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Annual Report on Human Rights 2008 - Burma

Introduction

The human rights situation in Burma deteriorated still further during the course of 2008, particularly towards the end of the year when harsh sentences were given to over 200 democracy activists. The picture continues to be characterised by the persistent denial of almost all fundamental rights, including the ability of Burma's citizens to have any say in the country's future. The referendum on a new constitution in May was deeply flawed, as is the process of which it is part. Despite its natural resources, Burma remains one of the poorest countries in the world, and faces a range of humanitarian challenges. The suffering caused by the regime's economic mismanagement – the trigger for the 2007 Saffron revolution – was made more acute by the effects of the devastating cyclone Nargis in May.

Current concerns

Political prisoners

Despite the release of a small number of political prisoners in August, including the prominent National League for Democracy (NLD) member, U Win Tin, the overall number of political prisoners held in Burma has increased sharply.

During the course of 2008, many political prisoners detained during, or following, the 2007 protests were brought before secret tribunals on a range of charges. Since early November, some 215 have received severe sentences. Many have been dispersed to prisons in remote areas, where conditions are poor and they are unable to draw on the support of their families. Former student activists who had led the 1988 protests – for which they had already served lengthy prison terms – were detained once again in August 2007, and have recently been sentenced to 65 years each. Many monks, lawyers, bloggers and members of the artistic community, including the famous comedian Zarganar, were also given lengthy sentences. The overall number of political prisoners in Burma has increased by around 1,000 over the past year. Daw Aung San Suu Kyi remained under house arrest and the dialogue launched between her and a government liaison representative after the September 2007 uprising was dropped in the first months of the year after only a few meetings.

There were some minor steps forward in 2008. The UN Special Rapporteur on Human Rights in Myanmar, Tomas Ojea Quintana, visited in August and was permitted to meet a handful of detainees inside Rangoon's Insein Prison. But the overall picture remains bleak. We continue to estimate that over 2,000 political prisoners remain in detention.

The regime has resisted all calls for an accurate accounting of those held and the International Committee of the Red Cross has not been permitted to visit any political prisoners since 2005.

Ethnic minorities

Many ethnic minority communities and religious groups in Burma continue to be discriminated against, through failure to protect or respect their cultures and languages, and their inability to practise non-Buddhist religions. In the west of the country the Muslim Rohingya face a range of draconian restrictions on their freedom to travel, marry, study or practise their faith. The Burmese army's regular campaigns in Karen State have left many villages destroyed, causing a significant level of internal displacement. Many members of the Chin community living on the border with India are currently enduring a famine caused by a plague of rats, a phenomenon that affects the region every 50 years but for which the regime had made no preparations. Ethnic groups in Burma are also politically disenfranchised. We emphasise regularly to the Burmese regime, and to countries in the region, the need for the full and fair participation of ethnic nationalities in the political process as key to a durable solution to Burma's problems. There can be little prospect of national reconciliation without genuine recognition of their political, economic and social rights.

Regime roadmap

The Burmese regime has pressed ahead with its political 'roadmap' and resisted all calls to make the process more open and inclusive. On 10 May, 8 days after Cyclone Nargis devastated the Irrawaddy delta, a referendum on a new constitution (that itself was the result of an unsatisfactory process lasting 15 years) was held. After an international outcry, the poll was postponed in the cyclone-affected areas until 24 May. There were numerous reports of voting irregularities and the final result (a 92 per cent approval rate: 93 per cent in the cyclone-affected area) lacked all credibility. The next step in the process will see "elections" held in 2010, which according to the government will result in the emergence of a "disciplined democracy". There is no prospect of this process resolving Burma's longstanding history of poor governance, economic mismanagement and a lack of civic participation. The level of repression and intimidation has escalated. Efforts by the UN during the course of the year to obtain the release of political prisoners and dialogue between government and opposition were consistently rebuffed. Daw Aung San Suu Kyi remains under house arrest. Opposition activists, including members of the NLD, continue to be harassed. Prospects for the establishment of a broad-based dialogue embracing government, opposition and ethnic nationalities remain distant.

Forced labour

A Supplementary Understanding between the ILO and the Burmese government, intended to allow victims of forced labour, including child soldiers, to submit complaints to the ILO liaison officer in Rangoon, remained in place over this period. The Burmese government has passed a law banning forced labour and the recruitment of individuals under the age of 18. Since then, more than 100 complaints have been received and over 50 have been satisfactorily concluded, including through dismissal and reprimand of military officials involved. Overall, however, the arrangement has yet to achieve its full potential. Government co-operation remains fitful. The ILO still faces an enormous challenge in promoting wider awareness of the process, and in eliminating forced labour perpetrated by the military and officials at the local level.

Humanitarian

On 2 May, Cyclone Nargis devastated the Irrawaddy delta area and Rangoon, killing some 130,000 people and leaving thousands more without shelter, land, or any source of food or income. Initial efforts to deliver humanitarian relief to the two million people in need were hampered by government obstruction and an unwillingness to allow an effective international response. The initial response of Burmese civil society organisations,

businesses and individuals was impressive – without them casualties may well have been much higher in the immediate aftermath. However, efforts by Burmese citizens to provide relief were in many cases also restricted and a number of individuals suspected of having foreign support or of providing information to the foreign media were detained. UN Secretary-General Ban Ki Moon visited Burma in late May and secured agreement to the establishment of a mechanism to allow adequate international access to the affected area. Co-operation between the UN, the Association of South East Asian Nations (ASEAN) and the Burmese authorities since then has ensured that aid efforts have been scaled up and a second wave of deaths avoided, although more still needs to be done to meet the longer term needs of those affected.

The UK worked through the UN and other key international partners to put pressure on the Burmese regime to increase the delivery of international aid to victims of the cyclone. Responding to the UN Secretary-General's appeal for maximum support from the international community, Douglas Alexander, the Secretary of State for International Development, attended the UN-ASEAN conference in Rangoon along with other donors. This visit, and an earlier visit to Burma and the region by Minister of State at the FCO, Lord Malloch-Brown, played an important role in supporting efforts to establish an effective international mechanism to allow the delivery of humanitarian relief. The UK was also a major contributor to the relief operation, with a commitment of £45 million – matched only by the USA. This assistance, as in the case with Britain's regular aid programme in Burma (£12 million in 2008-09), was delivered through the UN and international and local NGOs.

UK action

Achieving a more democratic, stable and prosperous Burma remains a priority for the UK. We have continued to play a leading role in pressing for political progress and increased respect for human rights. Under UK chairmanship, the UN Security Council in May issued a presidential statement reaffirming demands for political reform set out in October 2007. This called for the immediate and unconditional release of all political prisoners, the start of a credible process of reconciliation, and co-operation with the good offices of the UN. The Human Rights Council at its March and June sessions, with strong UK backing, adopted without a vote EU-tabled resolutions that were strongly critical of the regime, which a number of Burma's neighbours supported. The EU also presented the most recent UN General Assembly Resolution on the human rights situation in Burma, which was passed on 21 November. Despite an attempt at a 'no action motion' (a procedural attempt to prevent discussion of the issue) by the regime, the resolution was successfully adopted. It criticised the widespread and systematic abuse of human rights in Burma and called on the government to fulfil its obligations to international human rights law.

At the Asia-Europe Summit in Beijing at the end of October, the Foreign Secretary urged Burma's neighbours to do more to promote change. This pressure contributed to a firm statement by the chair on behalf of the 43 countries present, calling on the regime to engage all stakeholders in an inclusive political process in order to achieve national reconciliation. It also called for the lifting of restrictions on political parties and early further release of those under detention.

The UK has continued to play an active role within the EU in support of political progress in Burma. Strengthened EU measures against the regime, agreed following the crackdown on demonstrations last autumn, came into effect on 10 March. Sectors covered are those from which the regime draws significant revenue – timber, gems and precious metals. Through regular public statements and Council Conclusions the EU has helped to keep Burma on the international agenda.

Our aid contribution to cyclone victims had reached over 1 million people. It is being used for a wide range of purposes including food, shelter, clean water supplies, sanitation, health care and support for the logistical effort needed to get assistance to

the people who need it. In addition to our response to the cyclone, DfID has a regular programme for Burma of £12 million in 2008-09, rising to £18 million by 2010-11. It includes support for: the multidonor Three Diseases Fund to fight HIV/AIDS, TB and malaria; primary and pre-school education; the earning capacity of rural families; and civil society organisations. During 2008, DfID agreed an emergency grant of £600,000 to UN agencies and NGOs to enable them to respond to the food crisis in Chin State resulting from rat infestations. DfID continued to provide support to Burmese refugees in camps on the Burma-Thailand border, and to people displaced by conflict inside Burma. Its contribution of £1 million to the Thailand-Burma Border Consortium in 2008-09 was a 30 per cent increase on the sum given last year. Overall, 20 per cent of DfID's programme for Burma benefits people in areas affected by conflict. As the Prime Minister made clear in October 2007, should there be irreversible movement towards political reconciliation, democracy and human rights in Burma, Britain would stand ready – alongside the international community – to support the recovery of Burma with significantly increased aid and other assistance.

On the occasion of Daw Aung San Suu Kyi's 63rd birthday on 19 June, the Prime Minister and President Sarkozy of France wrote an open letter reaffirming the two countries' commitment to her lifelong struggle to achieve democracy in Burma. The letter made clear that her release from house arrest and ability to participate in Burma's political future remained essential for progress.

Within Burma, our Embassy has continued to relay our concerns about human rights abuses directly to the regime. It has also worked to bring the situation inside the country to the attention of the outside world. Where possible, and working under difficult conditions, the Embassy has given practical assistance to those working within the country to achieve greater respect for human rights.

The FCO maintained a regular dialogue with a wide range of stakeholders to help raise awareness of the human rights situation in Burma and to allow campaigners to contribute their views. The 20th anniversary of the August 1988 uprising, in which over 3,000 innocent Burmese people were killed, was marked by an event hosted jointly by the former FCO and DfID ministers Meg Munn and Shahid Malik.

Forward look

The immediate prospects for a transition to democratic rule and an improvement in human rights in Burma remain poor. The UK, working with its partners, remains determined to continue to work towards that goal and will continue to offer firm support to the efforts of the UN to this end. It is also committed to continuing and expanding its work to alleviate the humanitarian crisis within the country.
