



2008 Human Rights Report: Burma

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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Burma, with an estimated population of 54 million, is ruled by a highly authoritarian military regime 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 controlled the security forces without civilian oversight.

The regime continued to abridge the right of citizens to change their government and committed other severe human rights abuses. Government security forces allowed custodial deaths to occur and committed other extrajudicial killings, disappearances, rape, and torture. The government detained civic activists indefinitely and without charges. In addition regime-sponsored mass-member organizations engaged in harassment, abuse, and detention of human rights and prodemocracy activists. 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. The army continued its attacks on ethnic minority villagers. Aung San Suu Kyi, general secretary of the National League for Democracy (NLD), 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. Some cease-fire groups reportedly committed abuses. 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 and custodial deaths.

On February 21, police in Akyab, Rakhine State, severely beat Zawmir Uddin, a Rohingya who subsequently died in police custody.

On May 3, soldiers and riot police reportedly shot at a large group of inmates in Insein Prison after the prisoners started a fire to warm themselves. There were reports that at least 36 inmates were killed and approximately 70 injured. The regime claimed that only two prisoners were killed accidentally in the fire. Following the incident, prison authorities reportedly conducted an investigation that resulted in the death of four inmates during interrogation.

On May 20, soldiers killed a retired New Mon State Party medical worker during interrogation in Khawzar police station, Mon State.

In mid-June a man accused of stealing Buddha statues in Magwe Division died during interrogation at Magwe police station.

The government took no action to investigate or punish those responsible for extrajudicial killings of at least 30 persons during the regime's violent suppression of peaceful prodemocracy demonstrations in September 2007, including Buddhist monk U Thilavantha and Japanese photojournalist Kenji Nagai. Additionally, the government did not investigate or punish those responsible for custodial deaths in 2007, including the following cases: Maung Chan Kun, Lin Lin Naing, Ko Naing Oo, NLD member Win Shwe, and Ko Ko Win.

There were no developments in the 2006 killings of the following persons: former political prisoner Thet Naing Oo, Wai Phyto Naung, Ma Nyo Kyi, and Saw Stin Pho.

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.

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.

The government took no action to investigate reports that security forces took large numbers of residents and monks from their homes and monasteries during numerous nighttime raids following the peaceful prodemocracy protests in September 2007.

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.

There was no information regarding the whereabouts of 31 persons who disappeared during a 2003 attack by government-affiliated forces on an NLD convoy led by party leader Aung San Suu Kyi near the village of Depeyin.

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 2005 the Thailand-based Assistance Association for Political Prisoners 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 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. Authorities used prolonged solitary confinement to punish prisoners.

There were credible reports that prostitutes taken into police custody were sometimes raped or robbed by the police. Occasionally, authorities would arrest and prosecute women who reported being raped by police or soldiers. Security officials frequently placed a hood on those accused or suspected of political crimes upon arrest.

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 40 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 often was inadequate, sometimes consisting 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.

The government denied prisoners adequate medical care, although medical services in prisons partially reflected the poor health care services available to the general population.

There were numerous instances in which the government failed to provide prisoners with adequate medical care. On March 6, detained NLD member Ko Win Tin died in Bago prison. He had been suffering from untreated dysentery and tuberculosis.

On April 19, Azizullah, a 30-year-old man from Rathidaung Township, Rakhine State, died in Akyab prison. He reportedly did not receive proper medical treatment.

On July 18, political prisoner Khin Maung Tint died of tuberculosis in Mandalay prison.

Officials allowed a prison doctor to visit detained Min Ko Naing, an 88 Generation Students member, who was

suffering from high blood pressure and a degenerative spinal disease. However, they denied requests to have a specialist examine and treat him.

The health of 88 Generation Students member Myo Yan Naung Thein continued to deteriorate significantly in prison. The press reported that authorities repeatedly denied his requests for adequate medical care, including an operation to treat his paralysis. According to Amnesty International, his condition was the result of beatings received in custody.

In his August visit, UN Special Rapporteur for Human Rights in Burma Tomas Ojea-Quintana urged authorities to allow a dentist to treat prisoner Thurein Aung, who had been denied dental treatment for more than a year. Shortly after Ojea-Quintana's visit, prison officials allowed a dentist to treat the prisoner.

Prominent political prisoners who suffered from deteriorating health included NLD member of parliament-elect (MP-elect) Naing Naing. The health of writer Than Win Hlaing, held in Thayarwady Prison in Bago Division, continued to deteriorate due to harsh prison conditions. Rohingya MP-elect Kyaw Min and family also continued to experience health problems. MPs-elect Than Nyein and May Win Myint, as well as journalist Win Tin, also suffered health problems before their release in September.

There was no information on the condition of imprisoned Shan National League for Democracy (SNLD) Chairman Khun Htun Oo or SNLD member U Sai Hla Aung, who were suffering from numerous health problems but had not been permitted to receive medical attention.

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 International Committee of the Red Cross (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 Myanmar Police Force is under direct military command but falls administratively under the Ministry of Home Affairs. Police primarily deal with common crimes and do not handle political crimes. 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.

Military Security Affairs (MSA) officers and Special Branch (SB) police officers are responsible for detaining persons suspected of "political crimes" perceived to threaten the government. Once a person is detained, MSA or 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 Union Solidarity and Development Association (USDA) and the government-backed "private" militia Swan Arr Shin 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 detentions until much later.

During the year the regime detained numerous prodemocracy and human rights activists and several top opposition leaders and MPs-elect. Other activists wanted by the regime remained in hiding or self-imposed exile at year's end.

On January 9, police arrested NLD member and labor activist Htet Wei while he attended a friend's trial in Rangoon. According to witnesses, police took Htet Wei into custody when they allegedly saw the defendant, detained protester U Ohn Than, pass him a piece of paper. At year's end authorities had not released any information concerning the status of Htet Wei.

In April and May, the regime detained more than 130 persons suspected of campaigning against the government's draft constitution in the period preceding the May constitutional referendum. Many of these individuals were released shortly after their arrest. Several others remained in detention at year's end.

On April 1, Thingangyun township officials arrested NLD youth activist Ko Aung Htun at his home, according to witnesses. At year's end authorities had not released any information concerning the status of Ko Aung Htun.

On June 13, police arrested prodemocracy activist Myat Thu, alleged to be a leading figure in the 88 Generation Students prodemocracy group. At year's end authorities had not released any information concerning the status of Myat Thu.

On June 15, authorities arrested Myanmar Tribune editor Aung Kyaw San and several other unidentified persons after they returned from the cyclone-affected Irrawaddy Delta, where they had been burying cyclone victims. The government did not publicly acknowledge Aung Kyaw San's arrest, although some observers believed that officials suspected him of providing information about the cyclone's aftermath to foreign news services. At year's end Aung Kyaw San remained in detention, and authorities had not released any information regarding his legal status.

On June 25, police in Rangoon arrested a protester in front of city hall. According to the press, the woman shouted slogans calling for the release of Aung San Suu Kyi and other political prisoners before the authorities took her away. Officials did not acknowledge her arrest or release her identity.

On July 2, authorities detained NLD official Khun Maung, reportedly in connection with a small explosion at a USDA office earlier that day. The government did not release any information about his condition or reasons for his arrest.

Amnesty

On September 23, authorities announced the release of 9,002 prisoners as part of an amnesty. While the majority of those released were incarcerated for minor common crimes, at least six political prisoners were released, including journalist Win Tin, NLD Central Executive Committee (CEC) member Khin Maung Swe, NLD member Aye Thein, and MPs-elect May Win Myint, Than Nyein, and Aung Soe Myint. Win Tin spent 19 years in prison before his release.

Win Htein, Aung San Suu Kyi's former assistant, was released on September 23 as part of the amnesty but rearrested the next morning.

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, Unlawful Associations Act, Habitual Offenders Act, Electronic Transactions Law, Video Act, and Law on Safeguarding the State from the Danger of Subversive Elements--as well as the manipulation of the courts for political ends continued to deprive citizens of the right to a fair trial and to stifle peaceful dissent. Executive Order 5/96, which provides for the arrest of any person deemed a threat to the National Convention and the "roadmap to democracy," effectively stifled open debate among citizens. Pervasive corruption further served to undermine the impartiality of the justice system.

The new constitution provides for the right to a fair trial, but it also grants broad exceptions that in effect allow the regime to violate these rights at will.

Trial Procedures

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, were generally respected in common criminal cases but not in political cases that the government deemed 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 were permitted 15 days to prepare for trial, could call and cross-examine witnesses, examine evidence, and were granted a 15-day delay for case preparation. However, their primary function was not to disprove their client's guilt, which was usually a foregone conclusion, but rather to bargain with the judge to obtain the shortest possible sentence for their clients. Political trials often were not open to family members or the public, and defense attorneys frequently were 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.

In July a single judge on the Supreme Court rejected the appeals of six labor activists arrested in connection with a Rangoon seminar in May 2007. The court did not publish an opinion or otherwise explain the legal rationale for its decision, as it normally does. Although the law allows for the defendants to appeal to a multijudge panel of the Supreme Court, many legal observers pointed out that it would be difficult to do so without the court's opinion on which to base the appeal.

NLD members and other prodemocracy activists generally appeared 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.

During the year authorities held closed legal hearings for a large number of political prisoners. Foreign diplomatic observers were able to confirm that the regime sentenced at least 120 persons, although some human rights NGOs, such as the Assistance Association for Political Prisoners (AAPP), estimated that more than 200 persons were convicted. Some of those convicted had been detained for more than a year without trial.

In October and November, criminal defense attorneys Aung Thein, Khin Maung Shein, and Nyi Nyi Htwe were sentenced to between four and six months' imprisonment for contempt of court after they objected to the lack of due process afforded several political prisoners they were representing. Another attorney, Saw Kyaw Kyaw Min, was cited for contempt but fled before he was imprisoned. Independent legal observers noted that it was unusual for lawyers to be imprisoned, rather than fined, for contempt of court. Fourteen other lawyers, most sentenced prior to 1998, remained imprisoned at year's end.

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.

Political Prisoners and Detainees

Human rights observers reported that at year's end there were approximately 2,100 "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. Despite government assertions, a vast majority of these prisoners were not believed to have engaged in any violence, theft, or other common crimes.

On January 29, authorities charged detained labor activist Su Su Nwe with sedition, libel against foreign powers, and association with an unlawful organization.

Also on January 29, officials charged Ye Min Oo, Ye Myat Hein, Kyi Phyu, and Si Thu Maung with sedition. The four were arrested for their alleged participation in the September 2007 prodemocracy protests. In November authorities sentenced Ye Min Oo to five years' imprisonment and Ye Myat Hein and Kyi Phyu to six years and six months each. Human rights observers believed that Si Thu Maung remained in detention at year's end.

In January nine 88 Generation Students members, including Min Ko Naing and Ko Ko Gyi, were charged with failing to register printed materials. The other seven persons charged were Kyaw Min Yu (Jimmy), Mya Aye, Aung Thu, Min Zeya, Zaw Htet Ko Ko, Myo Aung Naing, and Ko Tin Htoo Aung. In September 35 members of 88 Generation

Students, including Min Ko Naing and Ko Ko Gyi, were charged under statutes prohibiting libel against friendly foreign governments and prohibiting speech or conduct intended to disrupt the government's "roadmap to democracy." In November Min Ko Naing, Ko Ko Gyi, Kyaw Min Yu, Mya Aye, Aung Thu, Min Zeya, and Myo Aung Naing were each sentenced to 65 years' imprisonment. Tin Htoo Aung was sentenced to 33 years' imprisonment. Zaw Htet Ko Ko remained in custody at year's end.

On March 8, police arrested opposition activist Aung Kyaw Oo, allegedly a leading figure in Generation Wave, an opposition group that authorities claimed was involved in the September 2007 protests. On November 11, authorities sentenced Aung Kyaw Oo to four years and six months in prison for his alleged involvement in the protests.

On the night of June 4, officials arrested prominent comedian and activist Zarganar and charged him with violating the Video Act, Electronics Act, and Unlawful Association Act, among others. On June 13, police arrested Zaw Thet Htwe, a journalist who worked with Zarganar to provide relief to victims of Cyclone Nargis. In November Zarganar was sentenced to 59 years' imprisonment and Zaw Htet Htwe to 15 years' imprisonment.

Between January and August, officials charged detained monk U Gambira with 10 counts, including illegal border crossing, association with an unlawful organization, publication of unapproved printed materials, undermining the security of the state, and rioting. In November he was sentenced to 68 years in prison.

On August 6, authorities arrested human rights activist Myo Min. On November 28, Myo Min was sentenced to five years' imprisonment.

On August 8, police arrested human rights activist Myint Aye at his home. On September 7, Director General of Police Khin Yi publicly accused Myint Aye of having engaged in a conspiracy to commit bombings, and on November 28, he was sentenced to 28 years' imprisonment after a closed trial.

On September 10, police arrested 88 Generation Students member Nilar Thein, who had been in hiding since August 2007, when authorities arrested 70 other 88 Generation Students activists, including her husband, Kyaw Min Yu. In November authorities sentenced Nilar Thein to 65 years' imprisonment. During the period she was in hiding, authorities reportedly kept under surveillance her infant daughter, whom she had been forced to leave with relatives.

Numerous prodemocracy and human rights activists arrested in 2007 were formally sentenced to prison terms during the year. In November leading 88 Generation Students members Phone Cho, Arnt Bwe Kyaw, Htay Kywe, Thet Zaw, Sandar Min, and Nyan Lin were sentenced to 65 years. Human rights observers believed that several other 88 Generation Students members arrested in 2007 remained in detention without conviction, including Zeya, Kyaw Kyaw Htwe (Markee), Panneik Tun, and Zaw Zaw Min.

In November officials sentenced several NLD members who were arrested in 2007 to prison terms, including Ko Kyi Phyu, who received a sentence of six years and six months; Aung Min Naing and Ko Wunna Aung, four years and six months each; and Ko Tin Myint, two years and six months. Human rights observers believed that several other NLD members arrested in 2007 remained in detention without conviction at year's end, including Ko Ye Min Zaw, Ko Soe Khine, Shwe Maung, Ko Myo Khin, Ko Tun 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.

Also in November officials sentenced Myanmar Development Committee leader Htin Kyaw, who was arrested in 2007, to 12 years' imprisonment. Human rights observers believed that several of his supporters remained in detention at year's end, including Zaw Nyunt, Ko Han, and Han Ti.

In November authorities sentenced human rights activist Aung Zaw Oo, arrested in 2007, to 12 years' imprisonment. Prodemocracy activist and musician Win Maw was sentenced to two years' imprisonment.

Human rights observers believed that prodemocracy activist Myat San, who was arrested in 2007, remained in detention at year's end. They also believed that the leader of Maggin Monastery, Sayada Aindakaat, remained in detention, as well as other monks arrested in 2007, including Sanda Wara.

NLD general secretary Aung San Suu Kyi remained under house arrest without charge and without trial. In May the regime again extended her detention, which began in 2003. 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, in January authorities allowed her a supervised meeting with NLD party leaders, and in March she met with UN Special Envoy Gambari. In August and September, authorities permitted Aung San Suu Kyi to meet with her attorney on five occasions at her home to prepare her legal appeal of her house arrest. She also was permitted to meet with her doctor four times during the year. NLD Vice-Chairman Tin Oo also remained under house arrest without trial.

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. 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. 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 members of 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 many students, to join the government's mass mobilization organizations-- the USDA, Myanmar Women's Affairs Federation (MWAFF), 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 are 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 executions, rapes, and demands for forced labor to build infrastructure for military units.

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 administrative capital Nay Pyi Taw continued to live separately from their families in Rangoon.

There were numerous reports that government troops looted and confiscated property and possessions from forcibly relocated persons or persons who were away from their homes. The materials often were used for military construction. 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 government 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.

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. On September 9, police detained Ko Moe Htet Hlyan, the brother-in-law of detained monk U Gambira. On September 11, authorities arrested Ko Aung Ko Ko Lwin, the younger brother of U Gambira. Both remained in detention at year's end.

On September 12, police arrested Daw Tin Tin Win, the 75-year-old mother of detained 88 Generation Students member Ko Arnt Bwe Kyaw. She was released later that day.

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 possessions, confiscated land, forced villagers to work on infrastructure projects, and demanded that villagers provide food and construction materials for military camps.

Killings

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.

Disappearances

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

Physical Abuse, Punishment, and Torture

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.

Karen NGO sources indicated that government forces continued to commit human rights abuses in Karen State, despite intermittent peace talks. Numerous Karen villages were attacked and burned, forcing hundreds of villagers to flee into the jungle.

Military forces also continued to abuse villagers and drive them from their homes during campaigns in Bago Division and Kayah and Shan states.

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.

Child Soldiers

The army continued to recruit and use child soldiers. 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. The International Labor Organization (ILO) reported that, compared with 2007, the number of child soldier complaints rose in the first half of the year. Some recruiting staff and other military personnel were charged under military regulations for taking part in child soldier recruitment. In most cases they were issued a reprimand that was entered into their military records, but there were no confirmed reports of any

persons being criminally charged for their involvement in child soldier recruitment.

In October 2007 Human Rights Watch published a report, *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, which detailed numerous specific instances of child soldier recruitment and use by government forces and various armed insurgent groups.

In her November 2007 report on the use of child soldiers in Burma, UN Special Representative for Children and Armed Conflict Radhika 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.

Other Conflict Related Abuses

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 monitor fully 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.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The new constitution provides for freedom of speech and of the press, but 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.

On January 22, authorities in Taungot Township, Rakhine State, arrested Ko Than Htay and Ko Kalar Shay. Witnesses reported that the two men, who were not NLD members or known political activists, rode their bicycles through town calling for the release of political prisoners and the reduction of commodity prices. Officials released the two on February 5.

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

On August 12, authorities arrested NLD MPs-elect U Nyi Pu and Tin Min Htut, two of five MPs-elect who signed a July 21 letter to UN Secretary-General Ban Ki-Moon and the UN Security Council criticizing the May constitutional referendum. They remained in detention at year's end. Two other signatories reportedly went into hiding following the arrest.

The law prohibits the publication or distribution of any printed material without obtaining prior approval from the government. 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, leading them to rely on local journalists. Their bureau chiefs were rarely permitted to enter on journalist visas.

Reporters were subject to arrest, harassment, intimidation, and violence by the authorities and supporters of the regime. In November Thet Zin and Sein Win Maung, the editor and office manager of Myanmar Nation magazine, respectively, were sentenced to seven years' imprisonment for violating the Printers and Publishers Act.

On September 1, authorities arrested Saw Myint Than, former correspondent of the privately owned magazine Flower News Journal, and charged him with violating the Electronics Law and criticizing government authorities. He was released on October 21.

On October 1, NLD member and former journalist Ohn Kyaing was arrested at his home. Ohn Kyaing was the chair of the NLD's Cyclone Nargis relief committee. He previously had served 15 years' imprisonment for "writing and distributing seditious pamphlets" and "threatening the security of the state." He was held without charge and released without explanation on December 11.

On November 5, authorities in Rangoon arrested journalists Khin Maung Aye and Htun Htun Thein of the privately owned news journal News Watch. In November authorities sentenced Khin Maung Aye and Htun Htun Thein to six months' imprisonment.

Many prominent writers and journalists remained in prison for expressing their political views. According to Reporters Without Borders, at the beginning of the year, eight journalists were in prison, including Ko Aung Gyi, former editor of the sports magazine 90 Minutes, and Myat Swe (Sunny Swe) and his father Thein Swe, co-owners of the English- and Burmese-language weekly newspaper Myanmar Times. Government censorship boards prohibited publication or distribution of works authored by those in prison.

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 or distribution of publications not approved by the censorship boards was a serious offense. The government also restricted the 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.

Due to widespread poverty, limited literacy, and poor infrastructure, radio and television remained the primary media of mass communication. News periodicals rarely circulated outside of 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 also 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 too expensive for the majority of the population.

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.

On March 8, authorities arrested Hlaing Township NLD members Ko Thant Zin and Ko Tun Tun for allegedly possessing copies of the latest "Rambo" movie.

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 most Web sites critical of the regime and its activities. Authorities also periodically blocked access to free e-mail services as well as to other Internet telephone and messaging services.

The government attempted to block 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. The government, working with government-controlled Internet providers Myanmar Teleport and the Ministry of Posts and Telecommunications, continued to search for and shut down Web sites that posted news and photographs of the September 2007 protests.

While the government rarely charged persons explicitly for expressing political, religious, or dissenting views in electronic fora, including e-mail, it often charged persons suspected of such activities with other crimes.

On January 30, authorities arrested Nay Phone Latt (Nay Myo Kyaw), an Internet blogger and owner of three Internet cafes. He was later charged with the unauthorized creation, reproduction, and distribution of videos; crimes against public tranquility; and engaging in unlawful electronic transactions. In November authorities sentenced Nay Phone Latt to 20 years and six months in prison.

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, most of them state employees,

were 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 other 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. 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 tutoring and tried to ban the practice.

The government monitored and censored most cultural events.

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. While still a legal political party, all NLD offices except its Rangoon headquarters remained closed by government order, and the NLD could not lawfully 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; 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 regime and its supporters routinely used intimidation, violence, and the power of arrest to disrupt peaceful demonstrations and meetings.

On January 2, authorities arrested NLD MP-elect Aung Moe Nyo along with NLD members Nay Myo Kyaw, Sein Win, Than Tun, and Maung Oo. All were detained after holding meetings to commemorate Burmese Independence Day.

On June 19, Swan Arr Shin members arrested up to 14 participants at a ceremony to mark the 63rd birthday of NLD leader Aung San Suu Kyi. Witnesses reported that the detainees were beaten before being loaded into trucks and driven away. At year's end the persons remained in detention.

Police in Taungot, Rakhine State, detained 48 persons on August 8 following a silent procession through the streets on the 20th anniversary of the date in 1988 when the regime violently suppressed prodemocracy protests in Rangoon. Although 43 detainees were subsequently released, five of the alleged leaders remained in custody.

On September 27, authorities arrested nine NLD members as they made their way to a ceremony at the party's Rangoon headquarters to mark the NLD's 20th anniversary. All nine were released later that day but were not permitted to attend the ceremony.

On December 30, authorities in Rangoon arrested nine NLD members as they carried a banner reading "Free Aung San Suu Kyi" on a major Rangoon thoroughfare. They remained in detention at year's end.

Freedom of Association

The government restricted freedom of association, particularly for NLD members, prodemocracy supporters, and those who contacted exile groups. A statute prohibits associating with any organization that the head of state declares to be unlawful.

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 parties that did not support regime policies.

c. Freedom of Religion

The new constitution provides for the freedom of religion; however, it also grants broad exceptions that allow the regime to restrict these rights at will.

There is no official state religion, but the government continued to show preference for Theravada Buddhism, the majority religion. 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 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.

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 imprisoned monks 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.

The government prohibited efforts by Buddhist clergy to promote human rights and political freedom. 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, and 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.

On July 15, police arrested nine monks at Rangoon Central Railway Station. In August they were sentenced to two years' imprisonment for "the deliberate and malicious...outraging of religious feelings."

On August 23, authorities arrested monks U Damathara and U Nandara, both from the Thardu monastery in Rangoon. Officials did not acknowledge their arrest, although human rights observers believed they may have been detained as a precaution against future protests. They likely remained in custody at year's end.

In the weeks before the September anniversary of the 2007 protests and crackdown, security forces occupied some monasteries in the cities of Rangoon and Mandalay and the state of Rakhine that were suspected of involvement in prodemocracy activities.

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 even when approved, could subsequently be reversed by a more senior authority.

Religious activities and organizations were subject to restrictions on freedom of expression and association. 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.

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 in Sagaing Division the government also sought to induce members of the Naga ethnic group, most of whom are either Christian or animists, 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 did not allow permanent foreign religious missions to operate in the country.

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.

Societal Abuses and Discrimination

There were no reports of conflicts between Muslims and Buddhists in the country. While official religious discrimination was limited, de facto preferences for Buddhists remained. There was one synagogue in Rangoon that served a small Jewish congregation. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom at www.state.gov/g/drl/irf/rpt.

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 often 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 Irrawaddy Division, continued to experience tight controls on personal movement, including frequent military checkpoints and monitoring by the MSA. Government agents demanded bribes 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 with Bangladesh. Muslim youth from Rakhine accepted for admission to universities and medical schools outside the state were unable to enroll due to travel restrictions imposed on 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 of all passport holders. Rigorous control of passport and exit visa issuance perpetuated rampant corruption, as applicants were forced to pay bribes of up to 300,000 kyat (approximately \$230), roughly 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.

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. Travel to and from the Irrawaddy Delta after Cyclone Nargis in May was tightly controlled. Checkpoints were established on all major roads leading in and out of the Delta, and foreigners were required to obtain permission before traveling. Travel permission was required to travel to the Delta, but access for cyclone-related travel improved later in the year.

The abrogated 1974 constitution did not provide for forced exile, and the government generally did not use it. The constitution that the government reported was approved in a May referendum also does not provide for forced exile.

In general citizens who emigrated legally 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, although precise figures were difficult to determine due to poor access to affected areas. 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 suffered hardships as a result of ongoing fighting 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.

On December 2, authorities along the Thai-Laos-Burma border detained 19 North Koreans who had fled the Democratic People's Republic of Korea. They were detained for 29 days before being expelled from the country. Government officials did not permit these persons to see representatives from the UNHCR or foreign diplomatic missions.

The UNHCR continued to negotiate for permission to work with "communities that are affected by displacement."

Despite the fact that the previous memorandum of understanding (MOU) between the government and the UNHCR expired in November 2007, the government continued to allow the UNHCR to provide humanitarian assistance to Rohingyas in northern Rakhine State, whom the government does not recognize as citizens. At year's end discussions were ongoing between the UNHCR and the government regarding the UNHCR's status in that area.

A two-year MOU signed in 2007 permitted the UNHCR to work with implementing partners in the southeast region, including parts of Karen and Mon states and Tanintharyi Division. Under the MOU, UNHCR foreign personnel also were permitted to monitor their project activities in the region.

Stateless Persons

According to the new constitution, the terms of which were scheduled to take effect after the parliament is convened in 2010, citizenship is extended to all current citizens and anyone whose parents are both nationals of the country as prescribed by law. This provision is consistent with the 1982 Citizenship Law, still in force. There are 135 officially recognized "national races" who qualify for citizenship. Some members of native-born but so-called nonindigenous ethnic populations, such as Chinese, Indians, Bengalis, some Eurasians, and the country's Rohingya population, are not included in the list and are denied the full benefits of citizenship based on their nonindigenous ancestry. Of these, the majority-Muslim Rohingya fare the worst, with nearly all of Rohingya denied any benefits of citizenship.

According to the UNHCR, there were approximately 730,000 legally stateless persons, mostly Rohingya, residing in northern Rakhine State near the border with Bangladesh. Only persons who were able to prove long familial links to the country were eligible to apply for naturalization. The government has never recognized the existence of the "Rohingya" ethnicity and claims that the Muslim residents of northern Rakhine State are merely the descendents of illegal immigrants from Bangladesh who moved into the country during the British colonial rule. The government consistently 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.

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 prior approval for travel outside their village tract of residence. Local residents reported that the farther from home the applicant intended to travel, the more difficult it was to obtain permission, with travel outside of Rakhine State severely restricted. 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. Rohingyas who did not possess temporary identification cards did not have the right to vote in the May constitutional referendum. A number of restrictions are in place on the construction or renovation of mosques and religious schools in northern Rakhine State. The authorities pursued a number of other practices intended to maintain pressure on the group, including a requirement to obtain official permission for marriages. Numerous regulations inevitably led to high demands for unofficial fees and created additional difficulties for the impoverished population.

The government continued a program, supported by the UNHCR, that issued temporary identification cards to stateless persons in northern Rakhine State. At year's end the UNHCR estimated that approximately 385,000 stateless persons beyond the age of 10 possessed temporary identification cards and that 210,000 persons remained undocumented. The cards, which are necessary for many basic tasks such as seeking a marriage license and travel authorization, did not confer citizenship but, by confirming lawful residence, contributed to improving legal status.

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 regime continued to prevent the parliament elected in 1990 from convening.

The new constitution provides for popularly elected legislators to a bicameral parliament; however, it ensures that at least 25 percent of the seats will be reserved for military members appointed by the uniformed commander in chief of Defense Services. It also bars many persons from office on the basis of not having resided in the country for at least 10 consecutive years prior to election, prior misconduct the regime deems is disqualifying, having accepted assistance from a foreign government, or being entitled to citizenship of a foreign nation. Additionally, while the constitution technically came into effect in May, by the constitution's own terms, the SPDC will continue to "exercise state sovereignty" until the parliament is convened in 2010.

Since 1962 active-duty military officers have occupied the most important positions in the central government and in local governments, and the regime 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 administrative capital, Nay Pyi Taw.

Elections and Political Participation

On May 10, the regime held a referendum to approve its draft constitution except in cyclone-affected areas in Rangoon and Irrawaddy divisions, where the vote was delayed until May 24. Nonetheless, on May 15, the regime announced that 98.12 percent of eligible voters had participated and that the constitution had been approved by 92.48 percent of voters, figures that no independent observers believed were valid. The regime did not permit comprehensive election monitoring. It allowed diplomats to visit only hand-picked polling places under supervision of the Ministry of Foreign Affairs. Despite these restrictive conditions, foreign diplomatic observers witnessed irregularities, including voters being photographed by authorities and officials following voters into ballot booths. Domestic and international human rights groups reported numerous, more serious election irregularities, including voter intimidation and ballot stuffing.

According to its terms, the constitution came into force the day it was approved. However, the constitution specifies that the SPDC will continue to "exercise state sovereignty" and "carry out...all the functions of the parliament" until the parliament is convened. Thus, even though the constitution went into effect, the SPDC and military remained in control of all organs of government.

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. Public officials were not subject to financial disclosure laws.

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.

Approximately 44 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. With the exception of relief efforts directed at cyclone-affected areas, many international humanitarian NGOs and UN agencies reported government pressure to limit 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 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 obstructed efforts to 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.

After Cyclone Nargis struck in May, the government required NGOs, the UN, and foreign aid agencies to obtain permission to travel to the cyclone-affected areas but generally granted permission. Authorities often allowed staff to travel to these areas "unaccompanied," although SB police monitored many visits. Some international NGOs and UN agencies were required to have a government representative accompany them on field visits to other areas of the country, at the NGOs' or UN's expense, although this rule was not consistently enforced. Foreign staff often experienced difficulty obtaining permission to travel to project sites outside of the cyclone-affected areas.

There were several high-level visits by UN officials during the year. UN Secretary-General Ban Ki-Moon visited twice in May to address the international humanitarian relief efforts undertaken in the aftermath of Cyclone Nargis. On May 22, Ban participated in a government-run tour of cyclone-affected areas in the Irrawaddy Delta. The next day he traveled to Nay Pyi Taw, where he met with Senior General Than Shwe. Ban returned to the country on May 25 to attend an international donor conference on cyclone relief.

UN Special Envoy Gambari visited the country in March and August. During his March visit, he met with eight ministers and the committee responsible for organizing the May constitutional referendum. As in previous visits, he was granted a supervised meeting with Aung San Suu Kyi and several members of the NLD's CEC. During his August visit, Gambari met with Prime Minister Thein Sein, other government officials, the NLD CEC, and foreign diplomats. However, unlike during past visits, Gambari did not meet with Aung San Suu Kyi, reportedly because she refused to meet with him. On August 29, the NLD issued a statement denouncing his mission as ineffectual.

In early August UN Special Rapporteur on Human Rights for Burma Tomas Ojea Quintana met with several government officials. He also visited the Irrawaddy Delta and met with the Cyclone Nargis Tripartite Core Group, consisting of the UN, the Association of Southeast Asian Nations, and the government. Although his schedule was tightly controlled, he was permitted to visit Insein Prison, where Ojea Quintana insisted on meeting privately with five political prisoners: Win Tin, U Gambira, Su Su Nwe, Kyaw Kyaw, and Thurein Aung. He had a 10-minute meeting with the NLD's CEC as well as meetings with the government-sponsored National Union Party.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The new constitution prohibits discrimination on the basis of "race, birth, religion, official position, status, culture, sex, and wealth." However, 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' imprisonment 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. 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 MAAF sometimes lobbied local authorities, including the police, to investigate domestic violence cases involving spousal abuse. Since the MAAF 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 MAAF, 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

The government did not dedicate significant resources to protecting the rights and welfare of 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.

Rohingya Muslims who returned to Rakhine faced difficulty when attempting to register births of their children.

By law education is compulsory, free, and universal through the 4th standard (approximately age 10). However, the government continued to allocate minimal resources to public education. There has been a growth in private educational institutions to fill the gap, despite a law requiring private schools to obtain government authorization to collect tuition. Additionally, due to extremely low teachers' wages, many parents had to supplement teachers' salaries in order to send their children to school. Rates of school attendance were low, largely due to increasing economic hardship. The UN Children's Fund (UNICEF) reported that 50 percent of primary school students left school before finishing the 4th standard.

There are laws prohibiting child abuse, but they were neither adequate nor enforced. The government stated that child abuse was not a significant problem. However, accurate statistics were not available, and some international NGOs believed the problem was 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, foreign 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.

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 adult and child civilians to work as soldiers, 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, the 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.

Some human traffickers appeared to be free-lance, small-scale operators using village contacts to send victims to 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, although they often conflated human smuggling and human trafficking, and 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 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 Department of Social Welfare 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.

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.

On February 7, the government approved a National Action Plan against Trafficking in Persons. The five-year plan lays out the government's priorities for 2007-2011. A senior police official stated that the government's priorities included conducting training courses, improving support services provided to victims, raising public awareness, and improving coordination with neighboring countries on cross-border trafficking-in-persons matters.

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

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

The government did not actively discriminate against persons with disabilities in employment, access to health care, education, or 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.

National/Racial/Ethnic Minorities

Wide-ranging governmental and societal discrimination against minorities persisted. Animosities 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 government 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 maintained its 2006 ruling that criminalizes contact with the Federation of Trade Unions – Burma (FTUB), claiming it is a "terrorist group."

The government forbade seafarers who found work on foreign vessels through the Seafarers Employment Control Division from having contact with the Seafarers' Union of Burma (SUB)--affiliated to the government-banned FTUB--and 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.

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.

In July a single judge on the Supreme Court rejected the appeals of six labor activists--Thurein Aung, Kyaw Kyaw, Wai Lin (Wai Aung), Nyi Nyi Zaw, Kyaw Win (Wanna), and Myo Min--arrested in connection with a labor rights seminar in Rangoon in May 2007 and sentenced in September 2007 to 20 to 28 years' imprisonment for sedition, reportedly without proper legal representation. In November labor rights activist Su Su Nway, who had successfully brought a forced labor complaint to the ILO in 2006 but subsequently was arrested for supporting the Saffron Revolution, was sentenced to more than 12 years' imprisonment for sedition.

These convictions were in addition to previously incarcerated FTUB leaders and labor activists serving long-term sentences, including FTUB Central Executive Committee member Myo Aung Thant, U Aung Thein, Khin Maung Win, Ma Khin Mar Soe, Ma Thein Thein Aye, U Aung Moe Tin Oo, Kyi Thein, Chaw Su Hlaing, U Tin Hla, and 10 FTUB

organizers in the Pegu area.

b. The Right to Organize and Bargain Collectively

The government generally does not allow workers to organize or bargain collectively. However, Workers' Supervision Committees (WSCs) have been created in some government-designated industrial zones. The WSCs were composed of four representatives of the workers and chaired by the factory owner. In some cases, particularly in wholly WSC foreign-owned companies, workers were permitted to elect their representatives. However, in many companies management selected the workers' representatives to the WSC. On average WSCs met monthly to discuss grievances. If a dispute could not be resolved at the factory level, it was referred to a township committee chaired by the township chairman. The township committee attempted to resolve the problem through negotiation or, if necessary, arbitration. During the period that a dispute is before the WSC process, the workers must continue their work, and demonstrations are prohibited.

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 WSCs addressed 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.

There are no export processing zones; however, there are special military-owned industrial parks. 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. 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.

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.

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 regime's campaign to produce more biodiesel fuel. Those who tried to avoid planting the trees were frequently threatened with fines.

In February the 2007 Supplementary Understanding, an agreement between the government and the ILO, was extended for an additional 12 months. Under the agreement the government allows the ILO to set up a system allowing citizens to register complaints with the ILO without government retaliation; it also requires the government and the ILO to investigate jointly allegations of labor abuses referred by the ILO.

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 portering or military service.

No specific government agency was designated to enforce child labor laws. UNICEF continued to work with the Ministry of Labor to facilitate several interagency meetings and workshops on the protection of children. UNICEF representatives stated that the government worked with them 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 on a par with the market monthly wage of 15,000 kyat (approximately \$11.50) for what was in effect an eight-hour workday. The rate for day laborers was 500 kyat (\$0.38) 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 500 to 1,000 kyat (\$0.38 to \$0.75) per day, while rural agricultural workers earned approximately half that rate. Some private sector workers earned substantially more; for example, a skilled factory worker earned 30,000 kyat (\$23) 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 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 enforce them. Although workers may remove themselves from hazardous conditions, many could not expect to retain their jobs if they did so.