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## U.S. Department of State

### Burma Report on Human Rights Practices for 1996

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#### BURMA

Burma continued to be ruled by a highly authoritarian military regime widely condemned for its serious human rights abuses. The military Government, known as the State Law and Order Restoration Council (SLORC), headed by armed forces commander General Than Shwe and composed of top military officers, seized power in September 1988 after harshly suppressing massive prodemocracy demonstrations. Retired dictator General Ne Win, whose idiosyncratic policies had isolated Burma and driven the country into deep economic decline, is believed by many to continue to wield considerable influence. The judiciary is not independent of the executive.

The SLORC permitted a relatively free election in 1990, but it failed to honor the results--which were an overwhelming rejection of military rule--nor to cede power to the victorious prodemocracy forces. Instead, the SLORC attacked the coalition of winning parties and their leaders through intimidation, detention, and house arrest. In January 1993, the SLORC established the "National Convention," a body ostensibly tasked with drafting a new constitution. Overwhelmingly made up of delegates handpicked the military forces, the SLORC has carefully stage-managed the Convention's proceedings and ignored even limited opposition views. Despite having no legal mandate, the SLORC appears determined to draft a constitution that would ensure a dominant role for the military forces in the country's future political structure.

The Government reinforces its rule via a pervasive security apparatus led by military intelligence, the Directorate of Defense Services Intelligence (DDSI). Control is buttressed by selective restrictions on contact by citizens with foreigners, surveillance of government employees and other private citizens,

harassment of political activists, intimidation, arrest, detention, and physical abuse. The Government justifies its security measures as necessary to maintain order and national unity, although most major insurgent groups have reached accommodation with the SLORC in recent years. Members of the security forces committed numerous serious human rights abuses.

Burma is a poor country, with an average per capita income of an estimated \$200 to \$300 per year on a cash basis or about \$600 to \$800 on a purchasing power parity basis. Primarily an agricultural country, Burma also has substantial mineral, fishing, and timber resources. Since 1988 the Government has partly opened the economy to permit expansion of the private sector and to attract foreign investment. Some economic improvement has ensued, but major obstacles to economic reform persist. These include extensive overt and covert state involvement in economic activity, excessive state monopolization of leading exports, a bloated bureaucracy prone to arbitrary and opaque governance, poor human and physical infrastructure, and disproportionately large military spending.

The Government's severe repression of human rights increased during 1996, even as increased economic activity fostered the appearance of greater normalcy. Out of sight of most visitors, citizens continued to live subject at any time and without appeal to the arbitrary and sometimes brutal dictates of the military dictatorship. Citizens do not have the right to change their government. There continued to be credible reports, particularly from ethnic minority-dominated areas, that soldiers committed serious human rights abuses, including extrajudicial killing and rape. Disappearances continued, and members of the security forces beat and otherwise abused detainees. Prison conditions remained harsh. Arbitrary arrests and detentions continued for expression of dissenting political views. Several hundred, if not more, political prisoners remained in detention, including approximately 20 Members of Parliament (M.P.'s) elected in 1990. The judiciary is subject to executive influence, and the Government infringes on citizens' rights to privacy.

The SLORC intensified restrictions on basic rights to free speech, press, assembly, and association. Political party activity remained severely restricted. Although the authorities recognize the chief opposition party, the National League for Democracy (NLD), as a legal entity, they detained more than 260 NLD M.P.'s elected in 1990 in connection with the Party's Convention in May. While most were released shortly thereafter, seven remain in custody. The SLORC's relentless harassment of the NLD continued with the arrest in August and later conviction of 26 NLD activists on charges of spreading disinformation and threatening the stability of the State. In September the SLORC again prevented the NLD from holding its first All-Burma Congress and detained more than 560 NLD members and supporters, most of whom they released after questioning. In December, in the wake of student demonstrations, the SLORC detained more than 200 NLD activists and supporters whom they accused of aiding and abetting the student protests. At year's end, more than 147 NLD activists and supporters who had been arrested during the year remained in detention.

The SLORC restricted the political activities of opposition leader Aung San Suu Kyi (it held her under house arrest from 1989 until July 1995). Beginning in late September, it prevented her from addressing public gatherings of her supporters, and confined her to her compound from December 6 to December 29.

Although more than 220,000 Rohingyas, Burmese Muslims from Arakan state, who fled to Bangladesh in 1992 had returned by year's end, about 33,000 remained in camps across the border.

An estimated 10,000 new asylum seekers entered Bangladesh this year. A few thousand students and dissidents remained in exile in Thailand. Approximately 90,000 citizens were residing in ethnic minority camps along the Thai-Burma border, among these thousands of new arrivals driven out by army attacks in the areas controlled by the Karen and Karenni ethnic minorities. Discrimination against women and

ethnic minorities, violence against women, and child prostitution remained problems.

The Government restricts worker rights and uses forced labor. The use of porters by the army--with attendant mistreatment, illness, and even death for those compelled to serve--remained a common practice. The military authorities continued to force ordinary citizens (including women and children) to "contribute" their labor on a massive scale, often under harsh working conditions, on construction projects throughout the country. During the year, the military began using soldiers instead of civilians at certain infrastructure projects, following the issuance of directives in 1995 to end the practice of forced civilian labor. Child labor is also a problem.

The SLORC has given no sign of willingness to cede its hold on absolute power. The generals have continued to refuse to negotiate with prodemocracy forces and ethnic groups for a genuine political settlement to allow a return to the rule of law and respect for basic human rights.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Political and Other Extrajudicial Killing**

There was no evidence of an explicit or systematic government policy encouraging summary killings. However, there continued to be credible reports of instances of brutality and killings of civilians by the military, particularly in areas dominated by ethnic minorities and among those impressed as porters. The Government's general disregard for human rights has created a climate clearly conducive to such abuses.

#### **b. Disappearance**

As in previous years, private citizens and political activists continued to "disappear" temporarily, for periods ranging from several hours to several weeks. DDSI officials usually apprehended individuals for questioning without the knowledge of their family members. In many, though not all, cases they were released soon afterward. At the same time, large numbers of people continued to be conscripted by the military for

porterage or other duties, often without the knowledge of their family members. The whereabouts of those conscripted, as well as of prisoners transferred for labor or porterage duties, remained difficult to determine (see Sections 1.g. and 6.c.).

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

Political detainees continued to be held incommunicado for long periods. The authorities routinely subjected detainees to harsh interrogation techniques designed to intimidate and disorient. The most common forms of mistreatment were sleep and food deprivation, coupled with round-the-clock questioning; some detainees were also kicked and beaten. In recent years, there have been credible reports that prisoners were forced to squat or assume unnatural positions for lengthy periods.

There continued to be credible reports that security forces subjected ordinary citizens to harassment and physical abuse. The military forces routinely confiscated property, cash and food, and used coercive and abusive recruitment methods to procure porters. Those forced into porterage or other duties faced extremely difficult conditions and mistreatment that sometimes resulted in death. There were many reports that soldiers raped women who were members of ethnic minorities.

Prison conditions are harsh. The regimen at Insein prison near Rangoon remained extremely harsh, including widespread use of solitary confinement, use of dirt-floored "doggie cells." It also involves little or no exercise, no mosquito nets, no reading or writing materials for many prisoners, poor and inadequate medical care. A handful of prominent political prisoners were housed in separate bungalow accommodations on the prison compound. Most prisoners were permitted to receive medicine as well as supplemental food brought by their families during the 15-minute visits permitted every 2 weeks.

Conditions for political prisoners were reliably reported to be much worse at some upcountry prisons. NLD M.P.-elect, U Hla Than, a political prisoner serving a 20-year sentence in Insein, died on August 2, after being transferred from the prison to Rangoon General Hospital with a terminal illness. His family had sought permission to allow him to die at home, but the Government insisted that he renounce his mandate as an NLD parliamentarian, a condition that the family and the Party rejected. His family at first understood that Hla Than died of tuberculosis, but later the Government said that he had died of AIDS. Responding to foreign journalists at a press conference in September, the Government asserted that Hla Than had been well-cared for in prison, but that the AIDS diagnosis had only been made in July. It is clear that Hla Than did not receive proper medical treatment throughout his illness because the Government had made the AIDS diagnosis too late.

#### d. Arbitrary Arrest, Detention, or Exile

There is no provision in the law for judicial determination of the legality of detention. The SLORC routinely practiced arbitrary arrest and incommunicado detention. Prior to being charged, detainees rarely have access to legal counsel or their families, and political detainees have no opportunity to obtain release on bail.

With the increase in political activism in the wake of Aung San Suu Kyi's release from house arrest in July 1995, the number of cases of arbitrary arrest and detention increased. The most egregious cases involved the detention during the week of May 19 of approximately 260 NLD M.P.'s-elect in conjunction with the Party's May 26-28 convention. Although all but a few are believed to have been released, elected M.P.'s in the group have been subjected by the SLORC to intense pressure to relinquish their electoral mandates. As of year's end, 25 had done so, primarily as the result of threats against their family members or business interests. Again in September, the SLORC cracked down on the NLD, arresting more than 560 NLD activists and supporters to prevent the convening of its first All-Burma Congress. Although the SLORC claims to have released all those detained, the NLD believes that many persons remain in detention. Yet again in December, in the wake of student demonstrations, the SLORC detained more than 200 activists, supporters, and others, in addition to at least 263 students whom they had detained and released, and whom they accused of aiding and abetting the student protests. Authorities confined Aung San Suu Kyi to her compound from December 6 to December 29. Since mid-December, she has been severely restricted in her ability to receive visitors.

The number of NLD members and activists arrested since May 19 and still in detention at the end of the year totaled at least 147, including at least 17 M.P.'s-elect. None of those arrested can reasonably be considered to have engaged in activities violently threatening to the State. U Win Htein, Aung San Suu Kyi's personal secretary, was arrested in June (along with two other NLD activists) and sentenced on August 15 to a 7-year prison term for "knowingly disseminating false information." The charges related to statements made by him on an Australian television program earlier in the year. On August 26, he sentenced to an additional 7 years for undermining the economy by having assisted in the production of a videotape of rice fields in the Delta region.

In June, 19 NLD activists--including two M.P.'s-elect from Mandalay-Sagaing, and Chin state--were

arrested on charges of possessing "subversive" literature on passive resistance. The 19 were each sentenced to 7 years in prison.

The SLORC was prepared to go to considerable lengths in its campaign to harass and intimidate the NLD. For example, in March a party benefactor from Mandalay, Sein Hla Aung, was sentenced to 3 years' imprisonment for selling videotapes of NLD weekend rallies; two comedians from Mandalay, Par Par Lay and Lu Zaw, who performed skits critical of the SLORC on the Nobel Laureate's compound, were sentenced along with two others to 7-years' imprisonment; and Leo Nichols, a friend and benefactor of Aung San Suu Kyi, was arrested in April for possessing unauthorized telephones and a facsimile machine. He received a maximum 3-year sentence, suffered a cerebral hemorrhage on June 22 while in custody, and died a few hours later in Rangoon General Hospital. The harsh treatment he received in prison almost certainly hastened his death.

Forced exile is not used as a method of political control. However, in 1990, when the SLORC refused to recognize the results of the elections and pressured successful candidates to resign, some of them responded by going into exile.

#### e. Denial of Fair Public Trial

The judiciary is not independent of the executive. The SLORC names justices to the Supreme Court who, in turn, appoint lower court judges with the approval of the SLORC. Pervasive corruption further serves to undermine the impartiality of the justice system.

The court system, as inherited from the United Kingdom and subsequently restructured, comprises courts at the township, district, state, and national levels.

Throughout the year, the Government continued to rule by decree and was not bound by any constitutional provisions guaranteeing fair public trials or any other rights. Although remnants of the British-era legal system were formally in place, the court system and its operation remained seriously flawed. Particularly in the handling of political cases, ongoing unprofessional behavior by some court officials, the misuse of overly broad laws, and the manipulation of the courts for political ends continued to deprive citizens of the right to a fair trial and the rule of law.

Some basic due process rights, including the rights to a public trial and to be represented by a defense attorney, were generally respected except in sensitive political cases. Defense attorneys are permitted to call and cross-examine witnesses, but their primary role is to bargain with the judge to obtain the least severe possible sentence for their clients. Most court proceedings are open to the public. However, in political cases, trials are held in courtrooms located in prison compounds and are not open to the public. In these instances, defense counsel appears to serve no other purpose than to provide moral support, since reliable reports indicate that verdicts are dictated by higher authorities. In the case of Win Htein, defense counsel was prevented from attending his trials because the authorities withheld permission.

In contrast with past years, there have been virtually no publicly announced releases of prisoners believed to be held for political reasons. To date, only one such announcement involving four persons appeared in the press. At year's end, at least several hundred--if not many more--political prisoners remained incarcerated.

#### f. Arbitrary Interference with Privacy, Family, Home, and Correspondence

Military authorities ruled unchecked by any outside authority, and the State continued to interfere

extensively and arbitrarily with the lives of private citizens. Through its extensive intelligence network, the Government closely monitored the travel, whereabouts, and activities of many citizens, particularly those believed to be politically active. Security personnel selectively screened private correspondence and telephone calls and conducted warrantless searches of private premises. At times the Government attempted to jam foreign radio broadcasts, and private citizens were generally unable to subscribe directly to foreign publications (see Section 2.a.). Government employees were required to obtain advance permission before meeting with foreigners.

The SLORC continued to move citizens out of cities to peripheral new town settlements, though not on the same scale as in the early 1990's. While facilities in some of these areas have improved over time, residents targeted for displacement continued to be given no option but to move, usually on short notice. In Hlaing Thaya township near Rangoon, residents were relocated again after having been moved in 1992. The military forces also continued to relocate by force hundreds of rural villages, especially in ethnic minority areas. Approximately 30,000 Karenni were displaced, as were tens of thousands of Shan villagers.

Those in established cities and towns were subject to arbitrary seizure of their property. In a number of urban areas, residents were compelled to cede land for road-widening

projects decided upon without any public consultation nor endorsement. Other long-term city residents were required to cede land for commercial redevelopment and were compensated at only a fraction of the value of their lost homes. In rural areas, military personnel at times confiscated livestock and food supplies. Even the resting places of the dead were not spared as the Government took over several cemeteries for development and gave families only a few weeks to relocate their ancestors' remains.

#### g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

For more than four decades the army has battled diverse ethnic insurgencies. These ethnic minority insurgent groups have sought to gain greater autonomy from the dominant ethnic Burman majority. In 1989 the SLORC began a policy of seeking cease-fire agreements with most ethnic insurgent groups along the borders. In late 1995, government troops attempted to move into Karenni-held areas of Kayah state, leading to the breakdown of the cease-fire with the Karenni National Progressive Party (KNPP) that the SLORC had negotiated in June 1995.

In January the army began an offensive against the KNPP, which continued throughout the year. In June the military forcibly relocated 96 Karenni villages having an estimated population of 20,000 to 30,000 as part of its campaign to deny the guerrillas local support. Also in January, the SLORC negotiated a cease-fire with alleged drug trafficker Khun Sa and his Mong Tai Army. Although the cease-fire succeeded in breaking up the majority of Khun Sa's forces, dissident elements continued to fight the Government, which prompted a campaign of relocation against the Shan people. As many as 50,000 persons may have been forced to move from their villages.

In conjunction with the military's campaigns against the Karen, Karenni, and the remnants of Khun Sa's Mong Tai Army, it was standard practice for the military authorities to coerce thousands of civilians living in jungle areas in or near combat zones into working as porters. There were also many reports that soldiers raped female members of ethnic minorities. In the regions controlled by insurgent groups involved in the illegal narcotics trade, civilians were reliably reported to have been subjected by the army to forced labor as well.

Antigovernment insurgent groups were also responsible for violence, including the use of mines,

causing both civilian and military deaths.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The Government continued to impose severe restrictions on freedom of speech and the press. The security services continued to repress those attempting to express opposition political views, and many more refrained from speaking out for fear of arrest and interrogation. The major exceptions were Aung San Suu Kyi and NLD vice-chairmen Tin Oo and Kyi Maung, who gave speeches every weekend in front of Aung San Suu Kyi's residence to those willing to risk being detained by military intelligence authorities. However, in September the authorities prohibited the weekend speeches as part of the Government's campaign to prevent the NLD from holding its Party Congress. The barriers in front of Aung San Suu Kyi's house remained in place, and the weekend speeches were barred at year's end.

All forms of domestic public media were officially controlled and/or censored. This strict control in turn encouraged self-censorship on the part of writers and publishers. Private citizens were generally unable to subscribe directly to foreign publications, but a limited selection of foreign newspapers could be purchased in a few hotels in Rangoon. A limited supply of secondhand copies of international news magazines and a sizable number of private publications on nonpolitical issues were available to the public, but censors frequently banned issues or deleted articles deemed unwelcome by the Government.

The government-monopoly television, radio, and newspaper media remained propaganda instruments. With the exception of reporting on some limited aspects of the National Convention, these official did not report opposing views except to criticize them. Editors remained answerable to military authorities. While the English-language daily New Light of Myanmar continued to include many international wire service reports of foreign news, domestic news hewed strictly to and reinforced government policy.

Many foreign journalists, including television crews, were able to visit and report on developments, though the Government sometimes restricted and monitored their movements. At the same time, it denied visas to other journalists, or their issuance was so delayed as to render a planned visit impossible. It harassed journalists during the abortive September NLD Party Congress and subsequently during student demonstrations.

Foreign radio broadcasts, such as those of the British Broadcasting Corporation, Voice of America, and Norway-based Democratic Voice of Burma, remained prime sources of uncensored information. The authorities at times attempted to jam or otherwise interfere with the reception of these broadcasts (see Section 1.f.). The Government allowed some official foreign news services to conduct a range of programs.

The authorities continued to restrict the reception of satellite television broadcasts. Penalties of up to 3 years' imprisonment for operation of an unlicensed satellite television receiver can be imposed. Licenses, however, were almost impossible to obtain by ordinary citizens.

During the year, the Government issued a series of Orwellian decrees designed to strengthen its control over all forms of political expression and its citizens' access to information. In June the SLORC issued Order 5/96, which prohibited speeches or statements that "undermine national stability" as well as the drafting of alternative constitutions. In July the Government amended the television and video law to impose additional restrictions and stiffer penalties on the distribution of videotapes not approved by the

ensor. In September the Government decreed that all privately owned computers, software, and associated telecommunications devices would be subject to government registration. The law required government permission for all communications by computer.

University teachers and professors remained subject to the same restrictions on freedom of speech, political activities, and publications as other government employees. These included warnings against criticism of the Government; instructions not to discuss politics while at work; and strictures against joining or supporting political parties, engaging in political activity, or meeting foreigners. Teachers continued to be held responsible for propagating SLORC political goals among their students and for maintaining discipline and preventing students from engaging in any unauthorized political activity.

#### b. Freedom of Peaceful Assembly and Association

The Government does not respect these rights. The Government's prohibition on unauthorized outdoor assemblies of more than 5 people remained in effect, albeit unevenly enforced. For example, 3,000 to 4,000 persons regularly gathered in front of Aung San Suu Kyi's residence to listen to her speak at weekly talks until authorities stopped the speeches in September. At the time when the Government prevented the NLD Congress, it also erected barricades at her residence and imposed additional restrictions on her freedom to leave the premises. Aung San Suu Kyi has been unable to speak to the public since September, except briefly on two occasions.

The Government curtailed student demonstrations in December. It did, however, permit students to demonstrate for several days early in the month. Riot police eventually curtailed the demonstrations, using water cannons and batons. After detaining and releasing hundreds of students, the Government closed the universities to prevent further demonstrations.

Legal political parties remained formally required to request permission from the authorities to hold internal meetings of their members, although some members still met without official permission. These persons, like those attending Aung San Suu Kyi's addresses, remained liable to arrest for these activities. In the NLD's attempt to hold a Party Congress, the authorities temporarily detained hundreds of supporters; several dozen remain in jail. The Government's own mass mobilization organization, the Union Solidarity and Development Association (USDA), continued to hold large-scale rallies in support of government policies. In many cases, it coerced attendance, using explicit threats of penalties for those who contemplated staying away. Religious groups, by contrast, sometimes encountered problems holding outdoor gatherings.

Aside from officially sanctioned organizations such as the USDA, the right of association existed only for the few organizations, such as trade associations and professional bodies, permitted by law and duly registered with the Government. Only a handful continued to exist, and even those were subject to direct government intervention or took special care to act in accordance with government policy. This included such benign organizations as the Myanmar Red Cross and the Myanmar Medical Association.

#### c. Freedom of Religion

Adherents of all religions that were duly registered with the authorities generally enjoyed freedom to worship as they chose, although Buddhists continued to enjoy a privileged position. In recent years, the Government made special efforts to link itself with Buddhism as a means of asserting its own popular legitimacy. For example, the SLORC continued its construction of two pagodas to house a venerated Buddha tooth relic from China, which is expected to be available for loan for periodic visits. The SLORC also renovated the Shwedagon Pagoda to commemorate its eighth anniversary in power.

The Government monitored the activities of members of all religions, in part because such members have, in the past, become politically active. The Muslim and Christian religious minorities continued to be regarded with suspicion by authorities. Moreover, there is a concentration of Christians among the particular ethnic minorities against whom the army has fought for decades. Religious publications, like secular

ones, remained subject to control and censorship. Christian bibles translated into indigenous languages could not legally be imported or printed. It remained extremely difficult for Christian and Muslim groups to obtain permission to build new churches and mosques. There were credible reports of incidents in which the Government removed cemeteries in constructing infrastructure projects in urban areas. In December the Government ordered the removal of Christian, Chinese, and Buddhist graves from the Kyandaw Cemetery in Rangoon to make way for a planned real estate development.

Religious groups have established links with coreligionists in other countries, although these activities were reportedly monitored by the Government. Foreign religious representatives were usually allowed visas only for short stays but in some cases were permitted to preach to congregations. Permanent foreign missionary establishments have not been permitted since the 1960's, but seven Catholic nuns and four priests working in Burma since before independence in January 1948, continued their work.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Although citizens have the right to live anywhere, both urban and rural residents were subject to arbitrary relocation (see Section I.f.). Except for limitations in areas of insurgent activity, citizens could travel freely within the country but were required to notify local authorities of their whereabouts. Those residents unable to meet the restrictive provisions of the citizenship law (e.g., Chinese, Arakanese Muslims, etc.), were required to obtain prior permission to travel.

The Government carefully scrutinized all prospective travel abroad, and rampant corruption resulted in many applicants having to pay bribes to obtain passports to which they were legally entitled. The official board that reviews passport applications denied passports in some cases on apparent political grounds. In January the Government began restricting the issuance of passports to young female applicants seeking work abroad. The new procedures are reportedly intended to prevent young women from being enticed to travel abroad to jobs that in fact are in the commercial sex industry. All college graduates obtaining a passport (except for certain government employees) were required to pay a special education clearance fee to reimburse the Government. Citizens who emigrated legally were generally allowed to return to visit relatives. Even some citizens who had lived abroad illegally and acquired foreign citizenship were able to return to visit.

In anticipation of the Government's planned "Visit Myanmar Year 1996," restrictions on foreign travelers were eased. Burmese embassies issued tourist visas, valid for 1 month, within 24 hours of application. However, select categories of applicants, such as some human rights advocates and political figures, continued to be denied entry visas unless traveling under the aegis of a sponsor acceptable to the Government. Although some areas of the country remained off-limits to foreigners for security reasons, the authorities allowed travel to most destinations.

In 1996 approximately 23,000 of the Rohingya Muslims who fled to Bangladesh in 1992 returned to Burma, bringing the total number of returnees to about 220,000. In comparison with 1995, the pace of repatriation slowed, with over 30,000 still in camps across the border at year's end. The U.N. High Commissioner for Refugees reported that the authorities cooperated in investigating the isolated incidents of renewed abuse that were reported. However, returnees complained of restrictions imposed

by the Government on their ability to travel and to engage in economic activity. Since February an estimated 10,000 new asylum seekers entered Bangladesh to escape economic hardship and the abusive regime.

The Government does not allow refugees or displaced persons from abroad to resettle or seek safe haven. The Government has not formulated a policy concerning refugees, asylees, or first asylum, and it is not a party to the 1951 U.N. Convention or its 1967 protocol relating to the status of refugees.

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

Despite the overwhelming desire that citizens demonstrated in the 1990 elections for a return to democracy, they continued to be denied the right to change their government. Despite the appointment of several civilians to the Cabinet in 1992, the process of placing military or recently retired military officers in most key senior level positions in the economic ministries has continued.

Following the NLD's victory in the 1990 elections, the SLORC set aside the election results and disqualified, detained, arrested, or drove into exile many successful candidates. Since then, 216 of the 485 Deputies elected have either been disqualified, resigned under pressure, gone into exile, been detained, or died. An estimated 28 successful candidates from the election remain in prison.

Rather than accept the will of the citizenry, the SLORC convened a National Convention in January 1993 to draw up principles for a new constitution. The SLORC handpicked most delegates and carefully orchestrated the proceedings; even limited opposition views were ignored. Despite having no mandate from the people, the SLORC tasked the Convention with drafting principles for a new constitution designed to provide a dominant role for the military services in the future political structure. Representatives of the SLORC leadership met with prodemocracy leader Aung San Suu Kyi on two occasions in late 1994, but did not engage in a genuine dialog on the country's political future. It instead proceeded with its own controlled "consultations" on a new constitution. In November 1995, the NLD delegates withdrew from the Convention pending agreement by the authorities to discuss revising the Convention's working procedures. Two days later they were formally expelled. The National Convention continued its deliberations until it adjourned in March. The specific provisions adopted to date were designed to ensure the major involvement of the military services in all levels of government--to the point of reserving 25 percent of seats in the Parliament to appointed, rather than elected, members of the military services. In addition, provisions have been adopted prohibiting, among other things, anyone "under acknowledgement of allegiance" to a foreigner or who has received any type of assistance from a foreign source, from participating in the Government. These provisions are apparently designed to exclude Aung San Suu Kyi who is married to an Englishman and who won the Nobel Peace Prize in 1991.

Women and minorities are underrepresented in the top ranks of government service and excluded from military leadership. Members of certain minority groups continue to be denied full citizenship (see Section 5).

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

The Government does not allow domestic human rights organizations to exist, and it remained generally hostile to outside scrutiny of its human rights record. During 1995 the U.N. Human Rights Commission (UNHRC) adopted a resolution severely criticizing the Government for the human rights situation. The resolution was based on a report by Professor Yozo Yokota, the UNHRC's Special Rapporteur for

Burma. The Burmese representative at the Commission in turn rejected the criticism as "inaccurate, intrusive, and politically motivated." In keeping with the Special Rapporteur's mandate, in October 1995, the Government permitted Professor Yokota to undertake another survey trip to Burma, after which he delivered a highly critical review of the human rights situation to the U.N. General Assembly's Third Committee. In December 1995, the U.N. General Assembly adopted another consensus resolution deploring the continued violation of human rights in Burma. Upset by this severe criticism, the authorities refused to meet with UNHRC representatives during 1996. The UNHRC Commissioner, Jose Ayala Lasso, and the new Special Rapporteur for Burma, Rajsoomer Lallah, tried unsuccessfully to arrange visits.

Approximately 12 nonpolitical international nongovernmental organizations (NGO's) continued project work, while a few more established a provisional presence while undertaking the protracted negotiations necessary to set up permanent operations in the country.

### **Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

The Government continued to rule by decree and was not bound by any constitutional provisions concerning discrimination.

#### **Women**

Violence against women, including spousal abuse, is infrequent. Married couples often do not live by themselves but rather in households with extended families, where social pressure tends to protect the wife from abuse. Trafficking in women and girls remains a serious problem. There were reliable reports that many women and children in border areas, where the Government's control is limited, were forced or lured into working as prostitutes in Thailand. It is unknown how many young women have been deceived into working as prostitutes, but a common practice is to lure young women to Thailand with promises of employment as a waitress or domestic servant (see country report for Thailand). In addition, the military forces continued to impress women for military portage duties, and there were many reports of rape of ethnic minority women by soldiers (see Sections 1.c. and 1.g.).

In general women have traditionally enjoyed a high status, exercising most of the same basic rights as men and taking an active role in business. Consistent with traditional culture, they keep their own names after marriage and often control family finances. However, women remained underrepresented in most traditionally male occupations, and a few professions continued to be entirely barred to women. The burden of poverty, which is particularly widespread in rural areas, fell disproportionately on women.

Women did not consistently receive equal pay for equal work. There were no independent women's rights organizations, and no government ministry was specifically charged with safeguarding women's interests. The Myanmar Maternal and Child Welfare Association, a government-controlled agency, provided assistance to mothers. A professional society for businesswomen, the Myanmar Women Entrepreneurs' Association, formed in 1995, provided loans to new businesses.

#### **Children**

Despite the establishment of various child welfare programs, the Government allocated little funding to programs that aid children. According to government data, education's share of central government operating expenditures continued its decline to 12 percent in 1994-95, the latest year for which such data was available. Although education is compulsory, almost 40 percent of children never attend school, and almost three-fourths fail to complete 5 years of primary education.

Child prostitution of young females forced or lured into the commercial sex trade in Thailand continued to be a major problem. The rising incidence of HIV infection has increased the demand for supposedly "safer" younger women.

### People with Disabilities

Official assistance to persons with disabilities is extremely limited. There is no law mandating accessibility to buildings, government facilities, or public transportation. While several small-scale organizations have programs to assist the disabled, most disabled persons must rely on traditional family structures to provide for their welfare. Disabled veterans receive available benefits on a priority basis. Because of land mine detonations, Burma has a very high rate of amputee injuries.

### National/Racial/Ethnic Minorities

Burma's myriad ethnic minorities have long resented the dominance of the Burman majority. Members of these minorities, largely excluded from the military leadership, have been underrepresented in the Government. Over the last few years and continuing in 1996, the SLORC, in the name of national solidarity, sought to pacify ethnic groups by means of negotiated cease-fires, grants of limited autonomy, and promises of development assistance.

The Government included a large number of ethnic minority representatives in the National Convention and permitted extended debate on the issue of minority autonomy. However, the ethnic minority populations complained that their concerns have not been addressed adequately by the Government, and none is satisfied with the provisions on limited "self-administration," which the authorities plan to accord to a few groups under the new constitution.

Government investment in the border areas in road, hospital, and school construction has been modest, and economic development among minorities continued to lag, leaving many living at barely levels. Since the focus of the hostilities against armed insurgencies has been in the border areas where most minorities are concentrated, those populations have been disproportionately victimized by the general brutalization associated with the military forces' activities.

Since only people who can prove long familial links to Burma are accorded full citizenship, ethnic populations such as Muslims, Indians, and Chinese, continued to be denied full citizenship and to be excluded from government positions. People without full citizenship are not free to travel domestically and are barred from certain advanced university programs in medicine and technological fields. Anti-Chinese and anti-Muslim sentiment remained pervasive.

## Section 6 Worker Rights

### a. The Right of Association

Free trade unions do not exist, and even former government-controlled ones were dormant. Workers continued to be unable to strike. There were no reported instances in which workers attempted to strike, although there was an unconfirmed report that workers in a government jute factory on occasion failed to come to work. In July 1989, the United States suspended Burma's eligibility for trade concessions under the Generalized System of Preferences program, pending steps to afford its labor force internationally recognized worker rights.

Because of its longstanding violation of International Labor Organization (ILO) Convention 87 on

Freedom of Association, the Government received unusually harsh criticism at the ILO Conference in June where the Committee on the Application of Standards devoted a "special paragraph" to Burma in its General Report. This action followed the last minute cancellation in May of a visit by a high-level ILO technical assistance mission while it was en route to Rangoon at the invitation of the Government.

#### b. The Right to Organize and Bargain Collectively

Workers do not have the right to organize and bargain collectively to set wages and benefits. The Government's Central Arbitration Board, which theoretically provides a means for settling major labor disputes, nominally continued to exist, but in practice was dormant. Township-level labor supervisory committees remained in place to address various minor labor concerns.

The Government unilaterally sets wages in the public sector. In the private sector, wages are set by market forces. The Government pressures joint ventures not to pay salaries greater than those of ministers or other senior employees. Joint ventures circumvent this with supplemental pay, including remuneration paid in foreign exchange certificates, as well as through incentive and overtime pay and other fringe benefits. Foreign firms generally set wages near those of the domestic private sector but follow the example of joint ventures in awarding supplemental wages and benefits.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

In September, following an investigation of the country's forced labor practices, the European Union Commission proposed to withdraw benefits under the Generalized System of Preferences. In recent years, the Government has increasingly supplemented declining investment with uncompensated people's "contributions," chiefly of forced labor, to build or maintain irrigation, transportation, and tourism infrastructure projects.

The army continued to force citizens to work as porters, which led to mistreatment, illness, and death. Citizens, including women and children, were forced to labor under harsh working conditions on construction projects throughout the country (see Sections 1.c. and 1.g.).

The Government's statistics on these contributions and infrastructure projects suggest that the market value of these uncompensated "contributions" has increased since 1992. According to the Prison Department exhibit in the Defense Services Museum in Rangoon, the quantity of stone quarried by prisoners increased more than fourfold between fiscal year 1988/89 and fiscal year 1994/95.

In June 1995, the Government issued a directive prohibiting unpaid labor in national government projects. In June 1996, the Government introduced an initiative to use military personnel for infrastructure projects. The scale of these initiatives and their impact on the use of civilian forced labor have yet to be determined. Nonetheless, there were credible reports that forced labor continued in a variety of projects throughout the country.

During 1996 there were repeated allegations that forced labor was used in a project to build a pipeline across the Tenasserim Division. The preponderance of evidence indicates that the pipeline project has paid its workers at least a market wage.

In June 1995, the ILO Conference Committee on the Application of Standards cited Burma in a second special paragraph for its violation of ILO Convention 29 on forced labor. In November of this year, the

governing board of the ILO took action on an Article 26 complaint, accusing the Government of systematic use of forced labor, which could eventually lead to the appointment of a Commission of Inquiry on the problem.

#### d. Minimum Age for Employment of Children

Although the law sets a minimum age of 13 years for the employment of children, in practice the law is not enforced. Working children are highly visible in cities, mostly working for small or family enterprises. Children are hired at lower pay rates than are adults for the same kind of work, and economic pressure forces children to work not only for their survival but also to support their families. Arts and crafts is the only sector producing for the export market that employs a significant number of children. Despite a compulsory education law, almost 40 percent of children never enroll in school, and only 27 percent complete the 5-year primary school course.

#### e. Acceptable Conditions of Work

Surplus labor conditions and lack of protection by government authorities continue to dictate substandard conditions for workers, despite recent annual economic growth of at least 5 percent. The Law on Fundamental Workers Rights of 1964 and the Factories Act of 1951 regulate working conditions. There is a legally prescribed 5-day, 35-hour workweek for employees in the public sector and a 6-day, 44-hour workweek for private and public sector employees, with overtime paid for additional work. The law also allows for a 24-hour rest period per week, and workers have 21 paid holidays a year. Such provisions actually affect only a small portion of the country's labor force.

Only government employees and employees of a few traditional industries are covered by minimum wage provisions. The minimum monthly wage for salaried public employees is \$3.75 (600 kyat), but this sum is supplemented by various subsidies and allowances. The low level of pay in public employment fostered widespread corruption. The government minimum wage for day labor is \$0.12 (20 kyat). The minimum wage does not provide a worker and family with a decent standard of living. Workers in the private sector are much better paid. The actual average wage rate for casual laborers in Rangoon was six times the official minimum. Wage increases continued to lag far behind inflation.

Numerous health and safety regulations exist, but in practice the Government has not made the necessary resources available to those charged with their enforcement. Although workers may in principle remove themselves from hazardous conditions, in practice workers cannot expect to retain their jobs if they do so.

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