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Burma

Country Reports on Human Rights Practices - [2005](#)

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Since 1962, Burma, with an estimated population of more than 52 million, has been ruled by a succession of highly authoritarian military regimes dominated by the majority Burman ethnic group. The current controlling military regime, the State Peace and Development Council (SPDC), led by Senior General Than Shwe, is the country's de facto government, with subordinate Peace and Development Councils ruling by decree at the division, state, city, township, ward, and village levels. In 1990 prodemocracy parties won more than 80 percent of the seats in a generally free and fair parliamentary election, but the junta refused to recognize the results. Twice during the year, the SPDC convened the National Convention (NC) as part of its purported "Seven-Step Road Map to Democracy." The NC, designed to produce a new constitution, excluded the largest opposition parties and did not allow free debate. The military government totally controlled the country's armed forces, excluding a few active insurgent groups.

The government's human rights record worsened during the year, and the government continued to commit numerous serious abuses. The following human rights abuses were reported:

- abridgement of the right to change the government
- extrajudicial killings, including custodial deaths
- disappearances
- rape, torture, and beatings of prisoners and detainees
- arbitrary arrest without appeal
- politically motivated arrests and detentions
- incommunicado detention
- continued house arrest of National League for Democracy (NLD) General Secretary Aung San Suu Kyi and NLD Vice Chairman U Tin Oo, and the continued closure of all NLD offices, except the Rangoon headquarters
- imprisonment of members of the United Nationalities Alliance, including Hkun Htun Oo and Sai Nyunt Lwin, both leaders of the Shan Nationalities League for Democracy
- infringement on citizens' right to privacy
- forcible relocation and confiscation of land and property
- restriction of freedom of speech, press, assembly, association and movement
- restriction of freedom of religion
- discrimination and harassment against Muslims
- restrictions on domestic human rights organizations and a failure to cooperate with international human rights organizations
- violence and societal discrimination against women
- forced recruitment of child soldiers
- discrimination against religious and ethnic minorities
- trafficking in persons, particularly of women and girls for the purpose of prostitution and as involuntary wives
- restrictions on worker rights
- forced labor (including against children), chiefly in support of military garrisons and operations in ethnic minority regions

Ethnic armed groups including the Karen National Union (KNU), the Karenni National Progressive Party (KNPP), and the Shan State Army-South (SSA-S) also allegedly committed human rights abuses, including killings, rapes, and forced labor, although reportedly to a lesser extent than the government. Some cease-fire groups, including the United Wa State Army and the Karenni National Peoples Liberation Front also reportedly committed similar abuses against civilians in their home regions. Armed groups and cease-fire groups also practiced forced conscription of child soldiers.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

During the year there were several cases of prodemocracy activists who died while in custody under suspicious circumstances. On May 7, Aung Hlaing Win, an NLD member, died in custody after being arrested on May 1 by the Office of the Chief of Military Affairs Security (MAS) for contacting an "illegal organization" in Thailand five years earlier. On May 10, police informed his family that he died of a heart attack;

however, the coroner's autopsy report revealed that the body showed 24 injuries and bruises. MAS offered the family compensation of \$100 (100 thousand kyat), which the family refused. The family filed a wrongful death case in Mayangone Township Court. The judge barred admission of the coroner's autopsy report and instead upheld the police report on the cause of death. The NLD legal advisory committee helped the family appeal the case to the Supreme Court, which upheld the decision of the lower court.

On May 22, labor activist Moe Naung reportedly died in Kawthoung, shortly after being taken into custody (see section 6.a.).

On May 31, Min Htoo Wai's wife received a telegram informing her that her husband, an NLD member, had died in custody and would be cremated that day. On May 26, police arrested Min Htoo Wai for unspecified reasons and transferred him to Mawlamyine Prison two days later. The family arrived at the prison within an hour of receiving the telegram but was informed that his body was cremated the day before. A prisoner and the medical coroner both informed the widow that her husband died of severe head injuries suffered during a beating on May 29.

On July 20, officials informed Saw Stanford's family that he died of a heart attack at an interrogation center. The family was not allowed to come close to or handle the heavily draped body and could only see his face. Stanford was detained in an MAS raid of Tawako Village, Irrawaddy Division, for allegedly hiding arms and explosives.

On October 4, Htay Lwin of Aung Myay Thazan Township, Mandalay Division, died while in police custody. Authorities had arrested him on the same day on suspicion of theft. His wife came to visit him at the police station but was not allowed to see her husband. An hour later the police informed her that Htay Lwin had committed suicide inside the jail. On October 5, she refused to sign any documents or make funeral arrangements without first seeing her husband's body. Local peace and development council (PDC) officials and district Union Solidarity and Development Association (USDA) Secretary Tin Maung Win offered compensation of \$300 (300 thousand kyat). On October 6, the PDC and hospital authorities delivered the body to her house without any death certificate. The family said Htay Lwin's skull showed evidence of battering, his body was covered with bruises, and there were stitches in both eyes, on his neck, and abdomen. The family appealed to the director general of police and the divisional police commissioner to launch an inquiry and to take action against those responsible. At year's end there were no further developments in the case.

On November 5, 37-year-old Aung Myint Thein of Bago died while in custody in Insein Prison where he was undergoing trial on charges of "illegal association." The cause of death was reported variously to be diarrhea, cholera, or cirrhosis, but the authorities would not release the body to the family (see sections 2.a and 6.c.).

On December 31, Ko Than Htaik died as a result of a severe beating by local peace and development council (PDC) authorities (see section 6.c.).

In March 2004 the Shan Human Rights Foundation (SHRF) reported a commander from Light Infantry Battalion 514 beat a civilian to death in front of a military checkpoint in Mong Kung Township, Shan State, for refusing to provide his vehicle for forced labor.

In July 2004 there was an unverified but credible report that Maung Aye, a theft suspect, died after being beaten while in police custody (see section 1.c.).

The government refused to investigate, or to take any responsibility for, the 2003 attack by government-affiliated forces on an NLD convoy led by party leader Aung San Suu Kyi near the village of Depeyin. Villagers and survivors of the attack reported that the attackers might have killed as many as seventy prodemocracy supporters, but there was no official verification of this number. By year's end the fate of other injured persons, including 31 prodemocracy supporters from the convoy, remained unknown. Officials reportedly involved in the assault were not held accountable and several were promoted.

Similarly, there were no reports that the government took action to investigate or prosecute soldiers involved in any of the 2003 killings reported by the SHRF and the KNU. These killings included two farmers accused of being or helping Shan soldiers in Namhsan Township, Shan State; a displaced farmer in Lai-Kha Town in Shan State; a farmer at a remote farm in Shan State; and two Karen village chiefs.

There were several unverified reports of deaths and injuries due to security forces using civilians to clear landmines; however, reported incidents declined from previous years due to a tenuous cease-fire between the government and the KNU (see section 1.g).

Bombings in Mandalay in April and 3 concurrent bombings in Rangoon on May 7 resulted in an official count of 23 persons killed and 55 permanently injured. In response the government conducted widespread arrests and blamed various opposition groups for the bombings; however, it was unable to produce any credible evidence and the perpetrators remained at large.

Unlike in previous years, there were no reports that armed ethnic groups committed killings. Government media alleged in August 2004 that the Shan United Revolutionary Army, also known as SSA-S, killed five farmers in Namhsan Township.

b. Disappearance

Private citizens and political activists continued to "disappear" for periods ranging from several hours to several weeks or more, and many persons never reappeared. Such disappearances generally were attributed to authorities detaining individuals for questioning without informing family members and the army's practice of seizing private citizens for portering or related duties, often without notifying family members (see section 6.c.). Little improvement was reported regarding requests for information directed to the military services. In many cases, individuals who were detained for questioning were released soon afterward and returned to their families.

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

There were no developments in the 2003 case of a 15-year-old student and 3 or 4 other youths who disappeared from a Rangoon teashop and were believed to have been forcibly taken by the government for military portering.

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

There are laws that prohibit torture; however, members of the security forces reportedly tortured, beat, and otherwise abused prisoners, detainees, and other citizens. They routinely subjected detainees to harsh interrogation techniques designed to intimidate and disorient.

On December 1, the Assistance Association for Political Prisoners - Burma (AAPP) released a report on the "brutal and systematic" torture that the regime inflicted on political prisoners. Based on the testimony of 35 former political prisoners, the report gave graphic details of the physical, psychological, and sexual abuse the regime metes on dissidents, and identified by name many of the perpetrators. The report detailed the kinds of torture the regime uses, including: severe beatings, often resulting in loss of consciousness and sometimes death; repeated electrocution to all parts of the body, including genitals; rubbing iron rods on shins until the flesh rubs off; burning with cigarettes and lighters; prolonged restriction of movement for up to several months using rope and shackles around the neck and ankles; repeatedly striking the same area of a person's body every second for several hours; forcing prisoners to walk or crawl on an aggregate of sharp stones, metal and glass; using dogs to rape male prisoners; and threatening female prisoners with rape.

According to the report, the ministers of home affairs, defense, and foreign affairs form a three-person committee that oversees the detention of political prisoners charged under the State Protection Act.

The report also indicated that during initial interrogations torture is conducted mainly by MAS. Interrogation was also conducted by the Bureau of Special Investigations and the Special Branch of the Burma Police, which is under the Ministry of Home Affairs.

Five political prisoners died while in custody (see section 1.a.).

On July 6, journalist and former member of the NLD executive committee U Win Tin was taken to a room in Insein Prison where prisoners are debriefed prior to release, but instead of being released, was then returned to his cell. Opposition sources believe that U Win Tin refused attempts by authorities to coerce him to sign a false confession (see section 2.a).

In June 2004 four members of the NLD were taken into custody, interrogated, and forced to stand on stools for three days. The 4 were forced to sign false written confessions that led to prison sentences of up to 15 years for violating the Emergency Provision Act of 1950, the Unlawful Association Act of 1908, and the Immigration Act of 1947. The court ruled the three sentences would not have to be served consecutively, but rather the defendants would serve the longest of the three counts (seven years). The son of the most prominent member of this group also was taken into custody and beaten by security agents before being released.

Reliable sources reported that in February 2004, authorities at Insein prison beat NLD member Khin Maung Oo unconscious. Also in February 2004 there was an unverified report that Rangoon policemen and firemen beat San Htay for unknown reasons. In July 2004 there was an unverified but credible report that Maung Aye, a theft suspect, died after being beaten while in police custody.

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

During the year there were new reports by NGOs and community leaders that the military continued to commit abuses against ethnic minorities, including beatings, rape, forced mine clearing, and forced labor against villagers in Bago Division, Karen State, Mon State, Shan State, and Tanintharyi Division.

In September 2004 a credible source in Karen State reported that soldiers from the progovernment Democratic Karen Buddhist Army (DKBA) raped several young Buddhist nuns (ages 8-11).

The government did not investigate the 2003 reports that a DKBA commander and government soldiers threatened and beat villagers in Karen State to recruit forced laborers.

In 2003, security agents detained and later sent school teacher Kyaw Ye Win and student Khin Hla Hla Su Win to Ywathagyi psychiatric hospital for demonstrating in front of Rangoon City Hall for the release of all political prisoners. They were amnestied in November 2004.

Prison and Detention Center Conditions

Prison and labor camp conditions generally remained harsh and life threatening. The Department of Prisons operated approximately 35 prisons and approximately 70 labor camps throughout the country (see section 6.c.). In prisons, food, clothing, and medical supplies reportedly were in very short supply. Bedding consisted of a single mat on the floor. Prisoners were forced to rely on their families, who were allowed to visit once every two weeks for 15 minutes per visit, for basic necessities. Prisoners were held without being charged for weeks or

months, and until a prisoner was officially charged with a crime, families could not visit or send critical supplementary food. HIV/AIDS infection rates in prisons reportedly were high due to communal use of single syringes for injections and sexual abuse by other prisoners. In March 2004 unverified reports indicated that the government revoked access by prisoners to periodicals and television, which were granted following a visit from the UN Special Rapporteur for Human Rights (UNSRHR) Paulo Sergio Pinheiro in 2003.

On April 9, 18 political prisoners in Insein Prison staged a 2-day hunger strike to protest poor prison conditions and the denial of prison visits by their families. The prison authorities agreed to make improvements in conditions. After the prisoners met with their families on April 27, the authorities transferred some of the political prisoners to other prisons, some were put in solitary confinement, and others were moved into communal cells with common criminals who beat them. The political prisoners again went on hunger strike and more were put in solitary confinement where they continued their hunger strike, and political prisoners in other wards joined their strike.

The government continued to deny prisoners adequate medical care, although medical services in prisons partially reflected health care services available to the general population. In September, 11 prison inmates in Tharawaddy prison died, and at least 80 were hospitalized due to a cholera outbreak brought on by worm-infested rice, lentils, and meat, and unsanitary water and waste disposal systems. In October these same conditions in Tharawaddy prison caused the deaths of 40 more prisoners from diarrhea. In late December, 9 prisoners in Sittwe Prison reportedly died of diarrhea and another 60 were hospitalized. Unhygienic food was suspected as the cause.

During the year the health of several political prisoners deteriorated. Prominent political prisoners who suffered deteriorating health included NLD members of parliament-elect (MPs-elect) Dr. Than Nyein and U Naing Naing and veteran journalist U Win Tin. Aung Zaw Latt, 30, a political prisoner, died in Bago prison on December 15 from tuberculosis.

According to the government, political detainees were separated from common criminals. However, reports by prisoners indicated that the authorities frequently placed political prisoners in communal cells where they were subjected to beatings and mistreatment by hard-core criminals. Political prisoners in Ward 3 of Insein Prison have been particularly vulnerable: prisoners Min Soe Naing, Min Min, Min Than Tun Win, U Ohn Maung, Phone Aung, and an unnamed Buddhist monk all reportedly were beaten severely by other inmates during the year. According to relatives of the prisoners and the AAPP, on August 24, a criminal gang of inmates brutally beat political prisoner Ko Tun Tun. The prison authorities reportedly took no action against the gang members, so the political prisoners staged a hunger strike. Prison authorities put them in solitary confinement and later transferred them to prisons in remote locations.

During the year the government allowed the International Committee of the Red Cross (ICRC) to perform its traditional services, such as providing medications to detainees, delivering letters between prisoners and their families, and advocating for monthly family visits to prisoners. The ICRC closely followed more than four thousand detainees on an individual basis. These included security detainees, minors, foreign nationals, and prisoners who were especially vulnerable, such as the sick and aged. As a result of ongoing dialogue with the government on prison problems, the ICRC gained the right to talk in private with prisoners; to make repeated visits as desired; and to have full access to most prisoners, while working to expand its access to more detainees in prisons and labor camps. The ICRC reported that the conditions of detention, treatment of detainees, and overall health care in most prisons and labor camps improved during the year as a result of corrective measures taken by the prison department on the recommendation of the ICRC. However, the ICRC had to curtail a visit to Tharawaddy Prison in November after the government's mass mobilization organization, the USDA, insisted on accompanying ICRC personnel.

d. Arbitrary Arrest or Detention

There is no provision in the law for judicial determination of the legality of detention, and the government routinely used arbitrary arrest and incommunicado detention. The law allows authorities to extend sentences after prisoners have completed their original sentence, and the government regularly uses this provision (see section 1.c.).

Role of the Police and Security Apparatus

The police are auxiliary forces of the military and are under direct command of military officers. They primarily deal with common crimes and do not handle political crimes. The Myanmar Police Force (MPF) is administratively under the Ministry of Home Affairs. Corruption and impunity were serious problems due to a government-imposed system whereby police were required to collect funds for their operations. Police typically required victims to pay substantial sums for crime investigations, and police extorted money from the civilian population. Bail is commonly offered in criminal cases, but it is rarely, if ever, allowed for political prisoners.

MAS officers and Special Branch (SB) officers of the MPF are responsible for detaining persons suspected of "political crimes" that are perceived to threaten the government. Once detained, MAS officers, or in some cases SB officers, take prisoners to MAS regional interrogation centers where MAS officers interrogate the person for a period ranging from hours to months and can charge the person with a crime at any time during the interrogation. A hood frequently was placed on those accused or suspected of political crimes upon arrest.

Arrest and Detention

By law, warrants for searches and arrests are required; however, MAS and the police have special authority to conduct searches and make arrests at will. The government continued to arrest and detain citizens for extended periods without charging them, often under the Emergency Act of 1950, which allows for indefinite detention. The government regularly refused detainees the right to consult a lawyer, denied the detainee or his family the right to select independent legal representation, or forced the detainee to use government appointed lawyers.

Incommunicado detention was a problem and relatives of detainees often learned much later that they had been detained. Prolonged solitary

confinement was used for punishment of prisoners. In December 2004 Thet Naung Soe attempted a hunger strike in prison to demand the release of all political prisoners. His family tried to visit him, but the jailors showed them a note written in his own handwriting that he did not wish to meet his family at the time. A prison official indicated that Thet Naung Soe had refused food for a time and was in the prison hospital. At the end of the year, he remained hospitalized in prison with a severe skin rash and suffering from mental depression.

On July 13, a Buddhist nun, Daw Thissawaddy was arrested on charges of "defaming the Buddhist religion." She had written to the State Sangha Maha Nayaka (State Clergy Coordination Committee) to permit her to use the title of "Bikku-ni" (akin to "mother superior") much as monks use the title "Bikku." She pointed out that such practice was followed in other Buddhist societies. The Buddhist clergy took no action, but the Ministry of Religious Affairs lodged a case against her and had her detained. A month after her detention the authorities pressured her to go abroad.

On August 13, three university students, Ja Naw, Win Moe, and Bran Awng San, were arrested in Momauk Township by the special antidrug squad. However, the squad did not seize any drugs from them, but rather educational CDs on human rights issued by Amnesty International (AI), books opposing the Salween Hydropower project, and educational materials on antidrug matters.

In February 2004 officials transferred NLD Vice-Chairman U Tin Oo (arrested following the May 2003 Depeyin attack) from Kalay Prison, Sagaing Division, to his residence in Rangoon, where he remains under house arrest without trial. During the year, Aung San Suu Kyi remained under house arrest without charge and without trial. Her detention was extended on November 27 for another six months. Except for two live-in housemaids, who are also forbidden from leaving the compound, she remains incommunicado with the outside world.

At year's end, of the 153 persons arrested during and immediately following the Depeyin attack, only Aung San Suu Kyi and U Tin Oo continued to be denied their freedom.

Authorities continued to detain private citizens and political activists, some of whom disappeared, at times temporarily (see section 1.b.).

During the year the government sentenced Rohingya Party MP-elect Kyaw Min to 47 years imprisonment and sentenced his wife, 2 daughters, and son to 17 years imprisonment on charges of having improper house registration documents. In addition his sister-in-law was arrested by authorities in Kyaukphyu for traveling there without permission and residing in her husband's household without proper residential documents.

Amnesty

Since the October 2004 ouster of Prime Minister Khin Nyunt, the SPDC initiated five prisoner releases. During the year the government carried out mass prisoner releases on January 2 and July 6, totaling approximately six thousand prisoners. The government released approximately 368 political prisoners but continued to arrest additional political prisoners. In November and December 2004, the SPDC released 14,318 convicts, citing "improper deeds" of the disbanded Office of Chief Military Intelligence. Only 76 of those released were considered to be political prisoners.

During the year at least five MPs-elect were released from prison. On January 2, Kyaw Khin, NLD MP-elect from Taunggyi, was released. He was rearrested on February 25 and sentenced to 14 years' imprisonment for providing a list of Aung San Suu Kyi's awards to a fellow student at the university where he was enrolled. Ohn Kyaing (Aung Wint), NLD MP-elect from Mandalay, was also released on January 2. On March 6, Dr. Myint Naing, NLD MP-elect from Kanbulu, Sagaing Division, was released. On July 6, two MPs-elect were released: Sein Hla Oo, NLD MP-elect from Insein, Rangoon Division, and Khin Maung Win, NLD MP-elect from Oktwin, Bago Division.

On March 6, political detainee Dr. Myint Naing was released. Also in March, 11 NLD members from Bogalay Township, Irrawaddy Division, were released. On July 6, the two Buddhist nuns arrested in 2003 for shouting prodemocracy slogans and distributing pamphlets in front of Rangoon City Hall and their colleague were released.

In 2003 and 2004 the government released 24 NLD MPs-elect who were arrested on and around May 2003.

e. Denial of Fair Public Trial

The judiciary is not independent of the government. The SPDC appoints justices to the Supreme Court who, in turn, appoint lower court judges with the approval of the SPDC. These courts then adjudicate cases under decrees promulgated by the SPDC that effectively have the force of law. The court system includes courts at the township, district, state, and national levels.

Trial Procedures

During 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 formally were in place, the court system and its operation remained seriously flawed, particularly in the handling of political cases. The misuse of blanket laws--including the Emergency Provisions Act, the Unlawful Associations Act, the Habitual Offenders Act, and the Law on Safeguarding the State from the Danger of Subversive Elements--and the manipulation of the courts for political ends continued to deprive citizens of the right to a fair trial. Pervasive corruption further served to undermine the impartiality of the justice system.

In a December 12 press statement, AI noted that the government increasingly used the justice system to stifle peaceful dissent during the year. AI pointed out that opposition supporters were sentenced under false criminal charges. This indictment echoed a statement by

UNSRHR Pinheiro, who on October 28 told a committee of the UN General Assembly (UNGA) that in Burma "the machinery of law, order and justice, far from upholding the rights of citizens, has been employed as an implement of repression and to silence dissent."

There is a fundamental difference between criminal and political trial procedures. Some basic due process rights, including the right to be represented by a defense attorney, generally were respected in criminal cases but not in political cases that the government deemed especially sensitive. In criminal cases, defense attorneys generally are permitted 15 days to prepare for trial, are permitted to call and cross-examine witnesses, and can be granted a 15-day delay for case preparation. However, their primary function is not to disprove their client's guilt, which is usually a foregone conclusion, but to bargain with the judge to obtain the shortest possible sentence for their clients. Reliable reports indicated that senior junta authorities dictated verdicts in political cases, regardless of the evidence or the law. Political trials are not open to the public.

None of the NLD members or the hundreds of prodemocracy supporters arrested in association with the May 2003 Depayin attack were given public trials. In 2003 police arrested Thein Lwin, a driver for a Canadian mining company, for driving his expatriate supervisor near the Rangoon residence of Aung San Suu Kyi. In February 2004 a closed court sentenced Thein Lwin to seven years in prison under a criminal charge, unrelated to the original arrest. At the end of the year, he remained in Insein Prison.

NLD members generally appeared to be able to retain the counsel of lawyers without fear that the lawyers might be imprisoned; however, lawyers were not always told when trials would begin. Approximately 14 lawyers remained imprisoned at year's end. Most had been sentenced prior to 1998, when the government made it easier for political prisoners to retain legal counsel.

Political Prisoners

At year's end there were approximately 1,300 "security detainees," who included political prisoners (approximately 1,100), arms merchants, violators of state security laws, and those accused of fostering religious disturbances.

On January 2, Kyaw Khin, NLD MP-elect from Taunggyi, was released. He was rearrested on February 25 and sentenced to fourteen years for providing a list of Aung San Suu Kyi's awards to a fellow student at the university where he was enrolled.

On February 9, the government detained Hkun Htun Oo and Sai Nyunt Lwin, the chairman and secretary of the Shan Nationalities League for Democracy (SNLD), the leading ethnic prodemocracy party. Eight other Shan leaders were arrested around the same time. Secret trials were held in Insein Prison for SNLD leaders on charges of subversion and eight other counts of alleged political and economic misdeeds, including violating currency exchange regulations. Hkun Htun Oo received 2 life sentences plus 53 years in prison, General Hso Ten received 3 life sentences plus 46 years in prison, and Sai Nyunt Lwin received 3 life sentences plus 25 years in prison. They remained in remote prisons at the end of the year.

On August 3, Sao Oo Kya, member of the Shan State Consultative Council, was arrested in his home for attending the new generation Shan State meeting and Shan State Day celebrations. He was later sentenced to 13 years in prison for defamation of the state and violating the Hotel and Tourism Act. On November 22, his court appeal was rejected.

On November 20, authorities in Kachin State arrested NLD members Ko Ko Myint and Thein Zaw on charges of opium possession. The opium was allegedly planted by the authorities. Ko Ko Myint and Thein Zaw remained under detention at the end of the year. Authorities in Rakhine State also prosecuted NLD members San Shwe Tun and Aung Ban Thar, arrested in July for foreign currency violations after authorities allegedly planted Bangladeshi currency in their homes.

In April 2004 the government sentenced 11 members of the Mandalay Division NLD to between 7 and 22 years in prison for "illegal association" with an exile group in Thailand. In June 2004 officials detained Than Than Htay and Tin Myint, NLD Township Executive members from Magway and Rangoon divisions, on similar charges. They were interrogated for several weeks before being transferred to Insein Prison. In September 2004 Than Than Htay and Tin Myint, along with one other NLD member, were found guilty of violating three counts of Burmese law and sentenced to seven years in prison. The government produced no credible evidence against them. In June 2004 authorities arrested Ye Ye Win, San Ya, and Ye Htet, members of NLD in Theinzayat Township in Mon State, accused them of contacting exile groups in Thailand, and held them incommunicado. In September 2004 a court sentenced them to seven years in prison. At the end of the year, all of these persons remained in prison. In December 2004 five NLD members were arrested in Rangoon for allegedly possessing and distributing a leaflet titled "An Appeal to the Masses." All five received life sentences on June 13 and remained in Insein Prison at year's end. In December 2004, NLD member U Kyaw Swe was arrested in Chaung Oo, Sagaing Division on charges of possessing an unregistered motorcycle and obstructing authorities in the line of duty. The same month he was sentenced to two years' imprisonment.

The government routinely extends prison sentences under the Law Safeguarding the State from the Dangers of Subversive Elements. The Minister of Home Affairs has the right to extend unilaterally a prison sentence on six separate occasions for two months, that is, for up to one year. The SPDC chairman, Senior General Than Shwe, can add five years to a sentence. Unlike in previous years, the government did not release any prisoners being held under this law. During the year the government released all of the approximately 15 students and political activists held in prison beyond the expiration of their sentences.

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

The abrogated 1974 constitution did not provide for rights to privacy, and authorities infringed routinely on citizens' privacy. Through its intelligence network and administrative procedures, the government systematically monitored the travel of all citizens and closely monitored the activities of many citizens, particularly those known to be active politically.

Forced entry without a court order is legal. The law requires that any person who spends the night at a place other than his registered domicile inform the police in advance. Any household that hosts a person not domiciled there must, according to the law, maintain and submit a guest list to the police. While the law was selectively enforced, enforcement increased following the April bombing in Mandalay and the May 7 bombings in Rangoon. Security forces significantly increased surveillance of civilians following the May 2003 Depéyin attack and also after bombings that occurred in Rangoon during that year. Ward-level SPDC officials stepped up unannounced nighttime checks of residences for unregistered visitors. Three months after long-term political prisoner U Htwe Myint was released from prison, he was rearrested on March 18 and sentenced to 14 days in prison for failure to report an overnight stay at his brother's home while attending a funeral.

Security personnel regularly screened private correspondence and telephone calls and monitored normally protected communications. In June 2004 a foreign investigation team found an eavesdropping device in the wall of its ambassador's meeting room. In 2003 the UNSRHR found a listening device in a prison interview room while interviewing a political prisoner.

The authorities generally continued to discourage citizens from subscribing directly to foreign publications (see section 2.a.).

The government continued to control and monitor closely the licensing and procurement of all two-way electronic communication devices. Possession of an unregistered telephone, facsimile machine, or computer modem was punishable by imprisonment. For example, users of unregistered cordless telephones in the country face up to three years' imprisonment and a hefty fine.

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

For decades successive military governments have applied a strategy of forced relocation against ethnic minority groups in an effort to deny support to armed ethnic groups. Such forced relocations continued during the year. The forced relocations reportedly were accompanied by rapes, executions, and demands for forced labor to build infrastructure for villagers and military units (see sections 1.c., 1.e., and 2.d.). On October 4, the government ordered approximately 100 households in the villages of Wanzan and Koonkieng, in the southern Shan State, to move to Wanpong, Laikha Township, in an effort to isolate the SSA-S from the local populace.

Reports of forced relocation in urban areas lessened; however, the government reportedly continued to relocate forcibly households for "security" reasons. In Rangoon, persons were forced to leave homes or dwellings located on property that could be used for commercial gain. In some cases those forced to move were poorly compensated. In 2004 the government gave notices to retired civil servants to move from at least two locations in Rangoon by 2005. At the end of the year, they remained in their homes. In November the government ordered civil servants to relocate without their families to a new administrative capital in Pinyinana.

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

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

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

The government has the right to confiscate property without paying compensation. There were several credible, but unverified, reports of this occurring across the country. For example in November there were credible reports of a new "model village" being established in Buthitaung Township, Rakhine State. Eighty households of paroled prisoners were moved onto 200 acres of land confiscated from local villagers who received no compensation. In March 2004 the government evicted families and seized land in Chin State to make way for an India-Burma-Thailand highway project. In July 2004 the military expropriated the land of 150 households in Ye Township, Mon State, for new military buildings. In 2003 diplomatic observers reported the government ordered families to exhume corpses of their relatives from a cemetery to make way for construction of a condominium project on the outskirts of Rangoon.

There were several reports of government mistreatment and exploitation of farmers. During the year the military continued to confiscate land from farmers in Mon state (see section 4). In January 2004 officials detained five farmers from Letkhopin Village, Irrawaddy Division, for expressing grievances about uncompensated confiscation of farmland. In 2004 there were credible reports that the military confiscated, without compensation, thousands of acres of farmland in Mon State. The government also reportedly confiscated land in northern Shan State when farmers could not repay loans taken out to buy and plant a type of Chinese rice hybrid never planted before in the area, which the government had required the farmers to plant. In 2003 there were reports that civil servants in several areas confiscated established farm plots, forcing farmers to buy less desirable land to continue their livelihood.

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

(see sections 1.c. and 6.c.).

In violation of international human rights law, both army and insurgent units used forced conscription, including of children (see sections 1.g. and 6.c.).

Government employees generally were prohibited from joining or supporting political parties; however, this proscription was applied selectively. In the case of the government's mass mobilization organizations, the USDA, the Myanmar Women's Affairs Federation (MWAFF), and the Myanmar Maternal and Child Welfare Association (MMCWA), the government used coercion and intimidation to induce many persons, including nearly all public sector employees and students, both to join the organizations and to attend meetings in support of the government (see section 2.a.).

Marriages between female citizens and foreigners were officially banned, and the government ordered local attorneys not to be witnesses to such marriages. However, the ban was not enforced.

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

A few ethnic insurgent groups continued to battle, with varying levels of resistance, the government for autonomy or independence, including the Chin National Front, the Naga National Council, the Arakan-Rohingya Solidarity Organization, the Mon Land Restoration Army, the SSA-S, the KNPP, and the KNU through its armed wing, the Karen National Liberation Army (KNLA). The largest of these, the KNU, began peace talks with the government in 2003 leading to a tenuous cease-fire. However, there were credible reports of renewed attacks on villages in Karen State in September 2004 after the rainy season ended. During the year, there were several isolated firefights between units of the Burmese Army and KNLA forces, and a more serious outbreak of fighting a few miles from Taungoo Town, Bago Division, beginning in September.

In April the Shan State National Army rejoined the ranks of the ethnic resistance groups by forming an alliance with the SSA-S, thus becoming the first cease-fire group to break its agreement with the government.

According to credible reports, on July 11, 27 Karen villagers, including children, were massacred by the Burmese Army after being arrested for allegedly having contacts with the KNU. The villagers were internally displaced persons, who had been hiding in the jungle on an island off the coast of Palaw Township, Tanintharyi Division.

According to a credible report, on December 23, Burmese Army battalions 426 and 428 burned 26 houses in Hee Gaw Ber village, Kayah State, forcing the 610 residents into hiding.

In November 2004 there were credible reports that the army attacked Karen villages in Shwegyin Township, Nyaunglebin District, Bago Division, burning houses and rice stores. An estimated 20 thousand baskets of paddy rice were destroyed. As many as 4,781 civilians were displaced and were prevented from returning. The attacks reportedly ceased by the end of 2004, but the dislocated villagers were forced to construct three new military camps on their old village sites, and the dislocation of civilians continued.

In November and December 2004 there were credible reports of army attacks on civilians in Taungoo District, Bago Division, which displaced more than three thousand residents. Reportedly they were used as forced labor to construct roads into former KNU-held territory. These projects continued during the year and there were reports of fighting in the area between government forces and the KNLA as recently as August.

There were credible reports from Mon Township of northern Nyaunglebin District, Bago Division, that local villagers were forced to tear down their homes and then forced to construct a new army camp at Mawdalaw. Construction continued during the year.

There were credible reports that attacks continued against civilian populations in Kayah State throughout the year. Army troops reportedly continued to pursue Karenni displaced persons who had fled to Taungoo District, Bago Division, and Papun District in northern Karen State.

Incidents of rape in conflict areas and other ethnic minority areas continued. During the months of May and June, at least four cases of rape by government soldiers were reported to the Burmese Army by Mon community leaders. In one case the teacher of a 14-year-old female student who was raped reported the rape to the battalion commander in Ye Township. The case was brought before a military tribunal, and the soldier was sentenced to seven years' imprisonment. The commander later scolded the villagers for not taking better care of their daughters. It was not known whether action was taken in the other three reported cases.

In July a 24-year-old woman of Ponnagyun Township, Rakhine State, alleged she was raped by Commander Shwe Aye of Kyanung Taung police station. She reported the incident to the local police and appealed to the Township Peace and Development Council, but by year's end no investigation had been carried out. On September 8, Sergeant Major Thein Shwe from Kyaun Thaya Naval Base allegedly raped a primary school teacher from Myebon Township, Rakhine State. Authorities pressured her family not to press charges and to keep the matter quiet.

In January 2004 the Thai-based Human Rights Foundation of Mon Land issued a report documenting five cases of rape by elements of the Burmese Army during an offensive against ethnic rebels in southern Mon State that began in 2003. The report also asserted that rape of local women was standard practice by Burmese Army troops, especially by the 299th Light Infantry Brigade, which took 3 local Mon women per day to military bases to work, after which soldiers raped them. The government did not investigate any of the cases, despite their being documented, and failed to respond officially to the report.

Christian Solidarity Worldwide reported that in April 2004 a Shan woman was gang-raped by Burmese Army soldiers near the Thai border.

NGOs reported that Burmese Army soldiers raped numerous women in Shan State and other ethnic regions in 2003. For example, a captain raped a 20-year-old woman in Shan State, while another soldier restrained her husband. The woman and her husband later reported the rape to SPDC authorities in the area; however, after no action was taken they began to fear for their safety and fled across the border to Thailand. In 2003, a captain and 20 other soldiers gang-raped a woman in Shan State. The captain then threatened to punish the village headman and the villagers if anyone reported the rape. There was no information that the government investigated these abuses.

In central and southern Shan State, security forces continued to engage the SSA-S. The military maintained a program of forced relocation of villagers in the region that reportedly was accompanied by killings, rapes, and other abuses of civilians.

Karen NGO sources indicated that human rights abuses increased in Karen State during the year, despite intermittent peace talks. There were reports of fighting between Burmese Army and KNLA forces west of Taungoo and in Nyaunglebin townships of Bago Division. The highway east of Taungoo was closed past Mile 13 for several weeks in September. Numerous Karen villages were attacked and burned and hundreds of villagers fled into the jungle with limited supplies.

There were no developments in the following cases from 2003: combined troops of the Burmese Army and a DKBA unit arrested and tortured a villager in Noeaw-lar village, Pa-an Township. When he later escaped, the troops extorted \$450 (450 thousand kyat) and a cow from his mother. Soldiers extorted \$200 (200 thousand kyat) worth of food from the villagers in Sha-zi-bo Village and abducted a woman from Zi-pyu-gon Village. It was not known if she was released. Also in Nyaunglebin District, government troops shot and killed a man from Thaw-nye-doe Village, Kyauk-kyi Township, and took \$50 (50 thousand kyat) from his body.

In 2003 government soldiers reportedly forced villagers from Na Bue Township to porter ammunition and supplies and to act as minesweepers for the troops. Many villagers and prisoners have been killed or injured from resulting landmine explosions.

The government blamed Thai-based exile groups for an April bomb blast in Mandalay's Zaygyo Market, the massive May 7 triple bombings at upscale venues in Rangoon, and smaller bombings in Rangoon in 2004 and during the year. According to government reports, members of insurgent groups committed serious abuses in 2003. For example, they accused the KNU of blowing up a cinema hall in 2003 in Phyu Township, Bago Division, injuring fifty persons. The KNU denied responsibility. The UN Children's Fund, AI, and Human Rights Watch reported that insurgent groups, as well as government forces, recruited child soldiers (see section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law permits the government to restrict freedom of speech and freedom of the press, and in practice the government continued to restrict these freedoms severely and systematically during the year. The government continued to arrest, detain, convict, and imprison citizens for expressing political opinions critical of the government, and for distributing or possessing publications in which opposition opinions were expressed (see sections 1.d. and 1.e.). Security services also monitored and harassed persons believed to hold antigovernment opinions.

Legal restrictions on freedom of speech have intensified since 1996, when the government issued a decree prohibiting speeches or statements that "undermine national stability." In all regions of the country, the government continued to use force to prohibit all public speech critical of it by all persons, including persons elected to Parliament in 1990, and by leaders of political parties. The government has pursued this policy consistently with few exceptions.

On January 2, the government released Zaw Thet Htwe, who was arrested in 2003 along with four other editors of the sports journal *First Eleven* for alleged involvement in a plot against the junta. Some speculated, however, that they were actually arrested for publishing articles exposing corruption in local sports. The government released three of the editors but charged Zaw Thet Htwe, a former student leader, and Soe Pa Pa Hlaing, daughter of an imprisoned NLD MP-elect. Later in 2003 the government sentenced Zaw Thet Htwe to death and released Soe Pa Pa Hlaing. In May 2004 the government commuted the death sentence to a 3-year term.

On December 13, three representatives of political parties were summoned to the Ministry of Home Affairs where they were detained for most of the day. They were reprimanded for giving interviews on the radio on issues related to the constitution and were reminded that discussing the NC process is a violation of the law.

The NLD continued to press for substantive dialogue on political reform and publicly voiced criticisms of the policies and actions of the government (see sections 1.a. and 1.d.). In July 2004 the NLD began collecting signatures on a letter to the SPDC calling for the release of Aung San Suu Kyi and U Tin Oo and for the reopening of party offices. In August 2004 authorities arrested nine NLD supporters and sentenced them to lengthy prison terms. In November 2004 authorities in Danubyu Township arrested three NLD members: U Han Sein, U Than Htut and U Win Maung. They were held for two weeks with no charges and brought to court in November 2004, allegedly for illegally "distributing leaflets." However, the leaflets were legally printed and sealed in an envelope at NLD headquarters. Consequently, they were tried on a different charge of violating State Law and Order Restoration Council Order 3/90, which restricted the right to assemble and campaign, and ordered to pay a fine of \$5 (5 thousand kyat)--approximately one week's wages--or face two months imprisonment. They paid the fine and were released. They lodged an appeal in the divisional court, but at the end of the year, the court had not yet deliberated on their appeal.

Many prominent writers and journalists remained in prison for expressing their political views. The Paris-based nongovernmental organization (NGO) Reporters Sans Frontieres reported that at least six journalists remained in prison at the end of the year, including U Win

Tin of Hanthawady, who has been imprisoned for more than 16 years (see section 1.c.). Other journalists being held in prison were [Thaung Tun](#), [Than Win Hlaing](#), [Monywa Aung-Shin](#), [Ne Min](#), and [Lazing La Htoi](#). In May 2004 a court sentenced Ne Min, former BBC stringer, to 15 years in prison for allegedly passing information to Thai-based exile groups. Government censorship boards prohibited publication or distribution of works authored by those in prison.

It was not known whether any imprisoned journalists were released during the year.

The government owned and controlled all daily newspapers and domestic radio and television broadcasting facilities. These official media remained propaganda organs of the government and usually did not report opposing views except to criticize them. The only partial exception was the *Myanmar Times*, an English and Burmese-language weekly newspaper, targeted at the foreign community in Rangoon. The paper's co-owner, U Myat Swe (Sunny Swe), and his father, former Office of Chief Military Intelligence (OCMI) officer, Brigadier General Thein Swe, were arrested in the wake of former prime minister Khin Nyunt's ouster in October 2004. The government pressured Yamin Htin Aung, wife of Myat Swe, the major shareholder of the popular *Myanmar Times* weekly newspaper to sell her share to the government-backed publisher. Although the *Myanmar Times* was both censored and progovernment, the newspaper occasionally reported criticisms of government policies by the UN and other international organizations.

All privately owned publications remained subject to prepublication censorship by state censorship boards. Due in part to the time required to obtain the approval of the censors, private news periodicals generally were published weekly. However, the government has given transferable waivers of prepublication censorship for weekly periodicals. As a result weekly tabloids proliferated. During the year the government restructured the Press Scrutiny Board. The board previously was under the management of the Ministry of Home Affairs, but the Ministry of Information assumed control and set up new procedures for the approval of publishers' licenses. New licenses were issued to government cronies. The government ordered all local journals to publish articles critical of the political opposition and their supporters. Government controls encouraged self-censorship, and publications generally did not report domestic political news or sensitive economic and political topics.

Imported publications remained subject, in principle, to predistribution censorship by state censorship boards, and possession of publications not approved by the state censorship boards remained a serious offense. The government also restricted the legal importation of foreign news periodicals and discouraged subscriptions to foreign periodicals (see section 1.f.); however, foreign newspapers could be purchased in Rangoon. Some foreign newspapers and magazines were distributed uncensored.

The government issued few visas to foreign journalists, except for an easing of restrictions for the resumption of the NC in February and December, when some correspondents of major media services were invited to apply for visas. In previous years, the authorities detained and deported some journalists who entered the country as tourists; there were no such actions during the year. During the year, the government held several press conferences to convey its views on current political issues, including the May bombings in Rangoon, and to criticize the International Labor Organization (ILO). Burmese representatives of international media organizations were allowed to attend.

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

On July 4 and 5, authorities arrested Hla Myint Than, a Bago Township NLD member, and seven others. They were accused of listening to the Burmese language service of RFA and BBC in a teashop, and having a group discussion of the news. All but Hla Myint Than were released on July 6. However, they were later rearrested along with two others and charged with contacting an "illegal organization" (Federation of Trade Unions of Burma or FTUB), alleged possession of a satellite telephone, reporting news about forced labor to the FTUB, and illegally traveling to Thailand. They were sentenced in Insein Prison on November 11 to lengthy prison terms. Seven received 8-year sentences, Win Myint of Bago received a 17-year term, and Wai Linn of Bago received 25-years' imprisonment. They remained in prison at year's end. One of them, Aung Myint Thein, died in prison on November 5 of undetermined causes (see sections 1.a. and 6.c.).

The government continued to monopolize and to control tightly all domestic television broadcasting, offering only three channels, including an armed forces channel. The general population was allowed to register satellite television receivers for a fee. Illegal satellite television was also available, but access to satellite television remained far beyond the reach of the vast majority of the impoverished population. The Television and Video Law makes it a criminal offense to publish, distribute, or possess a videotape not approved by a state censorship board. During the year, the government cracked down on uncensored foreign videotapes and DVDs, and many private distributors closed their doors.

The government strictly monitored and censored all cultural events. In September it revoked permission for a Korean pop group to use a large concert venue and made them hold the concert in a smaller area where fewer persons could attend. The government systematically restricted access to electronic media. All computers, software, and associated telecommunications devices were subject to registration, and possession of unregistered equipment was punishable by imprisonment (see section 1.f.).

On July 8, Nai Sein Aye, chairman of the Mon Literature and Culture Committee, was arrested in Thanbyuzayat Township, Mon State, after his organization sponsored an event to commemorate the abdication of former Mon king Manuha and the fall of the ancient Mon capital of Thaton to the Burmese. The Mon Literature and Culture Committee, which had been functioning since 1948, was asked to disband. Nai Sein Aye was released after two months.

On August 26, Aung Pe, a private tuition teacher and a NLD supporter, was sentenced to three years' imprisonment for alleged violation of the Private Tuition Act. He was arrested on February 12 for lecturing to his students on the life of national hero General Aung San and

singing songs honoring him.

Until October 2004 the former OCMI operated the more popular of the country's two Internet service providers (ISPs), offering expensive, censored Internet service to those who could afford it. After October 2004 the army signal corps and the Ministry of Communications, Post, and Telegraphs took control of the ISPs. There are several Internet cafes; however, access was costly and the government restricted full access to the World Wide Web and prohibited the use of commercial free e-mail providers. The government also monitored all e-mail communications.

The government restricted academic freedom. University teachers and professors remained subject to the same restrictions on freedom of speech, political activities, and publications as other state employees. The Ministry of Education routinely warned teachers against criticizing the government. It also instructed them not to discuss politics at work, prohibited them from joining or supporting political parties or from engaging in political activity, and required them to obtain advance approval for meetings with foreigners. Like all state employees, professors and teachers are required to join the USDA, the government's mass mobilization organization. Teachers at all levels continued to be held responsible for the political activities of their students. Foreigners were not permitted on university campuses without prior approval and were not allowed to attend any meetings involving students, including graduation ceremonies.

In recent years the government took a number of measures to limit the possibility of student unrest. Undergraduate campuses were moved to remote areas, teachers and students were warned that disturbances would be dealt with severely, and most on-campus dormitories were closed. The quality of education deteriorated to such an extent that many students opted to use self-study or private tutoring. The government placed heavy security around other schools that were open, even during summer vacation.

The government tightly controlled the limited number of private academic institutions in the country as well as their curricula. Similar controls extended to Buddhist monastery-based schools, Christian seminaries and Sunday schools, and Muslim madrassas.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law limits the freedom of assembly, and the government restricted it in practice. An ordinance officially prohibits unauthorized outdoor assemblies of more than five persons, although the ordinance was not enforced consistently.

In April 2004 the government allowed the NLD to re-open its Rangoon headquarters, closed following the May 2003 attack. However, all other NLD offices remained closed by government order, and the NLD could not conduct party activities outside its headquarters building. The nine other legally registered political parties were required to request permission from the government to hold meetings of their members. During the year meetings occurred outside the NLD offices without government permission, such as regular Tuesday visits by an NLD women's group to Rangoon's Shwedagon Pagoda; however, security officials closely monitored these "illegal" activities, and the government prohibited those participating from wearing political pins, badges, jackets, and shirts with political pictures or slogans.

The government continued to bar the Parliament elected in 1990 from convening. On February 17, the government reconvened the NC, after a recess of seven months, as part of a democracy road map that would "nullify" the results of the 1990 election and approve a new constitution. However, the government did not allow the participation of the NLD and other prodemocracy parties, did not allow delegates to the NC to discuss the convention outside of the NC site, and threatened to enforce harsh laws against any who criticized the NC or the draft constitution. The NC recessed on March 31 and reconvened on December 5.

Unlike in previous years, government authorities permitted a delegation of NLD members to pay their respects at the tomb of Aung San, the father of Aung San Suu Kyi, on Martyrs' Day. However, the authorities ensured that the delegation members were not wearing any clothing that would identify them as NLD party members.

The government at times interfered with the assembly of religious groups (see section 2.c.).

Freedom of Association

The government restricted freedom of association, particularly for members of the NLD, prodemocracy supporters, and those who contacted exile groups. During the year there were several arrests, sentences, and even a death in custody of persons accused of "illegal contact" with cross-border exile groups, especially the FTUB, the NLD-Liberated Areas, and the All Burma Student Democratic Front (see sections 1.b, 1.d, and 2.a). Over the years the government continued to coerce NLD members, including NLD MPs-elect, to resign from their party positions.

AI reported that in January 2004 the government sentenced 7 students from Dagon University to between 7 and 15 years in prison for forming an illegal association (a sports club) in 2003.

The government compelled civil servants to join the USDA. The government coerced secondary school and college-level students to join when registering for classes. The government also coerced skilled trade workers and professional association members to join the USDA. The government organized mass rallies of USDA members to support its seven-step road map to democracy. The MWAF and the MMCWA continued to coerce women to attend their meetings and to join their organizations, with a recent example occurring on December 15 in Ponnagyun Township, Rakhine State. Township authorities ordered women from Aung Pru Byin, Padalike, Thayetcho, Yota Yoke, and Pan Nila villages to attend meetings organized by local women's organizations at which authorities pressured the attendees to become full members.

In another form of coercion, local authorities in Tiddim Township, Chin State, ordered citizens of Tiddim Town as well as villagers from 17 surrounding villages to attend the opening of the Man Hsaung suspension bridge by SPDC member Lieutenant General Ye Myint on March 21. There was no public or private transportation available, so the persons had the choice of walking for up to six hours to attend the ceremony or paying an absentee fine of \$1.50 (1,500 kyat).

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

c. Freedom of Religion

Constitutional support for religious freedom does not exist. Most registered religious adherents generally were free to worship as they chose; however, the government imposed restrictions on certain religious activities and promoted Buddhism over other religions. In practice the government also restricted efforts by Buddhist clergy to promote human rights and political freedom.

The government's pervasive internal security apparatus infiltrated or monitored meetings and activities of virtually all organizations, including religious ones. Religious activities and organizations were subject to restrictions on freedom of expression and association.

Virtually all organizations, religious or otherwise, must register with the government. Although an official directive exempted "genuine" religious organizations from registration, in practice only registered organizations were allowed to buy or sell property or open bank accounts. Thus, most religious organizations registered with the government. In addition, the government provided some utilities at preferential rates to registered religious groups. There was no official state religion; however, the government continued to show preference for Theravada Buddhism, the majority religion. For example the government continued to fund two state-run Buddhist universities in Rangoon and Mandalay. The government also hosted the World Buddhist Summit in December 2004. Promotions within the military and the civil service were generally contingent on the candidates being followers of Buddhism.

There were no reported incidents of religious violence during the year.

The government continued its efforts to control the Buddhist clergy (Sangha). It tried members of the Sangha for "activities inconsistent with and detrimental to Buddhism" and imposed on the Sangha a code of conduct that was enforced by criminal penalties. In a November 2004 report, the Assistance Association for Political Prisoners in Burma estimated that there are approximately 300 monks and novices in prison. The government did not hesitate to arrest and imprison Buddhist monks who opposed the government. In 2003, 26 monks from Mahagandayon Monastery in Rangoon were defrocked and then sentenced by the government to 7 to 18 years in prison for refusing to accept offerings from a senior military official. All of these monks were released in a prisoner amnesty on July 6. The government also subjected the Sangha to special restrictions on freedom of expression and freedom of association. For example members of the Sangha were not allowed to preach sermons pertaining to politics. Religious lectures may not contain any words or phrases or stories reflecting political views. The members of Sangha must distance themselves from politics, political parties, or members of political parties. The government prohibited any organization of the Sangha other than the nine state-recognized monastic orders under the authority of the State Clergy Coordination Committee (Sangha Maha Nayaka Committee). The government prohibited all religious clergy from being members of any political party.

The government continued to restrict the building of religious structures by minority religious groups and limited their educational and proselytizing activities, especially Christian and Muslim groups that actively proselytize among Buddhists.

On September 2, authorities of Kyauktada Pabedan Township informed the leader of the Full Gospel Assembly Church in downtown Rangoon that they could no longer hold worship services there because it was a residential area. The mostly Chin congregation had been meeting there for more than 10 years without incident. The following week they hired a room in a hotel for their worship, but the hotel declined to rent the room to them again.

Reports of suppression of religion in Chin State continued during the year. A Chin human rights group reported that in January, Burmese soldiers destroyed a 50-foot hillside cross in Matupi, Chin State. In some cases Chin Christian residents were reportedly forced to erect Buddhist shrines in place of the crosses.

In most regions of the country, Christian and Muslim groups that sought to build small churches or mosques on side streets or other inconspicuous locations occasionally were able to proceed, but only based on informal approval from local authorities. These groups reported that formal requests encountered long delays, generally were denied, and could be reversed by a more senior authority. In June 2004 a Chin human rights group reported that a more senior military official reversed a local commander's decision to allow construction of a new Baptist church in southern Chin State.

The government discriminated against non-Buddhists at the upper levels of the public sector. There are no non-Buddhist members in the SPDC, in the cabinet, or among active flag rank officers of the armed forces. The government actively discouraged Muslims from entering military service, and Christian or Muslim military officers who aspired to promotion beyond the rank of major were encouraged to convert to Buddhism. In some ethnic minority areas, such as Chin State, there were reports that the SPDC offered troops financial and career incentives to marry Christian Chin women, teach them Burmese, and convert them to Buddhism.

The government discouraged proselytizing by all clergy. Evangelizing religions, like some Christian denominations and Islam, were most

affected by these restrictions. In general the government has not allowed permanent foreign religious missions to operate in the country since the mid-1960s, when it expelled nearly all foreign missionaries and nationalized almost all private schools and hospitals.

Although authorities appear to have moved away from a campaign of forced conversion, there continued to be evidence that other means have been used to entice non-Buddhists to convert to Buddhism. Christian Chins were pressured to attend Buddhist seminaries and monasteries and were encouraged to convert to Buddhism. In April 2004 an exile Chin human rights group reported that local authorities forced 15 Chin pastors to participate in Buddhist New Year events to demonstrate "unity" with Burman Buddhists. The same human rights group claimed that local government officials placed the children of Chin Christians in Buddhist monasteries in which they were given religious instruction and converted to Buddhism without their parents' knowledge or consent. Reports suggested that the government sought to induce members of the Naga ethnic group in Sagaing Division to convert to Buddhism by similar means.

Religious publications remained subject to control and censorship (see section 2.a.). Neither Bibles nor Korans may be imported. However, with the government's permission, Bibles in indigenous languages could be printed locally. Most Muslims object to the concept of translating the Koran; however, should someone so desire, the Koran may be translated only into the Burmese language and only after receiving the permission of the Press Scrutiny Board to publish and distribute it to the community.

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

Societal Abuses and Discrimination

During the year there were reports of small clashes in Rangoon and Arakan State between Muslims and Buddhist monks. The most serious of these occurred in Kyauk Pyu, Arakan State, in January. During several days of violence, two Muslims were killed and one Buddhist monk was severely injured. Some Muslim groups blamed the government for trying to increase tensions between Buddhists and Muslims as part of a "divide and rule" strategy. Reportedly in May 2004 local Buddhist villagers in Kyun Su Township, Tanintharyi Division, attacked and destroyed the properties of 14 Muslim families.

There was one synagogue in Rangoon. It serves a Jewish congregation of only eight local families. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

Although the government restricted freedom of movement, most citizens were able to travel within the country, with a few exceptions such as Muslims traveling to, from, and within Rakhine State and some opposition political party members. However, citizens' movements were monitored, and they were required to notify local officials of their whereabouts (see section 1.f.). Movement was limited in areas of armed conflict. Citizens were subjected to arbitrary relocation. Authorities prohibited NLD members, who traveled to Rangoon to attend party functions, from lodging in the capital overnight.

The government continued to hold NLD leaders Aung San Suu Kyi and U Tin Oo under house arrest and rigorously curtailed the freedom of movement of other opposition political leaders. Early in 2003 government-affiliated groups increasingly harassed democratic opposition members during travel outside of Rangoon, culminating in the attack in May 2003 and the subsequent arrest, detention, and eventual release of most of the survivors (see sections 1.d.). The government maintained close control over ethnic leaders' movements, requiring them to seek permission from the government before making any domestic trips.

Ethnic minority areas previously affected by conflict, such as the large Karen areas of Irrawaddy Division, continued to experience tight controls on personal movement, including frequent military checkpoints, monitoring by MAS, and military garrisons. "Informal taxes," or bribes, were extracted at checkpoints in border areas. In Rakhine State, many controls and checkpoints applied only to the Muslim population (see section 5).

The government tightly controlled the movement of Muslim Rohingyas, who are not granted full citizenship rights, in Buthitaung, Kyaukdaw, Maungdaw, and Rathetaung townships along the Bangladesh border. The government also required other noncitizens, generally ethnic South Asians or Chinese, to obtain prior permission to travel internally. Nonetheless, the country's borders with China, Thailand, Bangladesh, and India remained very porous with significant undocumented migration and commercial travel occurring.

An ordinary citizen needs three documents to travel outside the country: a passport from the Ministry of Home Affairs; a revenue clearance from the Ministry of Finance and Revenue; and a departure form from the Ministry of Immigration and Population. In response to the trafficking in persons problem, the government tightened the documentation process in ways that hinder or restrict international travel for women, particularly those under 25 years of age.

New passport procedures went into effect in August 2004 allowing citizens to retain their passports after completing trips abroad through their validity dates, namely: one year for incidental travel; three years for dependents; four years for employment; and 18 months for those traveling on business. In January the government announced that new passports would be issued within a week. However, it still frequently took several months to receive a passport, particularly if the applicant was unwilling to offer a bribe as incentive for speedier service.

The government carefully scrutinized prospective travel abroad for all passport holders. Rigorous control of passport and exit visa issuance perpetuated rampant corruption, as applicants were forced to pay bribes of up to \$300 (300 thousand kyat), the equivalent of a yearly salary. The board that reviews passport applications denied passports on political grounds. College graduates who obtained a passport (except for certain official employees) were required to pay a fee to reimburse the government for the cost of their education.

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

The government loosened its restrictions on travel outside of Rangoon by foreign diplomats and foreign UN employees based in Rangoon to allow travel to designated tourist sites without prior permission; all other travel required advance permission. The government waived the requirement for employees of the ICRC. The government required all foreign and local residents, except diplomats, to apply for authorization to leave the country.

Restrictions on nonresident foreigners' travel to some areas of the country were relaxed. The government also inaugurated a "visa on arrival" system for tour groups, which still required predeparture application for a visa via the Internet. The country's embassies now generally issue tourist visas, valid for one month, within 24 hours of application. However, certain categories of applicants, such as human rights advocates, journalists, diplomats, and political figures regularly were denied entry visas unless traveling under the aegis of a sponsor acceptable to the government and for purposes approved by the government.

The abrogated 1974 constitution did not provide for forced exile, and the government generally did not use forced exile. However, the pressure applied to Buddhist nun Daw Thissawaddy to depart the country was tantamount to exile.

The government has not established legal arrangements to accept Burmese citizens deported from other countries; however, in the past, the government has accepted the return of several thousand illegal migrants from Thailand and had begun preliminary discussions with international organizations on the potential repatriation of Karen refugees living in Thailand.

Harassment, fear of repression, and deteriorating socio-economic conditions continued to force many citizens to leave for neighboring countries and beyond. In border regions populated by minority ethnic and religious groups, the government continued its practices of forced labor, confiscation of land, compulsory contributions of food and money, and forced relocations. During the year there were credible reports that security forces burned villages in Nyaunglebin District of Bago Division and prevented the villagers from returning (see section 1.g.).

These policies produced hundreds of thousands of refugees in neighboring countries such as Thailand, India, Malaysia, and Bangladesh. The UNHCR reported that 30 thousand to 40 thousand Chin refugees and economic migrants continued to live in difficult conditions on the Indian side of the border at the end of the year. It also reported that there were approximately 22 thousand Muslim Rohingya refugees from Rakhine State living in two official camps in Bangladesh and more than 6 thousand living in a squalid unofficial camp near Teknaf, Bangladesh. In addition, reliable sources said there were more than 100 thousand illegal Rohingya migrants who have settled near Cox's Bazaar in southeast Bangladesh.

Rohingya Muslims who returned to Rakhine State were not stigmatized for having left but were discriminated against for being Rohingya. Returnees claimed that they faced restrictions on their ability to travel, to engage in economic activity, to get an education, and to register births, deaths, or marriages. During the year many Muslim youth from Rakhine State accepted to universities and medical schools outside Rakhine State were unable to enroll due to the travel restrictions imposed upon them.

In February 2004 the government gave permission to the office of the UN High Commissioner for Refugees to send assessment teams into areas of Karen State, Mon State, and Tanintharyi Division (along the Thai border) previously off limits. The government cooperated with UNHCR in allowing initial familiarization visits to begin planning for local villages to receive some or all of the refugees now resident in Thailand. In February the UNHCR reported that conditions remained unsuitable for the repatriation of refugees from Thailand. In April the government withdrew permission, without giving any explanation, for UNHCR to continue visiting these areas. At year's end the government allowed local staff of UNHCR to visit areas in the vicinity of the Thai border.

Internally Displaced Persons (IDPs)

There were a large number of IDPs in the country. According to NGOs based in Thailand, there were more than 500 thousand IDPs in the country at year's end.

During the year, despite sporadic peace overtures between the SPDC and the KNU, the military continued to abuse thousands of villagers and drove them from their homes, particularly during military campaigns in Karen, Kayah, and Shan States (see section 1.f.). Christian Solidarity Worldwide (CSW) and Thai-based NGOs reported that in early 2004 more than five thousand Karen and Karenni persons were displaced in the area along the Karen-Karenni state border because of army offensives. CSW also reported that the army and its allied Karenni Solidarity Organization launched offensives that displaced more than one thousand Karenni villagers living near the Karen State border.

Karen groups reported that armed hostilities in Karen State stopped as of February 2004. However, there were credible reports of renewed attacks on Karen populations close to Taungoo in Bago Division beginning in September 2004 and continuing during the year (see section 1.g.).

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees.

There were no reports that persons formally sought asylum in the country during the year. There were no reports of forced repatriation.

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

Citizens did not have the right to change their government. The SPDC continued to prevent the Parliament elected in 1990 from convening. The junta continued its systematic use of coercion and intimidation to deny citizens the right to change their government.

Since 1962, active duty military officers have occupied the most important positions in the central government and in local governments, and the SPDC placed active duty or retired military officers in most key senior-level positions in all ministries. At year's end, active duty or retired military officers occupied 36 of 38 ministerial-level posts, including prime minister, and also the mayoral posts in Rangoon and Mandalay.

Elections and Political Participation

Following the NLD's victory in the 1990 elections, the junta refused to implement the election results and disqualified, detained, or imprisoned many successful candidates (see sections 1.d. and 1.e.). In 2004 at least four NLD MPs-elect fled the country. During the year it was believed that only one MP-elect fled the country.

In 1998 the NLD leadership joined other prodemocracy parties to organize the Committee to Represent the People's Parliament (CRPP) on the basis of written delegations of authority from a majority of the surviving MPs-elect of the 1990 Parliament. The CRPP considered itself as acting on behalf of the Parliament until the Parliament is convened. In retaliation the government launched a sustained and systematic campaign to destroy the NLD without formally banning it; the authorities pressured many thousands of NLD members and local officials to resign and closed party offices throughout the country. During the year at least five MPs-elect were imprisoned, including Hkun Htun Oo, Kyaw Khin, Kyaw Min, Kyaw San, and Saw Hlaing. One MP-elect, Dr. Myint Naing, was released on March 8. At year's end a total of 14 MPs-elect remained in prison for political reasons. Some have been in prison since the early 1990s under harsh conditions.

In the 1990 election, 392 NLD members won seats. Of that number, 130 remained elected members. Self-exiles (19), deaths (73), and forced resignations or barring (170) accounted for the balance. Those in the last category resigned for various reasons. For example the USDA staged rallies of "no confidence" against some of the elected members. The USDA and government officials pressured the families, as well as the members themselves.

Elected MPs were harassed and pressured to resign. In 2004 local authorities in northern Shan State pressured Sai Tun Aung of the Shan Nationalities League for Democracy to resign. Than Htay, an elected NLD member from Lashio, resisted pressure from the government to leave his post. Consequently, the police arrested him because his son, who owned a legally registered shop selling electronic equipment, allegedly sold an "illegal" cordless telephone and electronic equipment to a customer.

In addition, the NLD expelled or suspended 46 of its members for breach of party discipline or to forestall government efforts to ban the entire party. Nine of the expelled MPs were allowed to become independent MPs by the government election commission. The CRPP has not disqualified any elected members.

On February 17, the government reconvened the NC, first convened from 1993-96 and in recess since its last session from May through July 2004, as part of a seven-step democracy road map that would nullify the results of the 1990 election and adopt a new constitution. The government convened the NC with more than one thousand handpicked delegates, including representatives from 17 ethnic cease-fire groups. However, it effectively barred participation by the major political parties, including the NLD and others that won seats in the 1990 elections, and prohibited free debate on the drafting of a new constitution. The government threatened 5 to 20 years in prison for any criticism of the process. The NC recessed on March 31, reconvened again on December 5, and was still in session at the end of the year.

In his August report to the UNGA, the UNSRHR expressed his belief that, "The exclusion of important and representative political actors from the process, the restrictions placed on their involvement, the intolerance of critical voices and the intimidation and detention of prodemocracy activists render any notion of a democratic process devoid of meaning." He went on to say, "if the inherent procedural restrictions are not amended and the representatives of the democratic opposition are not involved in the National Convention, any constitution that emerges will lack credibility."

In a statement submitted to the UNGA in August 2004, the UNSRHR said it was "essential" that the government resume cooperation with the UN Secretary General's special envoy Tan Sri Razali Ismail. Nevertheless, Foreign Minister Nyan Win declined to meet with Razali on the sidelines of the ASEAN Regional Forum in Laos in July.

Women were excluded from political leadership. There were no female or ethnic minority members of the SPDC, cabinet, or Supreme Court.

Members of certain minority groups also were denied full citizenship and a role in government and politics (see section 5).

Government Corruption and Transparency

Corruption was systemic at all levels of the government and society. It was considered by economists and businesspersons to be one of the

most serious barriers to investment and doing business in the country. A complex and capricious regulatory environment fostered corruption.

The authorities rarely and inconsistently enforced the anticorruption statute--they usually did so only when the junta's senior generals wanted to take action against an official whose egregious corruption had become an embarrassment. In November 2004 the SPDC published an explanation of deposed prime minister Khin Nyunt's ouster that included charges of "bribery and corruption." Khin Nyunt was convicted in a secret trial in Insein Prison on a litany of charges, including bribery, corruption, and insubordination, and was sentenced to a 44-year prison term. The government suspended the sentence and on July 21, he was transferred from prison to his home for indefinite house arrest. Hundreds of Khin Nyunt's family and associates were detained or interrogated in the wake of his ouster. As many as 26 of Khin Nyunt's military associates were tried and sentenced during the year on a variety of corruption charges. Their sentences ranged from 12 to 142 years' imprisonment; some also received multiple life sentences. The junta also claimed it had convicted 186 "personnel" from the military and three civilian departments for their involvement in corruption at Muse, a border checkpoint near China that was controlled by Khin Nyunt's intelligence service.

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

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

The government did not allow domestic human rights organizations to function independently, and it remained generally hostile to outside scrutiny of its human rights record.

In addition to the ICRC and several UN agencies, approximately 35 nonpolitical, international humanitarian NGOs operated in the country. A few others have established a provisional presence while undertaking protracted negotiations necessary to establish permanent operations in the country. While some government ministries demonstrated an increased willingness in 2004 to engage on previously taboo subjects such as trafficking in persons, HIV/AIDS, child soldiers, and education, by mid year many international humanitarian NGOs and UN agencies reported increasing government pressure to curtail their activities in ethnic areas, and access by international personnel became more difficult. The restrictions eased somewhat by the end of the year for some, but not all, NGOs and UN agencies.

The government increased travel restrictions on foreign journalists, NGO staff, some UN agency staff, and diplomats in some regions. Human rights advocates regularly were denied entry visas unless traveling under the aegis of a sponsor acceptable to the government and for purposes approved by the government (see section 2.d.). The government's monitoring of the movements of foreigners, its frequent interrogation of citizens concerning contacts with foreigners, its restrictions on the freedom of expression and association of citizens, and its practice of arresting citizens who pass information about government human rights abuses to foreigners all impeded efforts to collect or investigate human rights abuses. Reports of abuses, especially those committed in prisons or ethnic minority areas, often emerged months or years after the abuses allegedly were committed and seldom could be verified.

The government also placed severe operational restrictions on several NGOs, humanitarian, and religious organizations in the capital. In October the Rangoon office of Spirit in Education Movement, a Thai-based NGO that provides training for local Burmese students on community leadership and sustainable development, was raided, and at least one member was reportedly detained.

Some international NGOs and UN agencies were required to have a government representative accompany them on field visits, at the NGOs' expense, although this rule was not consistently enforced (see section 1.f.).

The ICRC continued to implement most of its assistance programs to civilians (protection, physical rehabilitation, basic hygiene, and healthcare) with the exception of Shan State, where it had to suspend its activities due to restrictions of access to conflict areas, which prevented it from carrying out normal, independent humanitarian operations.

In 2003 the government arrested 11 and sentenced 9 persons to death for "conspiracy against the government," for their alleged role in a coup plot. A court sentenced to death Naing Min Kyi, Shwe Man, and Aye Myint, in part for having contacts with the ILO and the Thai-based exile labor group, the FTUB. Subsequent ILO diplomatic efforts led to a special appeals court reducing the death sentences to three years' imprisonment for Naing Min Kyi and Aye Myint. The special court reduced Shwe Man's sentence to life in prison. An October 2004 decision further reduced Shwe Man's sentence to five years, and the sentences of the others to two years. After continuing efforts by the ILO, Naing Min Kyi and Aye Myint were released from prison on January 3, and Shwe Man was released on April 29. Aye Myint was rearrested on August 28 for allegedly providing legal assistance to farmers whose land was confiscated by the Light Infantry Battalion 40 and redistributed among the military, local authorities, and the USDA. On October 31, the Daik Oo Township court in Bago Division sentenced Aye Myint to seven years' imprisonment on charges of "spreading false news, knowing or having reason to believe that it is not true," an allusion to the allegation he advised the farmers to inform the ILO about their case. He remained in prison at year's end.

In February 2004 the government and the UNHCR signed an agreement to allow UNHCR access to previously off-limits conflict areas in Karen State and Tanintharyi Division (see section 2.d.). The UNHCR subsequently made "assessment" trips to the region, but in April the government withdrew permission to UNHCR to visit these areas.

Despite repeated requests, the government did not permit the UNSRHR to visit the country during the year. In 2003 the UNSRHR visited the country twice. In his interim report to the UNGA in August, the UNSRHR noted, "the situation regarding the exercise of fundamental rights and freedoms has not substantially changed" since his last report. He noted that he "constantly receives reports of restrictions and violations of basic rights and freedoms."

The government's Human Rights Committee was chaired by the minister of home affairs and included the chief of police. During the year members of the Human Rights Committee attended seminars on trafficking hosted by UN agencies. The government received ILO complaints of labor violations and stated that it was conducting investigations into the violations. Some officials were arrested and prosecuted in January for forced labor violations and spent several months in jail before being released (see section 6.c.).

Section 5 Discrimination, Societal Abuses and Trafficking in Persons

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

Women

Domestic violence against women, including spousal abuse, was a problem; however, because the government did not release statistics regarding spousal abuse or domestic violence, it was difficult to measure. The government-affiliated MWAF sometimes lobbied local authorities, including the police, to investigate domestic violence cases involving spousal abuse.

Rape is illegal; however, spousal rape is not a crime unless the wife is under 12 years of age. Married women often lived in households with extended families, where social pressure tended to protect the wife from abuse. The government did not release statistics regarding rape; however, the government stated that rape was not common in populous urban areas, but occurred more often in remote areas. Nonetheless, it was generally considered unsafe for women to travel during hours of darkness without a male escort, and employers typically had to supply a bus or truck to return female workers to their homes at night. Use of taxis at night was considered particularly hazardous for women because of the risk of rape or robbery. Prostitutes traveling at night typically had to pay substantial additional fees to taxi operators or risk being raped, robbed, or turned over to the police. There were credible reports from NGOs and diplomatic sources that prostitutes taken into police custody were sometimes raped or robbed by the police. Incidents of rape in conflict areas and other ethnic minority areas continued (see section 1.g.).

Prostitution is prohibited by law and punishable by three years in prison; however, it was growing in prevalence in urban areas, particularly in some of Rangoon's "border towns" and "new towns," populated chiefly by poor families relocated forcibly from older areas of the capital. In 2003 there were credible reports that a large number of female prostitutes were imprisoned and subjected to physical and verbal abuse while incarcerated. The government and at least one international NGO operated schools and other rehabilitation programs for former prostitutes.

There were no laws against sexual harassment.

Consistent with traditional culture, women kept their names after marriage and often controlled family finances. However, women remained underrepresented in most traditional male occupations, and women continued effectively to be barred from a few professions, including the military officer corps. Poverty affected women disproportionately. Women did not receive equal pay for equal work on a consistent basis. Women legally were entitled to receive up to 26 weeks of maternity benefits; however, in practice these benefits often were not accorded them.

There were no independent women's rights organizations, although there were several with some relationship to the government. The MWAF, established in December 2003 and chaired by the wife of Prime Minister General Soe Win, was the leading "nongovernmental" women's rights organization. With branches in all 14 states and divisions, it was the primary government organization responsible for safeguarding women's interests. The Myanmar Maternal and Child Welfare Association, another government-controlled agency, provided assistance to mothers and children. The Myanmar Women Entrepreneurs' Association, a professional society for businesswomen, provided loans to women for starting new businesses.

Children

Children under the age of 18 constituted approximately 40 percent of the population. Children were at high risk as destitute parents took them out of school to beg or to work in factories and teashops. Some were placed in orphanages. With few or no skills, increasing numbers of children worked in the informal economy or in the street, where they were exposed to drugs, petty crime, risk of arrest, sexual abuse and exploitation, and HIV/AIDS.

There was no adequate child protection or juvenile justice system. Efforts in this regard were severely constrained by lack of resources. The Department of Social Welfare (DSW) was in charge of the provision of limited social welfare services, and there were only a few officially appointed social workers.

The government cooperated with the UN Committee on the Rights of the Child. In June 2004 the committee's chairman visited the country. The UN Children's Fund (UNICEF) reported close working relationships with the DSW and the Ministry of Education, where it worked to support primary education and instruction in minority languages. Faith-based organizations, Buddhist monks and nuns, and private community-based groups also provided educational and other support for children.

The government continued to allocate minimal resources to public education. According to the official government figures for fiscal year 2005-06 (April through March), official expenditures for all civilian education has been earmarked at 8.9 percent of the national budget. However, other leading international organizations place the actual amount much lower. Public schooling was ostensibly provided free through the 10th standard (around age 16). However, on average, public school teachers' pay was equal only to approximately \$5.30 (5,300 kyat) per month, far below subsistence wages, forcing many teachers to leave the profession, or demand extra payments from their students. Thus, many families had to pay to send their children to school, even at the primary level. According to a Kachin women's group in Thailand, families in Kachin State had to pay as much as \$300 (300 thousand kyat) for their children to attend 10th standard, an amount above the

national average annual income. In some areas where families were not able to afford unofficial payments, teachers generally ceased work. In response to official neglect, private institutions began to provide assistance in education, despite a legal ban on private schools.

Education is compulsory through the 4th standard. UNICEF reported that 50 percent of primary school students dropped out of school before finishing the 4th standard. Rates of school attendance and educational attainment decreased during the year, largely due to increasing economic hardship, causing students to seek work as domestic helpers or waiters at urban teashops. There was no difference in the attendance rate of boys and girls.

The government promoted Buddhist monastic schools in rural areas and subsidized Buddhist universities in Rangoon and Mandalay. In ethnic minority areas, the government often banned teaching in local languages.

Children also suffered from the government's severe neglect of health care. According to official government figures, the budget for the Ministry of Health in fiscal year 2005-06, amounted to only 3.3 percent of total government expenditures. The government conservatively projected defense expenditures to be 24 percent of the budget, a figure that many international observers considered unrealistically low. There were no reports that the government discriminated between boys and girls in the provision of health care. Estimated mortality rates for children under 5 years of age range from 66 (Ministry of Health, 2003) to 109 (UNDP, 2004) deaths per thousand live births. Of these deaths, almost three-quarters occur within the first year of life, with infant mortality rates from the same sources ranging from 50-77 deaths per thousand live births, respectively. Of these infant deaths, many occurred in the first month of life. All data sources estimated rural mortality to be at least 25 percent higher than urban mortality, with the highest mortality in "hilly areas" and the "central plains." According to UNICEF, up to 56 percent of child deaths from age 6 to 59 months could be attributed to the effects of malnutrition and infection. Nationwide, the prevalence of underweight and stunting among children was 32 percent and wasting is 8.6 percent. During the year the head of the World Food Program (WFP) estimated that 33 percent of children were chronically malnourished in spite of WFP's food-for-work programs in Shan State and the central dry zone.

The law prohibits child abuse. The government stated that child abuse was not a significant problem; however, the government did not release supporting statistics. In May 2004 the UN Committee on the Rights of the Child met to consider the country's second periodic report. The committee issued its concluding observations, noting that it remained "seriously concerned at the lack of appropriate measures, mechanisms, and resources to prevent and combat domestic violence, including physical and sexual abuse and neglect of children; the limited number of services for abused children; as well as the lack of data on the aforementioned."

Child prostitution and trafficking in girls for the purpose of prostitution--especially Shan girls who were sent or lured to Thailand--continued to be a major problem. In Rangoon and Mandalay, diplomatic representatives noted widespread employment of female prostitutes who appeared to be in their early teens and for whom there was reportedly a high demand. Additionally, some brothels offered young teenage "virgins" to their customers for a substantial additional fee. The June 2004 UN Committee on the Rights of the Child report commented: "The committee is concerned over the increasing number of child victims of sexual exploitation, including prostitution and pornography, especially among those engaged in child labor and street children. Concern is also expressed at the programs for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation which remain insufficient and inadequate."

In a report released in May titled *Driven Away*, the Kachin Women's Association of Thailand documented trafficking of Kachin girls and women to China ostensibly to work, but who were forced into prostitution or to become brides to Chinese men who could not find local brides. This was alleged to be the result of China's "one child" policy and the traditional Chinese preference for male children. Based on interviews with 85 Kachin women who managed to escape their captors, 10 percent were trafficked domestically and up to half became brides of Chinese men, some in distant northeastern provinces of China.

The official age of enlistment in the army is 18 years; however, voluntary enlistment was permitted by minors from the age of 15. As a policy, the government stated it did not conscript child soldiers; however, recruiters frequently ignored the policy. At a press conference held on March 15 the government admitted that "inefficient" recruiters conscripted underage children, but claimed that the government had "taken action" against as many as five such recruiters in 2003. The government also claimed to have sent home 75 forcibly recruited child soldiers in 2003 and another 50 in 2004. In January 2004 the government established the Committee for Preventing Recruitment of Child Soldiers (CPRCS), which met again in August 2004 and purportedly issued new rules and regulations to punish those who recruit child soldiers. In March 2004 diplomatic observers received a report that the authorities had arrested more than a dozen children in Rangoon and forced them into military service. In the past army recruitment drives targeted children to meet quotas for the ostensibly all-volunteer army, but anecdotal evidence, at least in Rangoon, suggested this practice was now not as common.

In June 2004 the UN Committee on the Rights of the Child report welcomed the establishment of the government's CPRCS but noted the UN committee remained "concerned by the impact of the armed conflicts on children, especially the use of children below the age of 15 years as soldiers by both government armed forces and armed ethnic groups."

There was evidence of continued forced recruitment of child soldiers by the army.

On April 23, two underage soldiers defected from the Burmese Army to the side of the Karenni National Progressive Party during fighting, according to international media sources. Private Myo Min, age 15, and Private Soe Thu, age 16, reported that they were both from the Light Infantry Brigade 112 of Division 55, based in Kalaw, Shan State. Myo Min said he was forcibly recruited in December 2004 from Shwebo, Sagaing Division, where he was working as a waiter. He was given the choice of joining the army or going to prison. He opted to be a soldier but was not allowed to inform his mother and feared she still did not know what happened to him. After more than four months of training, authorities transferred him to Thit Paung Zeik Camp. He deserted less than a month later. Soe Thu, who shared a similar experience as Myo Min, had been in the military for six months before he ran away.

During the year, the ILO was unsuccessful in resolving the case of Private Aung Myo Paing, 16, who deserted his regiment (LIB 6) near

Shwepyitha. He approached the ILO for assistance to retire from the army. The ILO issued a letter to the CPRCS requesting that he be allowed to leave. Nevertheless, the regiment commander court-martialed him and he was sentenced to one year's imprisonment. In another case, a child soldier who reportedly deserted his unit was arrested and ordered to serve in a frontier zone.

The ILO assisted in obtaining the release of some underage soldiers who had been forcibly recruited. In 2004 the ILO notified the government of nine allegations of forced recruitment of children into the military. Two of the cases involved boys who had been sentenced to prison, or who were facing court martial for desertion. The government has cooperated with some of the ILO investigations and also conducted its own investigations and reported to the ILO on eight of these cases, but claimed no incidents of forced recruitment. In two cases the military released the boys, who returned home, but there was no further action. In five cases the government insisted the boys were above 18 years old. The government was unable to find one of the alleged child soldiers.

According to a UN source, in November 2004, a military conscription unit of three soldiers visited Se Ywa village of Thongwa Township, Rangoon Division. Four youths were required to accompany the soldiers to the military conscription center at Mingaladon, Thongwa Township. Residents say that the youths were subsequently sent to Military Training Center No. 6 in Patheingyi. The parents of the students filed complaints with the CPRCS.

In 2004 the Burmese Army organized tours of two recruitment centers for UN representatives, who naturally found no evidence of recruitment of underage children on these visits. International observers were not allowed unfettered access to investigate independently charges of forced conscription by the military.

Several international NGOs and agencies promoted the rights of children in the country, including ICRC, World Vision, Save the Children UK, CARE, UNICEF, the UN Development Program, and foreign governments. UNICEF expanded its operations in 2004 to open a separate child protection section. In July 2004 UNICEF, in conjunction with the Supreme Court of Burma, ran a "National Workshop on Juvenile Justice and Child Protection" that concluded an action plan aimed at strengthening the existing juvenile justice system.

Ethnic minority cease-fire groups and insurgent armies also forcibly conscripted child soldiers, and there were significant numbers of child soldiers drafted into these forces, particularly the United Wa State Army. Inaccessibility to the areas where these groups operate made it difficult to obtain reliable data on the extent of the problem among ethnic armies.

Trafficking in Persons

On September 13, the government enacted the Anti Trafficking in Persons Law. This new law replaces a combination of different laws previously used to address trafficking, such as those that prohibit kidnapping; the Suppression of Prostitution Act; and the Child Law, which include provisions against the sale, abuse, or exploitation of children.

There are laws specifically against child prostitution and child pornography; however, they were not effectively enforced. An NGO reported in May 2004 that the government arrested, tried, and convicted a foreigner for sexual abuse of a child. This was reportedly the first such conviction. Reports from Thailand indicated that the rising incidence of HIV infection there increased the demand for supposedly "safer," younger prostitutes, many of whom came from Burma. Trafficking of children within the country also appeared to be a growing problem; however, there were no reliable statistics regarding its extent.

According to the government, 342 traffickers received jail sentences ranging from under 5 years (78 convicted) to life imprisonment (2 convicted) from July 2002 to July 2004. The largest number (177) received sentences of between 5 and 10 years. According to the government, it filed 474 cases during the same period, resulting in 485 convictions, including some multiple convictions. The government did not distinguish between human traffickers and smugglers, so the actual number of traffickers convicted was probably less. Government data show Thailand was the primary destination for trafficking victims (nearly 80 percent), with much smaller numbers going directly to China, Bangladesh, and India. The Ministry of Home Affairs also reported that it had distributed information about human trafficking to some 702 thousand persons living in border areas during the period from 2001 to 2004.

Officials recognized the importance of preventing trafficking and prosecuting traffickers. The government expanded cooperation in this area with international and local NGOs. In April 2004 the government issued the Mutual Assistance in Criminal Matters law, which allows international cooperation to pursue transnational crime (including trafficking).

The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) met in Rangoon in October 2004, to sign a Memorandum of Understanding pledging mutual cooperation on the problems involved and to develop an action plan. Senior government and cabinet-level officials from Burma, Cambodia, China, Laos, Thailand, and Vietnam participated. In March Burmese officials attended follow-up COMMIT meetings with their counterparts in Hanoi to complete a regional action plan to prevent trafficking.

In 2004 UN agencies and NGOs credited the government for demonstrating political will to combat trafficking and for improvement in cooperation with the international community. In March 2004 the government formed a new office of transnational organized crime, headed by a police brigadier general, to handle nonnarcotics related transnational crimes. This office includes a 40-person unit responsible for trafficking in persons.

The government made limited progress on trafficking in persons during the year. The government's pervasive security controls, restrictions on the free flow of information, and lack of transparency prevented a comprehensive assessment of trafficking in persons activities in the country. While experts agreed that human trafficking from the country was substantial, no organization, including the government, was able or willing to estimate the number of victims. The government did not allow an independent assessment of its reported efforts to combat the problem.

Trafficking of women and girls to Thailand and other countries, including China, India, Bangladesh, Taiwan, Pakistan, Malaysia, Japan, and countries in the Middle East, for sexual exploitation, factory labor, and as household servants, was a problem. Shan and other ethnic minority women and girls were trafficked across the border from the north; Karen and Mon women and girls were trafficked from the south. There was evidence that internal trafficking generally occurred from poor agricultural and urban centers to areas where prostitution flourished (trucking routes, mining areas, and military bases) as well as along the borders with Thailand, China, and India. Men and boys also reportedly were trafficked to other countries for sexual exploitation and labor. While most observers believed that the number of these victims was at least several thousand per year, there were no reliable estimates.

Human traffickers appeared to be primarily free-lance, small-scale operators using village contacts that fed victims to more established trafficking "brokers."

The Ministry of Home Affairs stated there was no complicity of government officials in trafficking; however, corruption among local government officials was widespread. NGOs reported that government officials were complicit in trafficking, although it appeared limited to local or regional officials turning a blind eye to trafficking activities. NGOs also reported that individual police officials were likely involved in extorting money from economic migrants and others leaving the country.

In recent years the government made it difficult for single women to obtain passports or marry foreigners, ostensibly to reduce the outflow of women as victims of trafficking (see sections 1.f. and 2.d.). In addition regulations forbid females under the age of 25 from crossing the border unless accompanied by a guardian. However, most citizens who were forced or lured into prostitution crossed the border into Thailand without passports. According to the DSW, the government has begun to help locate families of trafficking victims and to assist in their repatriation.

The government has a repatriation center on the Thai-Burma border, which has processed an estimated 10,500 illegal migrants (not just trafficking victims) since 2001. In 2004 as many as 29 female trafficking victims were repatriated from Malaysia and Thailand and were reunited with their families. In the first 6 months of the year, Malaysia and Thailand reportedly repatriated to Burma 76 female trafficking victims, an increase from the previous year.

The MAAF and the DSW provided some counseling and job training for trafficking victims before they were returned to their families. The DSW also provided training to government officials on the recognition and provision of assistance to victims of human trafficking. The government provided medical attention and shelter to trafficking victims returning from Thailand. However, government funding for these programs was very limited. There were no reports of victims being arrested after their return to Burma. There were no reports of trafficking victims filing suit against traffickers.

Several NGOs offered poverty alleviation and education programs designed to counter trafficking. Reportedly these programs have been moderately successful.

Persons with Disabilities

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

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

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

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

National/Racial/Ethnic Minorities

Wide-ranging governmental and societal discrimination against minorities persisted. Animosities between the country's many ethnic minorities and the Burman majority, which has dominated the government and the armed forces since independence, continued to fuel active conflict that resulted in serious abuses during the year. These abuses included reported killings, beatings, torture, forced labor, forced relocations, and rapes of Chin, Karen, Karenni, Shan, Mon, and other ethnic groups by SPDC soldiers. Some armed ethnic groups also may have committed abuses but on a much smaller scale than the Burmese Army (see sections 1.a., 1.c., 1.f., and 1.g.).

Only persons who were able to prove long familial links to the country were accorded full citizenship. Native-born but nonindigenous ethnic populations (such as Chinese, Indians, Bengalis, and Rohingyas) were denied full citizenship and were excluded from government positions. Members of the Rohingya Muslim minority in Rakhine State continued to experience severe legal, economic, and social discrimination. The government denied citizenship to most Rohingyas on the grounds that their ancestors did not reside in the country for one year prior to the

start of British colonial rule in 1824, as required by the country's highly restrictive citizenship law.

In June 2004 the UN Committee on the Rights of the Child expressed concern "over the situation of the children of the Bengali people residing in Northern Rakhine Region, also known as the Rohingyas, and of children belonging to other ethnic, indigenous or religious minorities; and in particular, that many of their rights are denied, including the rights to food, to health care, to education, to survival and development, to enjoy their own culture and to be protected from discrimination."

Rohingya Muslims did not have access to state run schools beyond primary education because the government reserved secondary state schools for citizens. Those excluded were also ineligible for most civil service positions.

Forced labor of Muslims continued to be widespread in Rakhine State. Forced labor of minority ethnic groups was still prevalent in eastern border areas and in Chin State (see section 6.c.).

Persons without full citizenship faced restrictions in domestic travel (see section 2.d.). They also were barred from certain advanced university programs in medicine and technological fields.

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

There were reports that the government resettled groups of Burmans to various ethnic minority areas (see section 1.f.).

There were ethnic tensions between Burmans and nonindigenous ethnic populations, including South Asians, many of whom were Muslims, and a rapidly growing population of Chinese, most of whom emigrated from Yunnan Province. Chinese immigrants increasingly dominated the economy of the northern part of the country.

Other Societal Abuses and Discrimination

Many citizens viewed homosexuals with scorn. Penal code provisions against "sexually abnormal" behavior were applied to charge gays and lesbians who drew unfavorable attention to themselves. Nevertheless, homosexuals had a certain degree of protection through societal traditions. Transgender performers commonly provided entertainment at traditional observances. Some were spirit (*nat*) worshipers and, as such, they had special standing in the society. They participated in a well-established week-long festival held near Mandalay every year. The event was considered a religious event, free of sexual overtones or activities, and was officially approved by the government. No one, including the military or police, interfered with the festival.

HIV-positive patients were discriminated against, as were the doctors who treated them.

Section 6 Worker Rights

a. The Right of Association

The 1926 Trade Unions Act, which remains in effect, permits workers to form trade unions only with the prior consent of the government; however, no free trade unions existed in the country.

There were no internationally affiliated unions because unions were banned. The government forbade seafarers who found work on foreign vessels through the Seafarers Employment Control Division from contacts with the International Transport Workers' Federation (ITWF), and the government often refused to document seafarers who were abroad. Absent proper documentation, it was impossible for a seafarer to find regular employment abroad.

According to reliable sources in Thailand, on May 19, unidentified armed men abducted Moe Aung, leader of the Burma Seafarers' Union, an affiliate of the ITWF, from his residence in Ranong, Thailand and took him to a Burmese infantry base at 8th Mile in Kawthoung, Burma. He reportedly died in custody three days later on May 22.

The government criminalized contact with the Thai-based FTUB, claiming it was a "terrorist group"; however, the government has not presented this case to the ILO through the relevant formal procedure. During this year and in preceding years, the government arrested and sentenced persons in part for their contacts with the FTUB and other Thai-based exile groups, and one such prisoner, Aung Myint Thein, died while in custody (see sections 1.a., 1.b., 1.d., 2.a., 2.b, and 6.b.).

b. The Right to Organize and Bargain Collectively

The government does not allow unions; therefore, workers did not have the right to organize and bargain collectively. The government's central arbitration board, which once provided a means for settling major labor disputes, has been dormant since 1988, although the Department of Labor reportedly played an arbitration role in settling some disputes since then. Township-level labor supervisory committees existed to address minor labor concerns.

The government unilaterally set wages in the public sector. In the private sector, market forces generally set wages; however, the government pressured joint ventures not to pay salaries greater than those of ministers or other senior government employees. Some joint ventures circumvented this with supplemental pay or special incentive systems. Foreign firms generally set wages near those of the domestic private sector, but followed the example of joint ventures in awarding supplemental wages and benefits.

According to the law, workers generally were prohibited from striking, although a small number of workers are purportedly accorded the right to strike. On April 17, authorities arrested four female workers at Gustom Molinel Garment Factory at Hlaing Thaya Industrial Zone on charges of inciting a workers' strike on April 9. A judge dismissed the case, and the four women were released to their families on May 2, after signing undertakings not to engage in such activities again. On November 8, workers of X-Square Footwear Factory in Hlaing Thaya Industrial Zone protested having to work overtime without pay. Their grievances were resolved, and there were no arrests.

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

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor remained a widespread and serious problem, particularly targeting minority groups. The penal code provides for the punishment of persons who imposed forced labor on others. In 2004 and during this year, the ILO reported eight cases brought to court under this provision, either by alleged victims or by the authorities after cases were raised by the ILO liaison officer. Of the eight, two were dismissed, and one person withdrew his charges. Three cases were processed and on January 31, a judge in Kawhmu Township Court sentenced four local government officials to eight-month jail sentences for using forced labor. The officials received early releases in July. In a separate but related case, Ma Su Su Nway successfully prosecuted local officials from Kawhmu Township on forced labor charges. Another local official who was not charged subsequently filed a countersuit against Ma Su Su Nway for "insulting and disrupting a government official on duty." Su Su Nway was sentenced to 18 months' imprisonment on October 13.

During the year other cases in which government officials were prosecuted by the authorities after cases were raised by the ILO liaison officer resulted in an additional four officials being given prison terms for imposing forced labor.

Throughout the country, international observers verified that the government routinely forced citizens to work on construction and maintenance projects. Citizens also were forced to work in the military-owned industrial zones.

Reports of forced labor for building and maintaining economic infrastructure have declined from a peak during the mid-1990s, particularly in the ethnically Burman central regions.

In contrast, the government's use of forced labor in support of military garrisons or operations remained particularly serious in ethnic or religious minority regions. The ILO has corroborated UNHCR's reports of a "serious resurgence" in forced labor in Rakhine State, where the prime minister had ordered the military to construct six new bridges. The ILO continued to call upon the government to stop the use of forced labor; however, the local authorities have ignored the central government's instructions to cease the practice, particularly when under pressure from the same central government to complete certain public works projects on time.

On September 8, AI released a report titled *Myanmar, Leaving Home*, in which it documented the continuing human rights abuses in the country. The report pointed out that, as armed resistance to the government lessens and the Burmese army establishes itself in former hostile territory, the requirement for porters has decreased. However, the decreasing need for porters has been replaced with an increase in forced labor as the military needs new barracks and other infrastructure. The report also notes that the KNLA and the DKBA are also guilty of some of the very same abuses as the Burmese army, including forced confiscation of food from already malnourished villagers who are forced to provide rice, livestock, and other valuables to the soldiers of both sides.

On November 12, 70 Chin villagers from Kone Khaung village in Mrauk U Township, Rakhine State, were forced to work as porters for the Light Infantry Battalion 377. They had to carry supplies to Kalama Mountain, a distance of 10 miles, and had to supply their own rice, adding another 6.5 pounds to their loads. In November another report told of six villages being forced to build a new base for the Border Security Force at A-Ngu Maw, Rathetaung Township, Rakhine State. Not only were the villagers required to work for free, they also had to provide building supplies including timber, bamboo, and thatch.

The Rangoon-based ILO liaison office reported that the government's order to end forced labor had been widely, if unevenly, disseminated, but its impact on reducing forced labor was limited and not sustained.

Over the past five years, the ILO and other international agencies have seen changes in the government's approach to conscripting forced labor. The ILO reported that military units no longer tended to issue written orders to village heads to provide forced labor and instead gave verbal instructions. The ILO also reported that in some cases the government substituted demands for forced labor with demands for forced contributions of materials, provisions, or money. Throughout the year, there were frequent and widespread reports of soldiers forcing contributions of rice and other commodities from ethnic minority villagers. In 2004 the ILO reported that it appeared the government occasionally paid for forced labor, but the payments were usually well below prevailing wage rates.

The ILO reported that since 2002, the government increasingly substituted prisoners not sentenced to hard labor for civilians as forced laborers, possibly due to international pressure not to use civilians. There reportedly were approximately 70 camps scattered around the country, but many were temporary, existing only until the completion of a specific work project. In the past the military took prisoners from jails around the country for use as porters. For instance, in 2003 during its offensive against the KNLA, the army reportedly used more than

300 prisoners as porters.

Authorities often allowed households or persons to substitute money or food for labor for infrastructure projects, but widespread rural poverty forced most households to contribute labor. Parents routinely called upon children to help fulfill their households' forced labor obligations (see section 6.d.).

On December 30, local peace and development council (PDC) authorities in Myothit Village, Nga-Thaing Gyaung Township, Irrawaddy Division, arrested carpenter Ko Than Htaik, detained him at the village PDC office, and severely beat him. The authorities accused him of failing to provide involuntary labor in cutting trees to build a road and not providing funds for village militia training. On December 31, his family admitted him to the local hospital where he died soon after as a result of the severe beating. The Yaykyay police arrested local PDC officials who were involved in the beating, including Aung Myint Thein, chairman of the village PDC.

On November 1, a 35-year-old man from Tharat Cho village in Ponnagyan Township, Rakhine State, died two days after returning home seriously ill as a result of labor forced on him by the military. Battalion 550 of the Burmese Army forced him to help construct a military base.

During the year reports of forced labor for smaller projects in villages nationwide persisted. In 2003 the local chairman of Chaungnet Village in Magway Division forced one person from each household to clear the bushes on Rangoon-Magway Highway. Those who refused were fined five dollars (five thousand kyat). The authorities also continued to use forced labor countrywide to maintain existing civil infrastructure, including transportation and irrigation facilities.

Beginning in 2004, the first year that private citizens voluntarily approached the ILO to report alleged violations, until September 2005, the ILO office in Rangoon received 102 cases of forced labor to investigate. The ILO forwarded 59 of these cases to the government's committee on forced labor. The committee responded to all the cases and a total of ten persons were found guilty and sentenced. The committee did not implement adequate mechanisms for the reporting, investigation, and prosecution of incidents of forced labor. In May, the ILO stopped accepting cases because the government indicated that it would prosecute any person who made what the government deemed a "false" complaint of forced labor.

In ethnic regions, reports of forced labor were common. According to credible NGO sources, villagers were ordered to build or repair military camp infrastructure and to perform other tasks within the camps, such as standing guard. The same sources also reported that villagers were required to bring lumber, at their own expense, to construct and repair military facilities. In May 2004 the ILO office in Rangoon witnessed a case of villagers in Tiddim and Falam Townships in Chin State forced to widen the main road between the two towns. In 2004 AI reported several cases in Buthitaung and Maungdaw, northern Rakhine State. In these cases the military (members of a border task force consisting of the police, military intelligence, internal security, customs officials, and the immigration and manpower department) commandeered villagers to stand sentry, build roads, cut wood, and to construct government buildings. The India-based Chin Human Rights Organization (CHRO) also reported several cases of forced labor in southern Chin State during the year. In these cases local military officials forced village leaders to provide workers for road projects, military building construction, and farm work. The CHRO reported local military officials arrested one village chief in June 2004 because his village's workers did not complete their assigned road-building task.

The ILO and other international observers reported a decline in forced labor and other abuses in Karen State since the KNU and SPDC achieved a temporary cease-fire in January 2004. However, in 2003 the KNU released credible but unconfirmed reports of widespread use of forced labor in conflict areas along the eastern border. In 2003 soldiers forcibly recruited 500 porters in Mone Township to carry food supplies for the army. Those unable to carry a load had to pay five dollars (five thousand kyat) each.

During the year the ILO was required to follow general regulations applicable to diplomatic travel. ILO international staff could travel unaccompanied, but central government officials alerted local authorities to their movements. Relations between the ILO and the government reached new lows by mid-year, when the International Labor Conference in Geneva in June highlighted the government's continued lack of cooperation with the ILO. In the second half of the year, government-affiliated organizations--including the USDA, MWAF, and the War Veterans Organization--carried out a high profile campaign of mass rallies at which the ILO was criticized and the government was urged to sever relations with the international organization. This public condemnation of the ILO and aura of intimidation further constrained the ILO's ability to travel and to implement effectively its mandate. The ILO Liaison received a series of personal death threats, which the government disregarded.

In October the government verbally stated its intention to withdraw from ILO, but did not act on the threat. At the November ILO governing board meeting, members noted the serious deterioration of ILO relations and the forced labor situation. The board called upon the government to ensure the safety of the liaison officer and to allow him to conduct his work effectively. The board also urged the government to stop prosecuting victims of forced labor who bring claims and continue efforts to eliminate forced labor. At year's end, government officials gave verbal assurances of the liaison officer's safety and his ability to resume work.

The ILO office in Rangoon has reported several cases in which the organization's local contacts have been detained and interrogated for providing information to the ILO about forced labor. During the year, Naing Min Kyi, Shwe Man, and Aye Myint were released from prison. In 2003 a court sentenced all three to death in part for having contacts with the ILO and the FTUB (see Section 4). However, on August 28 authorities in Bago rearrested lawyer Aye Myint. He was sent to Bago Prison in late September. On October 31, he was sentenced to seven years imprisonment. The authorities were reportedly displeased with him for providing legal assistance to poor farmers whose land was confiscated without any compensation by Light Infantry Brigade 40.

The family of Win Lwin, who died while performing forced labor in Magway Division in December 2004, filed a case against the government. In October the government sued the villagers and the family's lawyer, saying they supplied false information to the ILO.

On November 5, Aung Myint Thein, died in prison while he was under trial. According to authorities, his father, Myint Thein, 77, confessed during the trial that he and his son had visited Thailand several times to contact the FTUB. After Aung Myint Thein's death, FTUB reportedly verified that he was a member of their group. Myint Thein received an eight-year prison sentence (see sections 1.a and 2.a.).

Forced recruitment of soldiers was widespread. Credible reports indicated that the government would not allow soldiers to leave the army at the end of their enlistment without first recruiting three or four replacements, even if it required forced recruitment. Forced recruitment of police forces followed the same pattern.

The law does not specifically prohibit forced and bonded labor by children, and forced labor by children continued to be a serious problem (see section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

The law sets a minimum age of 13 for the employment of children, but in practice the law was not enforced. Child labor has become increasingly prevalent and visible. Working children were highly visible in cities, mostly working for small or family enterprises. In the countryside, children worked in family agricultural activities. Children working in the urban informal sector in Rangoon and Mandalay often began work at young ages. In the urban informal sector, child workers were found mostly in the food processing, street vending, refuse collecting, light manufacturing industries, and as teashop attendants. According to 2002 official statistics, 6 percent of urban children worked, but only 4 percent of working children earned wages; many were employed in family enterprises.

The law does not specifically prohibit compulsory labor by children, and children were subjected to forced labor. Authorities reportedly rounded up teenage children in Rangoon and Mandalay and forced them into portering or military service (see section 5).

The DSW provided support and schooling for a small number of orphaned children or others who were in some other way estranged from their families. One of the aims of this assistance was to help the children become more capable of resisting exploitation in the future.

e. Acceptable Conditions of Work

Only government employees and employees of a few traditional industries were covered by minimum wage provisions. The minimum daily wage for salaried public employees was \$0.13 (136 kyat) for what was in effect an eight-hour workday. Various subsidies and allowances supplemented this sum. Neither the minimum wage nor the higher wages earned by senior officials provided a worker and family with a decent standard of living. Low and falling real wages in the public sector fostered widespread corruption and absenteeism. In the private sector, urban laborers earned approximately \$0.50 to \$1.00 (500 to 1,000 kyat) per day, while rural agricultural workers earned approximately half that rate. Some private sector workers earned substantially more: a skilled factory worker earned approximately \$3 (3 thousand kyat) per day.

A surplus of labor, a poor economy, and lack of protection by the government continued to foster substandard conditions for workers. The 1964 Law on Fundamental Workers Rights and the 1951 Factories Act 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 state enterprise employees, with overtime paid for additional work. The law also allows for a 24-hour rest period per week, and workers are permitted 21 paid holidays per year; however, in practice such provisions benefited only a small portion of the country's labor force, since most of the labor force was engaged in rural agriculture or in the informal sector. The laws were generally enforced in the government sector, but there were frequent violations by private enterprises.

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

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