



United Kingdom Foreign & Commonwealth Office

**Human Rights and Democracy:  
The 2011 Foreign & Commonwealth Office Report**

Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty

April 2012

## Burma

2011 was marked by some unexpected and positive political developments in Burma, although significant long-term challenges remained. In March, a new civilian government was inaugurated following flawed elections at the end of 2010. Many of its members had belonged to the former military regime, including the new President, Thein Sein. Democratic opposition leader Aung San Suu Kyi's National League for Democracy (NLD) party was threatened with dissolution. Burma completed the Universal Periodic Review process, rejecting many important human rights recommendations. The situation in some ethnic minority areas worsened. But from the middle of the year we witnessed a change of direction in several areas. In July, the Burmese government opened up a process of dialogue with Aung San Suu Kyi. She made a political tour outside Rangoon the same month, with the cooperation of the government. Media and internet restrictions were relaxed to some extent. UN Special Rapporteur Tomás Ojea Quintana was granted a visa to visit Burma in August. The president suspended the construction of a controversial dam in Kachin State, seemingly influenced by the concerns of civil society. The October parliamentary session saw new labour laws passed, allowing for the establishment of independent trade unions. An amendment of the Political Party Registration Law paved the way for the NLD, and Aung San Suu Kyi herself, to run in by-elections planned for 2012. In October, over 200 political prisoners were released from detention, although several hundred remained. Aung San Suu Kyi told us that she believed the president was genuinely committed to reform. Looking ahead to 2012, there is some evidence to suggest that the government plans to push on with its reform programme.

The UK's human rights objectives in Burma during 2011 were to work towards an improvement on human rights in a range of areas, including prison conditions; the treatment of civilians in conflict areas; forced labour and freedom of association; accountability for human rights abuses; the rights and freedoms of ethnic minorities and media freedom; and encouragement of democratic reform, including through support to political parties and civil society. Working with the Department for International Development (DFID), we aimed to improve human security, promoting

responsible social and economic policies. Although we saw movement in many of these areas, at the end of 2011 serious concerns remained, especially regarding ethnic minority areas, notably Kachin State.

The UK took forward a range of activities to advance these goals. Our Ambassador regularly met Burmese ministers in Nay Pyi Taw, raising our human rights concerns directly with the government. Our staff in Rangoon developed a network of contacts throughout Burma, which included the government, representatives of the ethnic communities, political parties and civil society. Our Ambassador spoke regularly to Aung San Suu Kyi. The Embassy provided regular updates on the situation in-country, and their reporting helped us to ensure that the resolutions on human rights in Burma at the Human Rights Council and the Third Committee at the UN General Assembly were well-evidenced and reflected positive progress as well as detailing concerns that remain. We helped to secure the renewal of the EU's restrictive measures on Burma, with some minor amendments which opened the door for increased engagement with the new government. Our Embassy managed a programme of projects worth £350,000 focused on strengthening civil society and supporting human rights and democracy.

Ministerial visits have marked a new level of engagement with the Burmese government. The International Development Secretary went to Burma in November, and the Foreign Secretary visited on 5–6 January 2012 – the first British Foreign Secretary to do so since 1955. When he met the Foreign Secretary, the President committed to releasing all political prisoners, holding free and fair by-elections, and making progress on national reconciliation. A week later, on 12 January, we saw the signing of an initial peace agreement with the Karen National Union after 63 years of conflict. Other ethnic groups have also agreed similar trust-building agreements with the government, but this process remains fragile and will remain so in the absence of political dialogue between the government and ethnic groups. On 13 January, a significant number of political prisoners, including key “88 Generation” activists and ethnic leaders, were released, although significant numbers remain in jail.

We acknowledge that there is more work to be done to address the serious human rights concerns that remain. In 2012, our human rights objectives will build on the

progress in 2011; we will focus on ensuring the effective implementation of the commitments made by the Burmese government during the previous year.

## **Elections**

The new ministers appointed to the Burmese government in March were required to resign their parliamentary seats before taking up their positions. As a result, by-elections, for 48 parliamentary seats in total, will be held on 1 April 2012.

In January, the NLD lost their appeal against dissolution and in May the government pronounced that they no longer had legal status as a political party. On 4 November, the president approved amendments to the Political Parties Registration Law, which removed the NLD's objections to registration. The NLD decided to re-register as a political party on 18 November, and announced that they would contest all seats in the by-elections.

## **Freedom of expression and assembly**

There have been improvements in media freedoms during 2011. Following the partial relaxation of censorship laws, certain categories of private newspapers including health, children's, business, technology and sports journals no longer needed to submit copy for advance censorship. Political and news journals must still do so. *De facto* censorship has become less rigorous and topics which were once taboo are now featured, including ethnic affairs and interviews with opposition politicians. Aung San Suu Kyi's image is now sold openly on roadsides, and can often be found on front covers of newspapers. The state media dropped their propagandist condemnations of the BBC and Voice of America, and reporters from both organisations were allowed to report officially inside the country. Burmese ministers have given unprecedented interviews with exiled Burmese media organisations barred from operating in-country.

Some topics still remain heavily censored, including direct criticism of the government and references to certain historical events. The head of the Press Censorship Committee has indicated publicly that he would like to see an end to censorship, and we understand that a new media law is currently being drafted

accordingly. Nine jailed reporters were released in a prisoner amnesty in January 2012, but at least three journalists reportedly remain in jail.

Internet restrictions were tightened in May, with new regulations instructing internet cafes to monitor usage. Some restrictions were eased in June and August, with access granted to thousands of previously banned internet sites. However, around 30,000 websites reportedly remain banned, mostly adult sites.

Censorship in the film sector remains strict, although government ministers have indicated that this will be an area of reform in 2012. From 31 December 2011 until 4 January 2012, an unprecedented “Freedom Film Festival” was organised in Rangoon, chaired by Aung San Suu Kyi. Films were not submitted in advance to the censorship board, and films on sensitive topics such as censorship processes and life in prison were shown openly; this was a significant development, and something that we look forward to becoming the norm.

The UK has supported the development of journalism through several workshops on issues of concern. The British Council has continued to promote freedom of expression and information through its English teaching and library and IT facilities. British Embassy-funded millennium centres in 19 locations across Burma are an important source of English-language materials and activities.

Civil society has played an increasingly vocal role in advocating for and against government decisions. Notably, civil society activism, in the form of literary festivals and newspaper articles, was likely to have influenced President Thein Sein’s decision in September to suspend construction of the controversial Myitsone dam in Kachin State. There have been open debates over the merits of the Dawei deep sea-port project. However, activists working in Rakhine State to raise awareness of the Kyauk Phyu port project have continued to be harassed by authorities, and have been prevented from speaking freely on the matter.

The new parliament has passed legislation on a right to peaceful protest. This legislation has yet to be tested, and the police authorities have advised that they are still amending their own procedures in light of the law. Earlier in the year, a

procession to mark the fourth anniversary of the 2007 protests was dispersed by police, and on 27 October a protest in downtown Rangoon against land confiscations was broken up by police, with several leaders detained for questioning and banners confiscated.

A labour organisations law was passed by parliament in October, giving Burmese workers the right to strike, which the International Labour Organization (ILO) welcomed as an important step. The test in 2012 will be in the implementation of these laws, and the Embassy will be monitoring the situation closely, in liaison with the International Labour Organization.

### **Human rights defenders, political prisoners and torture**

President Thein Sein announced two amnesties through the course of 2011. In May, around 40 political prisoners were released; in October, around 270 were liberated. The UK has consistently called for the release of all political prisoners, including during the Secretary of State for International Development's visit in November.

Prison conditions have slightly improved in recent years for political prisoners but overall are far from meeting international standards. There continue to be reports of harsh interrogation techniques, solitary confinement, prisoners held in cells intended for military dogs, and overcrowding. Political prisoners have been deliberately held many miles away from their families. Hundreds of prisoners each year are forced to act as porters for army units in conflict zones; many prisoners have died or suffered serious injuries as a result. The International Committee of the Red Cross (ICRC) continued to be denied access to detainees in prison. In July, the ICRC was granted access to three prisons for technical assessments of water and sanitation systems but could not meet with prisoners. The Ambassador has pressed the government to allow independent access to prisons to monitor conditions.

### **Access to justice and the rule of law**

Burma's existing laws are in many cases outdated, sometimes contradictory and in need of amendment. Judges, police and other officials often have limited knowledge of the law, and corruption remains a major problem. Citizens have little trust in the legal system and little knowledge of the laws under which they live. Access to legal

assistance is often unaffordable. Criminal cases are still held, in some instances, behind closed doors. Arbitrary revocation of lawyers' licences continues. The lack of legal framework for redress results in human rights violations, for example around land confiscations, and environmental damage.

In 2011, the Burmese parliament began a project to review and, where necessary, amend or revoke existing laws, in part to address concerns over legal uncertainty.

The UK has supported the development of rule of law through a number of projects over the course of the year, bringing in overseas expertise, and working to develop legal information that is easily understandable to the general population. In 2012, further work on rule of law, taking advantage of greater freedom in Burma, will be a priority for the UK Government.

### **Conflict and protection of civilians**

In March, the Burmese army moved into areas of Shan State held by ethnic armed forces. We received reports that seven villages were razed to the ground, and civilians indiscriminately targeted. An estimated 30,000 people fled their homes.

In June, conflict broke out in Kachin State, bringing a 17-year ceasefire to an end. Human rights abuses targeting civilians were reported, including torture, rape and unverified reports of murder. There were allegations that the Kachin Independence Army was also using forced portering and child soldiers. Land mines, laid by both sides, remained a serious issue. By the end of 2011, hostilities continued and nearly 50,000 people had been internally displaced from Kachin State.

During 2011, we received further reports of regular clashes between the military and the Karen National Union in eastern Burma. Refugees continued to flow, in relatively small numbers, across the border to Thailand, although there was movement in both directions throughout the year.

Towards the end of the year, the government started to reach out to ethnic groups, although it had yet to meet their demands to establish a nationwide ceasefire and collective, national-level peace talks. In early September, ceasefire agreements with

the Wa and Mongla groups were signed in Shan State. In December, a ceasefire was signed with the Shan State Army-South. The government held initial talks with members of the United Nationalities Federation Council, an alliance of several armed ethnic groups.

At a UN Security Council debate on protection of civilians in November, the UK called for the Burmese army and ethnic militia to make every effort to protect civilians and bring to account those responsible for human rights abuses against them. We ensured that the Burma resolutions passed by the Human Rights Council in March and the General Assembly in November reflected our concerns.

### **Freedom of religion or belief**

The 2008 constitution and election laws enacted in 2010 forbid the "abuse of religion for political purposes" and bar members of religious orders from running for public office, from voting and joining political parties.

We received reports in November of attacks by the military on Christian churches and of restrictions placed on religious gatherings in Kachin State. The UK raised these issues directly with the government, including in November when our Deputy Ambassador accompanied the former Archbishop of Canterbury to a meeting with the Burmese minister of religious affairs. The Ambassador relayed our concerns about freedom of religion to the Burmese Human Rights Commission in November.

### **Women's rights**

Burma is a state party to the Convention on the Elimination of All Forms of Discrimination against Women. The government has drafted a National Plan of Action for the Advancement of Women for 2011–15 and is working with the UN Population Fund in its finalisation. We understand that at the end of 2011 they were in the process of drafting new legislation on women's rights. The Burmese government has stated its commitment to the Millennium Development Goals and is on track to meet some of its gender-equality goals, such as school enrolment for girls. Under its 2011–15 Operational Plan for Burma, DFID is undertaking programmes to improve maternal and child healthcare, to enable women to avert



unintended pregnancies, and to make available micro-finance services to poor women in rural areas.

Women's participation in public life, and notably in government, is limited. The British Embassy is working with Action Aid on a project to promote women's participation in public affairs.

We have continued to receive reports of gender-based violence by the military in conflict areas; the Burmese government has done little to investigate these cases. During Burma's Universal Periodic Review session at the UN, we urged the government to end impunity for human rights violations. At the Human Rights Council in March and the UN General Assembly in November, we supported text which strongly called on the government to take urgent measures to end the targeting of civilians in military operations, and rape and other forms of sexual violence.

Burma has acceded to the UN Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons. The UK has utilised its willingness to engage on this issue, and supports a Karen women's NGO to strengthen its capacity to combat human trafficking.

### **Minority rights**

State and divisional parliaments came into being in March 2010, in accordance with the 2008 constitution. Several ethnic minority parties have substantial blocs of elected MPs within those parliaments. However, as yet the extent of these parliaments' legislative authority remains unclear, state-level budgets have not been allocated, the chief ministers are appointed centrally by the president, and democratic politicians have been disappointed by the lack of opportunity for debate within parliament.

The situation of the Rohingya minority remains of great concern. The Rohingya community were not included as one of Burma's "national races" under the 1982 Citizenship Laws. In 2011, they continued to be denied basic civil and political

rights, with restrictions on freedom of movement, limited access to education, permission required to get married, and widespread social discrimination

At the end of the year, minority rights remained perhaps Burma's greatest challenge, requiring an inclusive and credible process of national reconciliation, involving political dialogue and, most likely, constitutional amendments, along with economic development to address existing inequalities.

### **Children's rights**

The UN Convention on the Rights of the Child is one of only two UN conventions that Burma has ratified. The Burmese government has cooperated with UNICEF and a number of NGOs, such as Save the Children, in implementing their programmes in Burma and has established a National Committee on the Rights of the Child. At the end of 2011, the Burmese government was in the process of drafting new legislation on children's rights, but further information is not yet available.

Serious concerns remain. In 2011, many children in Burma continued to receive inadequate education, healthcare or social protection, with children among the internally displaced population in particular lacking access to services. The Special Rapporteur for Human Rights in Burma reported in March that fewer than 60% of children complete primary education.

The use of child soldiers continued to be a problem in the Burmese military and some armed ethnic groups. Many children continued to work, largely due to poverty, and there remained no code of conduct to protect working children. There is little protection under the law for how children are treated within the Burmese police justice system.

Throughout the year, we worked closely with civil society organisations and UN agencies on children's issues. DFID's Operational Plan for 2011–15 aims to support more than 200,000 children through primary school in Burma.

### **National Human Rights Commission**

In September, the Burmese government announced the establishment of a 15-member National Human Rights Commission, all ex-government employees, including diplomats and academics. The commission, which began accepting complaints in early October, has said that it intends to cooperate with international organisations, and operate in line with international human rights principles.

The commission issued a number of public statements in the state media calling for releases of “so-called political prisoners”, and sent a delegation to Kachin State in December to coordinate humanitarian aid. But the extent to which it can operate impartially, and its appetite to investigate serious abuses, remains to be seen. Our Embassy has met several times with the commission and has encouraged it to play a credible role in investigating abuses and calling authorities to account where appropriate.