BURMA

EXECUTIVE SUMMARY

Burma's government is headed by President Thein Sein; the military-run State Peace and Development Council was officially dissolved in 2011, although former and active military officers continued to wield authority at each level of government. In November 2010 the then-military regime held the country's first parliamentary elections since 1990, which were neither free nor fair. The government's main party, the ruling Union Solidarity and Development Party (USDP), claimed an overwhelming majority of seats in the national parliament and state/regional assemblies. Military security forces report to military channels, and civilian security forces, such as the police, report to a nominally civilian ministry headed by an active-duty military general.

Significant developments during the year included the emergence of a legislature that allowed opposition parties to contribute substantively to debates; democratic reforms such as the amendment of laws allowing opposition parties to register and Aung San Suu Kyi to announce her bid for Parliament; the release of hundreds of political prisoners; the relaxation of a number of censorship controls, the opening of some space in society for the expression of dissent; and an easing of restrictions on some internal and foreign travel for citizens.

Significant human rights problems in the country persisted, including military attacks against ethnic minorities in border states, which resulted in civilian deaths, forced relocations, sexual violence, and other serious abuses. The government also continued to detain hundreds of political prisoners. Abuses of prisoners continued, including the alleged transfer of civilian prisoners to military units. These units reportedly were often engaged in armed conflict in the border areas where they were forced to carry supplies, clear mines, and serve as human shields.

Government security forces were responsible for extrajudicial killings, rape, and torture. The government detained civic activists indefinitely and without charges. The government abused some prisoners and detainees, held persons in harsh and life-threatening conditions, routinely used incommunicado detention, and imprisoned citizens arbitrarily for political motives. The government infringed on citizens' privacy and restricted freedom of speech, press, assembly, association, religion, and movement. The government impeded the work of many domestic human rights nongovernmental organizations (NGOs). International NGOs continued to encounter a difficult--although somewhat improved--environment.

Recruitment of child soldiers, discrimination against ethnic minorities, and trafficking in persons--particularly of women and girls--continued. 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. Rampant corruption and the absence of due process undermined the rule of law.

Ethnic armed groups also committed human rights abuses, including forced labor and recruitment of child soldiers.

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 September 8, a public works employee allegedly beat to death a 28-year-old villager for violating a prohibition against riding a motorbike on the Rangoon-Mandalay highway. In August in a military supply and logistics battalion in Taungoo, Bago Region, fellow soldiers reportedly beat a number of child soldiers to death. The government did not hold the alleged perpetrators responsible. Unlike in 2010, there were no reports of custodial deaths during the year.

b. Disappearance

Unlike in previous years, there were few reports of the “disappearance” of private citizens outside of prison and the border region for prolonged periods for interrogation by authorities without notification of family members.

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. Security forces routinely subjected detainees to harsh interrogation techniques designed to intimidate and disorient, including severe beatings, electric shocks, burning with lighters, water torture, and deprivation of food, water, and sleep. Both male and

female political prisoners reported sexual abuse, including harassment and molestation, beating or burning of the genitals, threats of rape, and rape. 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 tortured an innocent person to obtain a confession.

Press reports in late May alleged that the authorities transferred seven political prisoners conducting a hunger strike in Insein prison to 10-by-10 foot cells used to house dogs. The reports noted that these prisoners were routinely beaten, forced to crawl like dogs, and denied water and medical treatment (see section 1.g. for reports of abuses in connection with the internal conflicts).

Prison and Detention Center Conditions

Prison conditions, and particularly labor camp conditions, continued to be harsh and life threatening. Prison food, clothing, and medical supplies were scarce and of poor quality. Bedding often was inadequate, sometimes consisting of a single mat or wooden platform on the floor. Prisoners did not have access to potable water. In many cases family members, who generally were allowed one or two visits per month, supplemented prisoners' official rations of medicine and basic necessities. Authorities continued to send political prisoners to remote prisons located hundreds of miles from their families to make family visits difficult or impossible.

The government continued to deny prisoners adequate medical care, although these inadequate medical services in part reflected the poor health-care services available to the general population. Prisoners suffered from health problems including malaria, heart disease, high blood pressure, tuberculosis, 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. The sexual abuse by these "wardens" of prisoners as young as 15 and 16 years of age contributed to high rates of HIV/AIDS infection. Former prisoners also complained of being held in aging physical structures that received no maintenance and were infested with rodents, bacteria, and mold.

The Correctional Department operated an estimated 42 prisons and more than 100 labor camps. According to a human rights activist, there were approximately 66,000 prisoners, 58,000 male and 8,000 female. The number of juvenile detainees was estimated to be a few hundred. 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 sometimes held together with common criminals. Prison authorities held high-profile political prisoners such as the monk U Gambira, leader of the 2007 monk-led protests or All Burma Monks Alliance, separately. Reports varied on whether or not political prisoners faced significantly different treatment--and whether it was better or worse--than other prisoners.

While there were reports that many prisoners and detainees had access to visitors and could sometimes submit complaints to judicial authorities without censorship or negative repercussion, not all prisoners were allowed to worship freely. Monks imprisoned during the 2007 prodemocracy movement known as the Saffron Revolution reported that they were denied permission to keep Buddhist Sabbath (Uposatha), wear robes, and shave their heads and were not allowed to eat food compatible with the monastic code. Authorities generally did not investigate credible allegations of inhumane conditions. The National Human Rights Commission, formed in August, accepted an unknown number of complaints regarding prison conditions (see section 5). There were reportedly no measures to improve prison record keeping. There were some alternatives to incarceration for nonviolent offenders, including fines and “community arrests” requiring the convicted person to stay within their community and report regularly to authorities. There were no rehabilitation programs.

The government generally did not permit media or other independent groups to monitor prison conditions. However, for the first time in nearly six years, on July 1-2 the government allowed officials from the International Committee of the Red Cross (ICRC) to survey the water and sanitation structure of three prisons for future improvements. At year’s end the government continued to prevent the ICRC from meeting directly with prisoners.

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 regularly 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.

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 within the country, particularly in urban areas and the larger cities. The Ministry of Defense oversees the Office of the Chief of Military Security Affairs (MSA) and also plays a significant role in the maintenance of law and order, particularly in rural and border areas.

Security forces continued to maintain a tight grip on inhabitants, due in large part 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 police initiated some activities to raise human rights awareness; in August the authorities conducted a 10-day human rights training course for 140 mid-level managers across all ministries and 100 officers from the police force, Bureau of Special Investigation, Correctional Department, General Administration Department, and Immigration and Population Department. The government also took steps to address the 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 MSA and police 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 period. With court permission police can detain persons without charge for up to two weeks, with the possibility of a second two-week extension. However, authorities frequently and arbitrarily extended detentions beyond this period, sometimes for up to a year, without bringing the detainees before a judge or informing persons 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. Bail was commonly

offered in criminal cases but rarely allowed for political prisoners. Bribery was a common substitute for bail. The government regularly refused detainees the right to consult a lawyer and occasionally imprisoned, detained, and disbarred lawyers who undertook to represent politically controversial defendants. The government continued to use incommunicado detention and failed to inform detainees' relatives of detentions in a timely fashion.

Arbitrary Arrest: Local human rights activists reported that police detained Yangonthar (aka Thiha) in July for suspicion of theft. Despite a lack of evidence, he was put in custody and tortured. He was later sent to court where police officially charged him with theft, and he disappeared. At year's end his whereabouts were unknown.

Amnesty: On October 11, President Thein Sein announced an amnesty for 6,359 prisoners, including an estimated 241 political prisoners, although the precise number of prisoners and political prisoners could not be verified. The October release included several prominent political prisoners including prodemocracy activist and comedian Zarganar.

The president also granted an amnesty on May 17, commuting all death sentences to life imprisonment and granting a one-year sentence reduction to all other prisoners. The government claimed that 14,600 prisoners benefitted from early release. Post and press reports indicated that 55 to 72 of these were political prisoners. Rights groups and political prisoners denounced the May amnesty as inadequate; political prisoners in Rangoon's Insein prison responded with a hunger strike. As punishment authorities allegedly transferred seven of these prisoners to cells used to house military dogs (see section 1.c.).

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 blanket 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 faced harassment and have been disbarred and arbitrarily arrest and detained. During the year authorities revoked the license of U Tin Aung Tun, a lawyer representing farmers in a land confiscation case. The Asian Legal Resource Center reported some 32 lawyers remained disbarred and unable to practice law for political reasons.

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 common criminal cases, the court generally respected some basic due process rights, whereas there was a fundamental lack of due process in most politically sensitive cases.

Defendants do not enjoy 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 verdicts were upheld.

Common criminal cases were open to the public. Defense attorneys in criminal cases generally had 15 days to prepare for trial. In political cases, however, courts often did not notify defense attorneys of the trial start date, leaving them little or no time to prepare. Even when lawyers of political activists were allowed the 15 days to prepare their clients' cases, they often were not allowed to present arguments on the day the case was tried in court. Instead, in some instances courts sentenced defendants immediately upon entering the courtroom, without arguments. Defense attorneys could call witnesses, cross-examine them, and examine evidence. However, their primary function was not to disprove a client's guilt, which was usually a foregone conclusion, but rather to bargain with the judge to obtain the shortest possible sentence for the client.

Political trials normally were not open to family members or the public. National League for Democracy (NLD) members and other prodemocracy activists generally appeared able to retain the counsel of lawyers; however, lawyers were

not given the opportunity to mount a proper defense. They were denied adequate access to their clients before trial, were not informed when trials would begin, and occasionally were not allowed to attend their clients' trials. Reliable reports indicated senior government authorities dictated verdicts in political cases, regardless of the evidence or the law.

Persons complained they were not informed of the arrests of family members in a timely manner, not told their whereabouts, and often denied the right to see them and attend court hearings.

The government used the penal code to render excessive sentences against political activists by allowing government prosecutors to charge detainees with multiple violations of tangential and archaic or widely ignored laws, such as violating currency laws, publishing materials likely to cause alarm, or spreading rumors. This practice resulted in lengthy cumulative sentences. The regime 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.

The government routinely extended prison sentences under the Law Safeguarding the State from the Dangers of Subversive Elements. The minister of home affairs has the right to extend unilaterally a prison sentence by two months on six separate occasions, for a total extension of up to one year.

Political Prisoners and Detainees

Unlike in previous years, the government began a dialogue with the United States and others in the international community on the issue of political prisoners, whom it termed "security detainees." NGOs estimated the government released approximately 300 political prisoners over the year; however, at year's end hundreds of political prisoners remained in detention, although the precise number was unknown. Exile and prodemocracy groups believed that the vast majority of these prisoners had not engaged in any violence, theft, or other common crimes. Although some reports indicated that political prisoners enjoyed more protections than other prisoners or detainees, many human rights activists and former political prisoners noted that only high-profile political prisoners were afforded greater protections, while lower-level political prisoners had substantially fewer protections than the general prison population. The government did not permit international humanitarian organizations access to political prisoners.

Myint Aye, a prominent political prisoner and NLD member, remained in prison at year's end. In 2002 he cofounded Human Rights Defenders and Promoters (HRDP) to raise awareness of the UN Declaration of Human Rights. He reportedly endured strenuous interrogation and was forced to watch his colleagues be tortured. He confessed to the alleged crime of planning a terrorist act in Rangoon. In 2008 he was sentenced to life plus eight years' imprisonment under section 3 of the Explosive Substances Act of 1908, section 6 of the Law Relating to Forming of Organizations of 1988, section 17/1 of the Unlawful Association Act of 1908, and section 13/1 of the Burma Immigration (Emergency Provisions) Act of 1947.

Go Pian Sing, a member of the ethnic Chin minority and a practicing Christian, was reportedly kidnapped and "disappeared" 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 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 May local authorities in Pyay entered houses, without judicial authorization, in an area where a human rights organization planned to hold a seminar.

There was 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. Possession of an

unregistered telephone, fax machine, or computer modem is punishable by imprisonment. Users of unregistered cordless telephones, including cell and satellite phones, face up to three years in prison and a heavy fine. Use of unregistered radios is also punishable by a fine and imprisonment. International NGOs reported that in northern Rakhine State, a man was sentenced to two years' imprisonment for possession of an unregistered cell phone.

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 reportedly continued its practice of conscripting members of ethnic minorities for service as military porters in Bago Region and in Chin, Karen, Kachin, Kayah, Rakhine, and Shan states (see section 1.g.).

While 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 ethnic 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.

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

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

Government forces continued to engage in widespread and systematic abuses of noncombatant civilian populations in ethnic minority border regions. Following the November 2010 election, conflicts broke out in Karen, Kachin, Shan, and Mon states following the government's demand that ethnic cease-fire groups transform their armies into border guard forces under control of the central government. Sources from various ethnic groups reported incidents of killings, torture, abductions, and forced labor of civilians; the use of civilians as human shields and mine sweepers; and rape as a war tactic in Shan, Kachin, Mon and Karen states.

Authorities, surreptitiously and without informing family members, transferred prisoners from prisons across the country to the front lines of battles with armed ethnic groups; the military then forced prisoners to carry equipment, clear mines, and serve as human shields. Many were killed by members of the military, by mines, or during clashes with insurgents. There were no reports of government efforts to protect the population from conflict-related abuses.

On August 18, President Thein Sein issued an official invitation to armed ethnic groups to participate in peace talks through a two-track process. The government invited national armed ethnic groups to first contact their state or regional government to launch preliminary negotiations, and the president pledged that the government would form a national-level team for the second phase of peace talks. By year's end the government had reached preliminary cease-fire agreements with three armed ethnic groups: the United Wa State Army on September 6, the National Democratic Alliance Army on September 7, and the Shan State Army-South on December 2. Additionally, the government had met with other armed ethnic groups, including the Karen National Union, New Mon State Party, Karenni National Progressive Party, Chin National Front, Pa-O National Liberation Organization, and Kachin Independence Organization, the political wing of the Kachin Independence Army (KIA). At year's end, however, these groups had not reached cease-fire agreements with the government, and violence continued in Karen, Kachin, Shan, and Mon states.

In a December 10 letter, the president ordered the army to halt attacks in Kachin State; at year's end this directive had not resulted in an end to hostilities.

Killings

Human rights organizations detailed an extensive system of forced labor involving the transfer of at least 800 prisoners to the border regions for use by the military as porters in border conflicts. Military officials reportedly killed, tortured, and otherwise seriously abused porters. According to one report, in January military officials transferred a civilian from Insein Prison to Pa'an Prison en route to the front line to serve as a porter for a military unit belonging to the Light Infantry Battalion #208. The source reported that Sergeant Sa Ya Shein Htun stabbed a porter to death when he was unable to carry his heavy load. Shein Htun reportedly also kicked a porter whose leg was blown off by a land mine into a ditch, where he died.

Civilians were also killed through indiscriminate use of force. In May in Shan State, government troops confiscated Tarlaw villager Sai Chi Hla's vehicle and ordered him to transport troops from Maikai town to Shataw town. On the way the group encountered fighting between the Shan State Army and government troops, and Sai Chi Hla was killed in the skirmish.

Abductions

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

Other Conflict-related Abuses

Media reports documented government torture and beating of civilians alleged to be working with insurgent groups. A human rights activist in Chin State reported that government troops in Thlen Rawn village tortured and beat a village administrator accused of associating with the Chin National Army in September. Human rights groups reported that the military continued to use rape as a tactic of war. Aung San Suu Kyi told a group of Nobel Prize winners in May that rape was a "very real problem" and "is used as a weapon by armed forces to intimidate the ethnic nationalities." The Kachin Women's Association Thailand reported that Burma Army troops gang-raped at least 18 women and girls between June 10-18 during advances on Kachin Independence Army strongholds along the border with China. Army troops reportedly killed four of these women, and one later died from her injuries. The Shan Women's Action Network and Shan Human Rights Foundation documented the rape of five women, including a 12-year-old, a 50-year-old, and a nine-month-pregnant woman, by an army patrol from the Light Infantry Battalion 513 in the village Wan Loi in Ke See township on July 5.

Government troops used land mines without taking measures to protect civilians. In May government troops used children as young as five years of age as human shields and mine sweepers in Shan State's Maingshu area.

Human rights activists, international NGOs, and representatives from various ethnic regions described continuing recruitment of child soldiers despite military rules prohibiting enlistments of persons under18 years of age. One of a number of tactics used by the military involved military recruiters reportedly approaching street children or children found alone at railway stations 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, and housing if the child joined. Other children were simply abducted. Poverty led a large number to volunteer. In July in Pyay town in Bago Region, the army reportedly paid 200,000 kyat ($440) to purchase five child soldiers from a female trafficker. Because recruiters were rewarded for the number of recruits regardless of age or suitability, they typically did not screen for underage recruits. 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 labor and exercised their right to file a complaint with the International Labor Organization (ILO).

Armed ethnic groups also reportedly used land mines, forced recruitment, and child soldiers.

The government took steps toward improvement of these practices. Since 2008 military officials in cooperation with UNICEF 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 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 military dismissed three officers from the military and imprisoned them in civilian jails for the use of child soldiers. The military demoted other military personnel, docked their salaries, and took away 12 months' seniority for pension and promotion rights. Government officials 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.

International humanitarian organizations reported that the government deliberately restricted passage of relief supplies and denied humanitarian organizations unfettered access to conflict affected areas. In July the press reported that the government instructed domestic NGOs not to provide aid to Kachin war refugees who fled to Kachin Independence Organization areas along the border with China; however, the government allowed relief efforts by some domestic NGOs and faith-based organizations throughout Kachin State. In December the government allowed a UN-affiliated convoy access to Kachin State to deliver humanitarian aid and conduct a needs assessment of camps of internally displaced persons (IDPs).

Human rights organizations and inhabitants of conflict areas confirmed press reports that government troops used civilians as human shields. Human rights researchers in western Karen State detailed an incident on May 15 in which a joint patrol of government troops, Light Infantry Battalions 375 and 541, looted civilian property and burned down six field huts containing stores of paddy seed belonging to villagers in Ku Ler Der Village, Tantabin Township. In September government forces in the Kehsi Mensi District of Shan State reportedly used monks and local civilians as human shields. There were numerous reports of forced displacement of civilians for reasons other than military necessity and of land confiscation and destruction of property.

In Shan and Karen states, military forces displaced civilians from their traditional villages--which often were burned to the ground--and moved them into settlements tightly controlled by government troops. In Kachin State there were an estimated 30,000-55,000 IDPs by year's end, and the number was projected to grow. In other cases villagers driven from their homes fled into the forest, frequently in heavily mined areas, without adequate food, security, or basic medical care (see section 2.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of 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," so long as the exercise of these rights is "not 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 citizens for expressing political opinions critical of the government. Because security services continued to monitor and harass persons believed to hold antigovernment opinions, a large segment of the population remained wary of speaking openly about politically sensitive topics. Human rights activists reported a decrease in the frequency and severity of the harassment as compared with the previous year.

Freedom of Press: The government controlled content in all print publications, and it owned or controlled all domestic radio and television broadcasting facilities. While official print and broadcast media remained primarily propaganda organs of the government, government media engaged in more substantive reporting than in previous years. Government-owned print and broadcast media covered parliamentary debates, including motions by both the ruling party and opposition, and provided more extensive reporting of meetings than in the past.

The Ministry of Information and Security owned and operated all daily newspapers allowed to operate within the country.

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

Violence and Harassment: Authorities continued to arrest, harass, intimidate, and use violence against journalists. At year's end the Committee to Protect Journalists reported that 12 journalists remained behind bars, in addition to eight Democratic Voice of Burma (DVB) reporters. In September, however, the government lifted restrictions on some journalists once considered by authorities to be enemies of the state.

Censorship or Content Restrictions: The Ministry of Information's Press Scrutiny and Registration Division censored all private publications, including books. The 1996 Television and Video Act makes it a criminal offense--punishable by up to three years in prison--to publish, distribute, or possess a videotape not approved by the Press Scrutiny and Registration Division, the state censorship board. The government continued to crack down on uncensored foreign videotapes and digital video discs, although pirated copies remained widely available on the street.

The censorship process required prior to publishing books could take several months or years and was tightly controlled by the censorship board, although some books and publications not permitted in previous years were sold freely.

The law prohibits the publication or distribution of most printed material without obtaining prior approval from the government (see Actions to Expand Press Freedom).

Imported publications remained subject to pre-distribution censorship by state censorship boards, and possession or distribution of publications not approved by the censorship boards was a serious offense. The government also restricted the importation of some foreign news periodicals. While *Newsweek* appeared on newsstands, some foreign publications run by exile media could not be imported. The law prohibits citizens from passing information about the country electronically to media located outside the country, exposing journalists who report for international media to harassment, intimidation, and arrest.

Due to widespread poverty, limited literacy, and poor infrastructure, radio and television remained the primary media of mass communication. News periodicals rarely circulated outside of urban areas. The government and government cronies continued to monopolize and control the content of the seven privately 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.

Domestic media practiced self-censorship due to fear of government reprisal, although by year's end, publications increasingly reported on political and economic topics once censored or considered too sensitive. Publications generally did not report on sensitive economic and political topics. In May the government reportedly suspended the Rangoon-based weekly journal *True News* for two weeks for reporting on news considered controversial by the government.

Actions to Expand Press Freedom

In contrast with 2010, the government took steps towards media independence and relaxed censorship in some areas.

Beginning June 10, the government relaxed censorship on certain subject-matter publications--those relating to sports, health, children, and information technology--removing the requirement of advanced approval. On August 16, officials removed the daily banners in government press casting VOA, BBC, and exile media as "killer broadcasts designed to cause trouble" and as agents "inciting unrest and violence." In September a number of changes occurred. High-level government officials granted interviews to VOA, RFA, and the BBC. Government-owned service providers lifted a ban on previously blocked news Web sites, including those operated by international and exile media critical of the government; blog sites such as Blogger and Wordpress; popular Web-based e-mail

services such as Gmail, Yahoo, and Hotmail; the social networking site Facebook; and the online video portal YouTube.

On October 4, one of the country's most widely read journals, *Weekly Eleven News*, carried an exclusive interview with Aung Zaw, the founder and editor of *Irrawaddy Magazine*, a major exile publication. Prior to the election, alleged contact with this type of high-profile antigovernment dissident would have resulted in swift and severe government reprisal. The most visible change was the publication in government media of Aung San Suu Kyi's photograph in early September and subsequent publication in private press of her image and related stories, including on the front page of a number of periodicals. Previously, the government censored photos of the democracy icon.

Internet Freedom

Although no laws or regulations explicitly allow the 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.

In May the Post and Telecommunications Ministry issued a regulation prohibiting the use of Universal Serial Bus (USB) sticks (flash drives), CDs, floppy disks, and other external data storage devices in Internet cafes. Previous regulations governing Internet cafes instructed cafe owners to collect passport details, addresses and phone numbers of foreign customers, and submit monthly records of users' Internet usage data to the ministry. Internet cafes reportedly did not enforce these regulations. The ban on external electronic storage devices came two months after the government adopted a law blocking transmission technologies for delivery of voice communications such as Skype and other voice over Internet protocols (VoIPs). The press noted that while the measure was ostensibly designed to cut financial losses by local companies offering overseas calling, it also gave government censors greater control, as Skype and other VoIPs are reportedly difficult to monitor. The government reenabled these technologies a short while later.

The government stopped blocking Web sites critical of the government and its activities in September (see Actions to Expand Press Freedom).

While the government rarely charged persons explicitly for expressing political, religious, or dissenting views in electronic forums, including e-mail, it often charged individuals suspected of such activities with other crimes. For example, on March 2, in Rangoon, officers from the Special Branch police arrested Nay Myo Zin, former military officer and leader of a blood donation group, allegedly because of an e-mail found on his computer referencing national reconciliation. He was charged with a violation of the Electronics Transaction Law, which prohibits "any act detrimental to the security of the state" and "receiving or sending and distributing any information" related to state secrets using electronic transactions technology. Convictions of such crimes lead to a minimum imprisonment of seven years and a maximum of 15. On August 26, a Rangoon court sentenced Nay Myo Zin to a 10-year prison term.

Academic Freedom and Cultural Events

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

The government denied ethnic minorities the freedom to teach in their native language and tightly controlled private and religious schools (see National/Racial/Ethnic Minorities in section 6).

The government monitored most cultural events. The cultural activities, musical performances, exhibits, and other artistic events sponsored by a foreign embassy were often restricted by the government or cancelled at the last minute. In August the government banned Zay Yar Thaw, a hip-hop singer, political activist, and former political prisoner, from performing in a fundraiser for a home for the elderly. He was later allowed to perform at an NLD fundraising concert in December.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides the right to freedom of assembly but with significant limitations. The government did not respect the right in practice. A long-standing ordinance officially prohibits unauthorized outdoor assemblies of more than five persons, although it was not enforced consistently. On September 26, police stopped activists who marched together in commemoration of the fourth anniversary of the 2007 monk-led uprising; however, in contrast to similar gatherings in the past, police officers did not disperse the crowd violently or detain participants. On May 26, the Rangoon regional government denied opposition party representatives permission to hold a peaceful assembly and protest scheduled for June 5. As justification authorities cited the recent election and stated that although the constitution mentioned the right to assembly, the new government required rules and procedures to allow its exercise. Human rights activists reported that, although early in the year the government harassed persons in the vicinity prior to scheduled human rights seminars, the harassment abated and observers noted less government oversight later in the year. In December authorities allowed the NLD to hold a large fundraising concert in Rangoon, Rangoon's largest event during the calendar year.

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 organizations to gather and preach. Byzantine regulations and political considerations impeded registration of NGOs; the government continued to deny some local NGOs registration. In November the president signed into law an amended Political Parties Registration Law that opened registration to opposition parties (see section 3).

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 movement within the country, 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 assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. However, the UNHCR reported that the government granted visas to international staff. The UNHCR subsequently established an Emergency Team in Kachin State in October and conducted two needs assessments in September and December.

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. Ward-level officials continued, albeit reportedly to a lesser degree than in previous years, unannounced nighttime checks of residences for unregistered visitors.

The government restricted the ability of internally displaced persons, 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. For example, NGOs reported that a Muslim family from Rangoon with full citizenship was arrested at the Sittwe airport and forced to pay a bribe to secure their release. Authorities require the Rohingya, a stateless population, to carry special documents and travel permits for internal movement in five areas in northern Rakhine State: Butheedaung, Mungdawe, Rathedaung, Kyauktaw and Sittwe, along the border with Bangladesh. Officials lifted travel restrictions for Rohingya in Thandwe and Kyaukphu districts in June.

Citizens of ethnic states report that the government restricted the travel of, involuntarily confined, and forcibly relocated IDPs, refugees, and stateless persons. In an effort to address the problem of trafficking in persons, officials continued to 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 people whose requests had previously

been denied. A lawyer who was politically active with the opposition in 1990 was denied a passport in March to travel abroad for health reasons.

Exile: There is a sizeable Burmese diaspora with many citizens in self-imposed exile. On August 17, President Thein Sein announced that the government would allow exiles to return home and consider waiving a subset of nonviolent criminal charges. However, the offer included no formal policy or procedure to guarantee the exiles' security.

Emigration and Repatriation: According to the UNHCR, 88,486 registered Burmese refugees lived in camps in Thailand. Estimates for the total number of refugees, including unregistered refugees, ranged from 143,000 to 150,000. The government allowed the UNHCR limited access to monitor potential areas of return to assess conditions for the voluntary return of refugees and IDPs, leading UNHCR officials to determine that conditions remained unsuitable for their return.

Approximately 29,000 Rohingya lived as legally registered refugees in two official camps in southeastern Bangladesh, but as many as 400,000 more unregistered refugees lived outside the camps and in the border areas. Neither Bangladesh nor Burma claimed the stateless Rohingya refugees as citizens. Meanwhile, the UNHCR registered approximately 20,000 Rohingya refugees in Malaysia, with an estimated 10,000 more awaiting registration.

Internally Displaced Persons (IDPs)

According to the UNHCR, there were at least 460,000 IDPs in the country as of December, although accurate figures were difficult to determine due to poor access to affected areas; many international organizations estimated the actual number of IDPs to be several million. Most international attention continued to focus on the eastern region, where armed conflict and repressive government policies displaced hundreds of thousands in the past decade to areas within partial reach of international assistance. An estimated 470,000 IDPs were in the East, of whom approximately 200,000-230,000 were in temporary settlements in areas administered by ethnic minorities. 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. The Kachin, Karen, Shan, Rohingya, and Kayah were the most affected groups. Thousands of persons became newly displaced during the year in Karen, Shan, and Kachin states, according to the Internal Displacement Monitoring Center. The main causes of internal displacement were army offensives against ethnic opposition groups,

forced relocation and labor, and recruitment of child soldiers. The government provided little or no protection or assistance to IDPs, many of whom were forcibly resettled under dangerous conditions. There was little access to clean water and health or education services in the IDP areas, and many displaced persons were unable to grow subsistence amounts of food due to continual threats necessitating flight.

Authorities denied humanitarian organizations access to many IDPs in eastern regions along the Thai border on security grounds. IDPs in these areas regularly suffered hardships as a result of fighting between government army and insurgent groups, according to credible observers along the border. In addition there were reports of both government army and insurgent groups raping female IDPs, according to these observers. Karen IDPs in these areas have remained displaced for a number of years. The UNHCR was able to provide assistance to approximately 60,000 IDPs.

Fighting continued throughout the year in several of Burma's ethnic minority areas, including continuation of fighting in Karen State between the Burmese army and ethnic armed groups. Thousands of Karen went to Thailand seeking temporary protection in the Phrop Prah and Three Pagodas Pass areas. Persons in the area reported that many individuals crossed the border into Thailand daily but returned to their homes at night when fighting subsided (see section 1.g.).

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.

Nonrefoulement: In practice the government did not provide protection against expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. However, there were no reported cases of such expulsion.

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 the UNHCR to provide humanitarian assistance to Rohingya in northern Rakhine State.

A separate memorandum of understanding permitted 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 memorandum, authorities permitted UNHCR foreign personnel to monitor their project activities in the region.

Stateless Persons

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

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

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 around two million persons. The government did not recognize the existence of the Rohingya ethnicity; instead authorities usually referred to them as "Bengali," claiming that the Muslim residents of northern Rakhine State were the descendents of illegal immigrants from Bangladesh who moved into the country during British colonial rule. The government consistently denied citizenship to most Rohingya on the grounds their ancestors did not belong to a national race or indigenous group present in Burma before the beginning of British colonial rule in 1823, as required by the highly restrictive 1982 citizenship law. Only Rohingya who were able to prove long familial links to the country were eligible to apply for naturalization. In practice, however, NGOs reported that Rohingya in northern Rakhine State who submitted applications for naturalization with all required documents did not receive a reply. 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.

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. Rohingya were singled out by authorities in northern Rakhine State to perform forced labor and were arbitrarily arrested.

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. Certain constitutional provisions grant one quarter of all national and regional parliamentary seats to military appointees and provide that the military assume power over all branches of the government should the president, who must be of military background, judge the security situation to be unstable, limit those rights.

Elections and Political Participation

Recent Elections: In November 2010 the country held its first election in 20 years, which the international community assessed as neither free nor fair due to an array of flaws including political party registration restrictions, detention of political activists, restrictions on free reporting and freedom of assembly, inadequate time to develop candidate lists and to prepare campaigners, lack of media access, the lack of independence of the electoral commission, allegations of fraud via advance voting irregularities, the cancellation of elections in certain ethnic areas, and widespread reports of official intimidation.

Political Parties: The ruling USDP dominated the electoral field. Membership in the USDP conferred advantages in many 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. USDP members reportedly were given priority enrollment in foreign language universities in Rangoon and Mandalay and were exempt from the visitor registration process--required for everyone else--for overnight stays in townships other than the member’s own.

In November, however, the president signed into law an amended Political Parties Registration Law that opened registration to opposition parties. The amended party registration law, among other improvements, deleted a clause that previously prevented former convicts from becoming a party member, implying that freed political prisoners have the right to join a political party and run for office. Following the law's passage, the NLD submitted its application for registration on November 25, and on December 23, Aung San Suu Kyi traveled to Naypyitaw to officially register the party. In total 11 parties applied for registration, and five were registered at year's end.

Participation of Women and Minorities: Following the 2010 elections, in some instances in the newly convened Parliament, opposition and ethnic parties contributed substantively to debates of current issues and the nation's future. Lawmakers adopted important legislation, such as a labor law that granted workers the right to organize and strike and a law providing the right to peaceful assembly. Participation of women and minorities in political life also 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 two women were deputy ministers, and five ethnic states elected persons of their own ethnicity as chief minister. There were 12 women in the 440-seat Pyithu Hluttaw (House of Representatives, or lower house), or 2.7 percent of members; six in the 224-seat Amyotha Hluttaw (House of Nationalities, or upper house), or 2.7 percent; and 24 among the 882 total seats in the seven state and seven regional Hluttaws, or 2.7 percent. The representation of women at both the national and the state/regional level was approximately 3 percent. There were 44 ethnic representatives from ethnic parties (non-USDP) in the Pyithu Hluttaw, or 10 percent, 29 in the Amyotha Hluttaw, or 12.9 percent, five among the 544 seats in the seven regional Hluttaws, or 0.9 percent, and 98 among the 338 seats in the seven state Hluttaws, or 29 percent. The representation of ethnic parliamentarians from ethnic parties at both the national and state/regional level was thus approximately 11 percent.

Section 4. Official Corruption and Government Transparency

The government rarely enforced laws providing criminal penalties for official corruption, and officials frequently engaged in corrupt practices with impunity. A complex and capricious regulatory environment fostered corruption. Authorities usually enforced anticorruption laws only against officials whose egregious corruption had become an embarrassment. The government reportedly forcibly retired four military generals for corruption. Lawyers throughout the country

complained that rampant corruption pervaded the judiciary and 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.

Public officials were not subject to financial disclosure laws. The government did not provide access to most official documents, and there is no law allowing for it. Most government data, even routine economic statistics, was classified or tightly controlled. During the year government policymaking became more transparent. The government published and attempted to explain new policies. Government press tracked 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 had been indefinitely delayed. Unregistered human rights organizations reported continued government and Police Special Branch monitoring but fewer incidents of harassment.

During the first part of the year, human rights advocates were denied entry visas unless traveling under the aegis of a sponsor acceptable to the government and for purposes approved by the government. However, later in the year human rights activists and advocates obtained visas, including representatives from the international NGO Human Rights Watch. The government's monitoring of the movements of foreigners, interrogation of citizens concerning contacts with foreigners, and restrictions on the freedom of expression and association persisted.

<u>UN and Other International Bodies</u>: In August the government granted UN Special Rapporteur for Human Rights Tomas Quintana greater access than in prior visits, enabling him to meet with a broad cross-section of society, including Aung San Suu Kyi, and to visit Insein Prison, where he met with seven political prisoners.

The government maintained travel restrictions on foreign journalists, NGO staff, UN agency staff, and diplomats in most regions. International humanitarian NGOs and UN agencies reported greater government acknowledgement of national deficiencies and an increased willingness of the government to engage. Employees of these international organizations reported continued difficulty obtaining long-term visas. UN agencies and NGOs continued to negotiate with the government to agree on mutually acceptable guidelines for activities.

Government Human Rights Bodies: The government created the Myanmar National Human Rights Commission on September 5 following Quintana's August 21-25 visit. 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. On October 7, the government announced procedures for citizens to file complaints of human rights violations with the commission, and at year's end the commission had accepted hundreds of complaints, reportedly focused on issues related to tenure rights and land confiscation. At year's end, however, the commission's ability to operate as a credible, independent mechanism remained untested.

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

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. The minimum age requirement for marriage is 18.

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.

Domestic violence against women, including spousal abuse, remained a problem. Spousal abuse or domestic violence was difficult to measure because the government did not maintain statistics. There are no laws specifically against domestic violence or spousal abuse (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 had 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." There was a significant unmet need for family planning, and 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. Community health workers were only allowed to advise on condoms. A client must be seen by a midwife to get injectables or oral contraception. An acute shortage of government sector midwives impeded access and prevalence. According to 2007 data, the estimated maternal mortality ratio in the year was 316 per 100,000 live births. International organizations cautioned that this figure was a "guesstimate," as the government has 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 maternal and newborn health services, lack of information and awareness in communities on these issues, a high number of home births, and lack of skilled birth attendants. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

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 nationals of the country. 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 services. 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 routinely charged informal fees. 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 ($22).

Sexual Exploitation of Children: Children reportedly engaged in prostitution for survival without third-party involvement. The penalty for child prostitution is 10 years' imprisonment and applies to the customer. 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. In Rangoon and Mandalay, and increasingly in Chin State, observers noted the widespread presence of female prostitutes who appeared to be in their teens. Additionally, some brothels reportedly offered young teenage "virgins" to their customers for a substantial additional fee. Although there is no law explicitly banning child sex tourism, article 13 of the 1949 Suppression of Prostitution Act and the Prostitution Act prohibit pimping and prostitution, respectively, and the penal code prohibits having sex with a minor.

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

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. and 2.d.).

At year's end the government had reached preliminary cease-fire agreements with three armed ethnic groups: the United Wa State Army, the National Democratic Alliance Army, and the Shan State Army-South. Fighting continued in Karen, Kachin, Shan, and Mon states (see sections 1.g. and 2.d.).

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

Ethnic minority groups generally used their own languages at home. However, throughout all parts of the country controlled by the government, including ethnic minority areas, Burmese remained the mandatory language of instruction in state schools, and teaching in local languages was not offered. In ethnic minority areas most primary and secondary state schools did not offer instruction in the local ethnic minority language. There were very few domestic publications in indigenous minority languages. The government tightly controlled the limited number of Buddhist monastery-based schools, Christian seminaries, and Muslim madrassahs.

During the year there were several reports of ethnic villages being displaced for economic development, such as those around the Myitsone Dam project--subsequently suspended by presidential order--in Kachin State.

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 not enforced, however, and there were no impediments to organizations or activities for lesbian, gay, bisexual and transgender persons.

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

Other Societal Violence or Discrimination

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

On October 11, the president signed the Labor Organizations Law, which repeals the Trade Union Act of 1926 and provides for a significant expansion of labor rights.

Under this law workers may freely join labor organizations in their trade sector. Labor organizations must register with the Chief Registrar's Office. The law also provides that government may offer assistance to labor organizations but must allow them to operate independently. The law permits labor organizations to demand the reinstatement of workers dismissed for union activity.

The law provides for a limited right to strike and right to lock out, subject to certain conditions and with the exception of certain industries. Strikes require a vote of the majority of the union's members, and three days' notice in the private sector or 14 days' notice in a public utility. The law prohibits strikes on purely political grounds but allows strikes related to labor policies, for example labor market policies, and on issues directly related to labor affairs, such as wages, salaries, welfare, and working hours.

Strikes are prohibited in essential services, defined as "those whose interruptions are liable to endanger the life, health, or security of the people in any segment of the population" and include water services, electricity services, fire services, health services, and telecommunications services. However, the law also states that a nonessential service may become an essential service if the strikes last so long as to cause irreversible or disproportionate damage to "the occupational interests of those involved in the dispute." This definition includes a broader range of sectors than the international norm.

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 measures regarding management of the bargaining process and handling of disputes.

One of the criticisms of the new law is 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, Order 6/88, which provides for harsh penalties for organizations and associations, including unions, not registered with the appropriate authorities, remains in place.

Organizations that attempted to register under the new labor law were unable do so. The government cited lack of implementing legislation. At year's end implementing regulations had not been issued.

Under existing law the government generally does not allow workers to organize independently or bargain collectively. Workers' supervision committees exist at factories in all government-designated industrial zones to address grievances. When a dispute cannot be resolved at the factory level, it is referred to a township committee chaired by the township chairman. The township committee attempts to resolve the problem through negotiation or, if necessary, arbitration. During the period a dispute is before the supervision committee process, the workers are required to continue their work, and demonstrations are prohibited.

The ILO noted that numerous strikes occurred, but all were resolved with the Ministry of Labor playing a mediation role. Settlements were reached and accepted by both parties in every instance.

At year's end the ILO reported that the government continued to hold 11 labor activists.

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.

The Ministry of Home Affairs is broadly responsible for enforcing laws and regulations against forced labor; however, the Ministry of Labor is the chair of the governmental Committee for the Elimination of Forced Labor. The Ministry of Labor oversees the conditions of labor in the private sector.

In practice government and military use of forced or compulsory labor remained a widespread and serious problem. Throughout the country international observers verified that the government continued to force citizens to work on roads, construction, and other maintenance projects, particularly at the village level; however, the ILO noted that incidents decreased. Citizens also were forced to undertake work in association with military-owned industrial enterprises and as porters in conflict zones. In ethnic or religious minority regions, the military's use of forced labor in support of military garrisons or military operations remained an especially serious concern.

On February 23, the ILO and the Ministry of Labor signed an extension to the 2007 Supplementary Understanding, which allowed the ILO to continue to receive and investigate forced labor complaints. The ILO received 328 cases of forced labor during the year, including cases of forced child labor/soldiering (see Prohibition of Child Labor below).

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 1993 Child Law provides for the protection of children in the workplace by classifying children ages 14 to 17 as youths and allowing them to engage in light duties. The legislation does not define what constitutes "light duties." Forced child labor is illegal under Order 1/99, which also prohibits recruitment of children into the military. The military law also prohibits recruitment of children into the military.

During the year the ILO received 236 complaints of cases of child-soldier recruitment, an increase from 194 cases in 2010. Since the ILO began monitoring underage recruitment in 2007, it has received 549 complaints. At year's end a total of 214 underage recruits had returned to their families, and 205 cases were being processed for discharge. A further 126 cases were under review, while two lacked sufficient evidence to advance. Of these, one youth was killed in action in a front-line location and one was rejected at the recruitment stage because of his age.

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

In practice the Child 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.

Despite legal provisions outlining criminal penalties for those guilty of recruiting child soldiers, the government army continued to recruit and use children in military-related activities. Ethnic armed groups and some cease-fire groups also allegedly recruited 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 Ministry of Finance and Revenue sets the minimum wage. It was not clear what methodology or process it uses. The minimum monthly wage for salaried public employees remained on par with the market monthly wage of 50,000 kyat ($110) for what was in effect an eight-hour workday. The rate for day laborers was 2,000 kyat ($4.44) per day. Various subsidies and allowances supplemented this sum. The national poverty income level was estimated at less than 1,000 kyat ($2.22) per day.

Low real wages in the public sector fostered widespread corruption and absenteeism. In the private sector, urban laborers performing unskilled work earned 2,000 to 2,500 kyat ($4.44 to $5.56) 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 ($110 to $220) 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 workers are permitted 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 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.