

BURMA 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Burma's parliamentary government is headed by President Thein Sein. On April 1, the country held largely transparent and inclusive by-elections in which the National League for Democracy (NLD) party, chaired by Aung San Suu Kyi, won 43 of 45 contested seats out of a total 664 seats in the legislature. The by-elections contrasted sharply with the 2010 general elections, which were neither free nor fair. The ruling Union Solidarity and Development Party (USDP) continued to hold an overwhelming majority of the seats in the national parliament and state/regional assemblies, and active-duty military officers continued to wield authority at each level of government. Military security forces reported to military channels, and civilian security forces, such as the police, reported to a nominally civilian ministry headed by an active-duty military general.

In 2012 the government's continued reform efforts resulted in significant human rights improvements, although legal and policy revisions had yet to be implemented fully or consistently at the local level, particularly in ethnic nationality areas. On January 13, President Thein Sein released an estimated 300 political prisoners, including top figures of the prodemocracy movement and all imprisoned journalists, and amnestied an estimated 140 political prisoners in subsequent releases, though none of the 2012 releases were unconditional. The government eased longstanding restrictions imposed on its citizens, including by relaxing censorship laws governing the media, expanding labor rights and criminalizing forced labor, and returning professional licenses to practice law for the majority of lawyers who had been disbarred for political activities or for their representation of political activists. The government also eased restrictions on dissidents both from within and outside the country, including removal of more than 2,000 names from a government blacklist of persons barred from entering or leaving the country based on their suspected political activity.

An outbreak of communal violence in June between predominantly Buddhist Rakhine and predominantly Muslim Rohingya in Rakhine State claimed the lives of an estimated 100 civilians and displaced tens of thousands before the central government reestablished calm. Violence broke out again in October and resulted in deaths estimated to exceed 100 and the burning of more than 3,000 houses in predominantly Rohingya villages. The central government took positive steps by deploying security forces to suppress violence, granting the international community access to the conflict areas, forming an investigative commission into

the causes of the violence, and engaging international experts on reconciliation. Intercommunal tensions remained high. At the end of the year, there were more than 100,000 internally displaced persons (IDPs) resulting from the violence in Rakhine State.

The Burma Army escalated the use of force against the Kachin Independence Army (KIA) in December, including through the use of air power. In July the government stopped issuing travel permission for UN humanitarian aid convoys to travel to Kachin Independence Organization (KIO)-controlled areas, effectively cutting off an estimated 40,000 IDPs from access to international humanitarian assistance. Local nongovernmental organizations (NGOs) were generally able to access these populations during this period. KIA forces allegedly destroyed civilian infrastructure, including roads, bridges, and trains, and targeted attacks on police officials in Kachin State.

Significant human rights problems in the country persisted, including conflict-related abuses in ethnic minority border states; abuse of prisoners, continued detention of more than 200 political prisoners and restrictions on released political prisoners; and a general lack of rule of law resulting in corruption and the deprivation of land and livelihoods.

Government security forces were allegedly responsible for cases of extrajudicial killings, rape, and torture. The government abused some prisoners and detainees, held some persons in harsh and life-threatening conditions, and failed to protect civilians in conflict zones.

The government undertook some legal reforms during the year, and in practice restrictions on the exercise of a variety of human rights lessened markedly, if unevenly and unreliably, compared to past years. Nevertheless, a number of laws restricting freedom of speech, press, assembly, association, religion, and movement remained. The government allowed for greater expression by civil society, and NGOs were able to operate more openly than in previous years; however, the mandatory registration process for NGOs remained cumbersome and nontransparent.

The government signed an action plan with the UN to end illegal child soldiers. Though there were several well publicized demobilizations of child soldiers during the year, recruitment of child soldiers continued. Discrimination against ethnic minorities and stateless persons continued, as did trafficking in persons--

particularly of women and girls--although the government took actions to combat this problem. Forced labor, including that of children, persisted.

The government generally did not take action to prosecute or punish those responsible for human rights abuses, with a few isolated exceptions. Abuses continued with impunity.

Ethnic armed groups also committed human rights abuses, including forced labor and recruitment of child soldiers, and failed to protect civilians in conflict zones.

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

a. Arbitrary or Unlawful Deprivation of Life

There were reports that the government or its agents committed arbitrary or unlawful killings unrelated to internal conflict (see section 1.g. for killings related to internal conflict). On December 14, soldiers beat 16-year-old Than Htike Aung from Hansada township after he accidentally hit a soldier from the local army battalion while riding on his motorbike. On December 27, Than Htike Aung died from his injuries. Although the family reportedly initiated a legal case against the soldiers, by year's end the government had not held the alleged perpetrators responsible.

The Ministry of Construction paid approximately 70 lakhs (approximately \$7,000) to the family of a man killed by a public works employee in 2011. The public works employee had beaten the man for violating a prohibition against riding a motorbike on a Rangoon-Mandalay highway.

b. Disappearance

With the exception of allegations of disappearances from prisons and within conflict-affected border states, there were no substantiated reports of the disappearance of private citizens. A prominent human rights group reported that during the year there were more than 100 disappearances in Kachin State, including in Hopin, Moe Hnyin, and Bahmo townships (see section 1.g.).

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

Laws prohibit torture; however, members of the security forces reportedly tortured, beat, and otherwise abused prisoners, detainees, and other citizens. In September in Hopin Township, Kachin State, police reportedly questioned Maung Oo on a train as he returned home from work. Suffering from malaria, Maung Oo was unable to respond to questions and was physically abused during further interrogation at a police station, according to a well-known human rights group. Although sent to a free clinic in Hopin for treatment, Maung Oo later died from his injuries.

Security forces reportedly subjected detainees to harsh interrogation techniques designed to intimidate and disorient, including severe beatings, and deprivation of food, water, and sleep. Reportedly, authorities no longer used burnings and water torture, nor did they sexually abuse political prisoners. As in previous years, authorities took little or no action to investigate incidents or punish perpetrators. Following a June 24 bomb blast at the Naypyitaw rail station, rights activists reported authorities detained and physically abused an innocent person to obtain a confession.

Prison and Detention Center Conditions

Although conditions in some areas reportedly improved, prison and particularly labor camp conditions continued to be harsh and life-threatening.

Prison Conditions: The Correctional Department operated an estimated 42 prisons and more than 100 labor camps. A human rights group and prominent international NGO estimated there were approximately 65,000 prisoners, 57,000 male and 8,000 female. The number of juvenile detainees was estimated to be a few hundred. Except for Insein Prison, the country's largest prison, overcrowding reportedly was minimal, as authorities were said to transfer prisoners to labor camps as a space-saving measure.

Pretrial detainees were held together with convicted prisoners, and political prisoners were occasionally held together with common criminals. Reports claimed that political prisoners faced better treatment than in previous years.

Prison food, clothing, and medical supplies were scarce and of poor quality. Bedding often was inadequate, sometimes consisting of a single mat, wooden platform, or laminated plastic sheet on a concrete floor. Prisoners did not have access to potable water. In many cases family members supplemented prisoners' official rations with medicine and basic necessities. Inmates reportedly paid

wardens for basic necessities including clean water, prison uniforms, plates, cups, and utensils.

Detainees were unable to access adequate medical care; in many respects this was true of the general population as well. Prisoners suffered from health problems including malaria, heart disease, high blood pressure, tuberculosis, skin diseases, 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. Former prisoners reported that prison authorities designated some long-term prisoners as unofficial "wardens" to supervise and control other prisoners. Prison authorities reportedly gave these wardens control of incarcerated youths for sexual exploitation or for transfer to other prisoners in exchange for bribes. The sexual abuse by these wardens of prisoners as young as 15 and 16 contributed to the high rates of HIV/AIDS infection. Former prisoners also complained of being held in aging, poorly maintained physical structures that provided no protection from the elements and were infested with rodents, snakes, bacteria, and mold.

There were reports of custodial deaths, including the February 12 death of a man from Rangoon's Hlaing Tharyar township. Media sources, human rights activists, and lawyers said that the man died in Insein Prison one day after his transfer to the prison from a local police station where he had been physically abused during two days of interrogation.

Administration: There were some alternatives to incarceration for nonviolent offenders, including fines and "community arrests" requiring convicted persons to stay within their community and report regularly to authorities. There were no rehabilitation programs. Prisoners and detainees had access to visitors; family members generally were allowed one or two visits per month. Prisoners and detainees sometimes could submit complaints to judicial authorities without censorship or negative repercussion. However, not all prisoners were allowed to worship freely. Imprisoned monks reported that authorities denied them permission to keep Buddhist Sabbath (Uposatha), wear robes, shave their heads, or eat on a schedule compatible with the monastic code. Authorities generally did not investigate credible allegations of inhumane conditions.

Monitoring: During the year the government did not permit media or other independent groups to monitor prison conditions. In November the government made a public commitment to restore unfettered International Committee of the

Red Cross (ICRC) access to prisons and prisoners, but unfettered access had not been granted by year's end.

Improvements: During the year the government allowed ICRC officials to conduct water and sanitation projects in three major prisons and agreed to expand the reach of the project to cover additional prisons.

d. Arbitrary Arrest or Detention

The law does not specifically prohibit arbitrary arrest but requires permission of a court for detention of more than 24 hours. The government nevertheless arbitrarily arrested and detained citizens. The law allows authorities to extend sentences after prisoners have completed their original sentence, and the government reportedly used this provision. The 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. In contrast with previous years in which lengthy arbitrary detentions occurred, protest organizers reported being detained and questioned by security forces following demonstrations, then being released within hours or officially charged and often released on bail.

Role of the Police and Security Apparatus

The Ministry of Home Affairs oversees the police force, which is largely responsible in law and practice for law enforcement and maintenance of order in urban areas. The Ministry of Defense oversees the Office of the Chief of Military Security Affairs (OCMSA) and also plays a significant role in the maintenance of law and order, particularly in rural and border areas.

Security forces continued to exert a pervasive influence on the lives of inhabitants, due to the fear of arbitrary arrest and detention and also through threats to individual livelihoods. These forces enjoyed impunity. Effective legal mechanisms do not exist to investigate security force abuses. The government took some steps to address the Burma Army's use of child soldiers (see section 1.g.).

Arrest Procedures and Treatment While in Detention

By law warrants for searches and arrests are required; however, the OCMSA and police reportedly conduct searches and make arrests at will. Special Branch police

responsible for state security matters reportedly held people during what they termed an “interrogation phase,” a period not defined in law, before pretrial detention. With court permission police can detain persons without charge for up to two weeks, with the possibility of a two-week extension. However, authorities frequently and arbitrarily extended detentions beyond this period, sometimes for up to a year, without bringing detainees before a judge or informing them of the charges against them. Detainees were not always allowed prompt access to a lawyer of their choice, or, if indigent, to one provided by the state. The government continued to detain persons under the Emergency Provisions Act of 1950, which allows for indefinite detention. There is a functioning bail system, but bribery was a common substitute for bail. Bail was commonly offered in criminal cases but rarely allowed for political prisoners. In some cases the government refused detainees the right to consult a lawyer. The government continued to use incommunicado detention and failed to inform detainees’ relatives of detentions in a timely fashion.

Arbitrary Arrest: There were reports of arbitrary arrests. A prominent human rights group reported that in May an individual was arrested arbitrarily in Pakokku township, Magway Region, and remained in detention at year’s end. Former political prisoner U Gambira was arrested three times during the year following his release through a presidential amnesty in January. Most recently, authorities detained him in December and later released him on bail. At year’s end he faced three charges related to his alleged break-in of closed monasteries in March. His family reportedly believed authorities detained him to prevent him from joining other monks who participated in protests related to a copper mining operation (see section 2.b.).

Amnesty: On January 13, President Thein Sein announced an amnesty for 651 prisoners, including an estimated 300 political prisoners. Released political prisoners included top figures of the prodemocracy movement: 88 Generation student leaders Min Ko Naing, Ko Ko Gyi, Htay Kywe, Nilar Thein and Ko Jimmy; Shan ethnic leader Hkun Htun Oo; blogger Nay Phone Latt; journalist Situ Zeya; and monk U Gambira, leader of the 2007 prodemocracy protests known as the Saffron Revolution.

On September 17, the president pardoned 514 prisoners, including an estimated 90 political prisoners, and released an additional 50 political prisoners in November. All released political prisoners were pardoned under section 401 of the penal code and were released conditionally; under section 401, released political prisoners

may be forced to serve the full remainder of their sentences if rearrested for any reason.

e. Denial of Fair Public Trial

The Judiciary Law of 2000 calls for an independent judiciary; however, in practice the judiciary was characterized by institutionalized corruption and remained under the de facto control of the military and government. According to studies by civil society organizations, payments were made at all stages in the legal process and to all levels of officials, for routine matters such as access to a detainee in police custody and determining the outcome of a case. The court system and its operation were seriously flawed, particularly in the handling of political cases.

The use of laws to arbitrarily arrest and detain citizens for peaceful activities--including the Emergency Provisions Act, Unlawful Associations Act, Habitual Offenders Act, Electronic Transactions Law, Television and 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 stifle peaceful dissent and deprive citizens of due process and the right to a fair trial. Lawyers representing political prisoners or political cases occasionally faced harassment. The Asian Legal Resource Center reported 32 lawyers disbarred and unable to practice law for political reasons in 2011. In July, 12 of these lawyers were granted licenses and others regained licenses later in the year. According to human rights activists and lawyers, at year's end, five lawyers remained disbarred, including Pho Phyu, Saw Kyaw Kyaw Min, Ko Nyi Nyi Htway, U Myint Than, and Ko Tin Htun Aung.

Trial Procedures

The law provides for the right to a fair trial, but it also grants broad exceptions, in effect allowing the government to violate these rights at will. In ordinary 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 the right to presumption of innocence, trial by jury, or, except in capital cases, the right to consult an attorney or have one provided at government expense. There is no right to confront witnesses and present witnesses and evidence, although sometimes witnesses and evidence were allowed. While there is no right to access government-held evidence, sometimes it was provided. Defendants have a right to appeal judgments; however, in most appeal hearings the original verdicts were upheld. There is no legal provision that would allow for the

compelled testimony or confessions of guilt by defendants, although authorities reportedly engaged in both.

Ordinary criminal cases were open to the public. Defense attorneys in criminal cases generally had 15 days to prepare for trial. Defense attorneys could call witnesses, conduct cross-examination, and examine evidence. However, there remained concerns of judicial impartiality.

There were some reports that families of activists were not admitted to trials. NLD members and other prodemocracy activists generally appeared able to retain counsel; however, defendants' access to counsel was often inadequate. 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.

Rights activists and lawyers noted that political detentions decreased dramatically during the year. There were two reports, however, that the government used the penal code to render excessive sentences against political activists by allowing prosecutors to charge detainees with multiple violations of tangential, archaic, or widely ignored laws, such as violating currency laws, publishing materials likely to cause alarm, or spreading rumors. Although there were some reports that the government prosecuted political prisoners under such measures as Defamation of the State, the Emergency Provision Act, Law on Safeguarding the State from the Danger of Subversive Elements, Television and Video Act, Unlawful Associations Act, Electronic Transactions Law, and the Law Relating to the Forming of Organizations, lawyers noted that the government employed these laws to a far lesser degree than in past years.

The government retained the ability to extend 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.

Political Prisoners and Detainees

The government continued a dialogue with the members of the international community on the issue of political prisoners. NGOs estimated the government

released approximately 440 political prisoners during the year. At year's end groups assisting political prisoners estimated that some 230 political prisoners remained in detention, although the precise number was unknown.

Many released political prisoners experienced significant restrictions following their release, including an inability to pursue courses of study undertaken prior to incarceration, to secure travel documents, and to obtain other documents related to identity or ownership of land. One prisoner released in September reported daily monitoring by security officials. Under section 401, all faced the prospect of serving the remainder of their sentences if arrested for any reason, whether related to political activity or not.

Go Pian Sing, a member of the ethnic Chin minority and a practicing Christian, was reportedly abducted and tortured on multiple occasions by military personnel in 2009 in Rangoon. In January 2010 he was sentenced to 15 years, the maximum under the Electronics Act, for allegedly sharing information with foreign media about Burma's military ties with North Korea. At year's end he remained imprisoned at Taungoo Prison.

Civil Judicial Procedures and Remedies

Although no specific mechanisms or laws provide for civil remedies for human rights violations, complainants can use provisions of the penal code and laws of civil procedure to seek civil remedies. There were no reported examples of successful attempts to do so.

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

Although the Land Acquisition Act protects the privacy and security of the home and property, agents of the government entered homes without judicial authorization. In July authorities entered the homes and raided offices of the 88 Generation Student Group and arrested approximately two dozen prodemocracy students activist members of the All Burma Students Federation Union planning to host a commemoration of the July 7, 1962, military bombing of Rangoon University's student union, which ended student protests against the Junta. The student activists were released 24 hours later but were prevented from holding the planned commemoration.

There is no law protecting the privacy of correspondence or other communications of citizens, and it was widely believed authorities regularly screened private correspondence, telephone calls, and e-mail.

The government reportedly continued to control and monitor the licensing and procurement of all two-way electronic communication devices.

Activists reported that through official 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 (see section 2.d.).

The government and armed ethnic groups reportedly continued the practice of conscripting members of ethnic and religious minorities for service as military porters in Bago Region and in Chin, Karen, Kachin, Kayah, Rakhine, and Shan states, although there were reportedly fewer instances than in past years (see section 1.g.).

Although no legal provisions restrict the right of adult women and men to marry, a 1998 Supreme Court directive prohibits legal officials from accepting petitions for marriages between Burmese women and foreign men and from officiating over such marriages. The directive was sporadically enforced. In northern Rakhine State, local authorities require Rohingya to obtain a permit--a step not required of other ethnicities--to marry officially. Wait times for the permit can exceed one year, and bribes were usually required. Unauthorized marriages can result in the Rohingya man being prosecuted under section 493 of the penal code, which prohibits men from "deceitfully" marrying a woman, and can result in a prison sentence or fine. The law prohibits the adoption of children by non-Buddhist families.

Family members were sometimes punished for alleged offenses committed by individuals.

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

Government forces reportedly continued to engage in widespread and systematic abuses of noncombatant civilian populations in ethnic minority border regions. Sources from various ethnic and religious groups reported incidents of killings, torture, abductions, and rape, and continued forced labor of civilians in Shan and Kachin states, southern Mon State, and some areas in Karen State. In October

government troops reportedly summoned Palaung village leaders and beat them, accusing the leaders of having contact with the Palaung State Liberation Army. Unlike in past years, in Rakhine State the central government made noticeable efforts to protect the population from conflict-related abuses. Many affected by the communal violence in Rakhine State credited the military specifically with protecting vulnerable populations of both Rakhine and Rohingya. In October the government sent approximately 10,000 security personnel (including police and military) to Rakhine State to stem violence and to protect civilians. The government also signed a code of conduct with the Karen National Union (KNU) in Karen State, which included provisions outlining civilian-military relations, in an effort to protect the civilian population.

At year's end violence in Kachin State had intensified and access for humanitarian organizations remained blocked. On December 10, the Burma Army used helicopters and jets to attack KIA positions near the China border, marking the first use of air power against an armed ethnic group in decades.

In January the government signed a peace agreement with the KNU, halting the country's longest running conflict, and four KNU liaison offices were opened. By year's end the government had signed cease-fire agreements with all major armed ethnic groups with the exception of the KIA.

Killings: Military officials reportedly killed, tortured, and otherwise seriously abused porters.

Civilians were killed through indiscriminate use of force. In September civilians in Hpakant, Kachin State, were caught in the cross fire between government troops and the KIA, and a 14-year-old female student was reportedly killed. In December the escalating violence in Kachin State also reportedly resulted in a number of civilian deaths and injuries.

Abductions: Residents of ethnic border areas reported continuing disappearances related to conflict.

Physical Abuse, Punishment, and Torture: Media reports documented government torture and beating of civilians alleged to be working with insurgent groups. An international NGO reported that on June 17, a person was taken from an IDP camp outside of Myitkyina in Kachin State and beaten for alleged association with the KIO. Human rights groups reported instances of rape of civilians and IDPs by the government and armed ethnic groups in Shan and Kachin states. In May a

Burmese news source reported the gang rape and prolonged torture of a woman in the sanctuary of a church near Pan Wa. According to a Kachin women's organization, approximately 10 soldiers beat, stabbed, and raped the woman over a period of three days with impunity. A Kachin-based NGO reported that government troops burned down thousands of homes and churches in Kachin State after violence escalated in December.

Unmarked land mines persisted in many states where both government troops and armed ethnic minority groups planted land mines over many years of conflict. NGOs operating along the Thai-Burma border reported continued landmine use by armed groups as recently as January. According to the Landmine Monitor Report, there were 381 casualties in 2011, compared with 274 in 2010. The number of casualties was likely underreported due to a lack of access to the remote areas thought to be most affected by land mines.

In October local community members in Kayah State reported incidents of civilians planting land mines to protect villages from military personnel and incidents of the military planting land mines to protect infrastructure such as power lines, dams, and bridges. Armed groups in Kayah State reported both the military and armed groups used land mines around their bases as part of their defensive perimeter. Both the armed groups and the local communities said it was rare for a minefield to be marked. Local religious leaders in Thani La Lay village cited an incident in which the military forced civilians to place a fence around a minefield, and in the process three civilians were wounded.

In February the Department of Social Welfare initiated the first Mine Risk Education workshop to educate officials and communities, and in November the government started the Myanmar Mine Action Center. Demining efforts had not begun at year's end.

Child Soldiers: Human rights activists, international NGOs, and representatives from various ethnic regions described continued recruitment of child soldiers despite military rules prohibiting enlistments of persons under 18 years of age. However, according to the International Labor Organization (ILO), recruitment during the year dramatically decreased, with 25 cases of children recruited during the calendar year, compared with 119 cases in 2011, following a general trend of decrease over the past several years: 133 recruited in 2010, and 175 recruited in 2009. However, during the year the ILO received reports of an increased number of cases of children recruited than previously reported in prior years. The ILO suggested that decreased reports of cases from the calendar year could imply that

the recruitment process was slowing down and attributed increased reports of recruitment from prior years to increased awareness of rights and of the ILO legal remedial mechanism, as well as to increased levels of confidence that claims would be redressed.

One of the tactics used by the Burma Army involved military recruiters reportedly approaching children found alone at bus and railway stations and in rural areas and asking for identification. If the children could not provide identification, recruiters threatened to imprison them unless they agreed to join the army. Alternatively, recruiters offered incentives, promising a good salary, continuing education, food rations for parents, and housing. In many cases some training was promised, such as truck driving or carpentry, only for the victims to end up being brought to the army battalion. Other children were simply abducted. Poverty led a large number to volunteer. Because recruiters were rewarded for the number of recruits without regard to legal status, children continued to be targets for forced recruitment. Child soldiers were reported to be as young as 11 years of age. The government investigated and acted to release children from military service if the children or their families were aware of the law prohibiting child soldiering and exercised their right to file a complaint with the ILO or petitioned for their child's release directly to the Burmese armed forces.

Armed ethnic groups also reportedly used land mines, forced recruitment, and child soldiers. On October 23, independent media reported that the KIA had arrested 22 civilians, including children, in the middle of the night, purportedly for forced conscription into the KIA. An international NGO was investigating reports that the KIA abducted four girls for training.

The government took steps toward correcting these practices. In June the government signed a joint Plan of Action with the UN-led Task Force on Monitoring and Reporting on the situation of children in armed conflict situations with specific regard to the prevention of the recruitment and use as well as the release, reintegration, and rehabilitation of child soldiers by the Burma Army. The Plan of Action calls for the enhancement of the overall protection of children affected by armed conflict, including the cessation of child recruitment, prevention of further recruitment, and securing release. The action plan is the first step in a UN Security Council-mandated process and also paves the way for the UN-led task force to engage with and prepare action plans with the country's many ethnic armed groups. The joint plan of action on child soldiers is the first international action plan agreed to by the military to address human rights, specifically the use of child soldiers in armed conflict.

The government released 64 child soldiers in July and 42 in September. According to government figures, between 2004 and July 2012, the army released 600 child soldiers.

Since 2008 military officials in cooperation with UNICEF and the ILO have trained 14 groups of approximately 1,000 military officers, including recruitment officers and officers up to the rank of captain, on international humanitarian law. UNICEF trained personnel assigned to the country's four recruitment hubs and reported increased numbers of child soldiers rejected at this stage. During the year and in response to ILO complaints, the ILO reported that the military dismissed three officers from the military; two of them were subsequently imprisoned in civilian jails for the use of child soldiers, one noncommissioned officer was dismissed, and he and six other noncommissioned officers were imprisoned. The military demoted other military personnel, docked salaries, and took away 12 months' seniority for pension and promotion rights. Government officials, including police forces, general administration, and judges also participated in ILO workshops on forced labor.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Other Conflict-related Abuses: International humanitarian organizations reported that the government restricted passage of relief supplies and denied humanitarian organizations access to conflict affected areas. In Kachin State local organizations reportedly had some degree of access to all IDP camp locations. International humanitarian organizations continued to provide assistance to more than 27,000 people in over 80 locations in territory controlled by the government. In contrast the government granted UN convoys access to nongovernment-controlled areas to assist only 10,000 to 15,000 people across 13 camp locations and restricted access to nongovernment-controlled areas since June. The government claimed that it could not guarantee the security of humanitarian aid providers in nongovernment-controlled areas. Many in the international community accused the government of restricting humanitarian access as a political tool. There were numerous reports of forced displacement of civilians for reasons other than military necessity, as well as numerous reports of land confiscation and destruction of property.

In Kachin State there were an estimated 100,000 IDPs by year's end. In some cases villagers driven from their homes fled into the forest, frequently in heavily

mined areas, without adequate food, security, or basic medical care (see section 2.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The 2008 constitution provides that “every citizen shall be at liberty in the exercise of expressing and publishing freely their convictions and opinions,” but it contains the broad and ambiguous caveat that exercise of these rights must “not be contrary to the laws, enacted for Union security, prevalence of law and order, community peace and tranquility or public order and morality.”

Freedom of Speech: Authorities arrested, detained, convicted, and imprisoned some citizens for expressing political opinions critical of the government, generally under the charges of protesting without a permit. Many people reported far greater freedom of speech and expression than in previous years. However, some people were wary of speaking openly about politically sensitive topics, due to monitoring and harassment by security services of persons believed to hold antigovernment opinions. Human rights activists reported a significant decrease in the frequency and severity of the harassment as compared with the previous year.

Freedom of Press: During the year three newspapers faced legal actions. For example, in March the Ministry of Mines filed a lawsuit against *The Voice Weekly* newspaper for alleged libel, when it published the findings from the Auditor General’s Office detailing misappropriation of public funds and irregularities in the finances of the Ministries of Information, Agriculture, Industry, and Mines. The trial began in early October, but the ministry later dropped the suit.

The government suspended another weekly, *Snap Shot*, for one month and charged it with instigating public unrest by printing a photograph of a Rakhine woman’s corpse during the outbreak of communal violence in Rakhine State. In late July *The Voice Weekly* and *Envoy* were suspended for failing to submit stories for prepublication scrutiny. The suspension of *Snap Shot*, *The Voice Weekly*, and *Envoy* triggered unprecedented demonstrations by local journalists wearing shirts emblazoned with the logo, “Stop Killing Press.” Three other weekly news journals, the *Messenger*, *Express Time*, and the *Nation*, blacked out sections of their front pages to protest the Information Ministry’s sanctions against *The Voice Weekly*, *Snap Shot*, and *Envoy*. Two weeks later the suspended weeklies were allowed to resume publication.

The government continued to monopolize and control all domestic television broadcasting. It offered six public channels--five controlled by the Ministry of Information and one controlled by the armed forces--and censored private channels. In August Sky Net, a private broadcaster closely affiliated with the government, launched a test run for a new free-to-air news and entertainment channel called Myanmar National TV. The general population was allowed to register satellite television receivers for a fee, although it was too expensive for the majority of persons.

Violence and Harassment: During the year all 12 remaining detained journalists were released by presidential amnesty. There were reports that government agents harassed some journalists. In late August police interrogated a Democratic Voice of Burma (DVB) reporter, Zaw Pe, after being sued by a divisional education officer in Magway city. The reporter tried to conduct interviews concerning scholarships that had been awarded to Burmese students by a Japanese foundation. He was charged with disturbing a working public official and trespassing on government property.

Censorship or Content Restrictions: In late July the government censorship board informed *The Voice Weekly* and *Envoy* editors that their publications would be suspended for failing to submit stories for prepublication scrutiny. Some observers suggested it was because of the publication of articles speculating about the details of an anticipated cabinet reshuffle.

Although generally not prosecuted, existing laws prohibit citizens from passing information about the country electronically to media located outside the country, exposing journalists who reported for international media to potential harassment, intimidation, and arrest.

Radio and television were the primary media of mass communication. News periodicals rarely circulated outside of urban areas. The government and government-linked businesspersons controlled the content of the eight privately or quasi-governmentally owned FM radio stations and one government-run shortwave radio station. Foreign radio broadcasts, such as those of Radio Free Asia (RFA), Voice of America (VOA), BBC, and DVB, remained the principal sources of uncensored information.

Sensitive political and economic topics were generally avoided, and the domestic media practiced self-censorship for fear of government reprisal. However, in the

latter part of the year, publications began to increase reporting on political and economic topics once censored or considered too sensitive, with few repercussions from the government.

Actions to Expand Press Freedom

The country witnessed a remarkable expansion of press freedom. The April 1 by-elections served as a milestone for easing press restrictions. Authorities allowed 159 international election observers into the country, including foreign diplomats, journalists, and election specialists.

While official print and broadcast media remained primarily propaganda organs of the government, government media engaged in more-substantive reporting. Government-owned print and broadcast media covered parliamentary debates, including motions by both the ruling party and opposition, and provided more extensive substantive reporting of meetings than in the past. Images of Aung San Suu Kyi, which previously were strictly censored, also were published.

On May 3, the Ministry of Information celebrated World Press Freedom Day for the first time. UNESCO and the Ministry of Information held an event to mark the day in Rangoon, while in Mandalay, Deputy Information Minister Soe Win promised an audience that the government would lift “unnecessary” restrictions on the media when a new press law was introduced.

On August 20, the Press Scrutiny and Registration Division (state censorship board) announced that newspapers would no longer be required to submit articles for censorship before going to print. However, all publications are still required to submit articles to the censorship board after publication.

During the year, in response to the formation of the government-backed Myanmar Journalist Association, journalists formed a number of independent collectives such as the Myanmar Journalists Union and the Myanmar Journalists Network. On September 17, journalists formed an interim independent Press Council to replace one formed by the Ministry of Information. In November the interim Press Council announced that it had drafted a new 15-point code of ethics that would apply to all journalists working in the country. The code focused on issues essential to ethical journalism, including accuracy, unbiased reporting, and journalistic independence.

The newly appointed minister of information, U Aung Kyi, publicly stated that the ministry would begin redrafting the media law to ensure it meets international standards, and he began to solicit input from local media and international experts to help draft the laws. At year's end the Press Council had not yet submitted its version of a new Print Media Law to the Ministry of Information, but the Information Ministry drafted a Broadcast Law with input from international media law experts. It had yet to be approved by Parliament.

Seven private media groups, including several of the highest-circulation weeklies, applied for permission to publish daily newspapers.

High-level government officials, including President Thein Sein, granted interviews to VOA, RFA, and the BBC as well as other international media outlets. Dissident media such as *Irrawaddy* and *Mizzima* were allowed into the country to cover domestic news, and both newspapers began publishing in the country.

Internet Freedom

Although no laws or regulations explicitly allow monitoring of Internet communications, the government owns the only Internet service providers in the country and reportedly monitored Internet communications. The Electronic Transactions Law of 2004 prohibits the electronic transfer of information that may undermine the security of the state.

A draft telecommunications bill was made public on November 7 that could prohibit the use of social media and unregistered communications equipment. Civil society activists and private sector technology firms criticized the bill as it could potentially violate the rights of individuals. Another section of the bill would impose a mandatory minimum sentence of seven years' imprisonment for using a mobile phone or computer connected to the Internet in any way that the government deems to have an adverse effect on national security, law and order, community peace and tranquility, racial unity, the national economy, or national culture. At year's end the government was soliciting private sector and international input into the draft bill.

The estimated Internet penetration rate was 0.6 percent; counting mobile telephones with Web access the penetration rate was approximately four percent.

Academic Freedom and Cultural Events

The government continued to restrict academic freedom. However, academic restrictions at universities showed signs of easing in the latter part of the year. In May presidential advisor U Myint wrote an open letter calling for the restoration of the University of Yangon and the Student Union building to its “former glory.” Within days the letter had been disseminated widely on Facebook, generating robust public discussion. Over the next few months, the government started talks with institutes of higher education in foreign countries to provide assistance in the education sector. In November Aung San Suu Kyi made a parliamentary motion for the rejuvenation of Rangoon University; the motion was approved by Parliament the same month and construction began on the university in mid-November. In December the media reported that for the first time in 16 years, honors classes would reopen at Rangoon and Mandalay universities.

On December 16, the government permitted the first-ever open-air concert featuring an international artist in the history of the country, which drew an estimated 60,000 individuals or more.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and 2011 Law of Peaceful Assembly and Procession provide the right to freedom of assembly but with significant limitations. The government often did not respect the right in practice. A long-standing ordinance in effect through the year officially prohibited unauthorized outdoor assemblies of more than five persons; it conflicted directly with the 2011 law on peaceful assembly, which allows groups up to 200 to demonstrate if written approval is given in advance.

In July the Ministry of Home Affairs issued the Peaceful Assembly and Procession Bylaw, opening a previously nonexistent path for citizens to hold legal assemblies, protests, and demonstrations for the first time in more than 20 years. The government granted permission for a number of assemblies and processions throughout the country throughout the year.

Citizens and international civil society groups criticized provisions of the peaceful protests law that make it a criminal offense to give speeches that “contain false information,” say anything that can hurt the state, or “do anything that causes fear, a disturbance or blocks roads, vehicles or the public.” After the law took effect, dozens of activists were arrested and briefly detained for violations of the law,

eight were sentenced to prison terms ranging from one to six months, and 16 were charged and awaiting trial. The government denied a permit to hold a September 21 rally in Rangoon to mark the UN's International Day of Peace; activists proceeded to hold the rally without a permit. Following the peaceful protests, the Rangoon City government arrested at least four activists and organizers for assembling without a permit. Each individual was charged with 10 counts of violating article 18 of the protest law--one count per each township through which the peaceful procession had passed. Each charge carries a possible penalty of one year in prison and a fine of 300,000 kyat (\$345). Activists were released on bail, and court hearings had begun at year's end.

In November security forces forcibly dispersed makeshift camps of activists peacefully protesting a joint copper mining venture between a foreign company and the Burma Army in Monywa, Sagaing Division. The protestors alleged the mining operation was causing environmental and social damage to local communities. Scores of people, including a large number of monks, were injured during the crackdown. Some protesters suffered severe burns after riot police used tear gas, water cannons, and incendiary devices to disperse the crowd. Laboratory testing conducted by rights activists reportedly indicated that canisters collected at the protest site contained high levels of phosphorus. In December the government appointed Aung San Suu Kyi head of a multistakeholder commission to investigate the events surrounding the crackdown and the environmental and social impacts of the mine on surrounding communities. The commission had not issued findings by year's end.

Freedom of Association

The constitution and laws allow citizens to form associations and organizations; however, the government restricted this right in practice. The government reportedly blocked efforts of ethnic language and literature associations to meet and teach, and it impeded efforts of Islamic and Christian associations and other organizations to gather and preach. Outdated regulations and political considerations impeded registration of NGOs; the government continued to deny some local NGOs registration.

Activists reported that in a marked break with the past, increased numbers of civil society groups, community-based organizations, and informal networks operated in the open. Many groups reported a heightened ability to discuss topics once considered too sensitive, such as human rights, more openly, including with large public audiences.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

There are no laws explicitly protecting freedom of internal movement, foreign travel, emigration, and repatriation.

The government did not fully cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. However, the UNHCR reported that the government granted visas to international staff.

In-country Movement: In practice regional and local orders, directives, and instructions restricted freedom of movement. The law requires that persons who intend to spend the night at a place other than their registered domicile must inform local ward or village authorities in advance. Any household that hosts a person not domiciled there must maintain a guest list and submit it to authorities. Unlike in previous years, there were no reports of unannounced nighttime checks of residences by ward officials for unregistered visitors outside of conflict areas.

The government restricted the ability of IDPs, refugees, and stateless persons to move. While freedom of movement was primarily related to a person's possession of identification documents, in practice ethnicity and place of origin were sometimes factors for the authorities in enforcing regulations. Authorities require the Rohingya, a stateless population, to carry special documents and travel permits for internal movement in five areas in northern Rakhine State where the Rohingya ethnic minority primarily reside: Buthidaung, Maungdaw, Rathedaung, Kyauktaw, and Sittwe (see Stateless Persons).

Citizens of ethnic states reported that the government restricted the travel of, involuntarily confined, and forcibly relocated IDPs, refugees, and stateless persons. Unlike in previous years, officials did not impede the travel of women under the age of 25.

Foreign Travel: The government restricted foreign travel of political activists, former political prisoners, and some local staff of foreign embassies. Authorities denied passports and exit permission, although unlike in previous years, late in the year they began issuing passports to some persons whose requests had previously been denied. On November 19, the government issued a public statement stating that it had “eliminated a ‘blacklist’ of persons barred from entering or leaving the country based on their suspected political activity” and established a point of contact in the office of the president for citizens and foreigners to inquire about their status.

Exile: There was a sizeable diaspora with many citizens in self-imposed exile; during the year many returned home, and the government encouraged exiles to help rebuild their country. Prominent labor and prodemocracy activists, for example, moved back to continue their activities. The absence of a formal policy or procedure to guarantee exiles’ security, however, resulted in at least one new detention. Lawyer Saw Kyaw Kyaw Min, charged with contempt of court in 2008 while representing clients in a political case, fled to Thailand and was sentenced to six months’ prison in absentia. In August three months after his return from exile, Saw Kyaw Kyaw Min was sentenced to serve his original six-month sentence. He was released by presidential amnesty in November.

Emigration and Repatriation: According to the UNHCR, 83,401 registered Burmese refugees lived in nine camps in Thailand as of November. The estimated total number of refugees, including unregistered new arrivals, was approximately 140,000. The government allowed the UNHCR and other organizations limited access to monitor potential areas of return to assess conditions for the eventual voluntary return of refugees and IDPs.

Approximately 30,000 registered Rohingya refugees lived in two official camps in southeastern Bangladesh, with approximately 220,000 unregistered Rohingya living outside the camps in the surrounding towns and villages. Neither Bangladesh nor Burma claimed the stateless Rohingya as citizens. Meanwhile, the UNHCR registered 25,575 Rohingya refugees in Malaysia, with an estimated 13,000 more awaiting registration.

From January to November, approximately 2,200 individuals from Rakhine State approached the UNHCR seeking asylum. Almost all were Rohingya.

Internally Displaced Persons (IDPs)

According to the UNHCR, there were at least 429,000 IDPs in the country as of December, although accurate figures were difficult to determine due to poor access to affected areas. Approximately 200,000-230,000 were in temporary settlements in areas administered by ethnic minorities in the eastern region. Approximately 110,000 were believed to be in hiding in remote areas, and an estimated 125,000 had followed government eviction orders and moved to designated relocation sites. As of September the UN Office of Coordination for Humanitarian Affairs estimated that 75,000 persons remained displaced as a result of continued fighting in Kachin and Shan states. The Kachin, Karen, Kayah, Rakhine, Rohingya, and Shan were the most affected groups. International NGOs estimated that the outbreak of communal violence in Rakhine State displaced more than 115,000 persons, including Rohingya, Kaman Muslims, and ethnic Rakhine Buddhists. Unlike in previous years, the government provided some protection and facilitated some assistance to IDPs, particularly in Rakhine State. There was little access to clean water, sanitation, and health and education services in the IDP areas, and many displaced persons were unable to grow sufficient food due to continual threats necessitating flight.

Although security restrictions impeded humanitarian assistance and access to remote townships in Rakhine State, the government granted the international community access to almost all IDPs housed in camps.

The government's January cease-fire with the KNU began a significant downturn in much of the fighting in Karen State, which enabled better provision of humanitarian access. The UNHCR provided assistance to approximately 60,000 IDPs, many of whom had been displaced for a number of years. The Ministry of Immigration with assistance from the Norwegian Refugee Council began identifying and documenting hundreds of undocumented IDPs in previously conflict-affected areas in Karen State. The government initially endeavored to draw back Karen IDPs who fled their homes during decades of civil war in Karen State and who lived in eastern regions along the Thailand border, although these efforts decreased later in the year, and IDPs had not yet started returning to their homes.

Approximately 12,000 Kachin and Shan fled into China due to fighting that continued throughout the year in Kachin State. However, in August and September, China reportedly returned at least 5,000 persons back into Burma who may have protection needs.

Protection of Refugees

Access to Asylum: The country's laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees.

The UNHCR continued to negotiate for permission to work with what the government termed "communities that are affected by displacement." The government continued to allow humanitarian organizations to assist the Rohingya and Rakhine populations in northern Rakhine State.

Memorandums of understanding (MOUs) continue to be required to access vulnerable populations. The government assented to an MOU for the UNHCR to work with implementing partners in the southeast region, including parts of Karen and Mon states and Tanintharyi Region. Under the terms of the MOU, authorities permitted foreign UNHCR personnel to monitor their project activities in the region.

Stateless Persons

The 1982 citizenship law classifies citizens based on ethnicity and effectively makes more than one million residents stateless, including the Rohingya and those of Chinese, Indian, Nepali, and Eurasian descent. The UNHCR continued to advocate for amendment of the 1982 citizenship law to focus on civic rather than ethnic nationality, but the government did not provide stateless persons the opportunity to gain nationality on a nondiscriminatory basis during the year.

The 1982 citizenship law grants full citizenship to anyone whose parents are both one of the 135 officially recognized "national races." The law deems as a national race only ethnic groups that can trace origins back to 1823, the year before the British began to colonize Burma, or earlier. Two lesser forms of citizenship exist, associate or naturalized citizenship; these citizens are unable to run for political office, inherit land or money, or access the full range of educational opportunities.

The government asserted that most Rohingya were recent economic migrants and denied full citizenship on the grounds their ancestors did not belong to a national race. Only Rohingya who were able to prove three generations of residence in country were eligible to apply for naturalization. NGOs reported that Rohingya in northern Rakhine State who applied for naturalization with all required documents did not receive replies. Lawyers and activists noted that some Rohingya could also secure naturalization or "associate" citizenship through bribery or by registering

themselves as a recognized ethnic group such as the Kaman. The legal status of associate citizenship was created by the 1982 law and is applied to South Asian and Chinese minorities whose ancestors immigrated to Burma after 1823.

According to the UNHCR, there were approximately 800,000 legally stateless persons, mostly Rohingya, residing in northern Rakhine State near the border with Bangladesh. NGOs estimated the number of Rohingyas in Burma at approximately two million persons. Authorities usually referred to Rohingya as “Bengali,” claiming that the Muslim residents of northern Rakhine State were illegal immigrants from Bangladesh or descendants of migrants transplanted by the British during colonial rule.

Rohingya do not dispute their origins from present day East Bengal but hold that they have resided in present-day Burma for many decades if not centuries and thus deserve citizenship.

In June communal violence broke out in Rakhine State between the Rakhine and the Rohingya communities following the alleged rape and murder of a Rakhine woman by Rohingya men and a mob retaliatory attack killing 10 Rohingya. In response the government declared a state of emergency, deployed the military to halt the violence, and granted limited access to the UN and a number of international humanitarian and diplomatic missions. Violence between Rohingya and Rakhine communities broke out again in late October. The violence reportedly began in the towns of Min Bya and Mrauk U but spread across the state. During these incidents of communal violence, an estimated 115,000 people were displaced, including ethnic Rohingya, Kaman Muslims, ethnic Rakhine, and a few other non-Rakhine Buddhists. The UN estimated that 78 people were killed in June and 89 in October, including Buddhists and Muslims from different ethnic groups.

Rohingya experienced severe legal, economic, and social discrimination. The government required them to receive prior approval for travel outside their village of residence, limited their access to higher education, and prohibited them from working as civil servants, including as doctors, nurses, or teachers. Authorities required Rohingya to obtain official permission for marriages. Authorities singled out Rohingya in northern Rakhine State to perform forced labor and arbitrarily arrested them. NGOs reported that state media published anti-Rohingya and anti-Muslim accounts of the communal violence in Rakhine State, fueling discrimination in print media and online. NGOs alleged that local security officials in Rakhine State, claiming to be searching for criminal suspects, were involved in

committing violent crimes and arbitrarily arrested an unknown number of Rohingya during the year.

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

The constitution provides limited rights for citizens to change their government through elections. Constitutional provisions grant one quarter of all national and regional parliamentary seats to active-duty military appointees and provide that the military indefinitely assume power over all branches of the government should the president, who must be of military background, declare a national state of emergency.

Elections and Political Participation

Recent Elections: In April the country held by-elections considered by international observers to be largely free and fair. The country's main opposition party, the NLD chaired by Aung San Suu Kyi, won 43 out of 45 seats. In 2010 the country held its first national election in 20 years, which the international community assessed as neither free nor fair.

Political Parties: The ruling USDP continued to dominate the political field. Membership in the USDP reportedly continued to confer advantages in some areas. According to human rights activists and legal sources, citizens could present USDP cards in place of national identification cards for travel and to purchase express bus, train, boat, or plane tickets.

On January 5, the NLD registered as a party. There were 59 active political parties, including 18 formed during the year.

Participation of Women and Minorities: Participation of women and minorities in political life increased. Prior to 2010 there were no women in the upper ranks of political leadership, and members of certain minority groups were denied a role in politics. During the year the government appointed its first female minister. Five ethnic states elected persons of their own ethnicity as chief minister during the year. Following the by-election, there were 24 women in the 440-seat Pyithu Hluttaw (House of Representatives, or lower house); six in the 224-seat Amyotha Hluttaw (House of Nationalities, or upper house); and 30 among the 882 total seats in the seven state and seven regional Hluttaws. The representation of women at both the national and the state/regional level was approximately 3.8 percent. There

were 44 ethnic representatives from ethnic parties (non-USDP) in the Pyithu Hluttaw, 29 in the Amyotha Hluttaw, five among the 544 seats in the seven regional Hluttaws, and 98 among the 338 seats in the seven state Hluttaws. The representation of ethnic parliamentarians from ethnic parties at both the national and state/regional level was approximately 11 percent.

Section 4. Official Corruption and Lack of Transparency in Government

The government rarely enforced laws providing criminal penalties for official corruption, and officials frequently engaged in corrupt practices with impunity. A complex and discretionary regulatory environment fostered corruption. Authorities usually enforced anticorruption laws only against officials whose egregious corruption was an embarrassment. The resignations of the former electric power minister and former construction minister were widely believed to have been prompted by allegations of corruption. Lawyers throughout the country complained that rampant corruption pervaded the judiciary and that police corruption was a serious problem. Police typically required victims to pay substantial sums for crime investigations and routinely extorted money from the civilian population.

On December 20, the government ratified the UN Convention against Corruption. Two UN organizations provided technical assistance in drafting anticorruption laws in early October, and the law was before Parliament at year's end. The government began the process of joining the Extractive Industries Transparency Initiative, and international observers visited the country to provide guidance on complying with the initiative.

Public officials were not subject to financial disclosure laws.

The government did not provide access to most official documents, and there is no law providing for it. Most government data, even routine economic statistics, was classified or tightly controlled. During the year government policymaking became more transparent, and some government offices set up public Web sites and posted news, speeches, and other information. The government published and attempted to explain new policies. The government press reported on legislation from the time of submission, noting the drafter, proposed amendments, and debate.

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. Although local human rights NGOs reported significantly less harassment than they did prior to the 2010 elections, the majority could not successfully register, exposing staff members to imprisonment for unlawful association. There were no known local, registered human rights NGOs; some local NGOs had reportedly applied for registration through the Ministry of Home Affairs, but their applications were indefinitely delayed. Unregistered human rights organizations reported continued government and Police Special Branch monitoring but fewer incidents of harassment than in previous years.

Human rights activists and advocates long barred from entering the country obtained visas, including representatives from international NGOs. The government continued to monitor the movements of foreigners and interrogate citizens concerning contacts with foreigners.

UN and Other International Bodies: After a July 30-August 4 visit, UN Special Rapporteur for Human Rights Tomas Quintana lauded increasing engagement of civil society, political parties, and other stakeholders in the reform process; greater willingness to discuss human rights issues; and efforts towards strengthening the rule of law, but he highlighted the unrest in Rakhine State and related detention of UN staff members, the ongoing conflict in Kachin State, and the continued detention of political prisoners as areas for concern. Vijay Nambiar, the UN secretary general's special advisor for Burma, visited Rakhine State in July and assessed the government's initial response to unrest beginning in June as "prompt and calibrated" and reiterated the UN commitment to assisting the country and its people in their reform and national reconciliation efforts.

The government maintained travel restrictions on foreign journalists, NGO staff, UN agency staff, and diplomats in some regions but granted access to most areas. International humanitarian NGOs, UN agencies, and foreign diplomats reported greater government acknowledgement of national deficiencies and an increased willingness of the government to engage.

Government Human Rights Bodies: The government created the Myanmar National Human Rights Commission in September 2011. Commission members reported the commission intended to conform to UN guidelines for an independent national human rights commission and eventually bring the country into compliance with the Paris Principles on Human Rights. In October 2011 the government announced procedures for citizens to file complaints of human rights violations with the commission, and the commission accepted hundreds of

complaints, reportedly focused on issues related to tenure rights and land confiscation. The commission's ability to operate as a credible, independent mechanism remained undetermined. The commission joined the South East Asia National Human Right Institute Forum in September and became an associate member of the Asia Pacific Forum in November. Members, with the assistance of UNICEF, traveled to neighboring countries to assess other regional human rights commissions, published calls for the release of political prisoners, and traveled internally, for example to Kachin State, where members conducted a prison visit and later published calls to address prison overcrowding and landmine education.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Chapter 8 of the constitution prohibits discrimination based on race, birth, religion, official position, status, culture, sex and wealth, but the government did not effectively enforce antidiscrimination laws.

Women

Rape and Domestic Violence: Rape is illegal, but the government did not enforce the law effectively. Spousal rape is not a crime unless the wife is under 14 years old.

The government did not release statistics concerning the number of rape prosecutions and convictions. The police generally investigated reported cases of rape. However, when government soldiers committed rape in ethnic areas, the army rarely took action to punish those responsible (see section 1.g.).

Domestic violence against women, including spousal abuse, remained a serious problem. One prominent international NGO noted that abuse within families was prevalent and considered socially acceptable. 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 (including spousal rape), 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.

Sexual Harassment: 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.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children. The government has pronatalist policies but allows for government and private sector clinicians to provide contraceptives under the banner of “birth spacing.” The most commonly reported barriers to accessing family planning services were cost and availability. Reproductive health services, including the availability of contraceptives, generally were limited to private clinics. Health authorities heavily regulated distribution of contraceptives, and the UN Population Fund’s (UNFPA) 2012 State of World Population Report stated that in 2010 38 percent of women between the ages of 15 and 49 used a modern method of contraception. Community health workers were only allowed to advise on condoms. A client must be seen by a midwife to get injectable or oral contraception. An acute shortage of government-sector midwives impeded access and prevalence. According to UNFPA 2010 data, the estimated maternal mortality ratio in the year was 200 per 100,000 live births. International organizations cautioned that this figure was a “guesstimate,” as the government had not conducted a census since 1983. Major factors influencing maternal mortality included poverty, limited availability and access to comprehensive sexual and reproductive health services and to maternal and newborn health services, lack of information and awareness on these issues, a high number of home births, and lack of skilled birth attendants.

Discrimination: 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.

Children

Birth Registration: By law citizenship is derived through parents, both of whom must be one of the 135 officially recognized “national races.” In major cities (e.g., Rangoon and Mandalay), births were registered immediately. In these larger cities, births must be registered to qualify for basic public services and obtain national identification cards. In smaller towns and villages, birth registration was often informal or nonexistent. Access to public services in remote communities was sometimes complicated by lack of birth registration but more often by a lack of availability. For the Rohingya community, birth registration was a significant problem (see section 2.d.).

Education: By law education is compulsory, free, and universal through the fourth standard (approximately age 10). However, the government continued to allocate minimal resources to public education, and schools charged informal fees. Unlike in past years, however, some child rights activists in Rangoon noted that such fees were decreasing and were less often mandatory. Rates of school attendance were low, largely due to economic hardship.

Child Abuse: There are laws prohibiting child abuse, but they were neither adequate nor enforced. The government cooperated with UNICEF to strengthen the 1993 Child Law, which contains many provisions to protect children from abuse, sale, and other types of exploitation. The punishment for violators is up to two years' imprisonment or a fine of up to 10,000 kyat (\$12). One prominent international NGO reported that children, particularly girls, "employed" as domestic help often faced abuse. The NGO cited a case in which a celebrity's serious abuse of her 18-year-old domestic staff led to the girl's death and to the celebrity's detention on charges of murder. The case helped to raise the profile of a problem otherwise considered invisible. Other forms of child abuse were reported. On August 16, local government authorities in Pyay reportedly transported 38 children ages 2 to 16, including orphans and street children, into a remote jungle area with the intent of abandoning them there. Human rights groups and local activists complained to authorities, and the children were returned to a monastery. One human rights group recorded 21 cases of forced labor of children less than 13 years of age (see section 7.c.).

Child Marriage: The minimum age requirement for marriage is 18, but child marriage was known to occur.

Sexual Exploitation of Children: Children reportedly engaged in prostitution for survival without third-party involvement, and one human rights group reported eight cases of sexual abuse of children under age 18. The penalty for the patron of a child prostitute is 10 years' imprisonment. The law prohibits pornography; the penalty is three to five years' imprisonment. The law prohibits statutory rape; if a victim is under 14 years of age, the sexual act is considered rape, with or without consent. 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. 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 under 14.

The government did not dedicate significant resources to protecting the rights and welfare of children. Children were at high risk, as poor economic conditions forced destitute parents to take them out of school to work in factories and teashops or to beg. 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.

Child Soldiers: Both the Burma Army and ethnic minority armies historically used child soldiers (see section 1.g.).

Displaced Children: The mortality rate of internally displaced children in conflict areas was significantly higher than in the rest of the country. In addition such children had few learning resources.

Institutionalized Children: Many children were placed in orphanages that lacked adequate food and services.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There was one synagogue in Rangoon serving a small Jewish congregation. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

There are no laws specifically prohibiting discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other state services; the government does not provide ample protections for these persons. The government did not actively discriminate against persons with disabilities in employment, access to health care, education, or the provision of other state services or other areas, 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. In March the government enacted a law designed to assist the families of deceased and injured military troops.

National/Racial/Ethnic Minorities

Ethnic minorities constitute an estimated 30 to 40 percent of the population, and the seven ethnic minority 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 stationed forces in some ethnic groups' areas 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 committed abuses (see sections 1.g.).

At year's end the government had reached preliminary cease-fire agreements with all major armed ethnic groups except the KIA in Kachin State, where armed conflict continues and escalated in December. The government signed cease-fires with the Karen National Union, Shan State Army, and the New Mon State Party (see sections 1.g.).

Rohingya Muslims in Rakhine State constituted the majority of those displaced and remained in semipermanent camps with limited access to education, health care, and livelihoods. As a group the Rohingya faced severe discrimination on the basis

of their ethnicity, although the conflict in Rakhine State negatively impacted the broader Muslim community, including the primarily Muslim ethnic Kaman. Most Rohingya 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 limited. 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 right to educate children in their native language became a common demand in various ongoing peace negotiations. The government tightly controlled the limited number of Buddhist monastery-based schools, Christian seminaries, and Muslim madrassahs.

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

The penal code contains provisions against “sexually abnormal” behavior, and laws against “unnatural offenses” apply equally to both men and women. These laws were rarely enforced; activists reported that one gay man was arrested in Hla Ku in February and released in May on the basis of penal code provision 377 for “sex against nature” and that police filed an estimated four or five cases under this provision as a means of harassment and to obtain bribes. Lesbian, gay, bisexual and transgender (LGBT) persons reported harassment by police including arbitrary arrest (for example for loitering), detention, and in some cases rape by security forces. In addition LGBT activists reported broad societal and familial discrimination.

There were reports of discrimination based on sexual orientation in employment, including the denial of promotions and firing of LGBT persons. Activists reported that job opportunities for many openly gay and lesbian persons were limited, and they noted a general lack of support from society as a whole.

Other Societal Violence or Discrimination

There were reports of societal violence or discrimination against persons with HIV/AIDS. Activists reported that in addition to general societal discrimination,

persons with HIV/AIDS faced employment discrimination in both the public and private sector, including suspensions and the loss of employment following positive results from mandatory workplace testing.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including rules made under the law by the Ministry of Labor, protects the rights of workers and employers to form independent unions, bargain collectively, and conduct legal strikes and lockouts. The Labor Organization Law, which repealed the Trade Union Act of 1926 and provides for a significant expansion of labor rights, went into effect in March. Prior to implementation of the Labor Organization Law, the government did not allow workers to organize independently.

The Labor Organization Law allows workers to freely join labor organizations in their trade or activity. Labor unions must register through Township Registrars with the Chief Registrar's Office of the Ministry of Labor. The law permits labor organizations to demand the reinstatement of workers dismissed for union activity.

The law gives unions the right to negotiate with employers with the objective of ensuring collective representation of workers and employers for the development of their labor relationships. It does not contain detailed measures regarding management of the bargaining process and handling of disputes.

The Settlement of Labor Disputes Law went into effect in April, providing a framework for the settlement of individual and collective disputes at the enterprise, township, regional, and national level through conciliation or arbitration. The law in principle is legally binding, but there were initial reports that employers ignored judgments issued by the arbitration and conciliation body. The law addresses labor dispute settlement procedures in detail.

After the law took effect, workers began to form unions and organize freely. In May many workers in factories on the outskirts of Rangoon went on strike against their employers to demand better wages. At least 20 and as many as 50 different strikes took place in May in a variety of manufacturing sectors, including in the garment, food processing, shoes, beverage, and steel sectors. There were no reports of government interference, and many of the strikers were able to obtain

improved wages from their employers. While the number of strikes decreased after May, sporadic strikes continued to occur over the course of the year.

During the year the ILO, labor activists, and media reported concerns that many workers who formed or joined labor unions had subsequently been fired or subjected to other forms of reprisal by their employers. While the extent of the dismissals was not known, such punitive action against workers by employers threatened to undermine the principle of freedom of association. There was also a concern that the law does not provide protection against dismissal and discrimination for workers organizing labor organizations, prior to the actual registration of their labor organization.

As of December 31, 379 labor unions had successfully registered. The vast majority were enterprise-level labor unions.

At year's end the ILO reported that the government had released all labor activists from prison.

One of the criticisms of the new law was that it does not repeal all existing legislation that constrains freedom of association. On November 21, the president declared invalid the 1964 Law Defining the Fundamental Rights and Responsibilities of the People's Workers and its 1976 amendment, which imposed a single trade union system on the country. However, Law 6/1988, which provides for harsh penalties for organizations and associations, including unions, not registered with the appropriate authorities, remains in place.

b. Prohibition of Forced or Compulsory Labor

Laws prohibit forced or compulsory labor (except as a criminal punishment) and provide for the punishment of persons who impose forced labor on others.

In February the government repealed the two British colonial laws that had allowed for the state-sanctioned use of forced labor. The government concurrently issued a new law on forced labor, called the Ward or Village Tract Administration Law, but the language of the law issued in February fell short of the standards required by the ILO.

In March the government amended the law by inserting new language that clearly defines, prohibits, and criminalizes the use of forced labor.

A new law on forced labor meeting international standards was passed during the year. Government and military use of forced or compulsory labor remained a serious problem. Throughout the country international observers reported that the government continued to force citizens to work on roads, construction, sentry duty, and other maintenance projects, particularly at the village level and in ethnic areas of the country. Although reports of the use of forced labor continued, the ILO noted that it received fewer such reports during the year, compared with 2011. Such a decrease may have been due to an order issued by the military commander in chief in April that specifies the use of forced labor by those in the military would henceforth be considered a criminal rather than military offense and subject to prosecution in civilian courts. Progress toward the elimination of forced labor was moving faster in cases of forced labor by the military than in cases of forced labor by local officials. However, other reports alleged that the use of forced labor remained constant or even increased during the year.

In March the ILO signed an MOU with the government that outlined a comprehensive, proactive strategy at eliminating all forms of forced labor by 2015.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets a minimum age of 13 for the employment of children. The law provides for the protection of children in the workplace by classifying children ages 14 to 17 as youths and limiting them to light duties; however, the legislation does not define "light duties." Forced child labor is illegal, as is the recruitment of children into the military. The military law also prohibits recruitment of children into the military.

UNICEF continued to work with the Ministry of Social Welfare to facilitate interagency meetings and workshops on the protection of children. It worked with the Ministry of Labor on child protection laws, the minimum age, and light-work issues.

In practice the law was not enforced. Child labor remained prevalent and highly visible. In cities children work mostly in the food-processing and light-manufacturing industries, as street vendors or refuse collectors, and as restaurant and teashop attendants. In rural areas children routinely worked in family agricultural activities, often as the result of poverty.

Legal provisions exist outlining criminal penalties for those guilty of recruiting child soldiers. The government liberated child soldiers and disciplined military officials for recruiting them in some cases. However, reports indicated that the government army continued to recruit and use children in military-related activities. Ethnic armed groups reportedly also continued to recruit child soldiers (see section 1.g.).

d. Acceptable Conditions of Work

Only government employees and employees of a few traditional industries were covered by minimum wage provisions. The minimum wage law was not enforced.

Low real wages in the public sector fostered widespread corruption and absenteeism. In the private sector, urban laborers performing unskilled work earned 1,000 to 2,500 kyat (\$1.17 to \$2.94) per day, while rural agricultural workers generally earned less. 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 50,000 to 100,000 kyat (\$59 to \$118) per month, according to private sector employers.

The law prescribes a five-day, 35-hour workweek for employees in the public sector and a six-day, 44-hour workweek for private sector 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 one 24-hour rest period per week and 21 paid holidays per year; however, in practice provisions related to wages and hours benefited only a small portion of the labor force, since they were rarely enforced, and most workers were engaged in rural agriculture or the informal sector. The national poverty income level was estimated at less than 1,000 kyat (\$1.17) per day.

The Ministry of Labor oversees labor conditions in the private sector. The laws were generally enforced in the government sector, but there were frequent violations by private enterprises. The Labor Ministry had 60 labor inspectors for the entire country, so enforcement was constrained by resources.