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2009 Human Rights Report: Burma

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR
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Burma, with an estimated population of 54 million, is ruled by a highly authoritarian military regime dominated by the majority ethnic Burman group. The State Peace and Development Council (SPDC), led by Senior General Than Shwe, was the country's de facto government. Military officers wielded the ultimate authority at each level of government. In 1990 prodemocracy parties won more than 80 percent of the seats in a general parliamentary election, but the regime continued to ignore the results. In May 2008 the regime held a referendum on its draft constitution and declared the constitution had been approved by 92.48 percent of voters, a figure no independent observers believed was valid. The constitution specifies that the SPDC will continue to rule until a new parliament is convened, scheduled to take place following national elections in 2010. The military government controlled the security forces without civilian oversight.

The regime continued to abridge the right of citizens to change their government and committed other severe human rights abuses. Government security forces allowed custodial deaths to occur and committed extrajudicial killings, disappearances, rape, and torture. The government detained civic activists indefinitely and without charges. In addition regime-sponsored mass-member organizations engaged in harassment, abuse, and detention of human rights and prodemocracy activists. The government abused prisoners and detainees, held persons in harsh and life-threatening conditions, routinely used incommunicado detention, and imprisoned citizens arbitrarily for political motives. The army continued its attacks on ethnic minority villagers. The government sentenced Aung San Suu Kyi--general secretary of the country's independence movement, the National League for Democracy (NLD)--to 18 additional months of house arrest for violating the terms of her confinement. The government routinely infringed on citizens' privacy and restricted freedom of speech, press, assembly, association, religion, and movement. The government did not allow domestic human rights nongovernmental organizations (NGOs) to function independently, and international NGOs encountered a difficult environment. Violence and societal discrimination against women continued, as did recruitment of child soldiers, discrimination against ethnic minorities, and trafficking in persons, particularly of women and girls. Workers' rights remained restricted. Forced labor, including that of children, also persisted. The government took no significant actions to prosecute or punish those responsible for human rights abuses.

Ethnic armed groups and some cease-fire groups allegedly committed human rights abuses, including forced labor and recruitment 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

There were numerous reports the government or its agents committed arbitrary or unlawful killings. The government rarely punished officials responsible for the deaths. During the year there were reports of killings in connection with conflict in Shan and Karen states (see section 1.g.).

In May in Rakhine State, government troops reportedly killed two Rohingya attempting to cross the Naff River into Bangladesh.

In May in Magwe Division, military agents killed army sergeant Myint Soe during interrogation regarding the theft of firearms and ammunition from a military armory.

In November in Bago Division, Win Maung reportedly died one day after police interrogated him regarding a theft case. A police agent declared officials would investigate the incident.

In 2008 security forces killed several persons in their custody; however, at year's end no officials had been held accountable. For example, there were no developments in the killings by soldiers and riot police of at least 40 inmates at Insein Prison in May 2008. The government did not investigate or punish those responsible for other custodial deaths in 2008, including the following persons, all of whom died during interrogation: Zawmir Uddin in Rakhine State in February, a medical worker in Khawzar police station in Mon State in May, and a man at Magwe police station in June.

The government took no action to investigate or punish those responsible for extrajudicial killings of at least 30 persons during the regime's violent suppression of peaceful prodemocracy demonstrations in 2007, including Buddhist monk U Thilavantha and Japanese photojournalist Kenji Nagai. Additionally, the government did not investigate or punish those responsible for custodial deaths in 2007, including the following cases: Maung Chan Kun, Lin Lin Naing, Ko Naing Oo, NLD member Win Shwe, and Ko Ko Win.

The government took no action to investigate or take 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. As many as 70 persons were killed in the incident, and the whereabouts of 31 persons who disappeared remained unknown.

b. Disappearance

Private citizens and political activists continued to "disappear" for periods ranging from several hours to several weeks or more. Such disappearances generally were attributed to authorities who detained individuals for questioning without informing family members and to the army's practice of seizing private citizens for portering or related duties, often without notifying family members. Military forces routinely ignored requests by family members for information. There were reports of disappearances during the year in connection with conflicts in Shan and Karen states (see section 1.g.).

Ko Naing Ngan Lin, an NLD youth member, disappeared in the last week of June after leaving an Internet cafe in Rangoon. His whereabouts were unknown for four months, until he reappeared at the beginning of November. Family members said he had been held at the Aung Tha Pyay police guest house.

During October 26-27, authorities arrested seven members of Lin Let Kye (Shining Star), a group formed in May 2008 to assist in the Cyclone Nargis relief effort. At year's end the whereabouts of the seven and the reason for their arrest were unknown.

According to an NGO, more than 10 other persons, including entertainers, writers, and press workers, were arrested in October. There was no information on their whereabouts or the reason for their arrest.

The whereabouts of persons seized by military units to serve as porters, as well as of 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.

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. Security forces routinely subjected detainees to harsh interrogation techniques designed to intimidate and disorient. As in previous years, authorities took little or no action to investigate the incidents or punish the perpetrators. There were reports of physical abuse, torture, and rape in connection with conflicts in Shan and Karen states (see section 1.g.).

Between April 10-19, during the annual Thingyan water festival and Burmese New Year, thugs assaulted five NLD members, reportedly on order from the regime, in four separate incidents. At year's end police had not investigated the attacks.

Former political prisoners released in September claimed the government subjected them to eight different types of torture—ranging from forced squatting for prolonged periods of time to electric shocks—during interrogation to extract confessions or intimidate. They also complained of inedible food, beatings, and unsanitary conditions leading to severe health problems. Many were held in solitary confinement and forced to share an eight-by-eight-foot cell with up to three other prisoners with only a bucket to use as a toilet.

Monks in particular allegedly were subjected to cruel treatment. Many monks held since 2007 for participating in the September 2007 prodemocracy protests against the regime were defrocked and forced to eat three meals a day (monks generally do not eat after midday). Authorities beat, sometimes severely, those who resisted.

The armed forces reportedly 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 and clean water, and mistreatment that at times resulted in death. For example, in Chin State throughout the year there were reports the government army forced villagers to fence an army camp with bamboo sticks and transport army rations and supplies. The government took no action against those responsible.

Prison and Detention Center Conditions

Prison and labor camp conditions generally were harsh and life threatening. Prison food, clothing, and medical supplies were scarce and of poor quality. Bedding often was inadequate, sometimes consisting of a single mat or wooden platform on the floor. In many cases family members of prisoners, who generally were allowed one or two visits per month, supplemented prisoners' official rations of medicine and basic necessities. According to the Thailand-based Assistance Association for Political Prisoners (Burma), authorities sent more than 200 political prisoners to remote prisons located hundreds of miles from their families.

The Department of Prisons operated a reported 42 prisons and more than 100 labor camps. According to the Asian and Pacific Conference of Correctional Administrators, in 2008 there were approximately 65,000 male and 9,100 female prisoners. Pretrial detainees were held together with convicted prisoners. Former prisoners complained of being held in aging physical structures, which received no maintenance and were infested with rodents, bacteria, and mold.

The government denied prisoners adequate medical care, although medical services in prisons partially reflected the poor health care services available to the general population. Collective reports from three dozen prisons indicated hepatitis B and amoebas were the most prevalent medical problems. Prisoners also suffered from various diseases, including malaria, heart disease, high blood pressure, and stomach problems—the result of unhygienic conditions and spoiled food.

HIV/AIDS infection rates in prisons reportedly were high due to communal use of syringes for medical injections and sexual abuse by infected prisoners. One former political prisoner claimed the annual budget for medical supplies in the prison where he was incarcerated was 50,000 kyat (approximately \$50). There were no medical doctors or trained health-care professionals on staff at several prisons. Prison officials took common criminals to the local hospital for treatment but were required to seek authorization from higher authorities before allowing political prisoners to seek medical assistance outside the prison. Political prisoners waited days to receive medical treatment for life-threatening conditions and several months for treatment of chronic and urgent problems. According to a political prisoner released during the year, approximately three prisoners per month in one particular prison died due to the prison conditions.

On April 7, there were reports the health of political prisoner Su Su Nwe, who suffered from a congenital heart problem, was deteriorating. The regime allowed her to be treated by a general practitioner but not a specialist. In July she reportedly was placed in solitary confinement for three days after singing an anthem composed by Min Ko Naing to mark Martyr's Day. Authorities moved her to the remote Hkamti Prison, reportedly as further punishment for her act.

On April 16, the comedian/activist Zarganar, arrested and sentenced in 2008 to 59 years for speaking to foreign media about the situation of the persons left homeless after Cyclone Nargis, reportedly lost consciousness for approximately three hours, but prison officials did not permit him to see a doctor until two days later. He also reportedly suffered from acute symptoms of jaundice and hypertension for more than a week before receiving medical care.

In May the group Burma Democratic Concern expressed serious apprehension about the health of Myo Yan Naung, to whom prison authorities allegedly denied treatment. Myo Yan Naung became paralyzed in 2007 when authorities severely tortured him during interrogation.

In January the parents of Kay Thi Aung reported that in December 2008 she suffered a second-trimester miscarriage in O Bo Prison. Arrested in September 2008, she was serving a 26-year sentence for allegedly crossing the border and maintaining contact with illegal organizations.

On December 23, political prisoner Tin Tin Htway, the former NLD member who was arrested in 2007 for her involvement in the monk-led protests, died of a brain aneurysm. She suffered from heart disease and hypertension and was denied adequate medical treatment for her condition after her arrest, although she was transferred to a hospital outside the prison compound before her death.

The government did not permit media and other independent groups to monitor prison conditions. The government continued to deny the International Committee of the Red Cross (ICRC) unfettered access to prisons. As a result the ICRC could not follow the cases of more than 4,000 detainees, including minors, foreigners, and sick and elderly prisoners. The ICRC's mandate was limited to supporting family visits to detainees and providing physical rehabilitation for landmine victims and other persons with disabilities.

d. Arbitrary Arrest or Detention

The law does not prohibit arbitrary arrest or detention, and the government routinely employed both practices. The law allows authorities to extend sentences after prisoners have completed their original sentence, and the government regularly used this provision. The 1975 State Protection Law allows authorities to order detention without charge or trial of anyone they believe is performing or might perform any act that endangers the sovereignty and security of the state or public peace and tranquility.

Role of the Police and Security Apparatus

The Myanmar Police Force falls administratively under the Ministry of Home Affairs. Military Security Affairs (MSA) officers and Special Branch (SB) police officers are responsible for detaining persons suspected of "political crimes" perceived to threaten the government.

Security forces maintained a tight grip on inhabitants, due in large part to the fear imposed by arbitrary detention, and also through threats to an individual's livelihood, such as ordering small businesses to close.

Police corruption and impunity were serious problems. Police typically required victims to pay substantial sums for crime investigations and routinely extorted money from the civilian population. There are no effective legal mechanisms available to investigate security force abuses. The government took no significant measures to reform the security forces.

Arrest Procedures and Treatment While in Detention

By law warrants for searches and arrests are required; however, the MSA and police have special authority to conduct searches and make arrests at will. The law permits a court to detain persons without charge for up to two weeks, with the possibility of a second two-week extension. However, authorities frequently and arbitrarily extended detentions beyond this period, sometimes up to a year, without producing the detainees before a judge or informing persons of the charges against them. The government often held persons under the Emergency Act of 1950, which allows for indefinite detention.

Bail was commonly offered in criminal cases, but it was rarely allowed for political prisoners. The government regularly refused detainees the right to consult a lawyer and occasionally imprisoned or detained lawyers.

The government continued to use incommunicado detention and often failed to inform detainees' relatives of detentions until much later.

In January police arrested Nyi Nyi Aung of Sagaing Division and four others and detained them until April; they were accused of having attempted to establish an antigovernment organization. Police allegedly presented no legitimate evidence to support the charge.

On February 27, police in Bago Division reportedly arrested three women and three girls and accused them of running an illegal lottery ring. One of the girls was judged to be under 15 years old and transferred to the juvenile justice system; the other two, also under 15, and the three women were held without bail or access to legal counsel. They were later tried and sentenced to 12 months' imprisonment with hard labor.

On September 24, a Magwe court sentenced U Aye Myint to two years' imprisonment for threatening to injure a public servant. In August U Aye Myint, a lawyer active in land rights cases for farmers, confronted a forest manager for having filed a criminal complaint against two villagers who cut down trees on land confiscated from them. The judge claimed it was up to the defense to prove no threat was made, rather than for the prosecution to prove the case.

During the year the regime detained numerous prodemocracy and human rights activists and several top opposition leaders (see Political Prisoners and Detainees). Other activists wanted by the regime remained in hiding or self-imposed exile at year's end.

House arrest was a common form of detention, usually reserved for high-profile political prisoners.

Amnesty

In February the government released 6,313 prisoners, including 19 political prisoners. On September 18, the government released 7,114 prisoners, including an estimated 127 political prisoners.

e. Denial of Fair Public Trial

The judiciary is not independent of the government. The SPDC appoints justices to the Supreme Court, which in turn appoints lower court judges with SPDC approval. These courts adjudicate cases under decrees promulgated by the SPDC that effectively have the force of law. The judiciary system includes courts at the township, district, state, and national levels. While separate military courts for civilians do not exist, the regime frequently directs verdicts in politically sensitive trials of civilians.

Supreme Court justices and senior officials in the Office of the Attorney General allegedly were most often responsible for passing along and enforcing the orders of the military rulers. The outcome of the August trial of Aung San Suu Kyi on grounds that she violated the terms of her house arrest was predetermined by the government. On August 11, the Rangoon District Court convicted Aung San Suu Kyi and sentenced her to three years in prison. On August 10, a day before the court rendered the verdict, Senior General Than Shwe issued an executive order commuting the sentence to 18 months' house arrest.

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 remain formally in place, the court system and its operation were seriously flawed, particularly in the handling of political cases. The misuse of blanket laws—including the Emergency Provisions Act, Unlawful Associations Act, Habitual Offenders Act, Electronic Transactions Law, Video Act, and Law on Safeguarding the State from the Danger of Subversive Elements—as well as the manipulation of the courts for political ends continued to deprive citizens of the right to a fair trial and to stifle peaceful dissent. Executive Order 5/96, which provides for the arrest of any person deemed a threat to the National Convention and the "roadmap to democracy," effectively suppressed open debate among citizens. Pervasive corruption further served to undermine the impartiality of the justice system.

Trial Procedures

The 2000 Judiciary Law provides for the right to a fair trial, but it also grants broad exceptions, in effect allowing the regime to violate these rights at will. In common criminal cases, the court generally respected some basic due process rights, whereas there was a fundamental lack of due process in most politically sensitive cases.

Defendants do not enjoy a presumption of innocence. Juries are not used in trials. Defendants have the right to be present at their trials. In political cases defendants were rarely given timely access to an attorney. By law the government is not obligated to provide an attorney at public expense except in death penalty cases. Defendants and their attorneys were given access to government-held evidence relevant to their cases only after charges were made and when the case was put before the court.

Common criminal cases were open to the public. Defense attorneys in criminal cases generally had 15 days to prepare for trial. However, this 15-day delay did not always apply in political cases. Even when lawyers of political activists were allowed the 15 days to prepare their clients' cases, they often were not allowed to present arguments on the day the case was tried in court. Instead, in some instances the court sentenced their clients immediately upon entering the courtroom, without arguments. Attorneys could call witnesses, cross-examine them, and examine evidence. However, their primary function was not to disprove a client's guilt, which was usually a foregone conclusion, but rather to bargain with the judge to obtain the shortest possible sentence for the client.

Political trials normally were not open to family members or the public. NLD members and other prodemocracy activists generally appeared able to retain the counsel of lawyers without fear the lawyers might be imprisoned; however, lawyers were not always given the opportunity to mount a proper defense. They often were denied adequate access to their clients

before trial, were not informed when trials would begin, and occasionally were not allowed to attend their clients' trials. Reliable reports indicated senior government authorities dictated verdicts in political cases, regardless of the evidence or the law.

Persons complained they were not informed of the arrests of family members in a timely manner, not told their whereabouts, and often denied the right to see them and attend court hearings. One father said police took his son for questioning and did not allow him to return home. After three weeks the father was granted limited access to see his son and was allowed to attend his son's trial until the judge revoked the defense lawyer's powers, effectively ending the trial. In another case the mother of a law student complained her son was given a 13-year sentence but was not allowed to have a defense lawyer.

The penal code allows the government to render excessive sentences against political activists. For example, article 505 of the penal code allows authorities to impose two-year prison terms on anyone who publishes material likely to cause alarm. Another provides an unspecified prison term for spreading rumors. In addition, the regime often prosecuted political prisoners under the Emergency Provision Act, Law to Safeguard the State Against the Dangers of Those Desiring to Cause Subversive Acts, Television and Video Act, Unlawful Association Act, Electronic Transactions Law, and Law Relating to the Forming of Organizations.

The government routinely extended 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 by two months on six separate occasions, for a total extension of up to one year. SPDC Chairman Senior General Than Shwe can unilaterally extend or shorten a period of detention, as he has with detained opposition leader Aung San Suu Kyi.

The law provides those convicted of crimes with the right of appeal, and there is a multistage appeals process; however, in most appeal hearings the verdicts were upheld.

Political Prisoners and Detainees

Human rights observers reported at year's end there were more than 2,000 "security detainees," including political prisoners, violators of state security laws, and those accused of fostering religious disturbances. Because the government usually charged political detainees with criminal offenses, it denied holding any political prisoners. Despite government assertions, a vast majority of these prisoners were not believed to have engaged in any violence, theft, or other common crimes.

According to media reports, on January 15, authorities detained Pho Phyu, who had reported labor rights violations to the International Labor Organization (ILO) on behalf of a group of farmers. In April or May, Pho Phyu was sentenced to four years in prison for allegedly taking part in an illegal organization of lawyers. Zaw Htay, the facilitator in the farmers' case, reportedly took photographs of the land involved in the dispute and sent a video to the Democratic Voice of Burma, a nonprofit media organization outside the country, which showed it on foreign television. Zaw Htay was convicted of violating the Official Secrets Act and sentenced to 10 years in prison. On January 16, another human rights lawyer was arrested for confronting an immigration official over the issuance of a registration form to a local monk.

On April 22, authorities arrested Twantay Township NLD Vice President Chit Phay and NLD member Maung Soe Wai after they led a Buddhist prayer meeting at a local pagoda to call for the release of Aung San Suu Kyi and all other political prisoners. They were each sentenced to an 18-month prison term for defaming religion.

On May 13, authorities transferred Aung San Suu Kyi and two of her aides from her house to a guest house on the Insein Prison compound, where they were charged with violating the terms of her house arrest after an uninvited foreigner entered her home. On August 11, the government convicted her of the charges and returned her to house arrest for an additional 18 months. On October 2, the Rangoon Divisional Court rejected the appeal of her conviction. At year's end the Supreme Court had agreed to hear Aung San Suu Kyi's appeal but had not scheduled oral arguments.

In August authorities detained at least 50 persons who had gathered near Insein Prison after the announcement of the verdict of Aung San Suu Kyi's trial, allegedly to preserve the peace. Riot police, security forces, and Swan Arr Shin militia detained the persons, mostly NLD members, but later released them with a warning not to return to the streets.

On October 3, SB police arrested four female activists--NLD member Naw Ohn Hla, Myint Myint San, Ma Cho, and Cho Cho Lwin--after they returned from offering alms to monks at Magwe monastery in a suburb of Rangoon. Naw Ohn Hla was the organizer of the Tuesday Prayer Group, a collection of prodemocracy activists who visited Rangoon's Shwedagon Pagoda every Tuesday to pray for the release of Aung San Suu Kyi and other political prisoners. At year's end the four were in custody while their trial continued.

On October 13, the media reported the government sentenced four political activists--Ashin Sandimar, Kyaw Zin Min, Wunna Nwe, and Zin Min Shein--for violating the explosives and unlawful association law. Another seven--Saw Maung, Aung Moe Lwin, Moe Htet Nay, Tun Lin Aung, Zaw Latt, Naing Win, and Tun Lin Oo--received five years for violating the unlawful association law.

On October 26, Ko Tin Htut from North Okkalapa Township in Rangoon Division was sentenced to 15 years' imprisonment for carrying a poster calling for the release of all political prisoners.

During the year authorities handed down sentences for previously arrested political detainees. On January 3, the regime sentenced Bo Min Yu Ko, a member of the Mandalay branch of the All Burma Federation of Student Unions who was arrested in September 2008, to 104 years in prison. In February Kyaw Ko Ko, leader of the same student union federation

who was arrested in March 2008, received three years' imprisonment.

On February 13, NLD parliamentary members-elect Tin Min Htut and Nyi Pu, arrested in August 2008, were sentenced to 15 years' imprisonment. Both were cosignatories of a letter addressed to the UN Secretary-General expressing concern over the 2008 constitution.

Ye Min Oo, Ye Myat Hein, Kyi Phyu, and Si Thu Maung, convicted in November 2008 of sedition after participating in the 2007 prodemocracy protests and sentenced to terms ranging from five to six and one-half years, remained in prison. Aung Kyaw Oo, also a participant in the 2007 protests, remained in prison serving a term of four and a half years. Human rights observers believed Si Thu Maung remained in detention at year's end.

Members of the group Generation 88 Students, Min Ko Naing, Ko Ko Gyi, Kyaw Min Yu, Mya Aye, Aung Thu, Min Zeya, and Myo Aung Naing, sentenced in November 2008 to 65 years' imprisonment, remained in prison. Fellow member Tin Htoo Aung, sentenced to 33 years' imprisonment, also remained in prison, as did Nilar Thein, sentenced to 65 years. Generation 88 Students members Zeya, Kyaw Kyaw Htwe (Markee), Panneik Tun, and Zaw Zaw Min, sentenced in November 2008 to 65 years, remained in prison. Phone Cho, Arnt Bwe Kyaw, Htay Kywe, Thet Zaw, Sandar Min, and Nyan Lin, arrested and convicted in 2007, also continued to serve 65-year sentences. Zaw Htet Ko Ko remained in custody at year's end, serving a 12-year term in Taunggyi Prison in Shan State.

Zaw Thet Htwe, sentenced in June 2008 to 19 years under the Electronics Act, continued to serve his prison term, reduced to 15 years on appeal. Monk U Gambira, sentenced in November 2008 to 68 years' imprisonment, also remained in prison.

Human rights activists Myo Min, sentenced to eight years for illegally crossing the border and violating the Unlawful Associations Act, and Myint Aye, sentenced to 28 years for conspiracy to commit bombings, continued to serve their prison terms following their convictions in November 2008.

Numerous prodemocracy and human rights activists arrested in 2007 were formally sentenced to prison terms during the year.

NLD members Ko Kyi Phyu, Aung Min Naing, Ko Wunna Aung, and Ko Tin Mying, sentenced in 2007 to terms ranging from two and a half to six and a half years, remained in prison. Human rights observers believed several other NLD members arrested in 2007 remained in detention without conviction at year's end, including Ko Ye Min Zaw, Ko Soe Khine, Shwe Maung, Ko Myo Khin, Ko Tun Myint, Ko Tin Oo Maung, Thin Gan Gyun, Ko Phyo Min Kyin, Ko Tin Zaw Oo, Ko Law Lwin, Ko Taw Taw Aung, and Ko Ye.

Myanmar Development Committee leader Htin Kyaw, sentenced in 2008 to 12 years' imprisonment, and human rights activists Aung Zaw Oo and Win Maw, sentenced in 2008 to 12 years and two years, respectively, remained in prison. Human rights observers believed several of Htin Kyaw's supporters remained in detention at year's end, including Zaw Nyunt, Ko Han, and Han Ti.

Human rights observers believed prodemocracy activist Myat San, who was arrested in 2007, remained in detention at year's end. They also believed the leader of the Maggin Monastery, Sayada Aindakaat, remained in detention, as well as other monks arrested in 2007, including Sanda Wara.

The government extended the house arrest of NLD Vice-Chairman U Tin Oo for another year in February. U Tin Oo has been detained since May 2003 without trial.

The whereabouts of several persons detained in during 2007-2008, including Aung Htun, Myat Thu, and Aung Kyaw San, remained unknown; human rights observers believed they continued to be detained without charge. The whereabouts of Khun Maung and several others could not be verified.

Civil Judicial Procedures and Remedies

Civil judicial procedures and remedies existed in principle, but in practice there was no assurance a complainant would receive a fair hearing.

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

The Land Acquisition Act protects the privacy and security of the home and property. There were no laws protecting correspondence or other communications of citizens. Through its intelligence network and administrative procedures, the government systematically monitored the travel of citizens and closely monitored the activities of those known to be active politically.

Forced entry without a court order is illegal.

The law requires that persons who intend to spend the night at a place other than their registered domicile must inform local Peace and Development Council authorities in advance. Any household that hosts a person not domiciled there must maintain a guest list and submit it to authorities. Ward-level officials continued unannounced nighttime checks of residences for unregistered visitors. Authorities in Rangoon Division continued sporadically to require households to have "family photographs" taken for government agents to use when conducting nighttime checks of residences. Households subjected to this requirement were required to pay for the cost of their photographs, usually at significantly higher than market rates, and permanently display in their homes the photographs of authorized residents.

Security personnel regularly screened private correspondence, telephone calls, and e-mail.

The government continued to control and monitor closely the licensing and procurement of all two-way electronic communication devices. Possession of an unregistered telephone, fax machine, or computer modem is punishable by imprisonment. Users of unregistered cordless telephones face up to three years in prison and a heavy fine. Use of unregistered radios is also punishable by a fine and imprisonment.

Activists and politicians reported routine monitoring of their movements.

The government reportedly continued its practice of conscripting members of ethnic minorities for service as military porters in Bago Division and in Chin, Karen, Kachin, Kayah, Rakhine, and Shan states.

Government employees generally were prohibited from joining or supporting political parties; however, this proscription was applied selectively. The government used coercion and intimidation to induce persons, including nearly all public-sector employees and many students, to join the government's mass mobilization organization--the Union Solidarity and Development Association (USDA)--the government-backed Myanmar Women's Affairs Federation (MWAF), and the Myanmar Maternal and Child Welfare Association, and attend meetings in support of the regime. The government also used coercion to entice or force members of the NLD and other opposition parties to resign, and it publicized the coerced resignations in government media.

The law does not permit private ownership of land; the government can confiscate the land of individuals at any time. Weak private property rights and poor land ownership records facilitated involuntary relocations of persons by the government, especially in rural areas.

The media reported that in May authorities in Rakhine State seized 150 acres of farmland to set up an oil terminal after promising to pay compensation. At year's end the villagers had not received any compensation.

In 2008 there were reports of forced relocations, often accompanied by executions, rapes, and demands for forced labor to build infrastructure. While more frequent in rural areas, reports of forced relocation in urban areas also existed. There were numerous reports government troops looted and confiscated property and possessions from forcibly relocated persons or persons who were away from their homes. The practice was particularly widespread in Shan, Kayah, and Karen states, and in areas of Mon State and Bago Division. The government made no attempts to punish offenders or compensate victims for their losses.

The government routinely confiscated food, cash, and other property from civilians. Military personnel routinely confiscated livestock, fuel, food supplies, money, and other items. Such abuses were widespread.

Marriages between female citizens and foreigners are banned, and the government ordered local attorneys not to be witnesses to such marriages; however, the ban was not widely enforced.

The government punished family members for alleged violations by individuals.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Ethnic insurgent groups continued to battle the government for autonomy or independence, including the Shan State Army--South; the Karenni National Progressive Party; and the Karen National Union, through its armed wing, the Karen National Liberation Army. In ethnic minority regions, military personnel reportedly killed and raped civilians, shelled villages and burned homes, destroyed food and seized possessions, confiscated land, forced villagers to work on infrastructure projects, and demanded villagers provide food and construction materials for military camps.

In June a reported 4,000 Karen fled to Thailand after attacks by a joint force of the army and the government-allied Democratic Karen Buddhist Army soldiers. In July approximately 500 Karen fled into the jungle without food, water, or medicine after similar attacks launched by the army.

From August 27-29, government soldiers attacked the Kokang ceasefire group, the Myanmar National Democratic Alliance Army. Press reports claimed tens of thousands of civilians fled to China as a result of the fighting. Government soldiers destroyed several villages in Shan territory; some media estimates suggested the army razed up to 500 homes in Kokang territory. On August 31, the government declared 26 government troops and eight Kokang militants were killed during the attack, which the government claimed was to shut down narcotics and arms factories.

Killings

In May in Shan State, government troops reportedly summarily executed two villagers who were detained after a joint Karen National Liberation Army/Pa-O National Liberation Army attack on government forces.

On June 17, government army soldiers from Light Infantry Battalion 205 in Hpa An District on the border with Thailand reportedly raped and killed two Karen girls. The girls, ages 17 and 18, reportedly were attacked after their husbands fled into the jungle to avoid being forced to work as porters for the government army.

In July government authorities gave 500,000 kyat (approximately \$500) and food to compensate the family of a 15-year-old girl who was raped and killed by government soldiers in Kachin State. Although eyewitness accounts suggested other soldiers were involved in the incident, only one soldier was convicted of murder. No rape charges were filed.

According to reports from Wan Kart villagers who fled to Thailand, on August 3, government soldiers beheaded Nang Hsoi, whom they believed to be the wife of a Shan State Army (South) fighter.

According to an NGO report, in August, as part of a campaign to cut food, funds, intelligence, and recruits to the armed resistance by the local populace, the government army forcibly relocated hundreds of villagers after razing houses in three townships in Shan State. During the forced relocation, authorities reportedly beat and killed villagers; others sought safety by hiding in the jungle.

On September 8, the media reported the rape and murder of a 14-year-old girl by a group of policemen in Shan State. Police then allegedly arrested, detained, and tortured seven innocent persons, including some of those who found her body. Police also threatened the victims' relatives to prevent the perpetrators from being tried.

According to the most recent data available, 47 persons died and an estimated 400 were injured by landmines in 2007.

In 2008 there were unverified reports of deaths and injuries caused by security forces using civilians to clear landmines, particularly in Karen State, where the army continued attacks against ethnic villages.

Disappearance

There were reports of disappearances during government army attacks in Shan and Karen states. Observers believed many persons were killed and others fled to the border.

Physical Abuse, Punishment, and Torture

The Thailand-based Karen Women's Organization documented more than 4,000 cases of abuse over the past few years. The abuses included rape, killings, torture, and forced labor in more than 190 villages by government troops from more than 40 government army battalions.

On August 5, the media reported the rape of a 15-year-old girl in Shan State by a government army patrol as she and her sister were on their way to look for livestock.

According to media reports, a government army soldier in Shan State attempted to rape a 16-year-old girl. The soldier reportedly paid the girl's parents 600 yuan (approximately \$86) after the incident as an apology, and he gave local military authorities 1,000 to 1,600 yuan in bribes (\$143 to 229) to evade legal action. (Note: Chinese yuan is a commonly used currency near the border with China.)

NGOs and international organizations continued to report numerous sexual assaults by soldiers throughout the rest of the country.

There were no reports the government investigated or otherwise attempted to identify and punish those responsible for numerous acts of killing, injury, and destruction committed against Karen or other ethnic communities.

Child Soldiers

The government army continued to recruit and use child soldiers. The minimum age of enlistment in the army is 18 years, and the government's official policy is to avoid conscripting child soldiers; however, it did not deny their existence. Informal recruiting targeted vulnerable children. Some reports indicated the army recruited children as young as 11. Credible sources indicated the number of child soldiers may have risen to 12,000, although accurate statistics were difficult to obtain.

In September the media reported the military forcibly enlisted children as young as 14 into the army in Mon and Rakhine states and Bago and Irrawaddy divisions. According to media reports, the South East Command paid brokers 200,000 kyat (approximately \$200) for each child soldier they conscripted. Other children were kidnapped.

Authorities charged some recruiting staff and other military personnel for unlawful recruiting child soldiers. During the year a captain was dismissed from the army and sentenced to one year with hard labor in a civilian prison. This was the first case of military personnel being punished in a civilian prison for unlawful child-soldier recruiting. This offense may also result in one to three months in military prison with hard labor, loss of 12 months' seniority for pension and promotion rights, salary deductions, and reprimand.

Ethnic militias, among both ceasefire and non-ceasefire groups, denied the existence of child soldiers in their ranks, although their existence was widely reported.

According to Human Rights Watch, government forces and various armed insurgent groups continued widespread and systematic forced recruitment of child soldiers. In his 2009 report on the use of child soldiers in Burma, the UN Secretary-General cited evidence both the government army and several armed insurgent and ceasefire groups recruited child soldiers. The ILO reported there were 78 complaints of cases of child-soldier recruitment. The government cooperated with the ILO to return 46 child soldiers--34 from 2009 cases and 10 from 2008 cases. The government agreed to discharge two others because they were children when recruited. There were no reports of harassment of persons who complained about child-soldier cases.

Other Conflict-related Abuses

In Shan and Karen states, military forces displaced civilians from their traditional villages--which often were burned to the ground--and moved them into settlements tightly controlled by government troops in strategic areas. In other cases villagers driven from their homes fled into the forest, frequently in heavily mined areas, without adequate food, security, or basic medical care.

Forced relocations generated large refugee flows to neighboring countries or to parts of the country not controlled by the government. Ethnic groups reported continued military action, which sent thousands of refugees and migrant workers into neighboring countries.

According to the Office of the UN High Commissioner for Refugees (UNHCR), 184,413 Burmese refugees lived in camps in Thailand. The regime did not allow the UNHCR to monitor fully the potential areas of return to assess conditions for the voluntary return of the refugees and internally displaced persons, leading the UNHCR to determine conditions remained unsuitable for their return.

Approximately 21,000 Rohingyas lived as legally registered refugees in camps in southeastern Bangladesh, and some NGOs estimated as many as 500,000 others, who were not registered by either Burmese or Bangladeshi authorities, lived outside the camps and in the border area. Neither Bangladesh nor Burma claimed the stateless Rohingya refugees.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The government severely and systematically restricted freedom of speech and press. Authorities arrested, detained, convicted, and imprisoned citizens for expressing political opinions critical of the government and for distributing or possessing publications in which opposition opinions were expressed. Security services also monitored and harassed persons believed to hold antigovernment opinions.

On December 31, a Pakkoku district court added 20 years to the seven-year prison sentence of Hla Hla Win for violating the Electronic Transactions Act. According to the media, Hla Hla Win was a freelance journalist working for the Democratic Voice of Burma. Her associate, Myint Naing, was given 18 additional years for two unspecified charges. The two initially were arrested in September and subsequently sentenced in October to seven years each by a Pakkoku township court for riding a motorcycle that had not been properly registered. They reportedly had visited a monastery to interview monks shortly before being arrested.

On July 30-31, authorities detained 16 NLD members in Rangoon and approximately 20 NLD members in the cities of Magwe and Mandalay in anticipation of the announcement of the then scheduled verdict in the Aung San Suu Kyi trial. Some of those detained were members of the Tuesday Prayer Group. Although some were released, the whereabouts of the majority were unknown at year's end.

On August 31, police reportedly arrested Zaw Naing for staging a silent protest of the detention of more than 2,000 political prisoners by hanging a portrait of Aung San Suu Kyi around his neck. Zaw Naing received seven days in prison.

The government continued to use force or intimidation to prohibit all public speech or planned events critical of the regime by all persons. The government pursued this policy consistently with few exceptions.

According to media reports, on December 10, local authorities banned a scheduled ceremony commemorating Human Rights Day in Pyay.

On September 1, SB police arrested six politically active Arakanese university students. Authorities alleged the students were conspiring to plan activities commemorating the 70th anniversary of the death of a prominent Arakanese monk who advocated for independence from British rule. The media reported the authorities arrested up to 20 Arakanese youth. At year's end their whereabouts were unknown.

The law prohibits the publication or distribution of any printed material without obtaining prior approval from the government. The government controlled content in all print publications and owned and controlled all domestic radio and television broadcasting facilities. The official print and broadcast media were propaganda organs of the government and did not report opposing views except to criticize them. The Ministry of Information's Press Scrutiny and Registration Division censors all private publications, including books. The censorship process for books can take several months or several years.

In late May/early June, the press was prohibited from publishing information about the investigation into the collapse of the Danoke pagoda in Dala, in which several persons died. Also in June government censors banned the publication of news regarding the pending arrival of a foreign ship suspected of transporting weapons. Censors also banned articles on demonstrations following the disputed elections in Iran.

In August the government ordered the indefinite closure of the weekly newspaper *Phoenix* for repeatedly submitting articles late to the Press Scrutiny Board.

Privately owned media existed, but the government's Press Scrutiny Board tightly controlled all media and publications and took action against any attempt to provide independent interpretation or comment on news. The Ministry of Information issued licenses to private media publishers as long as the media printed government-approved material. Government agents or supporters held an estimated one-third of private media licenses.

Reporters were subject to arrest, harassment, intimidation, and violence by the authorities and supporters of the regime.

On May 5, government authorities detained two foreign journalism trainers in Mandalay. On the following day the two were taken to Rangoon and deported.

On June 18, a Bahan court sentenced freelance journalist Zaw Tun to two years in prison, allegedly for obstructing the work of an official. Zaw Tun was arrested near the home of Aung San Suu Kyi by a police officer, who claimed Zaw Tun had shown "hostility" toward the officer.

On June 23, military intelligence agents went to several Rangoon media offices and demanded the names of journalists who had participated in training sessions at a foreign embassy in Rangoon, although no action was taken against the journalists.

On October 28, government agents arrested 12 persons, including staff members from *The Voice*, *Foreign News*, *Pyi Myanmar*, and *Kandarawaddy* journals. It appeared the government was targeting persons involved with a relief program for Cyclone Nargis victims.

In September Thet Zin, editor of *Myanmar Nation* magazine, was released after having been sentenced in November 2008 to seven years' imprisonment for violating the Printers and Publishers Act. Sein Win Maung, the magazine's office manager, sentenced to seven years at the same time, remained in prison.

Many prominent writers and journalists remained in prison for expressing their political views. According to Reporters Without Borders, at the beginning of 2008, eight journalists were in prison, including Myat Swe (Sunny Swe) and his father Thein Swe, co-owners of the English- and Burmese-language weekly newspaper *Myanmar Times*. Ko Aung Gyi, former editor of *90 Minutes*, was released in September.

The media practiced self censorship due to fear of government reprisal. Publications generally did not report domestic political news, sensitive economic and political topics, or local tragedies if they might give a poor impression of governance.

Imported publications remained subject to predistribution censorship by state censorship boards, and possession or distribution of publications not approved by the censorship boards was a serious offense. The government also restricted the importation of foreign news periodicals.

A few foreign news agencies were present but had no expatriates based in the country. Foreign news agency bureau chiefs were rarely permitted to enter on journalist visas.

Due to widespread poverty, limited literacy, and poor infrastructure, radio and television remained the primary media of mass communication. News periodicals rarely circulated outside of 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, the Voice of America, the BBC, and the Democratic Voice of Burma, remained the principal sources of uncensored information.

The government continued to monopolize and control all domestic television broadcasting tightly. It offered four public channels--three controlled by the Ministry of Information and one controlled by the armed forces. The general population was allowed to register satellite television receivers for a fee, although it remained far too expensive for the majority of the population.

The law makes it a criminal offense to publish, distribute, or possess a videotape not approved by a state censorship board. The government continued to crack down on uncensored foreign videotapes and digital videodiscs, although pirated copies remained widely available on the street.

Internet Freedom

No laws or regulations exist regarding monitoring Internet communications or establishing penalties for the exercise of freedom of expression via the Internet. However, the government monitored Internet communications and blocked Web sites so individuals could not freely engage in such activities.

Internet access and usage was extremely limited, due to government restrictions and lack of infrastructure. According to the International Telecommunication Union, in 2008 the number of Internet subscribers was less 0.04 percent of the population and 0.2 percent of inhabitants used the Internet, mostly in cybercafes in cities.

Authorities frequently blocked access to Web sites attracting many users or large attachments related to political issues. E-mail messages sometimes took several days to arrive in a receiver's inbox, often with attachments deleted. Citizens believed this was due to the regime's censorship of e-mail.

The government banned most Web sites critical of the regime and its activities. Authorities also blocked access to free e-mail services and blogs as well as to other Internet messaging services.

The government attempted to block most Web sites containing words it considered suspicious, such as Burma, drugs, military government, democracy, student movement, 8888, and human rights. Users could sometimes reach the home pages of the Democratic Voice of Burma and BBC's Burma service, but they could not access most articles on the sites. Occasionally the government mistakenly blocked educational or other sites when its software detected censored words.

While the government rarely charged persons explicitly for expressing political, religious, or dissenting views in electronic forums, including e-mail, it often charged persons suspected of such activities with other crimes.

Nay Phone Latt (Nay Myo Kyaw), Internet blogger and owner of three Internet cafes who in November 2008 was sentenced to 20 years and six months, remained in prison at year's end.

Academic Freedom and Cultural Events

The government restricted academic freedom. University teachers and professors, most of them state employees, were subject to the same restrictions on freedom of speech, political activities, and publications as other state employees. Teachers could not discuss politics at work, join or support political parties, or engage in political activity, and they had to obtain advance approval for meetings with foreigners. The government closely monitored curricula and censored course content. Like all other state employees, professors and teachers were required to join the USDA. Foreigners were not permitted to visit university campuses without prior approval or attend any meetings involving students, including graduation ceremonies.

To limit the possibility of student unrest, some years ago the government placed undergraduate campuses in remote areas, warned teachers and students disturbances would be dealt with severely, and kept most on-campus dormitories closed. Many students opted to use self-study or private tutoring.

The government tightly controlled the limited number of private academic institutions and their curricula. Similar controls extended to Buddhist monastery-based schools, Christian seminaries, and Muslim madrassas. During the year the government cracked down on private tutoring and tried to ban the practice.

The government monitored most cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law limits freedom of assembly, and the government severely restricted it in practice. An ordinance officially prohibits unauthorized outdoor assemblies of more than five persons, although it was not enforced consistently, and authorities sometimes prohibited smaller gatherings. While the NLD is a legal political party, all of its offices, except its Rangoon headquarters, remained closed by government order, and the NLD could not lawfully conduct party activities outside its headquarters building. The government required the nine other legally registered political parties to request permission from the government to hold meetings of their members.

The regime and its supporters routinely used intimidation, violence, and the power of arrest to disrupt peaceful demonstrations and meetings.

At least 50 persons reportedly were arrested outside Insein Prison after the verdict from Aung San Suu Kyi's trial was announced in August, but they were released soon thereafter and told not to go back onto the streets.

Freedom of Association

The Association Law provides for citizens to form associations and organizations; however, the government restricted freedom of association, particularly for NLD members, prodemocracy supporters, and those who contacted exile groups or individuals thought to be associated with groups in exile. A statute prohibits associating with any organization the head of state declares to be unlawful.

Freedom of association generally 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. Authorities harassed and intimidated parties not supportive of regime policies.

c. Freedom of Religion

The government restricted freedom of religion.

There is no official state religion, but the government showed preference for Theravada Buddhism, the majority religion. However, the government continued its efforts to control the Buddhist clergy (Sangha) for political reasons. The government did not hesitate to arrest and imprison lower-level Buddhist monks who opposed the government. Authorities did not allow imprisoned monks to shave their heads or receive food in accordance with the monastic code. Like other political prisoners, monks often were beaten and forced to do hard labor. The government also subjected the Sangha to special restrictions on freedom of expression and association.

In the weeks leading up to the September anniversary of the 2007 protests and crackdown, security forces monitored many of the largest monasteries in the cities of Rangoon and Mandalay and the state of Rakhine suspected of involvement in prodemocracy activities.

In August nine monks arrested in July 2008 at Rangoon's Central Railway Station were sentenced to two years' imprisonment for "the deliberate and malicious...outraging of religious feelings." Authorities arrested the nine monks for no apparent reason. The monks had arrived separately at the station and were returning to their hometowns for a visit.

The government required citizens and permanent residents of the country 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 the identification card. The government required citizens to indicate their religion on certain official application forms, such as for passports.

Most adherents of registered religious groups generally were free to worship as they chose; however, the government imposed restrictions on certain religious activities and promoted Buddhism over other religions. The Ministry of Religious Affairs has a separate department for the "promotion and propagation of Sasana" (Buddhism). The government promoted education at Buddhist monastic schools in rural areas and subsidized Buddhist universities in Rangoon and Mandalay.

Virtually all organizations, religious or otherwise, must register with the government. Although an official directive exempts "genuine" religious organizations from registration, in practice only registered organizations were allowed to buy or sell property or open bank accounts. Consequently, most religious organizations registered with the government.

The government prohibited efforts by Buddhist clergy to promote human rights and political freedom. Members of the Sangha were not allowed to preach sermons pertaining to politics. Religious lectures could not contain any words, phrases, or stories reflecting political views. The regime told Sangha members to distance themselves from politics, political parties, and 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. The government prohibited all religious clergy from membership in a political party.

Religious activities and organizations were subject to restrictions on freedom of expression and association. The government's pervasive internal security apparatus imposed de facto restrictions on collective and individual worship through its infiltration and monitoring of meetings and activities of virtually all organizations, including religious ones.

The government discouraged proselytizing by all clergy. Evangelizing religions, including some Christian denominations, were most affected by these restrictions. The government generally did not allow permanent foreign religious missions to operate in the country.

There was no information on the whereabouts of monks U Damathara and U Nandara from the Thardu monastery in Rangoon, who were arrested in August 2008.

Societal Abuses and Discrimination

There were no reports of conflicts between Muslims and Buddhists in the country. While official religious discrimination was limited, de facto preferences for Buddhists remained. There was one synagogue in Rangoon serving a small Jewish congregation. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

There are no laws explicitly protecting freedom of movement within the country, foreign travel, emigration, and repatriation. However, there are regional and local level orders, directives, and instructions restricting freedom of movement. The government did not fully cooperate with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Although the government restricted freedom of movement, most citizens were able to travel within the country. However, authorities closely monitored the movements of some opposition party members.

Ethnic minority areas previously affected by conflict continued to experience tight controls on personal movement, including frequent military checkpoints and monitoring by military intelligence.

The government restricted the ability of internally displaced persons, refugees, and stateless persons to move. In particular, the government tightly controlled the movement of Muslim Rohingyas, particularly in Buthidaung, Kyauktaw, Maungdaw, and Rathedaung townships along the border with Bangladesh. Muslim youth from Rakhine State accepted for admission to universities and medical schools outside the state were unable to enroll due to travel restrictions imposed on them. The government also required other noncitizens, primarily ethnic South Asians and 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 needed a passport from the Ministry of Home Affairs and a departure form from the Ministry of Immigration and Population to travel outside the country. To address the problem of trafficking in persons, the government continued to hinder or restrict international travel for women, particularly those under 25 years of age.

Although there is no law explicitly restricting the foreign travel of citizens, the government carefully scrutinized prospective travel abroad of all passport holders. Rigorous control of passport and exit visa issuance perpetuated rampant corruption, as applicants were sometimes forced to pay bribes of up to 400,000 kyat (approximately \$400), roughly equivalent to the average annual salary of a skilled worker.

The government regularly declined to issue passports to former political prisoners, activists, and some local staff of foreign embassies. College graduates who obtained a passport (except for certain government employees) were required to

reimburse the government for the cost of their education. It 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 permitted foreign diplomats and foreign UN employees based in Rangoon to travel outside of Rangoon to designated tourist sites without prior permission; all other travel required advance permission and was commonly denied.

There are no provisions for forced exile or restrictions on emigration. In general citizens who emigrated legally were allowed to return to visit relatives, and some who lived abroad illegally and acquired foreign citizenship also were able to return. The government often revoked passports for political reasons.

Internally Displaced Persons (IDPs)

The main causes of displacement were army offensives against ethnic opposition groups, forced relocation and labor, and recruitment of child soldiers. According to the UNHCR, there were at least 500,000 IDPs in the country, although accurate figures were difficult to determine due to poor access to affected areas. The government provided little or no protection or assistance to IDPs, many of whom were forcibly resettled under dangerous conditions. Authorities denied humanitarian organizations access to many IDPs in eastern regions along the Thai border on security grounds. IDPs in these areas regularly suffered hardships as a result of ongoing fighting between government army and insurgent groups, according to credible observers along the border. In addition female IDPs frequently suffered rape, according to these observers.

According to NGOs, in late July government troops operating in Shan State burned 10 villages and forcibly relocated an additional 30, affecting 2,000 to 2,500 individuals. Shan groups also accused the army of other grave human rights abuses, including arbitrary arrest, torture, gang rape, and arbitrary execution. According to reports, an estimated 4,000 to 10,000 ethnic Karens were displaced by the latest wave of violence in June and July.

Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees or its 1967 protocol. The law does not provide for the granting of asylum or refugee status, and the government did not grant such status. The government has not established a system for providing protection to refugees. In practice the government did not provide protection against expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The UNHCR continued to negotiate for permission to work with "communities that are affected by displacement." Despite the 2007 expiration of the memorandum of understanding (MOU) between the government and the UNHCR, the government continued to allow the UNHCR to provide humanitarian assistance to Rohingyas in northern Rakhine State, whom the government does not recognize as citizens.

A two-year MOU signed in 2007 permitted the UNHCR to work with implementing partners in the southeast region, including parts of Karen and Mon States and Tanintharyi Division. Under the MOU, authorities permitted UNHCR foreign personnel to monitor their project activities in the region.

UN High Commissioner for Refugees Antonio Guterres visited the country March 7-12.

Stateless Persons

Citizenship is granted to anyone whose parents are both nationals of the country as prescribed by law. In practice the government did not implement laws and policies to provide stateless persons the opportunity to gain nationality on a nondiscriminatory basis.

There are 135 officially recognized "national races" who qualify for citizenship. Some members of native-born but so-called nonindigenous ethnic populations, such as Chinese, Indians, Bengalis, some Eurasians, and the country's Rohingya population, are not included in the list and are denied the full benefits of citizenship based on their nonindigenous ancestry. Of these, the majority-Muslim Rohingya fare the worst, with nearly all Rohingya denied any benefits of citizenship.

According to the UNHCR, there were approximately 730,000 legally stateless persons, mostly Rohingya, residing in northern Rakhine State near the border with Bangladesh. The government does not recognise the existence of the Rohingya ethnicity and claims the Muslim residents of northern Rakhine State are the descendants of illegal immigrants from Bangladesh who moved into the country during British colonial rule. The government consistently denied citizenship to most Rohingyas on the grounds 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 highly restrictive citizenship law. Only Rohingyas who were able to prove long familial links to the country were eligible to apply for naturalization.

Rohingyas experienced severe legal, economic, and social discrimination. The government required them to receive prior approval for travel outside their village tract of residence. Local residents reported the farther from home the applicant intended to travel, the more difficult it was to obtain permission, with travel outside of Rakhine State severely restricted. In contrast, citizens do not need approval to travel within the country; they need only be in possession of a citizenship card. Rohingyas had extremely limited access to higher education and could not work as civil servants, including as doctors, nurses, or teachers. Access to medical care was extremely limited. Rohingyas did not have access to state-operated schools beyond primary education. In 2008 Rohingyas without temporary identification cards did not have the right to vote in the constitutional referendum. Authorities required Rohingyas to obtain official permission for marriages.

The government continued a program supported by the UNHCR to issue Temporary Registration Certificate's (TCRs) to stateless persons in Rakhine State. The UNHCR reported the government issued 35,000 TCRs in 2007 and nearly 50,000 in 2008. The cards, which are necessary for many basic tasks, such as seeking a marriage license and travel authorization, did not confer citizenship but, by confirming lawful residence, contributed to improving legal status.

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

The regime continued its systematic use of coercion and intimidation to deny citizens the right to change their government. The regime continued to prevent the parliament elected in 1990 from convening.

The 2008 constitution--not yet in force--provides for popularly elected legislators to a bicameral parliament; however, it stipulates at least 25 percent of the seats must be reserved for military members appointed by the uniformed commander in chief of Defense Services. It also bars many persons from office who had not resided in the country for at least 10 consecutive years prior to election, had prior misconduct the regime deemed disqualifying, accepted assistance from a foreign government, or were entitled to citizenship of a foreign nation. Additionally, by the constitution's own terms, the SPDC will continue to "exercise state sovereignty" until the parliament is convened within 90 days of the general election. At year's end a date for the 2010 elections had not been set, nor had electoral legislation been issued.

Since 1962 active-duty military officers have occupied the most important positions in the central government and in local governments, and the regime placed active duty or retired military officers in senior-level positions in almost every ministry. Active-duty or retired military officers occupied 30 of 33 ministerial-level posts, including prime minister and the mayoral posts in Rangoon, Mandalay, and the administrative capital Nay Pyi Taw.

Elections and Political Participation

In May 2008 the regime announced 98.12 percent of eligible voters had participated in a referendum to approve its new constitution and the constitution had been approved by 92.48 percent of voters, figures no independent observers believed were valid. The regime did not permit comprehensive election monitoring. It allowed diplomats to visit only handpicked polling places under supervision of the Ministry of Foreign Affairs. Despite these restrictive conditions, foreign diplomatic observers witnessed irregularities, including voters being photographed by authorities and officials following voters into ballot booths. Domestic and international human rights groups reported numerous, more serious election irregularities, including voter intimidation and ballot stuffing.

The constitution specifies the SPDC will continue to "exercise state sovereignty" and "carry out...all the functions of the parliament" until the new parliament is convened. At year's end the SPDC and military remained in control of all organs of government.

The government severely restricted the operations of political parties, and persons who opposed the government were subjected to imprisonment, violence, and harassment. The government restricted political opponents' right to organize and publicize their views.

Military operations against civilians in contested areas in the ethnic states increased; many observers believed the government engaged in such actions to reduce potential opposition to the 2010 elections. Ethnic ceasefire groups--many of which have agreements with the government--were threatened with military action unless they agreed to come under control of the military through its Border Guard Force and agreed to participate in the elections.

Women were excluded from political leadership. Members of certain minority groups also were denied a role in government and politics. There were no female or ethnic minority members of the SPDC, cabinet, or Supreme Court.

Section 4 Official Corruption and Government Transparency

The law provides for criminal penalties for official corruption; however, the government rarely and inconsistently enforced the anticorruption statute, and officials frequently engaged in corrupt practices with impunity. A complex and capricious regulatory environment fostered corruption. Authorities usually enforced anticorruption laws only when the regime's senior generals wanted to take action against officials whose egregious corruption had become an embarrassment or when they wanted to punish officials deemed a threat to the senior generals' power.

On October 15, the media reported the dismissal of two senior judges, Win Myint Oo and Thawtar Min, and one legal advisor, Bo Min Phyu, in Shan State after government officials accused them of accepting 100 million kyat (approximately \$100,000) in bribes.

Public officials were not subject to financial disclosure laws. The government did not provide access to most official documents, and there is no law allowing for it. Most government data, even routine economic statistics, were classified or tightly 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 5 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 hostile to outside scrutiny of its human rights record.

Approximately 45 nonpolitical, international humanitarian NGOs operated in the country. A few others had a provisional

presence while undertaking the protracted negotiations necessary to establish permanent operations in the country.

The government maintained travel restrictions on foreign journalists, NGO staff, UN agency staff, and diplomats in most 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. 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 passed information about government human rights abuses to foreigners obstructed efforts to 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.

Authorities often allowed NGO staff to travel "unaccompanied" to areas affected by Cyclone Nargis in 2008, although SB police monitored many visits. Some international NGOs and UN agencies were required to have a government representative accompany them on field visits to other areas of the country, at the NGO or UN expense, although this rule was not consistently enforced. Foreign staff often experienced difficulty obtaining permission to travel to project sites outside of the cyclone-affected areas.

Many international humanitarian NGOs and UN agencies reported government pressure to limit their activities, and access to human rights activists, prisoners, and ethnic minorities by international personnel was highly restricted. UN agencies and NGOs continued to negotiate with the government to agree on mutually acceptable guidelines for the activities of humanitarian organizations.

There were several high-level visits by UN officials during the year. UN Secretary-General Ban Ki-moon visited in July. During his visit he met with Senior General Than Shwe, Prime Minister Thein Sein, several opposition and ethnic leaders, and the UN country team; however, Than Shwe denied Secretary-General Ban's request to meet with Aung San Suu Kyi, who was on trial at the time. Secretary-General Ban said he conveyed a strong message on the need for political and economic reform to the generals. He delivered a speech in Rangoon highlighting the need for good governance. UN Special Envoy Ibrahim Gambari visited the country in late January and again in July accompanying Secretary-General Ban Ki-moon.

In February UN Special Rapporteur on Human Rights for Burma Tomas Ojea Quintana also visited the country. The report issued by his office highlighted concerns about the situation of political prisoners and the lack of freedom of expression, assembly, and association as they relate to the 2010 elections. It also covered a wide range of other issues including internal conflicts, discrimination, and human rights. Ojea Quintana concluded the human rights situation remained serious and recommended the government implement four core human rights elements before the 2010 elections: a review of national legislation in accordance with the 2008 constitution and international obligations, the progressive release of prisoners of conscience, the reform of the armed forces to ensure respect for international human rights and humanitarian law, and the establishment of an independent and impartial judiciary. According to the report, government officials were generally receptive to his recommendations, but by year's end the special rapporteur had not seen a progress report from the government. The special rapporteur was scheduled to return in December, but no agreement could be reached with the government regarding a date for his visit.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The SPDC continued to rule by decree and was not bound by any constitutional or statutory provisions concerning discrimination based on race, gender, disability, language, or social status.

Women

Rape is illegal, but the government did not enforce the law effectively. If the victim is under 14 years of age, the act is considered rape with or without consent. In such cases the maximum sentence is two years' imprisonment when the victim is between ages 12 and 14, and 10 years' to life imprisonment when the victim is under 12. Spousal rape is not a crime unless the wife is under 14.

The regime did not release statistics concerning the number of rape prosecutions and convictions. The police generally opened and investigated reported cases of rape. However, in ethnic areas, when government soldiers committed rape, the army rarely took action to punish those responsible.

Domestic violence against women, including spousal abuse, remained a problem. Spousal abuse or domestic violence was difficult to measure because the government did not maintain statistics. There are no laws specifically against domestic violence or spousal abuse, although there are laws related to committing bodily harm against another person. The related prison terms range from one year to life, in addition to possible fines.

Police generally were reluctant to act in domestic violence cases; however, in cases where women sustained injuries and filed a report, police generally took action. Typically punishment for men in these cases was a fine but no jail time. The government-affiliated MWAF—usually chaired by the wife of the prime minister—sometimes lobbied local authorities, including the police, to investigate domestic violence cases involving spousal abuse. Since the MWAF is controlled by wives of regime leaders, police usually investigated cases referred to them by the group.

Prostitution is prohibited by law and punishable by up to five years in prison. In practice most prostitutes received three years' imprisonment, while brothel owners received five years in prison. Clients were not punished; they received HIV/AIDS counseling. Prostitution grew in urban areas, particularly in some of Rangoon's "border towns," "new towns" (populated chiefly by poor families who were relocated forcibly from older areas of the capital), and in downtown

massage parlors that doubled as brothels. Police tolerated the existence of these brothels and prostitution in exchange for bribes and in-kind payments.

The penal code prohibits sexual harassment and imposes fines or up to one year's imprisonment. There was no information on the prevalence of the problem because these crimes were largely unreported.

Couples and individuals had the right to decide the number, spacing, and timing of children, and they did so free from discrimination. Access to information on contraception was limited, and reproductive health services, including the availability of contraceptives, generally were limited to private clinics. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

By law women enjoy the same legal rights as men, including property and inheritance rights; however, it was not clear if the government enforced the law. Women remained underrepresented in most traditionally male occupations (e.g., mining, forestry, carpentry, masonry, and fishing) and were effectively barred from certain professions, including the military officer corps. Poverty affected women disproportionately.

There were no independent women's rights organizations, although there were several groups with some relationship to the government. The MWAF was the leading "nongovernmental" women's organization. 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 starting new businesses. While not controlled by the government, the association enjoyed good relations with the government and was allowed to conduct its activities to support women in business.

Children

According to the Burma Citizenship Law, citizenship is derived through parents, both of whom must be nationals of the country.

Education is compulsory, free, and universal through the fourth standard (approximately age 10). However, the government continued to allocate minimal resources to public education. Rates of school attendance were low, largely due to economic hardship.

There are laws prohibiting child abuse, but they were neither adequate nor enforced. The government claimed child abuse was not a significant problem. However, accurate statistics were not available, and some international NGOs believed the problem was more widespread than the government acknowledged.

Children reportedly engaged in prostitution for survival without third-party involvement. The penalty for child prostitution is 10 years' imprisonment. The law prohibits pornography; the penalty is three to five years' imprisonment. The law prohibits statutory rape; it is punishable by two years to life in prison. In Rangoon and Mandalay, observers noted widespread presence of female prostitutes who appeared to be in their teens. Additionally, some brothels reportedly offered young teenage "virgins" to their customers for a substantial additional fee. Although there is no law explicitly banning child sex tourism, article 13 of the 1949 Suppression of Prostitution Act and the Prostitution Act prohibit pimping and prostitution, respectively, and the penal code prohibits having sex with a minor.

The government did not dedicate significant resources to protecting the rights and welfare of children. Children were at high risk, as deteriorating economic conditions forced destitute parents to take them out of school to work in factories and teashops or to beg. Many 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 and petty crime, risk of arrest, trafficking for sex and labor exploitation, and HIV/AIDS.

Trafficking in Persons

The law prohibits enslaving and trafficking persons, but trafficking within and from the country was a significant problem. Government and military use of forced labor remained widespread. Shan and other ethnic minority women and girls were trafficked across the border to nearby provinces in China. Karen and Mon women and girls were trafficked into nearby provinces in Thailand. Both adults and minors were trafficked for the purpose of forced labor in some places. Victims of both genders were trafficked to East and Southeast Asia and the Middle East for sexual exploitation, domestic servitude, and bonded labor. Young women and girls were at the highest risk for trafficking for the purpose of sexual exploitation. Victims of trafficking faced hazardous conditions, including sexual and physical abuse by their traffickers, poor nutrition and sanitary conditions, and disease, including tuberculosis and HIV/AIDS.

Some human traffickers appeared to be freelance, small-scale operators using village contacts to send victims to brokers overseas. Brokers were primarily foreign, but some Burmese brokers operated in Thailand and China.

A report issued in August by a local NGO, which documented 40 incidents of sexual abuse and trafficking against 71 women and children, found traffickers often promised women good jobs and higher living standards in other cities or countries. Ultimately, the women were forced to become sex workers, sold to factories in neighboring countries, or forced to marry or bear children. The incidents primarily occurred in the south, along the border with Thailand.

There was evidence internal trafficking generally occurred from poor agricultural and urban centers to areas where prostitution flourished (trucking routes, mining areas, military bases, and industrial areas), as well as along the borders with Thailand and China.

Military and civilian officials remained directly involved in forced labor and the unlawful conscription of child soldiers, with reported cases of child soldiers increasing annually. The military forcibly recruited thousands of children and adults to serve as civilian laborers and uniformed soldiers. The risk of forced military recruitment was widespread and not limited to specific states or divisions. Some children were threatened with jail if they did not agree to join the army. Poor villagers in rural regions were often required to provide corvée labor on demand as a tax imposed by authorities. ILO staff engaged the military through meetings and training to raise awareness of the need to end the practice of child recruitment. The ILO reported growing awareness of the topic at all ranks within the military.

The penalties for trafficking women and minors is 10 years to life; for trafficking men, five to 10 years; for fraud for the purpose of trafficking, three to seven years; for using trafficked victims for pornography, five to 10 years; for trafficking with an organized criminal group, 10 years to life; for serious crime involving trafficking, 10 years to life or the death penalty; for a public official accepting money related to an investigation of the trafficking law, three to seven years. All penalties also include the option of a fine.

The government made a degree of progress against trafficking in persons. Officials recognized the importance of preventing cross-border trafficking and prosecuting traffickers. In the past they sometimes conflated human smuggling and human trafficking, according to experts in the region. Police contacts displayed increasing sophistication in their understanding of the differences between trafficking victims and illegal migrants. The government did little to combat internal trafficking and took minimal action on forced labor.

The Ministry of Home Affairs continued to maintain there was no complicity of government officials in trafficking; however, corruption among local government officials was believed to be widespread. NGOs reported the complicity of government officials in trafficking, although it appeared to be mainly a question of local and regional officials turning a blind eye to trafficking activities rather than active involvement by members of the central government. Authorities took unprecedented action against members of the military involved in child recruitment. An army captain was sentenced to one year of hard labor in a civilian prison for his role in child recruitment. Two enlisted soldiers were sentenced to shorter terms in a military prison, and two noncommissioned officers received stronger administrative punishments than were reported in the past.

The government had four vocational training centers and one house to shelter female trafficking victims; male victims were temporarily sheltered in training schools. The government requires repatriated victims to stay in these centers for a minimum of two weeks, and in practice often longer, where they were confined contrary to international norms of victim protection. The MWAF and the Department of Social Welfare reported they provided some basic health and compulsory counseling services and job training for trafficking victims before turning them over to an NGO or returning them to their families. However, government funding for these programs was very limited.

The Ministry of Home Affairs placed antitrafficking task forces at 22 locations known to be trafficking points. With assistance from international NGOs, the government conducted training and advocacy workshops and also approved nationwide television and radio announcements and distribution of materials at the state/division level.

The government worked with the UN Inter-Agency Project on Human Trafficking to sponsor seminars for national, state/division, and lower-level authorities and received training from the Asia Regional Trafficking in Persons Project. International and local NGOs offered poverty alleviation and educational programs designed to counter trafficking.

The government continued to implement a National Action Plan against Trafficking in Persons. The five-year plan lays out the government's priorities for 2007-2011. A senior police official stated the government's priorities included conducting training courses, improving support services provided to victims, raising public awareness, and improving coordination with neighboring countries on cross-border trafficking in persons matters.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

There is no law providing for equal treatment before the law and for general protection against discrimination. Under the constitution, all citizens have the right to education and healthcare. The government did not actively discriminate against persons with disabilities in employment, access to healthcare, education, or the provision of other state services, but there were few official resources to assist persons with disabilities. There are no laws mandating accessibility to buildings, public transportation, or government facilities.

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 with disabilities, and two for children with disabilities. However, the government provided inadequate funds for its schools and programs for persons with disabilities.

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

National/Racial/Ethnic Minorities

Ethnic minorities constitute approximately 30 to 40 percent of the population, and the seven ethnic states make up approximately 60 percent of the national territory. Wide-ranging governmental and societal discrimination against minorities persisted. Tension between the government army and ethnic populations remained high; the army occupied

some ethnic groups' territories and controlled certain cities, towns, and highways. Abuses included reported killings, beatings, torture, forced labor, forced relocations, and rapes of members of ethnic groups by government soldiers. Some armed ethnic groups also may have committed abuses, but on a much smaller scale than the government army (see section 1.g.).

Rohingya Muslims who returned to Rakhine State were discriminated against because of their ethnicity. Returnees faced severe restrictions on their ability to travel, engage in economic activity, obtain an education, and register births, deaths, and marriages (see section 2.d.).

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 mandatory language of instruction in state schools, and teaching in local languages was not offered. 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.

The government continued to resettle groups of ethnic Burmans in various ethnic minority areas. According to media reports, during the year the government resettled approximately 300 ethnic Burmese in Maungdaw Township in Rakhine State; the government offered many individuals land, housing, and food for six months.

There were several reports of ethnic villages being displaced for economic development. In Shan State, the Pa-O Youth Organization reported plans to develop an iron ore mine could displace more than 7,000 homes. In Rakhine State the All Arakenese Student and Youth Congress claimed six villages were relocated. In each case local villagers claimed they were not adequately consulted or compensated prior to the relocation. Kachin villagers in the Hukawng Valley also reported that as many as 40,000 ethnic Burmese were relocated there to work for the Rangoon-based Yuzana Company's sugarcane plantation.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The penal code contains provisions against "sexually abnormal" behavior, and authorities applied them to charge gay men and lesbians who drew official attention. The maximum sentence is 20 years' imprisonment and a fine. Under the penal code, laws against "unnatural offenses" apply equally to both men and women. Nonetheless, such persons had a certain degree of protection through societal traditions.

There was no official or social discrimination based on sexual orientation in employment.

Other Societal Violence or Discrimination

HIV-positive patients were discriminated against, although HIV activists reported awareness campaigns helped to reduce discrimination and stigma. Some persons reportedly were reluctant to visit clinics that treat HIV/AIDS patients for fear of being suspected of having the disease.

Section 7 Worker Rights

a. The Right of Association

The law permits workers to form trade unions with the prior consent of the government; however, no free trade unions existed in the country. Domestic and internationally affiliated unions are not allowed, nor is individual membership in unions.

The government maintained its 2006 ruling criminalizing contact with the Federation of Trade Unions--Burma (FTUB), claiming it was a "terrorist group."

In the past the government forbade seafarers who found work on foreign vessels through the Seafarers Employment Control Division from having contact with the Seafarers' Union of Burma --affiliated to the government-banned FTUB--and the International Transport Workers' Federation. During the year the government sometimes refused to document seafarers who were abroad, which complicated the efforts of seafarers to find regular employment.

Several FTUB leaders and labor activists continued to serve long-term sentences, including FTUB Central Executive Committee members Myo Aung Thant, U Aung Thein, Khin Maung Win, Ma Khin Mar Soe, Ma Thein Thein Aye, U Aung Moe Tin Oo, Kyi Thein, Chaw Su Hlaing, U Tin Hla, and 10 FTUB organizers in the Bago area.

Six labor activists--Thurein Aung, Kyaw Kyaw, Wai Lin (Wai Aung), Nyi Nyi Zaw, Kyaw Win (Wanna), and Myo Min--arrested in connection with a labor rights seminar in Rangoon in May 2007 and sentenced in September 2007 to 20 to 28 years' imprisonment for sedition, remained in prison. Labor activists Kan Mint and Nyunt Win, arrested and tried in 2008 on a number of charges including links with exiled groups and sedition, were sentenced to 11 and a half years' and 10 years' imprisonment in December 2008, respectively. The status of Khin Mauong Cho, also arrested in 2008, was unknown.

The law prohibits labor strikes. In contrast with 2008, there were no reports of informal strikes during the year.

b. The Right to Organize and Bargain Collectively

The government generally does not allow workers to organize or bargain collectively. However, Workers' Supervision

Committees (WSCs) existed at factories in some government-designated industrial zones to address grievances. When a dispute cannot be resolved at the factory level, it is referred to a township committee chaired by the township chairman. The township committee attempts to resolve the problem through negotiation or, if necessary, arbitration. During the period a dispute is before the WSC process, the workers are required to continue their work, and demonstrations are prohibited.

There are no export processing zones; however, there are special military-owned industrial parks. Labor laws are applicable in all industrial zones and across all industries, but they were not always enforced.

c. Prohibition of Forced or Compulsory Labor

The SPDC Supplementary Order 2004 and Ministry of Home Affairs Order 1/99 prohibit forced or compulsory labor (except as a criminal punishment); however, there were reports such practices occurred. The law provides for the punishment of persons who impose forced labor on others. However, government and military use of forced or compulsory labor remained a widespread and serious problem, particularly targeting members of ethnic minority groups. Throughout the country international observers verified the government routinely forced citizens to work on roads, construction, and other maintenance projects. Citizens also were forced to work in military-owned industrial zones. The ILO reported one complaint during the year of internal trafficking for child forced labor at a horticultural plantation, where 100 boys ages 13 to 15 reportedly were forced to work and held in a barracks at night. The boy who reported the case was initially abducted in Rangoon Division and taken to the plantation.

The Chin Human Rights organization reported in Chin State the SPDC forced villagers to cut wood from the forest, repair and construct army camps, transport army rations and supplies, and dismantle fences around the camps. The government army also allegedly forced students to work for them on weekends and holidays.

The government's use of forced labor in support of military garrisons or military operations remained serious in ethnic or religious minority regions. According to NGO sources such as the Karen Human Rights Group, villagers were ordered to build or repair military camp infrastructure and perform other tasks within the camps, such as standing guard. The same source also reported villagers were required to bring lumber, at their own expense, to construct and repair military facilities.

During the year the Karen Human Rights Group also reported on the army's continued use of ethnic Karen villagers as porters in attacks against Karen villages in Bago Division and Karen and Kayah states.

Reports of forced labor for smaller projects in villages countrywide persisted. Authorities also continued to use forced labor countrywide to maintain existing civil infrastructure, including transportation and irrigation facilities. 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. In May the government reportedly forced some villagers to work on a road construction project in Rangoon for six days. Each person who refused had to pay a fine of 2,000 kyat (approximately two dollars) per day.

In October 12 farmers in Magwe Division were sentenced to hard labor on charges of trespassing after returning to land confiscated by the government. The farmers allegedly refused to grow sugarcane for the army-run sugar factory. With the help of the ILO, in March the farmers reached an agreement with the government to return to the land. However, the factory later sued, and the court convicted the farmers.

There were reports in 2007 and 2008 from nearly every division and state of authorities forcing citizens to buy and plant physic nut trees on public and private property as part of the regime's campaign to produce more biodiesel fuel. Those who tried to avoid planting the trees were threatened with fines.

On February 26, the 2007 Supplementary Understanding on Forced Labor, an agreement between the government and the ILO, was extended for an additional 12 months. Under the agreement the government permits the ILO to set up a system allowing citizens to register complaints with the ILO without government retaliation; it also requires the government and the ILO to investigate jointly allegations of labor abuses referred by the ILO. However, the ILO reported rare instances of persons arrested after filing forced-labor complaints to the ILO and charged under the Official Secrets Acts.

Although the government took steps to address forced labor, it remained widespread. The government publicly supported the Supplementary Understanding--the 2007 agreement under which the government investigates forced labor complaints--and worked with the ILO to engage in awareness-raising activities, in addition to willingly participating in some joint investigations of forced-labor cases.

d. Prohibition of Child Labor and Minimum Age for Employment

The law sets a minimum age of 13 for the employment of children. The 1993 Child Law provides for the protection of children in the workplace by classifying children ages 14 to 17 as youths and allowing them to engage in light duties. Light duties are not defined, however, and in practice the Child Law was not enforced. Child labor was prevalent and highly visible. The use of child labor was found in the production of rubies, teak, rice, rubber, and sugarcane. In cities child workers were found mostly in the food processing, street vending, refuse collecting, and light manufacturing industries and as restaurant and teashop attendants. In rural areas children worked in family agricultural activities.

Forced labor, including child forced labor, is illegal under Order 199. Nonetheless, the government army continued to recruit and use child soldiers. Ethnic armed groups and some ceasefire groups also allegedly recruited child soldiers (see section 1.g.).

The Ministry of Social Welfare is broadly responsible for enforcing laws and regulations against forced labor, and the Ministry of Labor enforced the law in industrial zones. The UN Children's Fund continued to work with the Ministry of Labor to facilitate several interagency meetings and workshops on the protection of children.

e. Acceptable Conditions of Work

Only government employees and employees of a few traditional industries were covered by minimum wage provisions. The Ministry of Finance and Revenue sets the minimum wage. It was not clear what methodology or process it uses. The minimum monthly wage for salaried public employees remained on par with the market monthly wage of 15,000 kyat (approximately \$15) for what was in effect an eight-hour workday. The rate for day laborers was 500 kyat (\$0.50) per day. 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 real wages in the public sector fostered widespread corruption and absenteeism. In the private sector, urban laborers performing unskilled work earned 500 to 1,000 kyat (\$0.50 to \$1.00) per day, while rural agricultural workers earned approximately half that rate. Skilled workers in the private sector tended to earn somewhat more than rural agricultural workers and urban laborers; for example, a skilled factory worker earned 30,000 kyat (\$30) per month, according to private sector employers.

A surplus of labor, a poor economy, and the lack of protection by the government continued to foster substandard conditions for workers. The law prescribes a five-day, 35-hour workweek for employees in the public sector and a six-day, 44-hour workweek for private and state enterprise employees, with overtime paid for additional work. Factory workers at state-owned enterprises must work 44 to 48 hours per week, depending on the type of factory. 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 labor force, since most workers were engaged in rural agriculture or the informal sector. The laws were generally enforced in the government sector, but there were frequent violations by private enterprises. There were reports workers at garment factories near Rangoon were forced to work long hours without receiving overtime pay and were dismissed for being absent from work for more than three days due to sickness.

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

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