



From 22 August to 25 November, the pro-regime Union Solidarity and Development Party (USDP)-dominated Parliament held its second session.<sup>1</sup> Despite the regime's claim that an elected legislature was a crucial step towards the emergence of its "discipline-flourishing democracy,"<sup>2</sup> so far the Parliament has functioned as the regime's key tool for institutionalizing oppression.

## Parliament fails to repeal oppressive laws

The Parliament failed to repeal draconian laws that have provided the basis for the detention and imprisonment of several thousand political prisoners.

Upon assuming office in 2008, UN Special Rapporteur on human rights in Burma Tomás Ojea Quintana identified 11 laws that failed to comply with international standards.<sup>3</sup> [See table *Regime's oppressive laws*] In February 2009, the regime said it had identified 380 domestic laws that had to be reviewed for compliance with the human rights provisions contained in the 2008 constitution.<sup>4</sup> In February 2010, the regime told Ojea Quintana that half of those laws were not in line with the constitution, and that 50 laws would be deleted.<sup>5</sup>

In June, the regime announced that during the second parliamentary session MPs would focus on amending or repealing existing laws that were either outdated or contravened international standards.<sup>6</sup> However, during the session MPs rejected **all** proposals that sought to repeal oppressive laws.<sup>7</sup>

On 25 August, the People's Assembly rejected a proposal introduced by NDF MP Thein Nyunt to repeal the Contempt of Courts Act.<sup>8</sup> MPs rejected the proposal by a vote of 359 to three.<sup>9</sup>

On 30 August, the People's Assembly overwhelmingly rejected a proposal introduced by NDF MP Thein Nyunt to repeal the Emergency Provisions Act.<sup>10</sup> MPs rejected the proposal by a vote of 336 to eight, with 41 abstentions.<sup>11</sup>

### REGIME'S OPPRESSIVE LAWS

- Unlawful Association Act (1908)
- Emergency Provisions Act (1950)
- Printers and Publishers Registration Act (1962)
- Motion Picture Law (1966)
- State Protection Law (1975)
- Television and Video Law (1985)
- Law Relating to Forming of Organizations (1988)
- Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbance and Opposition (aka Law 5/1996)
- Computer Science Development Law (1996)
- Electronics Transactions Law (2004)
- Sections 143, 145, 152, 505, 505(b) and 295-A of the Penal Code

2008: Ojea Quintana identified these laws as not complying with international standards.

2010: Regime said half of laws not in line with constitution, 50 would be deleted.

2011: MPs reject all proposals to repeal laws.

<sup>1</sup> NLM (23 Aug 11) President U Thein Sein addresses second regular session of first Pyidaungsu Hluttaw; NLM (26 Nov 11) Second regular session of first Pyidaungsu Hluttaw concludes successfully - Messages of President read, approval sought for remarks of President, one bill approved, member of Joint Committee substituted, tasks of Hluttaw session explained

<sup>2</sup> NLM (01 Apr 11) Members of Union and Region/State governments will not enjoy salaries in full in consideration of objective and financial conditions of the nation and in public interests - President U Thein Sein speaks to members of Union Government, heads of Union level organizations

<sup>3</sup> UNGA, 63<sup>rd</sup> session, Situation of human rights in Myanmar, 5 September 2008, UN Doc A/63/341 Para 93

<sup>4</sup> HRC, 10<sup>th</sup> session, Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, 11 March 2009, UN Doc A/HRC/10/19 Para 92

<sup>5</sup> HRC, 13<sup>th</sup> session, Progress report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, 10 March 2010, UN Doc A/HRC/13/48 Para 49

<sup>6</sup> NLM (25 Jun 11) People's power reigns in Hluttaw as it is formed with people's representatives To ensure check and balance, delicacy and effectiveness are necessary; Myanmar Times (08 Aug 11) Hluttaws to focus on legislation

<sup>7</sup> NLM (26 Aug 11) Fourth-day second regular session of First Pyithu Hluttaw takes place - Questioning, replying, discussing and submitting proposals; Mizzima News (25 Aug 11) NLD to work with lawyers to have their revoked licenses renewed; NLM (31 Aug 11) First Pyithu Hluttaw second regular session goes on for seventh day - Questions raised and answers, proposals and bills submitted for approval; Mizzima News (31 Aug 11) Burmese Parliament rejects motion to repeal Emergency Provisions Act

<sup>8</sup> NLM (26 Aug 11) Fourth-day second regular session of First Pyithu Hluttaw takes place - Questioning, replying, discussing and submitting proposals; Mizzima News (25 Aug 11) NLD to work with lawyers to have their revoked licenses renewed; Mizzima News (26 Aug 11) Opposition MPs in Burma move to release 'prisoners of conscience'

<sup>9</sup> DVB (06 Sep 11) Controversy over parliament vote change

<sup>10</sup> NLM (31 Aug 11) First Pyithu Hluttaw second regular session goes on for seventh day - Questions raised and answers, proposals and bills submitted for approval

<sup>11</sup> DVB (31 Aug 11) Parliament rejects reform of emergency act; Narinjara News (02 Sep 11) RNDP Abstains on Voting for the Abolishment of the Emergency Act

The refusal of the USDP-dominated Parliament to do away with the existing oppressive laws made the adoption of new and more progressive legislation irrelevant. The much-publicized “Peaceful Gathering and Demonstration Law” and “Labor Organizations Law” are not sufficient to guarantee freedom of assembly and workers’ rights as long as the regime is still able to invoke the blanket “security” provisions of draconian laws. [See below *Details of the regime’s oppressive laws*]

### **Key proposals on political prisoners and prison conditions stalled**

In addition to failing to repeal oppressive laws, MPs rejected the adoption of several proposals that sought to address important issues, such as the release of political prisoners and the appalling detention conditions in jails across the country.

On 25 August, NDF MP Thein Nyunt introduced a proposal in the People’s Assembly that called for a presidential amnesty for political prisoners.<sup>12</sup> After MPs initially agreed to discuss the proposal,<sup>13</sup> the issue was effectively killed when the People’s Assembly MPs referred the proposal to the National Defense and Security Council for further examination.<sup>14</sup>

On 25 August, NDF MP Thein Nyunt introduced a proposal aimed at drafting a Prisons Act that would “guarantee human dignity.”<sup>15</sup> Four days later, the People’s Assembly rejected Thein Nyunt’s proposal after Home Affairs Minister Lt Gen Ko Ko claimed that a bill on the subject had already been drafted and plans were underway to introduce it in Parliament.<sup>16</sup> However, no bill on the matter was ever introduced.

### **New restrictive laws introduced**

New laws adopted by Parliament introduced further restrictions, strengthened the regime’s grip on power, and failed to promote much-needed reform.

### **Pyithu Hluttaw Election Law Amendment Bill**

This bill, introduced to amend the People’s Assembly election law, stipulates that individuals convicted under laws such as the Unlawful Association Act are barred from voting for life.<sup>17</sup> This provision disenfranchises many activists who have been convicted in the past - and could be convicted in the future. MPs rejected by a vote of 382 to 31 with eight abstentions a proposal introduced by NDF Soe Win to remove that provision.<sup>18</sup>

### **Ward or Village-tract Administration Bill**

This bill stipulates that local administrators at the Ward and Village-tract level have to be elected from a pool of candidates nominated by regime officials.<sup>19</sup> As a result, the law ensures the regime’s control over all administrative levels and blocks the possibility of developing democracy at the local level.

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<sup>12</sup> NLM (26 Aug 11) Fourth-day second regular session of First Pyithu Hluttaw takes place - Questioning, replying, discussing and submitting proposals

<sup>13</sup> NLM (27 Aug 11) Second regular session of First Pyithu Hluttaw continues for fifth day - Questioning, answering, and submitting proposals at the session; AFP (27 Aug 11) Myanmar MPs propose prisoner amnesty: state media; DVB (20 Aug 11) MP calls for prisoner amnesty amidst govt denials

<sup>14</sup> Irrawaddy (29 Aug 11) Military Factions Join Opposition to Demand Amnesty; DVB (29 Aug 11) MP calls for prisoner amnesty amidst govt denials

DVB (30 Aug 11) Prisons act reform proposal rejected by Home Minister

<sup>15</sup> NLM (26 Aug 11) Fourth-day second regular session of First Pyithu Hluttaw takes place - Questioning, replying, discussing and submitting prop; Myanmar Times (05 Sep 11) Government to submit new jail law: minister

<sup>16</sup> NLM (30 Aug 11) First Pyithu Hluttaw second regular session goes on for sixth day - Questions raised and answered, proposals and bills submitted for approval; Myanmar Times (05 Sep 11) Government to submit new jail law: minister

<sup>17</sup> DVB (07 Sep 11) Political laws could equal lifetime ban

<sup>18</sup> DVB (07 Sep 11) Political laws could equal lifetime ban

<sup>19</sup> Mizzima News (20 Sep 11) Ward, village-tract administrative chiefs to be appointed by superiors

## Farmland Bill

This bill fails to introduce provisions that effectively protect farmers' rights. The bill legalizes land confiscation for a wide range of activities - from the construction factories, power lines, roads, railways, pipelines, amusement parks, and any other project that the regime claims to be of "national interest." In addition, the bill denies farmers the freedom to choose what to cultivate by conferring on the President the power to issue instructions for the use of land for particular purposes in any part of the country. Finally, the law limits farmers' access to courts by stipulating that newly-created agencies under the regime Ministry of Agriculture and Irrigation will have jurisdiction over land-related disputes.<sup>20</sup>

## Peaceful Gathering and Demonstration Bill

This bill introduces severe restrictions on the right of individuals to hold peaceful demonstrations. It requires participants to seek permission five days in advance of a demonstration from regime authorities. Demonstrators must also provide details about slogans and speakers. The bill bars any protests at factories, schools, hospitals, embassies, and public offices and punishes those who hold a demonstration without permission with a prison sentence of up to one year.<sup>21</sup>

## Parliament avoids important issues

The Parliament's second session was, by and large, a repeat of the sham parliamentary debate witnessed during the January-March first session. This time, ministers and officials of the 'new' regime that had taken office on 30 March answered questions posed by MPs.

Regime officials' answers provided large amounts of statistical and background information but failed to address the substantive issues raised by lawmakers. Important issues, such as national reconciliation, the ongoing conflict in ethnic areas, and the release of political prisoners were only marginally discussed or were notably absent from the debate.

- **25 August:** In response to the question concerning national reconciliation and peace talks between the regime and ethnic armed groups, Information Minister Kyaw Hsan said that Parliament had formed "committees for making and observing peace" and said that answers would be given in the "next days."<sup>22</sup>
- **6 September:** Information Minister Kyaw Hsan blamed the Kachin Independence Army's "one-sided proposals" for the failure to reach a ceasefire agreement.<sup>23</sup>
- **7 October:** Despite consistent reports of the dire situation of IDPs fleeing conflict in Kachin State, Labor Minister Aung Kyi claimed that the regime's relief effort "fulfilled requirements in accommodation, education, and health sectors."<sup>24</sup>

By contrast, regime ministers and officials went to great lengths to categorically deny human rights abuses and to justify repressive measures on freedoms:

- **26 August:** Chief Justice Tun Tun Oo defended closed-door trials held in Rangoon's Insein prison and said they were needed to ensure a "smooth and secure judgment because there were larger number of defendants and witnesses."<sup>25</sup>
- **29 August:** Immigration and Population Minister Khin Yi called Muslims in Arakan State "foreign Bengalis" who illegally entered Burma "and mixed with local Bengalis by marriages." He justified existing harsh restrictions on their freedom of movement in the name of the "state's security and nationalism."<sup>26</sup>

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<sup>20</sup> AHRC (01 Nov 11) BURMA: Draft land law denies basic rights to farmers

<sup>21</sup> AP (24 Nov 11) Parliament guarantees right to protest in Myanmar; Reuters (24 Nov 11) Myanmar parliament passes law allowing protests; AFP (24 Nov 11) Protest bill passes Myanmar parliament: MP

<sup>22</sup> NLM (26 Aug 11) Fourth-day second regular session of First Pyithu Hluttaw takes place - Questioning, replying, discussing and submitting prop

<sup>23</sup> NLM (07 Sep 11) Second regular session of First Pyithu Hluttaw continues for 12th day - 10 questions raised and answered, amendment bill approved, two proposals discussed, three new proposals submitted

<sup>24</sup> NLM (08 Oct 11) Second regular session of first Pyithu Hluttaw continues for 34th day - Five questions raised and answered

<sup>25</sup> NLM (27 Aug 11) Second regular session of First Pyithu Hluttaw continues for fifth day - Questioning, answering, and submitting proposals at the session

<sup>26</sup> NLM (30 Aug 11) Second regular session of First Amyotha Hluttaw goes on for sixth day

- **30 August:** Home Affairs Minister Lt Gen Ko Ko said that the practice of allowing “boards of visitors” (a body comprised of prominent residents) to visit prisons and assess detention conditions had not resumed since 1975 because prisoners wanted to “report even small rows to prison authority after meeting with prison boards of visitors.”<sup>27</sup>
- **1 September:** Defense Minister Lt Gen Hla Min claimed that the Tatmadaw had never confiscated land from farmers.<sup>28</sup>
- **1 September:** Immigration and Population Minister Khin Yi reiterated that Muslims in Arakan State were in fact “Bengalis residing in the region” and said that they had no right to claim Burmese citizenship.<sup>29</sup>
- **1 September:** Defense Minister Lt Gen Hla Min justified the harassment of Muslims in Northern Arakan State because of the need to tackle “transboundary crimes and opposition organizations” resulting from the supposed steady inflow of migrants from Bangladesh.<sup>30</sup>
- **6 September:** Religious Affairs Minister Myint Maung denied claims that regime authorities in Northern Arakan State had not allowed repairs to local mosques and claimed that his Ministry was “ready to give any assistance.”<sup>31</sup>
- **6 September:** Agriculture and Irrigation Minister Myint Hlaing claimed that the regime had confiscated land only “for long term interests of the country.”<sup>32</sup>
- **7 September:** Information Minister Kyaw Hsan said that the adoption of a press freedom law would bring “more disadvantages than advantages” and cause instability.<sup>33</sup>
- **21 September:** Information Minister Kyaw Hsan said that labor unions should only be formed once Burma’s political situation was stable.<sup>34</sup> Two days later, Kyaw Hsan reiterated his position in response to a question about the formation of farmers’ organizations.<sup>35</sup>
- **27 September:** Agriculture and Irrigation Deputy Minister Khin Zaw said that the Tatmadaw confiscated land in Arakan State’s Minbya Township in order “to protect the State and the people.”<sup>36</sup>
- **3 October:** Home Affairs Deputy Minister Brig Gen Kyaw Zan Myint gave assurances that the regime had been confiscating land “in accordance with the rules and regulations.”<sup>37</sup>

### **Budget oversight denied, military opacity guaranteed**

Although regime ministers provided a considerable amount of information related to public spending for various sectors during Parliament’s question time, debate and approval of the national budget remained off-limits to MPs. This was because SPDC Chairman Sr Gen Than Shwe had already approved the national budget for the 2011-2012 fiscal year four days before Parliament first convened on 31 January.

Than Shwe allocated over 23% of the 7.6 trillion kyat (US\$8.45 billion) budget to military expenditure.<sup>38</sup> By contrast, he allocated a paltry 5.4% to the health and education sectors combined.<sup>39</sup> The budget also earmarked 20 billion kyat (about US\$22 million) for the office of the SPDC.<sup>40</sup>

<sup>27</sup> NLM (31 Aug 11) First Amyotha Hluttaw second regular session continues for seventh day; Myanmar Times (05 Sep 11) Government to submit new jail law: minister

<sup>28</sup> NLM (02 Sep 11) Second regular session of First Amyotha Hluttaw continues for ninth day

<sup>29</sup> NLM (02 Sep 11) Questions raised and answered, proposals discussed and submitted at first Pyithu Hluttaw second regular session; Kaladan News (19 Sep 11) Rohingya Global Day of Action Demonstration in Japan

<sup>30</sup> NLM (02 Sep 11) Second regular session of First Amyotha Hluttaw continues for ninth day

<sup>31</sup> NLM (07 Sep 11) Second regular session of First Pyithu Hluttaw continues for 12th day - 10 questions raised and answered, amendment bill approved, two proposals discussed, three new proposals submitted

<sup>32</sup> NLM (07 Sep 11) Second regular session of First Pyithu Hluttaw continues for 12th day - 10 questions raised and answered, amendment bill approved, two proposals discussed, three new proposals submitted

<sup>33</sup> NLM (08 Sep 11) Second regular session of first Pyithu Hluttaw continues for 13th day - Nine questions raised and answered, one bill approved, one bill submitted, two proposals discussed, one new proposal submitted for record; Irrawaddy (08 Sep 11) Media Are Like Red Ants, Says Kyaw Hsan; Mizzima News (09 Sep 11) Burma still needs censorship: Information Minister

<sup>34</sup> NLM (22 Sep 11) Second regular session of first Pyithu Hluttaw continues for 22nd day - Six questions answered, one bill submitted, one proposal discussed, one new proposal submitted; DVB (22 Sep 11) Burma ‘not ready for unions’: minister

<sup>35</sup> NLM (24 Sep 11) Second regular session of first Amyotha Hluttaw continues for 24th day - Answers given to questions of Hluttaw representatives

<sup>36</sup> NLM (28 Sep 11) Second regular session of first Amyotha Hluttaw continues for 26th day - Eight questions raised and answered; one question transferred to Public Complaints and Petitions Committee, one proposal discussed and approved

<sup>37</sup> NLM (04 Oct 11) Second regular session of first Amyotha Hluttaw continues for 29th day - Three questions answered, one out of three handed over to Public Complaint and Petition Committee, one old proposal approved, two bills passed, one bill submitted to Hluttaw

<sup>38</sup> AP (01 Mar 11) Myanmar allocates 1/4 of new budget to military; AP (04 Mar 11) Myanmar democracy group slams military fund; DVB (02 Mar 11) Military prioritised as Burma expands airforce

In addition, on 17 January 2011, Than Shwe enacted the “Special Fund” Law. The law allows the Commander-in-Chief of the Armed Forces to use a “special fund” for any expenses related to national defense and security.<sup>41</sup> The law also states that the Commander-in-Chief is not accountable to any institution over the use of the fund.<sup>42</sup>

### **MPs’ freedom curtailed**

The laws that govern parliamentary proceedings, enacted by SPDC Chairman Sr Gen Than Shwe in October 2010, continued to impose severe restrictions on parliamentary debate and participation:<sup>43</sup>

- The laws prevent MPs from making any comment deemed to endanger national security, the unity of the country, or which violates the 2008 constitution.<sup>44</sup>
- MPs face up to two years in jail if they “write, print or distribute by any means parliament-related documents, information, statistics, drawings, charts or other references.”<sup>45</sup>
- MPs must submit parliamentary questions ten days before the start of a meeting. Questions must not affect international relations, lead to the disclosure of state secrets, or undermine the interests of the state and its citizens.<sup>46</sup>
- Any person who stages a demonstration in Parliament can be sentenced to up to two years in prison.<sup>47</sup>
- Anyone, other than MPs, who enters Parliament without authorization while the body is in session, is subject to a one-year jail term.<sup>48</sup>

In addition, MPs are barred from bringing cameras, laptop computers, mobile phones, and any type of voice transmission or recording devices inside Parliament buildings.<sup>49</sup>

Against this background, and despite the USDP’s dominance in Parliament, the regime implemented procedural changes that limited MPs’ ability to vote without fear of reprisal.<sup>50</sup> In late September, the regime dropped the computerized system that allowed MPs to vote anonymously in favor of an open voting system.<sup>51</sup> As an immediate result, many MPs in the People’s Assembly abstained in the 30 August vote on the proposal to repeal the Emergency Law.<sup>52</sup> [See above *Parliament fails to repeal oppressive laws*]

### **Journalists restricted, harassed**

During the Parliament’s second session, the regime allowed journalists to observe parliamentary proceedings. However, severe restrictions and censorship continued to characterize the media environment in Naypyidaw.

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<sup>39</sup> AP (01 Mar 11) Myanmar allocates 1/4 of new budget to military

<sup>40</sup> AP (01 Mar 11) Myanmar allocates 1/4 of new budget to military; Irrawaddy (04 Mar 11) Than Shwe Grants Himself Power to Access 'Special Funds'

<sup>41</sup> Irrawaddy (04 Mar 11) Than Shwe Grants Himself Power to Access 'Special Funds'; AP (04 Mar 11) Myanmar democracy group slams military fund

<sup>42</sup> AP (04 Mar 11) Myanmar democracy group slams military fund; Irrawaddy (04 Mar 11) Than Shwe Grants Himself Power to Access 'Special Funds'; DVB (07 Mar 11) Politicians decry military budget

<sup>43</sup> Irrawaddy (20 Jan 11) Burma's Disciplined Democracy; NLM (11 Jan 11) 17 books on law and bylaw in circulation; Xinhua (21 Jan 11) Myanmar heads for first parliamentary sessions in two decades; Xinhua (10 Jan 11) Myanmar enacts 17 new laws under new state constitution; Mizzima News (10 Jan 11) Burmese Parliaments to convene Jan 31

<sup>44</sup> AP (10 Jan 11) Myanmar parliament set for 1st session in 22 years

<sup>45</sup> Irrawaddy (20 Jan 11) Burma's Disciplined Democracy

<sup>46</sup> Irrawaddy (20 Jan 11) Burma's Disciplined Democracy

<sup>47</sup> AP (10 Jan 11) Myanmar parliament set for 1st session in 22 years

<sup>48</sup> AP (10 Jan 11) Myanmar parliament set for 1st session in 22 years; Irrawaddy (20 Jan 11) Burma's Disciplined Democracy; Myanmar Times (24 Jan 11) Electronic devices banned in parliaments

<sup>49</sup> DVB (18 Jan 11) Rules for parliament released; Mizzima News (18 Jan 11) Foreign reporters prepare to cover Parliament news; Irrawaddy (19 Jan 11) Conditions Set for MPs to Attend Parliament; Mizzima News (19 Jan 11) EC asks MPs to wear national dress in Parliament sessions; Irrawaddy (20 Jan 11) Burma's Disciplined Democracy

<sup>50</sup> DVB (06 Sep 11) Controversy over parliament vote change

<sup>51</sup> DVB (06 Sep 11) Controversy over parliament vote change

<sup>52</sup> Narinjara News (02 Sep 11) RNDP Abstains on Voting for the Abolishment of the Emergency Act

- Journalists complained about being closely monitored by security personnel.<sup>53</sup>
- Regime officials barred reporters from talking to representatives without first getting permission from the authorities.<sup>54</sup>
- Journalists could only report from designated press seats assigned in Parliament.<sup>55</sup>
- Regime authorities harassed and questioned the family members of several journalists who covered parliamentary proceedings.<sup>56</sup>
- State-owned media provided heavily censored coverage of parliamentary sessions.<sup>57</sup>
- The regime did not allow any live coverage of parliamentary proceedings. TV news reports consisted only of summaries of parliamentary debates.<sup>58</sup>

## Local Parliaments fail to legislate

Despite expectations that the election of local Parliaments would provide some degree of legislative decentralization, the overwhelming majority of Division and State Parliaments have so far failed to introduce or debate any legislation.

After the January-March first session, local Parliaments reconvened for two days (four in Kachin State and Sagaing Division) during a special session between late June and early July. During this brief session, MPs approved a largely cosmetic ministerial reshuffle.

In some of the Parliaments where USDP MPs held the majority, the only significant initiative was the adoption of resolutions related to the ongoing conflict in ethnic areas. In Kachin and Shan States, MPs adopted resolutions that condemned the “attempts to undermine peace and tranquility of the State” and “peace, stability, and development” in Kachin State.<sup>59</sup> In Sagaing Division, MPs adopted a resolution that condemned the Kachin Independence Army activities “for hindering regional development projects of Kachin State.”<sup>60</sup>

From 31 October to 26 November, local Parliaments convened for their second session. During this session, local regime ministers answered question posed by MPs and lawmakers discussed proposals. However, on the legislative front, only four bills (two in the Irrawaddy Division Parliament and two in the Rangoon Division Parliament) were introduced.

## Parliament discusses minutiae

As a result of the regime’s failure to provide an adequate space for debating local affairs, both Houses of the National Parliament became the only fora where MP could raise local issues. Almost 2/3 of the questions posed by MPs in Naypyidaw dealt with issues more relevant to local administration. Most questions focused on matters that affected the constituency where MPs had been elected. Some of the questions were outright trivial and centered on issues that had hardly any national importance:

- Stopping the Rangoon-Pagan express train at Taikkyi station for two minutes.<sup>61</sup>
- Assigning a dentist at Mongyan People’s Hospital, Eastern Shan State.<sup>62</sup>

<sup>53</sup> Mizzima News (25 Aug 11) Burmese Parliament sessions show small signs of improvement: MPs

<sup>54</sup> Myanmar Times (29 Aug 11) Media transition takes another step in hluttaws; Asahi Shimbun (15 Sep 11) Some signs of free debate emerging in Myanmar

<sup>55</sup> Asahi Shimbun (15 Sep 11) Some signs of free debate emerging in Myanmar

<sup>56</sup> Mizzima News (07 Oct 11) Burmese journalists covering Parliament are focus of inquires

<sup>57</sup> Asahi Shimbun (15 Sep 11) Some signs of free debate emerging in Myanmar; Mizzima News (25 Aug 11) Burmese Parliament sessions show small signs of improvement: MPs; Irrawaddy (01 Sep 11) Parliament Gets Down to Details; Irrawaddy (08 Sep 11) Media Are Like Red Ants, Says Kyaw Hsan; Irrawaddy (07 Sep 11) Govt. Blames KIO Demands for Lack of Peace

<sup>58</sup> Asahi Shimbun (15 Sep 11) Some signs of free debate emerging in Myanmar

<sup>59</sup> NLM (01 Jul 11) Special Meeting (1/2011) of Kachin State Hluttaw continues for third day; NLM (02 Jul 11) First Kachin State Hluttaw special session continues for fourth day; NLM (01 Jul 11) Shan State representatives meet at Special Session 1/2011; NLM (02 Jul 11) First Shan State Hluttaw special session continues for second day

<sup>60</sup> NLM (01 Jul 11) Sagaing Region Hluttaw holds third day of Special Session 1/2011; NLM (02 Jul 11) First Sagaing Region Hluttaw special session continues for fourth day

<sup>61</sup> NLM (31 Aug 11) First Pyithu Hluttaw second regular session goes on for seventh day - Questions raised and answers, proposals and bills submitted for approval

<sup>62</sup> NLM (20 Sep 11) Second regular session of first Pyithu Hluttaw continues for 20th day - Six questions answered, one proposal discussed and one bill approved

- Moving the phone exchange in Chauk, Magwe Division.<sup>63</sup>
- Opening savings accounts at the Myanmar Economic Bank in Waingmaw, Kachin State.<sup>64</sup>
- Replacing lamp posts in Rangoon’s Thaketa Township.<sup>65</sup>
- Reopening the Myanmar Economic Bank branch in Rangoon’s Hlaing Tharyar Township.<sup>66</sup>

### Parliamentary committees remain on paper

During its second session, both Houses of Parliament endorsed the formation of a plethora of committees that were supposedly tasked with conducting studies on legislation in their respective fields. In a bogus attempt to show its commitment to reach a ceasefire with ethnic armed groups, the regime formed two parliamentary “peace-making” committees.

On 22 August, the People’s Assembly approved the formation of a 15-member (nine from the USDP) National Race Affairs and Internal Peace-Making Committee headed by USDP MP Thein Zaw.<sup>67</sup> On the same day, the National Assembly approved the formation of a National Races Affairs and Domestic Peace Committee headed by USDP MP San Tun.<sup>68</sup> However, more than three months after their formation both committees have failed to take any initiatives aimed at facilitating peace talks between the regime and ethnic armed groups.

In addition, on 31 August, the National Assembly approved a proposal introduced a day before by USDP MP Tun Lwin to form a “standing committee for ensuring eternal peace and stability” in Burma.<sup>69</sup> The regime took no action to implement the proposal.

### Military-appointed MPs sit idle

Despite making up 25% of lawmakers, military-appointed MPs were noticeable for their limited participation in parliamentary proceedings. During the second session, military-appointed MPs asked no questions and introduced only two proposals. On 8 September, Maj Soe Hein Naung introduced a proposal in the National Assembly to urge the regime to better “supervise” the spelling of Burmese words, particularly in the media.<sup>70</sup> On 27 September, Col Htay Naing introduced a proposal in the People’s Assembly to adopt a law that imposes the use of the word ‘Myanmar’ “only in writings and publications that can uplift national prestige.”<sup>71</sup>

#### Second parliamentary session in numbers

<b>51</b>	Number of days the People’s Assembly convened
<b>47</b>	Number of days the National Assembly convened
<b>6</b>	Number of days the National Parliament (a joint meeting of both Houses) convened
<b>16</b>	Number of bills approved by Parliament
<b>283</b>	Number of questions posed by MPs in the National Assembly
<b>337</b>	Number of questions posed by MPs in the People’s Assembly
<b>68</b>	Percentage of questions posed by USDP MPs
<b>46</b>	Number of proposals introduced by MPs in the National Assembly
<b>51</b>	Number of proposals introduced by MPs in the People’s Assembly

<sup>63</sup> NLM (05 Oct 11) Second regular session of first Pyithu Hluttaw continues for 31st day - Nine questions answered, one proposal submitted

<sup>64</sup> NLM (20 Sep 11) Second regular session of first Amyotha Hluttaw continues for 21st day - 18 queries raised, reports of Public Accounts Committee and Hluttaw Rights Committee approved

<sup>65</sup> NLM (01 Sep 11) First Pyithu Hluttaw second regular session goes on for eighth day - Questions raised and answered, proposals and bills submitted for approval

<sup>66</sup> NLM (25 Aug 11) Second regular session of first Pyithu Hluttaw continues for third day - Questions raised and answered, proposals and bills submitted for approval

<sup>67</sup> NLM (23 Aug 11) Hluttaw representatives in action with concept of serving interest of people, Union and nation without party attachment, dogmatism, localism, racism and regionalism - First Pyithu Hluttaw second regular session begins

<sup>68</sup> NLM (23 Aug 11) Second regular session of first Amyotha Hluttaw held for the first day

<sup>69</sup> NLM (01 Sep 11) First Amyotha Hluttaw second regular session goes on for eighth day

<sup>70</sup> NLM (09 Sep 11) Second regular session of first Amyotha Hluttaw goes on for the 14th day - Eight questions answered, four new proposals approved; Myanmar Times (19 Sep 11) Army representative spells out plan to ‘supervise’ language; DPA (18 Sep 11) Myanmar government urged to supervise spelling

<sup>71</sup> NLM (28 Sep 11) Second regular session of first Pyithu Hluttaw continues for 26th day - Seven questions replied, one proposal discussed, one new proposal submitted, one new proposal put on record, one bill approved; Mizzima News (28 Sep 11) Parliament debates use of the word ‘Myanmar’



## List of bills introduced in Parliament

- 23 bills introduced (8 in the People’s Assembly, 10 in the National Assembly, and 5 in the National Parliament).
- 12 bills promulgated (i.e.: Approved by Parliament and signed by President Thein Sein).
- 4 bills pending signature (i.e.: Approved by Parliament and waiting for President Thein Sein’s signature).
- 7 bills under discussion in Parliament.

<b>PEOPLE’S ASSEMBLY (8)</b>
<p><b>Promulgated (2)</b></p> <ul style="list-style-type: none"> <li>• Bill revoking the Law Defining the Fundamental Rights and Responsibilities of Public Workers</li> <li>• Pyithu Hluttaw Election Law Amendment Bill</li> </ul> <p><b>Pending signature (3)</b></p> <ul style="list-style-type: none"> <li>• Myanmar Microfinance Bill</li> <li>• Peaceful Gathering and Demonstration Bill</li> <li>• Ward or Village-tract Administration Bill</li> </ul> <p><b>Under discussion (3)</b></p> <ul style="list-style-type: none"> <li>• Farmland Bill</li> <li>• Pyithu Hluttaw Bill</li> <li>• Region/State Hluttaw Bill</li> </ul>
<b>NATIONAL ASSEMBLY (10)</b>
<p><b>Promulgated (5)</b></p> <ul style="list-style-type: none"> <li>• Amyotha Hluttaw Election Law Amendment Bill</li> <li>• Labor Organizations Bill</li> <li>• Political Parties Registration Law Amendment Bill</li> <li>• Region or State Hluttaw Election Law Amendment Bill</li> <li>• Union Election Commission Law Amendment Bill</li> </ul> <p><b>Pending signature (1)</b></p> <ul style="list-style-type: none"> <li>• Private School Registration Bill</li> </ul> <p><b>Under discussion (4)</b></p> <ul style="list-style-type: none"> <li>• Amyotha Hluttaw Law Amendment Bill</li> <li>• Amyotha Hluttaw Office Bill</li> <li>• Environmental Conservation Bill</li> <li>• Vacant Lands, Fallow Lands and Virgin Lands Management Bill</li> </ul>
<b>NATIONAL PARLIAMENT (5)</b>
<p><b>Promulgated (5)</b></p> <ul style="list-style-type: none"> <li>• Bill Revoking Revenue Law</li> <li>• Commercial Tax Law Amendment Bill</li> <li>• Income Tax Law Amendment Bill</li> <li>• Myanmar Stamp Act Amendment Bill</li> <li>• Office Tax Law Amendment Bill</li> </ul>

## **Details of the regime's oppressive laws**

### **Unlawful Association Act (1908)**

The Unlawful Association Act makes it an offence, punishable with two to three years in prison, to have contact with any organization that the regime declares as 'illegal.' Under this law, an association that "interferes or has for its object interference with the administration of the law and with the maintenance of law and order, or that it constitutes as a danger to the public peace," may be deemed illegal. The regime has frequently used the Unlawful Association Act to jail activists who had ties with exiled pro-democracy organizations.

In September 2011, it was reported that the Parliament amended the People's Assembly election law to ensure that those convicted under the Unlawful Association Act would not be able to vote in any elections for the rest of their lives. [See above *Pyithu Hluttaw Election Law Amendment Bill*]

### **Emergency Provisions Act (1950)**

A long-standing favorite of Burma's regime, the Emergency Provisions Act (EPA) has been regularly used to put hundreds of NLD members, monks, students, and activists behind bars. Due to its ambiguity, the EPA confers sweeping powers on regime authorities to quell real or imagined dissent. Although it claims to be an 'Emergency' Provisions Act, there is no need under the act to declare a state of emergency before its provisions come into play.

Under this law it is an offence, punishable with imprisonment of up to seven years, to commit any act which "violates or infringes upon the integrity, health, conduct and respect of State military organizations and government employees towards the[ ...] government," or "causes or intends to disrupt the morality or the behavior of a group of people, or the general public."

Section 5 of the EPA has been frequently invoked to jail dissidents. In particular, section 5(j), which says that any act likely to "affect the morality or conduct of the public or a group of people in a way that would undermine the security of the Union or the restoration of law and order," is considered an offence, punishable with up to seven years in prison.

The EPA also limits the right to appeal and circumvents the requirement that all detainees be informed of the reason for their arrest and be brought quickly brought before a judge.

### **Printers & Publishers Registration Law (1962)**

This law requires all books, magazines, periodicals, song lyrics, and film scripts to be approved by the regime Censorship Board prior to publication or distribution. An offence under this law is punishable with up to seven years imprisonment and a fine. In 1975, the Censorship Board introduced a very broad set of guidelines for censorship. According to these guidelines, anything "detrimental to the ideology of the state; anything which might be harmful to security, the rule of law, peace, public order, national solidarity and unity; and any incorrect ideas and opinions which do not accord with the times" is not tolerated. These very broad and vague categories make the law unduly susceptible to arbitrariness and allow the regime to manipulate it in a repressive manner.

### **State Protection Law (1975)**

The State Protection Law gives regime authorities the power to detain anyone suspected of having committed, committing, or being about to commit an act endangering the "sovereignty and security of the state or public peace and tranquility." The law does not specify a definition for what constitutes an act that endangers state security. In addition, it allows an 'offender' to be imprisoned for up to five years without trial on the orders of the executive. Unlike the Emergency Provisions Act, the State Protection Law can only legally be utilized in a state of emergency. However, the regime used the State Protection Law to detain Daw Aung San Suu Kyi and other dissidents despite no declaration of a state of emergency.

### **Law relating to forming of organizations (1988)**

This law punishes with a prison term of up to five years anyone who is found guilty of forming an organization that attempts, instigates, incites, abets or commits “acts that may in any way disrupt law and order, peace and tranquility.”

### **Television & Video Law (1996)**

The Television and Video Law imposes heavy restrictions on the freedom of expression in Burma. The law requires the licensing of all television sets, video cassette recorders, and satellite television. The law makes it compulsory for every video tape shown in Burma to include a censorship certificate, which must be exhibited at every screening of the tape. Under the law, all video businesses must obtain a license from the Video Business Supervisory Committee, which also has the authority to carry out on-site inspections. Those found in violation of the law face imprisonment for up to three years and fines of up to 100,000 kyat (approx. US\$128), or both. The law also allows the regime Censorship Board to revoke a certificate “if there is valid reason to do so.”

### **The Law protecting the peaceful and systematic transfer of state responsibility and the successful performance of the functions of the national convention against disturbances and opposition (aka Law 5/1996)**

This law prohibits “inciting, demonstrating, delivering speeches, making oral or written statements and disseminating in order to undermine the stability of the State, community peace and tranquility and prevalence of law and order.” It also outlaws discussion or criticisms of the constitution-drafting body, the National Convention. Those found guilty of such an offence may be punished with a maximum of 20 years imprisonment. The regime has frequently used Law 5/96, to intimidate opponents of the 2008 constitution.

### **Electronics Transactions Law (2004)**

The Electronics Transactions Law (ETL) punishes with a prison sentence ranging from seven to 15 years anyone who commits “any act detrimental to the security of the State or prevalence of law and order or community peace and tranquility” using electronic media (computer, fax, e-mail, telegraph, telex, etc). The same penalty range applies to anyone who is convicted for receiving, sending, and distributing in electronic form “any information relating to secrets of the security of the State or prevalence of law and order or community peace and tranquility.”

The regime has often used the ETL to imprison activists, bloggers, and journalists who expressed their opposition to the regime through the use of websites, e-mails, and similar forms of electronic communication.

### **2008 constitution**

The military-drafted constitution, approved during a fraudulent referendum in May 2008, contains several clauses that allow the regime to use existing draconian laws to severely and arbitrarily limit basic rights and freedoms:

- **Article 353:** “Nothing shall, **except in accord with existing laws**, be detrimental to the life and personal freedom of any person.”
- **Article 354:** “Every citizen shall be at liberty in the exercise of the following rights, **if not contrary to the laws, enacted for Union security, prevalence, law and order, community peace and tranquility or public order and morality**: a) to express and publish freely their convictions and opinions; b) to assemble peacefully without arms and holding procession; c) to form associations and organizations.”
- **Article 376:** “No person shall, **except matters on precautionary measures taken for the security of the Union or prevalence of law and order, peace and tranquility in accord with the law in the interest of the public, or the matters permitted according to an existing law**, be held in custody for more than 24 hours without the remand of a competent magistrate.”