

Report on the Human Rights Situation in Burma



Border Post # 8, Near Laiza. Photo Credit - RANIR

Jan 2012 - Dec 2012

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Network for Human Rights Documentation - Burma

INTRODUCTION

The annual report of Network for Human Rights Documentation – Burma (ND-Burma) documented the human rights situation in Burma from December 2011-January 2013. The report provides information on human rights violations (HRVs) over this period and highlights pressing issues and trends taking place in Burma. The annual report covers human rights violations in 16 categories over all 14 states.

The year 2012 has seen rapid changes in Burma that have led to dramatically increased standing in the international community. Both U.S. Secretary of State Hillary Rodham Clinton and President Obama made unprecedented trips to the previously shunned state.

However, despite Burma's incremental steps toward a more democratic government, human rights violations continue to occur largely unabated. While government reforms are evident on the surface, the underlying human rights situation remains bleak in all 16 of ND-Burma's categories and in each state. Killing, land confiscation, forced labor, child soldiers, forced relocation, torture and ill treatment have all persisted in 2012.

The human rights situation in Burma deteriorated further in 2012 and into 2013 as fighting in the Kachin State intensified. The government struck KIO/KIA outposts from the air, leading to civilian deaths in its wake. The government's escalation in the conflict has led to grave human rights violations that have taken significant toll the livelihoods of innocent civilians. Entering 2013 atrocities against the Kachin by the government appears to be one of the most pressing issues facing Burma in the coming year.

ND-Burma's previous report covering human rights violations from April-September 2012 highlighted the growing issue of land confiscation by the Burmese government. The crackdown on the peaceful protesters over the Lapadaungtaung copper mine raised legitimate concerns about the government's tolerance for freedom of expression in Burma. The late night raid that led to serious injuries and property destruction prompted an investigation led by Daw Aung San Suu Kyi. However, a group of Burmese in American lawyers reported that deadly white phosphorous grenades were used in the attack.

The 2012 Farmland Law also did little to improve the human rights situation on the ground regarding land confiscation. The government continues to confiscate land with impunity under the auspices of the archaic Farmland Law. Farmers who are affected by the government's actions receive little or no compensation. Land confiscation was one of the most pressing issues of 2012 and it appears that little is being done to slow land grabbing in the near future.

ND-Burma calls on the Burmese government to quickly moved forward with progress, such as the recently loosened grip on freedom of expression. However, despite the praise of the international community, much is to be done regarding the human rights situation in Burma and ongoing violation.

METHODOLOGY

Fieldworker Situation: ND-Burma members' fieldworkers put themselves at great risk to document human rights violations. Due to security concerns human rights monitoring cannot take place openly; thus, a representative sampling of all HRVs that take place in Burma is not possible. Also, the security risks have increased as the government has mounted pressure on local communities, especially in remote areas and conflict areas. Fieldworkers there rely largely on networks of individual contacts for information. Many of these contacts within the fieldworkers' networks were responsible for gaining additional contacts and conducting interviews with individuals, village leaders, and government staff members.

Documentation: ND-Burma has provided training, with assistance from several international human rights NGOs, to fieldworkers of member organizations who collect the information presented in these reports. Fieldworkers collect interviews and other information from Burma's 14 states and regions.

Individual cases are documented depending on opportunity and external circumstances. The cases presented here constitute first-hand accounts of abuse perpetrated by the military regime during this period. The information supplied by eyewitness observers confirms concerns of widespread government violence perpetrated primarily by Burma Army soldiers.

Data Management: Fieldworkers from ND-Burma member organizations send documents to their mother organizations, who have staff that upload the information to ND-Burma's network database. ND-Burma's data management team organizes each document and has selected reports from events that took place from January 2011 to December 2012. Any other information collected during this period regarding earlier periods will be saved for historical records and will be used as necessary to seek accountability during a democratic transition period.

| Categories | No |
|---|------------|
| Arbitrary/ illegal arrest/ detention | 22 |
| Confiscation/ destruction of property | 67 |
| Disappearances | 3 |
| Forced Labour | 58 |
| Forced marriage | - |
| Forced prostitution | - |
| Forced relocation | 3 |
| Human trafficking | 4 |
| Killings | 18 |
| Obstuction of freedom of expression/ Assembly | 9 |
| Obstruction of freedom of movement | 4 |
| Other sexual violence | 6 |
| Rape | 7 |
| Use of Child soliders | 2 |
| Torture | 54 |
| Arbitrary Taxation | 48 |
| Freedom Of Belief | 5 |
| Total | 310 |

HUMAN RIGHTS VIOLATIONS DOCUMENTED BY ND-BURMA

January – December 2012

Findings compiled by Network for Documentation – Burma show that human rights violations not only remain a daily reality for the people of Burma, but that the abuses perpetrated by the military-backed government of Burma are systematic and widespread. Over the year 2012, the frequency of human rights abuses continued repeatedly throughout the 14 states and regions of Burma, with few exceptions. Information regarding abuses per region, by month, shows a relatively constant and broad stream of human rights violations.

The exceptions are Karen and Kachin State, which showed peaks and valleys that may be tied to outbreaks in armed conflict or a surge of Burma Army battalion troops; and Chin State, which had human rights abuses peak in April. This pattern of relative calm followed by an escalation of human rights violations indicates that there is no long-term trend toward a decrease in state-sponsored human rights violations.

Unsurprisingly, the highest incidences of abuse occurred in ethnic nationality areas that remain in open conflict with the Burma Army, the Tatmadaw, or are the grounds for controversial development projects. Shan, Karen, and Chin States reported 91, 57, and 37 cases of serious human rights abuse respectively throughout the year. These areas, like other ethnic regions, are largely closed off to tourists and locals from Burma, making it difficult to understand the scale of the problem. In addition, this secrecy allows the military-backed government to commit violations of human rights with impunity.

ND-Burma Documented Monthly Vs. HRVs [Jan - Dec 2012]

| Monthly Vs 16 Categories | Arbitrary/illegal arrest/ detention | Confiscation/ destruction of property | Disappearances | Forced labour | Forced marriage | Forced prostitution | Forced relocation | Human trafficking | Killings | Obstruction of freedom of expression/ Assembly | Obstruction of freedom of movement | Other sexual violence | Rape | Use of Child soldiers | Torture/ Inhumane/ Degrading Treatment | Arbitrary and corrupt taxation/Extortion | Freedom Of Belief | Total |
|--------------------------|-------------------------------------|---------------------------------------|----------------|---------------|-----------------|---------------------|-------------------|-------------------|-----------|--|------------------------------------|-----------------------|----------|-----------------------|--|--|-------------------|------------|
| Jan | 3 | 8 | 0 | 6 | 0 | 0 | 0 | 0 | 3 | 4 | 0 | 1 | 0 | 0 | 4 | 5 | 0 | 34 |
| Feb | 0 | 6 | 0 | 7 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 18 |
| Mar | 1 | 9 | 0 | 3 | 0 | 0 | 0 | 1 | 1 | 2 | 0 | 0 | 0 | 0 | 1 | 3 | 0 | 21 |
| Apr | 0 | 6 | 0 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 5 | 3 | 23 |
| May | 2 | 7 | 1 | 9 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 1 | 0 | 5 | 7 | 0 | 35 |
| Jun | 7 | 6 | 2 | 4 | 0 | 0 | 0 | 1 | 2 | 1 | 1 | 1 | 1 | 0 | 14 | 9 | 0 | 49 |
| Jul | 4 | 4 | 0 | 11 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 2 | 1 | 4 | 10 | 0 | 37 |
| August | 0 | 4 | 0 | 3 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 1 | 0 | 0 | 9 | 1 | 0 | 21 |
| September | 1 | 4 | 0 | 2 | 0 | 0 | 0 | 1 | 2 | 0 | 1 | 3 | 2 | 0 | 8 | 4 | 1 | 29 |
| October | 3 | 10 | 0 | 3 | 0 | 0 | 1 | 0 | 3 | 0 | 1 | 0 | 1 | 0 | 6 | 2 | 0 | 30 |
| November | 1 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 2 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 8 |
| December | 0 | 2 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 5 |
| Total | 22 | 67 | 3 | 58 | 0 | 0 | 3 | 4 | 18 | 9 | 4 | 6 | 7 | 2 | 54 | 48 | 5 | 310 |

Land confiscation and destruction of property was a consistent abuse throughout 2012 with 67 documented cases. As ND-Burma has reported, high profile incidents such as the crackdown on protesters over the copper mine occurred alongside frequent land grabbing in ethnic states throughout Burma. Once again, Irrawaddy and Magwe remained largely unscathed while Karen State bore the most cases of land confiscation. This issue remains an ongoing source of conflict going into 2013.

While there is some reason for optimism, including the newly signed MOU, human rights violations such as forced labor have remained an area of concern with a relatively constant stream of documented abuses over 2012. Karen State alone suffered 25 documented cases of forced labor with a noticeable peak of 11 incidents across Burma in the month of July before the frequency began to slow to some extent. Whether reforms will have an impact on forced labor violations remains to be seen in the coming year.

| ND-Burma Documented State & Region Vs. HRVs [Jan - Dec 2012] | | | | | | | | | | | | | | | | | | | |
|--|----------------------------------|------------------------------------|--------------------------------------|----------------|---------------|-----------------|---------------------|-------------------|-------------------|-----------|--|------------------------------------|-----------------------|----------|-----------------------|--|-------------------------------|-------------------|------------|
| Sr. | State & Region Vs. 16 Categories | Arbitrary/illegal arrest/detention | Confiscation/destruction of property | Disappearances | Forced Labour | Forced marriage | Forced prostitution | Forced relocation | Human trafficking | Killings | Obstruction of freedom of expression/ Assembly | Obstruction of freedom of movement | Other sexual violence | Rape | Use of Child soldiers | Torture/ Inhumane/ Degrading Treatment | Arbitrary Taxation/ Extortion | Freedom Of Belief | Total |
| 1 | Chin State | | 7 | | 5 | | | 1 | | 2 | 3 | | | | | 2 | 13 | 4 | 37 |
| 2 | Irrawaddy Region | | 1 | | | | | | | | | | | | | | 1 | | 2 |
| 3 | Kachin State | 9 | 2 | | 1 | | | | 2 | 1 | | | 1 | | | 10 | | | 26 |
| 4 | Karen State | | 19 | | 25 | | | 1 | | 2 | | 1 | | | | 5 | 4 | | 57 |
| 5 | Kayha(Karenni)State | | | | | | | | | | | | | | | | | | |
| 6 | Magwey Region | | 1 | | | | | | | | | | | | | | | | 1 |
| 7 | Mandalay Region | | 4 | | 1 | | | | | | 1 | | | | | | | | 6 |
| 8 | Mon State | 1 | 1 | | 2 | | | | | | | | | | | 1 | 3 | | 8 |
| 9 | Pagu Region | | | | 5 | | | | | 1 | | | | | | | | | 6 |
| 10 | Rakhine(Arakan) State | 4 | 6 | | 1 | | | | | 2 | 1 | 1 | 2 | 2 | 1 | 5 | 1 | | 26 |
| 11 | Rangoon(Yangon) Region | 2 | 3 | | 1 | | | 1 | | | 2 | | | | 1 | 3 | | 1 | 14 |
| 12 | Sagaing Region | | | | 2 | | | | | 1 | | | | | | | 1 | | 4 |
| 13 | Shan State | 6 | 17 | 3 | 8 | | | | 2 | 9 | | 1 | 3 | 5 | | 26 | 11 | | 91 |
| 14 | Tenasserim Region | | 6 | | 7 | | | | | | 2 | 1 | | | | 2 | 14 | | 32 |
| | Total | 22 | 67 | 3 | 58 | | | 3 | 4 | 18 | 9 | 4 | 6 | 7 | 2 | 54 | 48 | 5 | 310 |

CONCLUSION

In spite of notable reforms in 2012, human rights violations persisted in all 14 states and regions across Burma. Violence in the Kachin State escalated dramatically. Peaceful demonstrations against land confiscation led to unprovoked abuse and an assault on freedom of expression. Hundreds of other abuses continued across Burma, often unnoticed. While the government's progress in 2012 is evident, in order to lay credible claim to sustained reform, Burma must respect the dignity and basic human rights of its own people.

