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Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Burma

The year 2010 saw the first elections in Burma for 20 years and the release, shortly thereafter, of pro-democracy leader Aung San Suu Kyi. Neither event, however, signified a material improvement in the human rights situation nor a weakening of the military regime's grip on power. Human rights abuses continued to be widespread and severe. Restrictions on fundamental freedoms intensified in the run-up to the November elections and, according to the Assistance Association for Political Prisoners Burma, the number of political prisoners increased to 2,189 by the end of the year. There was also further conflict between the Burmese army and ethnic groups on the Thai/Burma border, prompting thousands more civilians to flee into Thailand.

At the end of 2010, therefore, we had seen no evidence that the elections were intended to bring about greater political openness, genuine democratic reform or increased respect for human rights. The further marginalisation of ethnic and opposition groups may lead instead to increased instability, conflict and an even greater deterioration in the human rights situation.

During 2010, we took every opportunity to make our concerns clear to the Burmese authorities and to Burma's neighbours. Prime Minister David Cameron raised the situation in Burma directly with his counterparts in both India and China, and Foreign Secretary William Hague and other ministers of the Foreign and Commonwealth Office (FCO) have raised UK concerns with their counterparts worldwide.

In the UN, we worked hard to keep Burma on the Security Council agenda, remained in close contact with the UN Secretary-General, and supported his Good Offices Mission to Burma. In November we played an important role in securing the toughest and most comprehensive human rights resolution on Burma to date at the UN General Assembly. We also supported the maintenance of strong targeted EU sanctions against the regime. We will continue to do so in the absence of positive developments on the ground, while providing ongoing assistance to the people of Burma through our significant and increasing programme of humanitarian aid.

Inside Burma, our embassy staff stayed in close contact with ethnic and opposition groups and civil society representatives, as well as UN agencies such as the International Labour Organization. Embassy reporting, for example on the election results and their implications, helped us to bring important issues to the attention of our partners in the international community. Our Embassy also ran a programme of projects with smaller NGOs throughout the country, designed to empower local communities and increase accountability at the grass-roots level.

Our Embassy remained the designated EU liaison point of contact for human rights defenders and promoters. The Department for International Development (DFID) also continued its expanding programme of aid to the Burmese people. Alongside Japan, the UK was the largest humanitarian aid donor to Burma in 2010.

A substantive improvement in the human rights situation in Burma is unlikely in the short to medium term, despite the creation of a nominally civilian government. Democratic and ethnic opposition parties have a very limited voice in the new legislative assemblies. Significant armed ceasefire groups did not participate in the elections and remain outside the political process. Tensions between the Burmese military and the armed ethnic military groups are high and further fighting and instability along the Chinese and Thai borders remains an ongoing concern.

We will continue to highlight human rights concerns directly with the Burmese authorities, including through Burma's Universal Periodic Review in 2011. We will work with Burma's neighbours and through the UN and EU to press for improvements and continue to work to build international support for the UN special rapporteur's call for the UN to consider a Commission of Inquiry into human rights abuses in Burma.

Elections

On 7 November, elections took place in Burma for the first time since 1990. The pre-election period was heavily controlled by the regime. Tight regulations allowed the authorities to deny registration to some parties without explanation and to restrict campaigning and funding sources. The playing field was therefore heavily tilted in favour of the regime-backed Union Solidarity and Development Party. Furthermore, under the new constitution, 25% of the seats in both national and regional parliaments were allocated to military appointees. In some areas of the country, elections were cancelled on security grounds. This effectively disenfranchised around 400,000 people, the majority of whom were from ethnic minority groups.

Although the process on the day was calm and orderly, vote counting was subject to significant manipulation. Large numbers of pre-counted advance votes were delivered to polling stations just as the observed counting of the votes cast on the day was coming to a close. These advanced votes consistently swung the result for the Union Solidarity and Development Party. There were also a number of reports of voter coercion and intimidation.

The official results announced by the regime gave the Union Solidarity and Development Party a landslide victory. The combined Union Solidarity and Development Party-military bloc will control 84% of the total seats in the upper and lower national parliaments and hold an overwhelming majority allowing them to pass or block legislation without opposition or accountability.

We lobbied hard throughout 2010 for the elections to be conducted in a manner that was free and fair. We raised the issue directly with the Burmese regime, as well as with neighbouring countries. William Hague stated on 7 November that "holding flawed elections does not represent progress. For the people of Burma, it will mean the return to power of a brutal regime. The British Government will stand by the people of Burma and will continue to maintain pressure on the regime until we see real progress on democracy, governance and human rights." At the UN General Assembly, supported by extensive reporting from our Embassy in Rangoon, the EU highlighted the flaws in the elections and called for the regime to begin a meaningful dialogue with all political groups, and for a legitimate and accountable system of government based on the rule of law and respect for human rights.

Access to justice

At the end of 2010, 2,189 political prisoners remained in detention in Burma, and trials of political activists were characterised by the denial of legal representation, accounts of torture and mistreatment, and harsh and disproportionate sentences.

The regime exerts control over the judiciary at all levels and manipulates the justice system in pursuit of political ends. Members of the Supreme Court are appointed by the head of the military regime. More generally, ordinary Burmese citizens are unable to seek legal redress for a range of actions by the state, including the confiscation of land to make way for development, or to challenge extortion or violence at the hands of local officials or the military.

Forced labour remains widespread in Burma. The International Labour Organization continued to operate a mechanism to allow individuals to raise complaints with the authorities and a number of cases were referred successfully to the authorities. However, concerns remain about the regime's tendency to view complaints as politically motivated. The International Labour Organization's efforts in 2010 were focused on increasing awareness throughout the country of the complaints mechanism, and encouraging the regime to seek out instances of forced labour (including in the military) rather than relying on complainants to come forward. We worked closely with the International Labour Organization and supported their efforts, including attendance at their Governing Body meetings throughout the year.

At the UN Human Rights Council in March and at the UN General Assembly in November, we urged the Burmese regime to ensure the independence and impartiality of the judiciary and to guarantee due process of law.

Rule of law

In September, the UN Special Rapporteur for Human Rights in Burma reported that crimes against the civilian population in Burma were "widespread and systematic" and that they were perpetrated by representatives of the government within a culture of impunity. We subsequently announced our support for the UN special rapporteur's call for the UN to consider establishing a Commission of Inquiry into human rights abuses in Burma and we worked with international partners to build support for this initiative.

Death penalty

Although no one has been executed under state law since 1988, two Burmese officials were sentenced to death in late 2009. The men were reportedly arrested for leaking confidential information. The death sentences imposed were part of a wave of harsh punishments handed down by Burmese courts as the regime cracked down on dissent ahead of the elections in November 2010.

Prisons and detention issues

The use of torture and inhumane treatment of prisoners of conscience continued throughout 2010. There were numerous accounts of torture, abuse and of prisoners being placed in solitary confinement, denied adequate medical treatment and transferred to remote prisons far from their families. At least 59 political prisoners reported new health problems in 2010, bringing the total number of political prisoners in poor health to at least 142. Two political prisoners held in poor prison conditions died in 2010. Since 2005, the International Committee of the Red Cross has been denied permission to visit prisons unescorted.

We had hoped that a general amnesty before or shortly after the elections would be announced. But this was not the case; indeed election laws required political parties to expel detained members as a condition of registration. Of those currently detained, at least 45 were also in prison at the time of the 1990 elections. Of these, 30 had been held continuously for the entire 20 years.

We have consistently placed a high priority on the release of political prisoners. William Hague raised concerns over political prisoners with the Thai foreign minister in November. Throughout 2010 our Embassy lobbied the Burmese authorities frequently on the issue and we highlighted our concern in the UN General Assembly and at the UN

Human Rights Council. Our Embassy also kept in close contact with local and international organisations supporting political prisoners and their families.

Freedom of expression

The media in Burma continued to be subject to significant censorship in 2010. All publications are required by law to be submitted to the Press Scrutiny and Registration Board for approval. Journalists continue to exercise self-censorship, aware that they otherwise risk imprisonment or having their licences revoked or suspended. The activities of bloggers were closely monitored and the 2004 Electronic Transactions Law allowed the government to imprison those disseminating information deemed critical of the regime. In spite of a pervading fear of monitoring by the state, control over internet use was weak in practice and Burmese citizens with access to the internet could usually find a way round the restrictions. Facebook and other social networking facilities were accessible.

Political parties were not permitted to campaign freely or to set out any policies which were critical of the regime in the run-up to the November elections. Campaign regulations issued in June required parties to request advance permits to give public speeches and banned the use of flags or slogans outside their headquarters. All campaign material, including the content of TV broadcasts, had to be submitted to the state censorship board.

In spite of the deeply flawed nature of the elections, reports suggest that they led to a limited revival in political debate in Burma and a sense that it was safer to talk about politics in public. After her release, national reporting about Aung San Suu Kyi was heavily censored and several newspapers were suspended for publishing her photograph. She was, however, allowed to speak freely about her views to a range of national and international contacts in media, NGO and diplomatic circles.

We supported the inclusion of strongly worded text in resolutions tabled by the EU in the UN General Assembly and the Human Rights Council which called for the government to lift restrictions on the freedom of expression and to end the use of censorship. Locally, we promoted freedom of expression and information through the British Council's English teaching and library and IT facilities. At ministerial level, Minister of State Jeremy Browne raised our concerns about Burma's elections with the governments of Japan, Thailand, the Philippines and Indonesia during his visit to these countries.

Freedom of religion and belief

Burma is a predominantly Buddhist country and the government promotes Buddhism over other religions. However, restrictions on freedom of expression and assembly imposed limits on the religious activities of all faiths, including Buddhists, Muslims and Christians.

Surveillance of the Burmese Buddhist community and individuals, which began following the involvement of Buddhist monks in the protests against rising fuel and food prices in 2007, the so-called Saffron Revolution, continued in 2010. Many monks who were arrested in 2007 remain in prison.

Election laws published in March perpetuated previous restrictions barring members from Buddhist, Christian, and Hindu religious orders from voting and joining political parties.

Women's rights

Women's participation in public life, such as village meetings, continued to be very low, as was their participation in, and access to, social networks. Although the Burmese government has stated its commitment to the Millennium Development Goals and while Burma was on track to meet some gender inequality goals such as school enrolment for girls, women were routinely excluded from decision-making bodies. Gender-based

violence perpetrated by the military continued to be of particular concern, especially in ethnic minority areas on the border affected by conflict.

A National Action Plan for the Advancement of Women was developed through a collaborative process between civil society organisations, international NGOs and the Ministry for Social Welfare, with the aim of securing the approval of the new government in 2011. DFID and our Embassy in Rangoon supported women's groups helping to promote economic empowerment, access to social services and improved gender relations both within Burma and with groups in exile.

Children's rights

In 2010, many children in Burma continued to receive inadequate education, health care or social protection. On average, one in 10 children dies before the age of five and few more than 50% finish primary education. The use of child soldiers continued to be a problem in the Burmese military and in some armed ethnic groups. Many children work, largely owing to poverty. This is despite the UN Convention on the Rights of the Child being one of only two UN human rights conventions ratified by Burma. The Burmese authorities continued to allow UNICEF and a number of NGOs, such as Save the Children, to operate large programmes in Burma.

We promoted children's rights through direct support from DFID and our Embassy to national and international NGOs working in Burma, and to UN agencies, including the International Labour Organization. We raised the use of children in armed conflict in Burma in the UN Security Council and supported robust language on the issue in the resolution on Burma at the UN General Assembly.

Minorities and other discriminated groups

Burma has a diverse population with around two-thirds of the people considered to be Burman and the other third belonging to one of the many ethnic groups of Burma. Since independence, the government has promoted a pro-Burman, pro-Buddhist approach in its policies, and many ethnic minorities have felt that their culture, language and land were under threat from "Burmanisation". There were reports of land confiscation, the promotion of education in Burmese rather than local languages, restrictions on religious practices, and the authorities' control over cultural practices such as the Kachin New Year. In conflict areas, there were reports of rape, forced labour, multiple taxation and child military recruitment.

The treatment of the Rohingya Muslims in Northern Rakhine state in 2010 remained of particular concern. The Rohingya continued to face restrictions on their freedom of movement and related restrictions on finding employment and the right to marry. The authorities continued to refuse to issue birth certificates to Muslim children, denying them citizenship which has led to further discrimination in access to health services, education and employment. The resulting hardship has caused the migration of thousands of Rohingya refugees across the border to Bangladesh, and from there to other countries in the region.

A number of ethnic parties participated in the elections, mainly in the regional parliaments. They intend to take up their seats in the hope that they will be able to promote ethnic agendas, while acknowledging that the election process was not free or fair.

We regularly raised the need for dialogue with ethnic groups and for a just and inclusive political settlement. We also raised our concerns in the UN General Assembly in November about the marginalisation of ethnic groups, including the Rohingya, resulting from the regime's border guard force policy, their rejection of specific ethnic parties who wished to register to participate in the 2010 election, and the cancellation of the elections in some ethnic areas. Minister of State at the Department for International Development Alan Duncan raised concerns over the Rohingya with the Bangladeshi foreign minister in July 2010 and Minister of State Jeremy Browne underlined his

concerns with the Thai and Malaysian foreign ministers at the EU-ASEAN summit in May.

Conflict

Discrimination, poverty and governmental neglect have fuelled decades of conflict and insurgency in ethnic areas. A ceasefire policy has been pursued by the regime since 1989, but insurgencies have continued in several border areas and groups who agreed to ceasefires have maintained their arms. During 2010, there was heightened tension in ethnic areas due to the regime's attempt to subsume the military wings of ceasefire groups into a border guard force under Burmese army control. At the end of the year, three ceasefire groups, including the Kachin and Wa, had not agreed to join the force and the situation remained tense.

Fighting between the Burmese military, the Democratic Karen Buddhist Association and a Democratic Karen Buddhist Association splinter group continued sporadically. On the day of the election, an outbreak of fighting led an estimated 20,000 refugees to flee across the border to Thailand.

Skirmishes between the Burmese army and the Karen National Union/Liberation Army continued throughout 2010. These were often localised, but occasionally they escalated into more prolonged clashes and further displacement of civilians.

We continued to emphasise the need for dialogue and for a viable political settlement addressing the aspirations and concerns of Burma's ethnic groups.

Protection of civilians

In 2010 we received a number of reports that the Burmese military had targeted civilians in border areas where ethnic conflict is ongoing. Since 1996, around 1 million people have been displaced within Burma. Half of these were from the eastern border area. Hundreds of thousands of others have fled to neighbouring countries, including Thailand, India and Bangladesh.

Abuses by the military, documented by the UN special rapporteur in his September report, included military recruitment of children, forced portage including in landmined areas, forced labour on heavy construction projects, and rape and sexual violence. Armed ethnic minority groups were also reported to be responsible for planting landmines and demanding financial and other support from civilians in conflict areas.

We raised the protection of civilians in Burma in July and October during debates in the UN Security Council. We condemned these alleged abuses and called on the regime to begin a meaningful dialogue with ethnic groups.

Other issues: Civil society

In the absence of basic state service provision, a small but energetic civil society has emerged. Networks of organisations with common goals have developed and are building a role for civil society advocacy at local and national levels. Civil society groups have encouraged the establishment of governance structures and democratic norms at community level. In 2010, civil society groups worked with the Burmese government to report to the UN Universal Periodic Review of human rights in Burma, and helped draft a National Action Plan for the Advancement of Women. They also worked at local level to enable international and local aid programmes to support communities in need. They played a key role in building awareness of citizens' rights in the election process; facilitated mediation efforts and local protection strategies in ethnic and conflict areas; and promoted awareness of the social and environmental impact of major infrastructure projects. The Burmese government's relationship with civil society representatives continued to be complex. They viewed some NGOs as threatening, but worked with others to develop national strategies in certain areas, for example, on women's advancement and HIV/AIDs.

DFID and our Embassy reinforced civil society activity through capacity building and organisational development support for local NGOs. The British Council implemented a project funded by the FCO's Strategic Programme Fund to build NGO leadership capacity, as well as other skills. The Chevening Fellowship continued to be a valuable tool in developing a cadre of civil society leaders with an understanding of UK values.
