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## U.S. Department of State

### Burma Country Report on Human Rights Practices for 1998

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#### BURMA

Burma continued to be ruled by a highly authoritarian military regime. The military Government known as the State Law and Order Restoration Council (SLORC) seized power in September 1988 after harshly suppressing massive prodemocracy demonstrations. In November 1997, the SLORC announced that the military Government had renamed itself the State Peace and Development Council (SPDC). The regime is headed by armed forces commander General Than Shwe and composed of top military officers.

Retired dictator General Ne Win, whose idiosyncratic policies had isolated the country and driven it into deep economic decline, may continue to wield considerable influence. The SLORC permitted a relatively free election in 1990, but it failed to honor the results--which were an overwhelming rejection of military rule--and 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, and redoubled efforts to consolidate and perpetuate its rule. In 1993 the SLORC established the "National Convention," a body ostensibly tasked with drafting a new constitution. The SLORC carefully handpicked the delegates and stage-managed the constitutional convention's proceedings, ignoring even limited opposition views. Although the National Convention has not been reconvened since 1996, the military government appears determined to draft a constitution that would ensure a dominant role for the military services in the country's future political structure. In August the principal democratic opposition party, the National League for Democracy (NLD), winner of the 1990 election, sought to expedite the transition to democracy by convening a parliament based on the election results. The SPDC responded by detaining 200 opposition NLD Members of Parliament-elect, along with hundreds of other democracy supporters; most remain in detention. There are more than 1,000 political prisoners. This action was taken to preempt any challenge to the perpetual military domination of the nation's political

life. The judiciary is not independent of the executive.

The Government reinforces its firm military rule with a pervasive security apparatus led by the military intelligence organization, the Directorate of Defense Services Intelligence (DDSI). Control is buttressed by arbitrary restrictions on citizens'

contacts with foreigners, surveillance of government employees and 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. However, most major insurgent groups have reached individual accommodations with the SLORC/SPDC in recent years, which provide varying levels of stability and autonomy from central government control. Members of the security forces committed numerous, serious human rights abuses.

Burma is a poor country with an estimated average per capita income of about \$400, but about \$800 on purchasing power parity basis. More than three decades of military rule and mismanagement have resulted in widespread poverty. Primarily an agricultural country, Burma also has substantial mineral, fishing, and timber resources. From 1988 to 1995, the Government partly liberalized and opened the economy to permit expansion of the small private sector and attract foreign investment. This led to some economic growth, but major policy and systemic obstacles to economic reform persist. These include extensive overt and covert state involvement in economic activity, state monopolization of leading exports, a bloated bureaucracy, arbitrary and opaque governance, corruption, poor human and physical infrastructure, and disproportionately large military spending at the expense of social development spending and stable prices. The difficulty of doing business in the country and international sanctions have discouraged potential investors.

The Government's longstanding severe repression of human rights continued during the year. 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. The SPDC has no sign of a willingness to cede its hold on absolute power. There continue to be credible reports, particularly in ethnic minority-dominated areas, that soldiers committed serious human rights abuses, including extrajudicial killings and rape. Disappearances continued, and members of the security forces beat and otherwise abused detainees. Prison conditions are harsh and life threatening. Arbitrary arrests and detentions for expression of dissenting political views continued with increasing frequency in an effort to intimidate the populace into submission in the face of deepening economic and political instability. More than 1,000 political prisoners remained in government custody, including the approximately 200 parliamentarians elected in 1990 detained since September. Since May 1996, at least 1,000 persons have been arrested, detained, or imprisoned for political reasons. The judiciary is subject to executive influence. During the year, foreign tourists, businessmen and those suspected of or charged with political actions were subjected to increased surveillance, harassment, deportation, and in a few cases imprisonment.

The SPDC maintained and intensified its restrictions on basic rights of free speech, press, assembly, and association. Political party activity remained severely restricted. Although the authorities recognize the NLD as a legal entity, they prevented the party from conducting normal political activities. The Government pressured many party offices throughout the country to close and refused to recognize the legal political status of key NLD party leaders, its General Secretary and 1991 Nobel Laureate, Aung San Suu Kyi, and the two party cochairmen, and it severely constrained their activities through security measures and threats. The regime detained more than 900 Members of Parliament-elect and NLD supporters to prevent the party from convening the parliament that was elected in 1990. It also tightened progressively the restrictions that it imposed in late 1996 on Aung San Suu Kyi's freedom to leave her Rangoon compound and her ability to receive visitors. On four occasions, the SPDC prevented Aung

San Suu Kyi from leaving Rangoon, which prompted confrontations that lasted several days. While two of the standoffs were resolved through negotiation, on one occasion security forces forced Aung San Suu Kyi to return to Rangoon. On another occasion Aung San Suu Kyi returned voluntarily, but only after her health had deteriorated dangerously when soldiers blocked her vehicle on a road for nearly 2 weeks to prevent her from peacefully visiting families of her detained supporters.

The Government imposes restrictions on certain religious minorities, and restricts freedom of movement. Thousands of citizens fled army attacks against insurgents, and remained in refugee camps in Thailand at year's end. Societal discrimination and violence against women, trafficking in women and girls, and widespread adult and child prostitution are severe problems. Some discrimination against women, and severe discrimination against religious and ethnic minorities are common. The Government restricts worker rights, bans unions, and uses forced labor for public works and to produce food and other daily necessities for military garrisons. The forced use of citizens as porters by the army--with attendant mistreatment, illness, and sometimes death--remained a common practice. The Government did not enforce its 1995 military directive and repeated promise to cease the practice of forced civilian labor. Forced civilian labor remains widespread. The pervasive use of forced unpaid civilian labor on major infrastructure projects decreased slightly, as soldiers were used to supplement "contributed" labor by civilians. Child labor is also a problem, stemming from poverty and lack of adequate access to education.

During the SPDC's antiinsurgency operations, members of the military forces were responsible for arbitrary killings, rape, village relocations, the destruction of homes and property, and forced labor inflicted on ethnic minorities.

Insurgent forces committed numerous abuses, including killings, rapes, forced labor, the forced use of civilians as porters, and other atrocities.

## **RESPECT FOR HUMAN RIGHTS**

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

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

There continued to be many credible reports of brutality and the killing of civilians by soldiers, particularly in areas dominated by ethnic minorities, despite intermittent cease-fires that interrupted the longstanding insurgencies in these areas (See Section 1.g.). Brutal treatment by soldiers also caused deaths among those impressed as military porters in areas held by ethnic insurgents. The worst abuses occurred in areas that essentially have been zones of armed conflict for decades. According to unconfirmed reports, porters who no longer can work often are either abandoned without medical care or assistance, or executed (see Section 6.c.). The Government's general disregard for human rights has created a climate that is clearly conducive to such abuses.

The military forces disregard the safety of noncombatants and target civilians suspected of supporting insurgents. Thousands of refugees continue to flee into neighboring Thailand (see Section 2.d.).

Some inmates died in prisons due to the denial of adequate medical care and harsh conditions (see Section 1.c.). NLD detainee U Aung Min died in detention (see Section 1.d.).

Various insurgent groups also committed extrajudicial killings.

In March soldiers, probably Democratic Karen Burmese Army (DKBA) forces, shelled the Wang Ka camp for displaced Burmese Karen located in Thailand. They killed two persons and wounded dozens more. The troops set fire to nearly all the huts in the camp, leaving thousands of persons homeless before the soldiers returned to Burma (see Sections 1.g. and 2.d.).

#### 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, sometimes seizing them in the streets. In many, although not all cases, DDSI released them soon afterward. Such action usually was intended to prevent free political expression or assembly. The military services continued to seize by force large numbers of persons for portage or related duties, often without the knowledge of their family members. The whereabouts of those conscripted, as well as of prisoners transferred for labor or portage duties, remain unknown for extensive periods.

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

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 around-the-clock questioning; some detainees also were kicked and beaten. Credible reports continue that prisoners are forced to squat or assume stressful, uncomfortable, or painful 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 portage or other duties faced extremely difficult conditions and beatings and mistreatment that sometimes resulted in death (see Sections 1.a. and 6.c.). In June security forces beat NLD members (see Section 2.b.).

There were frequent reports that soldiers raped women who were members of ethnic minorities, especially in Shan, Karenni, and Karen states, where the majority of armed encounters between the army and insurgents took place (see Section 1.g.).

Insurgent forces also raped civilians.

Prison conditions are harsh and life threatening. The extremely harsh prison regimen includes the lack of opportunity for exercise, mosquito nets and reading materials for some prisoners, poor nutrition, inadequate medical care, and the use of solitary confinement and "dog cells," (small enclosures that remind citizens of kennels used during World War II) as punishment. A number of prominent political prisoners were housed in separate bungalow accommodations on the prison compound. All prisoners usually were permitted to receive medicine as well as essential supplemental food brought by their families (if the families could afford to do so) during 15-minute visits permitted every 2 weeks, although there are occasional reports that guards demand bribes for that privilege. Authorities transferred many detainees and prisoners from their home towns to distant prisons, making family visits very difficult.

Conditions for political prisoners were reported to be much harsher at some upcountry locations such as the Thayet and Thayawaddy prisons than in Rangoon. Throughout the year, the authorities transferred many prisoners--including NLD members--from Insein Prison in Rangoon to upcountry prisons. The inevitable consequence for most prisoners of these transfers was additional hardship, in the form of

reduced access to family support, food, medicine, and clothing. There were reports that prison conditions for a number of political prisoners improved late in the year, including for some prominent political prisoners who have remained in hospital wards under guard rather than in prisons (see Section 1.e.). There were credible reports that at least a few political prisoners or detainees were denied adequate medical care. Some of these prisoners died in detention as a result. On August 7, Member of Parliament-elect U Than Win died while serving an 11-year sentence.

The Government does not permit prison visits by human rights monitors.

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

There is no provision in the law for judicial determination of the legality of detention, and the SPDC routinely practiced arbitrary arrest and incommunicado detention. Prior to being charged, detainees rarely had access to legal counsel or their families and political detainees have no opportunity to obtain release on bail. Political detainees are held incommunicado for long periods. Even after being charged, detainees rarely have benefit of counsel.

Private citizens and political activists continued to "disappear" temporarily at the hands of security forces (see Section 1.b.).

The Government detained and deported foreign journalists (see Section 2.a.). The Government detained, convicted, and later deported 18 foreign activists (see Section 1.e.).

The authorities carried out a campaign of detention and intimidation from May through December to prevent the NLD from convening the parliament elected in 1990. Prior to the NLD's planned convening of parliament, the SPDC detained 203 NLD Members of Parliament-Elect and 700 activists throughout the country to prevent them from attending the event in Rangoon. These detentions violated the NLD's right as a legal party to hold a political gathering (see Section 2.b.).

By year's end, the authorities released about 20 percent of these detainees, many for reasons of illness or infirmity. On October 21, one NLD detainee, 52-year-old U Aung Min, died in detention during what the Government described as "exchanges of views." The Government attributed his death to a fast spreading cancer; it did not release an autopsy report.

The military forces forcibly seized citizens to serve as porters during military operations; soldiers inflicted brutal treatment on such persons, at times causing their deaths (see Sections 1.a., 1.b., and 1.c.).

Forced exile is not used as a method of political control. However, during the year, Aung San Suu Kyi repeatedly was threatened with deportation or internal exile in the state-controlled media.

In 1990, when the SPDC refused to recognize the results of the elections and pressured successful candidates to resign, some candidates, as well as thousands of political activists, went into foreign exile rather than face threats.

#### e. Denial of Fair Public Trial

The judiciary is not independent of the executive. The SPDC appoints justices to the Supreme Court who, in turn, appoint lower court judges with the approval of the SPDC. 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 providing for 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. 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 right to a public trial and to be represented by a defense attorney, generally were respected, except in political cases that authorities deemed especially sensitive. Defense attorneys are permitted to call and cross-examine witnesses, but their primary purpose is to bargain with the judge to obtain the shortest possible sentence for their clients. Most court proceedings are open to the public. However, in political cases, trials are held in courtrooms on prison compounds and are not open to the public. In these instances, defense counsel appears to serve no purpose other than to provide moral support, since reliable reports indicate that verdicts are dictated by higher authorities. In a notable exception, U Aung Thein's trial in June was held in a quasi-open court in order to embarrass the NLD by trying to pit an NLD supporter against an NLD leader. Judicial authorities permitted only his attorney, family, and witnesses to be present; the public was excluded.

In August police detained a group of 18 foreign activists for allegedly distributing antigovernment leaflets; they were charged, tried without benefit of an attorney, convicted, and sentenced to 5 years in prison. However, the foreign activists were deported later that day. The Government granted consular access to these individuals, although in other cases, it denied such access.

In December 1997, the SPDC commuted the sentences of those prisoners who were serving terms longer than 10 years. The SPDC reduced the sentences of approximately 60 students and political prisoners who were arrested between 1988 and 1992, making them eligible for release within the next few years. However, some political prisoners remain in custody after the completion of their original sentence. NLD members U Aung Thein and U Hla Myint were sentenced to 14 years in prison in June for having disclosed to journalists the contents of a letter from an ethnic insurgent cease-fire group to an SPDC member.

There are unconfirmed estimates that the Government holds over 1,000 political prisoners.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The military authorities ruled unchecked by any independent state organ, and the State continued to interfere extensively and arbitrarily in the lives of private citizens. Through its extensive intelligence network and administrative procedures, the Government closely monitored the travel and activities of many citizens, particularly those known to be politically active. Authorities sometimes enter homes during night hours to examine registration documents of occupants as a form of monitoring personal movements. Security personnel attempted to screen all private correspondence and telephone calls and searched private premises and other property without warrants. Citizens generally were unable to subscribe directly to foreign publications (see Section 2.a.). Government employees generally are required to obtain advance permission before meeting with foreigners.

Communication devices are rationed or licensed to limit citizens' access to information. Internet communication is highly restricted. Possession of an unregistered telephone, facsimile machine, or computer modem has resulted in prison sentences.

Government employees are prohibited from joining or supporting political parties.

The military services forced citizens--including women and children--to work as military porters under harsh conditions (see Sections 1.a, 1.b., 1.g., and 6.c.). The army reportedly includes child soldiers as young as 14 years old. Youth soldiers are assigned support duties; both the Government and insurgents used forced conscription near military camps.

To make way for commercial or public construction, and in some cases for security reasons, the SPDC continued to relocate citizens out of cities to new towns, although on a much smaller scale than during the early 1990's. While facilities in these areas have improved over time, residents targeted for displacement continued to be given no option but to move, usually on short notice. The military authorities also continued the widespread and frequent practice of forcible relocation of rural villages, including their residents, in ethnic minority areas in response to security concerns. This practice, again this year as in 1997, was particularly widespread and egregious in the Shan, Kayah, and Karen states as part of the armed forces campaign against insurgents. In these states, thousands of villagers were displaced and herded into smaller settlements in strategic areas. (see Section 1.g.).

In a number of urban areas, residents were compelled to cede land for road widening and a host of other projects approved without any public consultation or 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 a Muslim village near Moulmein, authorities forced villagers off the land in January in order to build a government facility. Villagers complained that the Government's compensation was inadequate. In urban Rangoon, previously confiscated land was developed into high-density housing that previously evicted tenants could purchase only at prices beyond the means of many. In rural areas, military personnel at times confiscated livestock, fuel, and food supplies. In July the Attorney General banned women from marrying foreigners. This ban is not consistently enforced.

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

For 50 years, the army has battled diverse ethnic insurgencies. These ethnic minority insurgent groups have sought to gain greater autonomy, or in some cases, independence from the dominant ethnic Burman majority. In 1989 the SPDC began a policy of seeking cease-fire agreements with most ethnic insurgent groups along the borders.

Following the breakdown of its cease-fire with the separatist Karenni National Progressive Party (KNPP) in 1995, the army began an offensive in 1996 against the KNPP that continued through year's end. As part of its campaign to deny the guerrillas local support, the military forces forcibly relocated hundreds of villages and tens of thousands of Karenni civilians. In central and southern Shan state, the military forces continued to engage the Shan State Army (SSA), a remnant of Khun Sa's narcotics-linked former Mong Tai Army, and began a campaign of relocation against the villagers in the region. Many thousands were forcibly removed from their villages. There are credible reports of retaliatory killings, rapes, and other atrocities committed by the army against civilians.

The Karen National Union (KNU) is the largest single insurgent group that continues to fight against central government rule. In 1997 cease-fire talks between the KNU and SLORC broke down and were followed by a the SLORC offensive that pushed the KNU out of its last strongholds in Karen state. As a result, over 20,000 Karen civilians fled to Thailand. The Government denied responsibility for attacks on Karen refugee camps in Thailand that were carried out by the DKBA. However, according to credible reports, the DKBA receives military support from the Government.

In conjunction with the military's campaigns against the Karen, Karenni, and Shan insurgents, it was standard practice for the Government's armed forces to coerce civilians into working as porters in rural areas in or near combat zones. According to testimony collected by international human rights nongovernmental organizations (NGO's) from refugees, the men--and sometimes women and children as well--who were forced to labor as porters often suffered beatings. On occasion, they died as a result of their mistreatment by soldiers (see Sections 1.a, 1.b., 1.c., and 6.c.). There were reports that soldiers raped some female members of ethnic minorities in contested areas.

In regions controlled by insurgents groups such as the Shan state, or in areas controlled by groups that have negotiated cease-fires with the Government such as the Wa territory, there are credible reports that these groups engaged in narcotics production and trafficking. In combat zones or in areas controlled by ethnic minorities, the insurgents subjected civilians to forced labor.

Antigovernment insurgent groups were also responsible for violence, including deploying land mines and conducting ambushes that caused both civilian and military deaths. The SSA insurgents committed retaliatory killings, rapes, and other atrocities against civilians. There were credible reports that insurgents used women and children as porters. Karen National Union troops reportedly are led by child soldiers.

## **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 of the press. The security services continued to harass and repress those attempting to express opposition political views, and many more refrained from speaking out due to fear of arrest, interrogation, and other forms of intimidation. Since late 1996, the authorities have prohibited the weekend gatherings in front of Aung San Suu Kyi's residence at which she and NLD vice-chairmen Tin Oo and Kyi Maung responded to letters from the public and delivered speeches.

In September Aung San Suu Kyi began holding weekly meetings at NLD headquarters. Those meetings continued through year's end, although government security forces were present. The Government enhanced the existing barriers that blocked access to her residence during the year, and severely restricted her freedom to leave her compound or to receive visitors.

The government monopoly newspaper, television, and radio remained propaganda instruments. These official media normally did not report opposing views except to criticize them. Editors and reporters remained answerable to military authorities and reportedly were compelled to publish progovernment articles in nonofficial media. While the English language daily, *New Light of Myanmar* continued to include many edited international wire service reports on foreign news, domestic news hewed strictly to and reinforced government policy. Illegal copies of international news magazines were sold by street vendors.

All forms of domestic public media were officially controlled or censored. This strict control in turn encouraged self-censorship on the part of writers and publishers. Citizens were generally unable to subscribe directly to foreign publications, but a limited selection of foreign newspapers could be purchased in a few hotels and stores in Rangoon (see Section 1.f.). A limited supply of international newsmagazines and a sizable number of private publications on nonpolitical problems were available to the public, but censors frequently banned issues or deleted articles deemed unwelcome by the Government.

The Government issued few visas to journalists after April 1997 and held less than a handful of press conferences on topical subjects. Several journalists who entered the country as tourists were detained and deported by the authorities.

Foreign radio broadcasts, such as those of the British Broadcasting Corporation, Voice of America, Radio Free Asia, and the Norway-based Democratic Voice of Burma, remained the principal sources of uncensored information. The authorities continued to restrict the reception of radio and satellite television broadcasts, although restrictions are not enforced strictly in many cases. Penalties of up to 3 years' imprisonment for operation of an unlicensed satellite television receiver can be imposed. Licenses were almost impossible to obtain by politically active citizens. Many citizens ignored the licensing regulation without penalty.

A series of totalitarian decrees issued by the Government in 1996 designed to strengthen its control over all forms of political expression and citizens' access to information remained in force during the year. Order 5/96 in 1996 prohibited speeches or statements that "undermine national stability" as well as the drafting of alternative constitutions. A 1996 amendment to the television and video law imposed additional restrictions and stiffer penalties on the distribution of videotapes not approved by the censor. Also in 1996, the Government decreed that all computers, software, and associated telecommunications devices would be subject to government registration. During the year, the Government began to offer Internet services to a small number of customers. At least two companies associated with the Government provide electronic mail service; however, Internet communications are restricted tightly.

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; strictures against joining or supporting political parties; engaging in political activity; or meeting foreigners. Government employees also are coerced into joining the military Government's mass mobilization organization, the Union Solidarity and Development Association (USDA). Teachers continued to be held responsible for propagating SPDC political goals among their students and for maintaining discipline and preventing students from engaging in any unauthorized political activity.

Following student demonstrations in December 1996, the Government closed the universities and even primary and secondary schools to prevent further demonstrations. Primary and secondary schools reopened in August 1997. After 2 years, several universities were opened for abbreviated refresher course and examinations for 2 weeks in August. Dissatisfaction with the limited time for education prompted several student demonstrations. The authorities arrested student protest leaders, and universities held exams, only to be closed again within a few weeks. The Government did not reopen the Medical University during the year.

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

The Government restricts freedom of assembly. Its prohibition of unauthorized outdoor assemblies of more than five persons remained in effect, although it was enforced unevenly. The 10 existing legal political parties remained required to request formal permission from the authorities to hold internal meetings of their members, although some members still met without official permission.

In September 1997, the authorities reversed a position barring party meetings and allowed the NLD to celebrate the ninth anniversary of the party's founding, the largest gathering held by the NLD since 1990. In May the authorities also allowed the NLD to hold a 2-day party congress on the anniversary of the 1990 elections. The authorities also permitted several public gatherings of NLD members and

supporters on various holidays with little or no interference. The authorities allowed holiday to take place in Aung San Suu Kyi's compound, but police restricted the size of the gatherings, and their suspension of restrictions was sporadic. On June 25, security forces blocked NLD members from entering Aung San Suu Kyi's compound and beat them, slightly injuring some. Riot police prevented student demonstrations on August 24 by charging them with batons. There were no injuries.

The USDA continued to hold large-scale rallies in support of government policies. In September and October, large anti-NLD rallies were organized by the Government in every state and division. Participants were required to attend. There were no reported incidents in which the authorities interfered with religious groups' assemblies or other outdoor gatherings during the year.

The Government restricts freedom of association. Aside from officially sanctioned organizations like the USDA, the right of association existed only for organizations, including trade associations and professional bodies, permitted by law and duly registered with the Government, such as the Myanmar Women's Entrepreneur Association. Only a few continue to exist, and even those are subject to direct government intervention and take special care to act in accordance with government policy. This group includes apolitical organizations such as the Myanmar Red Cross and the Myanmar Medical Association. Only 10 political parties remain legally in existence and most are moribund.

The SPDC's repression of the NLD continued; it harassed NLD members for petty offenses, and arrested and convicted NLD supporters for political crimes, especially those personally associated with NLD General Secretary Aung San Suu Kyi.

### c. Freedom of Religion

Adherents of all religions duly registered with the authorities generally enjoyed freedom to worship as they chose; however, the Government imposed some restrictions on certain religious minorities. In recent years, Buddhists continued to enjoy a privileged position. In some areas members of other religious minorities reportedly were forced by the Government to help construct pagodas. The Government has made special efforts to link itself with Buddhism as a means of asserting its own popular legitimacy. Photographs of SPDC officials paying homage or making donations at pagodas throughout the country appear regularly in the official newspaper. Aung San Suu Kyi was able to visit religious sites in Rangoon several times during the year.

The Government monitored the activities of members of all religions, including Buddhism, in part because congregation members have in the past become politically active. The authorities continued to regard the Muslim and Christian religious minorities with suspicion. Moreover, there is a concentration of Christians among some of the ethnic minorities against whom the army has fought for decades. Religious publications, like secular ones, remained subject to control and censorship. Christian bibles and Muslim Korans translated into indigenous languages could not be imported legally, although this ban is not enforced in some areas. It remained difficult for Christian and Muslim groups to obtain permission to build new churches and mosques.

Religious groups of all faiths were able to establish and maintain links with coreligionists in other countries and travel abroad for religious purposes; however, the Government reportedly monitored these activities. Foreign religious representatives usually were 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 some elderly nuns and priests working in Burma since before independence in 1948 have been allowed to continue their work.

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

Although citizens have the legal right to live anywhere in the country, both urban and rural residents were subject to arbitrary relocation (see Section 1.f.). Except for limitations in areas of insurgent activity, citizens could travel freely within the country but must notify local authorities of their whereabouts.

The Government restricted the freedom of movement of NLD General Secretary Aung San Suu Kyi (see Section 2.a.). Aung San Suu Kyi attempted to leave Rangoon four times, beginning in July. Each time military authorities blocked her movement and in one instance forcibly returned her to the capital.

Those residents unable to meet the restrictive provisions of the citizenship law, such as ethnic Chinese, Arakanese, Muslims, and others must obtain prior permission to travel. The Government carefully scrutinized prospective travel abroad. This produced rampant corruption as many applicants were forced to pay large bribes to obtain passports to which they were otherwise entitled. The official board that reviews passport applications denied passports in some cases apparently on political grounds. All college graduates who obtained a passport (except for certain government employees) were required to pay a special education clearance fee to reimburse the Government for the cost of their education up to matriculation. Citizens who had emigrated legally generally were allowed to return to visit relatives, and some who had lived abroad illegally and acquired foreign citizenship were able to return to visit. The Government on occasion restricts the issuance of passports to female applicants under the age of 25 seeking work abroad, reportedly to prevent young women from being enticed to travel abroad to jobs that are in fact in the commercial sex industry.

Restrictions on foreign travelers have been eased as part of an effort to promote tourism. Burmese embassies issued tourist visas, valid for 1 month, within 24 hours of application. However, select categories of applicants, such as foreign human rights advocates, journalists, and political figures continued to be denied entry visas unless traveling under the aegis of a sponsor acceptable to the Government, and for purposes approved by the Government. Many travelers were questioned at length and asked to sign oaths indicating that they were not part of these categories before their visas were issued. The authorities detained and deported several journalists (see Section 2.a.). One foreign citizen who entered the country illegally after previously being expelled for antigovernment activity was sentenced to 5 years in prison. He was released after 90 days and deported. The Government arrested, convicted, and later deported 18 foreign activists (see Section 1.e.). Although some areas of the country remained closed to foreigners for security reasons, the authorities permitted travel to most other destinations. Rangoon-based diplomats must apply 10 days in advance for travel outside the capital.

At year's end, there were still 21,000 Rohingya Muslims remaining in refugee camps in Bangladesh. The United Nations High Commissioner for Refugees' (UNHCR's) repatriation program, which since 1992 had succeeded in returning approximately 238,000 refugees to Burma and had been scheduled to end on August 15, 1997, halted prematurely when the Rohingyas as a group rejected repatriation and demanded resettlement in Bangladesh. While the Government agreed to resume repatriation of those remaining, this repatriation has yet to commence. This repatriation is proceeding slowly.

The Rohingyas refused to return because they feared human rights abuses, including religious persecution and other government restrictions. The UNHCR reported that authorities cooperated in investigating isolated incidents of renewed abuse of repatriated citizens. However, returnees complained of restrictions imposed by the Government on their ability to travel and to engage in economic activity.

A few thousand students and dissidents continued to live in exile in Thailand. The approximately

100,000 Burmese residing in refugee camps in Thailand in January were joined during the year by thousands of new arrivals fleeing army attacks against insurgencies in the Karen, Karenni, and Shan ethnic areas.

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. There were no reports of the forced return to a country where they feared persecution.

### **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.

Since 1962 active duty military officers have occupied most important positions throughout the Government, particularly at the policy making level, but also extending to local administration. Despite the appointment of several civilians to the Cabinet in 1992, the military Government's policy of placing military or recently retired military officers in most key senior level positions in all ministries has continued unabated. In the SPDC Government formed in November 1997, only 12 of the 41 ministers appointed were civilians. The authorities thwarted all efforts to convene the Peoples' Parliament that was elected in 1990. The last civilian cabinet member, Foreign Minister U Aung Gyaw, was retired in November and replaced with a diplomat, U Win Aung, who began his career in the military services.

Following the NLD's victory in the 1990 elections, the SPDC nullified the election results and disqualified, detained, arrested, or drove into exile many successful candidates. Since then, 280 of the 480 members of parliament-elect have been disqualified, resigned under pressure, gone into exile, been jailed, or died. A total of 43 successful candidates from the election remain in prison. More than 150 have been detained without charge in what the Government calls "exchanges of views."

Rather than accept the will of the citizenry as expressed in the 1990 election, the SPDC (then known as the SLORC) convened a National Convention in 1993 to draw up principles for a new constitution. The SLORC hand-picked most delegates, and carefully stage-managed the proceedings; even limited opposition views were ignored. The SLORC tasked the Convention with drafting a new constitution designed to provide a dominant role for the military services in the country's future political structure. In 1995 the NLD delegates withdrew from the convention pending agreement by the authorities to discuss revising the Convention's working procedures to permit debate and meaningful participation in formulation of a new constitution. Two days after its withdrawal, the NLD was expelled formally. The National Convention continued its deliberations until it adjourned in March 1996. It has not reconvened. The provisions that it adopted were designed to ensure the large-scale involvement of the military services in all levels of government--including reserving 25 percent of seats in the Parliament to appointed members of the military services, and reserving key government posts for military personnel as well. In addition it adopted provisions that prohibited, among other things, anyone "under acknowledgment of allegiance" to a foreigner or who has received any type of assistance from a foreign source, from participating in the Government. These provisions apparently were designed to exclude Aung San Suu Kyi, who is married to a British subject.

Women and minorities are underrepresented in the Government and the top ranks of government services and excluded from military leadership. There are no female members of the SPDC, ministers, or Supreme Court judges.

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. Approximately 14 nonpolitical, humanitarian, international NGO's continued project work. A few others established a provisional presence while undertaking the protracted negotiations necessary to set up permanent operations in the country.

Disturbed by the severe criticism contained in 1995 resolutions adopted by the U.N. Human Rights Commission (UNHRC) during the year, the authorities continued to refuse to meet with UNHRC representatives. In his reports to the UNHRC, Special Rapporteur for Burma, Rajssoomer Lallah, who was repeatedly denied entry into the country, criticized the human rights violations committed against ethnic minorities as a result of the SPDC's policy of forcible relocations and continued recourse to forced labor, including citizens' forced labor as porters. The authorities allowed the visit of U.N. Special Envoy to Burma, Alvaro de Soto in January, who visited the country to discuss political issues. After many delays, de Soto was permitted to return to Burma in October.

The Government denied entry to staff of the International Labor Organization (ILO) Special Commission of Inquiry into forced labor in Burma.

#### **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**

Domestic violence against women, including spousal abuse, appears to be relatively infrequent. Married couples often live in households with extended families, where social pressure tends to protect the wife from abuse. In June the Government's Social Welfare Training School organized a seminar to train school instructors to help protect women from violence. 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 induced or coerced 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. The military forces continued to impress women for military portage duties (See Sections 1.c. and 1.g.).

In general women traditionally have enjoyed a high status, exercising most of the same basic rights as men and taking an active role in business. Consistent with traditional culture, women keep their names after marriage and often control family finances. However, women remained underrepresented in most traditional male occupations, and a few professions continued to be effectively barred to women. The burden of poverty, which is particularly widespread in rural areas, fell disproportionately on women. The Government restricts foreign travel by young women (see Section 2.d.). In July the Attorney General banned women from marrying foreigners; however, the Government does not enforce this ban consistently in response to a high profile case in which false marriages were used to lure women into prostitution (see Section 1.f.).

Women did not consistently receive equal pay for equal work. There were no independent women's

rights organizations, and no government ministry was charged specifically 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 operating various child welfare programs, the Government allocated few resources to programs for children. According to government studies conducted with U.N. assistance, although education is compulsory, 65 to 75 percent of children do not finish primary school, and only 5 percent complete secondary school. Government budget allocations for education have declined steadily since 1990.

Child prostitution of young females, especially those from the ethnic minority Shan state sent or lured to Thailand, continued to be a major problem.

Government efforts to stop trafficking in young women are modest and ineffective. The Government makes it difficult to obtain passports or marry foreigners. Most citizens who are forced or lured into prostitution cross the border into Thailand without passports.

The rising incidence of HIV infection has increased the demand for supposedly "safer" younger prostitutes. The army conscripts children as young as the age of 14, especially orphans and street children; they are deployed to training camps where they support the military forces. In combat areas, children have been forced to serve as porters, where beatings and other mistreatment reportedly occur.

The military forces continue to force children to labor as porters, and often subjected them to beatings (see Sections 1.f. and 1.g.).

## Religious Minorities

There are credible reports that Muslims in the western state of Rakhine were compelled by the Government to build Buddhist pagodas as part of the country's forced conscription labor program.

## People With Disabilities

Official assistance to persons with disabilities is extremely limited. There is no law mandating accessibility to buildings, public transportation, or government facilities. While there are several small-scale organizations to assist the disabled, most disabled persons must rely on their families 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

The country's myriad ethnic minorities have long resented the dominance of the country's Burman majority. The minorities have been largely excluded from the military leadership. In recent years, the SPDC has sought to pacify these 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 problem of minority autonomy. However, the ethnic minority populations continue to complain that their concerns have not been addressed adequately by the

Government. Economic development among minorities has continued to lag, leaving many persons living at or below subsistence levels.

Since the focus of hostilities against armed insurgencies has been in the border areas where most minorities are concentrated, those populations have been victimized disproportionately by the general violence associated with the military forces' activities. Even in areas pacified under cease-fire arrangements, forced labor, village relocations, and other infringements on the rights of ethnic minorities continue to be imposed by local army and insurgent commanders.

Since only persons 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 are excluded from government positions. Persons without full citizenship face restrictions in domestic travel and are barred from certain advanced university programs in medicine and technological fields (see Section 2.d.). Wide-ranging governmental and societal discrimination against minorities persists. Ethnic minority languages are not taught in public schools. There are few minority language publications. Ethnicity is indicated on some national identity cards.

## **Section 6 Worker Rights**

### **1. The Right of Association**

Free trade unions do not exist, and even former government-controlled ones were dormant. Strikes are rare; however, in December 1997, workers in a foreign-owned textile factory in Pegu staged a successful 4-day strike. Following the intervention of the Department of Labor, workers and management reached a compromise that included higher wages and improved working conditions.

Because of its longstanding violation of ILO Convention 87 on Freedom of Association, Burma was cited for continued failure to implement the convention by the June 1998 ILO Conference. The Conference criticized the lack of progress and the absence of cooperation on the part of the Government.

No unions are affiliated internationally.

In 1989 the United States suspended Burma's eligibility for trade concessions under the Generalized System of Preferences (GSP) program, pending steps to afford its labor force internationally recognized worker rights.

### **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, continued to exist but in practice was dormant. Township-level labor supervisory committees exist to address 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. Some 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. However, there are special military-owned industrial parks, such as Pyin-Ma-Biu near Rangoon, which attract foreign investors and often manufacture for export by offering cheaper labor than is available elsewhere. These are tantamount to export processing zones in many respects.

### c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor remains a serious problem. At widespread locations throughout the country, international observers have confirmed that the Government routinely coerces forced labor by citizens for local projects. In July a special ILO Commission of Inquiry found that the Government widely and systematically violated its obligations under ILO Convention 29, which prohibits forced labor. In March 1997, following an investigation of the country's forced labor practices, the European Union Commission revoked benefits under the Generalized System of Preferences. From 1992 to 1996, the Government supplemented declining gross investment with a significant increase in uncompensated citizen "contributions," chiefly of forced labor, to build or maintain irrigation, transportation, and tourism infrastructure projects. During 1996 the Government introduced an initiative to use military personnel for infrastructure projects. This initiative and the increasing use of heavy construction equipment resulted in a decline since 1996 in the use of unpaid labor on physical infrastructure projects, especially for irrigation projects and railroad building. Nonetheless, the use of forced labor remains widespread.

There have been conflicting reports about the use of forced labor

on individual projects by both government and nongovernmental actors. Refugee accounts of some instances of forced labor on private projects appear to be credible. The Government has denied wholly or in part requests by observers from outside the country to conduct independent visits and investigations. In September the U.S. Department of Labor issued a detailed report on forced labor practices in Burma.

In some areas, government authorities forced members of non-Buddhist religious minorities to help construct pagodas.

The army continued to force citizens--including women and children--to work as porters, which led to mistreatment, illness, and death, while conducting military actions against ethnic insurgents (see Sections 1.a., 1.c., and 1.g.). The Government does not specifically prohibit forced and bonded labor by children. While bonded labor is practiced, forced labor occurs in military portage and in situations in which a family or household is required to contribute labor to a particular project. Children are called upon by parents to help fulfill that obligation without opposition by the Government (see Section 6.d.).

Trafficking in women and girls for forced prostitution is a serious problem (see Section 5) in neighboring countries.

The ILO report of its Commission of Inquiry described widespread and systematic use of forced labor in violation of ILO Convention 29 on forced labor. The Government refused to permit the Commission to visit. In compiling 6,000 pages of documentation from outside Burma, the Commission concluded that there is abundant evidence showing pervasive use of forced labor in the country. The ILO Commission stated that women, children, and the elderly are unduly required to perform forced labor; porters often are sent into dangerous military situations, rarely receive medical treatment; and are almost never compensated. The Commission stated that forced laborers frequently are beaten and that some women performing forced labor were raped or otherwise abused sexually by soldiers.

#### d. Status of Child Labor Practices and Minimum Age for Employment

Although the law sets a minimum age of 13 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, and in family agricultural activities in the countryside. Children working in the urban informal sector in Rangoon and Mandalay often start work at young ages. Children are hired at lower pay rates than adults for the same kind of work. In the urban informal sector, child workers are found mostly in food processing, selling, refuse collecting, light manufacturing, and as tea shop attendants. Despite a compulsory education law, almost 40 percent of children never enroll in school, and only 25 to 35 percent complete the 5-year primary school course. The law does not specifically prohibit forced and bonded labor by children; while bonded labor is not practiced, forced labor by children occurs. The military Government not only tolerates child labor, but also uses children as porters in infrastructure development and in providing other services to military forces (see section 6.c.).

#### e. Acceptable Conditions of Work

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 \$2.00 (600 kyats) for what is in effect a 6-hour workday. This sum is supplemented by various subsidies and allowances. The minimum wage does not provide a worker and family with a decent standard of living. The low level of pay in public employment fosters widespread corruption. Urban laborers earn about \$0.70 per day (200 kyat), while rural agricultural workers earn about half that rate. Modern sector workers earn substantially more than day labor; a skilled factory worker earns about \$15 per day (4,500 kyat). Wage increases continued to lag far behind inflation.

Surplus labor conditions and lack of protection by government authorities continue to dictate substandard conditions for workers. 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 and a 44-hour workweek for private and state enterprise 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 benefit only a small portion of the country's labor force, since 70 percent of the labor force is engaged in rural agriculture.

Numerous health and safety regulations exist, but in practice the Government has not made the necessary resources available to enforce the regulations, 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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