

Burma

Burma's uneven reform process continued in 2013 with notable improvements in some sectors, but serious problems continuing throughout the country. Basic freedoms of assembly and association improved but laws were enforced inconsistently and in several instances peaceful demonstrators still faced arrest. Media freedoms continued to flourish in 2013, but at time of writing the government was seeking new laws that could roll back important recent gains.

Burma released more than 200 political prisoners in amnesties in 2013, including 56 in October and 69 in November. Despite this progress, it still had an estimated 60 political detainees at time of writing. New arrests of peaceful political activists continue to be reported.

The national parliament has proven to be a more robust venue for debate and legislative reform than many observers predicted, with surprisingly open discussion of issues such as land grabbing by the military, constitutional reform that would reduce military representation, and rule of law initiatives.

Violence against Muslims

Communal violence against Muslim communities in central Burma spread during 2013, with a series of apparently coordinated attacks against Muslim communities and property. In late March, Burmese Buddhist mobs attacked Muslim communities in the central Burmese town of Meiktila. At least 44 people were killed and 1,400 mostly Muslim-owned businesses and houses were destroyed. Burmese police forces failed to intervene during much of the violence and in most cases did not act to protect Muslim lives or property; in some instances they actively participated in the anti-Muslim violence. More than 12,000 people were displaced by the violence, and many remained in government-protected displacement camps in the town at time of writing.

Similar outbreaks of violence were reported during the year in Pegu and Okkan north of Rangoon, and in Lashio in Shan State. In October, attacks against Kaman Muslims in southern Arakan State around the town of Thandwe killed at least six people and destroyed nearly 100 houses. The attacks coincided with a visit to the region by President Thein Sein. Authorities arrested senior Arakanese political party members accused of instigating the violence.

Legal proceedings against perpetrators of violence were initially asymmetrical, with more Muslims tried and sentenced in more cases than Burman Buddhist instigators. However, in June, 25 Buddhists involved in violence in Meiktila were sentenced for murder and arson, in July, 6 suspects were arrested in connection with the killing of Muslim pilgrims in 2012 that sparked violence in Arakan State, and in September two men were sentenced to five years in prison for arson and violence in Okkan. At time of writing, no members of the security forces were known to have been disciplined or prosecuted for involvement in violence.

In some cases, anti-Muslim violence and hate speech is being spread by nationalist Buddhist monks such as U Wirathu, active proponent of the so-called 969 movement that has urged Buddhists to boycott Muslim businesses and refrain from marrying Muslims and converting to Islam. U Wirathu has even drafted legislation that would ban such marriages and conversions. Key political leaders such as Aung San Suu Kyi did not publicly denounce this movement in 2013, although in an important speech in April, President Thein Sein warned that the rise in communal violence had the potential to derail the fragile reform process.

During a country visit in August, the UN special rapporteur on human rights in Burma, Tomas Ojea Quintana, was attacked in his car by Burman Buddhist mobs in Meiktila; security forces in the vicinity failed to intervene. Compounding their failure to adequately ensure Quintana's safety, senior government officials accused him of exaggerating the incident. Many in the Burmese-language media also lambasted Quintana, a disturbing reflection of rising Burman nationalism and backlash against international pressure to end human rights abuses.

The condition of the displaced Rohingya Muslim minority in northern Arakan State remained precarious in 2013, even with a considerable international humanitarian response. At time of writing, an estimated 180,000 people, mostly Muslims, remained in

over 40 IDP camps throughout Arakan State, many living in deplorable conditions. While more international assistance reached them in 2013 than in 2012, serious concerns remain over restrictions on movement, lack of livelihoods, inadequate basic services, and continued threats from hostile Arakanese. In Buthidaung and Maungdaw townships, local ordinances reportedly prohibited Rohingya women from having more than two children; when the policy became publicly known and met with international outrage, national officials backtracked and claimed no such policy was in effect.

A government commission of inquiry report on the anti-Rohingya violence of June and October 2012 in Arakan State failed to investigate cases or assign responsibility for the violence, and made no recommendation for prosecution of security forces involved in the violence. Human Rights Watch had found that the attacks on Rohingya had amounted to a campaign of “ethnic cleansing” and crimes against humanity. On several occasions in 2013, Rohingya IDPs were abused for staging protests; in one incident in June, police shot and killed three women protesters at an IDP camp.

The government continues to refuse to amend Burma’s draconian 1982 Citizenship Law that effectively denies citizenship to Rohingya, despite many families having lived in Burma for generations. In July, the president ordered the disbanding of the notoriously abusive and corrupt Na Sa Ka paramilitary border security force, although doubts remain as to whether all personnel have been withdrawn from Arakan State or reassigned to other agencies.

Laws on Basic Freedoms

Burma’s legislative reform process remains opaque and consultation with key community groups uneven. Many longstanding repressive laws have not been repealed or amended and some are still used to target activists. Several important laws related to land rights and farmers rights were enacted in 2013, but concerns remain that they will be insufficient to protect against mass land grabs by the Burmese military and companies.

The Law on Peaceful Assembly and Peaceful Processions was applied haphazardly in 2013, with the authorities permitting some demonstrations and denying permission for others. An increasing number of public protests over land issues were reported during the year, some of which turned violent with clashes between communities and police. Long-time

activist Naw Ohn Lah was sentenced in August to two years in prison for leading a demonstration against the Letpadaung mine project in Monywa; 11 Arakanese protesters were sentenced in September to three months in prison for demonstrating against a Chinese pipeline project, although all were eventually pardoned in the November amnesty. The government permitted a major gathering on August 8 to commemorate the 25th anniversary of the 1988 democratic uprising.

A draft Association Law proposed in July contained numerous provisions that would have severely restricted the establishment and activities of Burmese and international NGOs. Following coordinated pressure from Burmese civil society, including consultations with the parliament and government and public letters by over 500 Burmese groups, a much improved draft was released in August, albeit still with the potential to restrict the right to freedom of association.

The media in Burma continued to flourish in 2013, even as the government pressed forward with proposed new laws such as the draft Printers and Publishers Act that, if passed, would significantly curtail media freedom. The nascent Burmese Press Council drafted its own version of the law, but the government rejected it. In June, the government banned the sale of an issue of *Time* magazine with a cover story on the nationalist monk U Wirathu.

A draft telecommunications law proposed in 2013 contained numerous provisions that could imperil basic rights. Passage was pending at time of writing.

The governmental National Human Rights Commission continues to receive numerous reports of alleged human rights violations but it has not adequately investigated the reports. At time of writing, it had received approximately 4,000 cases since it was established in 2011. Chairman Win Mra said in early 2013 that the commission would not investigate any alleged Burmese army abuses in Kachin State. A draft law to provide a stronger legislative basis for the commission's independence is pending.

Ethnic Conflict and Displacement

Although the government has concluded ceasefire agreements with about 15 non-state armed groups in Burma, serious human rights violations continued in ethnic areas in 2013.

The government reached a shaky preliminary ceasefire agreement with the Kachin Independence Army in March after nearly two years of fighting and displacement of over 80,000 Kachin civilians. However, reports of Burmese army abuses against civilians persist. Humanitarian access to IDPs has been uneven and insufficient, with some local Burmese army commanders denying access that national-level authorities previously granted. No major returns of displaced civilians had been reported at time of writing.

Conflict spread to parts of northern Shan State involving Kachin, Shan, and Palaung rebels, with reports of civilian displacement and attacks against civilians by both government and opposition forces.

At time of writing, an estimated 400,000 internally displaced persons remained in eastern Burma, and another 130,000 refugees live in nine camps along the Thailand-Burma border. Thailand, Burma, and the UN refugee agency have agreed that conditions for the refugees' return in safety and dignity are not yet present.

Key International Actors

Most sanctions on Burma were lifted in 2013, including all relevant provisions of the EU Common Position except its arms embargo. The United States suspended many of its sanctions, but maintained bans on the importation of jade and rubies as well as targeted financial sanctions on certain individuals implicated in past human rights abuses. New human rights reporting requirements for US investments in Burma took effect in May.

Burma continued its re-engagement with the international community by expanding programs with the World Bank and Asian Development Bank, and negotiating marked increases in humanitarian and development assistance from the US, EU, UK, Australia, and Japan. Foreign investment increased, mainly in the extractive and resource sectors.

President Thein Sein made visits to the United States, Europe, and Australia in 2013, pledging to continue the reform process. However, despite his public pledges in November 2012 that the government would permit the establishment of an office of the UN High Commissioner for Human Rights in Burma, the initiative was repeatedly blocked by the Burmese government.

Burma continued desultory cooperation with the UN on a child soldier action plan signed in 2012. Progress on demobilizing child soldiers and ending forced recruitment was slowed by government denials of access to military sites and to government-controlled border militias.

The US announced tentative re-establishment of defense links with the Burmese military, inviting Burmese officers in February to observe the Thailand-based multilateral Cobra Gold exercises, and in July sending US military experts to begin basic instruction in human rights norms. The chief of the UK defense forces visited Burma in June and the governments later announced that Britain would invite 30 Burmese military officers to attend a major defense conference in the UK. The year also saw UK and Australian announcements that they would station defense attachés in Burma for the first time since 1988, and the initiation of a European Union police reform program in the country.

The US government included Burma in its list of four countries banned from receiving certain forms of US military assistance in 2014 under the Child Soldiers Prevention Act. Affected programs include International Military Education and Training (IMET), which helps train foreign militaries, and Foreign Military Financing (FMF), which funds the sale of US military material and services.

In June, the UN Human Rights Council urged the Burmese government to take immediate steps to stop violence and human rights violations committed in the name of religion. It called on the government to take all necessary measures to ensure accountability for such abuses and expedite the establishment of a UN human rights office in Burma.