

# ALTSEAN

## ALTERNATIVE BURMA

ALTERNATIVE A SEAN NETWORK ON BURMA  
campaigns, advocacy & capacity-building for human rights & democracy

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### BURMA: SOCIAL AND ECOLOGICAL JUSTICE AT THREAT

Key neighboring countries, such as China and India have said they “welcome” democratic reforms in Burma but continue to provide the Burmese regime with economic and political support. This irresponsible approach helps the Burmese regime to prolong its severe economic and political mismanagement, which results in serious threats to social and ecological justice.

In the past 10 years, foreign direct investment to Burma grew by 2,067% but GDP rose by 75%. The growth was characterized by:

- Dramatic expansion of the military in troop numbers and weapons.
- Rampant exploitation of natural resources that intensified threats to people and the environment.
- Use of military, political, and economic means to increase disenfranchisement of ethnic groups.
- Intensification of military attacks in Eastern Burma and human rights violations nationally.
- Expansion of military control over and interference in the formal economy at all levels.
- A sharp rise in official taxation and state-sanctioned extortion.
- A severe deterioration in governance and impoverishment of human services.
- Increased land confiscations, forced labor, and forced cultivation of crops for export.
- An illogical dual exchange rate: 6.23 kyat = US\$1 (official rate), 1,350 kyat = US\$1 (market rate).

The current situation:

- Burma is ranked as the second most corrupt country in the world, after Somalia.
- 90% of the population is reportedly living on less than \$1 per day.
- Increasing malnutrition. Before cyclone Nargis, the population in the Irrawaddy delta was already suffering from chronic (30%) and acute (9%) malnutrition. Severe food shortages in Arakan and Chin States recently forced people to flee to Bangladesh and India.
- Burma has an estimated 70,000 child soldiers, the highest number in the world.
- Burma has the second worst child mortality rate in Asia, after Afghanistan. Between 100,000 to 150,000 children under-five years of age die every year, mostly from preventable diseases. In Eastern Burma, 20% of children die before their fifth birthday.
- Burma is the world's third largest source of refugees after Afghanistan and Iraq. Between 1995 and 2005, the flow of refugees has increased up to 800% in Burma's neighboring countries.
- In August 2008, Burma had 2,000 political prisoners. This is a 73.9% increase from July 2007, when there were 1,150 political prisoners in Burma.
- Burma is the world's 2nd largest opium producer and Southeast Asia's top producer of amphetamines.

Burma's neighbors, and the international community, must work with genuine commitment to support concrete solutions that involve all key stakeholders. Governments of Asia and the world must no longer allow their goodwill to be manipulated by the regime. Burma's descent into greater instability must no longer be tolerated, for the sake of its people and the people of this region.

## DEMOCRATIZATION AND PEOPLE'S PARTICIPATION

### Overview

Various governments and Burma's pro-democracy groups have already rejected the Burmese junta's plans to hold multiparty elections in 2010 because there is no framework to ensure a free and fair process. In September 2008, Singapore FM George Yeo said the 2010 elections have "no international legitimacy".<sup>1</sup>

The junta has already demonstrated its unwillingness to guarantee a free and fair vote during the May 2008 constitutional referendum. The regime made sure the charter was adopted by forcing citizens to vote "yes". Campaigning for a "no" vote was prohibited and opponents of the constitution were subjected to threats, harassment, and arrest. Censorship, coercion, and exclusion dominated the drafting of the constitution which guarantees military control over Burma's governance.

Burma's largest pro-democracy party, the National League for Democracy (NLD) has urged the SPDC to set up a committee to review the constitution.<sup>2</sup> Similarly, the UN has called for an inclusive, participatory, and transparent process to be implemented before 2010.<sup>3</sup>

### Background, Policies, and Practices

**Burma has been ruled by successive military regimes** since the popularly elected government was toppled in 1962. In 1990, the NLD, led by Daw Aung San Suu Kyi, won over 80% of parliamentary seats in a multi-party election. The military junta refused to hand over power.

**The SPDC prevents its citizens from any participation in the democratic process.** It denies freedom of assembly, expression, and information. It routinely harasses, threatens, arrests, and imprisons dissidents, activists, and journalists.

**Daw Aung San Suu Kyi and other leaders** of pro-democracy and ethnic parties remain under detention. Seventeen elected MPs are detained, along with over 2,000 political prisoners.

**The military regime plays a pervasive role in Burma's politics.** The junta ensures the presence of military and USDA personnel in key administration posts at the central and local level.

**Civil Society organizations are, for the most part, junta-sponsored organizations.** The regime has set up mass organizations to represent and mobilize military interests within the society. Junta-backed civil society and paramilitary organizations infiltrate communities, at the state, division, township, village, and ward levels.

**The Union Solidarity and Development Association (USDA)** is the most tangible example of a junta-sponsored organization. High ranking SPDC members are patrons, secretaries, and members of the USDA's Central Executive Committee. The USDA will likely play a large role in the SPDC's 2010 elections. The junta is expected to use the USDA as a political party to take the parliamentary seats not reserved for the Army.

**Ceasefire agreements** between the regime and various ethnic groups have resulted in increased militarization and unchecked exploitation of natural resources in ethnic areas. The regime's so-called infrastructure and development projects have had a disastrous impact on ethnic nationalities.

In September 2007, Chinese Premier Wen Jiabao expressed hopes that stability, national reconciliation, and democracy would be achieved in Burma as soon as possible through peaceful means. However, the SPDC ignored his appeal and has instead increased repression and instability in the country.<sup>4</sup>

### Solutions

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<sup>1</sup> Reuters (29 Sep 08) UN aims to keep world focus on Myanmar

<sup>2</sup> AP (22 Sep 08) Myanmar opposition wants review of constitution

<sup>3</sup> Irrawaddy (22 Sept 08) Taking a deep breath

<sup>4</sup> NYT (30 Sep 07) U.N. Envoy Brings Appeal for Restraint to Myanmar

- Release all political prisoners.
- End the political persecution of activists and the aggression of civilians in ethnic areas.
- Time-bound and meaningful dialogue between the SPDC, pro-democracy forces, and ethnic groups.
- Review of the constitution through an inclusive, participatory, and transparent mechanism.
- Establishment of a legal and political framework that leads to free and fair elections, which includes accepting UN technical assistance and international elections observers.

## BIGGER ARMY, BIGGER SECURITY PROBLEMS

### Overview

In the past 20 years, Burma's military junta, the State Peace and Development Council (SPDC) has aggressively expanded its army against world and regional trends. The illogical prioritization of military spending above health, education, and local development as well as the cooperation with transnational crime syndicates have intensified the non-traditional and human security threats against the people of Burma and neighboring countries.

### Background, Policies, and Practices

**Military spending is 40% of the national budget.**<sup>5</sup> The SPDC allocates less than 3% of its annual budget to healthcare and education combined.

**Military weapons and equipment comprise more than 20% of Burma's total imports, mostly from China and Russia.** The SPDC spent at least US\$ 3.5 billion importing military goods from China between 1988 and 2006, including fighter jets, tanks, trucks, and artillery. India, Ukraine, Israel, North Korea, and Singapore are also suppliers.<sup>6</sup>

**The size of the SPDC Army is around 400,000 personnel** but it has no external enemies. It is Southeast Asia's second largest army and has more than doubled in size since 1989.<sup>7</sup> The SPDC Army has 70,000 child soldiers - the world's highest number.<sup>8</sup>

**The world's longest-running war:** For more than 50 years, ethnic nationalities in Eastern Burma, mostly unarmed village communities, have been under attack. The SPDC Army is responsible for widespread and systematic human rights violations, including arbitrary arrests, torture, extrajudicial killings, rape and sexual violence against women, forced labor and relocation, extortion, land and property confiscation.

**The SPDC is one of the only three governments that are still using anti-personnel mines.** Up to 1,500 people, most of them civilians, are killed or injured every year by landmines in Burma. Burma is one of only 13 countries that still produce landmines.<sup>9</sup>

**Burma is the world's second largest opium producer in the world and the main methamphetamine producer in Southeast Asia.**<sup>10</sup> The junta relies on opium poppy cultivation (heroin) and amphetamine production for much needed revenue. Much of the amphetamine production occurs in the remote areas along the Burma/China border.<sup>11</sup> China is a primary destination for heroin produced in Burma. The spread of disease directly related to injecting drug users, including HIV, are a result of Burma's heroin exports to China.<sup>12</sup> In Northeast India, Burma is the main source of drugs. Methamphetamines remain the most frequently used drug in Thailand.

<sup>5</sup> HRW (10 Oct 07) Burma: Security Council Should Impose Arms Embargo

<sup>6</sup> Irrawaddy (08 Mar 06) A Growing Tatmadaw; AP (13 Oct 07) Despite poor human rights record, Myanmar easily finds foreign suppliers for its military

<sup>7</sup> Andrew Selth (2002) Burma's armed forces: power without glory

<sup>8</sup> HRW (18 Oct 02) Burma: World's Highest Number of Child Soldiers

<sup>9</sup> Asia Times (04 Nov 06) Myanmar, the world's landmine capital

<sup>10</sup> UNODC, World Drug Report 2006 [Chapter 3.1.2.]

<sup>11</sup> Bureau for International Narcotics and Law Enforcement Affairs (Mar 06) International Narcotics Control Strategy Report 2006

<sup>12</sup> UNODC, World Drug Report 2006 [Chapter 1.3.2.]

**HIV/AIDS in Burma is a “generalized epidemic,”** with an infection rate higher than Cambodia or Thailand. According to official statistics, the current infection rate is 1.3%, but other estimates suggest it is closer to 3.5%.<sup>13</sup>

Approximately 40% of Burma’s population is infected with tuberculosis and Burma has the highest mortality rate among patients with TB in Southeast Asia.<sup>14</sup> Official rates of multi-drug resistant TB are 4%, double the Southeast Asia average. Drug resistant malaria continues to be a problem.<sup>15</sup>

## **Solutions**

- The UN Security Council must adopt a binding resolution imposing a comprehensive arms embargo against the SPDC.
- The SPDC should re-prioritize its spending. Budget allocated to health and education must be increased, military expenditure should be drastically reduced.
- The SPDC should pursue a peaceful, long-term, crop replacement policy and cease all military and economic cooperation with drug producing syndicates.

## **FOOD SECURITY IN BURMA**

### **Background**

- Despite once being considered the rice bowl of the region and producing half the world’s internationally traded rice, in 2008 the people of Burma are hungry and impoverished.<sup>16</sup>
- While Burma still produces rice surpluses, approximately five million people, or around 10% of the population, are suffering from malnutrition.<sup>17</sup>
- The number of people in Burma living under the poverty line increased from 23% to 32% between 1997 and 2001.<sup>18</sup> By 2007, 90% were living on less than \$1 per day.<sup>19</sup>
- Ordinary people can no longer afford to pay for basic food items. With state-imposed fuel price hikes in 2007, inflation rose to a crippling 50%. This was up from an already staggering 20% in 2006.<sup>20</sup> After cyclone Nargis, the price of rice more than doubled.<sup>21</sup>
- The regime has been increasing forced plantation of cash crops and jatropha for biofuel.<sup>22</sup>
- Food insecurity increases Burmese vulnerability to transnational crime, trafficking, and irregular migration.

### **Policies and practices**

- Unfair burden of official taxes and state-sanctioned extortion. Burma is ranked as the third most economically repressed country in the world, and the second most corrupt.<sup>23</sup> Successful small and medium enterprises are nationalized or taxed into bankruptcy.
- Under the military’s “self-reliance” policy, troops force local communities to grow food for their needs, leaving less time and land for subsistence agriculture. In addition, rice farmers are forced to sell their crops at below-market prices to the military.
- Communities have been forced to grow physic nut (jatropha) crops for biodiesel fuel for which there is no market. This development has worsened the burden of commercial plantations run by military commanders that use forced or underpaid labor.<sup>24</sup>

<sup>13</sup> UNAIDS/WHO Global HIV/AIDS Online Database, Beyrer, Suwanvanichkij, Mullany, Richards, Franck, Samuels and Lee (Oct 06) Responding to AIDS, Tuberculosis, Malaria, and emerging infectious diseases in Burma

<sup>14</sup> Global Fund (2006) Portfolio of grants in Myanmar

<sup>15</sup> Beyrer, Suwanvanichkij, Mullany, Richards, Franck, Samuels and Lee (Oct 06) Responding to AIDS, Tuberculosis, Malaria, and emerging infectious diseases in Burma

<sup>16</sup> Far Eastern Economic Review (07 Jul 98) Creaking to a halt – VG Kularni

<sup>17</sup> VOA (09 Jan 08) Burma’s control of the transportation system causes millions to go hungry; Irrawaddy (05 Aug 05) UN warns of humanitarian crisis in Burma

<sup>18</sup> International Crisis Group (08 Dec 06) Myanmar: New Threats to Humanitarian Aid

<sup>19</sup> HRW (10 Oct 07) Burma: Security Council Should Impose Arms Embargo

<sup>20</sup> EIU (Dec 07) Country Report: Myanmar (Burma)

<sup>21</sup> Altsean-Burma (May 08) Burma Bulletin: Issue 17

<sup>22</sup> See, for instance, ALTSEAN-Burma (Jul 08) Burma Bulletin

<sup>23</sup> Heritage Foundation (Jan 06) Index of Economic Freedom; AP (20 Oct 04) 10 Best and Worst in Global Corruption Survey; Transparency International (Sep 08) Corruption Perceptions Index

- The SPDC's aggressive expansion of export-oriented food production ventures has had serious environmental and human impacts, especially in the low-lying coastal areas.
- Forced labor for infrastructure projects take farmers away from their fields at harvest time.
- SPDC restricts domestic trade in essential commodities and exports food while children die of malnutrition.<sup>25</sup>
- Obstructing the delivery of relief supplies and hindering humanitarian aid efforts.<sup>26</sup> In the first two months following cyclone Nargis, the regime pocketed 15% of aid dollars spent in the country.<sup>27</sup> The SPDC's refusal to commit to disaster preparedness measures undermined food security in vulnerable areas such as the Irrawaddy Delta, which had been previously hit by the 2004 tsunami and other cyclones.
- The SPDC Army's occupation, burning, and land-mining of paddy fields in Eastern Burma put 25,000 people under imminent threat of starvation and displaced 76,000 people in 2007.<sup>28</sup> These communities have not been able to grow rice for nearly 3 years.

## Solutions

- Exert diplomatic and political pressure on the regime to end forced labor and restrictions on the trade of rice and essential commodities.
- Implement sanctions to end investment in projects that employ forced labor and evict indigenous peoples from their land. Strengthen legislation could compel or place heavy pressure on businesses to divest from projects in Burma.
- Increase assistance to border-based and displaced communities.

## INVESTMENT AND DEVELOPMENT IN BURMA

### Background

- Unconditional investment in Burma reduces any incentive for the regime to implement urgently-needed reforms. It emboldens the regime to further perpetrate economic mismanagement, systematic human rights abuses, crackdowns, and offensives that will affect regional stability.
- Investors in Burma are at high risk of exposure to money-laundering linked to human rights abuses, as well as trafficking of people, drugs and weapons.
- Burma is rich in natural resources, with the world's 10th largest reserves of natural gas.<sup>29</sup> The Shwe gas project offshore fields, in which China has heavily invested, are expected to hold one of the largest gas yields in Southeast Asia. They could become the military regime's largest single source of foreign income, potentially earning US\$ 24 billion over 20 years.<sup>30</sup>
- Burma has vast hydropower potential. Numerous agreements have been signed between Chinese and Thai companies and the SPDC for the construction of hydropower dams on the Salween River.<sup>31</sup>

### Policies and practices

- International assessments have ranked Burma as the third most economically repressed country in the world, and the second most corrupt.<sup>32</sup>
- UNESCAP has warned that Burma is so far behind its neighbors that it threatens to destabilize regional development.<sup>33</sup>

<sup>24</sup> Ethnic Community Development Forum (May 08) Biofuel by decree

<sup>25</sup> See, for instance, ALTSEAN-Burma (Jul 08) Burma Bulletin

<sup>26</sup> Chinland Guardian (09 July 08) Severe food shortage looms over Burma's Chin State; see also Mizzima (04 Apr 2008) Government corruption fuels famine in Chin State; Khonumtung (21 Mar 2008) Starvations stares Chin people in the face

<sup>27</sup> Irrawaddy (30 Jul 08) UN's lost aid may be tip of the iceberg

<sup>28</sup> Asian Tribune (26 Jun 07) 25,000 face starvation – appeal made for regional and international action of human rights abuses perpetrated in Burma

<sup>29</sup> Reuters (25 Sep 07) FACTBOX: What's behind Myanmar's painful oil and gas price rise?

<sup>30</sup> Telegraph (UK) (25 May 08) Myanmar cyclone: Drug lord crony will profit; Asia Sentinel (29 Feb 08) A Big-time Burmese Drug Trafficker's Singaporean Connection; Irrawaddy (Jul 00) Burmese Tycoons Part II

<sup>31</sup> See for instance Mon Youth Progressive Organization (08 May 07) In the balance; Kachin Network Development Group (Oct 07) Damning the Irrawaddy; Salween Watch (Dec 07) Under the boot

<sup>32</sup> Transparency International (2007) 2007 Corruption Perceptions Index; Heritage Foundation (Jan 06) Index of Economic Freedom

- Since ASEAN and the EU opened talks on a free trade agreement in May 2007, no progress has been made due to Burma's failure to make any progress in democratic reforms.<sup>34</sup>
- The lack of monetary and fiscal stability has created conditions of rising inflation, fiscal deficits, multiple exchange rates, distorted interest rates, and fraudulent reporting.
- The junta continues to aggressively pursue sources of foreign capital in China, India, and Russia. Foreign investors have to enter "joint venture" contracts with state-owned firms.
- Investment in natural resources and infrastructure in Burma has been accompanied by forced labor, forced relocation of indigenous populations, and environmental devastation. Key industries are controlled by military-run enterprises and plagued by incompetence and corruption.
- Burma's oil, gas and hydro resources are being exported while a majority of the people has no electricity. Growing anger against unjust projects, deepening poverty and abuses against the people has led to demonstrations and could lead to open conflicts between affected people, the regime and foreign corporations. Instability has already caused the suspension of work on Thailand's Hatgyi Dam project in Eastern Burma.<sup>35</sup>
- Because of the insecure investment environment in Burma, foreign investment is focused on extractive industries. Instead of reinvesting profits from these ventures into infrastructure and social stability, the regime diverts funds to buy arms and further militarize Burma.
- There is limited foreign interest in other sectors, deterred by potential exposure to sanctions and the poor business environment. This includes inadequate infrastructure, economic mismanagement, *ad hoc* policymaking, a fragile banking system, weak domestic demand and poor transport links.
- Drug traffickers are actively courted by the SPDC as businessmen and investors. They represent some of the most prominent business tycoons in Rangoon.<sup>36</sup>

## Solutions

- Implement targeted sanctions, with resumption of trade and investment conditional on the SPDC ending human rights abuses and engaging in genuine reconciliation and democratic reforms.
- Strengthen legislation that would compel or place heavy pressure on businesses to divest from projects in Burma.

## DECENT WORK, LABOR RIGHTS, AND PROTECTION

### Overview

The people of Burma have been denied rights that promote or create decent work and protection on the job. Burma's military regime, the State Peace and Development Council (SPDC) publishes no statistical information on labor and employment conditions in Burma. The SPDC's violations of fundamental rights established by the International Labor Organization (ILO) Conventions on "Forced Labor" and "Freedom of Association" have been well documented.

### Background, Policies, and Practices

**Despite having ratified the (ILO) Convention 29 on Forced Labor, the SPDC engages in systematic forced labor abuses.** The regime is also in breach of its own law (Order 1/99) which prohibits forced labor.

**The forced labor situation in Burma has not improved** since the ILO first addressed the issue in November 2000.<sup>37</sup> The regime forces civilians, including women, children and the elderly, to serve as military porters, act as human mine detectors, and work on infrastructure projects involving the construction of roads, dams, railroads, and military barracks with little or no pay.

<sup>33</sup> *UNESCAP* (Nov 07) Ten as One: Challenges and Opportunities for ASEAN Integration

<sup>34</sup> *Irrawaddy* (01 Sep 08) Brussels Baulks at Asean FTA Deal Because of Burma

<sup>35</sup> *Irrawaddy* (20 Jul 07) Salween Dam Development Hindered by Engineers' Fears

<sup>36</sup> *Asia Sentinel* (29 Feb 08) A Big-time Burmese Drug Trafficker's Singaporean Connection; *Singapore Window* (23 Nov 05) Singapore's hand in Golden Triangle; *Irrawaddy* (Dec 07) Faces of 2007

<sup>37</sup> International Labor Conference Provisional Record 97th Session (13 Jun 08) Special sitting to examine developments concerning the question of the observance by the Government of Myanmar of the Forced Labor Convention, 1930 (No. 29)

**Reporting forced labor practices has resulted in the persecution, arrest, and the detention of the complaining party.** SPDC imprisoned labor activists Su Su Nway and Thet Wei for reporting on forced labor activities or assisting others to report forced labor activities to the ILO.<sup>38</sup>

**The junta ignores its obligations under the ILO Conventions on Freedom of Association.** The SPDC has failed to establish any statutory framework for the protection and security of its labor force.

**The minimum age for working is 13.** Children work in the informal sector, in family businesses, in forced labor on junta-sponsored infrastructure projects, and as child sex workers.<sup>39</sup>

**The SPDC Army forcibly recruits children to work as soldiers and porters.** Burma has 70,000 child soldiers, the highest number in the world.<sup>40</sup>

**Poverty in Burma is pervasive and severe,** and with the recent rise in the price of key commodities in the country (the trigger for the September 2007 demonstrations), survival is becoming more and more difficult. A United Nations Development Program (UNDP) survey showed that 95% of the population live on less than US\$1.00 a day and that 90% live on less than US\$0.65 a day.<sup>41</sup>

## Solutions

- The SPDC must adhere to the ILO Conventions on Freedom of Association and Forced Labor.
- The SPDC must end child labor and the forced recruitment of child soldiers.
- Through a democratically elected parliament, laws must be passed to establish minimum standards for wages and working conditions.

## BURMESE MIGRANT WORKERS

### Overview

More than 2.8 million Burmese are migrants in Asia. Most of them are undocumented. Armed conflict and economic oppression are push factors, while regional demand for low-skilled and low-wage workers has been a pull factor.

Gross economic mismanagement, state-sanctioned extortion, and systematic corruption have made it almost impossible for small and medium enterprise and agriculture to continue operating within the formal economy. A significant proportion of families now depend on remittances from migrants as their main source of income.

### Background, Policies, and Practices

**The SPDC Army has destroyed over 3,000 villages since 1996.**<sup>42</sup> Ethnic nationalities living in conflict zones, particularly in Eastern Burma, are forced to flee their homes and villages.

**Gross economic mismanagement, state-sanctioned extortion, unbridled taxation, cronyism, and corruption** have decimated small and medium enterprises as well as local agriculture – the largest source of employment outside of the army. Rampant inflation, fed by local fuel prices hikes of up to 900% in 2005 and 500% in 2007 are another factor.<sup>43</sup> Insufficient salaries have forced even soldiers to desert the army and seek employment in neighboring countries.

**Many people fleeing human rights violations are not recognized as refugees** by Burma's neighboring countries. The refusal of host countries to ratify the UN Refugee Convention makes it difficult to obtain refugee status or resettle, forcing many asylum seekers to live and work without official documentation.

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<sup>38</sup> ITUC (22 Sep 08) Burma: Two Years Hard labour sentence for Burmese labour activist; Women's League of Burma (Nov 07) Courage to resist

<sup>39</sup> US State Dept (Mar 08) Human Rights Practices: Burma

<sup>40</sup> Human Rights Watch (2002) My Gun Was as Tall as Me

<sup>41</sup> Unpublished UNDP statistics, cited in ITUC (Apr 08) Rich Pickings: how trade and investment keep the Burmese junta alive and kicking - p. 11

<sup>42</sup> TBBC (Nov 07) Internal displacement in Eastern Burma

<sup>43</sup> AP (15 Aug 07) Myanmar's Junta Imposes a 100 Percent Fuel Hike; BBC News (19 Oct 05) Burma ups petrol prices nine-fold

**In Western Burma, the regime denies Muslim Rohingya citizenship,** and further subjects them to travel restrictions, forced relocation, extortion, and arbitrary arrest and imprisonment. Rohingya flee to Bangladesh where they are denied the right to work. From there, many board un-seaworthy vessels and attempt to migrate to Malaysia.<sup>44</sup>

**The regime's restrictions on freedom of movement force those wanting to seek work abroad to rely on human smugglers.** This increases Burmese migrant workers' vulnerability to trafficking and exploitation. They frequently go into debt to pay for safe passage, only to be sold by traffickers and involuntarily assigned to work, including sex work.

**Undocumented migrant workers from Burma have no legal protection** in host countries. Many, especially women, are employed in conditions that are dirty, dangerous, and difficult. Children are subject to the worst forms of child labor. Migrant workers are often abused by their employers including excessive working hours without holiday entitlements, underpayment, withholding of pay, violence, and restrictions on their freedom of movement.

## **Solutions**

- The regime must end military aggression and human rights abuses against ethnic populations.
- The international community must end engagement in projects that employ forced labor and evict indigenous peoples from their land. Strengthened legislation should compel or place heavy pressure on businesses to divest from such projects in Burma.
- Destination countries must ratify the UN Refugee Convention and the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

## **PROTECTING THE RIGHTS OF PEOPLE LIVING WITH HIV/AIDS**

### **Background**

- HIV/AIDS in Burma is a “generalized epidemic,” with a higher infection rate than India.<sup>45</sup>
- Official statistics say the current infection rate is 1.3%, but other estimates put it closer to 3.5%.<sup>46</sup>
- Young adults and pregnant women have particularly high rates of infection.<sup>47</sup> The ratio of men to women infected with HIV/AIDS has gone from 12:1 in the early 1990s to 3:1.<sup>48</sup>
- Areas bordering China, India, and Thailand have even higher rates of infection, exacerbated by drug and human trafficking, threatening regional human security.<sup>49</sup>
- 1 in 3 sex workers (34%) and almost 1 in 2 (43%) of injecting drug users are HIV positive.<sup>50</sup>

### **Policies and practice**

- The SPDC has demanded large amounts of foreign aid for HIV/AIDS programs, however it has refused to maintain basic health and education infrastructure which are essential prerequisites. Instead, it diverts 40% of public funds into the military.<sup>51</sup> It has also outlawed groups and individuals who worked with affected communities.
- The regime invests a paltry \$38 per person per year on health, compared to China's \$277.<sup>52</sup> In 2005, the junta spent US\$137,000 on HIV, less than half of US\$0.01 per person.<sup>53</sup>

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<sup>44</sup> Amnesty International (19 May 04) The Rohingya Minority: Fundamental Rights Denied; Christian Solidarity Worldwide (Aug 07) A people at the brink of extermination

<sup>45</sup> 2005 figures. UNAIDS/WHO Global HIV/AIDS Online Database <http://www.who.int/globalatlas/> accessed on 3 October 2008

<sup>46</sup> UNAIDS/WHO Global HIV/AIDS Online Database, Beyrer, Suwanvanichkij, Mullany, Richards, Franck, Samuels and Lee (Oct 06) Responding to AIDS, Tuberculosis, Malaria, and emerging infectious diseases in Burma

<sup>47</sup> UNAIDS/WHO (Mar 08) Asia: AIDS Epidemic Regional Summary

<sup>48</sup> AFP (23 Nov 04) Asia at critical stage of AIDS battle as infections top eight million: UN

<sup>49</sup> Human Rights Center, U of Cal, Berkely (July 07) The Gathering Storm: Infectious Diseases and Human Rights in Burma

<sup>50</sup> UNAIDS/WHO (Mar 08) Asia: AIDS Epidemic Regional Summary

<sup>51</sup> HRW (10 Oct 07) Burma: Security Council Should Impose Arms Embargo

<sup>52</sup> UNDP (Nov 07) Human development report

<sup>53</sup> IMNA (12 Jul 07) ARV drugs need to be priced lower in Burma



- Where public health clinics do exist, patients are charged exorbitant fees, and antiretroviral drugs often run out or are expired.<sup>54</sup> The growing trade in counterfeit medicines is leading to drug resistance in opportunistic infections, especially multi-drug resistant tuberculosis.<sup>55</sup>
- Police criminalize harm reduction, harassing sex workers with condoms and injecting drug users with clean needles.<sup>56</sup>
- The regime has failed to educate people on how to protect themselves, and failed to address stigmatization. 50% of adults do not know how to protect themselves.<sup>57</sup>

Without adequate healthcare services, individuals have established private clinics and developed partnerships with monasteries and international aid agencies. However, the regime has closed these programs down and arrested people involved, including patients:

- The regime has closed down local outreach programs promoting safe sex and clean needles, prevented food deliveries to thousands of HIV/AIDS patients, and restricted the activities of international NGOs.<sup>58</sup>
- Activities of INGOs that tried to protect confidentiality of HIV/AIDS patients were outlawed.<sup>59</sup>
- HIV/AIDS campaigner Phyu Phyu Thin, her colleagues and other health workers have been threatened and arrested.<sup>60</sup>
- Maggin Monastery in Rangoon Division, known for providing assistance to people with HIV, was raided four times during the September 2007 Saffron Revolution and closed down.<sup>61</sup> Monks were arrested and patients were transferred to public hospitals. Two later died.<sup>62</sup>

## Solutions

- Call on the regime to make genuine commitments to addressing HIV/AIDS and related matters by increasing health and education budgets in real terms.
- Exert pressure on the regime to halt the political targeting of people living with HIV/AIDS and their carers, and allow HIV/AIDS community-based programs to operate.
- Insist that the regime remove harsh restrictions on UN agencies, INGOs and domestic community groups working to improve health and education in the Burma. Foreign and local aid workers must be allowed to travel within the country, including to ethnic nationality areas.

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<sup>54</sup> IMNA (12 Jul 07) ARV drugs need to be priced lower in Burma IMNA

<sup>55</sup> Human Rights Center, U of Cal, Berkely (July 07) The Gathering Storm: Infectious Diseases and Human Rights in Burma

<sup>56</sup> Luke Talikowski and Sue Gillieatt (20 Sep 05) Female sex work in Yangon, Myanmar

<sup>57</sup> UNAIDS/WHO (Mar 08) Asia: AIDS Epidemic Regional Summary

<sup>58</sup> Times (UK) (29 Mar 08) Ban by junta puts lives of HIV patients at risk in Burma; Irrawaddy (26 Mar 08) Regime restricts more NGO activities

<sup>59</sup> Australian (31 Mar 08) Burma stops aid for HIV victims

<sup>60</sup> Irrawaddy (2 Jul 07) A brave, caring woman now also needs help

<sup>61</sup> Irrawaddy (9 Oct 07) Monastery raided for fourth time in Rangoon

<sup>62</sup> Australian (31 Mar 08) Burma stops aid for HIV victims