



Burma

Country Reports on Human Rights Practices - 2006

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Since 1962 Burma, with an estimated population of 54 million, has been ruled by a succession of highly authoritarian military regimes dominated by the majority Burman ethnic group. The State Peace and Development Council (SPDC), led by Senior General Than Shwe, was the country's de facto government, with subordinate peace and development councils ruling by decree at the division, state, city, township, ward, and village levels. Military officers wielded the ultimate authority at each level of government. In 1990 prodemocracy parties won more than 80 percent of the seats in a general parliamentary election, but the regime continued to ignore the results. The military government totally controlled the country's armed forces, excluding a few active insurgent groups.

The government's human rights record worsened during the year. The regime continued to abridge the right of citizens to change their government. The government detained five leaders of the 88 Generation Students prodemocracy activists. The government refused to allow the International Committee of the Red Cross (ICRC) to visit prisoners privately. The army increased attacks on ethnic minority villagers in Bago Division and Karen State designed to drive them from their traditional land. In addition, the government continued to commit other serious abuses, including extrajudicial killings, custodial deaths, disappearances, rape, and torture. The government abused prisoners and detainees, held persons in harsh and life threatening conditions, routinely used incommunicado detention, and imprisoned citizens arbitrarily for political motives. National League for Democracy (NLD) General Secretary Aung San Suu Kyi and NLD Vice Chairman Tin Oo remained under house arrest. Governmental authorities routinely infringed on citizens' privacy and resorted more frequently to forced relocations. The government restricted freedom of speech, press, assembly, association, religion, and movement. The government did not allow domestic human rights nongovernmental organizations (NGOs) to function independently, and international NGOs encountered a hostile environment. Violence and societal discrimination against women continued, as did forced recruitment of child soldiers, discrimination against ethnic minorities, and trafficking in persons, particularly of women and girls. Workers rights remained restricted, and forced labor, including that of children, also persisted.

Ethnic armed groups allegedly committed human rights abuses, including forced labor, although reportedly to a much lesser extent than the government. Some cease fire groups also reportedly committed abuses, including forced relocation of villagers in their home regions. Armed insurgent groups and cease fire groups also practiced forced conscription of child soldiers.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

During the year there were several cases of prisoners who died while in custody, some under suspicious circumstances. The government did not punish officials responsible for the deaths.

On January 27, prison authorities at a labor camp in Ann, Rakhine State, beat a prisoner to death after he killed a prison official who had beat him for resting while constructing a road.

On March 17, members of the government affiliated "fire brigade" and two police corporals, Tin Maung Oo and Myo Min Oo, reportedly beat and killed former political prisoner Thet Naing Oo in public.

On March 25, Mandalay police arrested Wai Phyo Naung, alleging that he was a drug trafficker. He died the next day in police custody following brutal interrogation. The police claimed he hanged himself in his cell, but the postmortem report revealed signs of torture and beating.

On June 18, Lieutenant Zaw Lwin of Myo Hla Police Station, Bago Division, arrested Ma Nyo Kyi with her eight month old baby without filing charges. The next day police gave the baby to Ma Nyo Kyi's husband and informed him that his wife had died of a heart attack. The postmortem report revealed severe injuries caused by beating.

On July 16, Saw Stin Pho of Ta Khun Seik Village, Einme Township, Ayeyarwady Division, was arrested with 17 others and taken to Patheingyi Military Headquarters on suspicion of being connected to an alleged sympathizer of the Karen National Union (KNU). He died on July 19 from torture during interrogation by Military Security Affairs (MSA), which reportedly gave \$309 (400,000 kyats) as compensation to his wife, Naw Htoo Bae Sae, and their six children. MSA released the other 16 persons, all of whom were severely traumatized by the harsh interrogation.

The government took no action to punish those responsible for similar custodial deaths in 2005, including the following cases: NLD member Aung Hlaing Win, who died in May after being arrested for contacting an "illegal organization" in Thailand five years earlier; labor activist Moe Naung, who reportedly died in Kawthoung in May shortly after being arrested; NLD member Min Htoo Wai, who died in Mawlamyine Prison of severe head injuries suffered on May 29 during a beating received from prisoners who were encouraged by jailors Tun Tun and Tin Maung Ohn; Saw Stanford of Tawako Village, Ayeyarwady Division, who died in July at an interrogation center where he was brutally beaten by soldiers from Light Infantry Brigade 93 in Myaung Mya District; Htay Lwin of Aung Myay Thazan Township, Mandalay Division, who died in October in police custody after a severe beating; Aung Myint Thein of Bago, who died in November in Insein Prison from undetermined causes (see sections 2.a. and 6.c.); and Ko Than Htaik, who died in December after a severe beating by local peace and development council (PDC) authorities (see section 6.c.). An NLD effort to prosecute officials responsible for the deaths of Aung Hlaing Win was rejected, and authorities did not reply to the NLD's petition lodged following the death of Min Htoo Wai.

There was no report that action was taken against a Light Infantry Battalion 514 commander who in 2004 beat a civilian to death at a military checkpoint in Mong Kung Township, Shan State. Likewise, there were no developments in the 2004 case of Maung Aye, who died after being beaten while in police custody.

The government persisted in its refusal to investigate or take responsibility for the 2003 attack by government affiliated forces on an NLD convoy led by party leader Aung San Suu Kyi near the village of Depeyin in which as many as 70 persons were killed. The fate of other persons, including 31 prodemocracy supporters from the convoy, remained unknown.

There were unverified reports of deaths and injuries caused by security forces using civilians to clear landmines, particularly in Karen State, where the army launched widespread attacks against ethnic villages (see section 1.g.).

Small bombs detonated in Rangoon and other areas but caused little damage. As in similar events in 2005, the government blamed exile based groups but did not substantiate the claims.

Unlike in previous years, there were no reports that armed ethnic groups committed killings.

b. Disappearance

Private citizens and political activists continued to "disappear" for periods ranging from several hours to several weeks or more, and many persons never reappeared. Such disappearances generally were attributed to authorities detaining individuals for questioning without informing family members and to the army's practice of seizing private citizens for portering or related duties, often without notifying family members (see section 6.c.). Little improvement was reported regarding requests for information directed to the military services. In many cases, individuals who were detained for questioning were released soon afterward and returned to their families.

The whereabouts of persons seized by military units to serve as porters, as well as of prisoners transferred for labor or portering duties, often remained unknown. Family members generally learned of their relatives' fates only if fellow prisoners survived and later reported information to the families.

In its May report "Eight Seconds of Silence: The Death of Democracy Activists Behind Bars," the Assistance Association for Political Prisoners - Burma (AAPP) meticulously documented 127 death cases of political prisoners since 1988. Fifteen of these cases were persons who disappeared while in custody. AAPP estimated there were other death and disappearance cases about which it had no information.

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

There are laws that prohibit torture; however, members of the security forces reportedly tortured, beat, and otherwise abused prisoners, detainees, and other citizens. They routinely subjected detainees to harsh interrogation techniques designed to intimidate and disorient.

In December 2005 the AAPP released a report on the "brutal and systematic" torture that the government inflicted on political prisoners. Based on the testimony of 35 former political prisoners, the report gave graphic details of the physical, psychological, and sexual abuse the government employed on dissidents, and it identified by name many of the perpetrators. The report detailed the kinds of torture the government used, including severe beatings, often resulting in loss of consciousness and sometimes death; repeated electrocution to all parts of the body, including genitals; rubbing iron rods on shins until the flesh comes off; burning with cigarettes and lighters; prolonged restriction of movement for up to several months using rope and shackles around the neck and ankles; repeatedly striking the same area of a person's body for several hours; forcing prisoners to walk or crawl on an aggregate of sharp stones, metal, and glass; using dogs to rape male prisoners; and threatening female prisoners with rape.

According to the AAPP report, the ministers of home affairs, defense, and foreign affairs form a three person committee that oversees the detention of political prisoners charged under the State Protection Act. The report also indicated that during initial interrogations torture is conducted mainly by MSA. Interrogations were also conducted by the Bureau of Special Investigations and the Special Branch (SB) of the police, which is under the Ministry of Home Affairs.

During the year at least six political prisoners died while in custody (see sections 1.a. and 1.c.).

The armed forces routinely confiscated property, cash, and food, and used coercive and abusive recruitment methods to procure porters. Persons forced into portering or other labor faced extremely difficult conditions, beatings, rape, lack of food, lack of clean water, and mistreatment that at times resulted in death.

There were reports by NGOs and community leaders that the armed forces continued to commit abuses against ethnic minorities, including beatings, rape, forced mine clearing, and forced labor against villagers in Bago Division, Chin State, Karen State, Mon State, Shan State, and Tanintharyi Division.

Newly arrived refugees and internally displaced persons (IDPs) near the Thai border reported that government soldiers in Shan, Kayah, and Karen states continued to rape ethnic women and girls. On April 17, 20 soldiers reportedly gang raped a woman of Kunhing Township, Shan State, and then killed her. A 17 year old Shan girl from Kunhing Township reported that three soldiers of Battalion 527 raped her for two days on May 15 16. A 10 year old Shan girl from Mong Mai reported that a soldier raped her in 2004 when she was eight years old. Many other women reported they were raped by soldiers during the year and in previous years.

Prison and Detention Center Conditions

Prison and labor camp conditions generally remained harsh and life threatening. The Department of Prisons operated approximately 35 prisons and 70 labor camps (see section 6.c.). Food, clothing, and medical supplies reportedly were in very short supply in prisons. There were reports that authorities in some prisons forced prisoners to pay for their own food. Bedding consisted of a single mat on the floor. Prisoners were forced to rely on their families, who were allowed one or two visits per month, for basic necessities. Prisoners were held without being charged for weeks or months, and until a prisoner was officially charged with a crime, families could not visit or send critical supplementary food. HIV/AIDS infection rates in prisons reportedly were high due to communal use of syringes for injections and sexual abuse by other prisoners.

The government continued to deny prisoners adequate medical care, although medical services in prisons partially reflected poor health care services available to the general population.

On January 24, five prisoners in Kalemyo Prison, Sagaing Division, reportedly took the prison director hostage. Prison guards overpowered the prisoners, severely beat them, and placed them in solitary confinement. Two died of injuries in their cells; two days later prison authorities took the other three for medical treatment, but they also died. Twenty seven other prisoners not directly involved in the hostage taking also were beaten, many severely.

During the year the health of several political prisoners deteriorated, and several died while in prison. On January 10, Khin Maung Lwin, a member of the Democracy Party, died in Putao Prison, Kachin State, after eight years in various prisons. The officer in charge of the prison, Tun Myint Thein, rejected repeated appeals for medical treatment by Khin Maung Lwin's family, the ICRC, and the prison doctor. On March 23, Ko Oo, an NLD member from Thayet Township, died after six years as a political prisoner. He suffered from various ailments, but prison authorities would not refer him for treatment. On May 2, Shan political activist Myint Than died in Thandwe Prison, Rakhine State, while serving a 79 year sentence. He reportedly suffered a stroke and died after one month in a hospital. In mid August Daw Nyunt Yin of Thingangyun Township, Rangoon Division, died in Insein Prison, where she had been held since 1988 on charges of involvement in prodemocracy activities. She reportedly vomited blood before she died and did not receive qualified medical treatment. On October 16, student leader The Win Aung died in Mandalay Prison, after being imprisoned since 1998. Despite his 2002 hunger strike to protest the lack of adequate medical treatment and the poor prison diet, prison authorities continued to deny him adequate health care. On October 26, political prisoner Maung San died in Mawlamyine Prison minutes after a paramedic treated him for gastric pain. He was denied treatment by a qualified doctor.

Prominent political prisoners who suffered from deteriorating health included NLD members of parliament elect (MPs elect) Than Nyein, May Win Myint, Naing Naing, and journalist Win Tin. The health of writer Than Win Hlaing, held in Thayarwady Prison in Bago Division, continued to deteriorate due to harsh prison conditions. He suffered from kidney disease and diabetes, but prison authorities rejected his family's appeals for medical treatment. Rohingya MP elect Kyaw Min and family reportedly experienced health problems after they were imprisoned in 2005. The health of labor advocate Su Su Nway also deteriorated, and she required hospitalization during her eight month imprisonment, which ended on June 6 (see section 6.c.).

The government claimed that political detainees were separated from common criminals. However, reports by prisoners indicated that authorities frequently placed political prisoners in communal cells where they were subjected to beatings and mistreatment by hard core criminals. On January 2, criminal prisoners in Insein Prison

severely beat three political prisoners--Aung San Myat, Thiha Tun, and Han Win Aung. Prison officer Win Maung and other prison guards reportedly allowed the attack and did not intervene.

In October two political prisoners in Mawlamyine Prison staged a hunger strike to protest being housed with the criminal population rather than held separately with political prisoners. The warden confronted the prisoners and beat them. After other political prisoners heard of the beatings, they staged their own protest, refusing to return to their cells. Thereafter, the warden used criminal prisoners to beat the political prisoners housed with them.

Women prisoners were held separately from men, and juvenile prisoners (16 years old and under) were held separately from adults. One jail existed specifically for juveniles in Meiktila, Mandalay Division. Juvenile courts rarely sentenced juveniles to prison, instead remanding them to reformatories located in Thayet, Magway Division, or Twante, Rangoon Division, which were jointly managed by the Prison Department and the Department of Social Welfare (DSW).

Beginning in November 2005, authorities insisted that representatives of government sponsored mass mobilization organizations, including the Union Solidarity and Development Association (USDA), the Myanmar Women's Affairs Federation (MWWAF), and the Myanmar Red Cross, accompany the ICRC on all prison visits. After failing to obtain government permission to maintain its international practice of unfettered access to prisoners, the ICRC did not visit prisons or labor camps during the year. The ICRC terminated some of its traditional services, such as providing medications and soap to detainees, because it could not verify that these supplies reached the prisoners. The ICRC could no longer follow the cases of more than 4,000 detainees, including security detainees, minors, foreigners, and prisoners who were especially vulnerable, such as the sick and aged. During the year gains achieved earlier by the ICRC on prison problems, including the right to talk in private with prisoners, make repeated visits as desired, and have full access to most prisoners, were suspended, as were its efforts to expand ICRC access to more detainees.

d. Arbitrary Arrest or Detention

There is no provision in the law for judicial determination of the legality of detention, and the government routinely used arbitrary arrest and incommunicado detention. The law allows authorities to extend sentences after prisoners have completed their original sentence, and the government regularly used this provision (see section 1.e.).

Role of the Police and Security Apparatus

The police are auxiliary forces of the military and are under direct command of military officers. They primarily deal with common crimes and do not handle political crimes. The Myanmar Police Force falls administratively under the Ministry of Home Affairs. Corruption and impunity were serious problems due to a government imposed system whereby police were required to collect funds for their operations. Police typically required victims to pay substantial sums for crime investigations and routinely extorted money from the civilian population.

MSA officers and SB police officers are responsible for detaining persons suspected of "political crimes" that are perceived to threaten the government. Once a person is detained, MSA officers, or in some cases SB officers, take the prisoner to MSA regional interrogation centers, where MSA officers interrogate the individual for a period ranging from hours to months and can charge the person with a crime at any time during the interrogation. Police frequently placed a hood on those accused or suspected of political crimes upon arrest.

Arrest and Detention

By law warrants for searches and arrests are required; however, MSA and the police have special authority to conduct searches and make arrests at will. The government continued to arrest and detain citizens for extended periods without charging them, often under the Emergency Act of 1950, which allows for indefinite detention. Bail is commonly offered in criminal cases, but it is rarely, if ever, allowed for political prisoners. The government regularly refused detainees the right to consult a lawyer, denied them or their families the right to select independent legal representation, or forced them to use government appointed lawyers.

The government continued to use incommunicado detention and often failed to inform detainees' relatives of the detentions until much later. Authorities used prolonged solitary confinement to punish prisoners.

Authorities continued to detain private citizens and political activists, some of whom disappeared, at times temporarily (see section 1.b.).

National Democratic Party for Human Rights MP elect Kyaw Min, sentenced in 2005 to 47 years' imprisonment, and his wife, two daughters, and a son, all sentenced to 17 years' imprisonment on charges of having improper house registration documents, remained in prison. Kyaw Min's sister in law, arrested in Kyaukphyu in 2005 for traveling without permission and for residing in her husband's household without authorized residential documents, was released after completing her sentence.

Amnesty

Authorities released political prisoners Su Su Nway and Aye Myint (see sections 4 and 6.c.). Unlike in previous years, no MPs elect were released from prison. Instead, early in the year authorities extended for another year the prison terms of NLD MPs elect Than Nyein and May Win Myint of Mayangone Township, Rangoon Division.

e. Denial of Fair Public Trial

The judiciary is not independent of the government. The SPDC appoints justices to the Supreme Court who in turn appoint lower court judges with the approval of the SPDC. These courts adjudicate cases under decrees promulgated by the SPDC that effectively have the force of law. The court system includes courts at the township, district, state, and national levels.

Trial Procedures

The government continued to rule by decree and was not bound by any constitutional provisions providing for fair public trials or any other rights. Although remnants of the British era legal system remain formally in place, the court system and its operation were seriously flawed, particularly in the handling of political cases. The misuse of blanket laws--including the Emergency Provisions Act, the Unlawful Associations Act, the Habitual Offenders Act, and the Law on Safeguarding the State from the Danger of Subversive Elements--and the manipulation of the courts for political ends continued to deprive citizens of the right to a fair trial and stifle peaceful dissent. Pervasive corruption further served to undermine the impartiality of the justice system.

There is a fundamental difference between criminal and political trial procedures. Some basic due process rights, including the right to be represented by a defense attorney, were generally respected in criminal cases but not in political cases that the government deemed especially sensitive. In criminal cases, defense attorneys generally are permitted 15 days to prepare for trial, may call and cross examine witnesses, and can be granted a 15 day delay for case preparation. However, their primary function is not to disprove their client's guilt, which is usually a foregone conclusion, but rather to bargain with the judge to obtain the shortest possible sentence for their clients. Reliable reports indicated that senior government authorities dictated verdicts in political cases, regardless of the evidence or the law. Political trials are not open to the public.

None of the NLD members or the 153 prodemocracy supporters arrested in association with the 2003 Depayin attack were given public trials.

NLD members generally appeared to be able to retain the counsel of lawyers without fear that the lawyers might be imprisoned; however, lawyers were not always told

when trials would begin. Approximately 14 lawyers remained imprisoned at year's end. Most had been sentenced prior to 1998.

Political Prisoners and Detainees

At year's end there were approximately 1,300 "security detainees," including political prisoners (approximately 1,150), arms merchants, violators of state security laws, and those accused of fostering religious disturbances. Because the government usually charged political detainees for criminal offenses, it denied holding any political prisoners.

On February 7, a court sentenced NLD members Ko Ko Myint and Thein Zaw to seven year prison terms for opium possession, allegedly planted by authorities. Ko Ko Myint had completed a five year jail sentence three months earlier. Authorities in Rakhine State also prosecuted NLD members San Shwe Tun and Aung Ban Thar, arrested in July 2005 for foreign currency violations after authorities allegedly planted Bangladeshi currency in their homes. In March the Sittwe court sentenced them to three years for trading in illegal currencies, after the district and state courts rejected a June 2005 appeal.

On March 25, authorities arrested Aung Thein, a former NLD member from Thaketa Township, Rangoon Division, along with four others and charged them with contacting opposition figures outside the country by satellite telephone. Subsequently, Aung Thein was sentenced to 20 years, Thein Oo to 25 years, Aung Moe to 15 years, Khaing Mar Soe to 15 years, and Khin Maung Win to three years.

On July 31, authorities in Mandalay arrested Nyein Maung, a former member of Madayar Township NLD Organizing Committee who had resigned under pressure from the USDA in June, and sentenced him to one year in prison on charges of swearing at the husband of township judge Khin Mar Yi.

On September 27, police arrested Min Ko Naing, Ko Ko Gyi, and Htay Kywe, former political prisoners and activists in the 88 Generation Students group. On September 30, police arrested two more 88 Generation Students activists. Min Zeya and Phone Cho. Phone Cho's brother, Thet Win Aung, also a political prisoner, died in Mandalay Prison on October 16 (see section 1.c.). At year's end the five activists remained in detention without charge. The law permits a court to detain a prisoner without charge for up to two weeks, with the possibility of a second two week extension, and authorities continued to extend their detention in different courts around Rangoon without producing them before a judge.

The 88 Generation Students group organized a nationwide campaign to collect signatures in support of the release of Aung San Suu Kyi and all political prisoners, gathering more than half a million signatures. On October 5, USDA members (not police) arrested NLD volunteer Win Ko in Letpadan Township, Bago Division, after he had gathered signatures from an entire village in Monyo Township. The Letpadan Township Court sentenced him to three years in prison on unsubstantiated charges of participating in an unauthorized lottery and disrupting a civil servant in the line of duty. On November 12, a court sentenced Win Ko and colleague Phyo Zaw Latt to an additional 14 years for fraud and conspiracy to commit fraud. Neither was permitted legal representation during the secret trials. At year's end Win Ko remained in Paungde Prison, Bago Division.

Hkun Htun Oo and Sai Nyunt Lwin, chairman and secretary respectively of the Shan Nationalities League for Democracy (SNLD), and eight other Shan leaders arrested in February 2005 remained in remote prisons at the end of the year. Lawyers lodged appeals in late February, but the judge summarily dismissed the appeals without explanation. The government conducted secret trials in Insein Prison of the SNLD leaders on charges of subversion and eight other counts of alleged political and economic misdeeds, including violating currency exchange regulations. Hkun Htun Oo received two life sentences plus 53 years in prison, General Hso Ten received three life sentences plus 46 years in prison, and Sai Nyunt Lwin received three life sentences plus 25 years in prison.

Kyaw Khin, NLD MP elect from Taunggyi, arrested in February 2005 and sentenced to 14 years for providing a list of Aung San Suu Kyi's awards to a fellow university student, remained in prison at year's end.

Sao Oo Kya of Hsipaw, member of the Shan State Consultative Council sentenced in 2005 to 13 years in prison for defamation of the state and violating the Hotel and Tourism Act, remained in prison.

University student Ja Naw, arrested in August 2005 in Momauk Township, Kachin State, remained in prison at year's end. Fellow students Win Moe and Bran Awng San, apprehended with Ja Naw, were released after two weeks' detention. When arrested, the three had in their possession educational compact discs on human rights issued by Amnesty International, books opposing the Salween hydropower project, and educational materials on antidrug matters.

Other political prisoners remaining in prison included 11 members of the Mandalay Division NLD sentenced in 2004 to between seven and 22 years in prison for "illegal association" with an exile group in Thailand; Than Than Htay and Tin Myint, NLD Township Executive members from Magway and Rangoon divisions, sentenced with another NLD member in 2004 to seven years despite the lack of credible evidence; Ye Ye Win, San Ya, and Ye Htet, members of NLD in Theinzayat Township in Mon State, sentenced in 2004 to seven years in prison for contacting exile groups in Thailand; five NLD members sentenced to life imprisonment in 2005 for possessing and distributing a leaflet titled "An Appeal to the Masses"; NLD member Kyaw Swe, sentenced in 2004 to five years' imprisonment on charges of possessing an unregistered motorcycle and obstructing authorities in the line of duty.

The government routinely extended prison sentences under the Law Safeguarding the State from the Dangers of Subversive Elements. The minister of home affairs has the right to extend unilaterally a prison sentence on six separate occasions for two months, for a total of up to one year. SPDC Chairman Senior General Than Shwe can add five years to a sentence. Unlike in previous years, the government did not release any prisoners being held under this law.

NLD General Secretary Aung San Suu Kyi remained under house arrest without charge and without trial. On May 27, the anniversary of the NLD's victory in the 1990 national elections, the SPCD extended her detention for another year. Except for two live in companions, who were also forbidden to leave the compound, she remained incommunicado. NLD Vice Chairman Tin Oo also remained under house arrest without trial. On February 14, authorities extended his house arrest for one year. By year's end the other 151 persons arrested during and immediately following the 2003 Depeyin attack had been released.

Civil Judicial Procedures and Remedies

Civil judicial procedures and remedies existed in principle, but in practice there was no assurance that a complainant would receive a fair hearing. In 2005 lawyers filed an appeal that challenged Aung San Suu Kyi's detention order under a law that protects the state from persons who want to obstruct or destroy it. The law allows a government order to be appealed directly to the cabinet, but the cabinet ignored the appeal.

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

Neither the abrogated 1974 constitution nor subsequent legal measures provided for rights to privacy, and authorities routinely infringed citizens' privacy. Through its intelligence network and administrative procedures, the government systematically monitored the travel of all citizens and closely monitored the activities of many citizens, particularly those known to be active politically.

Forced entry without a court order is legal. The law requires that any person who spends the night at a place other than his registered domicile must inform the police in advance. Any household that hosts a person not domiciled there must maintain a guest list and submit it to the police. While the law was selectively enforced, authorities continued the increased level of enforcement implemented following the 2005 bombings in Mandalay and Rangoon. Ward level officials stepped up unannounced nighttime checks of residences for unregistered visitors. During the year authorities in Rangoon Division began requiring households to have "family photographs" taken for government agents to use when conducting nighttime checks of residences. Households were required to pay for the cost of their photographs, usually at significantly higher than market rates, and permanently display in their homes the photographs of authorized residents.

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

The authorities generally continued to discourage citizens from subscribing directly to foreign publications (see section 2.a.).

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

Weak private property rights and poor land ownership records facilitated involuntary relocations of persons by the government. The law does not permit private ownership of land but recognizes only different categories of land use rights, many of which are not freely transferable. Postcolonial land laws also revived the precolonial tradition that private rights to land were contingent upon the land being put to productive use.

Forced relocations in rural areas increased during the year. The forced relocations reportedly were accompanied by rapes, executions, and demands for forced labor to build infrastructure for military units (see sections 1.c., 1.g., and 2.d.). For decades successive military governments have applied a strategy of forced relocation against ethnic minority groups in an effort to deny support to armed ethnic groups.

Reports of forced relocation in urban areas continued to decrease; however, the government reportedly continued to forcibly relocate households for "security" reasons. In Rangoon persons were forced to leave homes or dwellings located on property that could be used for commercial gain. In some cases those forced to move were poorly compensated. The government in Bago forced residents to move off their land so that authorities could build an urban development project. The land was later deemed unsuitable, but the residents were not allowed to return. In November 2005 the government ordered most civil servants to relocate without their families to its new administrative capital Nay Pyi Taw near Pyinmana, Mandalay Division, and would not allow them to resign their jobs in lieu of moving. At year's end many civil servants were forced to live separately from their families in Rangoon, due to lack of family housing and schools.

There were numerous reports that government troops looted and confiscated property and possessions from forcibly relocated persons or from persons who were away from their homes. These materials often were used for military construction. Diplomatic sources reported that commandeering privately owned vehicles for military or VIP transport without compensating the vehicle owners was commonplace throughout the country. The practice was particularly widespread in Shan, Kayah, and Karen states and in areas of Mon State and Bago Division.

In these same areas, thousands of civilians were displaced from their traditional villages--which often were then burned to the ground--and moved into settlements tightly controlled by SPDC troops in strategic areas. In other cases, villagers who were driven from their homes fled into the forest, frequently in heavily mined areas, without adequate food, security, or basic medical care (see section 1.g.).

Forced relocations often generated large refugee flows to neighboring countries or to parts of the country not controlled by the government. In some areas, the government replaced the original occupants with ethnic Burmans. In Karen State, army units forced or attempted to force ethnic Karen to relocate to areas controlled by the Democratic Karen Buddhist Army (DKBA).

There were several credible but unverified reports that the government confiscated property without paying compensation, and there were several reports of government mistreatment and exploitation of farmers. In December authorities in Ponnagyun Township, Rakhine State, reportedly confiscated 5,000 acres of land from local farmers for the army to raise crops. Colonel Ne Win from the Western Region Command reportedly oversaw the land confiscation.

Military personnel also routinely confiscated livestock, fuel, food supplies, fishponds, alcoholic drinks, vehicles, and money. Such abuses were widespread. Regional commanders forced contributions of money, food, labor, and building materials from civilians throughout the country (see sections 1.c. and 6.c.).

Government and insurgent military units practiced forced conscription, including of children (see sections 1.g. and 6.c.).

Government employees generally were prohibited from joining or supporting political parties; however, this proscription was applied selectively. The government used coercion and intimidation to induce persons, including nearly all public sector employees and students, to join the government's mass mobilization organizations--the USDA, MWAF, and Myanmar Maternal and Child Welfare Association (MMCWA)--and attend meetings in support of the regime (see section 2.a.). The government also used coercion to entice or force members of the NLD and other opposition parties to resign, and it publicized the coerced resignations in government media.

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

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

A few ethnic insurgent groups continued to battle the government for autonomy or independence, including the Shan State Army-South (SSA S), the Karenni National Progressive Party (KNPP), and the KNU, through its armed wing, the Karen National Liberation Army (KNLA). Despite a 2003 cease fire between the KNU and the government, during the year fighting that began in September 2005 in Bago Division spread to many other areas of northern Karen State.

Karen NGO sources reported that military operations increased from January through July, with a major influx of government forces near Nyaunglebin in Bago Division, Thandaung and Hpapun in northern Karen State, and around Mawchi in Kayah State. After a lull during the monsoon, the army resumed attacks on Karen civilian villages in the area. The military operations resulted in serious human rights abuses. An estimated 25,000 Karen villagers were forced to abandon their villages and hide in the jungle as IDPs. Approximately 3,000 found food and shelter in refugee camps in Thailand, while another 2,000 camped at an IDP settlement near the Salween River. Others reportedly sought shelter with relatives in government controlled towns. The army denied some villagers near Thandaung and Mawchi access to markets, and they could not sell their farm produce or purchase rice. Credible sources reported that whole villages around Mawchi and Thandaung were desperately short of food. There were reports that government soldiers destroyed a Karen village of approximately 25 houses located beyond Thandaung at "Mile 20" and killed all of its inhabitants.

The government claimed that the KNU attacked Karen villages and forced them to flee in order to blame the government for the problem. However, Karen refugees who fled to Thailand reported that it was government soldiers, not Karen forces, who shelled their villages and regularly made them carry heavy loads--including artillery shells--forcing them to flee. The refugees added that after they fled, they learned that the soldiers burned their houses and granaries and confiscated their farm animals. The refugees and IDPs reported that after burning and pillaging the villages, the soldiers often planted landmines to prevent the villagers from returning. The soldiers sometimes shot and killed Karen villagers who attempted to return to their villages to retrieve personal property.

In November government forces attacked the Karen village of Htee Sar Pe in Mawchi Township, Kayah State, where they killed one person, seriously injured another, and burned seven houses. They also burned 25 houses in nearby He Daw Khaw village, sparing only the church. At year's end the villagers reportedly continued to hide in the surrounding forest.

In central and southern Shan State, security forces continued to engage the SSA S. The military maintained a program of forced relocation of villagers in the region that reportedly was accompanied by killings, rapes, and other abuses of civilians.

Karen NGO sources indicated that human rights abuses increased in Karen State during the year, despite intermittent peace talks. There were reports of fighting between government soldiers and KNLA forces west of Taungoo Township and in Nyaunglebin Township, Bago Division. The highway east of Taungoo was closed past Mile 13 for several weeks in September. Numerous Karen villages were attacked and burned and hundreds of villagers fled into the jungle with limited supplies. At year's end the

army continued to embargo food supplies moving beyond Mile 13.

During the year the army reportedly forced local villagers to patrol railway lines near their villages at night, after explosions of small improvised explosive devices reportedly occurred in Taungoo Town and beside railway lines in Bago Division.

There were no reports that the government investigated or otherwise attempted to identify and punish those responsible for numerous acts of killing, injury, and destruction committed against Karen communities, including the July 2005 army massacre of 27 Karen villagers hiding on an island off the coast of Palaw Township, Tanintharyi Division; the December 2005 burning of 26 houses in Gee Gaw Pe Village near Mawchi, Kayah State, which forced the 610 residents into hiding; the 2004 army attacks on Karen villages in Shwegyin and Nyaunglebin townships, Bago Division, which permanently displaced more than 4,700 civilians; the 2004 05 army attacks on civilians in Taungoo District, Bago Division; and the 2004 05 forced labor imposed by the army on villagers in Mon Township, northern Nyaunglebin Township, Bago Division.

At year's end army troops reportedly continued to pursue Karen displaced persons who had fled to Taungoo District in Bago Division and Hpapun Township in northern Karen State.

There were no reports of government investigation into past incidents of rape in conflict areas and other ethnic minority areas, including the four cases of rape in 2005 by government soldiers reported by Mon community leaders; the 2005 rape of a 24 year old woman of Ponnagyun Township, Rakhine State, by Commander Shwe Aye of Kyanung Taung police station; the 2005 alleged rape of a primary school teacher from Myebon Township, Rakhine State, by Sergeant Major Thein Shwe from Kyaun Thaya Naval Base; the 2004 gang rape of a Shan woman and the rape of an eight year old girl by army soldiers near the border with Thailand; and the 2003 04 cases of rape by elements of the army in southern Mon State.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law permits the government to restrict freedom of speech and freedom of the press, and the government continued to restrict these freedoms severely and systematically. The government continued to arrest, detain, convict, and imprison citizens for expressing political opinions critical of the government and for distributing or possessing publications in which opposition opinions were expressed (see sections 1.d. and 1.e.). Security services also monitored and harassed persons believed to hold antigovernment opinions.

The government continued to use force to prohibit all public speech critical of the regime by all persons, including by persons elected to parliament in 1990 and leaders of political parties. The government pursued this policy consistently with few exceptions.

On March 29, authorities in Bago arrested four youths--Aung Than, Zeya Aung, Aung Aung Oo, and Sein Hlaing--for publishing a poem entitled "The Strength of the Fighting Peacock," a symbol of the prodemocracy movement. On June 9, the four were sentenced to prison terms ranging from seven to 19 years for "high treason."

The NLD continued to press for substantive dialogue on political reform and publicly voiced criticisms of the policies and actions of the government, including the jailing of dissidents (see sections 1.a. and 1.d.). However, except for the 2005 case of a father and son sentenced to two years in prison for allegedly obstructing an official in the line of duty, the courts summarily dismissed all NLD legal appeals.

The government owned and controlled all domestic radio and television broadcasting facilities and controlled content in all print publications. The official media remained propaganda organs of the government and did not report opposing views except to criticize them.

Private media existed, but the government's Press Scrutiny Board tightly controlled all media and publications and took action against any attempt to provide independent interpretation or comment on news. The Ministry of Information issues licenses to private media publishers as long as the media printed government approved material. An estimated one third of private media licenses were held by government agents or supporters. The remaining foreign news agencies had no expatriates based in the country and relied on local stringers. Their bureau chiefs were rarely permitted to enter on journalist visas, except when the government invited them to cover the National Convention.

On March 24, Thauang Sein and Moe Htun were sentenced to three years in prison for taking photographs of buildings in the new capital Nay Pyi Taw. No official prohibition exists against taking photographs there; however, they were charged with operating a video business without a license.

Many prominent writers and journalists remained in prison for expressing their political views. Reporters Without Borders reported that at least seven journalists remained in prison at the end of the year, including Myat Swe (Sunny Swe) and his father Thein Swe, co owners of the English and Burmese language weekly newspaper Myanmar Times; Thauang Tun; Than Win Hlaing; Monywa Aung Shin; and Ne Min. Journalist Win Tin, the former editor of the Hanthawady Daily newspaper, in prison since 1989, was believed to be the longest serving political prisoner (see section 1.c.). Government censorship boards prohibited publication or distribution of works authored by those in prison.

There were no reports that any imprisoned journalists were released during the year.

All privately owned publications remained subject to prepublication censorship by state censorship boards. Due in part to the time required to obtain the approval of the censors, private news periodicals generally were published weekly.

The government forced private periodicals to publish articles and photographs criticizing foreign embassies for visiting NLD headquarters and meeting with student leaders. Government controls encouraged self censorship, and publications generally did not report domestic political news or sensitive economic and political topics.

Imported publications remained subject to predistribution censorship by state censorship boards, and possession of publications not approved by the state censorship boards remained a serious offense. Depending on the sensitivity of the material, government officials often accepted bribes in return for allowing the importation of certain books. The government also restricted the legal importation of foreign news periodicals and discouraged subscriptions to foreign periodicals (see section 1.f.); however, foreign newspapers could be purchased in Rangoon. Some foreign newspapers and magazines were distributed uncensored, although the government prohibited their importation between May and August, shortly after they printed articles critical of the government.

The government generally issued few visas to foreign journalists; however, it again issued visas to foreign journalists when the National Convention resumed on October 10. The government held several press conferences to convey its views on political problems. Representatives of international media organizations and diplomats were invited to attend.

Due to widespread poverty, limited literacy, and poor infrastructure, radio remained a primary medium of mass communication. News periodicals rarely circulated outside urban areas. The government continued to monopolize and control the content of the two domestic radio stations. Foreign radio broadcasts, such as those of Radio Free Asia, the Voice of America, the BBC, and the Democratic Voice of Burma (DVB), remained the principal sources of uncensored information.

At year's end NLD member Hla Myint Than and eight others, convicted in 2005 for contact with an "illegal organization," possession of a satellite telephone, and illegal travel to Thailand, remained in prison under sentences of eight to 25 years (see section 6.a.).

The government continued to monopolize and to control all domestic television broadcasting tightly, offering only three channels, including an armed forces channel. The general population was allowed to register satellite television receivers for an expensive fee. Illegal satellite television was also available, but access to satellite television remained far beyond the reach of the majority of the population.

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

Internet Freedom

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

When Internet users spent a long time at one Web site, police blocked access if they discovered the site was related to national issues. E mail messages sometimes took several days to arrive in the receiver's inbox, often with attachments deleted. Citizens believed this was due to the SB's censoring of incoming and outgoing e mail.

The government banned all Web sites critical of the regime and its activities. Authorities also periodically banned all access to free e mail services such as Yahoo and Hotmail. After GoogleTalk and Skype Web sites became popular means of long distance communication, resulting in lost income for government telephone services, in June the minister of communications, post, and telegraphs banned Internet telephone services offered by Gmail, Gtalk, and Skype.

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

There were no cases of arrest or punishment for the peaceful expression of political, religious, or dissenting views in electronic forums, including e mail.

All Internet cafes displayed a notice that forbade users to access political and pornographic sites but did not state a specific punishment.

Academic Freedom and Cultural Events

The government restricted academic freedom. University teachers and professors remained subject to the same restrictions on freedom of speech, political activities, and publications as other state employees. The Ministry of Education routinely warned teachers against criticizing the government. It also instructed them not to discuss politics at work, prohibited them from joining or supporting political parties or from engaging in political activity, and required them to obtain advance approval for meetings with foreigners. Like all state employees, professors and teachers were required to join the USDA. Teachers at all levels continued to be held responsible for the political activities of their students. Foreigners were not permitted to visit university campuses without prior approval or attend any meetings involving students, including graduation ceremonies.

In recent years the government took a number of measures to limit the possibility of student unrest. Undergraduate campuses were moved to remote areas, teachers and students were warned that disturbances would be dealt with severely, and most on campus dormitories were closed. The quality of education deteriorated to such an extent that many students opted to use self study or private tutoring. The government placed heavy security around other schools that were open, even during summer vacation.

The government tightly controlled the limited number of private academic institutions in the country as well as their curricula. Similar controls extended to Buddhist monastery based schools, Christian seminaries, and Muslim madrassas. During the year the government cracked down on private tuition classes and tried to ban the practice. Aung Pe, a private teacher and NLD supporter, remained in prison, reportedly in poor health, serving a three year sentence for alleged violation of the Private Tuition Act.

The government strictly monitored and censored all cultural events. In May the government banned the famous comedian Zargana, previously imprisoned for lampooning the regime, from giving public comedy performances or from promoting or screening his new film, which satirized Rangoon social life.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law limits freedom of assembly, and the government restricted it in practice. An ordinance officially prohibits unauthorized outdoor assemblies of more than five persons, although the ordinance was not enforced consistently. All NLD offices except its Rangoon headquarters remained closed by government order, and the NLD could not conduct party activities outside its headquarters building. The nine other legally registered political parties were required to request permission from the government to hold meetings of their members. Informal meetings involving NLD members occurred outside the NLD office, such as regular Tuesday visits by a women's group to Rangoon's Shwedagon Pagoda; however, security officials closely monitored these activities, and the government prohibited those participating from wearing political pins, badges, jackets, and shirts with political pictures or slogans.

The regime continued to bar the parliament elected in 1990 from convening. After recessing the National Convention (NC) on January 31, the regime reconvened it from October 10 to December 29, as part of its "democracy road map" that would nullify the results of the 1990 election and approve a new constitution. The regime selected all of the delegates and prohibited them from discussing the convention freely, threatening to enforce harsh laws against any who criticized the NC or the draft constitution. Due to the limitations on open debate, the NLD continued its 1995 decision to boycott the NC.

The government at times interfered with the assembly of religious groups (see section 2.c.).

Freedom of Association

The government restricted freedom of association, particularly for NLD members, prodemocracy supporters, and those who contacted exile groups. On June 9, Aung Than and Zeya Aung, two of four persons charged for composing a poem, "The Strength of the Fighting Peacock," (see section 2.a.) were also charged under the 1950 Emergency Provision Act for contact with an "illegal organization" and for illegally crossing the border (to Thailand). They received 19 year sentences and remained in Insein Prison at the end of the year.

Throughout the year the government continued to coerce NLD members to resign from the party and highlighted such resignations in government controlled media.

The government compelled civil servants to join the USDA and coerced secondary school and college level students to join when registering for classes or just before examinations. The government also coerced skilled trade workers and professional association members to join the USDA. The MWF and the MMCWA continued to coerce women to attend their meetings and join their organizations. In November, on instructions of township authorities, residents of each village in Shwebandaw Village Tract, Aunglan Township, Magway Division, had to recruit five new members to the USDA. Similarly, Aunglan Township authorities required Nga Pyin Village to recruit five new USDA members and five new MWFA members.

In general, freedom of association existed only for government approved organizations, including trade associations, professional bodies, and the USDA. Few secular, nonprofit organizations existed, and those that did took special care to act in accordance with government policy. There were 10 legally registered political parties, but most were moribund. Authorities harassed and intimidated three of the opposition parties. The seven other legal parties supported regime policies in return for more favorable treatment.

c. Freedom of Religion

Constitutional support for religious freedom does not exist. There is no official state religion; however, the government continued to show preference for Theravada Buddhism, the majority religion. The Ministry of Religious Affairs has a separate department for the "Promotion and Propagation of Sasana" (Buddhist Religion), and the government continued to fund two state run Buddhist universities in Rangoon and Mandalay. Most registered religious adherents generally were free to worship as they chose; however, the government imposed restrictions on certain religious activities and promoted Buddhism over other religions. The government also restricted efforts by Buddhist clergy to promote human rights and political freedom.

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

There were no reported incidents of violence carried out by the government or its agents against religious groups.

The government continued its efforts to control the Buddhist clergy (Sangha). It tried members of the Sangha for "activities inconsistent with and detrimental to Buddhism" and imposed on the Sangha a code of conduct that was enforced by criminal penalties. The AAPP estimated that there were 85 monks and novices in prison at the end of the year. The government did not hesitate to arrest and imprison Buddhist monks who opposed the government. The government also subjected the Sangha to special restrictions on freedom of expression and freedom of association. Members of the Sangha were not allowed to preach sermons pertaining to politics. Religious lectures may not contain any words, phrases, or stories reflecting political views. Sangha members must distance themselves from politics, political parties, or members of political parties. The government prohibited any organization of the Sangha other than the nine state recognized monastic orders under the authority of the State Clergy Coordination Committee (Sangha Maha Nayaka Committee). The government prohibited all religious clergy from being members of a political party.

On August 13, authorities detained 11 HIV/AIDS activists at Maggin Monastery near Rangoon as they prepared for a ceremony to honor HIV/AIDS victims. Also in August local authorities pressured and intimidated Sayadaw Einthariya, a monk from Mahasi Yeiktha Monastery in Yenangaung Township, Magway Division, to stop assisting HIV/AIDS victims (see section 5).

On August 13, authorities in Toungup Township, Rakhine State, arrested five Buddhist monks and 15 laymen at Bu Shwe Maw village monastery. When the villagers reported to higher authorities about excessive corruption by their village leaders, the leaders took revenge on the villagers by claiming that the monastery allowed NLD members to meet in its premises. At year's end the 20 remained in prison.

The government continued to restrict the building of religious structures by minority religious groups and limited their educational and proselytizing activities, especially Christian and Muslim groups that actively proselytize among Buddhists. The government also permitted the destruction of religious centers and schools.

In August Muslim sources in Rakhine State reported that NaSaKa, the government's border security force, ordered Rohingya Muslim communities in Rathedaung Township to close religious buildings. The closure order included five mosques, four madrassas, 18 pre-madrassas, and three Koran reciting centers in eight villages, but at year's end authorities allowed two madrassas to reopen. During the year NaSaKa conducted arbitrary "inspections" of mosques in northern Rakhine State, demanding that mosque officials show permits to operate the mosques. When mosque officials could not produce the permits, NaSaKa officials ordered congregation members to destroy the mosques. Congregation members reportedly were forced to destroy a total of seven mosques in Buthidaung and two mosques in Maungdaw during the year.

During the year the Full Gospel Assembly Church in Rangoon resumed its activities after local ward officials briefed the leader of the group on its responsibilities. In September 2005 authorities had informed the congregation that they could no longer hold services because the church was located in a residential area, even though the mostly Chin congregation had been meeting there for more than 10 years without incident.

In most regions of the country, Christian and Muslim groups that sought to build small churches or mosques on side streets or other inconspicuous locations occasionally were able to proceed, but based only on informal approval from local authorities. These groups reported that formal requests encountered long delays, generally were denied, and could be reversed by a more senior authority.

The government's pervasive internal security apparatus infiltrated or monitored meetings and activities of virtually all organizations, including religious ones. Religious activities and organizations were subject to restrictions on freedom of expression and association.

The government discriminated against non Buddhists at the upper levels of the public sector. Promotions within the armed forces and the civil service were generally contingent on the candidates being followers of Buddhism. There were no non Buddhist members in the SPDC, in the cabinet, or among active flag rank officers of the armed forces. The government actively discouraged Muslims from entering military service, and Christian or Muslim military officers who aspired to promotion beyond the rank of major were encouraged to convert to Buddhism. In some ethnic minority areas, such as Chin State, there were reports that the SPDC offered troops financial and career incentives to marry Christian Chin women, teach them Burmese, and convert them to Buddhism.

Although authorities appear to have moved away from a campaign of forced conversion, there continued to be evidence that other means were used to entice non Buddhists to convert to Buddhism. Christian Chins were pressured to attend Buddhist seminaries and monasteries and encouraged to convert to Buddhism. Christian Chins reported that local authorities operated a high school that only Buddhist students could attend and promised government jobs to the graduates. Christians had to convert to Buddhism to attend. An exile Chin human rights group claimed that local government officials placed the children of Chin Christians in Buddhist monasteries in which they were given religious instruction and converted to Buddhism without their parents' knowledge or consent. Reports suggested that the government sought to induce members of the Naga ethnic group in Sagaing Division to convert to Buddhism by similar means.

The government discouraged proselytizing by all clergy. Evangelizing religions, including some Christian denominations and Islam, were most affected by these restrictions. In general the government has not allowed permanent foreign religious missions to operate in the country since the mid 1960s, when it expelled nearly all foreign missionaries and nationalized almost all private schools and hospitals.

Buddhist doctrine remained part of the state mandated curriculum in all government elementary schools. Students could opt out of instruction in Buddhism, and some did, but students of government schools were required to recite a Buddhist prayer daily. Some Muslim students were allowed to leave the room during this act, while at some schools non Buddhists were forced to recite the prayer.

Citizens and permanent residents of the country were required to carry government issued national registration cards that often indicated religious affiliation and ethnicity. There appeared to be no consistent criteria governing whether a person's religion was indicated on his or her identification card. Citizens also were required to indicate their religion in some official application forms, such as for passports.

The government allowed Muslims to go on the annual Hajj and Buddhists to go on pilgrimage to Bodhgaya, India, although it limited the number of pilgrims. An estimated 4,000 Muslims applied to go on the Hajj, but by the end of November only 3,000 had received visas, due to a more complicated process resulting from the relocation of government offices to Nay Pyi Taw. An estimated 2,000 to 2,500 Buddhists made pilgrimages to Bodhgaya.

Societal Abuses and Discrimination

In February violent clashes broke out between Muslims and Buddhists in Magway Division. Responding to rumors that Muslim men had raped a Burman woman near Sinbyukyun Town, ethnic Burmans attacked and burned Muslim and ethnic Indian homes, shops, and mosques. Rioting and looting spread to surrounding towns in Chauk and Salin townships. Local security forces did not intervene at first but later imposed a strict curfew in several towns to prevent the violence from spreading further. Reliable sources said authorities arrested 17 persons in Sinbyukyun and another 55 persons in Chauk, mostly Muslims. Unofficial sources claimed that three persons died and another 10 were injured in the riots. Three mosques in Yenangyaung, Chauk, and Sagu were reportedly destroyed in the violence. Authorities sealed off the mosques and did not permit Muslims to rebuild them by the end of the period of this report. Authorities did not conduct any official inquiries into the attacks.

Unlike in previous years, there were no reports of clashes between Muslims and Buddhist monks in Rangoon and Arakan State.

There was one synagogue in Rangoon, which served a Jewish congregation of eight local families. There were no reports of anti Semitic acts.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Although the government restricted freedom of movement, most citizens were able to travel within the country. Exceptions included Muslims traveling to, from, and within Rakhine State and some opposition political party members. However, citizens' movements were closely monitored, and all were required to notify local officials of their whereabouts (see section 1.f.). Movement was restricted in areas of armed conflict. Citizens were subjected to arbitrary relocation. Authorities prohibited NLD members who traveled to Rangoon to attend party functions from lodging in the city overnight.

The government continued to hold NLD leaders Aung San Suu Kyi and Tin Oo under house arrest and rigorously curtailed the freedom of movement of other opposition political leaders (see section 1.d.). The government maintained close control over most ethnic leaders' movements, requiring them to seek permission from the government before making any domestic trips.

Ethnic minority areas previously affected by conflict, such as the large Karen areas of Ayeyarwady Division, continued to experience tight controls on personal movement, including frequent military checkpoints and monitoring by MSA. Bribes were extracted at checkpoints in border areas. In Rakhine State many controls and checkpoints applied only to the Muslim population (see section 5).

The government tightly controlled the movement of Muslim Rohingyas, who are not considered citizens, particularly in Buthidaung, Kyauktaw, Maungdaw, and Rathedaung townships along the border between Rakhine State and Bangladesh. The government also required other noncitizens, primarily ethnic South Asians and Chinese, to obtain prior permission to travel internally. Nonetheless, the country's borders with China, Thailand, Bangladesh, and India remained very porous, with significant undocumented migration and commercial travel occurring.

An ordinary citizen needed three documents to travel outside the country: a passport from the Ministry of Home Affairs, a revenue clearance from the Ministry of Finance and Revenue, and a departure form from the Ministry of Immigration and Population. To address the problem of trafficking in persons, the government continued to hinder or restrict international travel for women, particularly those under 25 years of age.

The government carefully scrutinized prospective travel abroad for all passport holders. Rigorous control of passport and exit visa issuance perpetuated rampant corruption, as applicants were forced to pay bribes of up to \$230 (300,000 kyat), the equivalent of a yearly salary. The government regularly denied passports on political grounds. College graduates who obtained a passport (except for certain government employees) were required to pay a fee to reimburse the government for the cost of their education. It frequently took several months to receive a passport, particularly if the applicant was unwilling to offer a bribe as incentive for speedier service.

Citizens who emigrated legally generally were allowed to return to visit relatives, and some who lived abroad illegally and acquired foreign citizenship also were able to return.

The government permitted travel outside of Rangoon by foreign diplomats and foreign UN employees based in Rangoon to designated tourist sites without prior permission; all other travel required advance permission and was regularly denied. The government waived the requirement for ICRC employees. The government required all foreign and local residents, except diplomats, to apply for authorization to leave the country.

Restrictions on nonresident foreigners' travel to some areas of the country were relaxed. The government also inaugurated a "visa on arrival" system for tour groups, which still required predeparture application for a visa via the Internet. The country's embassies generally issued tourist visas, valid for one month, within 24 hours of application. However, certain categories of applicants, including human rights advocates, journalists, diplomats, and political figures, were denied entry visas regularly unless they were traveling under the aegis of a sponsor acceptable to the government and for purposes approved by the government.

The abrogated 1974 constitution did not provide for forced exile, and the government generally did not use it. However, in June the government revoked the passport of exile Chin dissident Salai Tun Than to prevent him from returning.

The government has not established legal arrangements to accept Burmese citizens deported from other countries; however, in the past the government has accepted the return of several thousand illegal migrants from Thailand and China.

Harassment, fear of repression, and deteriorating socioeconomic conditions continued to force many citizens to leave for neighboring countries and beyond. In border regions populated by minority ethnic and religious groups, the government continued its practices of forced labor, confiscation of land, compulsory contributions of food and money, and forced relocations. During the year there were credible and widespread reports that security forces burned villages in Bago Division, Karen State, and Kayah State and prevented the villagers from returning (see section 1.g.).

These policies produced hundreds of thousands of refugees in neighboring countries, particularly Thailand, India, Malaysia, and Bangladesh, starting from 1984 and continuing to year's end.

Rohingya Muslims who returned to Rakhine State were not stigmatized for having left but were discriminated against because of their ethnicity. Returnees faced severe restrictions on their ability to travel, engage in economic activity, obtain an education, and register births, deaths, and marriages. Muslim youth from Rakhine State accepted to universities and medical schools outside the state were unable to enroll due to travel restrictions imposed upon them.

Internally Displaced Persons (IDPs)

According to NGOs, there were more than 500,000 IDPs in the country at year's end.

Military forces continued to abuse thousands of villagers and drive them from their homes, particularly during campaigns in Bago Division and Karen, Kayah, and Shan states (see section 1.f.). Thai based NGOs reported that approximately 25,000 ethnic Karen became IDPs during the year.

Protection of Refugees

The country is not party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. The law does not provide for the granting of asylum or refugee status and the government has not established a system for providing protection to refugees. However, there were no reports that persons formally sought asylum in the country during the year, nor were there reports of forced repatriation.

The UN High Commissioner for Refugees (UNHCR) continued to negotiate throughout the year for permission to work with "communities that are affected by displacement." The government allowed the UNHCR to continue to provide humanitarian assistance to Rohingyas in northern Rakhine State whom the government does not recognize as citizens.

In April the UNHCR signed a Memorandum of Understanding with the Ministry of Border Affairs (NaTaLa) that permitted the UNHCR to work with implementing partners in the southeast region, including parts of Karen and Mon states and Tanintharyi Division, to which the UNHCR had previously been denied access. Under the memorandum, UNHCR foreign personnel also were permitted to monitor their project activities in the region (see section 4).

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

Citizens did not have the right to change their government. The 1947 constitution contained a clause that gave citizens the right to recall elected MPs. The 1974 constitution contained a similar clause, but there was no record that this clause was ever exercised. However, the SPDC continued to prevent the parliament elected in 1990 from convening. The regime continued its systematic use of coercion and intimidation to deny citizens the right to change their government.

Since 1962 active duty military officers have occupied the most important positions in the central government and in local governments, and the SPDC placed active duty or retired military officers in senior level positions in almost every ministry. At year's end active duty or retired military officers occupied 30 of 33 ministerial level posts, including that of prime minister as well as the mayoral posts in Rangoon, Mandalay, and the new administrative capital Nay Pyi Taw.

Elections and Political Participation

Following the NLD's victory in the 1990 elections, the regime refused to implement the election results and disqualified, detained, or imprisoned many successful candidates (see sections 1.d. and 1.e.). It was believed that one MP elect fled the country during the year and another in 2005. In 2004 at least four NLD MPs elect fled the country.

In 1998 the NLD leadership joined other prodemocracy parties to organize the Committee to Represent the People's Parliament on the basis of written delegations of authority from a majority of the surviving MPs elect of the 1990 parliament. The committee considered itself as acting on behalf of parliament until the parliament is convened. In retaliation the government launched a sustained and systematic campaign to destroy the NLD without formally banning it; authorities pressured many thousands of NLD members and local officials to resign and closed party offices throughout the country. At year's end 12 MPs elect remained in prison for political reasons. Some had been in prison since the early 1990s under harsh conditions.

In the 1990 election, 392 NLD members won seats. Of that number, 128 remained elected members. Self exiles (20), deaths (74), and forced resignations or barring (170) accounted for the balance. Those in the last category resigned for various reasons. For example, the USDA staged rallies of "no confidence" against some of the elected members. The USDA and government officials pressured the families as well as the members themselves.

On October 10, the regime reconvened the NC, first summoned in 1993 and in recess since January 31, as part of its seven step "democracy road map" that would nullify the results of the 1990 election and adopt a new constitution. The regime convened the NC with more than 1,000 handpicked delegates, including representatives from 17 ethnic cease fire groups. However, it prohibited free debate on the drafting of a new constitution and threatened to imprison persons for periods of five to 20 years for any criticism of the process. Due to the limitations on open debate, the NLD continued its 1995 decision not to participate. The NC recessed on December 29.

UN Under Secretary General for Political Affairs Ibrahim Gambari visited the country in May and November and met with Senior General Than Shwe as well as NLD General Secretary Aung San Suu Kyi and other NLD leaders. By year's end the government had failed to carry out Gambari's request that authorities address human rights concerns and expand dialogue with opposition leaders.

UN Secretary General's Special Envoy Tan Sri Razali Ismail resigned in January, after Foreign Minister Nyan Win declined to meet with Razali during the ASEAN Regional Forum in Laos in July 2005.

Women were excluded from political leadership. There were no female or ethnic minority members of the SPDC, cabinet, or Supreme Court.

Members of certain minority groups also were denied full citizenship and a role in government and politics (see section 5).

Government Corruption and Transparency

Corruption was systemic at all levels of the government and society. Economists and businesspersons considered it to be one of the most serious barriers to investment and conducting business in the country.

A complex and capricious regulatory environment fostered corruption. Authorities rarely and inconsistently enforced the anticorruption statute and usually did so only when the regime's senior generals wanted to take action against officials whose egregious corruption had become an embarrassment. Beginning in July the government arrested more than 100 customs officials, including Director General Colonel Khin Maung Linn, on charges of corruption. The head of the National Defense College and his deputy were also forced to retire amid charges of corruption.

The government did not provide access to most official documents, nor is there a law allowing for it. Most government data is classified or tightly controlled. Government policymaking was not transparent, with decision making confined to the top layers of government, and new government policies rarely were published or explained openly.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government did not allow domestic human rights organizations to function independently, and it remained generally hostile to outside scrutiny of its human rights record.

In addition to the ICRC and several UN agencies, approximately 35 nonpolitical, international humanitarian NGOs operated in the country. A few others had a provisional presence while undertaking protracted negotiations necessary to establish permanent operations in the country. Many international humanitarian NGOs and UN agencies reported increasing government pressure to curtail their activities, and access by international personnel became more difficult.

In February the government released guidelines for controlling the activities of humanitarian organizations; however, the Burmese language version contained measures that were more restrictive than those in the English language version. UN agencies and NGOs negotiated with the government throughout the year to try to reach agreement on mutually acceptable guidelines. Organizations already present in the country reported few changes in their operations, and a multidonor consortium to address HIV/AIDS, malaria, and tuberculosis negotiated separate arrangements.

The government maintained travel restrictions on foreign journalists (see section 2.a.), NGO staff, UN agency staff, and diplomats in some regions. Human rights advocates regularly were denied entry visas unless traveling under the aegis of a sponsor acceptable to the government and for purposes approved by the government (see section 2.d.). The government's monitoring of the movements of foreigners, its frequent interrogation of citizens concerning contacts with foreigners, its restrictions on the freedom of expression and association of citizens, and its practice of arresting citizens who passed information about government human rights abuses to foreigners impeded efforts to collect or investigate human rights abuses. Reports of abuses, especially those committed in prisons or ethnic minority areas, often emerged months or years after the abuses allegedly were committed and seldom could be verified.

Some international NGOs and UN agencies were required to have a government representative accompany them on field visits, at the NGOs' expense, although this rule was not consistently enforced (see section 1.f.). Foreign staff experienced difficulty obtaining permission to travel to project sites.

The ICRC was forced to suspend its prison visits in late 2005 when the regime ended ICRC's access to prisons to conduct private interviews with prisoners (see section 1.c.). The ICRC also suspended its activities in ethnic minority areas, due to restrictions of access to conflict areas that prevented it from carrying out normal, independent humanitarian operations. In November the government ordered ICRC field offices in Hpa an, Kengtung, Mandalay, Mawlawmyine, and Taunggyi to close but later "clarified" that instead of closing, the offices had to cease all field activities, including protection, basic hygiene, and health care, until further notice. The government allowed the ICRC to continue prosthetic services to mine victims in Hpa an, Mandalay, Taunggyi, and government prosthetics centers.

Under a new agreement signed with NaTaLa in April, the UNHCR resumed projects in the southeast region with implementation partners, and UNHCR foreign personnel carried out monitoring visits. In April 2005 the government had withdrawn permission to the UNHCR to visit these areas.

In July lawyer Aye Myint, who was arrested in October 2005 and sentenced to seven years for advising farmers to contact the International Labor Organization (ILO) when authorities confiscated their land, was released following ILO pressure on the government (see section 6.c.). In 2003 he was arrested and sentenced to death for contact with the ILO but was released in January 2005.

Despite repeated requests, the government persisted in its refusal to allow the UN special rapporteur for human rights to visit the country during the year.

The government received ILO complaints of labor violations and stated that it was conducting investigations into the violations. Some officials were arrested and prosecuted in January 2005 for forced labor violations and spent several months in jail before being released (see section 6.c.). However, in April 2005 the ILO liaison officer stopped filing forced labor complaints with the government because authorities threatened to arrest complainants (see section 6.c.).

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The SPDC continued to rule by decree and was not bound by any constitutional provisions concerning discrimination.

Women

Domestic violence against women, including spousal abuse, remained a problem; however, because the government did not maintain statistics related to spousal abuse or domestic violence, it was difficult to measure. There are no laws specifically against domestic violence or spousal abuse, although there are laws related to committing bodily harm against another person. The violations and related penalties range from one year to life, in addition to possible fines. The government affiliated MAAF sometimes lobbied local authorities, including the police, to investigate domestic violence cases involving spousal abuse. As the MAAF is controlled by wives of regime leaders, police usually investigated domestic violence cases referred to them by the MAAF.

Rape is illegal; however, spousal rape is not a crime unless the wife is under 14 years of age. If the victim is under 14, it is considered rape with or without consent and carries a sentence of 10 years to life. In a case of spousal rape when the woman is between 12 and 14, the maximum sentence is two years; in a case of spousal rape when the woman is under 12, the sentence is 10 years to life. Married women often lived in households with extended families, where social pressure tended to protect the wife from abuse. The government did not release statistics regarding rape; however, it stated that rape was not common in populous urban areas but occurred more often in remote areas. Nonetheless, it was generally considered unsafe for women to travel during hours of darkness without a male escort, and employers typically had to supply a bus or truck to return female workers to their homes at night. Use of taxis at night was considered particularly hazardous for women because of the risk of rape or robbery. Prostitutes traveling at night typically had to pay substantial additional fees to taxi operators or risk being raped, robbed, or turned over to the police. There were credible reports from NGOs and diplomatic sources that prostitutes taken into police custody were sometimes raped or robbed by the police. Incidents of rape in conflict areas and other ethnic minority areas continued, particularly by military personnel garrisoned in those regions (see section 1.g.).

Prostitution is prohibited by law and punishable by three years in prison; however, its prevalence grew in urban areas, particularly in some of Rangoon's "border towns" and "new towns," populated chiefly by poor families who were relocated forcibly from older areas of the capital.

There are no laws against sexual harassment.

Consistent with traditional culture, women kept their own names after marriage and often controlled family finances. However, women remained underrepresented in most traditional male occupations and were effectively barred from certain professions, including the military officer corps. Poverty affected women disproportionately. Women did not receive equal pay for equal work on a consistent basis. Women legally are entitled to receive up to 26 weeks of maternity benefits; however, in practice these benefits often were not accorded them.

There were no independent women's rights organizations, although there were several groups with some relationship to the government. The MAAF, chaired by the wife of Prime Minister General Soe Win, was the leading "nongovernmental" women's rights organization. With branches in all 14 states and divisions, it was the primary government organization responsible for addressing women's interests. The MMCWA, another government controlled agency, provided assistance to mothers and children. These organizations were closely allied with the government and conducted activities that furthered government objectives. The Myanmar Women Entrepreneurs' Association, a professional society for businesswomen, provided loans to women starting new businesses. While not controlled by the government, the association enjoyed good relations with the government and was allowed to conduct its activities to support women in business.

Children

Children under the age of 18 constituted approximately 40 percent of the population. Children were at high risk, as deteriorating economic conditions forced destitute parents to take them out of school to work in factories and teashops or to beg. Some were placed in orphanages. With few or no skills, increasing numbers of children worked in the informal economy or in the street, where they were exposed to drugs, petty crime, risk of arrest, sexual abuse and exploitation, and HIV/AIDS.

There was no adequate child protection or juvenile justice system. Efforts in this regard were severely constrained by lack of resources. The DSW provided limited social welfare services, but there were only a few officially appointed social workers.

The government continued to allocate minimal resources to public education. According to official figures for fiscal year 2006 07 (April through March), official expenditure allocations for the Ministry of Education comprised 1.9 percent of the total national budget. Public schooling was ostensibly provided free through the 10th standard (approximately age 16). However, on average, public school teachers' pay was equal only to approximately four dollars (5,300 kyat) per month, far below subsistence wages, forcing many teachers either to leave the profession or demand extra payments from their students. Thus, many families had to pay to send their children to school, even at the primary level. According to a Kachin women's group, families in Kachin State had to pay as much as \$230 (300,000 kyat) for their children to attend 10th standard, an amount above the national average annual income. In some areas where families were not able to afford unofficial payments, teachers ceased work. In

response to official neglect, private institutions began to provide assistance in education, despite a legal ban on private schools.

Education is compulsory through the 4th standard. The UN Children's Fund (UNICEF) reported that 50 percent of primary school students dropped out of school before finishing the 4th standard. Rates of school attendance were low, largely due to increasing economic hardship, causing students to seek work as domestic helpers or waiters at urban teashops. NGOs estimated that nationwide nearly one million primary age children did not attend school. There was no difference in the attendance rate of boys and girls.

The government promoted education at Buddhist monastic schools in rural areas and subsidized Buddhist universities in Rangoon and Mandalay. In ethnic minority areas, the government often banned teaching in local languages.

The government cooperated with the UN Committee on the Rights of the Child. UNICEF reported close working relationships with the DSW and the Ministry of Education, where it worked to support primary education and produce children's storybooks in five minority languages. Faith based organizations, Buddhist monks and nuns, and private community based groups also provided educational and other support for children.

Children also suffered from the government's severe neglect of health care. According to official government figures, the budget for the Ministry of Health in fiscal year 2006/07 amounted to 0.8 percent of the total national budget.

There were no reports that the government discriminated between boys and girls in the provision of health care. Estimated mortality rates for children under five years of age ranged from 66 (Ministry of Health, 2003) to 109 (UN Development Program, 2004) deaths per 1,000 live births. Almost three quarters of these deaths occurred within the first year of life, with infant mortality rates from the same sources ranging from 50 to 77 deaths per 1,000 live births, respectively. Many of the infant deaths occurred in the first month of life. All data sources estimated rural mortality to be at least 25 percent higher than urban mortality, with the highest mortality in mountainous areas and the central dry zone. According to UNICEF, up to 56 percent of child deaths from age six to 59 months could be attributed to the effects of malnutrition and infection. Countrywide, the prevalence of underweight and stunting among children was 32 percent and wasting was 8.6 percent. In 2005 the head of the World Food Program estimated that 33 percent of children were chronically malnourished in spite of its food for work programs in Shan State and the central dry zone.

The law prohibits child abuse, and the government stated that child abuse was not a significant problem. In 2004 the UN Committee on the Rights of the Child concluded that it remained "seriously concerned at the lack of appropriate measures, mechanisms, and resources to prevent and combat domestic violence, including physical and sexual abuse and neglect of children; the limited number of services for abused children; as well as the lack of data on the aforementioned."

Child prostitution and trafficking in girls for the purpose of prostitution--especially Shan girls who were sent or lured to Thailand--persisted as a major problem (see section 5, Trafficking). In Rangoon and Mandalay, diplomatic representatives noted widespread employment of female prostitutes who appeared to be in their early teens and for whom there was reportedly a high demand. Additionally, some brothels offered young teenage "virgins" to their customers for a substantial additional fee.

The official age of enlistment in the army is 18 years. The government stated that its official policy is to avoid conscripting child soldiers; however, recruiters frequently ignored the policy. In 2004 the government established the Committee for Prevention Against Recruitment of Minors for Military Service, which purportedly issued rules and regulations to punish those who recruit child soldiers. On August 22, SPDC Secretary 1 Lieutenant General Thein Sein told the committee that minors themselves were to blame for the problem because they lied about their true age or did not inform their parents that they had enlisted in the armed forces. Thein Sein claimed that when parents came to military camps to take back their underage sons, the children often were returned after the cases were investigated. In a tacit admission that there remained underage soldiers in the armed forces, Thein Sein stated that soldiers with stunted growth were not sent to forward areas but were instead given light work duties at military bases, and that illiterate youth were sent to army schools to be educated.

According to Ministry of Defense sources, the army discharged 55 soldiers between February and May, including four who were underage. A separate Ministry of Foreign Affairs report in November stated that as of September the army had discharged 16 new recruits, four of whom were underage. On October 24, the government gave the ICRC a list of 17 complaints of recruitment of underage soldiers and declared the cases were all resolved.

The army continued to use forced recruitment of child soldiers. On March 21, government soldiers detained 17 year old Maung Han Zaw who lived in Tharkayta Township, Rangoon Division. A few days later his parents traveled to Military Training School Number 5 at Yai Ni near Pinyinman to bring their son home. The commanding officer, Captain Aye Thit, allowed them to meet their son but would not permit him to return home.

In May a unit of Light Infantry Brigade 365, commanded by Sergeant Major Thein Tun, reportedly lured 11 ethnic Chin boys from an orphanage in Myoma Ward, Tiddim, Chin State. After forcing them to work at Kalemyo airport, the soldiers transported the orphans to a military camp in Kalemyo, Sagaing Division, to become soldiers. Two older boys who tried to escape were punished and transferred to Kalewa military camp. One of the older boys, Vung Ki Thang, was reported to be only 15 years old.

On August 3, police at Meiktila, Mandalay Division, reportedly arrested three 15 year old children--Than Naing Aye, Lin Lin, and Yan Lin Maung--on charges of theft. On August 22, police officer Min Aung Thein reportedly sold the children to Taung Thone Lone army recruitment center in Mandalay for \$50 (65,000 kyat).

In the past army recruitment drives targeted children to meet quotas for the ostensibly all volunteer army, but anecdotal evidence, at least in Rangoon, suggested this practice had become less common.

The government invited UNICEF to visit military recruitment centers, but UNICEF declined because it deemed government organized tours to be of little value. UNICEF offered to help reintegrate discharged underage soldiers into society and to conduct awareness workshops for trainers of military recruiters in international humanitarian law, the Convention on the Rights of the Child, the country's child laws, and HIV/AIDS. The government did not formally respond to UNICEF's offer.

Ethnic minority cease fire groups and insurgent armies, particularly the United Wa State Army, also forcibly conscripted child soldiers. Field observers reported seeing numerous Wa soldiers who clearly were underage. Inaccessibility to the areas where these groups operated made it difficult to obtain reliable data on the extent of the problem among ethnic armies.

In January the government claimed that a group of soldiers who surrendered from the SSA S included several teenagers, of whom the youngest, Private Sai Yi, was 13 years old. Colonel Yot Suk, head of SSA S, denied that any of his soldiers were under the age of 18.

During the year representatives of the KNU and the KNPP, two ethnic resistance groups, met with UNICEF and UNHCR representatives in Thailand to request that they be removed from the list of groups who recruited child soldiers. Admitting that the KNU recruited child soldiers as recently as 2000, the KNU spokesperson claimed that the KNU had adopted a policy not to accept underage recruits. However, the spokesperson acknowledged the possibility that low level officers in the field could have continued to recruit children. On July 31, the KNU wrote to the UN Special Representative of the Secretary General for Children and Armed Conflict to request that the UN remove it from the list of armed groups who use child soldiers. The KNU claimed it was against their policy to recruit underage soldiers and said it would take action against anyone who recruited underage children into their armed wing. The KNPP spokesperson said his group sent underage volunteers to school.

In August a spokesperson for the Coalition to Stop the Use of Child Soldiers noted that the government remained very secretive about child recruitment problems, while the KNU and the KNPP held open discussions on the issue. The spokesperson estimated that there were fewer than 50 child soldiers in the two ethnic armies.

Several international NGOs and agencies promoted the rights of children in the country, including the ICRC, World Vision, Save the Children UK, CARE, UNICEF, the UN Development Program, and foreign governments.

Trafficking in Persons

Although there are laws specifically prohibiting child prostitution and child pornography, they were not enforced effectively. Trafficking, including of children, continued, but there were no reliable statistics regarding its extent. Government data showed that Thailand was the primary destination for trafficking victims, with much smaller numbers going directly to China, Malaysia, Bangladesh, Korea, and Macau.

Trafficking of women and girls to Thailand, China, Bangladesh, Malaysia, Korea, Japan, and countries in the Middle East for sexual exploitation, factory labor, and as household servants remained a problem. Shan and other ethnic minority women and girls were trafficked across the border from the north; Karen and Mon women and girls were trafficked from the south. There was evidence that internal trafficking generally occurred from poor agricultural and urban centers to areas where prostitution flourished (trucking routes, mining areas, military bases, and industrial estates) as well as along the borders with Thailand and China. Men and boys also reportedly were trafficked to other countries for sexual exploitation and labor. While most observers believed that the number of these victims was at least several thousand per year, there were no reliable estimates.

In a report released in May 2005, the Kachin Women's Association of Thailand documented trafficking of Kachin girls and women to China ostensibly to work but instead forced into prostitution or to become brides to Chinese men who could not find local brides. Based on interviews with 85 Kachin women who escaped their captors, 10 percent were trafficked domestically and up to half became brides of Chinese men, some in distant northeastern provinces of China.

Human traffickers appeared to be primarily free lance, small scale operators using village contacts to feed victims to more established trafficking brokers. Brokers were primarily foreign, but some Burmese brokers operated in Thailand and China.

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

The government made limited progress against trafficking in persons. The government reported that in 2005 it convicted 68 human traffickers out of 203 cases. Most received sentences of less than five years, but during the year two traffickers received life sentences. Since the government did not accurately distinguish between human traffickers and smugglers, the actual number of traffickers convicted was probably less.

As in the previous year, the government's pervasive security controls, restrictions on access to information, and lack of transparency prevented a comprehensive assessment of trafficking in persons activities in the country. While experts agreed that human trafficking from the country was substantial, no organization, including the government, was able or willing to estimate the number of victims.

Officials recognized the importance of preventing cross border trafficking and prosecuting traffickers, but they did little to combat domestic trafficking and took no action on forced labor. The government worked with the UN Inter Agency Project on Human Trafficking to sponsor seminars for national, state/division, and lower level authorities and received training from the Asia Regional Trafficking in Persons Project. New government guidelines issued early in the year reduced the abilities of many international NGOs, including those working on trafficking issues, to implement and monitor programs; however, many activities were allowed to continue. In January the government signed the ASEAN Mutual Assistance in Criminal Matters Agreement. Cooperation with Thailand and China on enforcement and repatriation continued to increase.

UN agencies and NGOs credited the government for demonstrating political will to combat cross border trafficking and for improving cooperation with the international community. The government increased the size of the antitrafficking unit from 40 to 65 officers.

During the year the government hosted national and state/division level seminars to inform officials from relevant ministries about the antitrafficking law enacted in September 2005. The government established a working group that began to revise the national action plan to reflect the 2005 law.

The Ministry of Home Affairs maintained its position that there was no complicity of government officials in trafficking; however, corruption among local government officials was widespread. NGOs reported that government officials were complicit in trafficking, although it appeared limited to local and regional officials turning a blind eye to trafficking activities. NGOs also reported that individual police officials were likely involved in extorting money from economic migrants and others leaving the country.

The government had four vocational training centers and one house to shelter female trafficking victims; male victims were temporarily sheltered in training schools. The government insisted that repatriated victims stay for one month in these centers, where they were confined against international norms of victim protection. During the year the government took action against 274 offenders and returned 419 trafficking victims, according to police reports.

The MAAF and the DSW provided some basic health and compulsory counseling services and job training for trafficking victims before turning them over to an NGO or returning them to their families. However, government funding for these programs was very limited.

The government made it difficult for single women to obtain passports or marry foreigners, ostensibly to reduce the outflow of women as victims of trafficking (see sections 1.f. and 2.d.). In addition, regulations forbid females under the age of 25 from crossing the border unless accompanied by a guardian, but most trafficked women crossed the border without passports.

The Ministry of Home Affairs placed antitrafficking units at nine locations known for frequent trafficking. With assistance from international NGOs, the government conducted training and advocacy workshops and also approved nationwide television and radio announcements and distribution of materials at the state/division level.

Three international NGOs and some local NGOs offered poverty alleviation and education programs designed to counter trafficking. These programs were moderately successful.

Persons with Disabilities

The government did not actively discriminate against persons with disabilities in employment, access to health care, education, or in the provision of other state services, but there were few official resources to assist persons with disabilities. There were no laws mandating accessibility to buildings, public transportation, or government facilities, and persons with disabilities faced societal discrimination. There were several local and international organizations that assisted persons with disabilities, but most such persons had to rely exclusively on their families to provide for their welfare.

Military veterans with disabilities received benefits on a priority basis, usually a civil service job at equivalent pay. In principle, official assistance to nonmilitary persons with disabilities included two thirds of pay for up to one year of 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.

The Ministry of Health is responsible for medical rehabilitation of persons with disabilities, and the Ministry of Social Welfare is responsible for vocational training. The government operated three schools for the blind, two for the deaf, two rehabilitation centers for adults with disabilities, and two for children with disabilities. However, the government provided inadequate funds for its schools and programs for persons with disabilities. Local NGOs ran four schools for the blind.

The ICRC continued to provide rehabilitation services to victims of landmine injuries, both civilian and military amputees. Besides running an orthopedic rehabilitation center in Hpa an, Karen State, the ICRC also had an active outreach program to identify and refer amputees from remote border villages to the its prosthetic services.

National/Racial/Ethnic Minorities

Wide ranging governmental and societal discrimination against minorities persisted. Animosity between the country's many ethnic minorities and the Burman majority, which has dominated the government and the armed forces since independence, continued to fuel active conflict that resulted in serious abuses during the year. The abuses included reported killings, beatings, torture, forced labor, forced relocations, and rapes of Chin, Karen, Karenni, Rohingya, Shan, Mon, and other ethnic groups by SPDC soldiers. Some armed ethnic groups also may have committed abuses, but on a much smaller scale than the government army (see sections 1.a., 1.c., 1.f., and 1.g.).

Only persons who were able to prove long familial links to the country were accorded full citizenship. Native born but nonindigenous ethnic populations such as Chinese, Indians, and Bengalis were denied full citizenship and excluded from government positions. Members of the Rohingya Muslim minority in Rakhine State were not considered citizens and continued to experience severe legal, economic, and social discrimination. The government denied citizenship to most Rohingyas on the grounds that their ancestors did not reside in the country for one year prior to the start of British colonial rule in 1824, as required by the country's highly restrictive citizenship law.

Rohingya Muslims did not have access to state operated schools beyond primary education because the government reserved secondary state schools for citizens. Those excluded were also ineligible for most civil service positions.

Persons without full citizenship faced restrictions in domestic travel (see section 2.d.). They also were barred from certain advanced university programs in medicine and technological fields.

Ethnic minority groups generally used their own languages at home. However, throughout all parts of the country controlled by the government, including ethnic minority areas, Burmese remained the mandatory language of instruction in state schools. Even in ethnic minority areas, most primary and secondary state schools did not offer instruction in the local ethnic minority language. There were very few domestic publications in indigenous minority languages.

The government continued to resettle groups of ethnic Burmans to various ethnic minority areas through the establishment of "model villages" in Rakhine State and other regions of the country (see section 1.f.). Government jobs in ethnic minority regions, including as teachers, were increasingly reserved for ethnic Burmans, according to reports from Kachin and Kayah states.

There were ethnic tensions between Burmans and nonindigenous ethnic populations, including South Asians, many of whom were Muslims, and a rapidly growing population of Chinese, most of whom emigrated from Yunnan Province. Chinese immigrants increasingly dominated the economy of the northern part of the country.

Other Societal Abuses and Discrimination

Many citizens viewed homosexuals with scorn. Penal code provisions against "sexually abnormal" behavior were applied to charge gays and lesbians who drew unfavorable attention to themselves. Nevertheless, homosexuals had a certain degree of protection through societal traditions. Transgender performers commonly provided entertainment at traditional observances. Some were spirit (nat) worshippers and, as such, had special standing in the society. They participated in a well established week long festival held near Mandalay every year. The event was considered a religious event, free of sexual overtones or activities, and was officially approved by the government. No one, including the military or police, interfered with the festival.

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

In August local authorities pressured and intimidated Sayadaw Einthariya, a monk from Mahasi Yeiktha Monastery in Yenangyaung, Magway Division, to stop assisting HIV/AIDS victims, claiming it was unsuitable conduct for a monk. He was threatened with arrest by the township clergy coordination committee. The pressure appeared to be inspired by political rather than religious considerations, since the monk had cooperated with NLD activists supporting HIV/AIDS programs in the absence of any viable government program for HIV/AIDS patients.

On August 13, authorities detained 11 HIV/AIDS activists at Maggin Monastery near Rangoon as they prepared for a ceremony to honor HIV/AIDS victims. The authorities claimed the group, which had ties to the NLD and the 88 Generation Students, had not properly registered to stay overnight at the monastery. The authorities reportedly pressured the monastery to select a new senior abbot more supportive of the regime. On August 14, the authorities released the activists without charging them.

Section 6 Worker Rights

a. The Right of Association

The law permits workers to form trade unions with the prior consent of the government; however, no free trade unions existed in the country.

Domestic and internationally affiliated unions are not allowed, nor is individual membership in unions. The government forbade seafarers who found work on foreign vessels through the Seafarers Employment Control Division from having contact with the International Transport Workers' Federation, and the government often refused to document seafarers who were abroad. Without proper documentation, it was impossible for a seafarer to find regular employment abroad.

The government criminalized contact with the Federation of Trade Unions Burma, claiming it was a "terrorist group." In November nine persons were given prison sentences ranging from eight to 25 years after their arrest in July 2005 for allegedly contacting the federation (see sections 1.a. and 2.a.). In November 2005 one such prisoner, Aung Myint Thein, died while in custody (see sections 1.a., 1.d., 2.a., 2.b, and 6.b.).

b. The Right to Organize and Bargain Collectively

The government does not allow workers to organize or bargain collectively. The government's central arbitration board, which once provided a means for settling major labor disputes, has been dormant since 1988, although the Ministry of Labor reportedly played an arbitration role in settling some disputes since then. Township level labor supervisory committees existed to address minor labor concerns. During the year authorities intervened as a mediator in informal labor strikes to ensure peaceful resolutions between workers and employers.

The government unilaterally set wages in the public sector. In the private sector, market forces generally set wages; however, the government pressured joint ventures to pay salaries no greater than those of ministers or other senior government employees. Some joint ventures circumvented this with supplemental pay or special incentive systems. Foreign firms generally set wages near those of the domestic private sector but followed the example of joint ventures in awarding supplemental wages and benefits.

According to the law, labor strikes are prohibited, although employees at a number of large factories organized informal strikes during the year and in many cases won higher wages. Most strikes were resolved without government intervention, but in some cases authorities pressured workers and employers for resolution. Employers

fired a number of the strike organizers.

There are no export processing zones; however, there are special military owned industrial parks, such as Pyin Ma Bin, near Rangoon, which attracted foreign investors, and the 2,000 acre Hlaing Thaya Industrial Zone in Rangoon, where several companies operated. Labor laws were applicable in all industrial zones and across all industries, but they were not always enforced.

c. Prohibition of Forced or Compulsory Labor

The law provides for the punishment of persons who impose forced labor on others. However, government and military use of forced or compulsory labor remained a widespread and serious problem, particularly targeting members of ethnic minority groups. Throughout the country, international observers verified that the government routinely forced citizens to work on roads, construction, and other maintenance projects. Citizens also were forced to work in the military owned industrial zones.

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

The ILO corroborated reports of serious forced labor abuses in Rakhine State and continued to call upon the government to stop the use of forced labor. Local authorities continued to use forced labor to complete major public works projects on time.

In May credible sources in Rakhine State reported that local residents from the villages of Kyaukpan Du, Thawin Chaung, Inndin, Mrin Lwet, Atwin Byin, Chut Byin, Owe Thima, Thein Daung, and Taungmaw from Buthidaung and Rathedaung townships were forced to construct an 18 mile road over the Mayu mountain range between the model village of Tazin Myint in Rathedaung Township and Kyaukpandu Village in Maungdaw Township. Although the authorities promised each worker \$0.38 (500 kyat) per day, they failed to pay them. When the villagers refused to work any more, the authorities reportedly forced them to work at gunpoint.

In September 2005 the NGO Amnesty International reported that the requirement for porters decreased as armed resistance to the government lessened and the army established itself in former hostile territory. However, the NGO claimed that the decreasing need for porters was replaced with an increase in other types of forced labor as the army built new barracks and other infrastructure. The report also noted that the KNLA and the DKBA were guilty of some of the same abuses committed by the army, including confiscation of food from already malnourished villagers, who were forced to provide rice, livestock, and other valuables to soldiers of both sides. During the year NGOs presented credible evidence of increased use of ethnic Karen villagers as porters by the army in its ongoing military attacks against Karen villages in Bago Division, Karen State, and Kayah State.

In recent years the ILO and other international agencies have seen changes in the government's approach to conscripting forced labor. The ILO reported that military units no longer tended to issue written orders to village heads to provide forced labor but instead gave verbal instructions. The ILO also reported that in some cases the government substituted demands for forced labor with demands for forced contributions of materials, provisions, or money. Throughout the year there were frequent and widespread reports of soldiers forcing contributions of rice and other commodities from ethnic minority villagers. The ILO reported that it appeared the government occasionally paid workers for forced labor, but the payments were usually well below prevailing wage rates.

The ILO reported that since 2002 the government increasingly substituted prisoners not sentenced to hard labor for civilians as forced laborers, possibly due to international pressure against the use of civilians. There reportedly were new labor camps, but many were temporary, existing only until the completion of a specific work project. During the year the army reportedly transported convicts from prisons throughout the country to serve as porters in its ongoing military attacks against Karen villages in Bago Division, Karen State, and Kayah State. The convicts faced dangers from minefields and exposure to gunfire while working with inadequate food and no medical care.

Reports of forced labor for smaller projects in villages countrywide persisted. Authorities also continued to use forced labor countrywide to maintain existing civil infrastructure, including transportation and irrigation facilities. Authorities often allowed households or persons to substitute money or food for labor for infrastructure projects, but widespread rural poverty forced most households to contribute labor. Parents routinely called upon children to help fulfill their households' forced labor obligations (see section 6.d.).

There were reports from nearly every division and state that authorities forced citizens to plant physic nut trees on public and private property as part of the SPDC's campaign to produce more biodiesel fuel. Those who tried to avoid planting physic nuts were frequently threatened with fines if they did not participate.

In May businessmen reported that Light Infantry Battalion 141 and Northern Commander Major General Ohn Myint forced ethnic Kachin in the villages of Yinna Pinlong, Min Thar, Man Khin, Shwe Nyaung Pin, Hu Kat, Ta Kat, and Nga Pyaw Daw in Kachin State to provide labor to upgrade the road between Shinbo and Myitkyina. Besides working without pay, the workers had to provide their own food and shelter. Those who could not work reportedly had to find a substitute or pay a fine of \$15.40 (20,000 kyat).

There were no developments in the November 2005 death of a man from Tharat Cho Village in Ponnagyun Township, Rakhine State, who returned home seriously ill after Battalion 550 officials forced him to help construct a military base.

In December 2005 local PDC authorities in Myothit Village, Ngathaingyaung Township, Ayeyarwady Division, arrested carpenter Ko Than Htaik, detained him at the village PDC office, and severely beat him. The authorities accused him of failing to provide involuntary labor to build a road and not providing funds for village militia training. His family admitted him to the local hospital, where he died soon after as a result of the beating. The Yaykyay police arrested local PDC officials who were involved in the beating, including Aung Myint Thein, chairman of the village PDC.

The government refused to pay compensation for the death of Win Lwin, who died while performing forced labor in Magway Division in 2004.

From 2004, the first year that private citizens voluntarily approached the ILO to report alleged violations, until September 2005 the ILO office in Rangoon received 102 cases of forced labor to investigate. The ILO forwarded 59 of the cases to the government's committee on forced labor. The committee responded to all of the cases, and a total of 10 persons were found guilty and sentenced. The committee did not implement adequate mechanisms for the reporting, investigation, and prosecution of incidents of forced labor.

Beginning in April 2005 the ILO stopped pursuing forced labor cases because the government stated that it would prosecute any person who made what the government deemed a "false" complaint. However, the ILO liaison officer continued to receive credible reports of forced labor throughout the year.

At its June conference, ILO members noted the government's lack of progress on forced labor issues and debated additional actions to secure compliance. Members established deadlines for action on two items: a moratorium on prosecution of forced labor complainants, including existing prisoners and ongoing cases, by the end of July; and agreement on a mechanism to handle forced labor claims by the end of October. On June 6, the government released Su Su Nway, a labor activist imprisoned in 2005 who had successfully prosecuted local officials from Kawhmu Township, Rangoon Division, on forced labor charges. The government also released a second prominent labor activist during the year, and on September 20, it dropped a case against three villagers, but it did not address other ILO concerns.

At its November meeting, ILO members reviewed possible further actions, including referral to the International Court of Justice. On November 17, the ILO Governing Body voiced its "great frustration" at the government's failure to agree on how to deal with complaints of forced labor and requested that it "conclude with the ILO such an agreement as a matter of utmost urgency."

Forced recruitment of soldiers, including children, continued (see section 5).

The law does not specifically prohibit forced and bonded labor by children, and forced labor by children continued to be a serious problem (see section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

The law sets a minimum age of 13 for the employment of children, but in practice the law was not enforced. Child labor was prevalent and highly visible. Working children were noticeable in cities, employed primarily in small or family enterprises. In the countryside, children worked in family agricultural activities. Children working in the urban informal sector in Rangoon and Mandalay often began work at very young ages. In cities child workers were found mostly in the food processing, street vending, refuse collecting, and light manufacturing industries, and as restaurant and teashop attendants.

The law does not prohibit compulsory labor by children, and children were subjected to forced labor. Authorities reportedly rounded up teenage children in Rangoon and Mandalay and forced them into portering or military service (see section 5).

The DSW provided support and schooling for a small number of orphaned children or others who were in some other way estranged from their families. One of the aims of this assistance was to help the children become more capable of resisting exploitation in the future.

No specific government agency existed to enforce child labor laws. In December UNICEF completed a review of legal provisions for working children found in 10 separate labor laws enacted from 1923 to 1993 and subsequently made many recommendations for protecting children who work.

e. Acceptable Conditions of Work

Only government employees and employees of a few traditional industries were covered by minimum wage provisions. After a significant public service salary increase in April, the minimum monthly wage for salaried public employees was set at the market equivalent of \$11.50 (15,000 kyat) for what was in effect an eight hour workday. The rate for day laborers was raised to \$0.38 (500 kyat) per day. Various subsidies and allowances supplemented this sum. Neither the minimum wage nor the higher wages earned by senior officials provided a worker and family with a decent standard of living. Low real wages in the public sector fostered widespread corruption and absenteeism. In the private sector, urban laborers earned approximately \$0.38 to \$0.75 (500 to 1,000 kyat) per day, while rural agricultural workers earned approximately half that rate. Some private sector workers earned substantially more: a skilled factory worker earned approximately \$19 (25,000 kyat) per month, according to private sector employers.

A surplus of labor, a poor economy, and the lack of protection by the government continued to foster substandard conditions for workers. The law prescribes a five day, 35 hour workweek for employees in the public sector and a six day, 44 hour workweek for private and state enterprise employees, with overtime paid for additional work. The law also allows for a 24 hour rest period per week, and workers are permitted 21 paid holidays per year; however, in practice such provisions benefited only a small portion of the country's labor force, since most of the labor force was engaged in rural agriculture or the informal sector. The laws were generally enforced in the government sector, but there were frequent violations by private enterprises.

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