

# **BURMA 2015 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Burma has a quasi-parliamentary system of government in which national parliament selects the president and constitutional provisions grant one-quarter of national, regional, and state parliamentary seats to active-duty military appointees. The military also has the authority to appoint the ministers of defense, home affairs, and border affairs and indefinitely assume power over all branches of the government should the president declare a national state of emergency. On November 8, the country held nationwide parliamentary elections that the public widely accepted as a credible reflection of the will of the people, despite some structural flaws. The opposition National League for Democracy (NLD) party, chaired by Aung San Suu Kyi, won 390 of 491 contested seats in the bicameral parliament. Civilian authorities did not maintain effective control over the security forces.

The three leading human rights problems in the country were restrictions on freedoms of speech, association, and assembly; human rights violations in ethnic minority areas affected by conflict; and restrictions on members of the Rohingya population. Arrests of students, land rights activists, and individuals in connection with the exercise of free speech and assembly continued throughout the year, and the excessive sentencing of many of these individuals after prolonged trial diminished trust in the judicial system. Mass displacement and gross human rights abuses took place in ethnic areas with renewed clashes, and the government took marginal steps to address reports of abuses. The government did little to address the root causes of human rights abuses, statelessness, violence, and discrimination against Rohingya. The government disenfranchised many Rohingya who voted in previous elections and rejected almost all Rohingya and many Muslim candidates from contesting in the November 8 elections. While authorities started to return thousands of displaced Rohingya and other Muslim households to their locations of origin inside Rakhine State, more than 130,000 such persons remained displaced in camps.

Other significant human rights problems persisted, including rape and sexual violence, forced labor, politically motivated arrests, excessive use of force against peaceful demonstrators, widespread corruption, land-related conflict, and intimidation and occasional arrests of journalists. Authorities failed to protect civilians in conflict zones from killing, gross abuses, and displacement. Conditions in prisons and labor camps were harsh but in general not life

threatening. The government adopted four laws purportedly to protect race and religion but that could be enforced in a manner that discriminates against racial and religious minorities. The military released 146 child soldiers during the year, although some reports of recruitment and use of child soldiers continued. Trafficking in persons, including forced labor of adults and children, continued.

Although the government took some limited actions to prosecute or punish officials responsible for abuses, abuses by government actors and security officials generally continued with impunity.

Some ethnic armed groups 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 several 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 19, two Kachin volunteer schoolteachers, Maran Lu Ra and Tangbau Hkawn Nan Tsin, were found killed in Kaung Hkar Village, Muse District, Shan State. Although civil society and local media widely reported that members of the Burmese Army 503 Battalion raped and killed the schoolteachers, there were no eyewitnesses, and government officials stated that rape was not committed, according to a January 20 post-mortem examination. In January police and the military launched investigations, and military officials told the media that forensic results from the investigation failed to implicate members of the military. On February 6, the Kachin Baptist Convention (KBC) established an independent inquiry commission after questioning the credibility and transparency of the military and police investigations, for which findings were not released. As of September the KBC reported insufficient cooperation from military and police authorities in its own investigation.

On October 30, in Muse Township, Shan State, Maung Phyo Thura was detained after an altercation with Set Paing Hmu, the son of Sergeant Yae Myint. Yae Myint detained and filed a case against Maung Phyo Thura. On October 31, police

did not allow Maung Phyto Thura's parents to see him at the police station. On the evening of October 31, at police instruction, the parents visited a local hospital where they found Maung Phyto Thura unconscious with signs of beating. Maung Phyto Thura died on October 31. The family filed a suit against the Muse Police Station, and the case was pending at year's end.

Arbitrary and unlawful killings related to internal conflict also occurred (see section 1.g.).

### **b. Disappearance**

There were no reports of politically motivated disappearances 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, raped, 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, Kachin, and Karen states. According to the Karen Human Rights Organization, on April 26, in Bu Tho Township, Karen State, Lieutenant Hpah Tha Beh from the Border Guard Force Battalion (BGF) 1014 detained and violently beat a villager after accusing him of being in contact with and supportive of the ethnic armed group Karen National Liberation Army (KNLA). The incident followed small-scale fighting between the KNLA and the BGF in the area.

There were consistent and credible reports of rapes of Muslim women, including by security forces, that local authorities and security forces failed to investigate or prosecute alleged 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. Authorities reportedly 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. Unlike in previous years, there were no reports of rape or other sexual abuse of political prisoners. As in previous years, authorities took little or no action to investigate incidents or punish alleged perpetrators.

## **Prison and Detention Center Conditions**

Unlike in previous years, the government began to make systematic improvements to the country's prison system. Conditions in prisons and labor camps, however, continued to be harsh due to inadequate access to quality medical care and basic needs, including food, shelter, and hygiene.

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 in October 2014. More than 10,000 inmates were serving their sentences in 46 of these centers across the country, where prisoners could opt to serve a period of their prison sentence in "hard labor," which was considered by many as more desirable.

A human rights group and prominent international nongovernmental organization (NGO) estimated there were approximately 60,000 prisoners, 50,000 of them men and 10,000 women, held in separate facilities in prisons and labor camps. The number of juvenile detainees was estimated to be a few hundred. Overcrowding was reportedly a problem in many prisons and labor camps. In some prisons, pretrial detainees were held together with convicted prisoners and political prisoners were occasionally held together with common criminals.

Medical supplies and bedding were often inadequate. Bedding sometimes consisted 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 quality and timely medical care. 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 due to health problems associated with prison conditions and lack of quality and timely medical care. Between 2011 and 2014, 120 persons reportedly died in 46 of the prisons and labor camps, reportedly from “weather, diet, lifestyle, and accidents.”

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 subjected to torture and abuse by Rakhine State prison and security officials.

Administration: Some prisoners were not allowed to adhere fully to religious codes in some prisons, ostensibly due to space restrictions and security concerns. For example, 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. The International Committee of the Red Cross (ICRC) investigated credible allegations of inhuman conditions.

Independent Monitoring: Although the government restored the 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 continued to expand its assistance to prison facilities in ethnic-minority areas, including in Shan, Kachin, and Rakhine states. Following the resumption of access, the ICRC and the government upgraded water and sanitary facilities, medical infrastructure, and waste management systems in prisons and assisted detainees in restoring or maintaining contact with family members. The ICRC reported its findings through a strictly confidential bilateral dialogue with prison authorities. These reports were neither public nor shared with any other party.

The government continued to grant all requests for access to civilian prisons and labor camps by the ICRC. The ICRC and the government were in discussion about access to military prisons and detention sites.

Improvements: The government began to work jointly with ICRC officials to carry out systematic improvements, including water and sanitation projects and upgraded medical and waste management infrastructure, to the prison system.

During the year the government provided rest days and protective clothing for persons in the labor camps.

#### **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, student leaders, 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 (OCMSA) and plays a significant role in the maintenance of law and order, particularly in rural and border areas. The Border Guard Police, under the Ministry of Home Affairs, share responsibility for policing in Northern Rakhine State with the police force.

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. In 2014 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 of violence accountable.

On March 5, police and thugs used batons and sticks to disperse approximately 50 demonstrators who congregated in downtown Rangoon to call for education reform. Eleven individuals, primarily university students, sustained minor injuries from the beating. Police detained eight individuals overnight. Following the crackdown, President Thein Sein formed a commission of inquiry to investigate the circumstances surrounding the event. The government had not made public the commission's findings as of December.

In Rakhine State police failed to investigate crimes motivated by intercommunal tension and in some instances discouraged family of the victims from pursuing legal action. In June, two Rohingya were killed in two separate incidents. One person was found at a shrimp pond next to his village, reportedly with one ear and part of his genitals cut off. In both cases the Border Guard Police visited and advised the deceased's families against filing requests for a police investigation, due to the costs that would be incurred. As a result neither family pursued a police investigation.

The government continued to train police on international policing standards and crowd control tactics. Foreign governments and the international community provided training on community policing, crowd management, and other law enforcement problems. For example, on August 17, the UN Development Program opened a Rule of Law Center in Mandalay Division.

### **Arrest Procedures and Treatment of Detainees**

While the law generally requires warrants for searches and arrests, the OCMSA 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 may 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 do not have the right to promptly access a lawyer of their choice or, if indigent, to have the state provide one. 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 promptly. In contrast with previous years, the government reportedly did not regularly use incommunicado detention.

The government continued to detain persons under the Emergency Provisions Act of 1950.

Arbitrary Arrest: There were reports of arbitrary arrests. On July 7, police detained Zeyar Lwin and Paing Phyoe Min, two leaders of the Confederation of University Student Unions, for their participation in peaceful protests on June 30 and July 7 calling for constitutional amendment and commemorating the 53rd anniversary of the 1962 crackdown on student unions. Paing Phyoe Min was charged under article 18 of the Peaceful Assembly Act. Zeyar Lwin was charged under article 18 and section 505(b) of the penal code. As of December both remained in detention.

Pretrial Detention: There were reports that authorities frequently and arbitrarily extended pretrial detentions. By law suspects may 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. Judges and police sometimes 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.

Police initially detained without charge and denied access to more than 100 individuals arrested on March 10 in Letpadan, Bago Division, in connection with the nationwide education reform protests. Between March 10 and 24, detainees did not have access to lawyers and family. On March 25, the court held the first hearing and freed 20 persons unconditionally but indicted approximately 80 others on between three and five charges, including unlawful assembly and public mischief. As of December's end, approximately 60 persons remained in detention, and trial was underway for all those charged in connection with the protests (see section 2.b.).

Amnesty: On July 30, the government granted amnesty to 6,966 prisoners to mark a Buddhist holiday. One former political prisoners' group reported that up to 18 political prisoners were among those released. The government granted special amnesty to UN worker Tun Aung in January.

#### **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 for purposes ranging from routine matters, such as access to a detainee in police custody, to fixing the outcome of a case. The court system and its operation were seriously flawed, particularly in the handling of political cases. Unlike in the previous year, the government did not take legal action against judges for corruption.

Government officials' arbitrary use of laws--including the Peaceful Assembly and Processions Act, the Emergency Provisions Act, the Unlawful Associations Act, the Habitual Offenders Act, the Electronic Transactions Law, the Television and Video Act, the 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. On May 15, the Dagon Township court sentenced six activists, including Naw Ohn Hla, to four years and four months of hard labor for staging a protest without permission in front of the Chinese embassy in Rangoon in December 2014. The protest took place after Khin Win, a villager, was killed in clashes with riot police in Letpadaung Town over a land dispute with a Chinese copper mine company (see section 1.e.). All activists were convicted on four charges, including article 18 of the Peaceful Assembly Act and section 505(b) of the penal code for security offenses.

### **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.

On December 7, the Aung Myay Thar San Township court in Mandalay region convicted and sentenced 12 Muslims to five years' imprisonment under section 5(j) of the Emergency Provisions Act for receiving training from the Myanmar Muslim Army. Police arrested the 12 individuals in November and December 2014. According to NGO Fortify Rights, authorities tortured and forced at least one person to confess to the charge, but authorities failed to present evidence either on

the existence of the Myanmar Muslim Army or the individuals' connection to the group.

Defendants do not enjoy the rights to presumption of innocence; to be informed promptly and in detail of the charges against them; to a fair and public trial without undue delay; to trial by jury; or, except in capital cases, to consult an attorney of their choice or 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 to be used in court, 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. Prodemocracy activists generally appeared able to retain counsel, although defendants' access to counsel was often inadequate. 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.

Concerns regarding judicial impartiality remained, and reliable reports indicated senior government authorities dictated verdicts in political cases, regardless of the evidence or the law. Following the disappearance of freelance journalist Ko Par Gyi, also known as Aung Kyaw Naing, in late September 2014 in Kyeikmayaw township, Mon State, and the subsequent announcement by the military that he was killed as he tried to escape, the Myanmar National Human Rights Commission (MNHRC) released a report in December 2014 faulting police and the military for their handling of aspects of the case. On May 8, the MNHRC released a statement stating that a military court had acquitted two soldiers on trial for the killing of Ko Par Gyi. On April 23, the Kyeikmayaw Township court initiated a hearing into the death and, on June 23, found that Ko Par Gyi died an "unordinary death" from a gunshot injury. The court did not find anyone culpable for the killing, and there were no plans for a retrial.

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 dozens of political prisoners during the year, it continued to arrest new ones. Groups assisting political prisoners estimated that more than 100 political prisoners had been convicted and sentenced as of December. As of September more than 400 were facing trial on various charges, of whom 100 or more were in detention. 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 rearrested for any reason.

### **Civil Judicial Procedures and Remedies**

Although no specific mechanisms or laws provide for civil remedies for human rights violations, complainants may 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. Starting in October 2014, the government began to initiate public consultations on a draft national land use policy to improve the country's land use administration and better protect land ownership rights. The government continued to revise the draft policy at year's end.

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, Mon, Karen, and Shan states, where ethnic minorities practiced traditional forms of land tenure that may not be protected under the land laws.

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. According to a March 2015 report by the NGO Global Witness, the commission received 565 complaints alleging that the military had confiscated nearly 250,000 acres of land between July 2012 and January 2013. 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.

In 2014 President Thein Sein ordered the government and members of parliament to remedy land grabbing, and 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 total number of acres returned to owners was inconsistent. In a May 21 statement to the parliament, the deputy minister of home affairs reported that the Central Committee for Management of Land Use had handled 10,225 land disputes and returned nearly 120,000 acres of

land to original owners as of May 15, in addition to approximately 224,000 acres returned by various government ministries and private companies.

There were specific reports of returns of confiscated land throughout the year. For example, on July 21, the deputy minister of defense announced the return of 18.86 acres of land confiscated by Infantry Regiment 41 to eight original owners. On February 16, the District Land Utilization Management Committee returned approximately 2,000 acres of land to 22 original owners in an official ceremony in Taungtha Township, Mandalay Division.

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 officials granted land concessions to foreign and local investors for special economic zones and major business and development projects. For example, in Mon State, civil society reported the military had taken approximately 1,800 acres of land since 1995, when a bilateral ceasefire agreement came into force, the last case occurring in December 2014. In a June 2015 report, the Karen Human Rights Group alleged both the government and ethnic armed groups, including the Karen National Union, Karen Peace Force, and the Democratic Karen Benevolent Party, were equally responsible for confiscating land in Karen State. Both sides grabbed land to install new outposts or in collaboration with companies for infrastructure, resource extraction, or commercial agriculture projects. In a March 26 report, Global Witness estimated 5.3 million acres of land had been leased to investors for commercial agriculture, the majority without the owners' consent, by 2013.

Protests over land takeovers led to a high number of arrests, with an estimated 300 farmers in prison and more than 1,000 farmers facing trial due to their participation in protests, according to civil society organizations. Land-related disputes often led to violence. For example, on February 26, local authorities dispersed a group staging a protest in a sidewalk in downtown Rangoon over a land grab that occurred in 2013 in Michaungkan ward, Rangoon Division. In the incident Rangoon municipal authorities destroyed more than 100 houses and evicted approximately 700 persons who were leasing land in Michaungkan from the military. According to media reports, the military confiscated the land in the late 1980s and leased it back to the original residents in 1992. Police detained 14 protesters and caused minor injuries to six persons during the dispersal of the

protest. All 14 were charged with violating article 18 of the Peaceful Assembly Act. The case was pending at year's end.

In December 2014, in Moe Kyo Pyin village in the Letpadaung Taung copper 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. Police and National Human Rights Commission investigations were pending 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.

The law does not protect 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.

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 the law does not 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.

On May 19, the government enacted the Population Control and Health Care Law, which contains provisions that could undermine protections for reproductive rights and women's rights (see section 6, Women). On August 26, the government enacted the Buddhist Women Special Marriage law. The law stipulates notification and registration requirements for marriages between non-Buddhist men and Buddhist women and introduces new obligations to be observed by non-Buddhist husbands and penalties for noncompliance.

In northern Rakhine State, local authorities required members of the Rohingya minority to obtain a permit to marry officially, a step not required of other ethnicities (see section 2.d., Stateless Persons). Wait times for the permit can exceed one year, and bribes usually were required. Unauthorized marriages could result in prosecution of Rohingya men under section 493 of the penal code, which prohibits a man from “deceitfully” marrying a woman, and could 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 haphazardly 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 border security force in 2013.

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

With the exception of Kachin, Karen, and Rakhine states 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 continued to decrease significantly compared with past years, largely due to a number of bilateral cease-fire agreements reached with ethnic armed groups. The government signed bilateral cease-fire agreements with most major armed ethnic groups from 2011 to 2013 and the Nationwide Ceasefire Agreement with eight ethnic armed groups on October 15. Clashes continued between the government and several such groups. The Myanmar Peace Monitor reported more than 200 clashes between January and May, compared with 123 during the same period in 2014. The majority of the clashes took place in northern Shan and southern Kachin states.

The International Labor Organization (ILO) reported that it continued to receive reports indicating that the actual use of forced labor was decreasing overall (see section 7.b.). According to groups in Mon and Karen states, however, 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 Kachin and Shan states, including in the Kokang Special Region, continuing armed clashes between the government army and ethnic armed groups displaced thousands of persons, compounding long-term displacement of conflict-affected communities in these areas.

The army continued to station forces in most ethnic armed groups' areas of influence 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, Karen, and Kachin states. Impunity for these abuses and crimes continued.

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. According to media reports, on September 12, Burma Army Battalion No. 12 fired artillery at a Buddhist temple in southern Shan State's Loilem District. The attack killed one civilian and seriously injured six others who were worshipping in the temple. Clashes between government forces and ethnic armed groups broke out periodically in northern and southern Shan State during the year.

Abductions: There were multiple reports of government soldiers abducting villagers in conflict areas. On June 19, Light Infantry Battalion 250 detained Tu Ja, Than Lun, and Phoe Thae in Ka Mine village, Kachin State. The soldiers did not provide the reasons for taking the three villagers. Family and community members believed that the battalion tortured the three, and Tu Ja died on June 25 as a result. It was believed that the battalion released Than Lun and Phoe Thae on June 28, but they had not returned home since the reported release. The battalion denied that Tu Ja died in military detention. On August 30, police agreed to open an investigation into the disappearance of Tu Ja and in early October confirmed his death. The police facilitated the return of Tu Ja's remains but declined to comment on the possible involvement of the battalion. A police investigation was pending as of October.

Physical Abuse, Punishment, and Torture: NGO reports documented the military's torture and beating of civilians alleged to be working with or perceived to be sympathetic to ethnic armed groups in Kachin and Shan states. There were also reports of forced labor, forced recruitment, and use of child soldiers by the Kachin Independence Army.

A prominent civil society group reported that army soldiers committed numerous crimes of sexual violence against ethnic women and girls in ethnic states.

In one example, in June a military court sentenced a soldier to a seven-year prison term for “misconduct that could lead to suspicion and mistrust between the military and the people.” The soldier was accused of the attempted rape of a 73-year-old woman in Kachin State, but he was not convicted of rape due to lack of forensic evidence.

The military continued to take steps to cease forcing civilians to serve as military porters, although there were unconfirmed reports that the military forced civilians to carry supplies or serve in other support roles in areas with outbreaks of conflict, such as northern Shan, Rakhine, and Kachin states.

Armed actors, NGOs, and civilians inside the country and operating along the border reported continued landmine use by the military and armed groups during the year. While the government and ethnic minority groups continued to discuss joint landmine action, no land mines were removed. Limited numbers of improvised explosive devices and unexploded ordinances were informally cleared by the military when identified. During the year the government undertook rapid assessment in internally displaced person (IDP) camps in Kachin and Shan states.

State-level Mine Risk Education (MRE) Working Groups, established in 2013 in Kachin and Kayah states and composed of state government representatives from various ministries, international NGOs, and local NGOs continued to operate. In March the Ministry of Social Welfare held one national-level MRE Working Groups meeting and one MRE workshop. The ministry, in collaboration with the UN Children’s Fund (UNICEF), conducted two MRE training sessions in northern Shan State.

Child Soldiers: Human rights activists, international NGOs, UN officials, and representatives from various ethnic regions reported that incidents of recruitment of child soldiers continued to occur, despite military rules prohibiting enlistment of persons under 18 years of age. The government continued proactively to release child soldiers identified within the military’s ranks. To meet the military’s high recruitment goals and offset desertion and retirement, government army recruiters and civilian brokers were rewarded for the number of recruits, and children continued to be targeted for recruitment. In some cases 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. In other cases boys were forced to serve in the Burmese army and ethnic armed groups through intimidation, coercion, threats, and violence. 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 ILO or petitioned for their child's release directly to the government's armed forces. Conversely, children who fled military service or were demobilized by civil society organizations continued to face arrest and imprisonment on charges of desertion.

Ethnic armed groups also reportedly continued to use forced recruitment and child soldiers and sometimes asked for ransom. There were multiple unconfirmed reports of the Kachin Independence Army forcibly recruiting members of the Taileng (also known as the Red Shan) ethnic group residing in Kachin State. According to the civil society organization Shan Nationalities Affairs, the Kachin Independence Army had forcibly recruited 402 Shan youth and adults since 2011; of those, 17 were killed and approximately 350 were not freed.

As in the previous years, there continued to be 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 rehabilitate those serving in the armed forces, with 13 verified cases of child recruitment in 2015. Although there were incidents of recruitment and use of child soldiers, the military had released 699 child soldiers since June 2012, of whom 146 were released in 2015. The United Nations reported that the government improved upholding its commitment under 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 all requested battalion-level military installations outside of conflict-affected areas. Nevertheless, continued lack of access to military units in conflict-affected areas of Kachin and Shan states limited UN monitoring in regions most likely to see the use of children around active fighting.

The Ministry of Social Welfare, UNICEF, and other partners provided social assistance and reintegration support to discharged children.

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. The military banned all recruitment at the battalion level and reportedly continued to sanction some complicit military officers, although it did not make the details of these punishments public. 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 ending 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/](http://www.state.gov/j/tip/rls/tiprpt/).

Other Conflict-related Abuses: The government often restricted the passage of relief supplies and access by humanitarian organizations to conflict-affected areas of Kachin and Shan states immediately following renewed clashes. The government regularly denied access to the United Nations and international NGOs, ostensibly due to security reasons, and allowed gradual access only as government forces regained control over contested areas. While local organizations generally had unhindered access to the 52,000 IDPs in areas outside of government control, international organizations and UN agencies could enter these areas on official missions only by following a government approval process. In one case the government blocked local organizations from delivering humanitarian provisions via waterway to 1,400 civilians displaced from Sumprabung Township after fighting broke out between the Kachin Independence Army and the military in July. The government reportedly cited security as the reason for restricting humanitarian access to the IDPs, most of whom reportedly fled to Kachin Independence Army-controlled areas. According to media reports, local organizations were able to deliver limited supplies starting in late August. In 2014 some international NGOs were allowed to open offices and place foreign staff in areas outside of government control. 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.).

Between February 17 and 21, two local Red Cross volunteers were injured allegedly in the Kokang Army's attack on two Myanmar Red Cross Society convoys. On February 9, clashes broke out between the Myanmar National Democratic Alliance Army and the Burmese military over control of the Kokang self-administered region in northern Shan State (see section 5).

There were some reports of the use of civilians to shield combatants. On August 25, after fighting with the Shan State Army-South, troops from Burmese Army Division 99 entered a monastery in Hsai Khao ward, Nambtu Township, Shan State, to treat their injured soldiers and forced 25 villagers to stay at the monastery as shields. Later in the day, the troops ordered 10 villagers to accompany them to

Palaung village, approximately 12 miles away. The group was allowed to return to their village on August 26.

## **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 2014 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. On August 28, the government adopted a new Broadcast Law that allows for the creation of a Broadcast Board to oversee the distribution of licenses to broadcast outlets. Nevertheless, threats against and arrests of journalists continued.

Freedom of Speech and Expression: Authorities arrested, detained, convicted, and imprisoned citizens for defaming religion and 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.

On June 2, the Chaung-U Township court convicted and sentenced Htin Lin Oo, an NLD official, for religious defamation and sentenced him to two years of hard labor. Htin Lin Oo was arrested and jailed in October 2014 for remarks regarding Buddhism made during a public speech that authorities subsequently deemed insulting. Htin Lin Oo’s appeal was pending as of September.

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 and Media Freedoms: Starting in 2013, the government permitted the publication of privately owned daily newspapers. As of September authorities approved 27 dailies, nine of which were available for purchase.

As in 2014, local media could cover information about human rights and political issues, including the peace process and democratic reform. The media was generally permitted to cover protests and civil conflict, topics not reported widely in state-run media. Self-censorship continued, however, particularly on issues related to Buddhist extremism, the military, and the situation in Rakhine State. The government continued to use visas to control foreign journalists, who reported visa validities ranged from 28 days to six months.

Radio and television were the primary media of mass communication. Compared with previous years, circulation of independent news periodicals expanded outside of urban areas. Several print publications maintained online news websites that were popular among persons with access to the internet. 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: Local authorities continued to harass and take legal action against journalists who criticized the government or appeared critical of Buddhism. There were reports of the government arresting journalists on defamation charges. This led some media outlets to self-censor.

On March 18, the Mawlamyine Township court sentenced the chief and deputy chief editors of the *Myanmar Post* to two months in prison with hard labor for defaming a military member of parliament in an article published in 2014. The Mawlamyine District court rejected their appeal on March 29. On May 15, the editors were released following the completion of their sentences.

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 November 22 in Rangoon, police arrested and charged five individuals under section 505(b) of the penal code for publishing information that could cause public fear or alarm after they printed a calendar that stated “Rohingya” are an ethnic minority in the country. Police arrested the individuals after fining them \$800 each on November 21 for breaking article 4 of the 2014 Printing and Publication Law, which bars individuals from publishing materials that could damage national security and law and order. Police closed the printing house and continued to search for Aung Khin, the person who placed the order for the calendars. If convicted, the individuals could face up to six years’ imprisonment. The case continued in court as of year’s end.

In May the Ministry of Information filed a lawsuit against five editorial staff members of the *Daily Eleven* newspaper for allegedly defaming the ministry in a June 2014 story that criticized the ministry for paying a suspiciously high price for a printing press. Editors of the *Daily Eleven* disputed the allegation and suggested that the legal action was taken to stifle criticism of the government. In June the ministry filed a contempt of court complaint against the publisher and 16 editorial employees, claiming the newspaper’s coverage of a court testimony given by a ministry official in the defamation case was biased. The cases were underway as of December.

On May 15, the Supreme Court rejected the appeal of five journalists of the *Unity Journal* newspaper who were convicted in July 2014 for breaching the 1923 State Secret Act. The journalists were serving seven-year sentences at year’s end.

On July 30, the government released under a blanket amnesty five journalists with the *Bi-Midday Sun* newspaper who were arrested and convicted in 2014 for defamation (see section 1.d.).

The Ministry of Information organized a number of consultations with the Myanmar Press Council and journalists to share information and clarify rules and regulations governing the media.

National Security: On May 3, the military announced that legal action under the Unlawful Association Act would be taken against media outlets for printing statements from the Kokang ethnic armed group.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content. The government reportedly monitored internet communications under questionable legal authority, however, and used defamation charges to intimidate and detain some individuals using social media to criticize the military. There were also some instances of authorities intimidating online media outlets and internet users. Social media continued to be a popular forum to exchange ideas and opinions without direct government censorship. Internet penetration was estimated at 8 percent, but internet penetration through mobile telephones increased to more than 40 percent by June. According to the *Freedom on the Net* report issued by international NGO Freedom House, internet freedom in Burma was rated partly free in 2015 and declined from previous years.

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. In February 2014 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 lessens the maximum allowable fine and sets a prison term if a fine cannot be paid.

On October 12 and 14, in two separate cases, police arrested Chaw Sandi Tun and Khum Ja Lee for defamation. Both posted photographs on their personal Facebook account that authorities deemed as defaming the military. According to media reports, the charges followed formal complaints from the military. Khum Ja Lee was charged for defamation under article 66(d) of the Telecommunications Act, which carries a maximum three-year prison sentence. Khum Ja Lee remained in detention with his case pending at year's end. Chaw Sandi Tun was convicted of

violating article 66(d) of the Telecommunications Act and sentenced to six months in prison on December 28.

### **Academic Freedom and Cultural Events**

While the government continued to limit academic freedom, and meaningful education reform remained a subject of public and government debate, the Ministry of Education and universities demonstrated a 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.

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. As in previous years, the All Burma Student's Union was unable to register, although it participated in some activities through informal networks. On July 1, police arrested four students for spray-painting graffiti on the ground at Yatanarpon University in Mandalay on June 26. The graffiti messages called for education reform and the release of education reform protesters who were arrested on May 10 in Letpadan (see section 2.b.). Police charged the four with unlawful assembly and three security-related provisions in the penal code. On September 11, the Myanmar National Human Rights Commission issued a statement calling for the proper treatment of the students and for the court to reconsider the students' appeal. As of September the students remained in detention.

Unlike in previous years, there were no reports the government restricted cultural events.

### **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. In June 2014

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 assembly 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.” 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.

On March 10, a violent police crackdown on education reform protesters in Letpadan, Bago Division, resulted in the arrest of 127 individuals, including journalists, and the injury of more than 30 protesters and bystanders. On January 20, protests calling for reform to the education system were launched in five locations across the country and attracted hundreds of education reform activists, students, and supporters. Multiple rounds of negotiations between the government and protesters failed, culminating in scuffles between riot police and some protesters and violence. As of September the court had released approximately 70 persons unconditionally or on bail, leaving approximately 60 in detention. More than half of those arrested faced five charges, including for unlawful assembly and security offenses, while dozens faced combinations of the five charges. On September 11, the Myanmar National Human Rights Commission publicly urged the government to thoroughly investigate the police crackdown and take legal action against police officers found guilty of misconduct. The court hearing continued as of year’s end.

On October 29 and November 4, respectively, authorities arrested All Burma Federation of Student Unions leaders Kyaw Ko Ko and Lin Htet Naing, leaders of the education protests who had been in hiding, on charges of unlawful assembly, rioting, and inciting the public to commit offenses against the state. Their trial was underway as of year’s end.

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

On December 8, the Rangoon regional authorities canceled a human rights day celebration scheduled for December 10 by the Association of Human Rights Defenders and Promoters. The letter did not provide a reason for the disapproval.

In a separate incident also in Rangoon, a local township official told a local interfaith NGO that it could not hold an interfaith event planned for December 6 at a Hindu temple. The official stated the NGO had not obtained prior government approval and the official could not be responsible for the event taking place in his township.

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 approximately 500 individuals, including farmers, known to be facing trial. An unknown number of farmers also faced legal action in connection with peaceful protests against land confiscation.

### **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 May 18, authorities in Rangoon Division rejected a request by Muslim organizations to hold a nationwide Islamic conference due to concerns that the conference would affect peace and stability. Muslim contacts reported that local authorities denied approval at the behest of nationalist Buddhist groups.

In July 2014 the government adopted the Law Relating to Registration of Organizations, which effectively voided State Law and Order Restoration Council Law 6/1988. The 2014 registration law stipulates voluntary registration for local NGOs and removes punishments for noncompliance for both local and international NGOs.

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/](http://www.state.gov/religiousfreedomreport/).

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

The law does not 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 officials to require registration for every temporary change of address exceeding 24 hours.

The government did not cooperate fully with local or international humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern. While the government more regularly granted visas to international staff of humanitarian organizations, humanitarian aid workers continued to face 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 considered 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 Rakhine State where the Rohingya ethnic minority primarily reside: Buthidaung, Maungdaw, Rathedaung, Kyauktaw, and Sittwe (see Stateless Persons). Township officers in Buthidaung and Maungdaw townships continued to require Rohingya to submit a “form for informing absence from habitual residence” for permission to stay overnight in another village and to register on the guest list with the village administrator. Obtaining these forms and permits often involved extortion and bribes. As of June there were reports of local authorities periodically withholding travel permits to compel Rohingya to apply for a new form of identity document, the Identity Card for National Verification, after the expiration of the Temporary Registration Cards on March 31.

Restrictions governing the travel of foreigners, Rohingya, and others between townships in northern Rakhine State varied, depending on township, and usually required submission of a document known as Form 4. A traveler could obtain this form only from the Township Immigration and National Registration Department (INRD) and only if that person provided 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 ranging from 50,000 to 100,000 kyats (\$38 to \$76). Change of residency from one village or township to another in northern Rakhine State required permission from the INRD or the township, district, and state officials. While Rohingya could change residency, they could not 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. There were reports of Rohingya living outside Rakhine State being prevented from traveling into northern Rakhine State.

There were reports of regular, unannounced nighttime checks in northern Rakhine State and in other areas. Authorities continued to arrest Rohingya for alleged links to the militant Rohingya Solidarity Organization (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, including activists, 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 Office of UN High Commissioner for Refugees (UNHCR), as of year's end, nearly 75,000 registered Burmese refugees lived in nine camps in Thailand on the border with Burma. The estimated total number of refugees, including those who were unregistered, was 110,000 as of September. The government allowed UNHCR and other organizations limited access to monitor potential areas of return to assess conditions for the eventual voluntary return of refugees and IDPs.

UNHCR reported approximately 32,000 registered Rohingya refugees lived in two official camps, Kutapalong and Nayapara, in Cox's Bazar district in southeastern Bangladesh, with approximately 35,000 undocumented Rohingya living adjacent to the two camps in makeshift settlements. An additional 200,000-500,000 undocumented Rohingya were living outside the camps among the local host population in the surrounding towns and villages. Neither Bangladesh nor Burma claimed the stateless Rohingya as citizens. UNHCR meanwhile registered approximately 47,500 Rohingya persons of concern in Malaysia, of whom approximately 15,300 were asylum seekers and 32,200 were refugees. According to a 2015 report by Refugees International, however, there were many more unregistered Rohingya migrants in Malaysia. As of July the total number of registered asylum seekers and refugees from Burma in Malaysia was 141,956, including more than 48,500 Chin and 12,200 non-Rohingya Burmese Muslims.

According to the United Nations, since 2014 approximately 94,000 refugees and migrants departed by sea from Bangladesh or Burma, including 31,000 persons in the first half of 2015. More than 1,100 persons were estimated to have died at sea since 2014, including an estimated 370 deaths in 2105. In May the irregular migration of Rohingya and Bangladeshis in the Bay of Bengal and Andaman Sea reached a crisis point as Thailand heightened law enforcement measures to counter

irregular migration and discovered more than 200 mass graves and a network of camps on the shared border between Thailand and Malaysia. In May, UNCHR reported that more than 5,000 refugees and migrants from Burma and Bangladesh were stranded at sea, with an estimated 70 deaths, when smugglers and ship crews abandoned their vessels. There were also limited reports of smuggled Rohingya being abducted and sold into forced labor along the way or sold into forced marriage upon arrival in Malaysia. There were reports that complicit officials in Burma, Thailand, and Malaysia facilitated the smuggling and exploitation of Rohingya migrants. Most migrants had unofficially disembarked, been repatriated to their countries of origin, or remained in detention centers in Thailand or Malaysia as of December.

### **Internally Displaced Persons**

There were an estimated 614,000 persons displaced by violence, although accurate figures were difficult to determine due to poor access to affected areas. UNHCR reported up to 376,500 persons in the southeast remained displaced because of many years of armed conflict in those areas.

As of September the UN Office of Coordination for Humanitarian Affairs estimated that more than 100,000 persons remained displaced because 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 where government forces restricted humanitarian access. 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.

Fighting between government forces and ethnic armed groups broke out in Kachin, Shan, Karen, and Rakhine states. Clashes between the military and Kachin Independence Army erupted throughout the year, with clashes that started in January in Hpakant and July in Sumprabum townships resulting in the displacement of thousands of persons. In April fighting between the Arakan Army and the military displaced an estimated 400 civilians.

Approximately 130,000 persons, including Rohingya and Kaman Muslims, ethnic Rakhine, and Maramagyi Buddhists, remained displaced in Rakhine State following the 2012 violence. 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 IDPs

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 to shop for necessities at nearby markets or to visit outside health clinics if they paid a fee to security services. There were reports that some Rohingya were able to engage in limited commercial activities outside Aung Mingalar. While restrictions on movement remained in place, local residents reported some easing of restrictions on their movements.

During the year humanitarian agencies more regularly received travel authorizations to provide assistance, but humanitarian access to Rakhine State was irregular and often restricted, reportedly in response to flooding there. Humanitarian workers continued to be under pressure from local communities to reduce assistance to Muslim IDPs and villages. Three local staff members of international NGOs active in Rakhine State who were arrested in 2012 were released during the year after the completion of their sentences or under the July 30 special amnesty (see section 1.d.).

Unlike in previous years, religious-based violence did not take place in the country. As of September the government had resettled approximately 3,300 persons displaced by the 2013 anti-Muslim violence in Meiktila, Mandalay Division. The local government continued to scrutinize the remaining approximately 400 IDPs' eligibility for resettlement.

UNHCR noted some small-scale, spontaneous IDP returns in the southeast of the country 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.

UNHCR did not register any asylum seekers during the year.

### **Stateless Persons**

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 contributed 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" excluded the Rohingya, and subsequent actions by the government rendered members of the Rohingya ethnic minority stateless. The law defines "national ethnic group" only as a racial and ethnic group 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" (Straits 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. UNHCR and a number of human rights and humanitarian organizations continued to advocate 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 ethnogeographic 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. The government initiated a pilot "citizenship verification process" for Rohingya in Myebon Township, Rakhine State, in June 2014 and launched the verification process throughout Rakhine State in January 2015. As of September

the government granted full and naturalized citizenship to 937 of the 1,300 Kaman Muslim and Rohingya applicants in Myebon Township. More than 650 minors between the ages of 10 and 18 automatically acquired naturalized citizenship through their parents who qualified under the verification process. The government continued to require all participants to identify as “Bengali” as a condition of participating 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, only the third generation of associate or naturalized citizens are able to acquire full citizenship.

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 singled out Rohingya in northern Rakhine State to perform forced labor and arbitrarily arrested them. 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 in 2013. 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. Between January and April, the Border Guard Police and INRD updated household registration lists in northern Rakhine State. As a result most of the children who remained unregistered after the dissolution of NaSaKa were added to the household lists. The exercise, however, did not include those blacklisted by NaSaKa (see section 6, Children).

Efforts to update the registration lists resulted in numerous threats, attempts at intimidation, abuses, and arrests of Rohingya who resisted participation. For example, on February 8 in Rathedaung Township, authorities arrested seven Rohingya and severely beat and shaved the beards and hair of two of their leaders. Both were charged under the 1961 Movement Restriction and Warranty Act, the 1947 Myanmar Immigration Emergency Provisions Act, and section 353 of the penal code for resisting a public servant. The Border Guard Police promised to release the seven on the condition that their village registered with officials. As of

September authorities released two and the other five remained in detention. Extortion was widespread due to the unofficial fees collected by Border Guard Police and INRD teams for making changes to the list, including registering children and deceased family members.

Restrictions impeded the ability of Rohingya to construct houses or religious buildings. In September 2014 President Thein Sein signed into law amendments to the Political Parties Formation and Registration Law that ban “white card” holders, overwhelmingly stateless Rohingya, from forming or joining political parties. On February 11, the government announced the expiration of the white cards on March 31 and issued identification receipts as a temporary replacement. In May the government introduced the Identity Card for National Verification (ICNV), a temporary identity document with two-year validity and the option of extension, as a replacement card for former white card holders. The government stipulated that only individuals with the ICNV could apply for citizenship verification.

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.

While the vast majority of irregular migrants were believed to be initially departing Rakhine State voluntarily, Rohingya migrants were vulnerable to trafficking and other abuses once on boats and during transit. The majority of the smuggling rings were reportedly organized by Rohingya groups, but there were reports that local and state government and security officials accepted bribes to allow such smuggling or even facilitated operations.

There were reports of extrajudicial killings, rape, sexual violence, arbitrary detention, forced labor, sex trafficking, torture, mistreatment in detention, deaths in custody, and systematic denial of due process and fair trial rights in Rakhine State. There was one report of security or government officials being investigated or held to account. On December 7, Border Guard Police shot and killed Mohammed Musa (aka Maung Maung), a 25-year-old Rohingya man, in Buthidaung Township, Rakhine State, after he and two passengers reportedly refused to stop their vehicle at a Border Guard Police checkpoint. According to credible reports, one officer shot Mohammed Musa in the head after he resisted paying a bribe. The two passengers and the officer were detained, and the officer was charged with causing death by negligence. The case was pending at year’s end.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides limited ability for citizens to choose 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 the military authority to appoint the ministers of defense, home affairs, and border affairs and indefinitely assume power over all branches of the government should the president, who must be of military background, declare a national state of emergency. A separate constitutional provision prohibits persons with immediate relatives with foreign citizenship from becoming president. Amending the constitution requires more than 75 percent approval by members of parliament, giving the military veto power over the constitutional amendment process.

Parliament held two sessions, on June 25 and July 8, to vote on proposed changes to the constitution. Parliament, in both sessions, voted down more than 45 proposed amendments to the constitution and approved several amendments to grant greater legislative and taxation authority to the states and divisions.

### **Elections and Political Participation**

Recent Elections: On November 8, the country held general elections considered by international observers to be generally reflective of the will of the people, although with some structural shortcomings. The Carter Center noted that although Burma's Union Election Commission lacked legal and structural independence, it successfully organized a complex election process despite considerable challenges. Observers raised concerns that a large number of unelected seats in parliament were reserved for military officers, that some candidates were disqualified on a discriminatory basis, and that almost all members of the Rohingya community, many of whom voted in previous elections, were disenfranchised. On November 10, the Carter Center's election observation mission (EOM) noted "relatively isolated irregularities," including family voting or unlawful assistance to voters, and a small number of instances in which the lack of clear procedures for counting and tabulation led to irregularities in the counting process. The Carter Center assessed these irregularities did not significantly affect the integrity of the process and noted voting and counting at 95 percent of the visited polling stations proceeded well. On November 10, the Carter Center and the European Union EOM both noted that the process for out-of-constituency advanced voting lacked transparency. The country's main opposition party, the NLD chaired by Aung San Suu Kyi, won 77.1 percent of the contested 1,150 seats at the state, regional, and union levels.

Political Parties and Political Participation: Opposition parties and civil society organizations continued to exercise and expand their rights to assemble and protest. Beginning in 2012 protests and demonstrations on political and social problems were held regularly throughout the country. The Carter Center noted that many important steps were taken since the 2010 general elections to open political space and create an environment that the major political parties found as a minimally acceptable basis for participation. The EU EOM noted the 2015 election campaign was “largely calm, with parties able to hold rallies and public meetings, despite some isolated incidents.” On November 10, the EU EOM raised concerns about inflammatory references to race and religion during campaigning. Observers and media noted that authorities restricted the ability of the NLD to campaign in the military-controlled Coco Islands.

In early September the election commission rejected approximately 100 individuals who applied to be candidates in the November elections, with more than two-thirds disqualified for allegedly failing to meet citizenship criteria. The commission rejected almost all Rohingya and many Muslim applicants, who claimed they fully met citizenship requirements, without providing a legal basis for disqualification. Eleven candidates were reinstated after an appeal process.

Participation of Women and Minorities: Women and minorities continued to be underrepresented in government. There were two female ministers among 36 ministers serving at the national 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 members in the seven state and seven regional parliaments. The representation of women at both the national and the state and regional levels was more than 10 percent.

As of December, six ministers of the seven ethnic states belonged to the ethnic groups of their states. There were 44 ethnic representatives from ethnic parties (who were not members of the Union Solidarity and Development Party) in the lower house of parliament, 29 in the upper house, five among the 544 members in the seven regional parliaments, and 98 among the 338 members in the seven state parliaments. The representation of ethnic minority parliamentarians from ethnic minority political parties at both the national, state, and regional level was approximately 11 percent.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government continued efforts to curb rampant corruption. In 2014, following the passage of the national Anticorruption Law in 2013, parliament appointed a 15-member anticorruption commission led by one of the country's two vice presidents. In August 2014 the government formed the 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. In 2013 these units set up a public complaint system to engage public participation in combating corruption. The units did not take meaningful action to combat corruption during the year.

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 the law requires persons appointed by the president to furnish a list of personal assets to the president. The reports were not made public.

Public Access to Information: The law does not provide for public access to information, although the government undertook several programs or initiatives to increase fiscal transparency. Compared with previous years when most government data, even routine economic statistics, were classified as state secrets and tightly controlled, the government began publicizing budget documents, including overall revenues and expenditures of the Ministry of Defense and statistics on gross domestic product and inflation. In addition to making budget documents available, the Ministry of Finance prepared a "citizen's budget" as a means to make budget-related information more easily understandable to the public. The Central Statistic Organization also publicized reports on social and economic indicators, although the credibility of the data remained questionable. The Ministry of Mines provided information about mining concessions for the first time to the Extractive Industries Transparency Initiative Multi-Stakeholder Group, which consisted of civil society representatives.

Parliamentary debates were broadcast on a dedicated channel. Unlike in previous years, some voting records of parliamentarians were 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. As of 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). While allowing the OHCHR to maintain a nominal presence in country, the government delayed visa issuance for some OHCHR staff members and continued to require travel authorization for travel to Rakhine State. 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. 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 permission 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 blocked access to areas outside government control in Kachin State between January and April but granted access thereafter. Approvals for humanitarian convoys were not regularly granted, although smaller-scale missions conducted by individual agencies reportedly were more successful in obtaining approvals. Laiza, Kachin State, remained off limits to international humanitarian convoys since September 2014, although some humanitarian agencies maintained offices there and assistance reached the area through local organizations. The government continued to maintain restrictions in some conflict areas and severely restrict humanitarian agencies' access to vulnerable populations, particularly following clashes with ethnic armed groups in Shan and Kachin states.

On February 9, clashes broke out between the Kokang Army, or Myanmar National Democratic Alliance Army, and the Burmese military over control of the Kokang self-administered region in northern Shan State, resulting in the displacement of tens of thousands of civilians across the border into China and to other parts of Burma. On March 9, the government requested international humanitarian assistance for IDPs but stipulated that only local staff could have access to the communities in need.

The government facilitated regular visits of the UN special rapporteur for human rights in Myanmar and the UN special adviser to the secretary-general. The government, however, restricted the special rapporteur's request for access to Rakhine and other politically sensitive areas during her August visit. The government did not respond to threats made against the special rapporteur by nationalist Buddhist U Wirathu following her visit in January.

Following a 2012 government pledge to allow the ICRC prison access, the ICRC had full access to independent civilian prisons and labor camp visits. The government also allowed the ICRC to operate in ethnic-minority states, including in Shan, Rakhine, and Kachin states.

Government Human Rights Bodies: The Myanmar National Human Rights Commission investigated incidents of gross human rights abuses and in some instances called on the government to hold accountable members of the police force or military implicated in the crimes, although its ability to operate as a credible, independent mechanism remained limited. The commission supported the development of human rights education curricula, distributed human rights materials, and conducted human rights training. Between 2011 and 2014, the commission reportedly had received approximately 6,000 complaints. It engaged with the United Nations and international partners and increasingly 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 these provisions. The constitution and legal framework do not prohibit discrimination based on political opinion, national origin or citizenship, social origin, disability, sexual orientation or gender identity, age, language, and HIV-positive status or other communicable diseases.

### **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. 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, especially in Karen and Mon states.

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. According to media reports, there were eight cases of rape reported between January and August in Rangoon. Although there are laws that prohibit 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. Punishment for violating the law includes prison terms ranging from one year to life, in addition to possible fines.

There were reports of rape by military and security officials in Kachin, Shan, and Rakhine states. The military rejected all allegations that rape is an institutionalized practice in the military but admitted in 2014 that its soldiers had committed 40 known rapes of civilian women since 2011. Civil society groups estimated there were more than 100 rape cases since 2011. While there was no reliable estimate for rape cases nationwide, civil society groups observed an increase in the number of cases reported during the year.

On June 6, a 28-year-old woman, Nang Khaek, was raped, robbed, and killed in Ho Pong Township, southern Shan State. Local community members believed that soldiers from the nearby Light Infantry Battalion 249 outpost committed the crime. After initial denial, local military officers arrested one soldier, gave him a beating in public, and announced that he would be given the death sentence. The eastern commander apologized for the crime and donated to the victim's family. After the public beating, all soldiers were transferred out of the area on June 12. Community members did not know if the perpetrator received additional punishment after the transfer.

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. Local civil society organizations reported that police investigators were not sensitive to victims and rarely followed through with investigations or prosecutions.

Reproductive Rights: Outside of Rakhine State, couples and individuals have the right to decide the number, spacing, and timing of children. On May 19, the government enacted the Population Control and Health Care Law, which contains provisions that could undermine protections for reproductive rights and women's rights. Under the law the president or the national government may designate "special regions" for health care following consideration of factors such as population, natural resources, birth rates, and food availability. Once a special region is declared, special health-care organizations can be created to perform various tasks, including establishing regulations related to family planning methods.

The two-child local order pertaining to the Rohingya population in two townships in northern Rakhine State remained in effect, although implementation was inconsistent (see section 1.f.). Authorities in some cases refused to register the birth of subsequent children. The government 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 and some public facilities. Health authorities heavily regulated distribution of contraceptives.

According to 2014 UN Population Fund data, the estimated maternal mortality ratio was 200 per 100,000 live births. The unavailability of long-term contraceptive methods, compounded by financial constraints, led to unwanted pregnancies and unsafe abortions. While recent statistics were not available, a 2010 report by the OHCHR noted that the maternal mortality rate was 380 women per 100,000 live births. Some 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 maternal mortality rates being nearly 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 the lack of skilled birth attendants, midwives, auxiliary midwives, basic health staff, and other trained community health workers.

Discrimination: By law women enjoy the same legal status and 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 but it was not clear if this was respected in the formal sector. Women remained underrepresented in most traditionally male occupations (mining, forestry, carpentry, masonry, and fishing) and were effectively barred from certain professions. The military continued to accept women into its Defense Services Academy. Poverty affected women disproportionately.

## **Children**

Birth Registration: The 1982 Citizenship Law automatically confers full citizenship status to 135 recognized national ethnic groups as well as to persons who met citizenship requirements under previous citizenship legislation. Moreover, full citizenship is conferred to second-generation children of both parents with any form of citizenship, as long as at least one parent has full citizenship. Third-generation children of associate or naturalized citizens can acquire full citizenship. 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 include the overwhelming majority of Rohingya currently under consideration for citizenship, are unable to pass citizenship rights to their descendants.

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 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.

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, approximately 5,000 Rohingya children were “blacklisted” or not listed in the household and family registration list as of 2013, when the government disbanded NaSaKa. Rohingya children were “blacklisted” if they were found to be born out of wedlock or were not one of the first two children in the household. The official January to April household registration list update included most of the children who remained unregistered after the 2013 dissolution of NaSaKa, but it did not register children who were “blacklisted” by NaSaKa prior to 2013 (see section 2.d.).

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. Many child rights activists in Rangoon noted that such fees were decreasing and were less often mandatory. There was little reported difference between girls and boys in attendance rates.

On June 18, the government adopted the amended National Education Law. While the law was considered an improvement over past legislation, local and international civil society pointed out that it does not legalize student unions and lacks mandated national funding for the education sector.

Education access for internally displaced and stateless children remained limited.

Child Abuse: Laws prohibit child abuse, but they were neither adequate nor enforced. NGOs reported corporal punishment being widely used against children as a means of discipline. 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 violations is up to two years' imprisonment or a fine of up to 10,000 kyats (\$7.60). One prominent international NGO reported there was very little data on the extent of violence against children but there was anecdotal evidence from the field of violence against children occurring within families, schools, in situations of child labor and exploitation, and in armed conflict. The Ministry of Social Welfare, with the support of international NGOs, instituted social protection pilot programs in 27 townships to provide more case workers and support services for child victims of sexual and physical violence. The pilot programs had identified 400 cases as of September. 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. There were no reliable statistics for early and forced marriage.

Sexual Exploitation of Children: There was no verifiable data on the commercial sexual exploitation of children, either inside or outside the country. Children were subjected to sex trafficking in the country, and a small number of foreign child sex tourists exploited children. According to one NGO, 880 child rape cases were

reported between 2008 and 2014. Although the law does not explicitly prohibit 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 the age of 14. The penalty for the purchase and sale of commercial sex acts from a child under age 18 is 10 years' imprisonment. The Child Law prohibits pornography, the penalty for which is two years' minimum imprisonment and a fine of 10,000 kyats (\$7.60). 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 for statutory rape 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).

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/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The government passed a disability law in June to 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 law does not specifically prohibit discrimination against persons with disabilities in air travel and other forms of transportation, but it directs the government to ensure that persons with disabilities have easy access to public transportation. The government was in the process of drafting implementation guidelines for the disability law and did not effectively enforce these provisions. During the year the

election commission adopted provisions in electoral law to provide special accommodations for persons with disabilities to participate in the electoral process.

The Ministry of Health is responsible for medical rehabilitation of persons with disabilities, and the Ministry of Social Welfare is responsible for vocational training, education, and social protection strategies. During the year the government recognized the Myanmar Council of Persons with Disabilities to serve as a ministerial committee to promote the rights of persons with disabilities.

According to the Myanmar Physical Handicap Association, a significant number of military personnel, armed-group members, and civilians had a disability because of conflict, including because of torture and landmine incidents. There were approximately 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.

Military veterans with disabilities received official 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. Although the new law provides job protection for workers who become disabled, authorities did not implement it. 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 that large wage variations based on religious and ethnic backgrounds were common.

While ethnic-minority groups generally used their own languages at home, 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 2014. 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 of influence and controlled certain cities, towns, and highways. Ethnic armed groups, 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 groups also committed abuses (see section 1.g.).

Muslims, including the Rohingya in Rakhine State, faced severe discrimination based on their ethnicity and 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 (see section 7.d.), 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 more visible support for lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, including the formation of LGBTI rights organizations and their growing activities during the year. These changes made it easier for the LGBTI 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 LGBTI persons reported that police used the threat of prosecution to extort bribes. LGBTI activists reported harassment by police, including arbitrary arrest (for example, for loitering) and detention. They also reported broad societal and familial discrimination.

There were reports of discrimination based on sexual orientation and gender identity in employment (see section 7.d.). LGBTI persons reported facing discrimination from medical care providers. The district-, regional-, and union-level courts rejected the 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/AIDS prevention. The investigation continued as of September.

### **HIV and AIDS Social Stigma**

The constitution provides for the individual's right to health care in accordance with national health policy, prohibits discrimination by the government on the grounds of "status," and requires equal opportunity in employment and equality before the law. Persons with HIV/AIDS could submit a complaint to the government if their constitutional rights were breached or access to essential medicines, such as antiretroviral therapy (ART), was denied. There were no reports of individuals submitting complaints on these grounds during the year. There are no HIV-specific protective laws or laws that specifically address the human rights aspects of HIV.

There were reports of societal violence or discrimination, including employment discrimination, against persons with HIV/AIDS (also see section 7.d.). Negative incidents such as exclusion from social gatherings and activities; verbal insults, harassment, and threats; and physical assaults were prevalent. Laws that criminalize behaviors linked to an increased risk of acquiring HIV/AIDS remain in place, directly fueling stigma and discrimination against persons engaged in these behaviors and impeding their access to HIV prevention, treatment, and care services. For example, according to a 2014 Joint UN 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 new syringes. HIV-positive injectable drug users also reported being denied access to ART due to discrimination commonly practiced in medical facilities. Persons with HIV/AIDS could submit a complaint to the Myanmar National Human Rights Commission if their fundamental rights to life or privacy

were violated. Nonetheless, the commission's resources and power to resolve individual complaints was limited.

Law enforcement practices contributed to high levels of stigma and discrimination against female sex workers that 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**

There were no reports of intercommunal violence, although anti-Muslim sentiment and discrimination continued to rise, compared with previous years. Bamar-Buddhist nationalist groups, including members of the Buddhist Organization to Protect Race and Religion, continued to denigrate Islam, called for a boycott of Muslim businesses, and urged voters to support pro-Buddhist political parties in the period leading up to the November elections. For example, local authorities restricted the licensing and butchering of cattle by Muslim slaughterhouses, which negatively affected business operation and the ability of Muslim communities to celebrate Islamic holidays. In previous years anti-Muslim sentiments and discrimination contributed to a wave of violence against mosques, Islamic schools, Muslim households, and Muslim-owned businesses.

Interfaith activists were subject to harassment and detention. For example, on July 15 and 17, police in Mandalay Division arrested three interfaith activists, Ko Zaw Zaw Latt, Pwint Phyu Latt, and Mg Zaw Win Bo, for violating the Unlawful Association Act. Police accused the activists of meeting with Kachin Independence Organization and Chin ethnic organization members during the year. The three remained in detention pending trial as of September. Other interfaith activists in Mandalay Division also reported receiving threats via anonymous telephone calls and text messages.

The government reported completing the investigations and trials for all except two persons related to the July 2014 attacks against Mandalay mosques and some Muslim-owned businesses that resulted in the death of one Buddhist and one Muslim and injury to more than 10 individuals. The government reported arresting 53 individuals--21 Buddhists and 32 Muslims--in connection with the violence and sentencing 11 to three-year prison terms for rioting and spreading misinformation to incite fear. In October 2014 four individuals were convicted in the death of the Muslim victim and sentenced to 10 years in prison with hard labor. The court convicted six Muslims for the death of the Buddhist victim and sentenced them to

10 years in prison. Lawyers were appealing the conviction of the six Muslims as of December.

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 for the right of workers to form and join 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 provide for adequate protections for workers from dismissal before a union is officially registered.

The law permits labor federations and confederations to affiliate with international union federations and confederations. Personnel of the defense services, armed forces, and police force are prohibited from forming unions. Basic labor organizations must have a minimum of 30 workers and 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 regional or state labor organizations (10 percent and 20 percent, respectively) from the next lower level in order to register formally.

The law provides for voluntary registration for local NGOs, including NGOs working on labor issues. Organizations that chose to register could reportedly face more restrictions, including requirements for prior approval from the government if they wished to make changes to organization objectives and activities after registration took place. Broader restrictions on freedom of assembly remained in place (see section 2.b.).

The law gives unions the right to represent workers, to negotiate and bargain collectively with employers, and to send representatives to a 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 provides for 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 the 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 before the strike takes place to determine minimum service levels to be maintained.

The law provides for a framework for the settlement of individual and collective disputes at the enterprise, township, regional, and national levels through conciliation or arbitration but lacks sufficient mechanisms for enforcement. Outside observers expressed concern that the process was lengthy and cumbersome and could pose obstacles to workers using it to resolve grievances. Penalties for noncompliance with the settlement agreements called for in the law are low: 100,000 kyats (\$76) or less than one year in prison. Some observers noted that the low penalty amounts combined with the lack of enforcement enabled some employers to ignore judgments by the arbitration and conciliation body and the provisions of settlement agreements. In 2014 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. During the year one council member resigned reportedly due to the employers' noncompliance with the council's orders to reinstate cases of unjustified dismissal. There were reports of employers appealing council decisions to the Supreme Court. The government reported that 96 percent of industrial disputes between March 2012 and December 2014 took place in Rangoon and more than 50 percent came from the garment sector.

On May 21, the government recognized one labor confederation and three labor federations, which conferred legal recognition and protection under the law for labor activities organized at the national level. The status also allowed the groups to engage in more political activities and government lobbying. Nevertheless, 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 the 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.

Media outlets reported allegations of dismissal, imprisonment, and beatings of workers for organizing activity. For example, on February 9, approximately 4,000 workers from garment factories in the Shwe Pyi Thar Industrial Zone went on strike, calling for salary increases and the formation of labor unions within their factories. Several workers had been staging a sit-in since January 28 at the factories. After failing to reach an agreement in four rounds of negotiations, the government warned on February 18 that police forces would be used to remove striking workers who were blocking factory entrances. On February 20, police forcibly removed dozens of striking workers, resulting in some arrests and minor injuries. Police charged 14 workers under article 147 of the penal code for rioting and four labor union leaders under article 505(b) of the penal code for causing public alarm. In December, two labor union leaders were sentenced to two years' imprisonment.

As of March the ILO reported that more than 1,700 labor organizations and 30 employers' organizations had registered, of which more than two-thirds were in the agricultural sector. Most of the organizations were enterprise-level entities concentrated in the agricultural, manufacturing, and transport sectors. The ILO estimated that these organizations' membership totaled approximately 100,000 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 provide for the punishment of persons who impose forced labor on others, but the government did not effectively enforce the law.

The law provides for criminal penalties for forced labor violations; penalties differ depending on whether the forced labor violation was committed by the military or government. Perpetrators from the military may 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; under the military code, it is seven years in prison. International observers deemed the penalties sufficient to deter forced labor.

The government continued to implement the ILO action plan to eliminate forced labor by 2015, although implementation of the action plan by authorities at the local levels remained inconsistent. Both the military and the government responded to complaints logged by the complaints mechanism. The ILO reported that it continued to receive reports indicating that the actual use of forced labor was decreasing overall, but the number of complaints of forced labor through the ILO complaints mechanism remained significant. Moreover, it 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.). As of September the ILO received an average of 25 complaints monthly, compared with 33 complaints monthly in 2014. The ILO attributed the continuing high rates of reporting to increasing awareness of the illegality of forced labor along with strong support networks provided by the ILO and civil society organizations and the continued low levels of public trust and confidence in the national justice system.

Reports of forced labor occurred across the country, including in cease-fire states, and the prevalence was higher in states with significant armed conflict. Forced labor continued, including 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 land confiscation and destruction of property. Some observers noted that forced labor practices were changing, resulting in a reported decrease in use of forced labor by the military and an increase in reports of forced labor in the private sector and by civilian officials. At the same time, international organizations reported that forced labor remained common in areas affected by conflicts. Land confiscation by military, local government, and private businesses placed agricultural workers at risk for forced labor, including on lands that they previously occupied.

The ILO noted that it had received reports of forced labor in the private sector, including excessive overtime with or without compensation by workers at risk of losing their job and bonded labor. Domestic workers also remained at risk of domestic servitude. Men were subjected to forced labor on palm oil and rubber plantations or in jade and precious stone mines. There were reports of forced child labor (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets 13 as the minimum age for employment. The law limits children between the ages of 14 and 17 to "light duties" but does not define the term. The law was not enforced.

While inspectors were trained to monitor the application of the national labor law, including with regard to 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 2014 the Ministry 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, although the action plan had not been completed as of December. During the year the 18-member National Committee on the Rights of the Child held one meeting to review reports submitted by the state and regional governments.

The law provides criminal penalties for those guilty of recruiting child soldiers. Penalties under the law and their enforcement for other child labor violations were insufficient to deter violations.

Child labor remained prevalent and highly visible. Children were at high risk, since poor economic conditions induced 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.

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).

Children were vulnerable to forced labor in teashops, agriculture, and begging. In rural areas children routinely worked in family agricultural activities, occasionally in situations of forced labor.

While the government liberated child soldiers and reported disciplining military officials for recruiting them in some cases, reports indicated that members of the military continued to recruit and use children in military-related activities. Ethnic armed groups 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 employment discrimination based on race, color, sex, religion, gender, political opinion, national origin or citizenship, social origin, disability, sexual orientation or gender identity, age, language, 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. There were reports of discrimination based on sexual orientation and gender identity in employment, including the denial of promotions and firing of LGBTI persons. 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. 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 HIV testing.

#### **e. Acceptable Conditions of Work**

On September 1, the government adopted an official minimum daily wage of 3,600 kyats (\$2.75). The minimum wage covers a standard eight-hour workday across all sectors and industries and applies to all workers except for those in businesses with fewer than 15 employees. The announcement did not include any mention of overtime compensation which, like the minimum wage, had been a contentious issue of debate over the previous two years between the government, employers, and workers. The national poverty income level was estimated at less than 1,000 kyats (\$.76) per day.

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. The Leave and Holidays Act applies to the entire country and to all work and trades. The law also introduces maternity leave into the definition of leave. During the year the government introduced a model employment contract to accompany the regulations set under the Employment and Skills Development Law.

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. In 2014 the Labor Ministry had 99 general labor law inspectors, 104 occupational safety and health inspectors, and 53 inspection offices for the entire country. While the inspectors had the technical knowledge, they did not have the equipment necessary to execute inspections properly. In certain sectors other ministries regulated occupational safety and health laws, for example the Ministries of Agriculture and Irrigation, Industries, Mines, and Health.

The law stipulates that disputes in special economic zones be settled in accordance with original contracts and existing laws. Under the Myanmar Special Economic Zone Law of 2013, the government agreed to appoint a labor inspector for each such zone and to establish zonal tripartite committees responsible for setting wage levels and monitoring the ratio of local and foreign labor.

On May 18, the government and ILO held the country's first labor stakeholders forum under the auspices of the multipartner Initiative to Promote Fundamental Labor Rights and Practices in Myanmar. The forum brought together more than 200 participants from the public and private sectors to discuss labor rights and various labor problems, including addressing child labor, strengthening labor dispute settlement, and strengthening local capacity and institutions.

The laws generally were enforced in the government sector, but there were frequent violations in private enterprises. During the year the Union Parliament Joint Commission stopped its work reviewing labor violations. According to media, in 2014 the 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 (\$36) per month, but the salary was disbursed only if workers had perfect attendance records. While the commission had stopped its work, workers continued to submit complaints to relevant government agencies and the dispute settlement mechanism. 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.

Since they were rarely enforced, provisions of the law related to wages and hours benefited only a small portion of the labor force, and most workers were engaged in rural agriculture or the informal sector. 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 (\$.76 to \$1.90) 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 (\$38 to \$76) per month, according to private sector employers. In September 2014 the Ministry of Labor launched a labor survey in coordination with employers and labor unions; the survey continued as of year's end.

The social security board covers all employees in companies with more than five employees, with the exception of six sectors (government, international organizations, seasonal farming and fisheries, construction, nonprofit organizations, and domestic work). In practice the board covered primarily industrial zones, the location of the majority of registered workers, and therefore supported less than 1 percent of individuals involved in workplace accidents or casualties. While the board provided hospitals and clinics, it did 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 on accidents or workplace violations were available.