

BURMA 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Burma's parliamentary government is headed by President Thein Sein. In 2012 the country held largely transparent and inclusive by-elections in which the opposition National League for Democracy (NLD) party, chaired by Aung San Suu Kyi, won 43 of 45 contested seats of a total 664 seats in the legislature. Constitutional provisions grant one-quarter of all national and one-third of all regional and state parliamentary seats to active-duty military appointees and provide that the military indefinitely assume power over all branches of the government should the president declare a national state of emergency. The ruling Union Solidarity and Development Party (USDP) continued to hold an overwhelming majority of the seats in the national parliament and state and regional assemblies, and active-duty military officers continued to wield authority at many levels of government. There is no civilian control of the military; police forces also report to the military through the minister of home affairs.

Human rights abuses in Rakhine State remained a severely troubling counterpoint to the broader trend of progress since 2011, including the 2012 release of political prisoners, efforts to improve prison conditions, and continuing negotiations to pursue a durable ceasefire. In Rakhine State, the central and local governments severely restricted humanitarian access and did little to address the root causes of violence and discrimination. The government did not establish a fair process for granting access to full citizenship rights on an equal, nondiscriminatory basis to stateless Rohingya. Authorities in Rakhine State made no meaningful efforts to help Rohingya and other Muslim minority persons displaced by violence to return to their homes and continued to enforce draconian restrictions on their movement. As a result, more than 140,000 internally displaced persons (IDPs) remained interned in camps, which further entrenched the segregation of the Rohingya and Rakhine communities and left them vulnerable to abuse and extortion in their dealings with authorities. Government security forces allegedly were responsible for cases of extrajudicial killings, arbitrary detentions, torture and mistreatment in detention, and systematic denial of due process and fair trial rights, overwhelmingly perpetrated against Rohingya, but fewer allegations were reported than in previous years. In November more than 16,000 Rohingya fled by boat in the span of only two weeks, largely facilitated by military and security forces and criminal smugglers and traffickers. Since 2012 more than 100,000 Rohingya reportedly have fled Rakhine State.

Other significant human rights problems persisted throughout the country, particularly in conflict areas, including rape and sexual violence; politically motivated arrests and an overall lack of rule of law, resulting in corruption and widespread land confiscation without adequate compensation or recourse to the law; arrests of journalists; and restrictions on media freedom. Authorities failed to protect civilians in conflict zones. The government reportedly abused some prisoners and detainees. Prison conditions were harsh but in general no longer life-threatening; conditions in labor camps continued to be harsh and in some areas life-threatening. A number of laws restricting freedoms of speech, press, assembly, religion, and movement remained, and authorities continued to enforce them. Local authorities arbitrarily enforced regulations that obstructed political gatherings. Although recruitment and use of child soldiers continued, the military released 552 child soldiers after the government signed a joint action plan with the United Nations in June 2012, indicating an accelerated effort to end this practice. Discrimination against ethnic and religious minorities and stateless persons continued, as did trafficking in persons. Forced labor, including that of children, persisted, although to a lesser degree than in the past.

The government took some limited actions to prosecute or punish citizens responsible for abuses, although abuses by government actors and security officials continued with impunity.

Some ethnic armed groups allegedly committed human rights abuses, including forced labor of adults and children and recruitment of child soldiers, and failed to protect civilians in conflict zones.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were reports that the government or its agents committed arbitrary or unlawful killings unrelated to internal conflict. Effective legal mechanisms reportedly do not exist to investigate and prosecute abuses by security forces.

On January 13-14, military, police, and paramilitary security forces allegedly killed dozens of Rohingya in retaliation for the alleged killing of a police officer in the village of Du Chee Yar Tan, Maungdaw, Rakhine State. The number of deaths was disputed. For several weeks following the incident, the military and other security forces sealed off the village, allegedly to destroy evidence. Because the government did not grant access to independent forensic experts to examine the

scene or conduct a credible, independent investigation, a definitive account of the events was impossible. The government's investigation concluded that only one death occurred, that of the police officer. (See section 1.g. for arbitrary or unlawful killings related to internal conflict).

On October 5, one Rohingya man was confirmed to have been tortured to death while in custody of the Border Guard Police.

b. Disappearance

Unlike in past years, there were no reports of the disappearance of private citizens outside of conflict-affected border states (see section 1.g.).

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

While the law prohibits torture, members of security forces reportedly tortured, beat, and otherwise abused prisoners, detainees, and other citizens and stateless persons in incidents not related to armed conflict. Such incidents occurred, for example, in Rakhine, Mon, and Chin states. In a report in June, the international nongovernmental organization (NGO) Fortify Rights chronicled the torture and other cruel and inhuman treatment of more than 60 civilians by members of the military and security forces. According to the Chin Human Rights Organization, on August 28, soldiers from Light Infantry Battalion 344 accused eight villagers in Paletwa Township, Chin State, of contacting and inviting Chin National Front (CNF) members to a harvesting event. Before releasing the detainees on September 5, the soldiers beat and tortured seven of the detainees and forced all eight to confess to having contact with the CNF. The farmers wrote a letter of complaint to the Chin state chief minister and publicly accused the soldiers of torture at a press conference. After returning to their village, the Light Infantry Battalion 344 interrogated the farmers and forced them to retract the allegations of torture. The farmers fled and remained in hiding. According to a press report, battalion officials apologized to the villagers and promised to investigate the incident. By year's end there was no information indicating an investigation was conducted.

In late September and October, in Maungdaw, the Border Guard Police arrested Rohingya at checkpoints and in raids for suspected links to the Rohingya Solidarity Organization (RSO). Of those detained, one person died on October 5 after a severe beating, and one person suffered mental disorders due to a beating. Several

detainees reportedly were tortured. Relatives were not allowed to see the detainees, whose exact locations and whereabouts remained unknown. There were consistent and credible reports of rapes of Muslim women, including by security forces, which local authorities and security forces failed to investigate or prosecute perpetrators.

Security forces reportedly subjected detainees to harsh interrogation techniques designed to intimidate and disorient, including severe beatings and deprivation of food, water, and sleep. Reportedly, authorities no longer used burnings and water torture as a common practice, although human rights groups continued to report incidents of torture in conflict-affected states. There was at least one report of rape or other sexual abuse of political prisoners, fewer than in previous years. As in previous years, authorities took little or no action to investigate incidents or punish perpetrators.

Prison and Detention Center Conditions

Prison conditions continued to be harsh. While labor camp conditions improved in general, conditions in some of the camps continued to be harsh and potentially life threatening.

The government continued to grant all requests for access to prisons and labor camps by the International Committee of the Red Cross (ICRC), but not to military prisons or detention sites.

Physical Conditions: The Correctional Department operated an estimated 43 prisons and approximately 50 labor camps, renamed “agriculture and livestock breeding career training centers” and “manufacturing centers,” according to a statement made by the Ministry of Home Affairs to parliament on October 13. More than 10,000 inmates were serving their sentences in 46 of these centers across the country, where prisoners could opt to serve their sentence in “hard labor.” According to the ministry, between April 2011 and August 2014, 120 persons died in 46 of the centers, reportedly from “weather, diet, lifestyle, and accidents.”

A human rights group and prominent international NGO estimated there were 60,000 prisoners, approximately 50,000 men and 10,000 women, held in separate facilities. The number of juvenile detainees was estimated to be a few hundred. Overcrowding was reportedly a problem in many prisons and labor camps. Pretrial detainees were held together with convicted prisoners, and political prisoners were

occasionally held together with common criminals. Juvenile detainees under the age of 16 were detained in nine correctional centers operated by the Ministry of Social Welfare.

Compared with previous years, prisoners' basic needs, including food and clothing, were met, although medical supplies were inadequate and of poor quality. Bedding often was inadequate, sometimes consisting of a single mat, wooden platform, or laminated plastic sheet on a concrete floor. Prisoners did not always have access to potable water. In many cases family members supplemented prisoners' official rations with medicine and basic necessities. Inmates reportedly paid wardens for basic necessities, including clean water, prison uniforms, plates, cups, and utensils.

Detainees were unable to access adequate medical care, but in many respects, this was also true of the general population. Prisoners suffered from health problems including malaria, heart disease, high blood pressure, tuberculosis, skin diseases, and stomach problems, resulting from unhygienic conditions and spoiled food. The prevalence of HIV/AIDS and other sexually transmitted infections in prisons reportedly remained high. Former prisoners also complained of poorly maintained physical structures that provided no protection from the elements and were infested with rodents, snakes, and mold. There were reports of custodial deaths.

Prison conditions in Rakhine State were reportedly among the worst, with reports of hundreds of Rohingya arbitrarily detained in prison and nonprison facilities, denied due process, and subject to torture and abuse by Rakhine State prison and security officials.

Administration: Sources described recordkeeping as adequate. Alternatives to incarceration for nonviolent offenders existed, including fines and "community arrests" requiring convicted persons to stay within their community and report regularly to authorities. There were no rehabilitation programs. Alternatives to detention were provided for juveniles under age 16 and included fines and probations. Prisoners and detainees had access to visitors; family members generally were allowed weekly visits to convicted prisoners and more frequent visits to pretrial detainees. Not all prisoners were allowed to adhere fully to religious codes. For instance, imprisoned monks reported that authorities denied them permission to observe the Buddhist holy day, wear robes, shave their heads, or eat on a schedule compatible with the monastic code. Citing security considerations, authorities denied permission for Muslim prisoners to pray together as a group as is the practice for Friday prayers and Ramadan. Prisoners and

detainees could sometimes submit complaints to judicial authorities without censorship or negative repercussions.

Independent Monitoring: Although the government restored ICRC's unfettered access to prisons, prisoners, and labor camps in 2013, the ICRC did not have access to military or nonprison detention sites. The ICRC visited 22 of 43 prisons and 14 of the 46 official labor camps. Following the resumption of access, the ICRC upgraded water and sanitary facilities, medical infrastructure, and waste management systems in 11 facilities and assisted detainees in restoring or maintaining contact with family members. The ICRC reported its findings through a strictly confidential bilateral dialogue with the prison authorities. These reports were neither public nor shared with any other party. Other organizations reported prison conditions in some areas had improved.

Improvements: The government continued to allow ICRC officials to carry out water and sanitation projects and upgrade medical infrastructure and waste management systems in 11 prisons. The ICRC provided the prison system with essential drugs and supplies, as well as vocational, educational, and recreational material for the prisoners to use.

d. Arbitrary Arrest or Detention

The law does not specifically prohibit arbitrary arrest but requires permission of a court for detention of more than 24 hours. The government nevertheless arbitrarily arrested and detained individuals.

The law allows authorities to extend sentences after prisoners complete their original sentence, and the government used this provision. The law allows authorities to order detention without charge or trial of anyone they believe is performing or might perform any act that endangers the sovereignty and security of the state or public peace and tranquility. Authorities interpreted these laws broadly and used them frequently to detain activists, farmers, journalists, and human rights defenders throughout the year.

Role of the Police and Security Apparatus

The Ministry of Home Affairs, led by a uniformed military general in accordance with the constitution, oversees the police force, which is largely responsible for law enforcement and maintenance of order in urban areas and nonconflict areas. The Ministry of Defense oversees the Office of the Chief of Military Security

Affairs and plays a significant role in the maintenance of law and order, particularly in rural and border areas.

Security forces continued to exert a pervasive influence on the lives of inhabitants through the fear of arbitrary arrest and detention and through threats to individual livelihoods. These forces enjoyed impunity. Effective legal mechanisms reportedly do not exist to investigate abuses by security forces. Domestic and international criticism of security forces' responses to religious violence led to government efforts to bolster the ability of these forces to prevent and respond to such incidents. These efforts included the president's explicit delegation of authority to regional and state governments to respond to riots, the repositioning of forces in response to early signs of trouble, and quicker, more transparent action to hold perpetrators accountable.

In a departure from past years, the government took measures to train police on international policing standards and crowd control tactics. The EU provided training courses on community policing, crowd management, and media relations. Foreign governments provided training to government officials on a range of law enforcement problems. One UN agency sponsored three training sessions for police on crowd control and antitorture.

Arrest Procedures and Treatment of Detainees

While the law generally requires warrants for searches and arrests, the Office of the Chief of Military Security Affairs and police reportedly conducted searches and made arrests at will. Special Branch police responsible for state security matters reportedly held persons during what they termed an "interrogation phase," a period not defined in law, before pretrial detention. With court permission police can detain individuals without charge for up to two weeks, with the possibility of a two-week extension. Except in capital cases, the law does not grant detainees the right to consult an attorney, or, if indigent, to have one provided by the state.

Detainees did not have the right to promptly access a lawyer of their choice, or, if indigent, to have the state provide one. The government continued to detain persons under the Emergency Provisions Act of 1950, although by year's end there were fewer reported cases of indefinite detention. There is a functioning bail system, but bribery was a common substitute for bail. Bail commonly was offered in criminal cases but rarely allowed for political prisoners. In some cases the government refused detainees the right to consult a lawyer. In contrast with

previous years, with the exception of Kachin and Rakhine states, the government reportedly did not regularly use incommunicado detention.

Arbitrary Arrest: There were reports of arbitrary arrests, including in Rakhine and Kachin states. On February 11, police arrested activist Thaw Zin as he was walking in Salingyi township in Sagaing Division, the site of the controversial Letpadaung copper mine. On March 24, the court sentenced Thaw Zin to 15 months in prison, ostensibly for helping villagers protest against land seizures at the copper mine. On September 26, the government released Thaw Zin after six months in detention without providing a reason for the early release.

On January 24, Kachin land-rights activist, Daw Bauk Ja, arrested in July 2013 for negligent homicide, was released.

On August 22, authorities in Rangoon detained 22 Muslim businessmen for questioning over their business and financial operations. They were released the same day.

In late September the Border Guard Police detained dozens of Rohingya accused of having links to the RSO.

On September 26, the Sittwe district court sentenced Rohingya activist Kyaw Hla Aung, who was arrested in July 2013 for allegedly inciting violence in Rakhine State, to 18 months in prison. On October 7, he was released under a presidential amnesty.

UN worker Tun Aung, arrested in 2012 following violence in Rakhine State, remained in prison at year's end.

Pretrial Detention: Reportedly, authorities frequently and arbitrarily extended pretrial detentions. By law suspects can be held in pretrial detention for two weeks (with a possible two-week extension) without bringing detainees before a judge or informing them of the charges against them. Lawyers noted that police regularly detained suspects for the legally mandated period, failed to lodge a charge, then detained them for a series of two-week periods with trips to the judge in between. Sometimes judges and police colluded to extend detentions. According to lawyers arbitrary and lengthy pretrial detentions resulted from lengthy legal procedures, large numbers of detainees, judicial inefficiency, widespread corruption, and staff shortages.

Amnesty: On October 7, the government granted amnesty to 3,073 prisoners to mark the end of Buddhist Lent. Only one or two political prisoners were among those released. Unlike in previous years, the government did not grant amnesty to any political prisoners.

e. Denial of Fair Public Trial

Although the law calls for an independent judiciary, the judiciary was characterized by institutionalized corruption and remained under the de facto control of the military and government. According to studies by civil society organizations, payments were made at all stages in the legal process and to all levels of officials, from routine matters, such as access to a detainee in police custody, to determining the outcome of a case. The court system and its operation were seriously flawed, particularly in the handling of political cases. Unlike in previous years, the government took action in some cases against judges accused of corruption. For instance, on October 21, the Sagaing Region Court sentenced Homemalin township judge Tin Sein to 10 years in prison after the Anti-Corruption Commission found Tin Sein guilty of extorting bribes from convicts between December 2013 and January 2014.

Government officials' arbitrary use of laws--including the Peaceful Assembly and Processions Act, Emergency Provisions Act, Unlawful Associations Act, Habitual Offenders Act, Electronic Transactions Law, Television and Video Act, and Law on Safeguarding the State from the Danger of Subversive Elements, section 505(b) of the penal code--to arrest and detain individuals and manipulate the courts for political ends continued to criminalize peaceful dissent and deprive citizens of due process and the right to a fair trial. According to human rights activists and lawyers, four lawyers, Saw Kyaw Kyaw Min, Ko Nyi Nyi Htway, U Myint Thwin, and Ko Tin Htun Aung, remained disbarred since 2011.

Trial Procedures

The law provides for the right to a fair trial, but it also grants broad exceptions, in effect allowing the government to violate these rights at will. In ordinary criminal cases, the court generally respected some basic due-process rights, whereas there was a fundamental lack of due process in most politically sensitive cases.

Defendants do not enjoy the rights to presumption of innocence; to be informed promptly and in detail of the charges, to a fair and public trial without undue delay,

to trial by jury, or, except in capital cases, the right to consult an attorney or to have one provided at government expense. Although there is no right to adequate time and facilities to prepare a defense, defense attorneys in criminal cases generally had 15 days to prepare for trial. Defendants have the right to appeal judgments, but in most appellate hearings, the original verdicts were upheld. No legal provision allows for the compelled testimony or confessions of guilt by defendants, although authorities reportedly engaged in both.

Ordinary criminal cases were open to the public. While there is no right to confront witnesses and present evidence, defense attorneys could sometimes call witnesses, conduct cross-examination, and examine evidence. Defendants did not have the right to access government-held evidence, but sometimes access was provided. Concerns regarding judicial impartiality remained.

Unlike in previous years, there were no reports that families of political activists were not admitted to trials. Prodemocracy activists generally appeared able to retain counsel, although defendants' access to counsel was often inadequate. Reliable reports indicated senior government authorities dictated verdicts in political cases, regardless of the evidence or the law. There were reports of family members not being informed of the arrests of persons in a timely manner, not told their whereabouts, and often denied the right to see them in a timely manner. For instance, in late September in Kyeikmayaw township, Mon State, freelance journalist Ko Par Gyi, also known as Aung Kyaw Naing, disappeared while covering clashes between the military and the Democratic Karen Benevolent Army. After filing a missing person report at the Kyeikmayaw police station, Ko Par Gyi's family members confirmed with Captain Saw Min Aung of Kyeikmayaw Township Light Infantry Battalion 208 that Ko Par Gyi was in the battalion's custody. Captain Saw Min Aung did not disclose the reasons for Ko Par Gyi's detention or the charges against him. Family member access was not allowed. On October 23, the military issued a statement that Ko Par Gyi was shot and killed, allegedly while attempting to escape. Witnesses reported a group of soldiers torturing an arrested man in the area around the time of Ko Par Gyi's disappearance. The Myanmar National Human Rights Commission released a report on December 2 faulting the police and military for their handling of aspects of the case. Police continued to investigate the circumstances surrounding Ko Par Gyi's death at the end of the year.

The government retained the ability to extend prison sentences under the law. The minister of home affairs has the authority to extend a prison sentence unilaterally by two months on six separate occasions, for a total extension of up to one year.

Political Prisoners and Detainees

While the government released one or two political prisoners during the year, it continued to arrest new ones. Groups assisting political prisoners estimated more than 80 political prisoners remained in detention at year's end. This number did not include detainees in Rakhine State, estimated to be in the hundreds.

Many released political prisoners experienced significant restrictions following their release, including an inability to resume studies undertaken prior to incarceration, secure travel documents, or obtain other documents related to identity or ownership of land. Under section 401, released political prisoners faced the prospect of serving the remainder of their sentences if re-arrested for any reason. On January 17, Nay Myo Zin organized a peaceful protest with hundreds of farmers calling for the release of remaining political prisoners, constitutional change, and the establishment of a farmers' union. On January 18, authorities arrested Nay Myo Zin. He was released in June, after serving his sentence his three-month sentence for holding protests without government permission.

Civil Judicial Procedures and Remedies

Although no specific mechanisms or laws provide for civil remedies for human rights violations, complainants can use provisions of the penal code and laws of civil procedure to seek civil remedies.

Property Restitution

Under the constitution the state is the owner of all land, although the 2012 Farmland Law allows for registration and sales of private ownership rights in land.

The 2012 Vacant, Fallow, and Virgin Land Law allows the government to declare land unused and assign it to foreign investors or designate it for other uses. There is no provision for judicial review of land ownership or confiscation decisions under either law; administrative bodies subject to political control by the national government make final decisions on land use and registration. Civil society groups raised concerns that the laws do not recognize rights in traditional collective land ownership and shifting cultivation regimes, which are particularly prevalent in upland areas inhabited by ethnic minority groups. Acquisition of privately owned land by the government remains governed by the 1894 Land Acquisition Law, which provides for compensation when land is acquired for a public purpose. Civil

society groups criticized the lack of safeguards in the law to provide that fair market compensation be paid.

Researchers raised concerns that land laws, including the Farmland Law and the Vacant, Fallow, and Virgin Land Law, facilitate land confiscation without providing adequate procedural protections. Observers reported that land confiscation for the purpose of agriculture plantations was particularly rapid and widespread in recent years in areas of Kachin and Shan states, where ethnic minorities practice traditional forms of land tenure that may not be protected under the land laws. In a report in May, the Karen Human Rights Group noted a sharp increase in land confiscation in Karen State from the signing of a 2012 cease-fire until the end of 2013 between the government and the Karen National Union, sparking concerns that the rate of land grabbing would rise in ethnic minority and former conflict areas as cease-fires take hold.

In 2012 a parliamentary Farmland Investigation Commission began investigating cases of reported unlawful land confiscation. The commission had received more than 6,400 inquiries regarding land confiscations and produced four reports. In 2013 the commission issued its first report on land confiscations by the military, finding the military had exceeded its authority in confiscating lands for various purposes, including allocation to military-owned entities and private companies. The commission recommended either returning thousands of acres of confiscated but unused land or compensating farmers from whom land had been taken. The commission does not have legal authority to implement and enforce its recommendations, and media sources reported little progress in returning the confiscated lands. Although the Farmland Law requires that land be returned if not used productively within six months, civil society groups reported that land taken by the military was left unused for long periods of time.

President Thein Sein ordered state and regional governments, land management committees, and members of parliament to remedy land grabbing. Parliament created 10 separate committees at the state and division level to investigate land claims, but they made little progress. Bureaucratic delays and multiple claims to ownership dating back decades complicated the return process, and data on the actual number of acres returned to owners was inconsistent. The Rangoon Region government submitted documentation for approximately 1,300 land grab cases to the central government and recommended the return of most of the land. According to the parliamentary Farmlands Investigation Committee's report to parliament on September 22, only 583 complaints of 2,689 sent to the Ministry of Defense were addressed, and only 299 complaints of 6,559 submitted to state and

regional governments were settled; no reliable data was available on whether any land was returned. Military and other government-backed land grabs continued throughout the year and increased in comparison with previous years.

Under the former military regime, various government agencies--including the Myanmar Oil and Gas Enterprise, the Myanmar Ports Authority, and the army--frequently confiscated land from farmers and rural communities, generally without due process or adequate compensation. Civil society groups reported this process continued under the current government as the government granted land concessions to foreign and local investors. Civil society groups reported that more than 400 persons evicted from the planned Thilawa Special Economic Zone near Rangoon in November 2013 did not receive adequate compensation or replacement housing, that the plans to replace their livelihoods did not meet international standards, and that many families who signed resettlement agreements did so under coercion and without full understanding of the plans.

Land-related disputes often led to violence. On December 22, in Moe Kyo Pyin village in the Letpadaung Taung cooper mine area, clashes between villagers, riot police, and security personnel of a Chinese copper mine company resulted in the death of Khin Win and injury of several others. Khin Win was one of a number of villagers protesting efforts by the Wangbao company to fence the villagers' farmland. According to various reports, police shot multiple rounds at the crowd. Police and the National Human Rights Commission were investigating the incident at year's end.

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

Although the Land Acquisition Act protects the privacy and security of the home and property, human rights organizations reported that government agents entered homes without judicial authorization.

No law protects the privacy of correspondence or other communications of citizens, and it was widely believed authorities regularly screened private correspondence, telephone calls, and e-mail. The government reportedly continued to control and monitor the licensing and procurement of all two-way electronic communication devices. The government required businesses and organizations that wished to use these devices to apply for licenses. In July false rumors spread over Facebook and other social media that a Muslim man raped a Burmese woman sparked violent riots in Mandalay. In response, on July 3-4, the government suspended Facebook.

Activists reported that the government systematically monitored the travel of citizens and closely monitored the activities of those known to be politically active. This was accomplished through the use of Police Special Branch, official intelligence networks, and other administrative procedures (see section 2.d.).

Although no legal provisions restrict the right of adult women and men to marry, a 1998 Supreme Court directive prohibits legal officials from accepting petitions for marriages and from officiating over marriages between Burmese women and foreign men. The directive was sporadically enforced.

In northern Rakhine State, local authorities require members of the Rohingya minority to obtain a permit--a step not required of other ethnicities--to marry officially (see section 2.d., Stateless Persons). Wait times for the permit can exceed one year, and bribes usually were required. Unauthorized marriages can result in prosecution of Rohingya men under section 493 of the penal code, which prohibits a man from “deceitfully” marrying a woman, and can result in a prison sentence or fine. The law prohibits the adoption of children by non-Buddhist families. In addition Rakhine State local authorities continued to enforce a two-child policy against Muslim families. Contacts reported that authorities enforced the policy by refusing in some cases to register the birth of subsequent children, but enforcement was inconsistent following the dissolution of the NaSaKa security force in July 2013. Security forces reportedly performed frequent unannounced “checks” at Rohingya households to verify residents against government household registration lists and reportedly forced some women to breastfeed infants in front of security forces to “prove” maternity.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

With the exception of Kachin State and parts of Shan State, reports that government forces engaged in widespread and systematic violent abuses of noncombatant and civilian populations in ethnic minority border areas experiencing armed conflict decreased significantly compared with past years, largely due to a number of preliminary cease-fire agreements reached with ethnic armed groups (EAGs). The government signed preliminary cease-fire agreements with all major armed ethnic groups, with the exception of the Kachin Independence Army (KIA). Ethnic groups and government representatives continued to hold negotiations towards a formal nationwide cease-fire and an inclusive political dialogue. Nevertheless, clashes continued between the government and KIA despite continuing cease-fire negotiations.

Ethnic groups in Karen State reported an increase in the number of army troops along the border but noted that clashes decreased after the signing of a cease-fire with the government in 2012. There were sporadic armed clashes in Karen State between the army and the Democratic Karen Benevolent Army towards the end of the year. One NGO reported resumed fighting between the two forces displaced more than 2,000 villagers in October. Human rights organizations reported the military continued to commit rapes, torture, and other violent abuses. Contacts reported fewer instances of forced labor. According to groups in Mon and Karen states, different violations and abuses gained prevalence in areas with an increase in business, development, tourism, and natural resource extraction, including uncompensated damage to farms, land confiscation, and forced displacement by the military, local government officials, and security forces.

In Chin, Mon, and Kayah states, sources reported a decrease in armed clashes after the signing of preliminary cease-fire agreements with the government.

According to Fortify Rights, more than 100 army battalions have been deployed to Kachin State and northern Shan State since 2011. In Kachin and Shan states, continuing armed clashes between the government army and EAGs displaced thousands of persons despite a cease-fire agreement in Shan State and negotiations underway in Kachin State. For instance, on July 19-21, fighting between the government army and the Ta'ang National Liberation Army (TNLA) in northern Shan State displaced more than 800 persons, half of whom were children, and resulted in at least one person killed. An ethnic Palaung women's group reported the displacement of more than 3,000 villagers in northern Shan State in 2013, with armed clashes continuing throughout the year. During the year the government and the Kachin Independence Organization reached an agreement to de-escalate troop numbers, establish a joint cease-fire monitoring mechanism, and return and resettle IDPs. Nevertheless, at year's end more than 150 armed clashes were reported, according to Kachin groups and human rights NGOs. On November 19, the army shelled a KIA training camp, killing 23 cadets and injuring 20 others from the All Burma Students' Democratic Front, the Arakan Army, the CNF, and the TNLA. The government stated the attack was carried out as a "warning" after a KIA attack on army soldiers; the KIA denied its troops attacked Burmese soldiers.

The army continued to station forces in most ethnic groups' areas and controlled certain cities, towns, and highways. There were continued reports of widespread abuses by government soldiers, including killings, beatings, torture, forced labor,

forced relocations, and rapes of members of ethnic groups in Shan, Kachin, Mon, and Karen states. Impunity for these abuses and crimes continued. For instance, on January 30, three buried bodies with evidence of torture were discovered in a shallow grave in Nam Lim Pa village in Kachin. All three were believed to have been killed during a military offensive in late November 2013.

Killings: Military officials reportedly killed, tortured, and otherwise seriously abused civilians in conflict areas with impunity. Civilians also were killed through indiscriminate use of force. A number of civilian deaths in Kachin State occurred due to fighting between government troops and the KIA and the TLNA.

Abductions: There were multiple reports of government soldiers abducting villagers in conflict areas. On June 9, the Asian Human Rights Commission obtained information relating to the cases of two male IDPs who disappeared in 2012 in Palaung Dain Sar village in Kachin State, an area where government forces were active. A military leader told family members there were military forces moving to the frontline that day and they might have taken the two men as guides. The men's whereabouts remained unknown.

Physical Abuse, Punishment, and Torture: NGOs reports documented the military's torture and beating of civilians alleged to be working with or perceived to be sympathetic to EAGs in Kachin and Shan states. There were also reports of forced labor, forced recruitment, and use of child soldiers by the KIA. According to Fortify Rights, the army shelled and razed civilian homes, attacked makeshift IDP camps, and entered villages while firing on civilians with small arms. Between June 2011 and April 2014, Fortify Rights documented incidents involving more than 60 victims of torture committed by army soldiers, military intelligence, and the Myanmar Police Force. Through interviews with torture survivors, the organization identified eight army infantry and light infantry battalions and divisions with soldiers who committed torture since June 2011, identified by the numbers 21, 37, 99, 242, 271, 437, 438, and 567. The organization noted that many more units likely committed torture.

A prominent civil society group reported that army soldiers committed numerous crimes of sexual violence against ethnic women and girls in ethnic states. A November report by the Women's League of Burma documented 104 cases of sexual violence against women and girls in both cease-fire and noncease-fire areas between 2010 and January 2014. On January 26, in Mon State, Second Corporal Ye Min Tun attempted to rape Mi Cho and beat her severely. Mi Cho was

hospitalized for many months for her injuries but did not press charges, due to fear of retaliation. Impunity for these crimes continued.

There was a significant decrease in reports of the military forcing civilians to serve as military porters, although there were reports that the military forced civilians to carry supplies in Shan, Karen, Mon, and Kachin states.

Armed actors, NGOs, and civilians inside the country and operating along the border with Thailand reported continued landmine use by the military and armed groups during the year, although reports of landmine use steadily decreased. Peace talks between the army, the KIA, and other ethnic armed groups likely accounted for the reduction in landmine use. The 2012 Landmine Monitor Report stated the country still suffered from extensive landmine contamination, with 47 of 325 townships affected by unmarked land mines. The government first publicly acknowledged that land mines were an impediment to peace and development in 2012. While the government and ethnic minority groups continued to discuss jointly landmine action, no land mines were removed. In 2013 the Ministry of Social Welfare, the UN Children's Fund (UNICEF), and Danish Church Aid conducted a survey in five regions and provided the data collected to the regional governments. During the year the government undertook rapid assessment in IDP camps in Kachin and Shan states.

In 2013 state-level Mine-Risk Education (MRE) Working Groups, composed of state government representatives from various ministries, international NGOs, and local NGOs, were established in Kachin and Kayah states. During the year the Ministry of Social Welfare held three national MRE Working Groups meetings. Limited collaboration between the Myanmar Peace Center and the Social Welfare Department's MRE Working Group, however, hindered the broader campaign for comprehensive landmine action.

Child Soldiers: Human rights activists, international NGOs, UN officials, and representatives from various ethnic regions reported the continued recruitment of child soldiers, despite military rules prohibiting enlistments of persons under 18 years of age.

Because government army recruiters were rewarded for the number of recruits without regard to legal status, children continued to be targets for forced recruitment, with child soldiers reported to be as young as 11 years of age. One of the tactics used by the army involved military recruiters reportedly approaching children found alone at bus and railway stations and in rural areas and asking for

identification. If the children could not provide identification, recruiters threatened to imprison them unless they agreed to join the army. Alternatively, recruiters offered incentives, promising a good salary, continuing education, food rations for parents, and housing. In many cases vocational training, such as truck driving or carpentry, was promised, but victims were brought to the army battalion instead. Other children were simply abducted. The government investigated and released children from military service if the children or their families were aware of the law prohibiting child soldiering and exercised their right to file a complaint with the International Labor Organization (ILO) or petitioned for their child's release directly to the government's armed forces.

EAGs also reportedly continued to use forced recruitment and child soldiers and sometimes asked for ransom. There were multiple unconfirmed reports of the KIA forcibly recruiting members of the Taileng (also known as the Red Shan) ethnic group residing in Kachin State. According to the Shan Nationalities Affairs, the KIA had forcibly recruited 280 Shan children since 2011; of those, approximately 200 were not freed. One NGO reported the forcible recruitment of 70 youths in Myit Son by a KIA brigade on March 9.

During the year there was progress in implementing the 2012 joint plan of action between the government and the United Nations to cease the recruitment of child soldiers, and to demobilize and to rehabilitate those currently serving in the armed forces. Although recruitment and use of child soldiers continued, the military released 552 child soldiers. The United Nations reported the government improved in upholding its commitment in the action plan to allow UN monitors to inspect for compliance with agreed-upon procedures to cease recruitment of children and to implement processes for identification and demobilization of those serving in armed conflict. UN monitors were able to access some battalion-level military installations. The action plan was extended in December 2013.

The Ministry of Social Welfare, UNICEF, and other partners provided discharged children social assistance and re-integration support.

Since 2008 military officials in cooperation with UNICEF and the ILO trained military officers, including recruitment officers and officers up to the rank of captain, on international humanitarian law. UNICEF trained personnel assigned to the country's four recruitment hubs and reported increased numbers of prospective child soldiers rejected at this stage. A prominent international NGO reported that the military demonstrated a growing commitment and willingness to raise internal and public awareness around the use and recruitment of children in the army.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Other Conflict-related Abuses: Unlike in previous years, the government allowed the passage of relief supplies and provided humanitarian organizations access to conflict-affected areas of Kachin State. While local organizations generally had unhindered access to the 52,000 IDPs in nongovernment-controlled areas, international organizations and UN agencies could enter these areas on official missions only by following a government approval process. Access improved by midyear, and some international NGOs were allowed to open offices and place foreign staff in nongovernment-controlled areas. More than 100,000 persons remained displaced by conflict in Kachin State. In some cases villagers driven from their homes fled into the forest, frequently in heavily mined areas, without adequate food, security, or basic medical care (see section 2.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides that “every citizen shall be at liberty in the exercise of expressing and publishing freely their convictions and opinions,” but it contains the broad and ambiguous caveat that exercise of these rights must “not be contrary to the laws enacted for national security, prevalence of law and order, community peace and tranquility, or public order and morality.” In March the government passed the News Media Law and the Printers and Publishers Registration Law, which replaced the 1962 Printers and Publishers Registration Act, a media law enforced under the military government. However, threats against and arrests of journalists continued.

Freedom of Speech: Authorities arrested, detained, convicted, and imprisoned citizens for expressing political opinions critical of the government, generally under the charges of protesting without a permit or violating national security laws. Some of those charged with violations of section 18 of the Peaceful Assembly and Processions Act for demonstrating without a permit faced hundreds of court hearings and significant delays in reaching a verdict. Many individuals in urban areas, however, reported far greater freedom of speech and expression than in previous years.

While freedom of speech generally expanded, some persons remained wary of speaking openly about politically sensitive topics due to monitoring and harassment by security services. Police continued to monitor politicians, journalists, writers, and diplomats. Journalists complained about the widespread practice of government informants attending press conferences and other events, which they said intimidated reporters and the events' hosts. Informants demanded lists of hosts and attendees.

Press Freedoms: Starting in April 2013, the government permitted the publication of privately owned daily newspapers. As of September authorities approved 26 dailies, nine of which were available for purchase.

As in 2013, local media could cover information about human rights and politically sensitive problems, including Rakhine State, extensively. The government continued to use visas to control foreign journalists, who reported a range of visa validities from 28 days to six months. On May 8, the government deported Angus Watson, an Australian journalist working for the Democratic Voice of Burma media organization, allegedly for violating visa regulations by taking part in a press freedom rally. Watson was covering the protest when authorities detained him.

Radio and television were the primary media of mass communication. Independent news periodicals rarely circulated outside of urban areas, although some were available online. The government and government-linked businesspersons controlled the content of the eight privately or quasi-governmentally owned FM radio stations.

The government continued to monopolize and control all domestic television broadcasting. It offered six public channels--five controlled by the Ministry of Information and one controlled by the armed forces--and censored the two available locally owned private channels. The general population was allowed to register satellite television receivers for a fee, although the cost was prohibitive for most persons outside of urban areas.

Violence and Harassment: Journalists in Mandalay noted that their Rangoon counterparts enjoyed greater press freedoms than journalists in more rural areas of the country, where local authorities continued to harass and intimidate journalists who criticized the government or highlighted violence against ethnic minorities. While they agreed that the government no longer routinely arrested journalists for covering sensitive problems, the journalists asserted local authorities would place

their names on a list of persons to monitor. This led some media outlets outside of Rangoon to self-censor. In July during riots in Mandalay, angry mobs stopped journalists who tried to report on the violence. In at least two incidents, Buddhist mobs tried to destroy reporters' cameras and cell phones. A subgroup of the nationalist Buddhist Organization to Protect Race and Religion threatened a columnist who openly criticized religious discrimination.

Censorship or Content Restrictions: Although generally not enforced, laws prohibit citizens from electronically passing information about the country to media located outside the country, exposing journalists who reported for or cooperated with international media to potential harassment, intimidation, and arrest. There were no reports of overt prepublication censorship of press publications, and sensitive political and economic topics were discussed openly, although incidents of legal action against publications continued to raise concern among local journalists and led to some self-censorship. The Ministry of Information continued to complain that the local press did not adhere to basic journalistic ethics in their reporting.

On January 30, police arrested four journalists and the chief executive officer of the *Unity Journal* on charges of leaking official secrets and trespassing into a restricted area and taking photographs illegally. The journalists published a story on an alleged chemical weapons factory in the Pauk Township, Magway Region. The defendants claimed that signs prohibiting photography and trespassing were erected after their arrest. The media reported authorities detained the five journalists for 10 days before allowing access to counsel and to clean water and health services. After convening 10 times over six months, the court sentenced the journalists to 10 years of hard labor under the Official State Secrets Act. In September the sentences were reduced to seven years each with hard labor. As of December the journalists remained imprisoned but the hard labor sentence had not begun, pending the outcome of the appeals process.

On July 8, police arrested seven employees of the local *Bi-Midday Sun* newspaper for publishing a story on the prodemocracy activist group Movement for Democracy Current Force's announcement that an interim government led by Aung Sung Suu Kyi had been established. Thai authorities arrested two of these journalists who resided in Mae Sot, Thailand, and handed them over to the Burmese Police Special Branch on the Burmese side of the border. The court originally charged the employees under the 1950 Emergency Act for causing "misunderstanding among the readers and defamation of the government, undermining the stability of the state, and damaging public interests." On August

4, the court altered the charge to publishing stories that “could incite public alarm,” which carries a maximum two-year prison term if convicted. Editor Ye Min Aung and Ei Ei San, wife of the newspaper’s owner, were released due to lack of incriminating evidence. On August 14, the courts denied bail for the five arrested journalists. On October 16, the Pabedan Township Court convicted and sentenced the five to two years’ imprisonment each for defamation of the state. On October 27, the Rangoon Western District Court rejected the journalists’ appeal of their sentence.

Starting in June the Special Branch questioned editors of various media outlets, including the *Myanmar Herald Weekly*, about finances, revenue streams, and political relationships. The Myanmar Press Council sent letters of complaint to the Home Affairs Ministry and parliament expressing their concerns over the increasingly restrictive media environment. On August 1, President Thein Sein met with the council to discuss the state of media freedom. The Ministry of Information organized a number of consultations with the council and journalists to share information and clarify rules and regulations governing the media.

Internet Freedom

The government reportedly monitored internet communications under questionable legal authority. Internet penetration remained extremely low, between 2 and 7 percent. In 2013 the government passed a telecommunications law that could require telecommunications operators to intercept communications, produce records, or suspend communication services at the direction of the government, based on vague national security and public interest standards. The new law set the general framework for the telecommunications sector and repealed the 1885 Myanmar Telegraph Act and the 1934 Myanmar Wireless Telegraph Act. On February 25, the government amended the Electronic Transaction Law of 2004 prohibiting the electronic transfer of information that may undermine the security of the state. The amended law lessened the maximum allowable fine and set a prison term if a fine could not be paid.

Academic Freedom and Cultural Events

While the government continued to restrict academic freedom, and meaningful education reform remained a subject of public and government debate, the Ministry of Education and universities demonstrated a new willingness to expand educational opportunities for undergraduate students, a critical demand made by student activists in the 1988 uprisings, and collaborated with international

institutions to host cultural events. In 2013 both the University of Yangon and Mandalay University welcomed undergraduate students on campus again for the first time since the 1988 student uprisings. After decades of isolation from international institutions, the University of Yangon, the Yangon Institute of Education, Mandalay University, and others entered into memoranda of understanding with universities in other countries and hosted international faculty and speakers.

The government restricted political activity and freedom of association on university campuses. Political activity on campus remained officially banned, and authorities prevented or disrupted political gatherings, including by arresting and detaining student activists. Student unions remained officially banned, and, as in previous years, the All Burma Student's Union was unable to register, although it participated in some activities through informal networks. For instance, some student leaders tried to obtain meetings with the government and university officials to discuss concerns and organized public protests to criticize the draft education bill.

There were some reports the government restricted cultural events. In March the Rangoon regional government announced that lyrics of songs and text of Buddhist chants for the cultural water festival must be submitted to a scrutinizing committee, and only approved songs and chants were allowed during the festival.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides the right to freedom of assembly but with significant limitations. The government often did not respect the right. A long-standing ordinance in effect throughout the year officially prohibits unauthorized outdoor assemblies of more than five persons, which conflicted directly with the newer 2011 Law on Peaceful Assembly and Processions, which allows groups numbering up to 200 to demonstrate if written approval is granted in advance. On June 24, the government amended the law to lessen the maximum allowable prison term to six months per charge (reduced from one year per charge), but the law continues to require prior permission to assemble.

Citizens and international civil society groups continued to criticize provisions of the peaceful protests law that make it a criminal offense to give speeches that “contain false information,” say anything that can harm the state, or “do anything

that causes fear, a disturbance or blocks roads, vehicles, or the public.” Furthermore, the law mandates fines or prison sentences of up to six months for each unauthorized protest in every township through which the protesters travelled, which led to activists potentially facing years in prison.

The government continued to require public venues to seek permission 20 days in advance to rent space to organizations seeking to hold political gatherings.

Farmers and social activists held protests over land rights and land confiscation throughout the country, and human rights groups reported hundreds of cases in which groups of farmers and those supporting them were arrested for protesting the confiscation of their lands. Many reported cases involved land taken by the army under the former military regime and given to private companies or individuals with ties to the military. Common charges used to convict the peaceful protesters included criminal trespass, violation of the Peaceful Assembly and Processions Act, and violation of section 505(b) of the penal code, which criminalizes actions that are deemed likely to cause “an offence against the State or against the public tranquility.” The Assistance Association for Political Prisoners (Burma) reported hundreds of arrests and indictments during the year, with more than 1,000 farmers facing legal action in connection with peaceful protests against land confiscation. For example, as of September 10, six township courts sentenced land rights activist Sein Than, who led peaceful demonstrations against land confiscation in Minchaugkan starting in November 2013, to a combined two years and two months of hard labor for violating the Peaceful Assembly Act.

Freedom of Association

While the constitution and laws allow citizens to form associations and organizations, the government sometimes restricted this right. The government reportedly blocked efforts of ethnic language and literature associations to meet and teach, and it impeded efforts of Islamic and Christian associations and other organizations to gather and preach. On July 18, the government adopted the Law Relating to Registration of Organizations, which effectively voided State Law and Order Restoration Council (SLORC) Law 6/1988. The new registration law stipulates voluntary registration for local NGOs and removes punishments for noncompliance for both local and international NGOs. In a marked improvement from previous years, the government consulted broadly with NGOs in drafting the new law, revising it several times in response to civil society concerns (see section 7.a.).

Activists reported that civil society groups, community-based organizations, and informal networks operated openly and continued to discuss openly human rights and other political problems.

c. Freedom of Religion

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

No laws explicitly and comprehensively protect freedom of internal movement, foreign travel, emigration, and repatriation. Laws provide rights for citizens to settle and reside anywhere in the country "according to law." Laws related to noncitizens empower the president to make rules for the purpose of requiring registration of foreigners' movements and authorize registration officers to require every temporary change of address exceeding 24 hours.

The government did not cooperate fully with humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. While the government granted visas to international staff of humanitarian organizations, humanitarian aid workers continued to face threats and harassment in Rakhine State.

In-country Movement: Regional and local orders, directives, and instructions restricted freedom of movement. The law requires persons who intend to spend the night at a place other than their registered domicile to inform local ward or village authorities in advance. Any household that hosts a person not domiciled there must maintain a guest list and submit it to authorities.

The government restricted the ability of IDPs and stateless persons to move. While freedom of movement was primarily related to a person's possession of identification documents, authorities applied race, ethnicity, religion, and place of origin as factors in enforcing these regulations. Residents of ethnic-minority states reported that the government restricted the travel of, involuntarily confined, and forcibly relocated IDPs and stateless persons.

Restrictions on in-country movement of Muslims in Rakhine State were extensive. Authorities required the Rohingya, a stateless population, to carry special

documents and travel permits for internal movement in five areas in northern Rakhine State where the Rohingya ethnic minority primarily reside: Buthidaung, Maungdaw, Rathedaung, Kyauktaw, and Sittwe (see Stateless Persons). In September 2013 township officers in Buthidaung and Maungdaw townships began requiring the Rohingya to submit a “form for informing absence from habitual residence” for permission to stay overnight in another village and also requiring registration on the guest list with the village administrator. Obtaining these forms and permits often involved extortion.

Restrictions governing the travel of foreigners, Rohingya, and others between townships in northern Rakhine State varied depending on township, usually requiring submission of Form 4. The traveler can obtain this form only from the Township Immigration and National Registration Department (INRD) and only if that person provides an original copy of a family list, temporary registration card, and two guarantors. Travel authorized under Form 4 is valid for 14 days. The cost to obtain the form varied from township to township, with payments required to village administrators or to the township INRD office in amounts anywhere from 50,000 to 100,000 kyats (\$50 to \$100). Change of residency from one village or township to another in northern Rakhine State requires permission from the INRD or the township, district, and state officials. While Rohingya can change residency, they cannot be registered on a new household registration list in the new location. This practice effectively prevented persons from changing residency.

Travel restrictions effectively prevented Muslims from northern Rakhine State from traveling outside of Rakhine State. Rohingya living outside Rakhine State were also prevented from traveling into northern Rakhine State. Families with members in northern Rakhine State and outside Rakhine State reported traveling to Bangladesh to be able to meet.

There were reports of regular, unannounced nighttime checks in northern Rakhine State and in other areas. Authorities increasingly arrested Rohingya for alleged links to the militant RSO (see section 1.c.).

Foreign Travel: The government restricted foreign travel of political activists, former political prisoners, and some local staff of foreign embassies. Stateless persons, particularly the Rohingya, were unable to obtain documentation necessary for foreign travel.

Exile: There was a sizeable diaspora, and many citizens lived in self-imposed exile. During the year the government encouraged exiles to help rebuild their

country, and many returned home. The absence of a formal policy or procedure to affirm a right of return resulted in indefinite delays for some exiles wishing to return. Authorities harassed at least one returning activist and prominent former political prisoner by delaying the issuance of replacement citizenship documents, thereby placing his right to stay in the country into question.

Emigration and Repatriation: According to the UN High Commissioner for Refugees (UNHCR), as of September nearly 75,000 registered Burmese refugees lived in nine camps in Thailand on the border with Burma. The estimated total number of refugees, including unregistered, was 120,000 by September. The government allowed the UNHCR and other organizations limited access to monitor potential areas of return to assess conditions for the eventual voluntary return of refugees and IDPs.

The UNHCR reported approximately 32,000 registered Rohingya refugees lived in two official camps in Cox's Bazar district in southeastern Bangladesh, with 200,000-500,000 unregistered Rohingya living outside the camps in the surrounding towns and villages. Neither Bangladesh nor Burma claimed the stateless Rohingya as citizens. Meanwhile, the UNHCR registered approximately 40,000 Rohingya refugees in Malaysia, with 9,880 active cases of Rohingya seeking asylum. The total number of registered refugees from Burma in Malaysia as of October was 116,568, including more than 31,000 Chin and 10,000 non-Rohingya Muslims.

Between June 2013 and June 2014, the UNHCR reported approximately 53,000 individuals, most of whom were Rohingya, fled northern Rakhine State by boat, a 61 percent increase over the previous 12-month period. According to estimates by the Arakan Project, more than 100,000 Rohingya had fled by boat by the end of October, with an increase of nearly 10,000 Rohingya fleeing in the last two weeks of October. Approximately 7,000 asylum seekers and refugees who travelled by sea were held in detention facilities in the region, including more than 5,000 in Australia by June. There were credible reports that thousands of Rohingya were smuggled, trafficked, and sold into forced labor in Thailand with complicity of Rakhine and Rohingya criminal elements and Burmese and Thai authorities. Some were also held in smugglers' camps in the jungles or hills near the Thai-Malaysian border and beaten until their families could pay for their release.

Internally Displaced Persons (IDPs)

There were an estimated 649,000 persons displaced by violence and 22,000 displaced by flooding in the country as of September, although accurate figures were difficult to determine due to poor access to affected areas. The UNHCR reported up to 400,000 persons in the southeast remained displaced as a result of many years of armed conflict in those areas.

As of July the UN Office of Coordination for Humanitarian Affairs estimated that nearly 100,000 persons remained displaced as a result of continued armed conflict in Kachin and Shan states. More than half of the displaced were housed in camps located in areas beyond government control. There were approximately 160 locations hosting IDPs. Some IDPs found refuge with hosting families, and others hid in forested areas straddling the border with China.

The violence in Rakhine State in 2012 displaced more than 140,000 persons, including Rohingya and Kaman Muslims, ethnic Rakhine, and Maramagyi Buddhists. Nearly 100,000 Rohingya IDPs lived in Sittwe's rural camps, where they relied on assistance from aid agencies. Humanitarian agencies provided access to clean water, food, shelter, and sanitation in most IDP camps. The government limited health and education services, and many displaced persons were unable to pursue livelihoods due to government restrictions on movement and security concerns. Rakhine State authorities and security officials imposed severe and disproportionate restrictions on movements of Rohingya IDPs. Conditions in Aung Mingalar, the sole remaining Muslim Quarter in Sittwe, were ghetto-like, with Rohingya allowed to leave the fenced and guarded compound only twice weekly to shop for necessities at nearby markets or to visit outside health clinics if they paid a fee to security services. After authorities lifted the curfew in Sittwe in early September, local residents reported a change in security presence and some easing of restrictions on their movements.

In Rakhine State, bureaucratic procedures, including travel authorizations, impeded delivery of humanitarian assistance. Local Rakhine ethnic community threats and intimidation against UN and NGO staff and operations and the government's lack of response severely restricted humanitarian access. Three local staff members of international NGOs active in Rakhine State remained in detention as of November following their 2012 arrests. In December 2013 one employee of Doctors without Borders (MSF) was released under the presidential amnesty.

Religious-based violence also affected communities in central and lower areas of the country. As of December more than 3,200 persons remained displaced by the 2013 anti-Muslim violence in Meiktila, Mandalay Division. The government

provided assistance to camp inhabitants, and resettlement for the first tranche of Muslim and Buddhist IDPs was carried out in August. The government did not complete all resettlement by the end of the year.

Despite the resumption of sporadic armed clashes in Mon and Karen states, the UNHCR noted some IDP returns in the southeast as the overall situation stabilized.

Protection of Refugees

Access to Asylum: The country's laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees.

The UNHCR did not register any asylum seekers during the year.

Stateless Persons

The UNHCR estimated that there were more than 800,000 Muslim Rohingya who were habitual residents in northern Rakhine State, but they were stateless because of discriminatory provisions in the country's Citizenship Law. This figure did not include stateless persons in the rest of Rakhine State, including stateless IDPs. Based on preliminary analysis, there was a strong presumption that there were significant numbers of stateless persons and persons with undetermined nationality throughout the country, including persons of Chinese, Indian, and Nepali descent.

Provisions of the Citizenship Law relating to the acquisition of citizenship discriminate on the grounds of race or ethnicity and contribute to statelessness. Following the entry into force of the 1982 law and procedures, the government released a list of 135 recognized "national ethnic groups" whose members, according to the law, are automatically "citizens." The government list of 135 "official races" specifically excluded the Rohingya, unlike previous iterations of citizenship laws, and rendered members of the Rohingya ethnic minority stateless. The law defines "national ethnic group" only as racial and ethnic groups that can prove origins in the country back to 1823, the year prior to British colonization. Several ethnic minority groups, including the Chin and Kachin, criticized the classification system as inaccurate. While the majority of the country's inhabitants automatically acquired citizenship under these provisions, some minority groups, including the Rohingya; persons of Indian, Chinese, and Nepali descent; and "Pashu" (Straights Chinese), some of whose members had previously enjoyed citizenship in the country, are not included on the government's list. The law does

not provide protection for children born in the country who do not have a “relevant link” to another state. As a result statelessness continued to increase as children of stateless parents could not acquire citizenship. The UNHCR and a number of human rights and humanitarian organizations continued to advocate for amendment of the Citizenship Law to bring it in line with the country’s international human rights obligations and commitments (see section 6, Children).

The name Rohingya is used in reference to a group that self-identifies as belonging to an ethnic group defined by religious, linguistic, and other ethnic features. Rohingya do not dispute their ethno-geographic origins from present-day Bangladesh but hold that they have resided in what is now Rakhine State for decades, if not centuries. Authorities usually referred to Rohingya as “Bengali,” claiming that the Muslim residents of northern Rakhine State are irregular migrants from Bangladesh or descendants of migrants transplanted by the British during colonial rule. In June the government began a pilot “citizenship verification process” for Rohingya in Myebon Township, Rakhine State. On September 22, the government granted full and naturalized citizenship to 209 of the 1,049 applicants and continued its review of the remaining applications. The government announced its intent to conduct a similar verification for the entire state after completion of the pilot process. Despite initial reassurances that participants would not be required to identify their race and ethnicity, the government required Rohingya to identify as “Bengali” as a condition to participate in the pilot process.

According to the Citizenship Law, two lesser forms of citizenship exist: associate citizenship and naturalized citizenship. According to other legal statutes, these citizens are unable to run for political office, serve in the military, law enforcement, or public administration; inherit land or money; or pursue certain professional degrees, such as medicine and law. According to the Citizenship Law, naturalized citizens are unable to pass full citizenship to their children.

Rohingya experienced severe legal, economic, and social discrimination. The government required them to receive prior approval for travel outside their village of residence; limited their access to higher education, health care, and other basic services; and prohibited them from working as civil servants, including as doctors, nurses, or teachers. Authorities required Rohingya to obtain official permission for marriages and limited the number of children who could be registered to two per family, but local enforcement of the two-child policy was inconsistent following the dissolution of the NaSaKa. For the most part authorities registered additional children beyond the two-child limit for Rohingya families, although there were cases of authorities not doing so. Authorities singled out Rohingya in northern

Rakhine State to perform forced labor and arbitrarily arrested them. Restrictions impeded the ability of Rohingya to construct houses or religious buildings. On September 29, President Thein Sein signed into law amendments to the Political Parties Formation and Registration Law that bans “white card” holders, overwhelmingly stateless Rohingya, from forming or joining political parties. Local security officials in Rakhine State, claiming to be searching for criminal suspects, committed violent crimes and arbitrarily arrested an unknown number of Rohingya during the year, according to reports.

The Rohingya stateless population was particularly vulnerable to trafficking, and there were reports of local and state government and security officials, in conjunction with Rakhine and Rohingya criminal elements, smuggling and trafficking Rohingya out of the country, often for profit. After the violence and displacement in 2012, departures continued throughout the year.

There were reports of extrajudicial killings, rape, sexual violence, arbitrary detention, torture, mistreatment in detention, deaths in custody, and systematic denial of due process and fair trial rights in Rakhine State. Multiple sources reported nearly 1,000 arbitrarily detained, mistreated Rohingyas and Muslims in Rakhine State. No security or government officials were investigated or held to account.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides limited ability for citizens to change their government through elections. Constitutional provisions grant one-quarter of all national and one-third of all regional parliamentary seats to active-duty military appointees and provide that the military indefinitely assume power over all branches of the government should the president, who must be of military background, declare a national state of emergency. Amending the constitution requires more than 75 percent approval from the legislature, giving the military veto power over constitutional amendment process.

Elections and Political Participation

Recent Elections: In April 2012 the country held by-elections considered by international observers to be largely free and fair. The country’s main opposition party, the NLD chaired by Aung San Suu Kyi, won 43 out of 45 contested seats in

the 664-seat parliament. In 2010 the country held its first national election in 20 years, which the international community assessed as neither free nor fair.

Political Parties and Political Participation: Opposition parties and civil society organizations continued to exercise and expand their rights to assemble and protest. During the year the NLD conducted a public campaign to amend the constitution and collected nearly five million signatures in a series of protests and gatherings throughout the country. Beginning in 2012 protests and demonstrations on political and social problems were held regularly throughout the country. In July the campaign directive promulgated by the Union Election Commission gave authorities broad authority to restrict the rights of political parties and candidates to campaign freely. The campaign directive allows authorities to deny, cancel, and censor political rallies, campaign activities, speeches, and printed materials if they deem it would “disrupt solidarity of the union, national races and sovereignty security, rule of law, peace and stability.”

Participation of Women and Minorities: Women were underrepresented in government. There were two female ministers among 36 ministers serving at the union level. There were 24 women in the 440-seat lower house of parliament, four in the 224-seat upper house of parliament, and 26 among the 882 total seats in the seven state and seven regional parliaments. The representation of women at both the national and the state and regional level was approximately 4.7 percent.

In 2013 five of the seven ethnic states elected persons of their own ethnicity as chief minister. In June the government replaced the chief minister of Rakhine State, who was ethnic Rakhine, with a nonethnic Rakhine chief minister. There were 44 ethnic representatives from ethnic parties (non-USDP) in the lower house of parliament, 29 in the upper house, five among the 544 seats in the seven regional parliaments, and 98 among the 338 seats in the seven state parliaments. The representation of ethnic minority parliamentarians from ethnic minority political parties at both the national and state and regional level was approximately 11 percent.

Section 4. Corruption and Lack of Transparency in Government

The government continued efforts to curb rampant corruption. The law provides criminal penalties for corruption by officials. In February, following the passage of the national Anti-Corruption Law in 2013, parliament appointed a 15-member anticorruption commission led by one of the country’s two vice presidents. On

August 4, the government formed an Anti-Money Laundering Central Board to take action and adopt polices related to money laundering and terrorism financing.

Corruption: Corruption remained a rampant problem, particularly in the judiciary. Police reportedly often required victims to pay substantial bribes for criminal investigations and routinely extorted money from the civilian population. The Ministry of Home Affairs, responsible for anticorruption measures, formed the Special Investigation Bureau and Financial Intelligence Unit in cooperation with international organizations, and in 2013 this unit set up a public complaint system to engage public participation in combating corruption.

Financial Disclosure: Public officials were not subject to financial disclosure laws. The law requires the president and vice presidents to furnish a list of family assets to the speaker of the joint houses of parliament, and persons appointed by the president to furnish a list of personal assets to the president. The reports were not made public. On April 1, the government passed the Taxation Law to rein in endemic tax evasion and illegal trade. The government revoked tax-exempt status for military holding companies. In June the government initiated a self-assessment system with more than 460 of the largest companies in the country, and the Ministry of Finance established a Large Taxpayer Office to maximize tax revenue and reduce bureaucratic delays and corruption. This marked the first major step towards reform of the tax administration system and increasing tax compliance.

Public Access to Information: The government did not provide access to most official documents, and there is no law providing for it. Most government data, even routine economic statistics, were classified as state secrets and tightly controlled. During the year government policy making became more transparent, and some government offices set up public websites and posted news, speeches, and other information. The government press reported on legislation from the time of submission, noting the drafter, proposed amendments, and debate.

Parliamentary debates were broadcast on a dedicated channel, but the voting records of parliamentarians remained classified as an official secret and were not available to the public.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government did not fully allow domestic human rights organizations to function independently. By year's end the government had not fulfilled its 2012

pledge to open an office of the UN Office of the High Commissioner for Human Rights (OHCHR), but the government allowed four OHCHR staff members to operate on the basis on short-term visas and to travel to Rakhine State, provided they obtained prior travel authorization. Human rights NGOs were able to open offices and operate with less harassment and monitoring by authorities than in previous years.

Human rights activists and advocates, including representatives from international NGOs, continued to obtain short-term visas that required them to leave the country periodically for renewal. Near the end of the year, there were reports that the government delayed or denied the visas of several prominent former political prisoners and exiled activists. The government continued to monitor the movements of foreigners and interrogated citizens concerning contacts with foreigners, although observers reported a significant decrease in such activity in some areas.

The United Nations and Other International Bodies: In 2013 the government began granting access to some UN agencies and international NGOs to travel into nongovernment controlled areas in Kachin State to provide humanitarian assistance to populations in need and to open offices and place permanent staff. The government continued to maintain restrictions in some conflict areas. In February the government suspended the operations of MSF, the largest health-care provider to the Rohingya in Rakhine State, leaving more than 700,000 persons without health care, pending renewal of MSF's registration and memorandum of understanding. From March 26 to 27, in Sittwe Township, Rakhine State, Buddhist mob violence directed against international NGOs and UN agencies resulted in damages to 33 offices and facilities and the emergency relocation of more than 300 NGO workers from Rakhine State. More than 1,000 humanitarian staff were forced to stop working following the violence, but most agencies resumed limited humanitarian services in late April. On July 24, the government announced that it would welcome all international NGOs and UN agencies back into Rakhine State and pledged to ensure the security and safety of staff and operations. On September 8, the government signed a memorandum of understanding with MSF to resume operations in Rakhine State. Despite these promises the government continued to restrict severely humanitarian agencies' access to vulnerable populations, and MSF was unable to resume normal operations by year's end.

The government facilitated regular visits of the UN special rapporteur for human rights and the UN special adviser to the secretary-general for Myanmar. Former

UN special rapporteur for human rights Tomas Ojea Quintana conducted one mission in February. New UN Special Rapporteur for Human Rights Yanghee Lee visited in July. In August, UN Special Adviser Vijay Nambiar conducted his eighth visit to the country to observe continuing nationwide cease-fire negotiations.

Following a 2012 government pledge to allow ICRC prison access, the ICRC resumed independent prison and labor camp visits in 2013. By November the ICRC visited 22 prisons and 14 labor camps. The government also allowed the ICRC to operate in ethnic-minority states, including in Shan, Rakhine, and Kachin States.

Government Human Rights Bodies: The government created the Myanmar National Human Rights Commission in 2011, and it enacted the Myanmar National Human Rights Commission Law on March 28. The presidential commission's ability to operate as a credible, independent mechanism remained limited in law and practice. The commission spoke out against torture in prisons and for the rights of the lesbian, gay, bisexual, and transgender (LGBT) community, and it supported the development of human rights education curricula. Since 2011 the commission reportedly had received approximately 6,000 complaints. It engaged with the United Nations and international partners, although only occasionally with civil society.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, birth, religion, official position, status, culture, sex, and wealth, but the government did not effectively enforce antidiscrimination laws. Numerous laws, notably the 1982 Citizenship Law, contravene this provision.

Women

Rape and Domestic Violence: Rape is illegal, but the government did not enforce the law effectively. Spousal rape is not a crime, unless the wife is under 14 years of age. The government did not release statistics concerning the number of rape prosecutions and convictions. According to testimony in parliament by lower house member Khine Maung Yi, nearly 1,800 rape cases took place since 2011. Police generally investigated reported cases of rape, but there were reports that police investigations were not sensitive to victims. One prominent women's group reported that police in some cases verbally abused women who reported rape and that women could be sued for impugning the dignity of the perpetrator.

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 government did not maintain statistics. Although there are laws related to committing bodily harm against another person, there are no laws specifically against domestic violence or spousal abuse, including spousal rape of women above 13 years of age. The related prison terms range from one year to life, in addition to possible fines.

There were reports of rape by military and security officials in Chin, Kachin, Shan, Mon, and Rakhine states. The military rejected all allegations that rape is an institutionalized practice in the military but admitted that its soldiers had committed 40 known rapes of civilian women since 2011. Civil society groups estimated more than 100 rape cases since 2011.

In one case, on June 10, a soldier from Light Infantry Battalion 269 brutally beat a 55-year-old woman during an attempted rape in Matupi Township, Chin State. On June 15, activists from the Zotung Women's Organization in Matupi applied for police permission to protest the incident but were denied approval. On June 24, the activists and 600 supporters held two demonstrations, and subsequently eight female Chin activists were arrested for violating the Peaceful Assembly Act. All eight were released on bail, and their cases continued in the court system. According to local reports, the military court in Matupi was investigating the attempted rape allegation. There were no convictions by year's end.

Female Genital Mutilation/Cutting (FGM/C): There are no laws concerning FGM/C and no reports it occurred.

Sexual Harassment: The penal code prohibits sexual harassment and imposes fines or up to one year's imprisonment for verbal harassment and up to two years' imprisonment for physical contact. There was no information on the prevalence of the problem because these crimes were largely unreported.

Reproductive Rights: Outside of Rakhine State, couples and individuals have the right to decide the number, spacing, and timing of children. The Rakhine government enforced a two-child policy against the Rohingya population of northern Rakhine State in two townships, in many cases refusing to register the birth of subsequent children. The government has pronatalist policies except in Rakhine State, but it allowed government and private sector clinicians to provide

contraceptives under the banner of “birth spacing.” The most commonly reported barriers to accessing family planning services were cost and availability. Reproductive health services, including the availability of contraceptives, generally were limited to private clinics. Health authorities heavily regulated distribution of contraceptives, and the UN Population Fund’s (UNFPA) 2013 *State of World Population Report* stated that 46 percent of women between the ages of 15 and 49 used a modern method of contraception during the 1990-2012 period. The unmet need for contraception was estimated at 19 percent during the 1988-2012 period. Community health workers and general practice physicians were able to advise on a range of family planning methods. A client must be seen by a midwife to get injectable or oral contraception. An acute shortage of government-sector midwives impeded access and prevalence.

According to UNFPA 2013 data, the estimated maternal mortality ratio was 200 per 100,000 live births. The unavailability of long-term contraceptive methods, compounded with financial constraints, led to unwanted pregnancies and unsafe abortions. The maternal mortality rate for ethnic Rohingya in Rakhine State was 400 per 100,000 live births. International health NGOs reported that restricted humanitarian access and deaths resulting from abortions carried out under the two-child policy enforced against ethnic Rohingya were likely responsible for Rohingya mortality rates being double the national average. Complications resulting from abortion reportedly were one of the leading causes of maternal deaths. Other major factors influencing maternal mortality included poverty; limited availability of and access to comprehensive sexual and reproductive health services, including contraception, and to maternal and newborn health services; lack of information about and awareness of these problems; a high number of home births; and lack of skilled birth attendants, midwives, auxiliary midwives, basic health staff, and other trained community health workers.

On June 30, the government convened a Family Planning and Best Practices Conference, which encouraged local-level representatives to develop family planning and reproductive health services action plans. The conference followed the government’s signing of the Family Planning 2020 (FP2020) Global Initiative. In its FP2020 commitment, the government promised to invest more resources to reduce the unmet need for contraception to less than 10 percent by 2015 and to increase the contraceptive prevalence rate to 50 percent by 2015. The government committed 1.3 billion kyats (\$1.3 million) for the purchase of contraceptives in 2012-13 and pledged to increase the health budget to cover contraceptives for nearly 30 million couples by 2020.

Discrimination: By law women enjoy the same legal rights as men, including property and inheritance rights, but it was not clear if the government enforced the law. The law requires equal pay for equal work. Women remained underrepresented in most traditionally male occupations (e.g., mining, forestry, carpentry, masonry, and fishing) and were effectively barred from certain professions. For the first time, the military accepted 100 women into its Defense Services Academy, and two females were appointed to government to represent the military. Poverty affected women disproportionately.

Children

Birth Registration: By law citizenship is derived through parents, both of whom must be one of the 135 officially recognized “national races” according to the Citizenship Law. Under the law “naturalized citizens,” which includes the overwhelming majority of Rohingya currently under consideration for citizenship, are unable to pass citizenship rights to their descendants. Even as the rate of birth registration for children under five years of age improved (from an estimated 65 percent in 2003 to 72 percent in 2009-10), an estimated three in 10 children were unregistered at birth, and not all registered children had a birth certificate. A prominent international NGO noted significant rural-urban disparities in birth registration. In major cities (e.g., Rangoon and Mandalay), births were registered immediately. In these larger cities, births must be registered to qualify for basic public services and obtain national identification cards. In smaller towns and villages, birth registration often was informal or nonexistent. Birth registration is not free, and the international NGO reported that only 50 percent of births in the poorest households were registered, compared with 96 percent of births in the richest households. A birth certificate provided important protections for children, particularly against child labor, early marriage, and recruitment into the armed forces and armed groups. Sometimes a lack of birth registration, but more often a lack of availability, complicated access to public services in remote communities. For the Rohingya community, birth registration was a significant problem (see section 2.d.). In addition, in 2013 approximately 5,000 Rohingya children were “blacklisted” or not listed in the household and family registration list. Rohingya children were blacklisted if they were found to be born out of wedlock or not one of the first two children in the household during unofficial household verification check conducted by the Border Guard Police. On July 28, the government and UNICEF held a national forum on accelerating birth registration and conducted birth registration campaign in Chin and Mon states and Magway Division.

Education: By law education is compulsory, free, and universal through the fourth standard (approximately age 10). The government continued to allocate minimal resources to public education, and schools charged informal fees. A prominent international NGO reported significant disparities in rural and urban access to education and on the basis of socioeconomic status. Some child rights activists in Rangoon noted that such fees were decreasing and were less often mandatory. Rates of school attendance were low, largely due to economic hardship. There was little reported difference between girls and boys in attendance rates.

The government launched a review of the education system and was in the process of drafting a national education policy. Education access for internally displaced and stateless children remained limited.

Child Abuse: Laws prohibit child abuse, but they were neither adequate nor enforced. The government cooperated with UNICEF to strengthen the 1993 Child Law, which contains many provisions to protect children from abuse, sale, and other types of exploitation. The punishment for violators is up to two years' imprisonment or a fine of up to 10,000 kyats (\$10). One prominent international NGO reported there was very little data on the extent of violence against children, but it reported anecdotal evidence from the field of violence against children occurring within families, schools, in situations of child labor and exploitation, and in armed conflict. In Rakhine State, violence caused displacement of families and exposed them to an environment of violence. Armed conflict in Kachin and Shan states had a similar impact on children in those areas (see section 7.c.).

Early and Forced Marriage: The minimum age requirement for marriage is 18, but child marriage was known to occur.

Female Genital Mutilation/Cutting (FGM/C): There are no laws concerning FGM/C and no reports it occurred.

Sexual Exploitation of Children: There was no verifiable data on the commercial sexual exploitation of children either inside or outside the country. Although no law explicitly bans child sex tourism, article 13 of the 1949 Suppression of Prostitution Act and the Prostitution Act prohibit pimping and prostitution, respectively, and the penal code prohibits having sex with a minor under 14. The penalty for the purchase and sale of commercial sex acts from a child under 18 is 10 years' imprisonment. The Child Law prohibits pornography, and the penalty is two years' minimum imprisonment and a fine of 10,000 kyats (\$10). The law prohibits statutory rape; if a victim is under 14 years of age, the sexual act is

considered rape, with or without consent. The maximum sentence is two years' imprisonment when the victim is between ages 12 and 14, and 10 years' to life imprisonment when the victim is under 12.

Displaced Children: The mortality rate of internally displaced children in conflict areas was significantly higher than in the rest of the country (see section 2.d., Internally Displaced Persons). In addition such children had few learning resources.

Institutionalized Children: Many children were placed in orphanages that lacked adequate food and services. According to UNICEF the number of children living in registered institutional care increased from approximately 14,400 to 17,300 between 2006 and 2010.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There was one synagogue in Rangoon serving a small Jewish congregation. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

No laws specifically prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other state services; the government did not provide ample protections for these persons. On June 10, the government hosted a National Disability Conference and issued a declaration acknowledging the rights of persons with disabilities.

According to a 2009 Ministry of Social Welfare national disability survey, 2.3 percent of the population had a disability. The World Health Organization, however, estimated approximately 15 percent of the population had a disability. The government included questionnaires on disability in the 2014 nationwide

census, the results of which were not released as of December. The Ministry of Health is responsible for medical rehabilitation of persons with disabilities, and the Ministry of Social Welfare is responsible for vocational training.

The government operated three schools for the blind, two for the deaf, two rehabilitation centers for adults with disabilities, and two for children with disabilities, which all received inadequate funding. Mainstream schools did not offer adequate assistance technology for deaf and blind students. There were few official resources to assist persons with disabilities. The Ministry of Social Welfare conducted community awareness-raising activities, including a “Barrier Free Environment” pilot project in the Irrawaddy Region.

According to the Myanmar Physical Handicap Association, a significant number of military personnel, armed-group members, and civilians had a disability as a result of conflict, including as a result of torture and landmine incidents. The ICRC estimated there were 12,000 amputees in the country--two-thirds believed to be landmine survivors--supported by four physical rehabilitation centers throughout the country. Persons with disabilities reported stigma, discrimination, and abuse from civilian and government officials. Students with disabilities cited barriers to inclusive education as a significant disadvantage.

Officially military veterans with disabilities received benefits on a priority basis, usually a civil service job at equivalent pay, but both military and ethnic-minority survivors in rural areas typically did not have access to livelihood opportunities or affordable medical treatment. Official assistance to nonmilitary persons with disabilities in principle included two-thirds of pay for up to one year for a temporary disability and a tax-free stipend for permanent disability. The government did not provide job protection for private sector workers who became disabled. In 2013 the government enacted a law designed to assist the families of deceased and injured military troops, but no information was available on its implementation.

National/Racial/Ethnic Minorities

Ethnic minorities constitute an estimated 30 to 40 percent of the population, and the seven ethnic-minority states make up approximately 60 percent of the national territory. Wide-ranging governmental and societal discrimination against minorities persisted, including in areas such as education, housing, employment, and access to health services. International observers noted large wage variations based on religious and ethnic backgrounds were common.

While ethnic-minority groups generally used their own languages at home, throughout all parts of the country, Burmese generally remained the mandatory language of instruction in government schools. Starting in 2013, in response to calls by ethnic-minority groups to exercise the right to educate children in their native language, the government began to ease restrictions against local language curriculum and teaching. In Mon State, for example, local authorities allowed schools to teach in the Mon language. In ethnic-minority areas, however, most primary and secondary government schools did not offer instruction in the local ethnic-minority language. There were very few domestic publications in indigenous-minority languages.

Tension between the military and ethnic minority populations, while somewhat diminished in areas with cease-fire agreements, remained high, and the army stationed forces in some ethnic groups' areas and controlled certain cities, towns, and highways. EAGs, including the Kachin Independence Organization, pointed to the increased presence of army troops as a major source of tension and insecurity. Reported abuses included killings, beatings, torture, forced labor, forced relocations, and rapes of members of ethnic groups by government soldiers. Some EAGs also committed abuses (see section 1.g.). In Karen State contacts reported human rights violations in IDP areas decreased by more than 90 percent after a preliminary cease-fire was reached in 2012.

Muslims, including the Rohingya in Rakhine State, faced severe discrimination on the basis of their ethnicity, and increasingly, their religion. Interethnic conflict in Rakhine State negatively affected the broader Muslim community, including the primarily Muslim ethnic Kaman. Most Rohingya faced severe restrictions on their ability to travel, avail themselves of health-care services, engage in economic activity, obtain an education, and register births, deaths, and marriages (see section 2.d.). The Rohingya population constituted the majority of those displaced by outbreaks of violence across Rakhine State in 2012. Most remained in semipermanent camps with severely limited access to education, health care, and livelihoods.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Political reforms in the country led to a more visible LGBT movement, including the formation of LGBT rights organizations and their growing activities during the year. These changes made it easier for the LGBT community to hold public events

and openly participate in society. Despite this progress consensual same-sex sexual activity remains illegal under section 377 of the penal code, which contains provisions against “sexually abnormal” behavior and entails punishments up to life imprisonment. Laws against “unnatural offenses” apply equally to both men and women. These laws were rarely enforced, but LGBT persons reported that police used the threat of prosecution to extort bribes. LGBT activists reported harassment by police, including arbitrary arrest (for example for loitering), detention, and in some cases rape by security forces. They also reported broad societal and familial discrimination.

There were reports of discrimination based on sexual orientation and gender identity in employment, including the denial of promotions and firing of LGBT persons (see section 7.d.). Activists reported that job opportunities for many openly gay and lesbian persons were limited, and they noted a general lack of support from society as a whole. The district-, regional-, and union-level courts rejected Myanmar LGBT Rights Network’s lawsuit filed in 2013-14 against the Mandalay police for arresting and abusing 12 gay men, transgender persons, and NGO outreach workers involved in HIV and AIDS prevention. Police were investigating the case as of December.

HIV and AIDS Social Stigma

No HIV-specific protective laws or laws specifically address the human rights aspects of HIV. There were reports of societal violence or discrimination against persons with HIV/AIDS. Activists reported that in addition to general societal discrimination, persons with HIV/AIDS faced employment discrimination in both the public and private sector, including suspensions and the loss of employment following positive results from mandatory workplace testing (see section 7.d.). For instance, according to a 2014 Joint United Nations Program on HIV/AIDS report, injectable drug users reported police harassment and physical abuse if found carrying needles and syringes, which led to injectable drug users’ avoiding purchasing of new syringes. HIV-positive injectable drug users also reported being denied access to antiretroviral therapy due to discrimination commonly practiced in medical facilities.

Law enforcement practices contributed to high levels of stigma and discrimination against female sex workers, which in turn hindered their access to HIV prevention, treatment, and social protection services. Police harassment of sex workers deterred the workers from carrying condoms.

Other Societal Violence or Discrimination

Societal discrimination against the country's Muslim populations and rising Burman-Buddhist nationalism, including the "969" movement and the Buddhist Organization to Protect Race and Religion, which denigrated Islam and called for a boycott of Muslim businesses, contributed to a wave of violence against mosques, Islamic schools, Muslim households, and Muslim-owned businesses.

On July 1-3, false reports of the rape of a Buddhist woman by two Muslim teashop owners in Mandalay were spread on social media and were followed by organized attacks against Mandalay mosques and some Muslim-owned business, resulting in the death of one Buddhist and one Muslim and injury to more than 10 individuals. The government imposed a curfew in Mandalay town between July 4 and August 11. The president issued a radio address soon afterward, condemning the "organized violence," emphasizing the importance of tolerance, and pledging accountability for those perpetrating the violence. The government reported arresting 53 individuals in connection with the violence and sentencing 11 to three-year prison terms for rioting and spreading misinformation to incite fear. For the death of the Muslim person, on October 14, four individuals were convicted and sentenced to 10 years in prison with hard labor. The government continued its investigations and trials of others at year's end.

Multiple sources noted that restrictions against Muslims and Christians impeded their ability to pursue higher education opportunities and assume high-level government positions and that Muslims were unable to invest and trade freely.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers and employers the right to form independent unions, bargain collectively, and conduct legal strikes. The law permits labor organizations to demand the reinstatement of workers dismissed for union activity, but it does not explicitly prohibit antiunion discrimination in the form of demotions or mandatory transfers. The law does not adequately protect workers from dismissal before a union is officially registered.

The law permits labor federations and confederations to affiliate with international union federations and confederations. The law allows agricultural workers, as well as domestic workers, daily wage and temporary workers, and government

employees to form unions. Personnel of the defense services, armed forces, and the Myanmar Police Force are excluded from the law. On July 18, the government adopted the Law Relating to Registration of Organizations, which effectively voided Law 6/1988 that had provided for harsh penalties for organizations and associations that failed to register with the appropriate authorities. The new registration law stipulates voluntary registration for local NGOs and removes punishments for noncompliance for both local and international NGOs. Organizations that chose to register could reportedly face more restrictions, including prior approval from the government if they wished to make changes to organization objectives and activities after registration took place. Law 2/1988, which limits freedom of assembly, remained in place.

Basic labor organizations must have a minimum of 30 workers and must register through township registrars with the Chief Registrar's Office of the Ministry of Labor, Employment, and Social Security (Ministry of Labor). Township labor organizations require at least 10 percent of relevant basic labor organizations to register; regional or state labor organizations require at least 10 percent of relevant township labor organizations. Each of these higher-level unions must include only organizations within the same trade or activity. Similarly, federations and confederations also require a minimum number of organizations (10 percent and 20 percent, respectively) from the next lower level in order to register formally.

The law gives unions the right to represent workers, to negotiate and bargain collectively with employers, and to send representatives to the conciliation body or conciliation tribunal. Unions are also permitted to assist in individual disputes and individual employment agreements. The law does not contain detailed measures regarding management of the bargaining process.

The law protects the right to strike in most sectors, with a majority vote by workers, permission of the relevant labor federations, and detailed information and three days' advance notice provided to the employer and relevant conciliation body. The law does not permit strikes or lockouts in essential services. In "public utility services," (including the transport; cargo and freight; postal; sanitation; information, communication, and technology; energy; petroleum; and financial sectors) lockouts are permitted with a minimum of 14 days' notice provided to the relevant labor organizations and conciliation body. Strikes in public-utility services require generally the same measures as in other sectors, but with 14 days' advance notice and negotiation between workers and management to determine minimum service levels before the strike takes place.

The law provides a framework for the settlement of individual and collective disputes at the enterprise, township, regional, and national level through conciliation or arbitration. In principle the law is legally binding, but it lacks sufficient mechanisms for enforcement, which led some employers to ignore judgments issued by the arbitration and conciliation body. Penalties for noncompliance with settlement agreements called for in the law are low: 100,000 kyats (\$100) or less than one year in prison. Outside observers expressed concern that the process was lengthy and cumbersome and could pose obstacles to workers using it to resolve grievances. One NGO reported that at local levels, decisions generally were biased toward employers, while at least one Arbitration Council member claimed to have been pressured in one case to make a decision in favor of the employer's side.

As of September 2013, the latest data available, the government reported that 1,000 cases had been conciliated at the township level, 94 at the state or regional level, and 47 by the national Arbitration Council. In February the Ministry of Labor, Employment, and Social Security reported that the Rangoon Region Arbitration Body had resolved 105 labor disputes involving unfair dismissals and fair compensation since January 2012.

Labor groups reported their biggest challenge remained labor organizations' inability to register at the national level, a prerequisite for entering labor framework agreements with multinational companies, due to the registration requirements under law. In addition the ILO, labor activists, and media continued to report concerns that many workers who formed or joined labor unions were subsequently fired or subjected to other forms of reprisal by their employers.

Workers and workers' organizations continued to report that they generally found the Ministry of Labor to be helpful in urging employers to negotiate, but there were consistent reports of employers ignoring the negotiated agreements or engaging in other forms of antiunion discrimination. For example, although the government pursued a lawsuit against a footwear factory owned by a South Korean firm for nonpayment of compensation in full and worked with the South Korean government to mediate a settlement with the factory owners, workers alleged intimidation by management to accept a one-month payout. In at least one case, professors at University of Mandalay claimed that the Ministry of Education had responded to their organizing activity by instituting a mandatory transfer for a union leader. Media outlets reported allegations of dismissal, imprisonment, and beatings of workers for organizing activity.

As of March the ILO reported 1,040 labor organizations and 24 employers' organizations had registered, of which more than half were in the agricultural sector. Most organizations were enterprise-level entities and concentrated in the agricultural, manufacturing, and transport sectors, with an estimated total membership of nearly 200,000 workers. Labor reform-related activities continued uninterrupted and without government interference.

b. Prohibition of Forced or Compulsory Labor

Laws prohibit all forms of forced or compulsory labor and provides for the punishment of persons who impose forced labor on others. The law imposes criminal penalties for forced labor violations; penalties differ depending on whether the forced labor was committed by the military or government. Perpetrators from the military can be prosecuted under either the military or penal code. Civilian perpetrators may be subject to administrative action or criminal proceedings under the penal code. The maximum penalty under the penal code is 12 months in prison, and under military code it is seven years in prison, which international observers deemed sufficient to deter forced labor.

The ILO reported that the number of incidences of forced or compulsory labor by both the military and civilian authorities fell but noted the government's and military's use of forced or compulsory labor of adults and children and the failure to hold perpetrators accountable remained a problem (also see section 7.c.). The exceptions to this positive trend were in the conflict areas of Kachin and Rakhine states, where forced labor continued. Reports of forced labor occurred across the country, including in cease-fire states, and the prevalence was higher in states with significant armed conflict (see section 7.c.).

The government continued to implement the ILO action plan to eliminate forced labor by 2015. Both the military and the government responded to complaints logged by the complaints mechanism. From April 2013 through March, the ILO reported that it had received 110 complaints of forced labor through the ILO complaints mechanism, a decrease from the 142 complaints received in the same period in the previous year.

Forced labor continued in the form of forced portering, mandatory work on public infrastructure projects, and activities related to the military's "self-reliance" policy. Under the "self-reliance" policy, military battalions are responsible for procuring their own food and labor supplies from local villagers--a major contributing factor to forced labor and other abuses, including forced portering, land confiscation, and

destruction of property. According to one report, at least one person, sometimes to include children, from each household was required to perform labor. Some observers noted that practices of forced labor were changing, resulting in a reported decrease in use of forced labor by the military and increased reports of forced labor in the private sector and by civilian officials. Land confiscation by military, local government, and private businesses placed agricultural workers at severe risk for forced labor, including on lands which they previously occupied.

Some groups argued that the practice of compulsory overtime in many factories constituted a form of forced labor. Domestic workers remained at risk of domestic servitude.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets a minimum age of 13 for the employment of children. The law limits children ages 14 to 17 to “light duties” but does not define the term. Forced child labor is illegal in both civilian and military law, as is the recruitment of children into the military.

The law was not enforced, and child labor remained prevalent and highly visible. Children were at high risk, since poor economic conditions forced destitute parents to take them out of school after, and occasionally before, they completed compulsory education. In cities children worked mostly in the food-processing and light-manufacturing industries, as street vendors or refuse collectors, as restaurant and teashop attendants, and as domestic workers. In rural areas children routinely worked in family agricultural activities, occasionally in situations of forced labor. With few or no skills, increasing numbers of children worked in the informal economy or in the street, where they were exposed to drugs and petty crime, risk of arrest, commercial sexual exploitation, and HIV/AIDS and other sexually transmitted infections (also see section 6, Children).

While inspectors are trained to monitor the application of the national labor law including child labor, a general lack of resources hindered the number of inspectors deployed throughout the country. Inspectors from the Ministry of Social Welfare monitored child-related cases at 25 Township Community on the Rights of the Child projects throughout the country. The Ministry of Labor worked with UNICEF on problems related to child protection and minimum age and worked

with the ILO to address child labor. In September the minister of labor, with ILO support, established a child labor working group, chaired by the minister and composed of representatives from all government departments, the private sector, labor unions, and civil society. The working group was tasked with drafting a national plan of action to implement ILO Convention 182 on the Elimination of the Worst Forms of Child Labor. During the year the 18-member National Committee on the Rights of the Child held two meetings to review reports submitted by the state and regional governments.

The law outlined criminal penalties for those guilty of recruiting child soldiers. While the government liberated child soldiers and disciplined military officials for recruiting them in some cases, reports indicated the government army continued to recruit and use children in military-related activities. EAGs reportedly also continued to recruit child soldiers (see section 1.g.).

d. Discrimination with Respect to Employment or Occupation

Labor laws and regulations do not specifically prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation or gender identity, HIV-positive status or other communicable diseases, or social status. There were reports government and private actors practiced anti-Muslim discrimination that impeded Muslim-owned businesses' operations and negatively affected their ability to hire and retain labor, maintain proper working standards, and secure public and private contracts.

e. Acceptable Conditions of Work

There was no minimum wage in effect countrywide. In March 2013 a minimum wage law provided a framework and structure for how to implement a minimum wage but lacked concrete wage numbers. The law provides the option either to create a national minimum wage or to set minimums by both sector and region, but none of these options was exercised. The government lacked basic data on average cost of living, but the national poverty income level was estimated at less than 1,000 kyats (\$1.00) per day.

Low real wages in the public sector fostered widespread corruption and absenteeism. In the private sector, urban laborers performing unskilled work earned 1,000 to 2,500 kyats (\$1 to \$2.50) per day, while rural agricultural workers generally earned less. Skilled workers in the private sector tended to earn somewhat more than rural agricultural workers and urban laborers; for example, a

skilled factory worker earned 50,000 to 100,000 kyats (\$50 to \$100) per month, according to private sector employers. On September 1, the Ministry of Labor launched the survey in coordination with employers and labor unions; the survey continued as of December.

The law prescribes a five-day, 35-hour workweek for employees in the public sector, and a six-day, 44-hour workweek for private-sector employees, with overtime paid for additional work. Factory workers at government-owned enterprises must work 44 to 48 hours per week, depending on the type of factory. The law also allows for one 24-hour rest period per week and 21 paid holidays per year. Provisions related to wages and hours benefited only a small portion of the labor force since they were rarely enforced, and most workers were engaged in rural agriculture or the informal sector. On July 18, the government amended the Leave and Holidays Act. The amendment states that the law comes into force for the entire country and for all work and trades. The law also introduces maternity leave into the definition of leave.

Occupational health and safety laws are significantly outdated. There were no reports of workers losing employment after removing themselves from situations that endangered their health or safety.

The Ministry of Labor's Factories and General Labor Laws Inspection Department oversees labor conditions in the private sector. Both resources and capacity constrained enforcement. The labor ministry had 95 labor inspectors and 53 inspection offices for the entire country. The ministry planned to increase its staff from 300 to 1,400, and the number of labor inspectors from 86 to 340 in the 2014-17 period. The ministry also committed to the opening of up to 173 inspection offices, especially in industrial cities such as Rangoon, Mandalay, and Bago. While the inspectors had the technical knowledge, they did not have the equipment necessary to execute inspections properly. In certain sectors other ministerial departments regulated occupational safety and health laws, for example the Ministries of Agriculture and Irrigation; Industries; Mines; and Health.

The laws generally were enforced in the government sector, but there were frequent violations in private enterprises. According to media, a Union Parliament Joint Commission found shifts in many factories lasted as long as 12 hours and noted complaints of harassment and harsh treatment by foreign supervisors. The commission also noted that the average salary was approximately 47,000 kyats (\$47) per month, but the salary was disbursed only if workers had perfect attendance records. Workers' organizations alleged that government inspections

were rare and often announced with several days' notice that allowed factory owners to bring facilities--often temporarily--into compliance. Corruption and bribery of inspectors reportedly occurred.

On January 23, the government adopted the Myanmar Special Economic Zone (SEZ) Law that applies the country's labor and environmental laws and regulations to SEZs. The law stipulates that disputes in SEZs be settled in accordance with original contracts and existing laws. The government agreed to appoint a labor inspector for each SEZ and to establish SEZ tripartite committee responsible for setting wage levels and monitoring ratio of local and foreign labor.

The social security board covers only industrial zones and therefore supports less than 1 percent of the individuals involved in workplace accidents or casualties. While the board provides hospitals and clinics, it does not keep independently verifiable statistics on accidents or workplace violations. Workers in other sectors of the economy were assumed to have even less support, and no statistics were available.

Unlike in previous years, there were no known reports of mining accidents.