



FREEDOM IN THE WORLD 2021

# Myanmar

# 28

NOT FREE

/100

<u>Political Rights</u>	13/40
<u>Civil Liberties</u>	15/60

### LAST YEAR'S SCORE & STATUS

30/100 Not Free

Global freedom statuses are calculated on a weighted scale. See the methodology.



# Overview

Myanmar's transition from military dictatorship to democracy stalled under the leadership of the National League for Democracy (NLD), which came to power in relatively free elections in 2015. The military, known as the Tatmadaw, retained significant influence over politics, and the government largely failed to uphold human rights and to prioritize peace and security in areas affected by armed conflict. A 2017 military operation and ongoing conflict have forced hundreds of thousands of people from the Rohingya minority, a mostly Muslim ethnic group, to seek refuge in Bangladesh, and those remaining in Rakhine State continue to face the threat of genocide. Journalists, activists, and ordinary people risked criminal charges and detention for voicing dissent during 2020, while a lengthy internet shutdown impaired access to vital news and information in Rakhine and Chin States.

## Key Developments in 2020

- Though few people tested positive for COVID-19 in the spring, over 123,000 people had tested positive and more than 2,600 people had died from the virus by year's end. Citing the pandemic, the government prohibited in-person campaigning ahead of the November parliamentary elections, which benefited the incumbent NLD.
- The NLD's sweeping election victory was marred by an ongoing internet shutdown in some areas, limited media coverage and election monitoring, and the cancellation of balloting for almost one million voters in a number of conflict-prone districts.
- Fighting between the Tatmadaw and ethnic minority rebels in Chin, Kachin, Karen, Rakhine, and Shan States continued, displacing thousands of civilians and limiting free movement. More than 900,000 Rohingya refugees from Rakhine State remained in Bangladesh.
- In September, video testimony by two Tatmadaw soldiers that was provided to the International Criminal Court (ICC) corroborated claims that the army had committed grave human rights abuses against the Rohingya.

- Also in September, student protesters were arrested and charged for distributing materials that criticized the government or military and for demonstrating against the internet shutdown and ongoing conflict in Rakhine State. Some of those arrested were convicted and given lengthy prison sentences.

## Political Rights

### A. Electoral Process

**A1** 0-4 pts

<b>Was the current head of government or other chief national authority elected through free and fair elections?</b>	<b>2/4</b>
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The legislature elects the president, who serves as chief of state and head of government and makes a number of key ministerial appointments. Military members of the legislature have the right to nominate one of the three presidential candidates, and the elected members of each chamber nominate the other two. The candidate with the largest number of votes in a combined parliamentary vote wins the presidency; the other two candidates become vice presidents, ensuring that a military nominee is always either president or vice president.

Htin Kyaw, the NLD candidate, won the presidency in 2016, following the 2015 parliamentary elections. He resigned in 2018 and was replaced by Win Myint, one of NLD leader Aung San Suu Kyi's aides. A new president was set to be selected in early 2021, in the wake of the November 2020 parliamentary elections.

Aung San Suu Kyi continued to hold the powerful position of state counselor as of 2020. The post, akin to that of a prime minister, was created for her in 2016 through legislation designed to circumvent provisions in the 2008 military-drafted constitution that had barred her from running for president on the grounds that members of her immediate family hold foreign citizenship.

The commander in chief of the armed forces retained broad powers under the constitution, including control over security-related cabinet ministries (home, defense, and border affairs), and is selected through an opaque process by the military-dominated National Defense and Security Council (NDSC).

**A2** 0-4 pts

<b>Were the current national legislative representatives elected through free and fair elections?</b>	<b>2/4</b>
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The bicameral Assembly of the Union consists of the 440-seat lower House of Representatives and the 224-seat upper House of Nationalities. Representatives serve five-year terms. A quarter of the seats in both houses are reserved for the military and are filled through appointment by the commander in chief of the armed forces. The remainder are filled through direct elections in a first-past-the-post system.

The 2020 parliamentary elections featured significant flaws. Existing rules allowed for the exclusion of many Muslim candidates and the disenfranchisement of hundreds of thousands of Rohingya. In addition, the Union Election Commission (UEC) canceled voting in a number of conflict-affected districts in Rakhine and other states, preventing about one million people from electing new representatives. Analysts raised concerns that the cancellations benefited the NLD at the expense of ethnic-based opposition parties, such as the Arakan National Party (ANP). Opposition parties faced unequal access to state-run media during the campaign period, and pandemic-related restrictions on in-person campaigning disproportionately affected smaller parties and lesser-known candidates. The main opposition party—the military-supported Union Solidarity and Development Party (USDP)—and more than 20 others called for the voting to be postponed in light of the pandemic. The UEC argued that its provisions, including an increase in the number of polling stations, would be sufficient to ensure a safe and fair process.

Due to the various restrictions on travel and free movement, external election observers and journalists were not able to monitor the 2020 polls. In August, the

independent, Myanmar-based People’s Alliance for Credible Elections (PACE) was denied accreditation to monitor polls because it received foreign funding.

The NLD won a convincing majority in the overall popular vote, taking 138 of the 168 elected seats in the upper house, 258 of the 330 elected seats in the lower house, and 501 of 660 elected seats across 14 state and regional legislatures. The USDP placed a distant second with 7 seats in the upper house, 26 in the lower house, and 38 in the states and regions. The remaining seats were captured by ethnic minority parties, other small parties, and independents. At year’s end the USDP was alleging fraud, and adjudication of its claims was expected in early 2021.

### **A3** 0-4 pts

<b>Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?</b>	<b>1</b> / 4
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Various features of the electoral framework undermine the democratic nature of the country’s elections. These include the military’s role in presidential nominations and appointments to both chambers of parliament, as well as rigid citizenship laws and excessive residency requirements that prevent large numbers of people from voting or standing for office.

The UEC, which is responsible for electoral administration, is empowered to adjudicate complaints against itself. Its members are appointed by the president and confirmed by the legislature, which has only limited authority to reject nominees. The decision of the UEC to limit or cancel voting in several dozen townships populated by ethnic minority groups was criticized as lacking sufficient transparency and disenfranchising voters, as were UEC-imposed rules surrounding access to and censorship of broadcast time allotted to political parties.

## **B. Political Pluralism and Participation**

**B1** 0-4 pts

<b>Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?</b>	<b>3/4</b>
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Party competition in the lead-up to the 2020 elections was robust, with 7,000 candidates from more than 90 parties participating. Alongside the NLD, the USDP, and regionally based ethnic parties, a number of new parties emerged, including Shwe Mann's Union Betterment Party and Thet Thet Khine's People's Pioneer Party. However, the response to COVID-19 restricted parties' ability to convene meetings and large rallies throughout the country, making it more difficult for newer and smaller parties to build support among voters.

Competition remains skewed in part by the USDP's systematic support from the military. The constitution contains a requirement that political parties be loyal to the state, which carries the potential for abuse. Laws allow penalties, including deregistration, for political parties that accept support from foreign governments or religious bodies, or that are deemed to have abused religion for political purposes or disrespected the constitution.

**B2** 0-4 pts

<b>Is there a realistic opportunity for the opposition to increase its support or gain power through elections?</b>	<b>2/4</b>
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The military's constitutional prerogatives, as well as its close ties to the USDP, limit the degree to which any other force can secure control over the executive or the legislature through elections.

At the same time, pandemic-related measures—particularly a number of restrictions imposed in September 2020, as COVID-19 cases rose dramatically—disproportionately affected opposition parties and privileged the ruling NLD and sitting lawmakers ahead of the November elections. Stay-at-home orders

circumscribed electoral activities in some areas, including Yangon and Rakhine State, and much of the campaigning had to shift online. In areas affected by internet shutdowns and fighting between the military and ethnic insurgent groups, campaigning was all but impossible. The ability of smaller parties and lesser-known candidates to campaign was further hindered by unequal access to state-owned media and the cancellation or delay of polling in dozens of townships.

*Score Change: The score declined from 3 to 2 due to a variety of electoral obstacles—including unequal access to state-run media outlets, pandemic-related restrictions on in-person campaigning, and internet shutdowns and canceled balloting in some districts—that effectively privileged the ruling NLD and put opposition ethnic minority parties at a particular disadvantage.*

**B3** 0-4 pts

<p><b>Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?</b></p>	<p><b>2</b> / 4</p>
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Despite its waning ability to influence electoral outcomes, the military retains considerable power over political affairs, particularly in conflict areas. This continued in 2020, as the country’s institutions responded to the COVID-19 pandemic. The UEC granted the military leadership the authority to determine whether populations in conflict areas would be able to vote, allowing it to help shape political representation.

**B4** 0-4 pts

<p><b>Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?</b></p>	<p><b>1</b> / 4</p>
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Members of the country’s Buddhist and ethnic Bamar majority hold most senior leadership positions in the major national political parties and in government. Members of ethnic and religious minority groups face restrictions on their political

rights and electoral opportunities, including through discriminatory citizenship, residency, and party registration laws.

The 1982 Citizenship Law does not allow for anyone who entered the country or is descended from someone who entered the country after 1948 to become a full citizen with political rights. Naturalization of spouses is only allowed if the spouse holds a Foreigner's Registration Certificate from before the law's enactment.

The majority of the mainly Muslim Rohingya were rendered stateless by the 1982 Citizenship Law, which also dictates that only those who are descended from ethnic groups deemed to be native to the country prior to 1823 are considered full citizens who can run for public office. Six of the dozen Rohingya who filed to run as candidates in 2020 were disqualified on citizenship grounds. In 2015, the president issued a decree—later upheld by a Constitutional Tribunal—revoking the temporary identification cards, or “white cards,” that had allowed Rohingya to vote in previous elections. Most of the 600,000 Rohingya remaining in Myanmar were unable to vote in the 2020 elections. However, a small number of Rohingya and other Muslims with citizenship documents were able to vote, and several dozen Muslims ran as candidates, including two NLD members who were both elected.

Because the military prevented polling in some regions, certain ethnic-based parties such as the ANP lost seats, and ethnic minority groups like the Karen, Kachin, and Shan were effectively disenfranchised. The ability of residents of Rakhine State to participate in the elections was compromised by the ongoing internet shutdown, as well as continued armed conflict that limited access to voter registration and polling stations.

Women remain underrepresented in the government and civil service, due largely to societal biases that discourage their political participation. Notwithstanding the prominence of Aung San Suu Kyi, whose father led Myanmar's independence struggle and who gained respect as an opposition leader and political prisoner during military rule, few women have achieved ministerial-level appointments.

## **C. Functioning of Government**

**C1** 0-4 pts

<b>Do the freely elected head of government and national legislative representatives determine the policies of the government?</b>	<b>2/4</b>
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Although elected officials are able to set policy in some subject areas, the military is guaranteed control over the Defense, Home Affairs, and Border Affairs Ministries. The military also effectively controls at least six seats on the powerful 11-member NDSC.

The 2008 constitution allows the military to dissolve the civilian government and the parliament and rule directly if the president declares a state of emergency. The military also retains a veto on amendments to the constitution. In 2019 the NLD announced the formation of a parliamentary committee on constitutional change, but in March 2020 military delegates blocked NLD proposals to reduce the military's representation in the parliament.

Effective governance and control over territory in some regions is contested between the armed forces and ethnic minority rebel groups.

**C2** 0-4 pts

<b>Are safeguards against official corruption strong and effective?</b>	<b>1/4</b>
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Despite government initiatives aimed at curbing official corruption, it remains rampant at both the national and local levels. An Anti-Corruption Commission (ACC), established in 2014 and reformed in 2017 with 12 members appointed by the president, has brought a number of cases against high-ranking officials. The former chief minister of Tanintharyi Region was sentenced in May 2020 to 30 years in prison for bribery.

Privatization of state-owned companies and other economic reforms in recent years have allegedly benefited family members and associates of senior officials. The

government ignores tax evasion by the country's wealthiest companies and individuals.

**C3** 0-4 pts

<b>Does the government operate with openness and transparency?</b>	<b>1/4</b>
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The government does not operate with openness and transparency. A 2017 draft Right to Information Law remained stalled in Parliament as of 2020. A proposed law on access to government archives that was publicized in July included heavy financial penalties and potential prison time for unauthorized access to certain information.

Some information about the budget has been released in recent years, but official spending receives limited parliamentary scrutiny. The military owns an extensive network of “crony companies” whose revenues enable it to avoid accountability and public oversight and engage in human rights violations with impunity, according to a UN report released in 2019.

**Add Q**

<b>Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group?</b>	<b>-4</b>
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The central authorities have long used violence, displacement, and other tactics to alter the demographics of states with ethnic unrest or insurgencies. The Rohingya in Rakhine State have faced particularly harsh restrictions for decades, including limits on family size and the ability and right to marry, the denial of legal status and social services, and disenfranchisement and loss of citizenship. Human rights experts and the United Nations have labeled the abuses against the Rohingya as crimes against humanity and ethnic cleansing, and many have argued that they constitute either genocide or a precursor to genocide.

Repression of the Rohingya escalated in 2017, after rebels from the Arakan Rohingya Salvation Army (ARSA) attacked multiple police posts with rudimentary weapons. The military launched a severe, ongoing counteroffensive against Rohingya communities across the northern part of the state, leading to reports of torture, rape, indiscriminate killings, and the burning of villages, worsening already dire humanitarian conditions and causing 740,000 Rohingya refugees to join the 200,000 others already in Bangladesh. Aung San Suu Kyi did not explicitly acknowledge or condemn such organized official violence against Rohingya civilians. There has been little meaningful accountability for the atrocities; for example, two low-ranking officers and a soldier were court-martialed in June 2020.

The UN Independent International Fact-Finding Mission on Myanmar released its final report in September 2019, finding that the 600,000 Rohingya still in Rakhine State remained “under threat of genocide.” In November 2019, the ICC began an investigation into allegations of genocide and other crimes against the Rohingya. In September 2020, video testimony from two Tatmadaw soldiers at an ICC hearing supported allegations of mass human rights violations against the Rohingya, including rape, executions, and mass burials.

The International Court of Justice (ICJ) ruled against Myanmar on this issue in January 2020, urging the government to implement emergency measures to protect the Rohingya and preserve evidence of the crimes against them. A September 2020 report to the UN Human Rights Council by UN High Commissioner for Human Rights Michelle Bachelet noted that ongoing civilian casualties in Rakhine may amount to further war crimes. In October, Human Rights Watch likened the conditions for the approximately 130,000 Rohingya kept in several dozen camps in Rakhine State to apartheid, with severe restrictions on travel and education, as well as access to health care, food, and shelter.

## Civil Liberties

# D. Freedom of Expression and Belief

**D1** 0-4 pts

Are there free and independent media?	<b>1</b> /4
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Media freedom is restricted. The authorities are empowered by law to deny licenses to outlets whose reporting is considered insulting to religion or a threat to national security, and the risk of prosecution under criminal defamation and a range of other restrictive laws encourages self-censorship. While internet access has expanded in recent years, online activity is also subject to criminal punishment under several broadly worded legal provisions, and dozens of journalists and social media users have faced defamation and incitement cases filed by the military and politicians. An internet shutdown affecting parts of Rakhine and Chin States has remained in place since June 2019, blocking access to a variety of digital services and news sources, which was particularly problematic during the COVID-19 pandemic and the 2020 election period.

The military-controlled Home Affairs Ministry routinely surveils journalists, and reporters covering sensitive topics risk harassment, physical violence, and imprisonment. In March 2020, the government issued orders to block 220 websites, including a number of ethnic media outlets; authorities also arrested a prominent editor, U Nay Myo Lin of the Voice of Myanmar, for interviewing the rebel Arakan Army's spokesman. Also in March, police raided the office of the Rakhine media group Narinjara News, detained three reporters, and seized equipment and files.

COVID-19-related restrictions on movement that were enacted in September 2020 in Rakhine State, Yangon, and other cities did not exempt private media, further limiting independent coverage of the election campaign.

**D2** 0-4 pts

**Are individuals free to practice and express their religious faith or nonbelief in public and private?**

**1/4**

The constitution provides for freedom of religion. It distinguishes Buddhism as the majority religion, but also recognizes Christianity, Islam, Hinduism, and animism. The government occasionally interferes with religious assemblies and attempts to control the Buddhist clergy. Authorities discriminate against minority religious groups—particularly Muslims—in practice, refusing them permission to hold gatherings and restricting educational activities, proselytization, and construction and repair of houses of worship.

Anti-Muslim hate speech and discrimination have been amplified by social media, and by some state institutions and mainstream news websites. The officially illegal Buddha Dhamma Parahita Foundation, formerly known as Ma Ba Tha, agitates for the protection of Buddhist privileges, urges boycotts against Muslim-run businesses, and disseminates anti-Muslim propaganda; respected mainstream monks such as Sitagu Sayadaw have also allegedly stoked religious hatred. Muslims face systematic discrimination in obtaining identity cards, and “Muslim-free” villages have been established with the complicity of officials.

**D3** 0-4 pts

**Is there academic freedom, and is the educational system free from extensive political indoctrination?**

**1/4**

Political activity on university campuses is generally restricted, and universities are not autonomous. Student unions—which have historically been important advocates for human rights—are discouraged, have no formal registration mechanisms, and are viewed with suspicion by authorities. A 2018 directive from the Ministry of Education required students to get permission from their universities and the ministry itself to hold events on campus, obliging them to submit names and biographies of speakers, titles of public talks, and the number of people expected to attend. In September 2020, more than a dozen students were detained and others faced charges for distributing materials that were critical of government policies.

**D4** 0-4 pts

<b>Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?</b>	<b>2/4</b>
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Private discussion and personal expression are constrained by state surveillance and laws that inhibit online speech. Dozens of defamation cases involving online commentary have been filed under Section 66(d) of the 2013 Telecommunications Law, which includes bans on online activity deemed to be threatening or defamatory.

Social media users and those quoted in the media have faced prosecution for expressing their views on particular topics, particularly when they entail criticism of the authorities. Five members of the Peacock Generation satirical poetry troupe, detained in April 2019 for performances posted on Facebook that were critical of the military, were sentenced that October to a year in prison; during 2020 they faced additional charges.

## **E. Associational and Organizational Rights**

**E1** 0-4 pts

<b>Is there freedom of assembly?</b>	<b>1/4</b>
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Unauthorized demonstrations are punishable with up to six months in prison under the Peaceful Assembly and Peaceful Procession Law; a variety of other vaguely defined violations can draw lesser penalties. Protesters focused on issues such as land rights and the rights of ethnic minority groups are regularly charged and sentenced to jail terms under the law. The internet shutdown in Rakhine State has severely impeded the ability of activists and ordinary citizens to organize protests.

A blanket ban on protests in 11 townships of central Yangon has been in place since 2017, though it is selectively enforced. Authorities occasionally employ excessive force against peaceful protesters. Protesters no longer have to ask permission for assemblies, but they do need to notify authorities 48 hours in advance, and local officials often treat this process as a request for permission in practice.

The government detained and prosecuted significantly more students and activists for protest activities in 2020 than in previous years. For example, in September, dozens of students and others were arrested and faced criminal charges after taking part in demonstrations or distributing materials to protest the internet shutdown and ongoing conflict in Rakhine State. As of November, at least two students were reported to have received sentences amounting to seven years in prison.

*Score Change: The score declined from 2 to 1 due to an extended shutdown of internet service in Rakhine State, which disrupted the organization of public gatherings, and an increase in the number of protest-related detentions of students and activists during the year.*

**E2** 0-4 pts

<b>Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?</b>	<b>2/4</b>
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Although nongovernmental organizations (NGOs) comment on human rights issues and engage in governance work, barriers to their interaction with government ministries have increased in recent years. The Home Affairs Ministry issued regulations in 2015 that require NGOs to obtain government approval prior to registration. Police routinely arrest civil society activists for voicing dissent on a variety of politically sensitive topics.

**E3** 0-4 pts

<b>Is there freedom for trade unions and similar professional or labor organizations?</b>	<b>2/4</b>
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A ban on independent trade unions was lifted in 2011, and union activity has taken root in Myanmar. Strikes by workers protesting poor labor conditions or the denial of rights take place regularly. However, trade unionists continue to face retaliation for their efforts, and legal protections against abuse by employers are weak. Several hundred workers were fired from two clothing factories in May 2020, after the workers formed a union; the management blamed COVID-19 for the layoffs.

## F. Rule of Law

**F1** 0-4 pts

<b>Is there an independent judiciary?</b>	<b>0</b> /4
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The judiciary is not independent. Judges are nominated by the president, and lawmakers can reject the choice only if it is clearly proven that the nominee does not meet the legal qualifications for the post. The courts generally adjudicate cases in accordance with the government's interests, particularly in major cases with political implications.

**F2** 0-4 pts

<b>Does due process prevail in civil and criminal matters?</b>	<b>1</b> /4
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Administrative detention laws allow individuals to be held without charge, trial, or access to legal counsel for up to five years if they are deemed a threat to state security or sovereignty.

Although the parliament in 2016 repealed several legal provisions that were used to imprison dissidents, numerous individuals who are considered political prisoners continued to be held in 2020. According to the Assistance Association for Political Prisoners (AAPP), as of December there were a total of 601 political prisoners in

Myanmar, with 42 serving sentences, 196 in pretrial detention, and 363 others awaiting trial outside prison.

### F3 0-4 pts

<p><b>Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?</b></p>	<p><b>0/4</b></p>
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The NLD government's efforts to negotiate peace agreements with ethnic rebel groups remained stymied in 2020 by military offensives against the insurgents, particularly in Shan, Kachin, and Kayin States; attacks by such groups against security forces; and continued divisions among signatories and nonsignatories to a 2015 national cease-fire agreement. The NLD's approach to dealing with ethnic minorities has also been faulted for inhibiting peace efforts. Following the outbreak of COVID-19 in 2020, several armed ethnic groups called for a cease-fire.

Indiscriminate shelling, extrajudicial killings, forced disappearances, and other abuses by the military continue to be reported, while rebel groups engage in forced disappearances and forced recruitment. Areas in the north remain riddled with landmines planted by both rebels and the army. Authorities at times prevent aid groups from reaching populations affected by violence. Civilians continued to flee fighting in Shan, Kachin, Kayin, and Chin States in 2020, leaving tens of thousands displaced at year's end. An intensification of military action in northern Rakhine State, following attacks on police posts by the ethnic Rakhine Arakan Army in January 2019, continued unabated in 2020, killing dozens of people and displacing more than 70,000. The Arakan Army has also conducted indiscriminate attacks on civilians, and in March 2020 the government classified it as a terrorist group. Attacks by the military in May targeted Rakhine Buddhist villages.

Prisons in Myanmar are severely overcrowded, and conditions for inmates are sometimes life-threatening. In April 2020, almost 25,000 prisoners were released from the overcrowded prison system in the largest annual amnesty in years, according to the AAPP.

### F4 0-4 pts

**Do laws, policies, and practices guarantee equal treatment of various segments of the population?**

**0/4**

Some of the country's worst human rights abuses, commonly committed by government troops, are against ethnic and religious minority populations. The government's failure to protect victims, conduct investigations, and punish perpetrators is well documented.

Ethnic minority groups such as the Shan, Mon, Chin, Karen, and Kachin, as well as non-Rohingya Muslims, also face some societal discrimination, while the ethnic Bamar, Buddhist majority retains a privileged position.

In addition to conflict-related violence, women are subject to discrimination in employment, against which there are no explicit legal protections. A number of laws create a hostile environment for LGBT+ residents. Same-sex sexual activity is criminalized, and police reportedly harass, extort, and physically and sexually abuse LGBT+ people.

## **G. Personal Autonomy and Individual Rights**

**G1** 0-4 pts

**Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?**

**1/4**

Freedom of internal travel for Myanmar citizens is generally respected outside of conflict zones, but due to an intensification of the country's armed conflicts in recent years, travel in a number of states has been further restricted. In addition, Myanmar's large population of stateless residents are subject to significant restrictions on their movement, particularly the 600,000 Rohingya who remain in Rakhine State and are

confined to designated camps and villages; those who attempt to travel outside these areas are regularly arrested and detained.

Numerous exiled activists who returned to the country after the transition to partial civilian rule have experienced substantial delays and evasion from government authorities when attempting to renew visas and residency permits. Separately, illegal toll collection by state and nonstate actors remains a problem in some areas.

In 2020, the government imposed COVID-19-related restrictions on movement in the spring and again in the fall. While many of the constraints themselves were generally recognized as legitimate, hundreds of people were either heavily fined or imprisoned for violating curfew or quarantine regulations, and rights groups criticized these penalties as disproportionate.

**G2** 0-4 pts

<p><b>Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?</b></p>	<p><b>1/4</b></p>
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Disputes over land grabbing and business projects that violate human rights are common. Myanmar's property-transfer laws prohibit transfers to or from a foreigner except in certain state-approved cases of inheritance, and require registration of foreign-owned property. Stateless residents, including the Rohingya, cannot legally buy or sell property or set up a business.

Instances of forced eviction and displacement, confiscation, lack of sufficient compensation, and direct violence against landholders by state security officials abound. Court cases are frequently brought against farmers for trespassing on land that was taken from them. A 2018 amendment to the Vacant, Fallow, and Virgin Lands Management Law required anyone living on land thus categorized (about 30 percent of Myanmar's land, predominantly in ethnic minority states and regions) to apply by March 2019 for a permit to continue using it; violators could face two-year prison terms. Surveys and analysis indicate that the majority of those affected—particularly

from ethnic minority and refugee communities—were not aware of the law, putting their use of the land at risk.

Multiple sources continued to report in 2020 that Rohingya land and property have been razed, confiscated, appropriated, or built on, often with the direct involvement of the military, and sometimes under the guise of development assistance.

### **G3** 0-4 pts

<b>Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?</b>	<b>1/4</b>
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Men and women formally enjoy equal rights on personal status issues, though there are restrictions on marriages of Buddhist women to non-Buddhist men. Laws that might protect women from domestic abuse and rape are weak and poorly enforced, and such violence is an acute and persistent problem. The army has a record of using rape as a weapon of war against ethnic minority women, and security personnel typically enjoy impunity for sexual violence.

### **G4** 0-4 pts

<b>Do individuals enjoy equality of opportunity and freedom from economic exploitation?</b>	<b>1/4</b>
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Human trafficking, forced labor, child labor, and the recruitment of child soldiers all remain serious problems in Myanmar, and the government's efforts to address them are inadequate. Child soldiers are enlisted by the military and ethnic rebel groups, which also recruit civilians for forced labor. Various commercial and other interests continue to use forced labor despite a formal ban on the practice. Trafficking victims include women and girls subjected to forced sex work and domestic servitude, as well as women who are sold as brides to men in China—an expanding practice in some ethnic minority states. People displaced by ongoing conflicts are especially vulnerable to sexual and labor exploitation.





### On Myanmar

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### Country Facts

Global Freedom Score

**28/100** Not Free

Internet Freedom Score

**31/100** Not Free

### Other Years

2020

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