



Burma

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Since 1962 Burma, with an estimated population of 54 million, has been ruled by a succession of highly authoritarian military regimes dominated by the majority ethnic Burman group. The State Peace and Development Council (SPDC), led by Senior General Than Shwe, was the country's de facto government. Military officers wielded the ultimate authority at each level of government. In 1990 prodemocracy parties won more than 80 percent of the seats in a general parliamentary election, but the regime continued to ignore the results. The military government totally controlled the country's security forces without civilian oversight.

The government's human rights record worsened during the year. The regime continued to abridge the right of citizens to change their government. Government security forces killed at least 30 demonstrators during their suppression of prodemocracy protests in September, and they continued to allow custodial deaths to occur and committed other extrajudicial killings, disappearances, rape, and torture. In addition, regime-sponsored, mass-member organizations such as the Union Solidarity and Development Association (USDA) and regime-backed "private" militias increasingly engaged in harassment, abuse, and detention of human rights and prodemocracy activists. The government continued to detain civic activists indefinitely and without charges, including more than 3,000 persons suspected of taking part in prodemocracy demonstrations in September and October, at least 300 members of the National League for Democracy (NLD), and at least 15 members of the 88 Generation Students prodemocracy activists. The government continued to prohibit the International Committee of the Red Cross (ICRC) from working unhindered in conflict areas and visiting prisoners privately. The army continued its attacks on ethnic minority villagers in Bago Division and Karen and Shan states to drive them from their traditional land. The government abused prisoners and detainees, held persons in harsh and life-threatening conditions, routinely used incommunicado detention, and imprisoned citizens arbitrarily for political motives. NLD General Secretary Aung San Suu Kyi and NLD Vice Chairman Tin Oo remained under house arrest. The government routinely infringed on citizens' privacy and restricted freedom of speech, press, assembly, association, religion, and movement. The government did not allow domestic human rights nongovernmental organizations (NGOs) to function independently, and international NGOs encountered a difficult environment. Violence and societal discrimination against women continued, as did recruitment of child soldiers, discrimination against ethnic minorities, and trafficking in persons, particularly of women and girls. Workers' rights remained restricted. Forced labor, including that of children, also persisted. The government took no significant actions to prosecute or punish those responsible for human rights abuses.

Ethnic armed groups allegedly committed human rights abuses, including forced labor, although to a much lesser extent than the government. Some cease-fire groups also reportedly committed abuses, including forced relocation of villagers in their home regions. Armed insurgent groups and cease-fire groups also recruited child soldiers.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. The government did not punish officials responsible for the deaths. In particular, there were reports of extrajudicial killings, custodial deaths, and deaths and injuries caused by security forces using civilians to clear landmines.

On January 10, police led by Deputy Superintendent Soe Moe took Maung Chan Kun from his home in Pantanaw, Irrawaddy Division. The next morning authorities told his wife that her husband was in the local hospital, where she learned of his death and saw his body with numerous injuries to his head and shoulders, including a puncture wound to the back of his head. Pantanaw authorities told journalists that Maung Chan Kun was arrested for escaping from an army labor camp in Thaton, a charge his wife denied.

On February 9, Lin Lin Naing was found hanged in a cell at the Phadoe police station in Bago Division. Police had arrested him the night before on allegations of shoplifting. On February 10, authorities reportedly disposed of the body without the

knowledge of his family. At the end of the year, the family had not located Lin Lin Naing's remains.

On March 19, Ko Naing Oo's brother discovered his body in a Rangoon police station with numerous injuries to the head, legs, and torso. USDA members in Rangoon had detained and turned Ko Naing Oo over to police the day before, following a family dispute involving another USDA member. At the station, he was reportedly interrogated by the local suburban council chairman Nyi Nyi Lwin. Witnesses reported hearing screams coming from the police station throughout the night. Authorities told Ko Naing Oo's family that he had died from a cold contracted during the night.

The Assistance Association for Political Prisoners – Burma (AAPP) estimated that authorities killed approximately 100 persons during the regime's violent suppression of peaceful prodemocracy demonstrations in September. In his December report, the UN Special Rapporteur on the Situation of Human Rights in Myanmar, Paulo Sergio Pinheiro, reported that between September 26 and 27, at least 30 persons died as a direct result of the protests and the regime's crackdown. The regime-run *New Light of Myanmar* newspaper reported that 10 protesters were killed during the September crackdown. Credible sources told Pinheiro that security forces cremated a large number of bodies at the Ye Way crematorium in Rangoon between September 27 and September 30.

On September 26, Buddhist monk and scholar U Thilavantha died in Myitkyina hospital from injuries sustained while in custody. On September 25, U Thilavantha was arrested by soldiers at his monastery in Myitkyina in Kachin State. Witnesses reported that soldiers severely beat him while in custody. Authorities reportedly told pathologists at the hospital where he was taken to record heart disease as the cause of death.

On September 27, a member of the security forces shot and killed foreign photojournalist Kenji Nagai while he was covering the violent suppression of a peaceful prodemocracy demonstration in downtown Rangoon. Authorities initially claimed that Nagai was killed by a rock thrown by protesters but later recanted when presented with videotape and Japanese forensic evidence demonstrating he had been shot at close range. However, a December 20 editorial in the *New Light of Myanmar* disputed the Japanese autopsy's findings and claimed that Nagai had been accidentally shot from a distance of more than 30 yards rather than at close range. It also asserted that Nagai was responsible for his own death because he had entered the country illegally on a tourist visa.

On October 9, NLD member Win Shwe died during questioning in Plate Myot Police Station. He was arrested for his alleged participation in the demonstration on September 26 near Mandalay. His body was not returned to his family.

On November 3, 22-year-old Ko Ko Win died of head injuries inflicted by authorities during the violent suppression of prodemocracy protests in Rangoon. Witnesses reported that authorities severely beat Ko Ko Win as he participated in peaceful demonstrations on September 27. Family members reported that he suffered from severe dizziness, headaches, and nausea after he returned home that day. On October 5, they took him to a local hospital, where he died on November 3.

Witnesses at a Rangoon detention center reported that at least 14 persons arrested during the demonstrations died in custody between September and October due to mistreatment and poor conditions (see section 1.c.).

The government took no action to punish those responsible for custodial deaths in 2006, including the following cases: a prisoner beaten to death in January by prison authorities at a labor camp in Rakhine State after he killed a prison official who had beat him; former political prisoner Thet Naing Oo, reportedly beaten and killed in March by members of a government-affiliated "fire brigade" and two police corporals; Wai Phyo Naung, who died in the custody of Mandalay police in March and whose postmortem report revealed signs of torture and beating; Ma Nyo Kyi, who died in custody in June after being arrested by the Myo Hla police; and Saw Stin Pho, who died in Patheingyi Military Headquarters in July after being interrogated by Military Security Affairs (MSA) personnel.

There were no developments in the 2005 killings of the following persons: NLD member Aung Hlaing Win; labor activist Moe Naung; NLD member Min Htoo Wai; Saw Stanford of Tawako Village, Ayeyarwady Division; Htay Lwin of Aung Myay Thazan Township, Mandalay Division; Aung Myint Thein of Bago Division; and Ko Than Htaik.

The government persisted in its refusal to investigate or take responsibility for the 2003 attack by government-affiliated forces on an NLD convoy led by party leader Aung San Suu Kyi near the village of Depeyin, in which as many as 70 persons were killed. The fate of other persons, including 31 prodemocracy supporters from the convoy, remained unknown.

b. Disappearance

Private citizens and political activists continued to "disappear" for periods ranging from several hours to several weeks or more, and many persons never reappeared. Such disappearances generally were attributed to authorities detaining individuals for questioning without informing family members and to the army's practice of seizing private citizens for portering or related duties, often without notifying family members. Requests for information directed to the military forces were routinely ignored. In some cases individuals who were detained for questioning were released soon afterward and

returned to their families. UN Special Rapporteur Pinheiro reported at least 74 cases of enforced disappearance where authorities were unable or unwilling to account for the whereabouts of persons allegedly taken into custody.

Witnesses reported the regime conducted numerous nighttime raids on monasteries and private homes following September's peaceful prodemocracy protests. In Rangoon local witnesses, media, and foreign diplomatic representatives reported that large numbers of residents were taken from their homes and many monks were missing from their monasteries after the crackdown began on September 26. At year's end many of the monks had not returned, and many remained missing.

The whereabouts of persons seized by military units to serve as porters, as well as of prisoners transferred for labor or portering duties, often remained unknown. Family members generally learned of their relatives' fates only if fellow prisoners survived and later reported information to the families.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There are laws that prohibit torture; however, members of the security forces and other progovernment forces reportedly tortured, beat, and otherwise abused prisoners, detainees, and other citizens. They routinely subjected detainees to harsh interrogation techniques designed to intimidate and disorient. As in previous years, authorities took little or no action to investigate the incidents or punish the perpetrators.

In his December report, Pinheiro cited reports of torture and degrading conditions of detention that failed to meet international standards on the treatment of prisoners and constituted cruel, inhuman, and degrading treatment prohibited under international law. His report stated that after the crackdown there were an increasing number of reports of deaths in custody; beatings; ill treatment; and lack of food, water, or medical treatment in overcrowded, unsanitary conditions.

In 2005 the AAPP released a report on the "brutal and systematic" torture that the government inflicted on political prisoners. Based on the testimony of 35 former political prisoners, the report gave graphic details of the physical, psychological, and sexual abuse the government employed on dissidents, and it identified by name many of the perpetrators. The report detailed the kinds of torture the government used, including severe beatings, often resulting in loss of consciousness and sometimes death; repeated electric shocks to all parts of the body, including genitals; rubbing iron rods on shins until the flesh comes off; burning with cigarettes and lighters; prolonged restriction of movement for up to several months using rope and shackles around the neck and ankles; repeatedly striking the same area of a person's body for several hours; forcing prisoners to walk or crawl on an aggregate of sharp stones, metal, and glass; using dogs to rape male prisoners; and threatening female prisoners with rape. Security officials frequently placed a hood on those accused or suspected of political crimes upon arrest. Authorities used prolonged solitary confinement to punish prisoners.

According to the AAPP report, the ministers of home affairs, defense, and foreign affairs form a three-person committee that oversees the detention of political prisoners charged under the State Protection Act. The report also indicated that during initial interrogations torture is conducted mainly by the MSA. Interrogations are also conducted by the Bureau of Special Investigations and the Special Branch (SB) of the police.

The armed forces routinely used coercive and abusive recruitment methods to procure porters. Persons forced into portering or other labor faced extremely difficult conditions, beatings, rape, lack of food and clean water, and mistreatment that at times resulted in death.

Prison and Detention Center Conditions

Prison and labor camp conditions generally were harsh and life threatening. The Department of Prisons operated approximately 35 prisons and 70 labor camps. Food, clothing, and medical supplies reportedly were scarce in prisons. There were reports that authorities in some prisons forced prisoners to pay for food. Bedding consisted of a single mat on the floor. Prisoners were forced to rely on their families, who were allowed one or two visits per month, for basic necessities. The government solicited private donations of food, clothing, and medical supplies as well as books and television sets for prisoner use but reportedly diverted all donated goods to government officials. Prisoners were held without being charged for weeks or months, and until a prisoner was officially charged with a crime, families could not visit or send critical supplementary food. HIV/AIDS infection rates in prisons reportedly were high due to communal use of syringes for injections and sexual abuse by other prisoners.

Witnesses reported thousands of persons detained in connection with September's peaceful prodemocracy demonstrations were held at makeshift detention facilities, including Plate Myot Police Center in Mandalay, the Government Technical Institute (GTI), Kyaik Ka San Interrogation Center, Police Center Number 7, Aung Tha Paye, and Riot Police Center Number 5 in Rangoon. The regime told Pinheiro that security forces took 1,930 demonstrators to the GTI between September 27 and October 15. Witnesses at the GTI estimated that well over 2,000 persons were held in a facility designed for no more than 1,500. Persons released from the GTI reported that detainees were held in overcrowded, unsanitary, degrading, and dangerous conditions. According to several eyewitnesses, few of the holding areas had adequate toilet facilities, forcing detainees to relieve themselves in plastic bags or on the floor where others slept. Female

detainees reported that they were not provided with sanitary products and were forced to improvise under harsh and public conditions. Food and water were unclean and resulted in many detainees becoming sick, further exacerbating the unsanitary conditions.

In September and October there were numerous reports that several persons detained during the prodemocracy demonstrations died in custody due to poor conditions. Pinheiro cited a detained monk's eyewitness account that approximately 14 persons arrested in connection with the prodemocracy protests died while being held at the GTI between September 27 and October 5. The monk attributed their deaths to poor conditions of detention rather than injuries sustained during the protests. In October authorities informed the family of prodemocracy activist and NLD member Win Shwe that he had died in custody. Police told family members they had cremated the body and did not allow the family to retrieve the remains. Win Shwe was arrested on September 26 near Mandalay for his alleged role in prodemocracy demonstrations. Win Shwe's family said he had a heart condition that required treatment and medication but noted they were not permitted to see him or send necessary medications while he was in custody.

The government denied prisoners adequate medical care, although medical services in prisons partially reflected the poor health care services available to the general population. In September and October the families of several detainees reported that authorities did not provide their family members with medical care to treat chronic and serious health conditions. At least two detainees who had been released confirmed that authorities denied them access to doctors and medication needed to treat life-threatening medical conditions during their detention.

Prominent political prisoners who suffered from deteriorating health included NLD members of Parliament-elect (MPs-elect) Than Nyein, May Win Myint, Naing Naing, and journalist Win Tin. The health of writer Than Win Hlaing, held in Thayarwady Prison in Bago Division, continued to deteriorate due to harsh prison conditions; however, prison authorities continued to reject his family's appeals for medical treatment. Rohingya MP-elect Kyaw Min and family also continued to experience health problems.

The Shan National League for Democracy reported that imprisoned member U Sai Hla Aung, who was suffering from high blood pressure and diabetes, had not been seen by doctors in more than three years. In December his family again asked authorities for permission to have doctors treat him but had not received a response at year's end.

Despite the government's insistence that it did not hold any political prisoners, reports by prisoners indicated that authorities frequently placed politically active prisoners in communal cells where they were subjected to beatings and severe mistreatment by common criminals.

The government continued to deny the ICRC unfettered access to prisoners. The ICRC was unable to talk in private with prisoners, make repeated visits as desired, or provide necessary healthcare and hygienic supplies. As a result, the ICRC could not follow the cases of more than 4,000 detainees, including security detainees, minors, foreigners, and prisoners who were especially vulnerable, such as the sick and elderly.

d. Arbitrary Arrest or Detention

The law does not prohibit arbitrary arrest or detention, and the government routinely used them. The law allows authorities to extend sentences after prisoners have completed their original sentence, and the government regularly used this provision.

Role of the Police and Security Apparatus

The police are auxiliary forces of the military and are under direct military command. They primarily deal with common crimes and do not handle political crimes. The Myanmar Police Force falls administratively under the Ministry of Home Affairs. Corruption and impunity were serious problems due to a government-imposed system whereby police were required to collect funds for their operations. Police typically required victims to pay substantial sums for crime investigations and routinely extorted money from the civilian population. There are no effective legal mechanisms available to investigate security force abuses. The government took no significant measures to reform the security forces.

MSA and SB police officers are responsible for detaining persons suspected of "political crimes" perceived to threaten the government. Once a person is detained, MSA officers, or in some cases SB officers, interrogate the individual for a period ranging from hours to months and can charge the person with a crime at any time during the interrogation.

The USDA increasingly assumed the responsibilities of law enforcement authorities, engaging in the arrest, detention, and interrogation of human rights and prodemocracy activists.

Arrest and Detention

By law warrants for searches and arrests are required; however, the MSA and police have special authority to conduct

searches and make arrests at will. The law permits a court to detain persons without charge for up to two weeks, with the possibility of a second two-week extension. However, authorities frequently extended detentions beyond this period without producing the detainees before a judge. The government often held persons under the Emergency Act of 1950, which allows for indefinite detention. In practice many persons were held for years without being informed of the charges against them.

Bail was commonly offered in criminal cases, but it was rarely allowed for political prisoners. The government regularly refused detainees the right to consult a lawyer, denied them and their families the right to select independent legal representation, or forced them to use government-appointed lawyers. The government continued to use incommunicado detention and often failed to inform detainees' relatives of the detentions until much later.

Between August and December, the regime detained at least 3,000 persons, including many prodemocracy and human rights activists and several top opposition leaders and MPs-elect. Pinheiro estimated that between 3,000 and 4,000 persons were arrested in September and October alone. Articles in the *New Light of Myanmar* in August and October acknowledged that authorities had detained approximately 2,900 persons in connection with prodemocracy demonstrations. The August 27 issue carried an editorial accusing opposition activists of attempting to disrupt the National Convention and warning those who supported them of possible vigilante reprisals by private citizens.

On August 21, authorities detained 13 top prodemocracy leaders from the 88 Generation Students: Min Ko Naing, Ko Ko Gyi, Phone Cho, Min Zeya, Mya Aye, Jimmy, Zeya, Markee, Arnt Bwe Kyaw, Panneik Yun, Zaw Zaw Min, Thet Zaw, and Nyan Lin. Police reportedly arrested them in their homes without warrants and seized their computers and papers. The detentions closely followed an August 19 protest by the 88 Generation Students. On August 22, the regime's official newspaper carried an article stating the leaders had been arrested because of their intent to incite demonstrations and disrupt the National Convention.

On August 23, USDA members detained 16 NLD members and supporters during a procession near NLD headquarters in Rangoon. Among the protesters detained were Ko Myo Khin, Ko Kyi Phyu, Ko Aung Min Naing, Ko Tun Myint, Ko Tin Myint, Ko Tin Oo Maung, Thin Gan Gyun, Ko Phyo Min Kyin, Ko Tin Zaw Oo, Ko Law Lwin, Ko Taw Taw Aung, and Ko Ye. Witnesses, including foreign diplomatic representatives, reported that police stood by as USDA members verbally and physically abused protesters, some of them seriously, before taking them away in trucks.

On August 24, authorities in South Dagon Township in Rangoon arrested seven NLD members en route to a protest. Witnesses reported that the authorities physically and verbally abused the detainees and demanded they tell police the whereabouts of NLD member and HIV/AIDS activist Phyu Phyu Thin. Also on August 24, police and USDA members arrested 17 activists attempting to stage a protest near Rangoon's city hall. According to witnesses several of the protesters were beaten by USDA members and plainclothes police before being taken away. On the same day, police arrested human rights activist Myint Aye in his home.

On August 25, 88 Generation Students member Sandar Min was arrested in her home shortly after returning from a reception hosted by a foreign embassy. Police also seized her computer and personal effects. Also on August 25, security forces arrested prodemocracy activist and Myanmar Development Committee leader Htin Kyaw along with his supporters Zaw Nyunt, Ko Han, and Han Ti shortly after they staged a protest in Rangoon. Witnesses reported that the men were severely beaten before being taken into custody.

On August 28, police and the USDA attacked a demonstration of approximately 20 prodemocracy activists led by NLD member and labor activist Su Su Nwe. USDA members and plainclothes police beat and arrested several activists protecting Su Su Nwe.

On September 25, authorities arrested comedian and political activist Zarganar. He was held without charge until his release on October 17.

On September 26, police arrested NLD spokesman U Myint Thein, NLD member U Hla Pe, NLD Central Women's Committee Member Daw Lei Lei, MP-elect Htaung Kho Htan, and Zomi National Congress leader Pu Chin Sian Thang. They were held without charge for more than 30 days before being released on October 30. Pu Chin Sian Thang was rearrested on November 20, held without charge, and released on November 26.

On the night of September 26, soldiers and police raided at least six large monasteries in Rangoon and arrested approximately 100 monks, including Sayada Aindakaat, the leader of Maggin Monastery.

On October 13, authorities raided a private home and arrested 88 Generation Students leader Htay Kywe and four other prodemocracy activists.

On October 14, police in Sagaing Division arrested Ko Wunna Aung, Ko Ye Min Zaw, and Ko Soe Khine, all members of the NLD's youth wing. A fourth NLD member, Shwe Maung, was arrested on October 15 in Mandalay.

On November 4, the regime arrested U Gambira, a prominent monk and alleged leader of September's prodemocracy demonstrations. At year's end the regime had not formally acknowledged arresting him and or revealed what charges, if any, he faced.

On November 13, the regime arrested labor and human rights activist Su Su Nwe. She had been sought by authorities since August and had been in hiding.

On November 15, approximately 150 USDA members, local officials, and police raided a monastery in New Dagon Township in Rangoon, confiscating the monastery's funds and detaining a monk, U Sanda Wara.

On November 20, authorities arrested NLD official and MP-elect Myint Naing, 70-year-old Rakhine ethnic activist U Tin Ohn, and 60-year-old Kachin activist Khun Tu. U Tin Ohn was released on November 21; the others remained in custody at year's end.

On November 22, soldiers raided the Kachin Independence Organization's (KIO) regional offices in Dawhpum Yang Township in Kachin State and arrested six KIO soldiers and two senior officials, the latter identified by the media as Zai San and Zau Gawng.

On November 26, authorities arrested human rights activist Aung Zaw Oo at a Rangoon teashop. At year's end the regime had not acknowledged his arrest, and his whereabouts remained unknown. On November 27, police arrested prodemocracy activists Win Maw and Myat San. On November 30, authorities arrested prodemocracy activist Aung Gyi.

Approximately 1,000 persons arrested in connection with September's prodemocracy demonstrations remained in custody at year's end in addition to the estimated 1,150 political prisoners held prior to the protests. Other activists, in hiding at year's end, remained wanted by the regime.

Amnesty

In January authorities announced the release of approximately 2,830 prisoners as part of an Independence Day amnesty. While the majority of those released were incarcerated for minor common crimes, several political prisoners were released, such as MP-elect Than Htay and activists Thaug Htun, Than Win Hlaing, Soe Moe Naing, Kyaw Shwe, Kyaw Htoo, and Khin Maung Oo (also known as Saw Win).

e. Denial of Fair Public Trial

The judiciary is not independent of the government. The SPDC appoints justices to the Supreme Court, which in turn appoints lower court judges with SPDC approval. These courts adjudicate cases under decrees promulgated by the SPDC that effectively have the force of law. The court system includes courts at the township, district, state, and national levels. While separate military courts for civilians do not exist, the military regime frequently directs verdicts in politically sensitive trials of civilians.

The government continued to rule by decree and was not bound by any constitutional provisions providing for fair public trials or any other rights. Although remnants of the British-era legal system remain formally in place, the court system and its operation were seriously flawed, particularly in the handling of political cases. The misuse of blanket laws--including the Emergency Provisions Act, the Unlawful Associations Act, the Habitual Offenders Act, and the Law on Safeguarding the State from the Danger of Subversive Elements--and the manipulation of the courts for political ends continued to deprive citizens of the right to a fair trial and stifle peaceful dissent. Executive Order 5/96 providing for the arrest of any person deemed a threat to the National Convention effectively stifled open debate among convention delegates and other interested citizens. Pervasive corruption further served to undermine the impartiality of the justice system.

Trial Procedures

Although the regime denied holding any political prisoners, there is a fundamental difference between criminal trials involving political prisoners and defendants charged with common crimes. Some basic due process rights, including the right to be represented by a defense attorney, are generally respected in common criminal cases but not in political cases that the government deem especially sensitive. By law the government is not obligated to provide an attorney at public expense except in death penalty cases. Juries are not used in any criminal trials. In common criminal cases, defense attorneys generally are permitted 15 days to prepare for trial, may call and cross-examine witnesses, examine evidence, and be granted a 15-day delay for case preparation. However, their primary function is not to disprove their client's guilt, which is usually a foregone conclusion, but rather to bargain with the judge to obtain the shortest possible sentence for their clients. Political trials are normally not open to family members or the public, and often defense attorneys are not permitted to attend. Reliable reports indicated that senior government authorities dictated verdicts in political cases, regardless of the evidence or the law. The law provides those convicted of crimes with a right of appeal; however, in most cases verdicts were upheld without consideration of the legal merits of the appeal.

NLD members and other prodemocracy activists generally appeared to be able to retain the counsel of lawyers without fear that the lawyers might be imprisoned; however, lawyers were not always told when trials would begin, and authorities often refused to allow them to attend their clients' trials. In December authorities removed the trials of prodemocracy activists Su Su Nwe and Htin Kyaw from a public court to specially convened closed courts in Insein Prison. Authorities did not permit their families or attorneys to attend any proceedings in the closed court or otherwise participate in their defense. Requests to hold their trials in open court were denied. Reliable reports indicated that numerous other political prisoners were tried and convicted in closed courts without the assistance of counsel.

Fourteen lawyers remained imprisoned at year's end. Most had been sentenced prior to 1998.

The government routinely extended prison sentences under the Law Safeguarding the State from the Dangers of Subversive Elements. The minister of home affairs has the right to extend unilaterally a prison sentence on six separate occasions for two months, for a total of up to one year. SPDC Chairman Senior General Than Shwe can add five years to a sentence. As in the previous year, the government did not release any prisoners being held under this law.

Political Prisoners and Detainees

At year's end there were approximately 1,400 "security detainees," including political prisoners, merchants, violators of state security laws, and those accused of fostering religious disturbances. Because the government usually charged political detainees with criminal offenses, it denied holding any political prisoners. However, according to NGOs and foreign diplomatic representatives, at year's end there were more than 2,000 political prisoners, including at least 15 MPs-elect. Despite government assertions, a vast majority of these prisoners were not believed to have engaged in any violence, theft, or other common crimes.

On July 24, Ko Myint Hlaing and Ko Myint Naing, members of the Human Rights Defenders and Promoters organization, were sentenced to eight years in prison for inciting public unrest.

On September 7, labor activists Thurein Aung, Wai Lin, Kyaw Min, and Myo Min were each sentenced to 28 years for sedition, illegal association, and immigration violations. Labor activists Nyi Nyi Zaw and Kyaw Kyaw were sentenced to 20 years for sedition.

On October 15, the regime sentenced both Kyaw Khine, the 85-year-old chairman of the Taungkok Township NLD in Rakhine State, and 75-year-old NLD member Sein Kyaw to at least four and one-half years in prison. NLD members Tun Kyi and Than Pe were each sentenced to seven and one-half years. Authorities reportedly sentenced Rakhine State NLD official Min Aung to nine and one-half years. These men were reportedly charged with violating the Emergency Provisions Act, which allows authorities to imprison those deemed to be a threat to public order and stability. The regime did not acknowledge their arrests or publicize the nature of the charges against them. All five men were convicted in closed trials.

At year's end several political prisoners arrested in 2006 remained in prison, including Win Ko, Phyo Zaw Latt, Aung Thein, Thein Oo, Aung Moe, Khaing Mar Soe, Khin Maung Win, Sai Nyunt Lwin, Hso Ten, and Sai Nyunt Lwin. Hkun Htun Oo, arrested in 2005, also remained in prison.

National Democratic Party for Human Rights MP-elect Kyaw Min, sentenced in 2005 to 47 years' imprisonment, and his wife, two daughters, and a son, all sentenced to 17 years' imprisonment on charges of having improper house registration documents, remained in prison.

NLD General Secretary Aung San Suu Kyi remained under house arrest without charge and without trial. On May 25, the SPDC again extended her detention for another year. Authorities continually denied Aung San Suu Kyi the ability to meet freely with her supporters and others at a time and place of her choosing. However, on November 9, authorities allowed Aung San Suu Kyi to meet with NLD party leaders U Nyan Win, U Aung Shwe, U Lwin, and U Nyunt Wai under the regime's supervision at a government guest house. On the same day, she met with Labor Minister and regime-appointed liaison Aung Kyi. She also was permitted to meet with UN Special Envoy Gambari at a government guest house in October and November. However, authorities denied her subsequent requests to have meetings with her supporters and did not honor their commitment for regime liaison Aung Kyi to hold regular meetings with her. The regime also continued to deny Aung San Suu Kyi's requests to meet with her legal counsel. NLD Vice-Chairman Tin Oo also remained under house arrest without trial; on February 14, authorities again extended his house arrest for one year.

Civil Judicial Procedures and Remedies

Civil judicial procedures and remedies existed in principle, but in practice there was no assurance that a complainant would receive a fair hearing.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law does not prohibit such actions, and authorities routinely infringed citizens' privacy. Through its intelligence network and administrative procedures, the government systematically monitored the travel of all citizens and closely monitored the activities of many citizens, particularly those known to be active politically.

Forced entry without a court order is legal. The law requires that any person who intends to spend the night at a place other than his registered domicile inform local Peace and Development Council authorities in advance. Any household that hosts a person not domiciled there must maintain a guest list and submit it to authorities. Ward-level officials continued unannounced nighttime checks of residences for unregistered visitors. During the political crackdown that began in August, authorities conducted intrusive, nightly searches of residences in Rangoon. Authorities in Rangoon Division continued sporadically to require households to have "family photographs" taken for government agents to use when conducting nighttime checks of residences, although reports of this practice decreased. Households subjected to this requirement were required to pay for the cost of their photographs, usually at significantly higher than market rates, and permanently display in their homes the photographs of authorized residents.

Security personnel regularly screened private correspondence, telephone calls, and e-mail.

The government continued to control and monitor closely the licensing and procurement of all two-way electronic communication devices. Possession of an unregistered telephone, facsimile machine, or computer modem is punishable by imprisonment. Users of unregistered cordless telephones face up to three years in prison and a heavy fine. Use of unregistered radios is also punishable by a fine and imprisonment.

The government continued its practice of conscripting ethnic minorities for service as military porters in Bago Division and Karen, Kachin, Kayah, and northern Rakhine states.

Government employees generally were prohibited from joining or supporting political parties; however, this proscription was applied selectively. The government used coercion and intimidation to induce persons, including nearly all public sector employees and most students, to join the government's mass mobilization organizations--the USDA, Myanmar Women's Affairs Federation (MWWAF), and Myanmar Maternal and Child Welfare Association--and attend meetings in support of the regime. The government also used coercion to entice or force members of the NLD and other opposition parties to resign, and it publicized the coerced resignations in government media.

Weak private property rights and poor land ownership records facilitated involuntary relocations of persons by the government. The law does not permit private ownership of land, recognizing only different categories of land-use rights, many of which are not freely transferable. Postcolonial land laws also revived the precolonial tradition that private rights to land were contingent upon the land being put to productive use.

Forced relocations in rural areas continued during the year. The relocations reportedly were often accompanied by rapes, executions, and demands for forced labor to build infrastructure for military units. For decades successive military governments have applied a strategy of forced relocation against ethnic minority groups in an effort to deny support to armed ethnic groups.

While less frequent than in rural areas, reports persisted of forced relocation in urban areas. The government reportedly continued to relocate forcibly some urban households for "security" reasons. In Rangoon persons were compelled to leave homes or dwellings located on property that could be used for commercial gain. In some cases those forced to move were poorly compensated, if at all.

At year's end most civil servants in the new administrative capital Nay Pyi Taw continued to live separately from their families in Rangoon, due to lack of family housing and schools in the new capital.

There were numerous reports that government troops looted and confiscated property and possessions from forcibly relocated persons or from persons who were away from their homes. These materials often were used for military construction. Diplomatic sources reported that commandeering privately owned vehicles for military or VIP transport without compensating the vehicle owners was commonplace throughout the country. The practice was particularly widespread in Shan, Kayah, and Karen states and in areas of Mon State and Bago Division.

In these same areas, thousands of civilians were displaced from their traditional villages--which often were then burned to the ground--and moved into settlements tightly controlled by SPDC troops in strategic areas. In other cases villagers driven from their homes fled into the forest, frequently in heavily mined areas, without adequate food, security, or basic medical care.

Forced relocations often generated large refugee flows to neighboring countries or to parts of the country not controlled by the government. In some areas the government replaced the original occupants with ethnic Burmans. In Karen State, army units forced or attempted to force ethnic Karen to relocate to areas controlled by the Democratic Karen Buddhist Army.

The government routinely confiscated property, cash, and food from civilians. Additionally, USDA members, acting under the cover of governmental authority, confiscated property for their own use. In July local USDA members attacked Daw San San Nwe, a farmer in Zee Phyu Gone Village, Rakhine State, and attempted to seize her farmland. She suffered facial lacerations and had the tips of two of her fingers severed. The case was reported to the local Peace and Development Council, but authorities took no action against the alleged perpetrators.

Military personnel also routinely confiscated livestock, fuel, food supplies, fishponds, alcoholic drinks, vehicles, and money. Such abuses were widespread. Regional commanders forced contributions of money, food, labor, and building materials from civilians throughout the country.

Marriages between female citizens and foreigners are banned, and the government ordered local attorneys not to be witnesses to such marriages; however, the ban was not widely enforced.

The government punished family members for alleged violations by individuals.

In August authorities detained and interrogated the brother of prodemocracy leader Htay Kywe when they were unable to locate Htay Kywe following a series of peaceful protests. The brother was released the next morning. The brother of another activist was forced by authorities to sell his transportation business at a great loss due to his sibling's activities.

On October 1, authorities arrested Khin Mar Lar. At the time the regime was seeking to arrest her husband, poet Ko Nyein Thit. Authorities held Khin Mar Lar without charge until October 21. She was not otherwise wanted or accused of having committed any crimes. Police subsequently arrested Ko Nyein Thit, who remained in custody at year's end.

On October 10, police detained the mother and mother-in-law of Thet Thet Aung, whom they sought in connection with her alleged role in September's peaceful prodemocracy protests. Authorities released her mother-in-law shortly after Thet Thet Aung was arrested on October 19 but held her mother until November 2 without charge. Neither her mother nor mother-in-law were otherwise wanted by the authorities or alleged to have committed any crimes.

On the night of October 16, security officials arrested the mother and two brothers of activist monk U Gambira in their home. Another of his brothers, Ko Aung Kyaw Kyaw, was arrested the next day as he tended to HIV patients in a Rangoon clinic. On November 4, authorities also arrested U Gambira's father. At the time authorities were seeking to arrest U Gambira for his alleged role in September's protests. His family members were held for several weeks without charges before being released. None of U Gambira's detained family members were alleged to have committed any crimes or were otherwise wanted by the authorities.

In his December report, Pinheiro stated these cases violated international law and constituted hostage taking in that they applied explicit or implicit pressure on the wanted person to come forward as a condition for releasing or not harming the hostage.

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

Ethnic insurgent groups continued to battle the government for autonomy or independence, including the Shan State Army–South, the Karenni National Progressive Party, and the Karen National Union (KNU), through its armed wing, the Karen National Liberation Army. In ethnic minority regions, military personnel reportedly killed and raped civilians, shelled villages and burned homes, destroyed food and seized moveable property, confiscated land, forced villagers to work on infrastructure projects, and demanded that villagers provide food and construction materials for military camps.

There were unverified reports of deaths and injuries caused by security forces using civilians to clear landmines, particularly in Karen State, where the army continued attacks against ethnic villages.

There was an unverified report that on August 20, an armed ethnic group shot and killed KNU Lieutenant Colonel Kyi Lin in Kawkareik Township, Karen State. There were unverified reports that he had been trying to negotiate independently with the government and was killed by the KNU as a result.

There were reports of disappearances in connection with the conflicts in Bago Division and Karen, Kayah, and Shan states.

Newly arrived refugees and internally displaced persons (IDPs) near the Thai border reported that government soldiers in Chin, Shan, Kayah, Kachin, and Karen states continued to rape ethnic women and girls. The Thailand-based Karen Women's Organization cited 959 cases of women and girls in Karen State who reported sexual abuses in the past 25 years. Additionally, NGOs and international organizations continued to report numerous sexual assaults by soldiers throughout the rest of the country.

On February 2, four Kachin girls, ages 14 to 16, from a village south of Putao in northern Kachin State were gang-raped at a local military camp by three army officers and four soldiers from an infantry battalion based in Munglang Shidi, Putao District. The officers involved reportedly paid the families of the victims approximately \$232 (290,000 kyat) in compensation and warned them not to discuss the incident publicly. When word of the rape was reported in the independent media later that month, the four girls were arrested and jailed.

On June 26, soldiers in Thapaung Township, Irrawaddy Division, reportedly raped and killed a 20-year-old woman. Witnesses reported that at least five soldiers, including one officer, participated in the assault. The family reported the incident to local police, but authorities took no action to investigate the case.

Karen NGO sources indicated that human rights abuses continued in Karen State, despite intermittent peace talks. On May 11, soldiers from the 11th Light Infantry Division attacked the village of Htee Nya Mu Kee. Witnesses reported that soldiers burned a stockpile of rice and forced 107 villagers to abandon their homes.

On May 13, approximately 30 soldiers from the 88th Light Infantry Division attacked the village of Yaw Ki in Karen State with small arms and mortar fire. During the attack soldiers shot and killed Saw Ra Say and reportedly burned four farm huts.

On May 17, soldiers from Taw Lu Pla Man in Karen State attacked the village of Klaw Kloe Lo. Witnesses reported that troops shot and killed Naw Ku Lue and burned her body. Soldiers also reportedly burned seven houses and a large stockpile of rice. Also in May soldiers raped and killed two women in the village of Takehder in Luthaw Township, Karen State. According to reports, the women had been gathering vegetables when they were captured by troops from Military Operations Command 5.

On June 23, troops from the 203rd and 284th Battalions based in Htee K'bler captured and killed five family members from the village of Htee K'bler in Doolaya District, Karen State. Witnesses reported that the victims were Saw Nying Htun, Naw Wah Kying, Saw Pa Heh Soe, Kyaw Eh Wah, and Naw Pler Poe.

Numerous Karen villages were attacked and burned, forcing hundreds of villagers to flee into the jungle with limited supplies. The army continued to embargo food supplies moving beyond Mile 13 of the highway east of Taungoo Township.

Military forces continued to abuse thousands of villagers and drive them from their homes, particularly during campaigns in Bago Division and Karen, Kayah, and Shan states. Thai-based NGOs reported that approximately 25,000 ethnic Karen became IDPs during the year.

There were no reports that the government investigated or otherwise attempted to identify and punish those responsible for numerous acts of killing, injury, and destruction committed against Karen communities during the year.

According to the Office of the UN High Commissioner for Refugees (UNHCR), approximately 150,000 Burmese refugees lived in camps in Thailand. The regime did not allow the UNHCR to fully monitor the potential areas of return to assess conditions for the voluntary return of the refugees and IDPs, leading the UNHCR to determine that conditions remained unsuitable for their return.

Approximately 21,000 Rohingyas lived in refugee camps in southeastern Bangladesh, and it was estimated that as many as 200,000 others lived outside the camps.

In her November 16 report on the use of child soldiers in Burma, UN Special Representative for Children and Armed Conflict Coomaraswamy cited evidence that the both the government army and several armed insurgent and cease-fire groups, including the United Wa State Army, Kachin Independence Army, Karenni National People's Liberation Front, Democratic Karen Buddhist Army, Shan State Army-South, Myanmar National Democratic Alliance Army, and Karen National Union Peace Council, recruited child soldiers.

Coomaraswamy's report stated that, despite the government's official policy of prohibiting the recruitment of children under the age of 18, there was enormous pressure to increase army recruitment rates, which led to a pattern of underage recruitment into the military. The report stated that often children were lured into joining with promises of food and shelter. Some children were recruited from the street from brokers who received up to approximately \$32 (40,000 kyat) for each recruit, while others were reportedly detained by the police and offered the choice of joining the army or going to jail. Coomaraswamy also cited the practice of "prerecruitment," in which underage children were taken to army bases and used in noncombatant capacities until they reached the age of majority and were enlisted. Age verification remained a significant problem, since many children did not have reliable proof of age.

According to Coomaraswamy's report, children can join the Wa State Army and work in noncombatant positions at the age of 12 and serve in combatant positions at age 15. She cited credible reports of uniformed and armed children in the Wa State Army, including witnesses who reported children as young as nine under arms.

Coomaraswamy cited reports of a Kachin Independence Army (KIA) policy mandating that each family contribute one child for military service regardless of age. She recounted a report that early in the year, KIA recruited a 15-year-old girl when she returned home from her school in Myitkyina, Kachin State. The girl's family had not yet contributed a child to the KIA, and neither of her siblings was living in the village. At year's end the girl remained in KIA custody.

Coomaraswamy stated that the Karenni National People's Liberation Front had a reputation for having many children in its ranks. Her report stated that children had reportedly been used to search for landmines laid by other armed groups, but she acknowledged difficulty in verifying these reports in detail. She also stated that the UN had received credible reports indicating the presence of uniformed and armed children in and near Democratic Karen Buddhist Army camps.

According to Coomaraswamy, the UN received reports of frequent sightings of children being forcibly taken and used by armed groups in Shan State, including the Myanmar National Democratic Alliance Army and Shan State Army-South. She also cited reports from several sources indicating that the Karen National Union Peace Council, a breakaway faction of the KNU active in Karen State, had recruited children from a refugee camp and villages in the border areas early in the year.

Coomaraswamy's report stated that the UN did not receive any reports during the year of recruitment or use of children by the Karen National Union or Karen National Liberation Army, Karenni National Progressive Party, or Karenni Army.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law does not provide for freedom of speech and of the press, and the government continued to restrict these rights severely and systematically. The government arrested, detained, convicted, and imprisoned citizens for expressing political opinions critical of the government and for distributing or possessing publications in which opposition opinions were expressed. Security services also monitored and harassed persons believed to hold antigovernment opinions.

The government continued to use force to prohibit all public speech critical of the regime by all persons, including by persons elected to parliament in 1990 and leaders of political parties. The government pursued this policy consistently with few exceptions.

On May 25, approximately 50 USDA members surrounded a group of 30 NLD members at a Rangoon pagoda assembled to pray for Aung San Suu Kyi's release. The USDA members attempted to drown out the NLD members' prayers by shouting and physically assaulting some NLD members as they departed the pagoda.

In June NLD member Aung Than and Zeya Aung, a student at Pegu University, were sentenced to 19 years in prison for having written and distributed a collection of poems entitled "Daung Man," ("The Power of the Peacock"), a reference to the NLD.

Between August and October, the government arrested at least 3,000 persons participating in peaceful prodemocracy demonstrations.

The government controlled content in all print publications and owned and controlled all domestic radio and television broadcasting facilities. The official media remained propaganda organs of the government and did not report opposing views except to criticize them.

Privately owned media existed, but the government's Press Scrutiny Board tightly controlled all media and publications and took action against any attempt to provide independent interpretation or comment on news. The Ministry of Information issued licenses to private media publishers as long as the media printed government-approved material. An estimated one-third of private media licenses were held by government agents or supporters.

A few foreign news agencies remained but had no expatriates based in the country and relied on local journalists. Their bureau chiefs were rarely permitted to enter on journalist visas.

Due to widespread poverty, limited literacy, and poor infrastructure, radio and television remained the primary media of mass communication. News periodicals rarely circulated outside urban areas. The government continued to monopolize and control the content of the two domestic radio stations. Foreign radio broadcasts, such as those of Radio Free Asia, the Voice of America, the BBC, and the Democratic Voice of Burma, remained the principal sources of uncensored information.

The government continued to monopolize and control all domestic television broadcasting tightly, offering only three channels, including an armed forces channel. The general population was allowed to register satellite television receivers for a fee. Illegal satellite television was also available, but access to satellite television remained far beyond the reach of

the majority of the population.

Reporters were subject to arrest, harassment, intimidation, and violence by the authorities and supporters of the regime. In March journalists Thaug Sein and Ko Moe Htun of the religious magazine *Dharmah-Yate* were arrested for taking unauthorized photos of the new capital Nay Pyi Taw and sentenced to three years in prison.

On August 23, USDA members verbally and physically threatened a local reporter for an international wire service while he was trying to cover a procession by NLD members in Rangoon. Before chasing him from the scene, USDA members told the reporter that he had been warned not to cover such events and would be beaten if he did not leave immediately.

Many prominent writers and journalists remained in prison for expressing their political views. Reporters Without Borders reported that as of January 1, at least seven journalists remained in prison, including 76-year-old Win Tin, in prison since 1989. He had reportedly suffered two heart attacks in prison and required treatment for high blood pressure and an inflamed prostate. Myat Swe (Sunny Swe) and his father Thein Swe, co-owners of the English- and Burmese-language weekly newspaper *Myanmar Times*; [Thaug Tun](#); [Than Win Hlaing](#); [Monywa Aung-Shin](#); and [Ne Min](#) also remained in prison. Government censorship boards prohibited publication or distribution of works authored by those in prison.

There were no reports that any imprisoned journalists were released during the year.

All privately owned publications remained subject to prepublication censorship by state censorship boards. Due in part to the time required to obtain the approval of the censors, private news periodicals generally were published weekly.

The government forced private periodicals to publish articles and photographs criticizing foreign diplomats for visiting NLD headquarters and meeting with student leaders. Government controls encouraged self-censorship, and publications generally did not report domestic political news or sensitive economic and political topics.

Imported publications remained subject to predistribution censorship by state censorship boards, and possession of publications not approved by the state censorship boards was a serious offense. The government also restricted the legal importation of foreign news periodicals and discouraged subscriptions to foreign periodicals; however, some foreign newspapers could be purchased in Rangoon. Some foreign newspapers and magazines were distributed uncensored.

The government generally issued few visas to foreign journalists. Journalists reported that, unlike in the previous year, the government did not permit foreign journalists to enter the country to cover the National Convention and revoked the visas of several journalists at the last minute. Foreign media reported that a news conference and orientation program of the convention scheduled for July was abruptly canceled without explanation.

The law makes it a criminal offense to publish, distribute, or possess a videotape not approved by a state censorship board. The government continued to crack down on uncensored foreign videotapes and digital video discs, although pirated copies remained widely available on the street.

Internet Freedom

No laws or regulations exist regarding monitoring Internet communications or establishing penalties for the exercise of freedom of expression via the Internet. However, the government monitored Internet communications and blocked Web sites so that individuals could not freely engage in such activities.

Authorities frequently blocked access to Web sites that attracted many users or large attachments related to political issues. E-mail messages sometimes took several days to arrive in a receiver's inbox, often with attachments deleted. Citizens believed this was due to the regime's censoring of incoming and outgoing e-mail.

The government banned all Web sites critical of the regime and its activities. Authorities also periodically banned all access to free e-mail services such as Yahoo and Hotmail, as well as Internet telephone and messaging services offered by Gmail, Gtalk, and Skype.

The government blocked most Web sites containing words that it considered suspicious, such as Burma, drugs, military government, democracy, student movement, 8888, and human rights. Users could sometimes reach the home pages of the Democratic Voice of Burma and BBC's Burma service, but they could not access most articles on the sites. Occasionally the government mistakenly blocked educational or other sites when its software detected censored words.

There were no reports of anyone being charged with a crime for expressing political, religious, or dissenting views in electronic fora, including e-mail. However, the government reportedly often charged persons suspected of expressing political, religious, or dissenting views in electronic fora with other crimes.

In its annual report, Reporters Without Borders stated that the government closely monitored Internet cafes, at which many computers automatically executed screen captures every five minutes to monitor a user's activity. All Internet cafes displayed a notice that forbade users to access political and pornographic sites but did not state a specific punishment.

Academic Freedom and Cultural Events

The government restricted academic freedom. University teachers and professors remained subject to the same restrictions on freedom of speech, political activities, and publications as other state employees. The Ministry of Education routinely warned teachers against criticizing the government. It also instructed them not to discuss politics at work, prohibited them from joining or supporting political parties or from engaging in political activity, and required them to obtain advance approval for meetings with foreigners. The government closely monitored curricula, censored course content, and intimidated academics to practice self-censorship. Like all state employees, professors and teachers were required to join the USDA. Teachers at all levels continued to be held responsible for the political activities of their students. Parents of school-age children reported that in November authorities ordered teachers at several Rangoon high schools to fail any students who did not attend progovernment rallies organized by the regime and its supporters. Foreigners were not permitted to visit university campuses without prior approval or attend any meetings involving students, including graduation ceremonies.

To limit the possibility of student unrest, the government placed undergraduate campuses in remote areas, warned teachers and students that disturbances would be dealt with severely, and kept most on-campus dormitories closed. The government placed heavy security around schools, even during summer vacation. These measures caused the quality of education to deteriorate to such an extent that many students opted to use self-study or private tutoring.

The government tightly controlled the limited number of private academic institutions and their curricula. Similar controls extended to Buddhist monastery-based schools, Christian seminaries, and Muslim madrassas. During the year the government cracked down on private classes and tried to ban the practice. Aung Pe, a private teacher and NLD supporter, remained in prison, reportedly in poor health, serving a three-year sentence for alleged violation in 2005 of the Private Tuition Act.

The government strictly monitored and censored all cultural events. Authorities routinely harassed and questioned members of the Myanmar Debate Society regarding their organization's activities. In June members of the society were denied permission to travel abroad for a debate tournament and had their passports confiscated.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law limits freedom of assembly, and the government severely restricted it in practice. An ordinance officially prohibits unauthorized outdoor assemblies of more than five persons, although it was not enforced consistently and authorities sometimes prohibited smaller gatherings. All NLD offices except its Rangoon headquarters remained closed by government order, and the NLD could not conduct party activities outside its headquarters building. The nine other legally registered political parties were required to request permission from the government to hold meetings of their members. Informal meetings involving NLD members occurred outside the NLD office, such as regular Tuesday visits by a women's group to Rangoon's Shwedagon Pagoda; however, security officials closely monitored these activities. Authorities occasionally demanded that NLD leaders provide them with lists of attendees in advance in an attempt to discourage participation.

The government at times interfered with the assembly of religious groups. Beginning in 2004 a group of Buddhist laypersons known as the Tuesday Prayer Group attempted to gather every Tuesday to pray for the release of Aung San Suu Kyi. On January 16, USDA members verbally and physically attacked the group and its leader, Naw Ohn Hla, as they tried to enter Rangoon's Shwedagon Pagoda. Witnesses observed approximately 100 men in plain clothes surround Naw Ohn Hla and demand that she and the other prayer group members depart immediately. When they did not depart, witnesses reported that USDA members hit and kicked several of the members, both men and women. Uniformed police at the scene did not try to stop the attack, and authorities did not investigate the incident or pursue a complaint filed by Naw Ohn Hla.

Freedom of Association

The government restricted freedom of association, particularly for NLD members, prodemocracy supporters, and those who contacted exile groups. On September 7, six labor activists arrested in connection with a May 1 seminar in Rangoon were sentenced to prison terms of between 20 and 28 years for sedition and violations of the illegal associations statute.

At year's end NLD member Hla Myint Than and eight others, convicted in 2005 for contact with an "illegal organization," possession of a satellite telephone, and illegal travel to Thailand, remained in prison under sentences of eight to 25 years.

Freedom of association generally existed only for government-approved organizations, including trade associations, professional bodies, and the USDA. Few secular, nonprofit organizations existed, and those that did took special care to act in accordance with government policy. There were 10 legally registered political parties, but most were moribund. Authorities harassed and intimidated three of the opposition parties. The seven other legal parties supported regime policies in return for more favorable treatment.

c. Freedom of Religion

Constitutional support for religious freedom does not exist. There is no official state religion; however, the government continued to show preference for Theravada Buddhism, the majority religion. The Ministry of Religious Affairs has a separate department for the "promotion and propagation of Sasana" (Buddhism). The government promoted education at Buddhist monastic schools in rural areas and subsidized Buddhist universities in Rangoon and Mandalay. Most adherents of registered religious groups generally were free to worship as they chose; however, the government imposed restrictions on certain religious activities and promoted Buddhism over other religions. The government also prohibited efforts by Buddhist clergy to promote human rights and political freedom.

Virtually all organizations, religious or otherwise, must register with the government. Although an official directive exempts "genuine" religious organizations from registration, in practice only registered organizations were allowed to buy or sell property or open bank accounts. Consequently, most religious organizations registered with the government.

The government continued its efforts to control the Buddhist clergy (Sangha). It tried Sangha members for "activities inconsistent with and detrimental to Buddhism" and imposed on the Sangha a code of conduct enforced by criminal penalties. The government did not hesitate to arrest and imprison lower-level Buddhist monks who opposed the government. In prison monks were defrocked and treated as laypersons. In general they were not allowed to shave their heads and were not given food in accordance with the monastic code. Like other political prisoners, they were often beaten and forced to do hard labor. The government also subjected the Sangha to special restrictions on freedom of expression and association. Members of the Sangha were not allowed to preach sermons pertaining to politics. Religious lectures could not contain any words, phrases, or stories reflecting political views. The regime told Sangha members to distance themselves from politics, political parties, or members of political parties. The government prohibited any organization of the Sangha other than the nine state-recognized monastic orders under the authority of the State Clergy Coordination Committee. The government prohibited all religious clergy from being members of a political party.

In September the regime violently suppressed peaceful demonstrations led by Buddhist monks. The AAPP estimated that security forces raided at least 52 monasteries between September 26 and year's end in response to the peaceful prodemocracy demonstrations. International NGOs estimated that at least 150 monks were arrested between September and October, although at year's end many more monks were reportedly missing from their monasteries.

On September 5, authorities fired warning shots to disperse a peaceful procession of approximately 300 Buddhist monks in Magwe Division. Witnesses reported the monks were collecting alms and chanting for peace and an end to oppression. Three monks were detained but released later that day.

Beginning on September 26, security forces conducted nighttime raids on monasteries throughout the country as part of the regime's suppression of the monk-led protests. Opposition activists and members of the clergy reported soldiers forcibly entered the monasteries at night and deployed tear gas, fired rubber bullets, and beat monks with batons and bamboo sticks.

At 2:00 a.m. on September 27, security forces raided the Ngwe Kyar Yan monastery in Rangoon. Witnesses reported that police and soldiers beat monks and destroyed property. Approximately 70 monks were taken away. Cash, jewelry, and other valuables were also reported missing following the raid. An official from the Religious Affairs Department returned later in the day to demand that the remaining monks clean up evidence of the raid and relocate to another monastery. When the monks refused and local residents gathered to support them, soldiers and police returned and fired live ammunition to disperse the crowd. Witnesses told journalists that at least two men were killed by the gunfire, including 18-year-old Zayar Naing Oo.

Similar raids were reported at Kyaik Ka San, Moe Kaung, and Mahar Bawdi monasteries.

In late September and early October, foreign diplomatic representatives and members of the media visited several local monasteries and found many damaged and nearly empty. On September 28, journalists and foreign diplomatic representatives visited Ngwe Kyar Yan monastery in Rangoon and found bamboo batons, riot control munitions, broken windows, and pools of blood on the floor of the monastery's dormitory.

The government continued to restrict the building of religious structures by minority religious groups. The government also permitted the destruction of religious centers and schools.

The government's border security force continued to conduct arbitrary "inspections" of mosques in northern Rakhine State, demanding that mosque officials show permits to operate the mosques. When mosque officials could not produce the permits, officials ordered congregation members to destroy the mosques.

In most regions of the country, Christian and Muslim groups that sought to build small churches or mosques on side streets or other inconspicuous locations occasionally were able to proceed, but based only on informal approval from local authorities. These groups reported that formal requests encountered long delays, generally were denied, and could be reversed by a more senior authority.

The government's pervasive internal security apparatus imposed de facto restrictions on collective and individual worship through its infiltration and monitoring of meetings and activities of virtually all organizations, including religious ones. Religious activities and organizations were subject to restrictions on freedom of expression and association.

Although authorities appear to have moved away from a campaign of forced conversion, there continued to be evidence that other means were used to entice non-Buddhists to convert to Buddhism. Christian Chins were pressured to attend Buddhist seminaries and monasteries and encouraged to convert to Buddhism. Christian Chins reported that local authorities operated a high school that only Buddhist students could attend and promised government jobs to the graduates. Christians had to convert to Buddhism to attend. An exile Chin human rights group claimed that local government officials placed the children of Chin Christians in Buddhist monasteries, where they were given religious instruction and converted to Buddhism without their parents' knowledge or consent. Reports suggested that the government also sought to induce members of the Naga ethnic group in Sagaing Division to convert to Buddhism by similar means.

The government discouraged proselytizing by all clergy. Evangelizing religions, including some Christian denominations and Islam, were most affected by these restrictions. The government generally has not allowed permanent foreign religious missions to operate in the country since the mid-1960s, when it expelled nearly all foreign missionaries and nationalized almost all private schools and hospitals.

Buddhist doctrine remained part of the state-mandated curriculum in all government elementary schools. Students could opt out of instruction in Buddhism, and some did, but students of government schools were required to recite a Buddhist prayer daily. Some Muslim students were allowed to leave the room during this act, while at some schools non-Buddhists were forced to recite the prayer.

Citizens and permanent residents of the country were required to carry government-issued national registration cards that often indicated religious affiliation and ethnicity. There appeared to be no consistent criteria governing whether a person's religion was indicated on the identification card. Citizens also were required to indicate their religion on certain official application forms, such as for passports.

The government allowed some Muslims to go on the annual hajj and Buddhists to go on pilgrimage to Bodhgaya, India, although it limited the number of pilgrims. An estimated 2,500 Muslims went on the hajj in the year, 500 fewer than in 2006. Approximately 300 went on government-sponsored trips. Only 180 ethnic Rohingya residing in Rakhine State were able to go on the hajj, due to difficulty in obtaining passports and exit permission from the regime. As in 2006, an estimated 2,000 to 2,500 Buddhists made pilgrimages to Bodhgaya.

Societal Abuses and Discrimination

In contrast with 2006, there were no reports of conflicts between Muslims and Buddhists in Magway Division. While official religious discrimination was limited, de facto preferences for Buddhists remained. There was one synagogue in Rangoon that served a Jewish congregation of eight local families. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

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

Although the government restricted freedom of movement, most citizens were able to travel within the country. Exceptions included Muslims traveling to, from, and within Rakhine State, as well as some opposition political party members. However, citizens' movements were closely monitored, and all were required to notify local officials of their whereabouts. Movement was restricted in areas of armed conflict. Citizens were subjected to arbitrary relocation. Authorities prohibited NLD members who traveled to Rangoon to attend party functions from lodging in the city overnight.

The government maintained close control over most ethnic leaders' movements, requiring them to seek permission from the government before making any domestic trips.

Ethnic minority areas previously affected by conflict, such as the large Karen areas of Ayeyarwady, continued to

experience tight controls on personal movement, including frequent military checkpoints and monitoring by the MSA. Bribes were extracted at checkpoints in border areas.

In Rakhine State many controls and checkpoints applied only to the Muslim population. The government tightly controlled the movement of Muslim Rohingyas, particularly in Buthidaung, Kyauktaw, Maungdaw, and Rathedaung townships along the border between Rakhine and Bangladesh. Muslim youth from Rakhine accepted to universities and medical schools outside the state were unable to enroll due to travel restrictions imposed upon them. The government also required other noncitizens, primarily ethnic South Asians and Chinese, to obtain prior permission to travel internally. Nonetheless, the country's borders with China, Thailand, Bangladesh, and India remained very porous, with significant undocumented migration and commercial travel occurring.

An ordinary citizen needed three documents to travel outside the country: a passport from the Ministry of Home Affairs, a revenue clearance from the Ministry of Finance and Revenue, and a departure form from the Ministry of Immigration and Population. To address the problem of trafficking in persons, the government continued to hinder or restrict international travel for women, particularly those under 25 years of age.

The government carefully scrutinized prospective travel abroad for all passport holders. Rigorous control of passport and exit visa issuance perpetuated rampant corruption, as applicants were forced to pay bribes of up to \$230 (300,000 kyat), approximately equivalent to the average annual salary of a skilled worker. The government regularly denied passports on political grounds. College graduates who obtained a passport (except for certain government employees) were required to reimburse the government for the cost of their education. It frequently took several months to receive a passport, particularly if the applicant was unwilling to offer a bribe as incentive for speedier service.

On March 5, a student was arrested at Rangoon International Airport while en route to an exchange program sponsored by a foreign government. The student was held for more than one month and was not permitted to travel abroad to participate in the program.

The government permitted foreign diplomats and foreign UN employees based in Rangoon to travel outside of Rangoon to designated tourist sites without prior permission; all other travel required advance permission and was regularly denied. The government required all foreign and local residents, except diplomats, to apply for authorization to leave the country.

Restrictions on nonresident foreigners' travel to some areas of the country were relaxed during the year. However, certain categories of applicants, including human rights advocates, journalists, diplomats, and political figures, were regularly denied entry visas unless they were traveling under the aegis of a sponsor acceptable to the government and for purposes approved by the government.

The abrogated 1974 constitution did not provide for forced exile, and the government generally did not use it.

Citizens who emigrated legally generally were allowed to return to visit relatives, and some who lived abroad illegally and acquired foreign citizenship also were able to return.

The government did not have legal arrangements to accept its citizens deported from other countries; however, in the past the government accepted the return of several thousand illegal migrants from Thailand and China.

Harassment, fear of repression, and deteriorating socioeconomic conditions continued to force many citizens to leave for neighboring countries and beyond. In border regions populated by minority ethnic and religious groups, the government maintained its practices of forced labor, confiscation of land, compulsory contributions of food and money, and forced relocations. These policies continued to produce large numbers of refugees in neighboring countries, particularly Thailand, India, Malaysia, and Bangladesh.

Internally Displaced Persons (IDPs)

According to the International Displacement Monitoring Center, there were at least 500,000 IDPs in the country at year's end, although precise figures were difficult to determine due to poor access to affected areas. The center reported that the government forcibly relocated 3,077 villages between 1996 and 2006 and displaced an average of 81,500 persons a year between 2002 and 2006. The government provided little or no protection or assistance to IDPs, many of whom were forcibly resettled under dangerous conditions. IDPs did not have unfettered access to domestic and international humanitarian organizations, although the UNHCR had limited access to IDPs in northern Rakhine State. Humanitarian organizations were denied access to many IDPs in eastern regions along the Thai border on security grounds. IDPs in these areas regularly were caught in the crossfire between government army and insurgent groups, according to credible observers along the border. In addition, IDP women frequently suffered rape, according to these observers.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. The government did not grant refugee status or asylum; however, there were no reports that persons formally sought asylum in the country during the year, nor were there reports of forced repatriation.

The UNHCR continued to negotiate for permission to work with "communities that are affected by displacement." The government allowed the UNHCR to provide humanitarian assistance to Rohingyas in northern Rakhine State, whom the government does not recognize as citizens.

In August the UNHCR signed a two-year memorandum of understanding (MOU) with the Ministry of Border Affairs that permitted the UNHCR to work with implementing partners in the southeast region, including parts of Karen and Mon states and Tanintharyi Division, to which the UNHCR had previously been denied access. Under the MOU, UNHCR foreign personnel also were permitted to monitor their project activities in the region.

Stateless Persons

According to the UNHCR, there were approximately 800,000 legally stateless persons residing in the country. Only persons who were able to prove long familial links to the country were accorded full citizenship. Most stateless persons were from the Muslim Rohingya ethnic minority in northern Rakhine State near the border with Bangladesh. The government denied citizenship to most Rohingyas on the grounds that their ancestors did not reside in the country for one year prior to the start of British colonial rule in 1824, as required by the highly restrictive citizenship law.

Native-born but nonindigenous ethnic populations such as Chinese, Indians, Bengalis, and some Eurasians were denied the full benefits of citizenship based on their nonindigenous ancestry.

Persons without full citizenship faced restrictions in domestic travel. They were barred from certain advanced university programs in medicine and technological fields and excluded from government positions.

Rohingyas experienced severe legal, economic, and social discrimination. The government required them to receive approval for all travel outside northern Rakhine State. Rohingyas had extremely limited access to higher education and could not work as civil servants, including service as doctors, nurses, or teachers. Access to medical care was extremely limited. Rohingyas did not have access to state-operated schools beyond primary education, nor did they have the right to vote.

The government continued a UNHCR-administered program that issued temporary identification cards to stateless persons in northern Rakhine State. At year's end the UNHCR estimated that approximately 400,000 stateless persons possessed temporary identification cards.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The regime continued its systematic use of coercion and intimidation to deny citizens the right to change their government. The 1947 constitution contained a clause that gave citizens the right to recall elected MPs. The 1974 constitution contains a similar clause, but there was no record that this clause was ever exercised. The SPDC continued to prevent the parliament elected in 1990 from convening.

Since 1962 active-duty military officers have occupied the most important positions in the central government and in local governments, and the SPDC placed active duty or retired military officers in senior-level positions in almost every ministry. At year's end active-duty or retired military officers occupied 30 of 33 ministerial-level posts, including that of prime minister and the mayoral posts in Rangoon, Mandalay, and the new administrative capital, Nay Pyi Taw.

Elections and Political Participation

In the most recent parliamentary elections, held in 1990, the NLD won a majority of seats. However, the military regime refused to implement the election results and disqualified, detained, or imprisoned many successful candidates.

The government outlawed the existence of all but 10 political parties and routinely harassed members of the few legal opposition parties. The NLD continued to press for substantive dialogue on political reform and publicly voiced criticisms of the policies and actions of the government, including the jailing of dissidents. However, the government refused to engage in dialogue with the NLD and continued its systematic campaign to destroy the NLD. At year's end 12 MPs-elect remained in prison for political reasons, some since the early 1990s.

On July 28, the regime reconvened the National Convention, first summoned in 1993 and in recess since December 29, 2006. The convention is part of the government's seven-step "road map" to adopt a new constitution. The regime

convened the convention with more than 1,000 handpicked delegates, including representatives from 17 ethnic cease-fire groups. However, it prohibited free debate on the drafting of a new constitution and threatened to imprison persons for periods of five to 20 years for any criticism of the process. The convention concluded its final session on September 3. Shortly after the conclusion of the final session, the government released a list of 104 principles approved by the convention delegates to guide the drafting of the constitution. On October 18, the regime appointed a 54-person constitutional drafting committee; the committee held its first meeting on December 3 and continued to meet at year's end.

Due to the limitations on open debate, the NLD decided in 1995 not to participate in the convention, and the authorities did not invite NLD members to join subsequent convocations.

Women were excluded from political leadership. Members of certain minority groups also were denied a role in government and politics. There were no female or ethnic minority members of the SPDC, cabinet, or Supreme Court.

Government Corruption and Transparency

The law provides for criminal penalties for official corruption; however, the government rarely and inconsistently enforced the anticorruption statute, and officials frequently engaged in corrupt practices with impunity. A complex and capricious regulatory environment fostered corruption. Authorities usually enforced anticorruption laws only when the regime's senior generals wanted to take action against officials whose egregious corruption had become an embarrassment or when they wanted to punish officials deemed a threat to the senior generals' power.

The government did not provide access to most official documents, nor is there a law allowing for it. Most government data, even routine economic statistics, were classified or tightly controlled. Government policymaking was not transparent, with decision-making confined to the top layers of government, and new government policies rarely were published or explained openly.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government did not allow domestic human rights organizations to function independently, and it remained hostile to outside scrutiny of its human rights record. On November 2, the Ministry of Foreign Affairs informed the diplomatic corps that the regime was expelling the UN resident coordinator in response to his statement on UN Day, in which he pointed out the deteriorating economic situation and called on the government to address the political, economic, humanitarian, and human rights problems facing the country.

Approximately 35 nonpolitical, international humanitarian NGOs operated in the country. A few others had a provisional presence while undertaking the protracted negotiations necessary to establish permanent operations in the country. Many international humanitarian NGOs and UN agencies reported increasing government pressure to curtail their activities, and access to human rights activists, prisoners, and ethnic minorities by international personnel became more difficult.

UN agencies and NGOs continued to negotiate with the government to agree on mutually acceptable guidelines for the activities of humanitarian organizations. The Burmese-language version of the guidelines, released in February 2006, contained measures that were more restrictive than those in the English-language version.

The government maintained travel restrictions on foreign journalists, NGO staff, UN agency staff, and diplomats in most regions. Human rights advocates regularly were denied entry visas unless traveling under the aegis of a sponsor acceptable to the government and for purposes approved by the government. The government's monitoring of the movements of foreigners, its frequent interrogation of citizens concerning contacts with foreigners, its restrictions on the freedom of expression and association of citizens, and its practice of arresting citizens who passed information about government human rights abuses to foreigners impeded efforts to collect or investigate human rights abuses. Reports of abuses, especially those committed in prisons or ethnic minority areas, often emerged months or years after the abuses allegedly were committed and seldom could be verified.

Some international NGOs and UN agencies were required to have a government representative accompany them on field visits, at the NGOs' or UN's expense, although this rule was not consistently enforced. Foreign staff experienced difficulty obtaining permission to travel to project sites.

On May 22, the UN Secretary-General appointed Ibrahim Gambari as UN envoy to Burma. Gambari visited the country in October and November. However, on both occasions the regime refused to allow him to control his own schedule, insisting instead on dictating his meetings and restricting him to the new capital and the government guesthouse in Rangoon.

UN Special Rapporteur Paulo Sergio Pinheiro conducted an official mission to the country November 11-15 to investigate allegations that the regime committed numerous human rights violations during its response to the prodemocracy demonstrations of August and September. During his visit he met with government officials, foreign diplomatic

representatives, members of the UN country team, representatives from international NGOs, representatives from national ethnic groups, representatives of women's development associations, monks, and five detainees--Su Su Nwe, Win Tin, Min Zeya, Maung Kan, and Than Tin. He was not permitted to meet with any military commanders. He was allowed to conduct supervised visits to Insein Prison, the detention facilities at GTI and Number 7 Police Battalion Control Command Headquarters, the Htain Bon crematorium, and Nan Oo and Ngwe Kyar Yan monasteries. On December 7, Pinheiro released a report describing his findings, including incidents involving the use of excessive and lethal force, arbitrary arrest and detention, deaths in custody and torture, and severe reprisals against peaceful protesters. He also provided recommendations for immediate and transitional measures addressed to the government.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The SPDC continued to rule by decree and was not bound by any constitutional or statutory provisions concerning discrimination based on race, gender, disability, language, or social status.

Women

Rape is illegal, but the government did not enforce the law effectively. If the victim is under 14 years of age, the act is considered rape with or without consent. In such cases the maximum sentence is two years when the victim is between ages 12 and 14, and 10 years to life imprisonment when the victim is under 12. Spousal rape is not a crime unless the wife is under 14.

The government did not release statistics regarding rape; however, it stated that rape was not common in populous urban areas but occurred more often in remote areas. Nonetheless, it was generally considered unsafe for women to travel at night without a male escort, and employers typically had to supply a bus or truck to return female workers to their homes at night. Use of taxis at night was considered particularly hazardous for women because of the risk of rape or robbery. Prostitutes traveling at night typically had to pay substantial additional fees to taxi operators or risk being raped, robbed, or turned over to the police. There were credible reports that prostitutes taken into police custody were sometimes raped or robbed by the police. Incidents of rape in conflict areas and other ethnic minority areas continued, particularly by military personnel garrisoned in those regions. Authorities rarely, if ever, took action against government officials accused of rape. Occasionally, authorities would arrest and prosecute women who reported being raped by police or soldiers. The regime did not release any statistics concerning the number of rape prosecutions and convictions.

Domestic violence against women, including spousal abuse, remained a problem; however, because the government did not maintain statistics related to spousal abuse or domestic violence, it was difficult to measure. There are no laws specifically against domestic violence or spousal abuse, although there are laws related to committing bodily harm against another person. The related prison terms range from one year to life, in addition to possible fines. The government-affiliated MWAFF sometimes lobbied local authorities, including the police, to investigate domestic violence cases involving spousal abuse. Since the MWAFF is controlled by wives of regime leaders, police usually investigated such cases referred to them by the group.

Prostitution is prohibited by law and punishable by three years in prison; however, its prevalence grew in urban areas, particularly in some of Rangoon's "border towns" and "new towns," populated chiefly by poor families who were relocated forcibly from older areas of the capital.

There are no laws against sexual harassment, which continued to be a problem.

Women remained underrepresented in most traditionally male occupations and were effectively barred from certain professions, including the military officer corps. Poverty affected women disproportionately. Women did not receive equal pay for equal work on a consistent basis. Women legally are entitled to receive up to 26 weeks of maternity benefits, but in practice these benefits often were not accorded them.

There were no independent women's rights organizations, although there were several groups with some relationship to the government. The MWAFF, chaired by the wife of former prime minister General Soe Win, was the leading "nongovernmental" women's rights organization. With branches in all 14 states and divisions, it was the primary government organization responsible for addressing women's interests. The Myanmar Maternal and Child Welfare Association, another government-controlled agency, provided assistance to mothers and children. These organizations were closely allied with the government and conducted activities that furthered government objectives. The Myanmar Women Entrepreneurs' Association, a professional society for businesswomen, provided loans to women starting new businesses. While not controlled by the government, the association enjoyed good relations with the government and was allowed to conduct its activities to support women in business.

Children

Children were at high risk, as deteriorating economic conditions forced destitute parents to take them out of school to work

in factories and teashops or to beg. Many were placed in orphanages. With few or no skills, increasing numbers of children worked in the informal economy or in the street, where they were exposed to drugs, petty crime, risk of arrest, trafficking for sex and labor exploitation, and HIV/AIDS.

There are laws prohibiting child abuse, but they were neither adequate nor enforced. Efforts in this regard were severely constrained by lack of resources. The Department of Social Welfare (DSW) provided limited social welfare services, but there were only a few officially appointed social workers. The DSW provided support and schooling for a small number of orphaned children or others who were in some other way estranged from their families.

The government continued to allocate minimal resources to public education. According to official figures for fiscal year 2007-8 (April through March), official expenditure allocations for the Ministry of Education comprised 1.1 percent of gross domestic product (GDP). Public schooling was ostensibly provided free through the 10th standard (approximately age 16). However, on average public school teachers' pay was equal to approximately four dollars (5,300 kyat) per month, far below subsistence wages, forcing many teachers either to leave the profession or demand extra payments from their students. Thus, many families had to pay to send their children to school, even at the primary level. According to a Kachin women's group, families in Kachin State had to pay as much as \$230 (300,000 kyat) for their children to attend 10th standard, an amount approximately equal to the average annual income of a skilled laborer. In some areas where families were not able to afford unofficial payments, teachers ceased to work. In response to official neglect, private institutions began to provide assistance in education, despite a legal ban on private schools.

Education is compulsory through the 4th standard, or approximately age 10. The UN Children's Fund (UNICEF) reported that 50 percent of primary school students dropped out of school before finishing the 4th standard. Rates of school attendance were low, largely due to increasing economic hardship, causing students to seek work as domestic helpers or waiters at urban teashops. NGOs estimated that nationwide nearly one million primary-age children did not attend school. There was no difference in the attendance rate of boys and girls.

The government cooperated with the UN Committee on the Rights of the Child. UNICEF reported close working relationships with the DSW and the Ministry of Education, where it worked to support primary education and produce children's storybooks in five minority languages. Faith-based organizations, Buddhist monks and nuns, and private community-based groups also provided educational and other support for children.

Children also suffered from the government's severe neglect of health care. According to official government figures, the budget for the Ministry of Health in fiscal year 2007-8 amounted to 0.3 percent of GDP. There were no reports that the government discriminated between boys and girls in the provision of health care.

The law prohibits child abuse, and the government stated that child abuse was not a significant problem. However, accurate statistics were not available, and some international NGOs believed the problem may have been more widespread than the government acknowledged.

Trafficking in girls for the purpose of prostitution--especially Shan girls who were sent or lured to Thailand--persisted as a major problem. In Rangoon and Mandalay, diplomatic representatives noted widespread presence of female prostitutes who appeared to be in their teens. Additionally, some brothels reportedly offered young teenage "virgins" to their customers for a substantial additional fee.

The use of child soldiers remained a problem, although the number of child soldiers was not known. The official age of enlistment in the army is 18 years. The government stated that its official policy is to avoid conscripting child soldiers; however, numerous recruiters reportedly ignored the policy.

During the June 25-29 visit of UN Special Representative Coomaraswamy, the regime appointed an official in the Ministry of Social Welfare to work with his counterpart on the UN Country Team on problems pertaining to children and armed conflict. The government also appointed an official in the Ministry of Foreign Affairs to work with UNICEF on the child soldier issue. The official from the Ministry of Social Welfare is responsible for matters pertaining to the release and reintegration of child soldiers, while the Ministry of Foreign Affairs official is responsible for monitoring and reporting. In September the government established a technical level working group on the monitoring and prevention of child recruitment. The Committee for Prevention Against Recruitment of Minors for Military Service also agreed to develop, in coordination with UNICEF, a plan for reintegrating into civilian society children affected by armed conflict. However, numerous international NGOs and diplomatic observers reported that a more robust monitoring and training mechanism was needed to address the child soldier problem adequately.

Although authorities allowed Coomaraswamy to meet with representatives of the United Wa State Army, they prevented her from meeting with representatives of the Karen National Liberation Army and Karenni Army, both of which were listed in the UN Secretary-General's 2006 Security Council Report as using child soldiers.

On October 31, Human Rights Watch published a report entitled *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, which detailed numerous specific instances of child soldier recruitment and use in the country.

On November 16, Coomaraswamy presented her report on children and armed conflict in the country. The report stated that the UN had received numerous credible reports about violations of international humanitarian law, human rights law, and military directives resulting in the recruitment and use of children by some government military units and several nonstate actors, including the United Wa State Army, Kachin Independence Army, Karenni National People's Liberation Front, Democratic Karen Buddhist Army, Shan State Army-South, Myanmar National Democratic Alliance Army, and Karen National Union Peace Council. However, the report stated that the government had shown increasing interest in addressing underage recruitment and cautioned that it was not able to provide a full picture of the breadth and depth of these violations due to limited access to conflict areas and the lack of guaranteed protection for monitors and victims of violations.

Trafficking in Persons

Although there are laws prohibiting trafficking in persons, trafficking, including of children, remained a problem; however, there were no reliable statistics regarding its extent. Laws specifically prohibiting child prostitution and child pornography were not enforced effectively. In addition to forced labor and forced recruitment of civilians to work as soldiers, Burmese victims were trafficked to East and Southeast Asia and the Middle East for sexual exploitation, domestic servitude, and bonded labor.

Government data showed that Thailand was the primary destination for trafficking victims, with much smaller numbers going directly to China, Malaysia, Bangladesh, Republic of Korea, and Macau.

Young women and girls were at high risk for trafficking for the purpose of sexual exploitation, while both young men and women were trafficked to East and Southeast Asia and the Middle East for domestic servitude and bonded labor. Victims of trafficking faced hazardous conditions, including sexual and physical abuse by their traffickers, poor nutrition and sanitary conditions, and disease, including tuberculosis and HIV/AIDS.

Shan and other ethnic minority women and girls were trafficked across the border from the north; Karen and Mon women and girls were trafficked from the south. There was evidence that internal trafficking generally occurred from poor agricultural and urban centers to areas where prostitution flourished (trucking routes, mining areas, military bases, and industrial areas) as well as along the borders with Thailand and China. Men and boys also reportedly were trafficked to other countries for sexual exploitation and labor.

Human traffickers appeared to be primarily free-lance, small-scale operators using village contacts to send victims to more established trafficking brokers. Brokers were primarily foreign, but some Burmese brokers operated in Thailand and China.

The penalties for trafficking women and minors is 10 years to life; for trafficking men, five to 10 years; for fraud for the purpose of trafficking, three to seven years; for using trafficked victims for pornography, five to 10 years; for trafficking with an organized criminal group, 10 years to life; for serious crime involving trafficking, 10 years to life or the death penalty; for a public official accepting money related to an investigation of the trafficking law, three to seven years. All penalties also include the option of a fine.

The government made limited progress against trafficking in persons. Officials recognized the importance of preventing cross-border trafficking and prosecuting traffickers, but they did little to combat domestic trafficking and took no action on forced labor. Authorities claimed to identify more than 400 traffickers involved in 191 separate cases in 2006; the government took action against 274 offenders, of whom 65 were convicted, and returned 419 trafficking victims, according to police reports. Most of those convicted received sentences of less than five years. Since the government did not accurately distinguish between human traffickers and smugglers, the actual number of traffickers convicted was probably less.

The government worked with the UN Inter-Agency Project on Human Trafficking to sponsor seminars for national, state/division, and lower-level authorities and received training from the Asia Regional Trafficking in Persons Project.

The Ministry of Home Affairs continued to maintain that there was no complicity of government officials in trafficking; however, corruption among local government officials was widespread. NGOs reported that government officials were complicit in trafficking, although it appeared limited to local and regional officials turning a blind eye to trafficking activities. Authorities took no law enforcement action against trafficking by government or military officials. Although corruption was pervasive along the borders, there were no reports of action taken against officials complicit in profiting from or involved in trafficking.

The government had four vocational training centers and one house to shelter female trafficking victims; male victims were temporarily sheltered in training schools. The government insisted that repatriated victims stay for one month in these centers, where they were confined contrary to international norms of victim protection.

The MAAF and the DSW provided some basic health and compulsory counseling services and job training for trafficking

victims before turning them over to an NGO or returning them to their families. However, government funding for these programs was very limited.

The government made it difficult for single women to obtain passports or marry foreigners, ostensibly to reduce the outflow of women as victims of trafficking. Regulations forbid females under the age of 25 from crossing the border unless accompanied by a guardian, but most trafficked women crossed the border without passports.

The Ministry of Home Affairs placed antitrafficking units at nine locations known for frequent trafficking. With assistance from international NGOs, the government conducted training and advocacy workshops and also approved nationwide television and radio announcements and distribution of materials at the state/division level.

International and local NGOs offered poverty alleviation and educational programs designed to counter trafficking. These programs were moderately successful.

Persons with Disabilities

The government did not actively discriminate against persons with disabilities in employment, access to health care, education, or in the provision of other state services, but there were few official resources to assist persons with disabilities. There are no laws mandating accessibility to buildings, public transportation, or government facilities, and persons with disabilities faced societal discrimination. There were several local and international organizations that assisted persons with disabilities, but most such persons had to rely exclusively on their families to provide for their welfare.

Military veterans with disabilities received benefits on a priority basis, usually a civil service job at equivalent pay. In principle, official assistance to nonmilitary persons with disabilities included two-thirds of pay for up to one year for a temporary disability and a tax-free stipend for permanent disability; however, the government did not provide job protection for private sector workers who became disabled.

The Ministry of Health is responsible for medical rehabilitation of persons with disabilities, and the Ministry of Social Welfare is responsible for vocational training. The government operated three schools for the blind, two for the deaf, two rehabilitation centers for adults with disabilities, and two for children with disabilities. However, the government provided inadequate funds for its schools and programs for persons with disabilities. Local NGOs operated four schools for the blind.

The ICRC continued to provide rehabilitation services to both civilian and military victims of landmine injuries. Besides operating an orthopedic rehabilitation center in Hpa-an, Karen State, the ICRC also had an active outreach program to identify and refer amputees from remote border villages to its prosthetic services.

National/Racial/Ethnic Minorities

Wide-ranging governmental and societal discrimination against minorities persisted. Animosity between the country's many ethnic minorities and the Burman majority, which has dominated the government and the armed forces since independence, continued to fuel active conflict that resulted in serious abuses during the year. The abuses included reported killings, beatings, torture, forced labor, forced relocations, and rapes of Chin, Karen, Karenni, Rohingya, Shan, Mon, and other ethnic groups by SPDC soldiers. Some armed ethnic groups also may have committed abuses, but on a much smaller scale than the government army.

Rohingya Muslims who returned to Rakhine State were discriminated against because of their ethnicity. Returnees faced severe restrictions on their ability to travel, engage in economic activity, obtain an education, and register births, deaths, and marriages.

Ethnic minority groups generally used their own languages at home. However, throughout all parts of the country controlled by the government, including ethnic minority areas, Burmese remained the mandatory language of instruction in state schools, and teaching in local languages was not offered. Even in ethnic minority areas, most primary and secondary state schools did not offer instruction in the local ethnic minority language. There were very few domestic publications in indigenous minority languages.

The government continued to resettle groups of ethnic Burmans in various ethnic minority areas through the establishment of "model villages" in Rakhine State and other regions. Many of these new inhabitants had been released from prison on the condition that they resettle in a "model village." Government jobs in ethnic minority regions, including as teachers, were increasingly reserved for ethnic Burmans, according to reports from Kachin and Kayah states.

There were ethnic tensions between Burmans and nonindigenous ethnic populations, including South Asians, many of whom were Muslims, and a rapidly growing population of Chinese, most of whom emigrated from Yunnan Province.

Chinese immigrants increasingly dominated the economy of the northern part of the country.

Other Societal Abuses and Discrimination

Many citizens viewed homosexuals with scorn. Penal code provisions against "sexually abnormal" behavior were applied to charge gays and lesbians who drew unfavorable attention to themselves. Nonetheless, homosexuals had a certain degree of protection through societal traditions.

HIV-positive patients were discriminated against, although HIV activists reported that awareness campaigns helped to reduce discrimination and stigma. However, some persons reportedly were reluctant to visit clinics that treat HIV/AIDS patients for fear of being suspected of having the disease.

Section 6 Worker Rights

a. The Right of Association

The law permits workers to form trade unions with the prior consent of the government; however, no free trade unions existed in the country. Domestic and internationally affiliated unions are not allowed, nor is individual membership in unions. The government forbade seafarers who found work on foreign vessels through the Seafarers Employment Control Division from having contact with the International Transport Workers' Federation, and the government often refused to document seafarers who were abroad, which made it impossible for a seafarer to find regular employment.

On September 7, six labor activists were sentenced to between 20 and 28 years in prison for sedition and illegal association for their connection with a labor rights workshop held in Rangoon on May 1.

On November 20, authorities arrested labor activist U Tin Hla along with his wife and children on charges that he organized railway workers to join September's prodemocracy protests. While his family was released five days later, U Tin Hla remained in custody at year's end.

The government maintained its 2006 ruling that criminalizes contact with the Federation of Trade Unions - Burma, claiming it is a "terrorist group."

b. The Right to Organize and Bargain Collectively

The government does not allow workers to organize or bargain collectively. The government's central arbitration board, which once provided a means for settling major labor disputes, remained dormant, although the Ministry of Labor reportedly played an arbitration role in settling some disputes. Township-level labor supervisory committees existed to address minor labor concerns. Local labor authorities intervened as mediators in informal labor strikes to ensure peaceful resolutions between workers and employers.

The government unilaterally set wages in the public sector. In the private sector, market forces generally set wages; however, the government pressured joint ventures to pay salaries no greater than those of ministers or other senior government employees. Some joint ventures circumvented this with supplemental pay or special incentive systems. Foreign firms generally set wages near those of the domestic private sector but followed the example of joint ventures in awarding supplemental wages and benefits.

The law prohibits labor strikes, although employees at a number of large factories organized more than 60 informal strikes during the year and in many cases won higher wages. Most strikes were resolved without government intervention, but in some cases authorities pressured workers and employers for resolution.

There are no export processing zones; however, there are special military-owned industrial parks, such as Pyin Ma Bin, near Rangoon, which attracted foreign investors, and the 2,000-acre Hlaing Thaya Industrial Zone in Rangoon, where several companies operated. Labor laws are applicable in all industrial zones and across all industries, but they were not always enforced.

c. Prohibition of Forced or Compulsory Labor

The law provides for the punishment of persons who impose forced labor on others. However, government and military use of forced or compulsory labor remained a widespread and serious problem, particularly targeting members of ethnic minority groups. During the 96th session of the International Labor Conference, which met May 30–June 15, the International Labor Organization's (ILO) Committee on the Application of Standards submitted a report on forced labor in the country and expressed its profound concern at the widespread use of the practice, particularly in Karen and Rakhine states. Throughout the country, international observers verified that the government routinely forced citizens to work on

roads, construction, and other maintenance projects. Citizens also were forced to work in the military-owned industrial zones.

The government's use of forced labor in support of military garrisons or military operations remained serious in ethnic or religious minority regions. According to credible NGO sources, villagers were ordered to build or repair military camp infrastructure and perform other tasks within the camps, such as standing guard. The same sources also reported that villagers were required to bring lumber, at their own expense, to construct and repair military facilities.

According to the Free Burma Rangers, on March 1, Commander Tin Soe and Sergeant Kyaw Nyut Oo allegedly forced at least 30 villagers from Maladaw in Karen State to carry equipment and food from Maladaw to a new army camp in Saw Tay Der.

The Free Burma Rangers also reported that on March 1, the 375th Light Infantry Battalion forced 160 villagers from Paw Pe Der, Aung Chan Tha, Myaung Oo, and Ye Bet in Karen State to carry supplies from Paw Pe Der to an army camp in Paung Zeik.

On May 7, the army allegedly forced 154 villagers to work on a new road between the 599th Light Infantry Battalion headquarters in Toe Daw and the 590th Light Infantry Battalion in Yin O Sein in Karen State. According to witnesses the villagers were forced to cut wood and bamboo, build livestock shelters, and clean army facilities. Residents in the area reported that the road construction destroyed more than 500 acres of their farmland.

During the year NGOs presented credible evidence that the army continued to use ethnic Karen villagers as porters in attacks against Karen villages in Bago Division and Karen and Kayah states.

The ILO reported that military units continued to issue oral rather than written demands to village heads to provide forced labor. The ILO also reported that in some cases the government substituted demands for forced labor with demands for forced contributions of materials, provisions, or money. The ILO reported that since 2002 the government increasingly used prisoners not sentenced to hard labor in place of civilians as forced laborers, possibly due to international pressure against the use of civilians. There reportedly were new labor camps, but many were temporary, existing only until the completion of a specific work project. During the year the army reportedly transported convicts from prisons throughout the country to serve as porters in its attacks against Karen villages in Bago Division, Karen State, and Kayah State. The convicts faced dangers from minefields and exposure to gunfire while working with inadequate food and no medical care.

Reports of forced labor for smaller projects in villages countrywide persisted. Authorities also continued to use forced labor countrywide to maintain existing civil infrastructure, including transportation and irrigation facilities. Authorities often allowed households or persons to substitute money or food for labor for infrastructure projects, but widespread rural poverty forced most households to contribute labor. Parents routinely called upon children to help fulfill their households' forced labor obligations.

There were reports from nearly every division and state that authorities forced citizens to buy and plant physic nut trees on public and private property as part of the SPDC's campaign to produce more biodiesel fuel. Those who tried to avoid planting the trees were frequently threatened with fines.

On February 26, the ILO and the government signed an agreement establishing a mechanism to address forced labor complaints. Under the agreement the government and the ILO may jointly investigate allegations of labor abuses referred by the ILO. In March authorities responded to the first ILO case referrals and initiated investigations into the cases. In April a court in Aunglan Township in the central region found two village authorities guilty of forcing villagers to repair a road and sentenced them to six months in prison; a third official was acquitted. In a separate case involving child soldier recruitment, the child was returned to his family in April, while local authorities continued to investigate. In August the ILO and the government conducted a joint investigation into forced labor complaints in Rakhine State dating back to March.

The law does not specifically prohibit forced and bonded labor by children, and forced labor by children continued to be a serious problem.

d. Prohibition of Child Labor and Minimum Age for Employment

The law sets a minimum age of 13 for the employment of children, but in practice the law was not enforced. Child labor was prevalent and highly visible. In cities children were employed primarily in small or family enterprises. In rural areas children worked in family agricultural activities. Children working in the urban informal sector in Rangoon and Mandalay often began work at very young ages. In cities child workers were found mostly in the food processing, street vending, refuse collecting, and light manufacturing industries, and as restaurant and teashop attendants.

The law does not prohibit compulsory labor by children, and children were subjected to forced labor. Authorities reportedly rounded up teenage children in Rangoon and Mandalay and forced them into portage or military service.

While no specific government agency has been designated to enforce child labor laws, the Ministry of Labor worked with the Attorney General's Office to change the minimum working age. In December 2006 UNICEF completed a review of legal provisions for working children found in 10 separate labor laws enacted from 1923 to 1993 and made recommendations for protecting children who work. Since 2006 UNICEF has worked with the Ministry of Labor to facilitate several interagency meetings and workshops on the protection of children. In July and November the UN, the Ministry of Labor, international NGOs, and employers held two workshops to discuss preparing a draft for minimum standards and codes of conduct for the protection of working children. In October UNICEF conducted training for Ministry of Labor staff and labor inspection officers on international standards, child rights, and the minimum standards for protecting the rights of working children. According to UNICEF, the government worked with UNICEF to disseminate the minimum standards for the protection of working children.

e. Acceptable Conditions of Work

Only government employees and employees of a few traditional industries were covered by minimum wage provisions. The minimum monthly wage for salaried public employees remained at the market equivalent of \$11.50 (15,000 kyat) for what was in effect an eight-hour workday. The rate for day laborers was \$0.38 (500 kyat) per day. Various subsidies and allowances supplemented this sum. Neither the minimum wage nor the higher wages earned by senior officials provided a worker and family with a decent standard of living. Low real wages in the public sector fostered widespread corruption and absenteeism. In the private sector, urban laborers earned approximately \$0.38 to \$0.75 (500 to 1,000 kyat) per day, while rural agricultural workers earned approximately half that rate. Some private sector workers earned substantially more: a skilled factory worker earned approximately \$23 (30,000 kyat) per month, according to private sector employers.

A surplus of labor, a poor economy, and the lack of protection by the government continued to foster substandard conditions for workers. The law prescribes a five-day, 35-hour workweek for employees in the public sector and a six-day, 44-hour workweek for private and state enterprise employees, with overtime paid for additional work. Factory workers at state-owned enterprises must work 44 to 48 hours per week, depending on the type of factory. The law also allows for a 24-hour rest period per week, and workers are permitted 21 paid holidays per year; however, in practice such provisions benefited only a small portion of the labor force, since most of the labor force was engaged in rural agriculture or the informal sector. The laws were generally enforced in the government sector, but there were frequent violations by private enterprises.

Numerous health and safety regulations existed, but the government did not make necessary resources available to enforce the regulations. Although workers may remove themselves from hazardous conditions, many workers could not expect to retain their jobs if they did so.

