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World Report 2016 - Burma

The transition from military to civilian rule in Burma that started in 2011 slowed down and reversed in some sectors in 2015. Despite a significantly improved environment for freedom of expression and media, in key areas the government's commitment to improving its human rights faltered or failed. The landslide victory of the opposition National League for Democracy (NLD) in November elections, the first relatively open national elections in 25 years, seemed poised to reenergize reforms in some areas, but it was too early to gauge at time of writing.

Elections

Nationwide parliamentary elections were held on November 8, with 91 parties and hundreds of independent candidates contesting over 1,100 seats. The NLD won a majority of seats in both national houses of parliament and in regional and state assemblies, with more than 85 percent of seats.

The Union Electoral Commission (UEC) lacked independence and impartiality in the lead-up to elections. Its chairman repeatedly said he hoped for victory by the military-backed ruling Union Solidarity and Development Party (USDP), and the commission itself issued guidelines prohibiting political parties from criticizing the military in policy platform speeches broadcast over state-controlled media.

Due to changes in political party laws and enforcement of the draconian 1982 Citizenship Law, the applications of more than 50 Muslim candidates were disallowed during candidate eligibility screening, including those of two sitting ruling party members of parliament who identify as Rohingya Muslims. Neither the USDP nor the NLD fielded a Muslim candidate anywhere in Burma, and no Muslim citizen was voted into parliament nationwide.

The nationwide repeal of temporary citizenship cards (the so-called white cards) disenfranchised over 800,000 people who had previously been permitted to vote in the 2008 constitutional referendum and the 2010 elections, many of them Rohingya in Arakan State.

Despite these serious defects, the two-month campaign was surprisingly open, with few reports of intimidation, violence, or irregularities. Party rallies were conducted peacefully throughout the country, and there were no significant curbs on freedom of expression or media. Polling was conducted in a transparent manner with large numbers of domestic and international observers, and political parties observing the count. The UEC acted professionally through the tallying period with daily updates on results.

Constitution

Despite calls from ethnic communities and opposition parties, the Burmese military refused to permit consideration of any amendments to the 2008 constitution in the national parliament in June and July. The

constitution allocates 25 percent of parliamentary seats to the military and requires 75 percent of parliament to vote to approve constitutional changes, giving the military an effective veto.

Amendments that were rejected included a proposed change to section 59(f) on eligibility for the presidency, which bars opposition leader Aung San Suu Kyi from the position because she has children that hold foreign citizenship, and proposed changes to sections 261 and 262, giving the president rather than state and regional assemblies the authority to select the influential chief ministers of 14 of Burma's 15 states and regions.

Religious Minorities

Discrimination and threats against the Muslim minority in Burma, a manifestation of growing ultra-nationalism, intensified in Burma in 2015 with the increased prominence of the Buddhist-monk-led Association for the Protection of Race and Religion, known by its Burmese acronym *Ma Ba Tha*.

Ma Ba Tha successfully urged the government to draft and pass four so-called "race and religion protection laws": the Population Control Law, passed in May; and the Buddhist Women's Special Marriage Law, the Religious Conversion Law, and the Monogamy Law, passed in August. The four laws are discriminatory and violate religious freedom by, for example, creating special rules for Buddhist women who marry—or seek to marry—non-Buddhist men; introducing vaguely defined acts against Buddhism as grounds for divorce, forfeiture of child custody and matrimonial property, and potential criminal penalties; and empowering authorities to limit the number of children that members of designated groups can have.

In contrast, the parliament did not pass the comprehensive Violence Against Women Law, a bill that would have strengthened women's rights protections.

Burmese civil society organization leaders who publicly criticized the laws were accused of being "traitors" by senior *Ma Ba Tha* officials and some reportedly faced death threats. In September, nine embassies in Rangoon made a public statement against the misuse of religion in the 2015 elections, sparking a rebuke from the Ministry of Foreign Affairs.

While some political parties, notably the NLD, voted against the laws, other political figures promoted the laws as protecting Burma from Muslim threats. President Thein Sein took credit for the laws in a social media video as election campaigning began in September. *Ma Ba Tha* held a series of nationwide victory rallies lauding the laws as protecting the Buddhist faith against an Islamic "invasion" and in some cases declared its support for the USDP, marking its growing involvement in electoral politics.

Prominent *Ma Ba Tha* member and leader of the "969" anti-Muslim boycott movement *U Wirathu* threatened the UN special rapporteur on Burma, Yanghee Lee, during her January visit to Burma, calling her a "bitch" and a "whore," and exhorting followers to assault her. The government took no steps to respond to this incitement, and no prominent public figure in Burma has openly criticized the rising discrimination and threats endorsed by *Ma Ba Tha* or its intimidation of civil society.

Freedom of Association and Assembly

The numbers of political prisoners in Burma rose in 2015 as the government's commitment to ending the imprisonment of activists waned. At year's end, an estimated 112 people were incarcerated for alleged violations of the flawed Peaceful Assembly Law and other political offenses, a notable rise in cases since the large prisoner amnesties of 2012. At least 486 more were facing trial.

The leadership of the joint committee overseeing political prisoner releases—composed of representatives of the government, former political prisoners, and political parties—was changed in February with the hardline deputy minister of home affairs, a serving military officer, made chair. Prominent activist Ko Bo Kyi was removed from the committee.

On March 5, plainclothes police auxiliaries, suspected to be members of the *Swann Arr Shin* (Masters of Force), which had not been deployed against protesters since 2007, assaulted a small group of student protesters and activists from the 88 Generation Peace and Open Society Group who were peacefully assembling to criticize the government's education law. Police then arrested the protesters.

Five days later, on March 10, security forces blocked a small group of student protesters in the town of Letpadan from marching on Rangoon. When students attempted to tear down the barricades, police forces abandoned all discipline and violently assaulted the students, arresting over 80 of them. Students who were injured in the assault say they received only rudimentary medical care. At time of writing 50 students remain in custody in Tharrawaddy Prison on charges of rioting, assaulting police officials, and illegal assembly.

After the March violence, the European Union, which has been providing technical assistance to the Burma police force as part of a community policing and crowd control project, criticized the authorities and called for an investigation. In September, the Myanmar National Human Rights Commission issued a report calling for abusive police to be punished, as well as any student demonstrators who may have acted to provoke officials. No police officers had been prosecuted at time of writing.

Land rights activists in Burma are regularly arrested and charged with unlawful assembly and trespass for protesting land appropriation and displacement. Authorities arrested a number of land rights activists and farmers in Karen State in June and August who had been calling for compensation and redress for land they claim was unlawfully seized. Prominent activists such as Su Su Nway were also arrested in 2015, and authorities sentenced a number of leaders of the long-running protests in the Letpadaung copper mine case in Monywa, including veteran activist Naw Ohn Hla, to four years in prison for peaceful protests they led outside the Chinese embassy in Rangoon.

Rising intolerance against Burma's LGBT communities was voiced by senior government officials, including a security minister in Mandalay Region who called on police to arrest and "educate" transgender people.

Refugees

The maritime exodus of Rohingya Muslims dramatically increased in 2015, with Rohingya families departing from Burma and Bangladesh on smuggling vessels, at times joined by large numbers of Bangladeshi migrant workers.

The United Nations estimates that 94,000 people made the journey between January 2014 and May 2015. In May 2015, some 5,000 people on boats were abandoned by smugglers and denied entry to Thailand, Malaysia, and Indonesia, with at least 70 dying during the ordeal. After intensive international media coverage, Malaysia and Indonesia finally permitted boats to land, and then promptly interned the new arrivals.

Thailand did not formally allow landings, but when boats made it to shore anyway, authorities detained those on board. Boats intercepted by authorities in Burma were towed to Maungdaw in Arakan State, and Bangladeshi citizens were repatriated back to Bangladesh.

A regional conference in Bangkok on May 29 hosted by Thailand and attended by 17 countries failed to adequately address the dispossession and abuse of Rohingya in Arakan State that continues to fuel the maritime crisis. At time of writing many observers were forecasting a resumption in maritime flight by desperate Rohingya, accompanied by serious human rights abuses, starting again in late 2016, when sailing conditions improve in the Bay of Bengal and the Andaman Sea.

Some 140,000 mostly Rohingya Muslims remain in internally displaced person camps in Arakan State, subject to strict restrictions on movement and access to basic services. Although access by humanitarian agencies to the camps improved somewhat in 2015, allowing for provision of limited health and education services, the situation remains dire. Poor conditions in the camps and the threat of renewed violence against the Rohingya are an important driver of maritime exodus. On the positive side, the government assisted an estimated 10,000 internationally displaced persons (IDPs) in 2015, helping them rebuild homes in the areas from which they had been displaced in 2012.

An estimated 110,000 refugees who fled Burma during decades of civil war remain in nine camps in northwest Thailand. UNHCR, international and national nongovernmental organizations, and the Thai government continue to discuss a plan for voluntary repatriation of members of this group. Refugees continue to express concerns about insufficient participation in planning for their return and the uncertain security situation in Burma, including the prevalence of land mines in some of the areas to which they may return.

Ethnic Conflict and Forced Displacement

Armed conflict between the Burmese military and non-state armed groups escalated in 2015. Clashes between the Burmese army and Kachin Independence Army (KIA) troops continued sporadically, reportedly involving disputes over natural resource extraction.

In northern Shan State, fighting between the army and the Ta-ang National Liberation Army (TNLA), often in conjunction with insurgents from the Arakan Army and Shan State Army-North, continued throughout the year and several thousands of civilians were displaced by conflict. In central Shan State, fighting between the Burmese army and Shan rebel forces escalated around the November elections, displacing some 6,000 civilians.

On February 17, two volunteers from the Myanmar Red Cross Society were injured when their convoy was attacked by unknown assailants. They were part of a marked Red Cross convoy that was evacuating civilians

displaced by fighting in Shan state. Four days later, a Myanmar Red Cross volunteer was injured in an attack on a marked Red Cross convoy traveling from Laukkai.

In March, fighting began in the northern Shan State special region of Kokang between the army and forces of the Myanmar National Democratic Alliance Army (MNDAA). Burmese forces used airstrikes and heavy artillery bombardments, allegedly indiscriminately, during the fighting against the MNDAA. Tens of thousands of civilians were displaced in Kokang areas, with many fleeing to China.

The government sought to conclude a nationwide ceasefire with 16 non-state armed groups in 2015. Instead, conflict escalated to levels not seen since before the fighting in Kachin State entered an uneasy truce in 2013. Some 130,000 Kachin civilians remain internally displaced in camps, with many IDPs in KIA-controlled areas receiving little international assistance, largely due to Burmese army obstruction.

Child Soldiers

The Burmese military continues to recruit and use child soldiers, as do many paramilitary and militia forces under Burmese army command, and child soldiers have reportedly been recruited and deployed by many non-state armed groups as well. The Burmese military has maintained its support for the 2012 Action Plan agreed to with the UN and international groups to end child soldier recruitment, and has allowed monitors to visit army and militia camps.

Key International Actors

Influential bilateral partners of Burma including the United States, United Kingdom, European Union, and Australia maintained their support for the limited reforms of the Thein Sein government despite increased concerns over renewed assaults on basic freedoms. Numerous governments praised the relatively open November elections and the conduct of parties and the UEC.

The EU continued to sponsor Burma resolutions in the UN Human Rights Council (HRC) and General Assembly in 2015. In July, the HRC passed a resolution condemning persecution of Rohingya and other minorities in Burma and called on the government to ensure human rights protections for all groups.

China did not raise human rights concerns in 2015 but sharply criticized Burma for its failure to stem fighting in Kokang that spilled over the border, particularly for air strikes that killed a number of Chinese civilians.

Russia continues to sell Burma conventional arms, and there are reports that Burma and North Korea maintain military links. The US, UK, and Japan engaged in limited military-to-military engagement with Burma in 2015.