw Win Thant (chairman), Ko Than Sin Thing (vice chairman), and Ko Thu Ta Nay (news and information secretary).

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, such as the International Labor Organization (ILO), 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.

Government Human Rights Bodies: The Myanmar National Human Rights Commission did not, in the view of many organizations and independent observers, operate as a credible, independent mechanism, despite its mandate to conduct independent inquiries on alleged human rights abuses. According to the Asian NGO Network on National Human Rights Institutions' 2023 report, the commission was complicit "in the junta's grave human rights violations and atrocit[ies]" and "aligned ... with the military junta."

Section 6.

Discrimination and Societal Abuses

WOMEN

Rape and Domestic Violence: Rape of women and men was illegal but remained a significant problem, as the regime did not enforce the law effectively and reports emerged of sexual abuse of women in prisons by security guards. Rape of a woman outside of marriage carried a maximum sentence of 20 years in prison. Spousal rape was not a crime unless the wife was younger than the legal age of marriage (which could vary according to ethnicity or religion), the penalty for which was a maximum of two years in prison. The law prohibited committing bodily harm against another person, but there were no laws specifically against domestic violence or spousal abuse unless the wife was 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. According to the Global Protection Cluster, a coalition of NGOs and UN agencies, gender-based violence increased since the coup as economic opportunities shrank, and tensions rose in households over hunger and poverty. Forty percent of persons in IDP households reported fear of sexual violence or harassment.

Other Forms of Gender-based Violence or Harassment: The law prohibited sexual harassment and prescribed a maximum penalty of two years in prison if the harassment involved physical

contact. Harassment was 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.

Discrimination: By law women enjoyed 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 was often discriminatory against women.

The law required equal pay for equal work, but the formal sector did not respect this requirement, and the regime did not actively enforce it. 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 rooted in male dominance. The law governing hiring of civil service personnel stated that nothing should prevent the appointment of men to "positions that are suitable for men only," with no further definition of what constituted positions ..suitable for men only." The law restricted the ability of Buddhist women to marry non-Buddhist men by requiring public notice prior to any such marriage and allowing objections to the marriage to be raised in court. The law was generally ignored and rarely enforced.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of regime authorities. The law permitted the government to impose coercive birth-spacing requirements- 36 months between children - if the president or national government designated "special regions" for health care based on factors such as population, migration rate, natural resources, birth rates, and food availability. Jn such special regions, the government could create special health-care organizations to establish family planning regulations. The regime did not designate any such special region. In Rakhine State, however, local authorities imposed regulations that prohibited Rohingya families from having more than two children, although the regulations were not enforced.

The law otherwise limited 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.

The World Bank estimated in 2020 that the maternal mortality rate nationwide was 179 deaths per 100,000 live births. 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.

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. The regime and private actors

reportedly practiced discrimination that impeded Muslim-owned businesses' operations and undercut thefr ability to hire and retain labor, maintain proper working standards, and secure public and private contracts.

CHILDREN

Birth Registration: There were significant rural-urban disparities in birth registration, with an informal or almost nonexistent process in small, rural villages. Birth registration was required to obtain a national identification card, and it could 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 was compulsory, free, and universal through the fourth grade (up to age 10). This left children ages 10 through 13 vulnerable to child labor, since they were not required to attend school and were not legally permitted to work (the minimum age for work was 14). Burmese was the mandatory language of instruction in public schools. The national education plan did 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.

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 stipulated different minimum ages for marriage based on religion and gender. The minimum age for Buddhists was 18, while the minimum age for non-Buddhists was 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: The 2022 Anti Trafficking in Persons Law criminalized all forms of labor and sex trafficking. It stated that when trafficking involved the sexual exploitation of a child, it was not necessary to demonstrate the use of force, fraud, or coercion to prove guilt. The law also barred adoption by deception, included measures consistent with the UN Convention on the Rights of the Child, and defined a child as a person younger than 18. Other law criminalized physical or sexual violence against children, but there were no reports on its implementation as of October.

Prohibitions on the commercial sexual exploitation of children included pimping; separate legal provisions prohibited sex with a child younger than 14. The penalty for the purchase of commercial sex acts from a child younger than 18 was 10 years in prison. The law prohibited child pornography and specified a minimum penalty of two years' imprisonment and a modest fine. The law on child rights prescribed a penalty of one to seven years in prison, a substantial fine, or both, for sex trafficking and forced marriage. If a survivor was younger than 14, the law considered any sexual act to constitute statutory rape. The maximum sentence for statutory rape was two years in prison when the survivor was between ages 12 and 14, and 10 years to life in prison when the survivor was younger than 12. 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.

ANTISEMITISM

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

TRAFFICKING IN PERSONS

See the Department of State's annual *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" was a criminal offense, punishable by up to 20 years in prison and a fine. In addition, lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons were sometimes subjected to detention or threatened with arrest under section 35 of the Police Act, which punished persons found between sunset and sunrise with their "face covered or otherwise disguised."

Violence and Harassment: Reports of violence against LGBTQI+ persons persisted. According to media reports, eyewitness accounts, and social media posts, regime officials deliberately humiliated LGBTQI+ prodemocracy supporters after their arrest, employing tactics such as sexual insults, taunts, mocking of clothing, and physical abuse at rates greater than those endured by other prisoners. According to Amnesty International, the regime often subjected members of the LGBTQI+ community to thorough body checks to, as one detainee said, "ensure whether they are males or females."

Several media reported the June 29 conviction of Justin Min Hein, president of the LGBTQI+ Union Mandalay, for violating the Counter-Terrorism Act. The LGBTQI+ Union Mandalay had documented and publicized the sexual assault against a transgender prisoner in Monywa Prison. Justin Min Hein was reportedly beaten and denied food and water while awaiting trial in the Yay Kyi Ai Interrogation Center after his 2022 arrest. Sue Sha Shinn Thant, another LGBTQI+ activist from Mandalay Region, was sentenced to more than 20 years in prison in 2022 for incitement, murder, and terrorist acts and was reportedly sexually assaulted during interrogation.

Discrimination: The 2008 constitution did not recognize sexual orientation as a ground for nondiscrimination. The law did not recognize same-sex marriage or grant LGBTQI+ couples and their families rights equal to the rights of other persons. Stigma and a lack of acceptance among the general population of LGBTQI+ persons persisted. There were reports of discrimination based on sexual orientation and gender identity in employment. Many LGBTQI+ individuals reportedly faced 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. The local diplomatic community observed that some members of the LGBTQI+ community were denied access to HIV treatment while in prison.

Availability of Legal Gender Recognition: There was 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: There were no confirmed cases of so-called conversion therapy practices or medically unnecessary and irreversible "normalization" surgeries on children or nonconsenting intersex persons, nor were these practices banned.

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 prohibited discrimination against persons with physical, sensory, intellectual, and mental disabilities. While the law required job protection, equal access to education, and access to public

transportation, there was no meaningful enforcement.

According to the Eden Center for Disabled Children, in the school year the majority of children with disabilities, particularly of those in rural and border areas, did not attend school; very few special education schools were available in urban areas.

Numerous individuals suffered disability due to conflict and landmines, especially in remote border areas. According to monitors of landmine and other unexploded weaponry incidents, as of July 556 casualties were reported nationwide. Rehabilitation and other support services for these persons were in short supply.

OTHER SOCIETAL VIOLENCE OR DISCRIMINATION

Official and societal violence and discrimination, including employment discrimination, against persons 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 with HIV. These barriers included stigma, unhelpful gender norms, poor infrastructure, and political instability. 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 tabor, including extrajudicial killings of union leaders and members and unlawful detention for exercising their fundamental freedoms and human rights. Labor laws often went unenforced or were enforced primarily against organized tabor 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. There were numerous reported raids of trade union offices and union leaders' homes.

The law promised the right of workers to form and join independent unions, bargain collectively, and conduct strikes; however, the regime, by the terms of the emergency decree, de facto abolished these rights, declaring all major independent labor organizations illegal. The law permitted labor organizations recognized by the regime to demand the reinstatement of workers dismissed for union activity, but it did not explicitly prohibit antiunion discrimination in the form of demotions or mandatory transfers. The law did not provide adequate protection for workers from dismissal before a union was officially registered. The law prohibited civil servants and personnel of the security services and police from forming unions. The law permitted workers to join unions only within their category of trade or activity, and the definition of trade or activity lacked clarity. Basic labor organizations were required to 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 provided 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 seafarers, who worked abroad, and regime-sponsored "yellow" unions.

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

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 and military support. In June, the military threatened and arrested seven garment factory workers for demanding a pay raise in Shwe Pyi Thar Industrial Zone in Rangoon Region. While by law tabor disputes should be heard in civilian courts, a military court tried those arrested on the grounds that the factory was in a township under martial law.

The military regime maintained martial law over two major industrial zones located in Hlain Thar Yar and Shwe Pyi Thar Townships, Rangoon Region, and 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.

The Confederation of Trade Unions in Myanmar reported the arrest and harassment of trade unionists by regime security forces. On June 26, Thet HninAung, general secretary of Myanmar Industry Crafts & Services Trade Unions Federation, was released after two years' detention by military authorities. The ILO reported on July 12 that he was rearrested for unknown reasons and his whereabouts were unknown.

Military authorities continued to interfere in the operations of the ILO country office through the imposition of banking restrictions, denial of visa extensions for ILO officials, and refusal to conclude a memorandum of understanding on tax exemptions and other privileges and immunities for the ILO office and staff. A senior-level ILO Commission of Inquiry report on October 4 called upon the regime to cease violence, torture, and other inhumane treatment against trade unionists and to end forced or compulsory labor.

B. PROHIBITION OF FORCED OR COMPULSORY LABOR

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

C. PROHIBITION OF CHILD LABORAND 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/ .

D. DISCRIMINATION (SEE SECTION 6)

E. ACCEPTABLE CONDITIONS OF WORK

Wage and Hour Laws: The official minimum daily wage was above the poverty line, although the official poverty line had not been adjusted since 2019. The minimum wage covered all sectors and

industries in the formal sector for businesses with more than 15 employees. The law required the minimum wage to be revised every two years, although it was last revised in 2018.

The workweek was 44 hours per week for factories. For shops and other establishments, it was 48 hours per week. Although the law in general stated that overtime should not exceed 12 hours per work week for shops, the law allowed up to 16 hours of overtime when special matters required additional overtime. Overtime for factory workers was limited to 20 hours per week. The law also stipulated an employee's total working hours could not exceed 11 hours per day (including overtime and a one-hour break). Wage and overtime laws did not apply to those in the informal sector or self-employed.

The Business and Human Rights Resource Center noted in April that workers at various garment factories were not receiving minimum wages or were being forced to work excess hours.

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

The regime often ignored workers' OSH complaints. Labor unions reported instances in which workers could not remove themselves from situations that endangered their health or safety without jeopardizing their employment. Such violations were commonly seen in the construction sector.

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

Although penalties for wage and hour violations were commensurate with those for similar violations such as fraud, the regime did not effectively enforce the law. Penalties for similar violations, such as employer negligence, were rarely applied. 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 ofAgriculture, Livestock, and Irrigation).

Informal-sector jobs usually lacked basic benefits such as social and legal protections. In at-risk industries - defined as having occupational hazards, volatile pay structures, and ease in exploiting labor rights - 20 percent of workers on average had an informal work arrangement, although the proportion was even higher in manufacturing, construction, recreation, and personal services.

Although no recent data were available, experts believed a large majority of workers were in the informal sector. Wage, hour, and OSH laws did not apply to those in the informal sector or self-employed.