

FREEDOM IN THE WORLD 2020



LAST YEAR'S SCORE & STATUS 30 /100 Partly Free

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

Status Change Explanation

Myanmar's status declined from Partly Free to Not Free due to worsening conflicts between the military and ethnic minority rebel groups that reduced freedom of movement in the country.



On Myanmar See all

data, scores & information on this country or territory.

Overview

Myanmar's transition from military dictatorship to democracy has stalled under the leadership of the National League for Democracy (NLD), which came to power in relatively free elections in 2015. Since then, it has failed to uphold human rights and to prioritize peace and security in areas affected by armed conflict. The military retains significant influence over politics, and the country faces increased international pressure regarding a 2017 military operation that forced around 740,000 members of the Rohingya minority, a mostly Muslim ethnic group, to seek refuge in Bangladesh, where they remain. Journalists, demonstrators, and ordinary people risk legal charges and detention for voicing dissent.

Key Developments in 2019

- Tensions remained high in Rakhine State due to fighting between the ethnic Arakan Army and government forces.
 Fighting between the Myanmar military and ethnic minority rebels in Chin, Kachin, Karen, and Shan States increased during the year, displacing numerous civilians and limiting free movement. More than 900,000 Rohingya refugees from Myanmar's Rakhine State remained in Bangladesh.
- In July, the International Criminal Court (ICC) chief prosecutor requested authorization to begin an investigation into alleged crimes against humanity against the Rohingya; it was granted in November.
- The UN Independent International Fact-Finding Mission on Myanmar released its final report in September, finding that the 600,000 Rohingya still in Rakhine State remain "under threat of genocide."
- At the behest of The Gambia, the International Court of Justice (ICJ) initiated a case against Myanmar in

See More >

Country Facts

Population

54,180,000

Region Asia-Pacific

Global Freedom Score 8/100 Not

Internet Freedom Score

10/100 Not Free

Free

In Other Reports

Freedom on the Net 2020

Other Years

2024

November; Aung San Suu Kyi went to The Hague to personally defend the country against accusations of genocide in December.

 In May, following months of international pressure on their behalf, Reuters journalists Wa Lone and Kyaw Soe Oo—who were entrapped by police and subjected to an unfair trial in reprisal for their work—were released as part of a mass presidential amnesty and left the country shortly thereafter. However, dozens of other individuals continued to be prosecuted as a result of their expression or activism.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

2/4

The legislature elects the president, who is chief of state and head of government. 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 the 2016 election. He resigned in March 2018 and was replaced by Win Myint, one of NLD leader Aung San Suu Kyi's aides.

Aung San Suu Kyi holds the powerful position of state counselor, a post akin to that of a prime minister, which 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 because members of her immediate family hold foreign citizenship.

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

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

2/4

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 filled through appointment by the commander in chief of the armed forces.

International electoral observers concluded that the 2015 legislative polls were generally credible and that the outcome reflected the will of the people, despite a campaign period marked by anti-Muslim rhetoric, the exclusion of Muslim candidates, and the disenfranchisement of hundreds of thousands of Rohingya. The NLD, with 57 percent of the overall popular vote in a first-past-the-post system, won 135 of the 168 elected seats in the upper house, 255 of 330 elected seats in the lower house, and 496 of 659 seats across 14 state and regional legislatures. The military-backed Union Solidarity and Development Party (USDP) placed second with 28 percent of the popular vote, 12 seats in the upper house, 30 in the lower house, and 76 in the states and regions. The remaining seats were captured by ethnic minority and other parties as well as independents.

A3 0-4 pts

Are the electoral laws and framework fair, and are	
they implemented impartially by the relevant	1/4
election management bodies?	

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 Union Election Commission (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. Election monitors have expressed concern about the potential for early voting procedures to facilitate fraud.

B. Political Pluralism and Participation

B1 0-4 pts

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?

3/4

New political parties were generally allowed to register and compete in the 2015 elections, and only sporadic interference from government officials was reported. Ninety-one parties competed in the elections, and many of them convened meetings and large rallies throughout the country. Political parties have enjoyed relative freedom in their preparations for the 2020 elections, with several groups announcing their formation or merging to improve their competitive potential. Former junta leader and lower house speaker Shwe Mann announced the formation of a new political party in February 2019, as did former NLD member Thet Thet Khine in November.

However, 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 for penalties, including deregistration, against 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.

Score Change: The score improved from 2 to 3 because political parties have enjoyed relative freedom in their preparations for the 2020 elections.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

3/4

As evidenced by both the NLD's overwhelming parliamentary victory in 2015 and losses in the 2018 by-elections, there is a realistic opportunity for the opposition to increase its support and gain power through competitive balloting. However, the military's constitutional prerogatives, as well as its close ties to the USDP, limit the degree to which any opposition force can secure control over the executive or the legislature through elections.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ

2/4

extrapolitical means?

The results of the 2015 elections and subsequent transition talks suggested that the military had a waning ability or determination to influence electoral outcomes. Nevertheless, the military retains considerable power over political affairs, particularly in conflict areas where it has a dominant presence, and in 2015 the USDP reportedly benefited from pressure on public employees and students to attend rallies and cast ballots for the party.

In an effort to lessen direct pressure on members of the military and their families, in November 2019 the election commission announced a proposal to end to the practice of casting ballots from inside military barracks.

B4 0-4 pts

Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?

1/4

Members of minority groups face restrictions on their political rights and electoral opportunities. In particular, citizenship, residency, and party registration laws disadvantage ethnic and religious minorities, particularly the mainly Muslim Rohingya, the majority of whom were rendered stateless by the 1982 citizenship law. In 2015, under pressure from Buddhist nationalists, the president issued a decree revoking the temporary identification cards, or "white cards," that had allowed Rohingya to vote in previous elections. A Constitutional Tribunal ruling later in 2015 then found that voting by white-card holders was unconstitutional. Nearly all Rohingya were consequently left off the voter rolls for the 2015 elections. In addition, a sitting Rohingya lawmaker from the USDP was barred from running in the polls. Under the 1982 citizenship law, only those who are descended from ethnic groups deemed to be

indigenous to the country prior to 1823 are considered full citizens who can run for public office.

Muslims with citizenship documents were able to vote in 2015, but of more than 6,000 candidates on the final list, only about 28 were Muslim. No Muslim sits in the current parliament.

While ethnic parties generally fared poorly in the 2015 legislative elections, the Shan Nationalities League for Democracy (SNLD) and the Arakan National Party (ANP) performed well in their respective states.

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, few women have achieved ministerial-level appointments.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

2/4

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. In December 2018, the NLD announced that the General Administration Department—fundamental to Myanmar's public administration—would move from a military to a civiliancontrolled ministry.

The 2008 constitution allows the military to dissolve the civilian

government and parliament and rule directly if the president declares a state of emergency. The military also retains its veto on amendments to the constitution; despite this, in January 2019 the NLD announced the formation of a parliamentary committee on constitutional change. Governance is contested in some areas between the armed forces and ethnic minority rebel groups.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

1/4

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, including charges against the former chief minister of Tanintharyi Region in March 2019.

Privatization of state-owned companies and other economic reforms in recent years have allegedly benefited family members and associates of senior officials. The government has ignored tax evasion by the country's wealthiest companies and individuals.

C3 0-4 pts

Does the government operate with openness and transparency?

1/4

The government does not operate with openness and transparency. A draft Right to Information Law was developed in 2016, and a new draft was released in December 2017, but the measure remained stalled in the parliament during 2019. A proposed law on access to government archives 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 it receives limited parliamentary scrutiny. The military owns an extensive network of "crony companies," the revenues from which enable it to avoid accountability and public scrutiny and engage in human rights violations, according to a UN report released in August 2019.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

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?



The central government has 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 some analysts 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 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 an outflow of 740,000 Rohingya refugees to Bangladesh. Those refugees joined another 200,000 who had crossed into Bangladesh to escape previous rounds of persecution. Aung San Suu Kyi has drawn sharp criticism from international observers for her reluctance to explicitly condemn state violence against Rohingya civilians. The two governments have sporadically announced plans for a repatriation system to return refugees to Myanmar—in August 2019 they agreed on a list of 3,450 Rohingya to be returned out of a possible list of 22,000 identified by Bangladeshi authorities—but as conditions in Myanmar remain dire, these plans are unlikely to be implemented.

The UN Independent International Fact-Finding Mission on Myanmar released its final report in September 2019, finding that living conditions for the 600,000 Rohingya still in Rakhine State have worsened and they remain "under threat of genocide." In July 2019, the ICC chief prosecutor requested authorization to begin an investigation into alleged crimes against humanity, including deportation, against the Rohingya, which was granted in November. At the behest of The Gambia, the ICJ initiated a case against Myanmar in November; Aung San Suu Kyi went to The Hague to personally defend the country against accusations of genocide in December.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?

1/4

Media freedom is restricted. Existing laws allow authorities 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 an increasing number of journalists and social media users faced defamation and incitement cases filed by the military and politicians during 2019, according to local watchdog Athan. Separately, in June, authorities shut down the internet in parts of Rakhine and Chin states, citing security concerns, leading to a months-long blanket blackout of digital services and information flows.

Surveillance of journalists by the military-controlled Home Affairs Ministry remains a common practice, and reporters covering sensitive topics risk harassment, physical violence, and imprisonment. In the most prominent case, Wa Lone and Kyaw Soe Oo, two Reuters journalists who had investigated a 2017 massacre of Rohingya at Inn Din village in Rakhine State, were arrested after a police set-up; after a deeply flawed trial, they were sentenced in September 2018 to seven years in prison for violating the Official Secrets Act. The Supreme Court upheld the verdict on appeal in April 2019, but in early May, after 511 days behind bars, the pair were freed as part of a mass presidential amnesty of prisoners.

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 in practice, refusing to grant them permission to hold gatherings and restricting educational activities, proselytizing, 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. Reports have detailed systematic discrimination against Muslims in obtaining identity cards, as well as the creation of "Muslim-free" villages with the complicity of officials.

D3 0-4 pts

Is there academic freedom, and is the educational		
system free from extensive political	1/4	
indoctrination?		

Political activity on university campuses is generally restricted, and universities are not autonomous. Student unions are discouraged, have no formal registration mechanisms, and are viewed with suspicion by authorities. The Ministry of Education issued a directive in May 2018 that 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 February 2019, seven student union leaders at Yadanabon University in Mandalay received five-month sentences for organizing peaceful protests at which participants demanded increased security at their campus.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

2/4

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. In August 2019, prominent filmmaker Min Htin Ko Ko Gyi, who was arrested in April and has serious health concerns, was sentenced to a year in prison on charges of "undermining the military" for a Facebook post. Members of the Peacock Generation satirical poetry troupe were detained in April for performances posted on Facebook that were critical of the military, and five were sentenced in October to a year in prison.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?

2/4

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. Among a range of cases in 2019, two Kachin youth activists were sentenced to 15 days in jail under the law in September. 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. Separately, a blanket ban on protests in 11 townships of central Yangon has been in place since November 2017, though it is selectively enforced. Authorities occasionally employ excessive force against peaceful protestors; in February 2019, police fired rubber bullets into a crowd demonstrating against a statue in Kayah State, injuring around 10; dozens of others were arrested and charged with incitement and defamation in protests earlier that month.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work?

Local NGOs are generally able to comment on human rights issues and engage in governance work, although some barriers to their interaction with government ministries have increased. The Home Affairs Ministry issued implemented regulations in 2015 that require NGOs to obtain government approval prior to registration.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

2/4

A ban on independent trade unions was lifted in 2011, and union activity has taken root in Myanmar. Strikes by workers protesting labor conditions or the denial of rights take place regularly, including a protest by around 300 garment factory workers in September 2019. However, trade unionists continue to face retaliation for their efforts, and legal protections against abuse by employers are weak.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?

O/4

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

Does due process prevail in civil and criminal	
matters?	1/4

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 provisions used to imprison dissidents, numerous individuals who are considered political prisoners continue to be held in the country. According to the Assistance Association for Political Prisoners (Burma), as of December 2019 there were a total of 74 political prisoners serving sentences in Myanmar, and 164 in pretrial detention.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

O/4

Peace efforts by the NLD government remained stymied in 2019 by military offensives against various ethnic rebel groups, particularly in Shan and Kachin States, as well as by attacks from such groups against security forces and continued divisions among signatories and nonsignatories to a 2015 national ceasefire agreement. The NLD's own approach to dealing with ethnic minorities has also been faulted for inhibiting peace efforts. 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, Karen, and Chin States in 2019, leaving tens of thousands displaced at year's end. An intensification of military action in northern Rakhine State, in response to attacks on police posts by the ethnic Rakhine Arakan Army (AA) in January 2019, led to the killing of dozens and displacement of more than 30,000; the AA has also conducted indiscriminate attacks on civilians.

Prisons in Myanmar are severely overcrowded, and conditions for inmates are sometimes life-threatening.

F4 0-4 pts

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

O/4

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

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. Naturalization of spouses is only allowed if the spouse holds a Foreigner's Registration Certificate from before the law's enactment.

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 conduct is criminalized under the penal code, and police subject LGBT+ people to harassment, extortion, and physical and sexual abuse. In June 2019, a gay librarian committed suicide following harassment from university colleagues, brining renewed attention to societal discrimination against LGBT+ individuals.

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 is generally respected outside of conflict zones for Myanmar citizens. However, Myanmar's large population of stateless residents have significant restrictions on their travel, particularly the 600,000 Rohingya who remain in Rakhine State who are confined to camps and villages, and subject to arrest and detention for domestic travel attempts. Due to an intensification of the country's internal armed conflicts in recent years, internal travel in a number of states has been further restricted.

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. Illegal toll collection by state and nonstate actors remains a problem in some areas.

Score Change: The score declined from 2 to 1 due to an intensification of the country's internal armed conflicts in recent years, which has further restricted internal travel in the affected areas and for certain populations.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

1/4

Contentious disputes over land grabbing and business projects that violate human rights continued in 2019. 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 states and regions) to apply by March 2019 for a permit to continue using it; violators can also face two-year prison terms.

Multiple sources continued to report that Rohingya land and property have been either 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

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?

1/4

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, workplace sexual harassment, 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

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

1/4

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 since 2000. Trafficking victims include women and girls subjected to forced sex work and domestic servitude, as well as the expanding practice in several ethnic states of being sold as brides to men in China. People displaced by conflict are especially vulnerable to exploitation.

Be the first to know what's happening.

Subscribe

Join the Freedom House weekly newsletter

ADDRESS

1850 M St. NW Floor 11 Washington, DC 20036 (202) 296-5101 GENERAL INQUIRIES info@freedom house.org

PRESS & MEDIA press@freedo mhouse.org

@2024 FreedomHouse