

BURMA 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Burma's parliamentary government is headed by President Thein Sein. In April 2012 the country held largely transparent and inclusive by-elections in which the opposition 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. Constitutional provisions grant one-quarter of all national and one-third of all regional/state parliamentary seats to active-duty military appointees and provide that the military indefinitely assume power over all branches of the government should the president declare a national state of emergency. 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 many levels of government. Authorities failed at times to maintain effective control over the security forces. Security forces committed human rights abuses.

During the year the government's human rights record continued to improve, although authorities had not fully or consistently implemented legal and policy revisions at all levels, particularly in ethnic-minority areas. Observers reported marked decreases in systemic human rights abuses committed by the government, such as torture, disappearances, and the forced use of civilians to carry military supplies in some ethnic border areas. On February 6, President Thein Sein announced the formation of a committee to identify and release political prisoners. By December 31, the committee had identified and released an estimated 330 political prisoners, bringing the total number of political prisoners released since reforms began to more than 1,100. In addition, in January the government allowed the International Committee of the Red Cross (ICRC) access to all of the country's prisons and labor camps. The government also took significant steps to combat corruption, including the passage of anticorruption legislation, firing of six high-ranking government officials for mismanagement or corruption, and taking administrative action against corrupt civil servants.

The continuing humanitarian and human rights crisis in Rakhine State was the most troubling exception – and threat – to the country's progress during the year. Although the government provided some short-term humanitarian support to affected populations, it did little to address the root causes of the violence or to fulfill its 2012 pledge to take steps to provide a path for citizenship for the Rohingya population. Authorities in Rakhine State made no meaningful efforts to

help Rohingya and other Muslim minority people displaced by violence to return to their homes and continued to enforce disproportionate restrictions on their movement. As a result, tens of thousands of internally displaced persons (IDPs) remained confined in camps and commonly were prevented by security forces from exiting in order to gain access to livelihoods, markets, food, places of worship, and other services. This policy further entrenched the increasingly permanent segregation of the Rohingya and Rakhine communities. There were credible reports of extrajudicial killings, rape and sexual violence, arbitrary detentions and torture and mistreatment in detention, deaths in custody, and systematic denial of due process and fair trial rights, overwhelmingly perpetrated against the Rohingya. There were reports of local and state government and security officials, acting in conjunction with Rakhine and Rohingya criminal elements, smuggling and trafficking thousands of Rohingya out of the country, often for profit. In July the government disbanded the NaSaKa – the notorious security force responsible for gross human rights violations – in an effort to begin addressing the situation; however, no security or government officials were investigated or held to account. At year's end an estimated 140,000 persons remained displaced in Rakhine State. Meanwhile, attacks on Muslim minorities spread to other parts of the country at various points throughout the year.

Significant human rights problems throughout the country persisted, including conflict-related abuses in ethnic minority border states, politically motivated arrests, widespread societal discrimination and violence against Muslim populations, and a general lack of rule of law resulting in corruption and widespread land confiscation without adequate compensation or due process.

Government security forces allegedly were responsible for cases of extrajudicial killings, rape, and torture, particularly in ethnic minority border states, but fewer allegations were reported than in previous years. The government reportedly abused some prisoners and detainees, and prison conditions were harsh and life threatening. Authorities also failed to protect civilians in conflict zones. A number of laws restricting freedom of speech, press, assembly, association, religion, and movement remained, although the enforcement of these laws was less rigorous than in past years. Local authorities arbitrarily enforced regulations that obstructed political gatherings. Recruitment and use of child soldiers continued. Discrimination against ethnic minorities and stateless persons continued, as did trafficking in persons. Forced labor, including that of children, persisted, although to a lesser degree than in the past.

Unlike in previous years, the government took action to prosecute or punish citizens responsible for abuses, although many abuses by security officials continued with impunity.

Ethnic armed groups also committed human rights abuses, including forced labor of adults and children 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). Effective legal mechanisms reportedly do not exist to investigate security force abuses.

For example, on April 23 in Pyay, Bago Division, three soldiers stationed at the Infantry Battalion 75 compound reportedly attacked a young couple sitting on a riverbank. The soldiers allegedly strangled E Zin Moe Ko and stole a ring from her finger. E Zin Moe Ko lost consciousness, and the battered body of her companion, Zaw Min Oo, was later found in the river. Despite police proceedings and a court-martial that implicated the three soldiers, according to a prominent human rights group, press reports noted that Colonel Thet Tun, border affairs minister of the Bago Regional Government, denied involvement of the soldiers and refused to transfer the soldiers to civilian court.

b. Disappearance

Unlike in past years, there were no reports of the disappearance of private citizens outside of conflict-affected border states. Human rights groups reported that disappearances continued in Kachin State (see section 1.g.).

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

The law prohibits torture; however, members of the security forces reportedly tortured, beat, and otherwise abused prisoners, detainees, and other citizens and stateless persons in incidents not related to armed conflict. Such incidents occurred, for example, in Rakhine and Mon states. In April in Mon, police

reportedly arrested a 15-year-old boy and another youth on suspicion of involvement in a previous altercation with police. A local human rights group reported that while the boy was detained, police hit him repeatedly across the face and body and pulled out his hair in an effort to elicit a confession.

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 as a common practice, although there was one report from Kachin State cited by multiple sources that suggested authorities burned a civilian during an incarceration that spanned 2012 to 2013. There were no reports of rape or other sexual abuse of political prisoners. As in previous years, authorities took little or no action to investigate incidents or punish perpetrators. In Mandalay police targeted lesbian, gay, bisexual, and transgender persons (LGBT) with harassment and degrading treatment.

Prison and Detention Center Conditions

Following his August visit, which included four prison stops, the UN special rapporteur for human rights commented that conditions of detention had improved compared with his first prison visits in 2008. Nonetheless, prison and particularly labor camp conditions in some areas continued to be harsh and life threatening.

For the first time in seven years, the government granted the ICRC access to all prisons and labor camps to which it requested visits. By November the ICRC had conducted 18 prison visits to 16 places of detention, upgraded water and sanitary facilities in four major prisons, and assisted detainees to restore or maintain contact with family members. The ICRC reported its findings through a strictly confidential bilateral dialogue with the prison authorities. These reports are not public and not shared with any other party. Other organizations reported prison conditions in some areas had improved.

Physical Conditions: The Correctional Department operated an estimated 45 prisons and tens of labor camps; human rights nongovernmental organizations (NGOs) documented more than 100 government labor camps. A human rights group and prominent international NGO estimated there were 60,000 prisoners, including approximately 50,000 men and 10,000 women. The number of juvenile detainees was estimated to be a few hundred. Overcrowding was reportedly a problem in many prisons and labor camps.

Pretrial detainees were held together with convicted prisoners, and political prisoners were occasionally held together with common criminals.

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 always 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 remained high. Former prisoners also complained of 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 May 23 death of U Than Htun of Pandaung Township, Pyay, following his May 19 detention. Police reportedly told his wife that he had died from the effects of alcoholism, which was refuted by the postmortem report, and that he had hit himself with an iron pole during his interrogation. Family members reported that his body was badly bruised and scarred and that he suffered several broken bones.

Prison conditions in Rakhine State were reportedly among the worst, with reports of hundreds of Rohingya arbitrarily detained and denied due process, widespread mistreatment of detainees, and dozens of deaths in custody.

Administration: Sources described recordkeeping as adequate. Alternatives to incarceration for nonviolent offenders existed, 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 two visits per month to convicted prisoners and more frequent visits to pretrial detainees. 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. Prisoners and detainees sometimes could submit complaints to judicial authorities without censorship or negative repercussion.

Independent Monitoring: The government restored unfettered ICRC access to prisons – including labor camps – and prisoners in January, and the ICRC visited 16 prisons by mid-November.

Improvements: During the year the government continued to allow ICRC officials to conduct water and sanitation projects in four major prisons and to provide the prison system with essential drugs and supplies as well as vocational and recreational material for the use of 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 individuals. In July police arrested and charged a well-known Kachin land-rights activist, Daw Bauk Ja, with negligent homicide for allegedly rendering medical assistance in 2008 to a man who later died. Media and civil society groups reported her arrest as politically motivated. As of December 31, she remained in detention. UN worker Tun Aung, arrested in 2012 following violence in Rakhine State, remained in prison at the end of the year. The law allows authorities to extend sentences after prisoners complete 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.

Role of the Police and Security Apparatus

The Ministry of Home Affairs oversees the police force, which is largely responsible 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, through the fear of arbitrary arrest and detention and also through threats to individual livelihoods. These forces enjoyed impunity. Effective legal mechanisms reportedly do not exist to investigate security force abuses. In March

security forces failed to prevent or respond to violence in Meiktila that resulted in the deaths of between 44 and 87 persons, overwhelmingly Muslims. Heavy domestic and international criticism of the response by the security forces led to considerable efforts to bolster the ability of these forces to prevent and respond to such incidents, including the president's explicit delegation of authority to regional and state governments to respond to riots, the repositioning of forces in response to early signs of trouble, and quicker, more transparent action to hold perpetrators accountable.

In a departure from past years, the government took measures to train police on international policing standards and crowd control tactics. In November the EU began an 18-month training course for an estimated 500 police officers, covering for example the proper handling of mass protests and human rights education. In September the ICRC also held a seminar on international policing standards and the exercise of police powers for 23 senior police officials, including directors of departments plus regional, state, and battalion commanders. The government took some steps to address the army's use of child soldiers (see section 1.g.).

Arrest Procedures and Treatment of Detainees

The law requires warrants for searches and arrests; however, the OCMSA and police reportedly conduct searches and make arrests at will. Special Branch police responsible for state security matters reportedly held persons during what they termed an "interrogation phase," a period not defined in law, before pretrial detention. With court permission police can detain individuals without charge for up to two weeks, with the possibility of a two-week extension. 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 commonly was offered in criminal cases but rarely allowed for political prisoners. In some cases the government refused detainees the right to consult a lawyer. In contrast with previous years, with the exception of Kachin and Rakhine states, the government reportedly did not regularly use incommunicado detention.

Arbitrary Arrest: There were reports of arbitrary arrests, including in Rakhine and Kachin states. After sectarian violence erupted in Thandwe in September, a Muslim shop owner was reportedly arrested for "insulting religion," while another Muslim was reportedly arrested for "behaving rudely."

Pretrial Detention: Reportedly, authorities frequently and arbitrarily extended pretrial detentions. By law suspects can be held in pretrial detention for a two-week period (with a possible two-week extension) without bringing detainees before a judge or informing them of the charges against them. Lawyers noted that police regularly detained suspects for the legally mandated period, failed to lodge a charge, then detained them for a series of two-week periods with trips to the judge in between. Sometimes judges and police colluded to extend detentions. Arbitrary and lengthy pretrial detentions resulted from lengthy legal procedures, large numbers of detainees, judicial inefficiency, widespread corruption, and staff shortages, according to lawyers. Rakhine activist Ye Min Oo was reportedly held for nearly five weeks before he was charged with a crime.

Amnesty: The government granted seven separate prisoner releases as of late December. On April 23, the government released an estimated 69 political prisoners; on May 17, it released an estimated 21; on July 23, it released approximately 68; on October 8, it released an estimated 56; on November 15, it released an estimated 66; on December 11, it released an estimated 41 political prisoners and three former child soldiers jailed for deserting the military; and on December 31, it pardoned an estimated 10 political prisoners. Releases included high-profile political activists. With the exception of those pardoned on December 31, all released political prisoners were released conditionally under section 401 of the penal code, which provides that released political prisoners may be forced to serve the full remainder of their sentences if re-arrested for any reason.

e. Denial of Fair Public Trial

The law calls for an independent judiciary; however, 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, from routine matters such as access to a detainee in police custody to 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 individuals for peaceful activities – including the Peaceful Assembly and Processions Act, 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, section 505(b) of the penal code – as well as the manipulation of the courts for political ends continued to criminalize peaceful

dissent and deprive citizens of due process and the right to a fair trial. According to human rights activists and lawyers, by mid-November four lawyers remained disbarred, including Saw Kyaw Kyaw Min, Ko Nyi Nyi Htway, U Myint Thwin, and Ko Tin Htun Aung. U Myint Thwin's license reportedly remained suspended at the end of the year.

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, to be informed promptly and in detail of the charges, to a fair and public trial without undue delay, to trial by jury, or, except in capital cases, the right to consult an attorney or to have one provided at government expense. There is no right to adequate time and facilities to prepare a defense or 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, but concerns regarding judicial impartiality remained.

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.

The government retained the ability to extend prison sentences under the law. 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

While the government released political prisoners during the year, it continued to detain previously released political prisoners and to arrest new ones. By year's end one prominent group assisting political prisoners estimated that between 34 to 70 political prisoners remained in detention. This number did not include detainees in Rakhine State, whose numbers were estimated to be in the hundreds.

Many released political prisoners experienced significant restrictions following their release, including an inability to resume studies undertaken prior to incarceration, secure travel documents, and obtain other documents related to identity or ownership of land. Those released under Section 401 faced the prospect of serving the remainder of their sentences if arrested for any reason, whether related to political activity or not. One former political prisoner was re-arrested under this provision during the year. On May 7, authorities re-arrested former political prisoner Nay Myo Zin, revoking his presidential pardon and re-instating his prison sentence, but they released him again after intense criticism. Following this incident President Thein Sein publicly pledged that the government would not re-instate sentences, and as of mid-November, there were no further reports of released political prisoners facing reinstatement of their initial sentences.

On January 15, the government revoked the Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbances and Oppositions, also known as SPDC law No 5/96, one of the laws used under previous administrations to detain political activists.

The government released Go Pian Sing on November 15 as part of a presidential prisoner release. 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 2010 he was sentenced to 15 years, the maximum under the Electronics Act, for allegedly sharing information with foreign media about the government's military ties with North Korea.

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.

Property Restitution

Under the constitution the state is the ultimate owner of all land, although the 2012 Farmland Law allows for registration and sales of private ownership rights in land. The 2012 Vacant, Fallow, and Virgin Land Law allows the government to declare that land is unused and assign it to foreign investors or other uses. There is no provision for judicial review of land ownership or confiscation decisions under either law; final decisions on land use and registration are made by administrative bodies that are subject to political control by the national government. In August a group of farmers demanded changes to the laws to protect their rights, including creating procedures to allow the settlement of land disputes in court. Civil society groups raised concerns that the laws do not recognize rights in traditional collective land ownership and shifting cultivation regimes, which are particularly prevalent in upland areas dominated by ethnic minority groups. Acquisition of privately owned land by the government remains governed by the 1894 Land Acquisition Law, which provides for compensation when land is acquired for a public purpose. Civil society groups criticized the lack of safeguards in the law to provide that fair market compensation is paid.

In 2012 a parliamentary Farmland Investigation Commission began investigating cases of reported unlawful land confiscation. In March the commission issued its first report on land confiscations by the military, finding that the military had exceeded its authority in confiscating lands for purposes including allocation to military-owned and private companies. The commission recommended either returning thousands of acres of confiscated but unused land or compensating farmers from whom land had been taken. The commission does not have legal authority to implement and enforce its recommendations, and media sources reported that little progress was made in returning the confiscated lands. Although the Farmland Law requires that land be returned if not used productively within six months, civil society groups reported that land taken by the military was left unused for long periods of time.

The government formed a committee to implement the recommendations of another parliamentary commission, investigating issues at the controversial

Letpadaung copper mine, including recommendations to return unused confiscated land and to provide compensation for other confiscated land. In November the committee announced that it had returned 283 acres of land and provided more than 345 billion kyats (\$345 million) in additional compensation.

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

Although the Land Acquisition Act protects the privacy and security of the home and property, human rights organizations reported that government agents entered homes without judicial authorization.

No law protects the privacy of correspondence or other communications of citizens, and observers 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. The government reportedly required businesses and organizations that wished to use these devices to apply for licenses.

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.). Some activists in ethnic border regions, including in Chin State, reported that government officials no longer queried local interlocutors about their meetings with international organizations.

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 (see section 2.d., Stateless Persons). Wait times for the permit can exceed one year and bribes usually were required. Unauthorized marriages can result in prosecution of the Rohingya man 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. In addition Rakhine State authorities continued to enforce a two-child policy against Muslim families.

Unlike in previous years, there were no reports that family members were punished for alleged offenses committed by individuals.

Under the former military regime, various government agencies, including the Myanmar Oil and Gas Enterprise, the Myanmar Ports Authority, and the Burmese Army, frequently confiscated land from farmers and rural communities, generally without providing due process or adequate compensation. Civil society groups reported that this process continued unabated under the current government and could in fact be accelerating as the government sought to give land concessions to foreign and local investors. For example, human rights groups raised concerns over the development of the planned Thilawa Special Economic Zone, near Rangoon, where land was originally confiscated under the military regime, and in November local officials ordered the eviction of dozens of families. One group reported that the families had not received adequate compensation or replacement housing, that the plans to replace their livelihoods did not meet international standards, and that many families who signed resettlement agreements did so under coercive conditions and without full understanding of the plans.

Researchers raised concerns that newly enacted statutes, including the Farmland Law and the Vacant, Fallow, and Virgin Land Law, facilitate land confiscation without providing adequate procedural protections. Observers reported that land confiscation for the purpose of agriculture plantations had been particularly rapid and widespread in recent years in areas of Kachin and Shan states, where ethnic minorities practice traditional forms of land tenure that may not be protected under the land laws. The Karen Human Rights Group (KHRG) noted a sharp increase in land confiscation in Karen State after the signing of a 2012 cease-fire between the government and the Karen National Union, sparking concerns that the rate of land grabbing would rise in ethnic minority and former conflict areas as cease-fires take hold.

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

With the exception of Kachin and parts of Shan State, reports that government forces engaged in widespread and systematic violent abuses of noncombatant civilian populations in the ethnic minority border areas experiencing armed conflict decreased significantly compared with past years. Many observers credited the change to cease-fire agreements. The government signed cease-fire agreements and was preparing implementation with all major armed ethnic groups, with the exception of the Kachin Independence Army (KIA). The government and Kachin Independence Organization (KIO) held negotiations in May and October and reached an agreement to commit to de-escalation of troops, establishment of a joint ceasefire-monitoring mechanism, and return and resettlement of IDPs.

In Karen State, ethnic interlocutors noted that there was an increase in the number of Burmese Army troops along the border but that clashes decreased after the signing of a cease-fire with the government in January 2012. The KHRG, which documented violations in Karen State and parts of Mon State and Bago and Tanintharyi regions, reported that severe and violent abuses once perpetrated by the military were no longer as pervasive. Nonetheless, during the year the group documented four reports of physical abuse of villagers by the Burmese Army and Border Guard Forces and two reports of killings related to drug production by the Border Guard Force in T’Nay Hsah Township. The KHRG also reported fewer instances of forced labor. New types of violations gained prevalence in areas with an increase in business, development, and natural resource extraction, according to groups in Mon and Karen states. Violations included uncompensated damage to farms, land confiscation, and forced displacement.

In Chin, Mon, and Kayah states, sources also reported a decrease in fighting between ethnic and government troops since the signing of cease-fires with the government. There were no reports of widespread and systematic violent abuses in these states.

In November ethnic armed groups convened in a historic meeting to discuss a nationwide cease-fire and political dialogue and agreed in principle to a nationwide cease-fire accord with the government, although a formal nationwide cease-fire agreement had not been agreed to by year’s end. The government allowed ethnic armed-group leaders to travel freely to Laiza, Kachin State, and Rangoon, in spite of the Unlawful Associations Act, which criminalizes association with government-banned groups. Observers commented that the government’s efforts to allow freedom of movement of ethnic armed group leaders who continue to be on the government’s Unlawful Associations blacklist was a marked indicator of progress. In subsequent negotiations with the government, ethnic groups and government representatives agreed to work towards a formal nationwide cease-fire and an inclusive political dialogue.

High tensions and sporadic clashes continued between the government army and ethnic armed groups, despite a cease-fire agreement in Shan State and negotiations in Kachin State. Armed clashes between the KIA and the military increased from October to the end of the year. The army continued to station forces in most ethnic groups’ areas and controlled certain cities, towns, and highways. There were continued reports of abuses by government soldiers, including killings, beatings, torture, forced labor, forced relocations, and rapes of members of ethnic groups in Shan, Kachin, Mon, and Karen states.

Killings: Military officials reportedly killed, tortured, and otherwise seriously abused civilians in conflict areas. On August 29, government soldiers reportedly arrested 10 men from Nhka Ga village in Kachin State, including Pastor Ram Mai, his son Nang Mawn Htin Aung, and Deacon Lahkreng Hkaw Duk, on suspicion of supporting the KIA. The men reportedly were bound, hung upside down, and beaten during an interrogation that occurred inside the church building. Two men died from their injuries, and others allegedly were being held as hostages and denied medical care.

Civilians also were killed through indiscriminate use of force. There were a number of civilian deaths in Kachin State due to fighting between government troops and the KIA. For example, in January the Burmese Army attacked the KIA base of Laiza, Kachin State, killing at least three civilians and injuring six more.

Abductions: There were multiple reports of government soldiers holding Kachin civilians as hostages.

Physical Abuse, Punishment, and Torture: Media reports documented torture and beating of civilians alleged to be working with insurgent groups in Kachin and Shan states; there were reports of forced labor, forced recruitment, and use of child soldiers by the KIA. During the year local NGOs and camp inhabitants reported that authorities interrogated, burned, cut, and beat Lahtoi Brang Shawng while he was detained for more than a year. Security forces took the 26-year-old Kachin man from an IDP camp outside of Myitkyina in Kachin State in June 2012 for alleged association with the KIO. Lahtoi Brang Shawng's lawyer reported that the military mistook his client for another individual with the same name affiliated with the KIO. Authorities released Lahtoi Brang Shawng on July 23 following a presidential pardon, but he reportedly continued to suffer from physical pain and memory loss resulting from the abuse.

A prominent civil society group reported that Burmese army soldiers committed numerous crimes of sexual violence against women and girls in Kachin and Shan states. For example, on November 11, a soldier from the 323rd Light Infantry Regiment reportedly raped a seven-year-old girl in Hka Lum village in northern Shan State.

There was a significant decrease in reports of the military forcing civilians to serve as military porters; however, there were reports that the military forced civilians to carry supplies in Shan, Karen, and Kachin states and at least one report that the military used Kachin village children as human shields.

Armed actors, NGOs, and civilians inside the country and operating along the border with Thailand reported continued landmine use by the military and armed groups during the year. However, reports of landmine use steadily decreased. Peace talks between the Burmese Army and the KIA and in other ethnic minority states likely accounted for the reduction. In January official government press reported separate landmine incidents resulting in two civilians killed and three injured.

The 2012 Landmine Monitor Report stated the country still suffered from extensive landmine contamination, with 47 of 325 townships affected by unmarked land mines. Since the government first publicly acknowledged in February 2012 that land mines were an impediment to peace and development, discrete initiatives such as mine-risk education in ethnic-state capitals and the country's first observance of International Landmine Awareness Day in April increased public awareness. In addition the government and ethnic minority groups showed a willingness to discuss jointly landmine action. In May community members from Kayah State and government officials met to discuss landmine issues, and in June the Karenni National Progressive Party and the government officially agreed to coordinate on landmine clearance, a sign of increased trust and political dialogue between the two parties.

The Department of Social Welfare held four Mine-Risk Education (MRE) Working Group meetings during the year, five since 2012, and five subtechnical MRE Working Group meetings, seven since 2012. Limited collaboration between the Myanmar Peace Center and the Social Welfare Department's MRE Working Group, however, hindered the broader campaign for comprehensive landmine action.

Child Soldiers: Human rights activists, international NGOs, UN officials, and representatives from various ethnic regions described continued recruitment of child soldiers, despite military rules prohibiting enlistments of persons under 18 years of age (see also section 6, Children).

Because recruiters were rewarded for the number of recruits without regard to legal status, children continued to be targets for forced recruitment, with child soldiers reported to be as young as 11 years of age. One of the tactics used by the 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. The government investigated and released 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 International Labor Organization (ILO) or petitioned for their child's release directly to the government's armed forces.

Armed ethnic groups also reportedly used forced recruitment and child soldiers. There were multiple reports of the KIA forcibly recruiting hundreds of members of the Taileng (also known as the Red Shan) ethnic group residing in Kachin State to fight for the KIA when hostilities between the KIA and the military escalated at the end of the year. Taileng leaders hosted a rally in Mansi, Kachin State, in late December to raise awareness of KIA abuses and oppose forced recruitment in their communities. On January 14, the KIA released to the custody of the ILO eight child soldiers whom they had captured from the army and held as prisoners of war.

During the year there was limited but positive progress to implement the June 2012 joint plan of action between the government and the UN to cease the recruitment of child soldiers and demobilize and rehabilitate those currently serving in the armed forces. The UN reported that the government improved in upholding its commitment – per the terms of the action plan – to allow UN monitors to inspect for compliance with agreed-upon procedures to cease recruitment of children and to implement processes for identification and demobilization of those serving in armed conflict. The UN was able to access battalion-level military installations. The action plan was scheduled to expire in December, and one prominent international NGO (INGO) involved in the task force noted that although progress had been made, additional time was needed to ensure full implementation of all commitments of the action plan.

The government continued to release child soldiers during the year, including 24 in July and 68 in August. Since the action plan was signed in June 2012, the government had released 176 child soldiers. The Department of Social Welfare, Relief, and Resettlement, the UN Children's Fund (UNICEF), and other partners provided discharged children social assistance and re-integration support.

Since 2008 military officials in cooperation with UNICEF and the ILO had 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. A prominent INGO reported that the military demonstrated a growing commitment and willingness to raise internal and public awareness around the use and recruitment of children in the army. In November the task force, Ministry of Defense, and Ministry of Social Welfare, Relief, and Resettlement launched a national public campaign on ending the use and recruitment of children in the armed forces. The campaign included broad public distribution of billboards, posters, and stickers and television, radio, and newspaper announcements that indicated a hotline for use in reporting child soldiers. In August the Ministry of Defense reported that 43 soldiers, including nine officers, had been punished for recruiting child soldiers but did not detail the type of punishments given. 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 in the first half of the year, the government continued to restrict passage of relief supplies and denied humanitarian organizations access to conflict-affected areas of Kachin State. While local organizations had unhindered access to the 52,000 IDPs in nongovernment-controlled areas, international organizations and UN agencies were restricted from entering these areas. In August the government began allowing some access to UN convoys to deliver humanitarian assistance in previously restricted areas. International staff of the UN and NGOs still faced significant restrictions, including lengthy negotiations with the government on a case-by-case basis for access to IDPs in Kachin State. More than 100,000 persons remained displaced by conflict in Kachin State, including more than 2,300 displaced by renewed armed clashes starting in October and continuing to the end of the year. 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.).

There were reports that the government military used aid convoys as cover to enter new areas and that soldiers entered IDP camps and displaced inhabitants. In November in Mansi, Kachin State, there were reports that the military used a humanitarian convoy as cover to move into new areas. Military personnel reportedly followed the aid convoy into an IDP camp, scattering camp inhabitants.

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. Some of those charged with violations of section 18 of the Peaceful Assembly and Processions Act for demonstrating without a permit faced myriad court hearings and significant delays in reaching a verdict. For example, following a peaceful protest in September 2012 in commemoration of the International Day of Peace, the government charged event organizer and member of the Kachin Peace Network May Sabe Phyu with violating section 18 in six townships. As of mid-November, May Sabe Phyu had attended more than 130 court hearings without a verdict. Many individuals, however, reported far greater freedom of speech and expression than in previous years. The 88 Generation Students (Peace and Open Society) organized the Silver Jubilee commemoration, marking the 1988 popular uprising. A huge audience, including Aung San Suu Kyi, formerly exiled dissidents, and some government ministers, participated in the event. For the first time, many openly spoke about the military’s role in brutally suppressing the 1988 student uprising.

While freedom of speech was expanding, some people remained wary of speaking openly about politically sensitive topics, due to monitoring and harassment by security services of persons believed to hold antigovernment opinions. In late July the Associated Press reported that police continued to monitor politicians, journalists, writers, and diplomats. Journalists complained about the widespread practice of government informants attending press conferences and other events, which they said intimidated both reporters and those hosting events. Informants demanded lists of the hosts and attendees. In one incident, after a press conference regarding the Silver Jubilee commemoration, authorities warned the owner of the restaurant where the event was held that event organizers should request permission from authorities before holding an event.

Press Freedoms: The government began permitting the publication of privately owned daily newspapers on April 1. As of mid-August, authorities approved 26 dailies, and 13 were available for purchase.

The media could extensively cover information about the 1988 uprising. Journalists such as Bertil Lintner, a writer on Burmese issues, and former BBC correspondent Christopher Gunness, whom the government accused of being one of many triggers of the 1988 uprising through his reporting, were permitted to visit the country after decades of being blacklisted. The exiled media – Democratic Voice of Burma, *Mizzima*, and the *Irrawaddy* – opened offices in the country. Other international media including the Associated Press, BBC, Radio Free Asia, and Voice of America established offices in Rangoon. Most foreign journalists could stay in the country for six months with multiple-entry visas.

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.

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. The general population was allowed to register satellite television receivers for a fee, although the cost was prohibitive for most persons.

Violence and Harassment: Journalists in Mandalay noted that their Rangoon counterparts enjoyed greater press freedoms than journalists in more rural areas of the country, where local authorities continued to push back against reporting that criticized the government or highlighted violence against ethnic minorities. Two journalists in Mandalay reported that they received intimidating telephone calls when covering sensitive issues, such as the Letpadaung copper mine protests and anti-Muslim violence. While they agreed that the government no longer arrested journalists for covering these types of sensitive issues, the journalists asserted that local authorities would place their names on a list of actors to watch. This led some media outlets outside of Rangoon to self-censor their coverage.

Censorship or Content Restrictions: Although generally not enforced, 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. There were

no reports of overt prepublication censorship of press publications, and sensitive political and economic topics were discussed openly, although incidents of legal action against publications continued to raise concern among local journalists and lead to some self-censorship. The Ministry of Information continued to complain that local press were not adhering to basic journalistic ethics in their reporting.

The government suspended the weekly *Snap Shot* for two weeks and charged it with instigating public unrest by printing a photograph of a Rakhine woman's corpse during the outbreak of violence in Rakhine State. On December 30, chief editor Myat Khine was acquitted under presidential pardon, and the case was closed.

Internet Freedom

The government reportedly monitored internet communications under questionable legal authority. In October the government passed a new telecommunications law that could require telecommunications operators to intercept communications, produce records, or suspend communication services at the direction of the government, based on vague national security and public interest standards. The Electronic Transaction Law of 2004 prohibits the electronic transfer of information that may undermine the security of the state.

The government remains the sole source of internet service providers in the country, although it announced in January it would grant two licenses to private companies, each with an initial term of 15 years. Yatanarpon Teleport, which has some shares owned by the government, and the Myanmar Post and Telecommunications, which collaborated with the military-run MEC Tel, were announced as the new operators but were not expected to begin providing service until a new telecommunications law was enacted. Observers noted that the telecommunications law could require the companies to cooperate with state interception and user monitoring.

Academic Freedom and Cultural Events

While the government continued to restrict academic freedom, and meaningful education reform remained elusive, the Ministry of Education and universities demonstrated a new willingness to expand educational opportunities for undergraduate students, a critical demand made by student activists in the 1988 uprisings, and corresponding willingness to collaborate with international institutions and host cultural events. In December both Rangoon University and

Mandalay University welcomed undergraduate students on campus again for the first time since the 1988 student uprisings. Several universities in Rangoon and Mandalay entered into broad memoranda of understanding with universities in other countries. In addition, after decades of isolation from international institutions, Yangon University, the Yangon Institute of Education, Mandalay University, and others showed a willingness to host international faculty and speakers.

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 often did not respect the right. 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 numbering up to 200 to demonstrate if written approval is given in advance.

The government granted permission for a number of assemblies and processions throughout the country, including a protest of an estimated 100 workers from the Hone Shin cold storage factory in front of Rangoon City Hall. Local authorities cooperated with members of a prominent civil society organization and with a regional member of parliament to resolve the protest peacefully and without arrest or detention.

Citizens and international civil society groups continued to criticize provisions of the peaceful protests law that make it a criminal offense to give speeches that “contain false information,” say anything that can harm the state, or “do anything that causes fear, a disturbance or blocks roads, vehicles, or the public.” Furthermore, the law mandates fines or prison sentences of up to two years for each unauthorized protest in every township through which the protesters travelled, which led to peaceful activists potentially facing years in prison. In July the government convicted activist Aung Soe of 11 separate charges – including violating the peaceful protest law – stemming from his protests against the Letpadaungtaung copper mine project and sentenced him to 11 years and six months in prison. The government released Aung Soe in a November 15 amnesty of political prisoners.

In July a Bahan Township administrator in Rangoon ordered the owner of the Royal Rose restaurant and meeting hall, a popular venue for political events, to seek permission 20 days in advance if he sought to rent space to organizations holding political gatherings of any nature. In August the Rangoon divisional government extended the restriction to other venues in Bahan Township.

Farmers and social activists held protests over land rights and land confiscation throughout the country. Human rights groups reported a number of cases in which groups of farmers and those supporting them were arrested under various laws for protesting the confiscation of their lands, often by entering onto the land and plowing it. Many reported cases involved land taken by the Burmese Army under the former military regime and given to private companies or individuals with ties to the military. Common charges used to convict the peaceful protesters included criminal trespass, violation of section 18 of the Peaceful Assembly and Processions Act, and violation of section 505(b) of the penal code, which criminalizes actions that are deemed likely to cause “an offence against the State or against the public tranquility.” The Assistance Association for Political Prisoners (Burma) reported hundreds of such arrests and indictments during the year. In August a group of farmers demanded a series of reforms that would end the arrest of farmers and their supporters who are seeking to resolve land disputes and provide for a fair, inclusive process to investigate and resolve land claims.

Freedom of Association

The constitution and laws allow citizens to form associations and organizations; however, the government sometimes restricted this right. 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, and the government continued to deny many local NGOs registration.

In a marked shift from previous practice, during the year the government began consulting and collaborating with civil society on pieces of legislation. For example, on July 27, parliament published a draft Association Registration Bill, which laid out restrictive regulations for the formation and registration of local and international organizations operating in the country. Following civil society and international donor protests against the bill, however, parliament agreed to several rounds of consultation with civil society and international donor representatives and made several substantive revisions to the draft bill, including

lowered registration fees and elimination of the original penalty clause for organizations that did not register. Civil society organizations (CSOs) welcomed the revised bill but maintained that the revisions did not go far enough to remove government control over civil society. Many groups, including one prominent human rights INGO, argued that requiring organizations to register, even without fees, contravened international standards on the right to freedom of association. Members of parliament expressed a willingness to make further amendments to the draft bill, as CSOs and the UN Office of the High Commissioner for Human Rights continued their lobbying efforts.

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

No laws explicitly and comprehensively protect freedom of internal movement, foreign travel, emigration, and repatriation. Laws provide rights for citizens to settle and reside anywhere in the country "according to law." Laws related to noncitizens empower the president to make rules for the purpose of requiring foreigners to register their movements and authorize registration officers to require every temporary change of address exceeding 24 hours.

The government did not cooperate fully with humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. While the government granted visas to international staff of humanitarian organizations, humanitarian aid workers continued to face threats and harassment in Rakhine State.

In-country Movement: 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.

The government restricted the ability of IDPs and stateless persons to move. While freedom of movement was primarily related to a person's possession of identification documents, ethnicity and place of origin were factors for the authorities in enforcing regulations. Residents of ethnic states reported that the government restricted the travel of, involuntarily confined, and forcibly relocated IDPs and stateless persons.

Restrictions on in-country movement of Muslims in Rakhine State were extensive. Authorities required 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). In September township officers in Buthidaung and Maungdaw townships began requiring the Rohingya to submit a "form for informing absence from habitual residence" for permission to stay overnight in another village and also requiring registration on the guest list with the village administrator.

Restrictions governing the travel of foreigners, Rohingya, and others between townships in northern Rakhine State varied depending on township, usually requiring submission of Form 4. The form itself can be obtained only from the Township Immigration and National Registration Department (INRD) and only if the traveler provides an original copy of a family list and temporary registration card. Starting in September travel authorized under Form 4 was valid for only seven days, compared with 14 days previously. The cost to obtain the form varied from township to township, with payments required to village administrators and/or to the township INRD office in amounts anywhere from 1,000 to 13,000 kyats (\$1 to \$13). Change of residency from one village or township to another in northern Rakhine State required permission from the INRD and/or the township, district, and state officials. Although less common than in previous years, there were reports of prosecutions and imprisonment for illegal movement from one village to another.

Travel restrictions effectively prevented Muslims from northern Rakhine State from traveling outside of Rakhine State. Rohingya living outside Rakhine State were also prevented from traveling into northern Rakhine State. Families with members in northern Rakhine State and outside Rakhine State reported traveling to Bangladesh to be able to meet.

There were reports of regular, unannounced nighttime checks in northern Rakhine State and in other areas. As violence escalated throughout the year, multiple sources reported that male Muslim residents often fled to the fields in the evenings to evade harassment and detention by authorities. There were consistent and credible reports of rapes of Muslim women, which local authorities and security forces failed to investigate.

Foreign Travel: The government restricted foreign travel of political activists, former political prisoners, and some local staff of foreign embassies.

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, returned to continue their activities. The absence of a formal policy or procedure to affirm a right of return resulted in indefinite delays for at least one exile wishing to return.

Emigration and Repatriation: According to the UN High Commission for Refugees (UNHCR) and the Thai Ministry of Interior, as of August, 80,318 registered Burmese refugees lived in nine camps in Thailand on the border with Burma. The estimated total number of refugees, including unregistered new arrivals, was 130,000. 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 Cox's Bazar district 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 25,910 Rohingya refugees in Malaysia, with an estimated 6,070 more active cases of individuals seeking asylum. The total number of registered refugees from Burma in Malaysia as of October was 116,568, including more than 31,000 Chin and 10,000 non-Rohingya Muslims. Hundreds of Rohingya also migrated to other countries in the region. From January to November 11, approximately 22,000 individuals departed northern Rakhine State by boat. There were credible reports that thousands of Rohingya were smuggled, trafficked, and sold into forced labor rings in Thailand with complicity by Rakhine and Rohingya criminal elements and with Burmese and Thai authorities.

Internally Displaced Persons (IDPs)

There were an estimated 649,000 persons displaced by violence and 22,000 displaced by flooding in the country as of September, although accurate figures were difficult to determine due to poor access to affected areas. Up to 400,000 people in 36 townships in the southeast remained displaced as a result of many years of armed conflict in those areas.

As of September the UN Office of Coordination for Humanitarian Affairs estimated that 100,000 persons remained displaced as a result of continued fighting in Kachin and Shan states. The number of IDPs staying in camps reached more than 91,000, including 53,000 in areas beyond government control. There were approximately 150 camps hosting IDPs; some IDPs found refuge with hosting families, and others were hiding in forested areas straddling the border with China.

INGOs estimated that the outbreak of violence in Rakhine State displaced more than 140,000 persons, including Rohingya, Kaman Muslims, ethnic Rakhine, and Maramagyi Buddhists. Nearly 100,000 Rohingya IDPs lived in Sittwe's rural camps, where they relied on assistance from aid agencies. There was little access to clean water, sanitation, and health and education services in the IDP areas, and many displaced persons were unable to pursue livelihoods due to restrictions on movement and security concerns. Rakhine state authorities and security officials imposed severe and disproportionate restrictions on movements of Rohingya IDPs. Conditions in Aung Mingalar, the former Muslim Quarter in Sittwe turned IDP camp, for example, were prison-like, with Rohingya not allowed to leave the fenced and guarded compound to shop for necessities at the Sittwe market. Rohingya IDPs reportedly were forced to bribe security officials to escort them outside Aung Mingalar twice per week, with reports that in some weeks Rohingya were not allowed outside the camp at all, causing a food crisis and widespread malnutrition.

In Rakhine State the government collaborated with humanitarian agencies to provide assistance, but bureaucratic procedures, including travel authorizations, impeded delivery of humanitarian assistance. Local Rakhine ethnic community threats and intimidation against UN and NGO staff and operations and the government's lack of response contributed to a difficult operating environment. The Rakhine National Development Party and monks organized to block access to

humanitarian aid. Four local staff members of INGOs active in Rakhine State remained in detention as of mid-November following their 2012 arrests.

Ethnoreligious violence also impacted communities in central and lower areas of the country. Anti-Muslim violence in Meiktila, Mandalay Division, resulted in more than 12,000 IDPs. While the government provided assistance to camp inhabitants, there were many reports that it delayed and otherwise hindered the return of Muslim IDPs to their homes. There were reports that Muslim IDPs who returned home found their property had been occupied by Buddhist residents.

Despite isolated skirmishes in Mon and Karen states, the UNHCR noted some IDP returns in the southeast as the overall situation stabilized.

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.

Although the government did not take any initiatives to establish a national Refugee Status Determination procedure, it provided physical and material assistance to more than 1,000 reportedly ethnic Rakhine Buddhists who arrived from Bangladesh over an extended period in 2012 and 2013. They were allowed to reside in the country, and the government considered the issuance of documents. Background information from Bangladesh and preliminary information from the arrivals indicated that some might have a refugee claim; however, others were likely to become economic migrants.

The UNHCR had not registered any asylum seekers by the end of the year.

Stateless Persons

The UNHCR estimated that there were more than 800,000 Muslim Rohingya in northern Rakhine State who were stateless. This figure did not include stateless persons in the rest of Rakhine State, including stateless IDPs. Based on preliminary analysis, there was a strong presumption that there were significant numbers of stateless persons and persons with undetermined nationality throughout the country, including people of Chinese, Indian, and Nepali descent.

Provisions of the 1982 Citizenship Law relating to the acquisition of citizenship discriminate on the grounds of race and contribute to statelessness. Following the entry into force of the 1982 law and procedures, the government released a list of 135 recognized “national ethnic groups” that, according to the law, are automatically “citizens.” The law defines “national ethnic group” only as racial/ethnic groups that can trace origins back to 1823, the year prior to the British colonization. While the majority of the country’s people automatically acquired citizenship under those provisions, some minority groups, including the Rohingya, persons of Indian, Chinese, and Nepali descent, and “Pashu” are not included on the list. The law does not provide protection for children born in the country who do not have a “relevant link” to another state. As a result, statelessness continued to increase as stateless parents have stateless children. The UNHCR continued to advocate for amendment of the 1982 Citizenship Law to bring it in line with the country’s international obligations.

The name Rohingya is used in reference to a group that self-identifies as belonging to an ethnic group defined by religious, linguistic, and other ethnic features. Rohingya do not dispute their origins from present-day East Bengal but hold that they have resided in present-day Burma for decades if not centuries and thus deserve citizenship. 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.

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. Sources 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.

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, health care, and other basic services; and prohibited them from working as civil servants, including as doctors, nurses, or teachers. Authorities required Rohingya to obtain official permission for marriages and limited the number of children that could be registered. Authorities singled out Rohingya in northern Rakhine State to perform forced labor and arbitrarily arrested them. Restrictions impeded the ability of Rohingya to construct

houses and/or religious buildings. State media published anti-Rohingya and anti-Muslim accounts of the violence in Rakhine State, fueling discrimination in print media and online. 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, according to reports. The NaSaKa, or Border Area Immigration Control Headquarters, issued many of these restrictive local orders and policies. Although the government abolished the NaSaKa in July, many of these policies continued.

Authorities tightened restrictions in the months following the June and October 2012 violence between Muslims (Rohingya and Kaman) and Rakhine Buddhist communities in Maungdaw, Sittwe, and surrounding areas.

This displaced population is particularly vulnerable to trafficking, and there were reports of local and state government and security officials, in conjunction with Rakhine and Rohingya criminal elements, smuggling and trafficking Rohingya out of the country, often for profit. These departures, once limited to northern Rakhine State, expanded from points throughout the state, including from IDP camps. After the violence began in 2012, departures began to grow considerably and during the year included complete families and children, whereas in previous years, only men left.

There were reports of extrajudicial killings, rape, and sexual violence; arbitrary detention and torture and mistreatment in detention; deaths in detention; and systematic denial of due process and fair trial rights in Rakhine State. Multiple sources reported nearly 1,000 arbitrarily detained Rohingyas and Muslims – the exact number was unknown – and mistreatment of detainees in Rakhine State. No security or government officials were investigated or held to account. At the end of the year, there were more than 140,000 IDPs, most of whom were stateless Rohingya, resulting from the 2012 and 2013 violence in Rakhine State.

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. Amending the constitution requires more than 75 percent approval

from the legislature; as the constitution mandates 25 percent of the legislature be uniformed military, this gives the military veto power over the constitutional amendment procedures.

Elections and Political Participation

Recent Elections: In April 2012 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 contested seats in the 664-seat parliament. In 2010 the country held its first national election in 20 years, which the international community assessed as neither free nor fair.

Participation of Women and Minorities: Women were underrepresented in government. There was one female minister of 36 ministers serving at the union level. Five of the seven 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 (lower house of parliament), six in the 224-seat Amyotha Hluttaw (upper house of parliament), 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. Corruption and Lack of Transparency in Government

Unlike in previous years, the government took steps to curb rampant corruption. On September 17, the national Anti-Corruption Law went into effect. The law provides criminal penalties for corruption by officials, and the government reportedly imprisoned one person for corruption, dismissed or replaced six high-ranking government officials, and took administrative action against several hundred lower-level civil service personnel.

Corruption: Widespread corruption remained a problem, particularly in the judiciary. Police reportedly often required victims to pay substantial sums for crime investigations and routinely extorted money from the civilian population. The Ministry of Home Affairs, responsible for anticorruption measures, formed the Special Investigation Bureau and Financial Intelligence Unit in cooperation with

international organizations and set up a public complaint system in November to engage public participation in combating corruption. In July the government announced the formation of a high-level anticorruption commission and invited the public to submit complaints of bribery or corruption. The commission lacked civil society representation and participation, however, and the details of its mandate were not well known.

Whistleblower Protection: There are no known whistleblower protections.

Financial Disclosure: Public officials were not subject to financial disclosure laws. The law requires the president and vice presidents to furnish a list of family assets to the speaker of the joint houses of parliament, and persons appointed by the president to furnish a list of personal assets to the president; however, implementation of the law was not made public.

Public Access to Information: 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 policy making became more transparent, and some government offices set up public websites 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 fully allow domestic human rights organizations to function independently. As of mid-December the government had not fulfilled its November 2012 pledge to open an office of the UN Office of the High Commission for Human Rights; however, the government allowed the UN office to operate in Rakhine State. Human rights NGOs were able to open offices and operate with less harassment and monitoring by authorities than in previous years. The majority could not register successfully, however, exposing staff members to imprisonment for unlawful association. There were no known local, registered human rights NGOs; some local NGOs reportedly applied for registration through the Ministry of Home Affairs, but their applications were indefinitely delayed.

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, although observers reported a significant decrease in such activity in some areas.

UN and Other International Bodies: UN Special Rapporteur for Human Rights Tomas Quintana conducted two missions in March and August. The special rapporteur praised human rights reforms undertaken by Thein Sein's government, including the release of more than 1,000 political prisoners. The special rapporteur urged an independent investigation into allegations of widespread and systematic gross violations of human rights in Rakhine State. He highlighted the need for ethnic reconciliation, the need to strengthen human rights in the peace process and halt conflict in Kachin State, the use of excessive force by security forces, the lack of investigation into and accountability measures for human rights abuses perpetrated by security forces, the continued detention of political prisoners, continuing arbitrary arrests and lack of due process, the lack of an independent judiciary, widespread land grabbing, anti-Muslim violence, the need to repeal flawed laws restricting freedom of expression and association, and the discrimination against women and LGBT persons as continuing challenges. During his mission the special rapporteur's convoy was attacked by a mob in Meiktila while the convoy's police escort stood by. The mob did not breach any of the vehicles, and the special rapporteur and UN officials were unharmed.

The January visit of the ICRC president, the first-ever visit of an ICRC president, launched the resumption of independent prison and labor camp visits. By November the ICRC had completed 18 prison visits to 16 places of detention. The visit followed a government pledge in November 2012 to allow ICRC prison access for the first time in nearly seven years. The government also allowed the ICRC to operate in ethnic minority states, including in Shan, Rakhine, and Kachin states, and to train 23 senior police officials, including directors of departments plus regional, state, and battalion commanders, on international policing standards and the exercise of police powers.

The government expanded travel permission for foreign journalists, NGO staff, UN agency staff, and diplomats in most regions but maintained restrictions in some conflict areas. Some INGOs, however, reported difficulty obtaining travel authorizations and continuing restrictions on humanitarian access in Rakhine State. 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 2011. The presidential commission's ability to operate as a credible, independent mechanism remained undetermined. The commission spoke out against torture in prisons and for the rights of the LGBT community and supported the development of human rights education curricula. It engaged with the UN and international partners, although only tentatively with civil society. The commission reported a caseload of more than 4,000 complaints, most related to land rights. The commission reportedly undertook investigations, the outcome of which was not made public.

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 of age. The government did not release statistics concerning the number of rape prosecutions and convictions. Police generally investigated reported cases of rape, but there were reports that police investigations were not sensitive to crime victims. One prominent women's group reported that police in some cases verbally abused women who reported rape and that women could be sued for impugning the dignity of the perpetrator.

Domestic violence against women, including spousal abuse, remained a serious problem. 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.

There were reports of rape by military and security officials in Kachin, Shan, and Rakhine states. In one reported incident, officials kidnapped Rohingya women from Sittwe and subjected them to sexual slavery at a military installation; the government did not report a transparent investigation into these allegations.

Sexual Harassment: The penal code prohibits sexual harassment and imposes fines or up to one year's imprisonment for verbal harassment and up to two years' imprisonment for physical contact. 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 outside of Rakhine State. The Rakhine government enforced a two-child policy against the Rohingya population of northern Rakhine State in two townships, in many cases refusing to register the birth of subsequent children. The government has pronatalist policies except in Rakhine State but allows 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. The unmet need for contraception increased from 17.7 percent to 24.2 percent during the 2007-10 period. Community health workers only were 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 2010 was 200 per 100,000 live births. The unavailability of long-term contraceptives compounded with financial constraints led to unwanted pregnancies and unsafe abortions. Complications resulting from abortion reportedly were one of the leading causes of maternal deaths. Other major factors influencing maternal mortality included poverty; limited availability and access to comprehensive sexual and reproductive health services, including contraception, 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, auxiliary midwives, and other trained community health workers.

On November 15, the government renewed its pledge to promote the availability and voluntary use of modern contraceptives for women who wish to defer, delay, or avoid getting pregnant by signing onto the Family Planning 2020 (FP2020) Global Initiative. In its FP2020 commitment, the government promised to invest more resources in order to reduce the unmet need for contraception to less than 10 percent by 2015 and to increase the contraceptive prevalence rate to 50 percent by 2015.

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. The law requires equal pay for equal work. Women remained underrepresented in most traditionally male occupations (e.g., mining, forestry, carpentry, masonry, and fishing) and effectively were 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.” Even as the rate of birth registration for children under five years of age improved (from an estimated 65 percent in 2003 to 72 percent from 2009-10), an estimated three in 10 children were unregistered at birth and not all registered children had a birth certificate. A prominent INGO noted that there were significant rural-urban disparities in birth registration. 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 often was informal or nonexistent. Birth registration is not free, and the INGO reported that only 50 percent of births among children from the poorest households were registered, compared with 96 percent of births among children from the richest households. A birth certificate provided important protections for children, particularly against child labor, early marriage, and recruitment into the armed forces and armed groups. Access to public services in remote communities sometimes was 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). The government continued to allocate minimal resources to public education, and schools charged informal fees. A prominent INGO reported significant disparities in rural and urban access to education and on the basis of socioeconomic status. 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. There was little reported difference between girls and boys in attendance rates.

The government launched a review of the education system. The Ministry of Education led this two-year sector reform process and collaborated with line ministries and a number of international development partners.

Child Abuse: Laws prohibit 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 kyats (\$10). One prominent INGO reported that there was very little data on the extent of violence against children but reported anecdotal evidence from the field of violence against children occurring within families, schools, in situations of child labor and exploitation, and in armed conflict. In Rakhine State violence caused displacement of families and exposed them to an environment of violence. Violent skirmishes in Kachin and Shan states had a similar impact on children in those areas. The Department of Social Welfare provides social work case managers to 25 pilot townships to respond to child protection cases as part of the Township Committee on the Rights of the Child (see section 7.c.).

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

Sexual Exploitation of Children: There was no verifiable data on the commercial sexual exploitation of children either inside or outside the country. Although no law explicitly bans 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 penalty for the purchase and sale of commercial sex acts from a child under 18 is 10 years' imprisonment. There are no legal provisions to protect males under 18. The Child Law prohibits pornography; the penalty is two years' minimum imprisonment and a fine of 10,000 kyats (\$10). 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.

Child Soldiers: Both the army and ethnic minority armies recruited and used child soldiers (see section 1.g.). International organizations reported that underage recruits who fled the military continued to be charged with, and found guilty of,

desertion despite increased awareness on the use of predetention verification procedures.

Displaced Children: The mortality rate of internally displaced children in conflict areas was significantly higher than in the rest of the country (see section 2.d., Internally Displace Persons). 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

According to a 2009 Department of Social Welfare national disability survey, 2.3 percent of the population had a disability. People likely did not report their disability due to stigma and lack of awareness, and the percentage was probably higher. The Ministry of Health is responsible for medical rehabilitation of persons with disabilities, and the Ministry of Social Welfare is responsible for vocational training. 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 did not provide ample protections for these persons.

At the grassroots level, 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. (Mainstream schools did not offer adequate assistance technology for deaf and blind students.) The government, however, provided

inadequate funds for its schools and programs for persons with disabilities. There were few official resources to assist persons with disabilities.

According to Myanmar Physical Handicap Association, a significant number of military, armed-group members, and civilians had a disability as a result of conflict, including as a result of torture and landmine incidents. The ICRC estimated there were 12,000 amputees in the country – two-thirds believed to be landmine survivors – and supported four physical rehabilitation centers throughout the country. Persons with disabilities reported stigma, discrimination, and abuse from civilian and government officials. Students with disabilities cited barriers to inclusive education as a significant disadvantage.

Officially, military veterans with disabilities received benefits on a priority basis, usually a civil service job at equivalent pay; however, both military and ethnic-minority survivors typically had neither livelihood opportunities nor access to affordable medical treatment in rural areas. During a visit to disabled military veterans in September, foreign diplomats observed that although the military provided some level of support, veterans struggled with livelihood opportunities and access to medical care. 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, including in areas such as education, housing, employment, and access to health services. International observers noted that large wage variations based on religious and ethnic backgrounds were common.

While ethnic-minority groups generally used their own languages at home, throughout all parts of the country, Burmese generally 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. Unlike in previous years,

however, in response to calls by ethnic-minority groups to exercise the right to educate children in their native language, the government began to ease restrictions against local language curriculum and teaching. In Mon State, for example, local authorities allowed schools to teach in the Mon language.

Tension between the government army and ethnic populations, while somewhat diminished in areas with cease-fire agreements, remained high; the army stationed forces in some ethnic groups' areas and controlled certain cities, towns, and highways. Ethnic armed groups, including elements in the Karen National Union and Kachin Independence Organization, pointed to the continued presence of Burma Army troops as a major source of tension and insecurity. 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 section 1.g.).

Muslims in Rakhine State, including the Rohingya, faced severe discrimination on the basis of their ethnicity, and increasingly, their religion. Ethnic and sectarian conflict in Rakhine State negatively affected the broader Muslim community, including the primarily Muslim ethnic Kaman. Most Rohingya faced severe restrictions on their ability to travel; avail themselves of health-care services; engage in economic activity; obtain an education; and register births, deaths, and marriages (see section 2.d.). The Rohingya population constituted the majority of those displaced by outbreaks of violence across Rakhine State. Most remained in semipermanent camps with limited access to education, health care, and livelihoods.

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

Political reforms in the country led to a more visible LGBT movement, including the formation of LGBT rights organizations and the first semipublic celebration of the International Day Against Homophobia and Transphobia (IDAHO). These changes made it easier for the LGBT community to hold public events and openly participate in society. Despite this progress consensual same-sex sexual activity remains illegal under section 377 of the penal code, which contains provisions against "sexually abnormal" behavior and entails punishments up to life imprisonment. Laws against "unnatural offenses" apply equally to both men and women. These laws were rarely enforced; however, LGBT persons reported that police used the threat of prosecution to extort bribes. In addition LGBT activists reported harassment by police, including arbitrary arrest (for example for

loitering), detention, and in some cases rape by security forces and broad societal and familial discrimination.

There were reports of discrimination based on sexual orientation and gender identity 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. In July, Mandalay police publicly harassed and arrested 12 gay men, transgender persons, and NGO outreach workers involved in HIV and AIDS prevention, according to a member of the Myanmar LGBT Rights Network Mandalay. Police reportedly verbally and physically abused the 12 detainees while in custody and denied an HIV-positive woman sentenced to seven days' imprisonment access to antiretroviral therapy. Police harassment included police touching detainees' genitals with batons, taking nude photographs, and forcing detainees to perform "frog jumps" and "catwalks." Reportedly, the police officers involved were not in uniform and the arrests were made without cause. According to LGBT community members, this type of public attack was uncommon, despite societal intolerance for LGBT people. The Myanmar National Human Rights Commission spoke out publicly against the police treatment, and the Myanmar LGBT Rights Network filed a lawsuit against the Mandalay police that was pending as of mid-November.

Other Societal Violence or Discrimination

Societal discrimination against the country's Muslim populations and rising Burman-Buddhist nationalism, including the emergence of the "969" movement, which denigrated Islam and called for a boycott of Muslim businesses, contributed to a wave of sectarian violence.

A dispute on March 20 at a gold shop in Meiktila led to attacks by Buddhist mobs, including monks, against Muslim residents and their property. The killing of a Buddhist monk – reportedly uninvolved in events – by a group of Muslims escalated violence that ultimately led to the deaths of between 44 and 87 individuals. Subsequent sporadic anti-Muslim violence in areas throughout the country generally followed a similar pattern, with seemingly random, low-level disputes – often economic in nature or based on rumor – between members of different faiths leading to mob violence. Episodes occurred in Bago Division, Rangoon Division, Shan State, Kayah State, Kachin State, and Sagaing Division and resulted in at least one additional death, the displacement of thousands, and the destruction of homes and mosques. Violence in Lashio, Shan State, followed rumors that a Buddhist woman had been set on fire by a Muslim man. Following a

local dispute, Buddhist mobs reportedly attacked villages of Kaman people, an officially recognized Muslim “national race” group, and burned Muslim homes to the ground during violence in late September and early October in Thandwe Township, Rakhine State, resulting in between seven and 10 deaths and the destruction of more than 100 homes.

Multiple sources noted that restrictions against Muslims and Christians impeded their ability to assume high-level government positions and that Muslims were unable to invest and trade freely.

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, provides for the right of workers and employers to form independent unions, bargain collectively, and conduct legal strikes and lockouts. The law permits labor federations and confederations to affiliate with international union federations and confederations. The law allows agricultural workers, as well as domestic workers, daily wage and temporary workers, and government employees to form unions. Personnel of the defense services, armed forces, and the Myanmar Police Force, however, are excluded from the law. The government reported that Law 6/1988, which provides for harsh penalties for organizations and associations not registered with the appropriate authorities, does not apply to unions. Law 6/1988 and Law 2/1988, which limit freedom of assembly, remain in place.

The 2011 Labor Organization Law, which repealed the Trade Union Act of 1926, allows workers to join freely labor organizations in their trade or activity. Basic labor organizations must have a minimum of 30 workers and must register through township registrars with the Chief Registrar’s Office of the Ministry of Labor.

Township labor organizations require at least 10 percent of relevant basic labor organizations to register; region or state labor organizations require at least 10 percent of relevant township labor organizations. Each of these higher-level

unions must include only organizations within the same trade or activity. Similarly, federations and confederations also require a minimum number of organizations (10 percent and 20 percent, respectively) from the next lower level in order to register formally.

The law permits labor organizations to demand the reinstatement of workers dismissed for union activity, but it does not explicitly prohibit antiunion discrimination in the form of demotions or mandatory transfers. The law does not adequately protect workers from dismissal before a union is officially registered.

The law gives unions the right to represent workers, to negotiate and bargain collectively with employers, and to send representatives to the Conciliation Body or Conciliation Tribunal. Unions also are permitted to assist in individual disputes and individual employment agreements. The law does not contain detailed measures regarding management of the bargaining process.

The Settlement of Labor Disputes Law provides a framework for the settlement of individual and collective disputes at the enterprise, township, regional, and national level through conciliation or arbitration. The law details specific labor-dispute settlement structures and procedures. The law in principle is legally binding, but it lacks a sufficient mechanism for enforcement, which led some employers to ignore judgments issued by the arbitration and conciliation body. In addition the penalties called for in the law are light –100,000 kyats (\$100) or less than one year in prison.

The law protects the right to strike in most sectors, with a majority vote by workers, permission of the relevant labor federations, and detailed information and three days' advance notice provided to the employer and relevant conciliation body. The law does not permit strikes or lockouts in essential services. In "public utility services," which include the transport; cargo and freight; postal; sanitation; information, communication, and technology; energy; petroleum; and financial sectors, lockouts are permitted with a minimum of 14 days' notice provided to the relevant labor organizations and conciliation body. Strikes in public-utility services require generally the same measures as in other sectors, but with 14 days' advance notice and negotiation between workers and management to determine minimum service levels before the strike takes place.

During the year the ILO, labor activists, and media continued to report concerns that many workers who formed or joined labor unions had subsequently been fired or subjected to other forms of reprisal by their employers. In at least one case, professors at University of Mandalay claimed that the Ministry of Education had

responded to their organizing activity by instituting a mandatory transfer for a union leader. Media outlets reported allegations of dismissal, imprisonment, and beatings of workers for organizing activity.

As of year's end, more than 800 labor organizations had successfully registered under the Labor Organization Law. These were mostly enterprise-level entities and concentrated in the agricultural, manufacturing, and transport sectors, with an estimated total membership of nearly 200,000 workers. Outside observers noted concerns that the hierarchical union structure and rigidly defined occupational categories constrained the ability of higher-level unions, federations, and confederations to form. At least one NGO reported that the number of management-dominated ("yellow") unions was increasing.

The dispute settlement process appeared to function, with 1,000 cases conciliated at the township level, 94 at the state or regional level, and 47 by the national Arbitration Council as of September. Some NGOs noted that these numbers reflected early enthusiasm for the system but that over the year the rate of dispute settlement had slowed. Outside observers also expressed concern that the process was lengthy and cumbersome and could pose obstacles to workers using it to resolve grievances. One NGO reported that at local levels, decisions generally were biased toward employers, while at least one Arbitration Council member claimed to have been pressured, in one case, to make a decision in favor of the employer's side.

Workers and workers' organizations generally found the Ministry of Labor to be helpful in urging employers to negotiate, but there were consistent reports of employers ignoring the negotiated agreements. In May a total of 2,000 workers at the Hi-Mo Wig Factory conducted a strike over pay and working conditions. Although the dispute was resolved, media reports indicated that the employer did not uphold the agreement to increase wages.

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 March 2012 Ward and Village Tract Administration Act defines forced labor and imposes criminal penalties for its use, but the penalties differ depending on whether the forced labor was committed by the military or government. Perpetrators from the military can be prosecuted under either the military or penal code. Civilian perpetrators may be subject to administrative action or criminal

proceedings under the penal code. No civil government perpetrators have been prosecuted under the penal code since 2007. The maximum penalty under the penal code is 12 months in prison, and under military code it is seven years in prison, which international observers deemed sufficient to deter forced labor.

The ILO reported that the number of incidences of forced or compulsory labor by both the military and civilian authorities fell but noted that government and military use of forced or compulsory labor of adults and children and the failure to hold perpetrators accountable remained a problem (see section 7.c.). The exceptions to this positive trend were in the conflict areas of Kachin and Rakhine states, where forced labor continued. Reports of forced labor occurred across the country, including in cease-fire states, and the prevalence was higher in states with significant armed conflict (see section 7.c.). As of year's end, no cases had been prosecuted under the Ward and Village Tract Administration Act.

Government implementation of the ILO action plan to eliminate forced labor by 2015 continued to run smoothly. Both the military and the government responded to complaints logged by the complaints mechanism. The ILO reported a high military prosecution rate per military regulations and continued access to monitor the implementation of the action plan.

Forced labor continued in the form of forced portering, mandatory work on public infrastructure projects, and in activities related to the military's "self-reliance" policy, whereby military battalions are responsible for procuring their own food and labor supplies from local villagers, a major contributing factor to forced labor and other abuses, including forced portering, land confiscation, and destruction of property. Some observers noted that practices of forced labor were changing, resulting in a reported decrease in use of forced labor by the military and increased reports of forced labor in the private sector and by civilian officials. Land confiscation by military, local government, and private businesses placed agricultural workers at severe risk for forced labor, including on lands which they previously occupied.

Some groups argued that the practice of compulsory overtime in many factories constituted a form of forced labor. Domestic workers remained at risk of domestic servitude. The ILO reported that one lawyer who was involved in a forced labor case had his license revoked. It had not been reinstated as of September.

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 1951 Factories Act 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.

Inspectors are trained to monitor the application of the national labor law, which includes child labor and forced labor; however, a general lack of resources hindered the number of inspectors that were deployed throughout the country. The Ministry of Labor worked with UNICEF on issues related to child protection and minimum age and began work with the ILO to address child labor, including under a cooperative agreement to conduct a national labor force survey.

The law was not enforced, and child labor remained prevalent and highly visible. Children were at high risk, as poor economic conditions forced destitute parents to take them out of school after, and occasionally before, they completed compulsory education. In cities children worked 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, occasionally in situations of forced labor. 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, commercial sexual exploitation, and HIV/AIDS (see section 6, Children). Media sources reported on the use of children ages eight to 12 as guides around temples, including in and around the Bagan temple complex.

Legal provisions outlined 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

There no minimum wage in effect countrywide. In March the government passed a minimum wage law that provides a framework and structure for how to

implement a minimum wage but lacks concrete wage numbers. The law provides the option either to create a national minimum wage or to set minimums by both sector and region, but none of these options was exercised, and the government lacked basic data on average cost of living. The national poverty income level was estimated at less than 1,000 kyats (\$1.00) per day.

The 1951 Factories Act 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, 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 occupational health and safety laws are significantly outdated.

The Ministry of Labor's Factories and General Labor Laws Inspection Department oversees labor conditions in the private sector. The Labor Ministry had 60 labor inspectors for the entire country, and enforcement was constrained by both resources and capacity. While the inspectors had the technical knowledge, they did not have the appropriate equipment necessary to execute inspections properly. In certain sectors other ministerial departments regulated occupational safety and health (OSH) laws, for example the Ministries of Industries, Mines, Health, and Agriculture and Irrigation. During the year the department worked with the Association of Southeast Asian Nations, OSHNet, and counterparts from the Republic of Korea's Occupational Safety and Health Administration to improve its capacity to conduct inspections. Several factory inspectors were reportedly hired specifically for the special economic zones.

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 kyats (\$1 to \$2.50) 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 kyats (\$50 to \$100) per month, according to private-sector employers.

The laws generally were enforced in the government sector, but there were frequent violations by private enterprises. According to media a Union Parliament

Joint Commission found that shifts in many factories lasted as long as 12 hours and noted complaints of harassment and harsh treatment by foreign supervisors. The commission also noted that the average salary was approximately 47,000 kyats (\$47) per month, but the salary was disbursed only if workers had perfect attendance records. Workers' organizations alleged that government inspections were rare and often announced with several days' notice that allowed factory owners to bring facilities – often temporarily – into compliance. Corruption and bribery of inspectors reportedly occurred.

According to NGO and media reports, workers at the Dawei special economic zone reported significant differences in wages compared with Thai workers doing the same work. Standard working hours were rarely observed, and overtime was often mandatory. In addition workers reported discrimination with regard to meal benefits and housing facilities and refusal to issue formal contracts even after the initial three-month probationary period of work.

The social security board covers only industrial zones and therefore supports less than 1 percent of the individuals involved in workplace accidents or casualties. While the board provides hospitals and clinics, it does not keep independently verifiable statistics on accidents or workplace violations. Workers in other sectors of the economy were assumed to have even less support, and no statistics were available.

Accidents in the mining industry were common. More than 36 workers died when heavy rains and landslides in Shan State caused a gold mine to collapse on May 2. Media reported that the mining company, Geo Asia Industry and Mining Company, paid compensation to injured workers and the families of workers killed in the accident.