

Casem, Kimberly D

From: Andrea Gittleman [agittleman@phrusa.org]
Sent: Wednesday, October 03, 2012 11:09 PM
To: BurmaPRA
Cc: May, Stacey A; Hans Hogrefe
Subject: PHR submission: Reporting Requirements for Responsible Investment in Burma (Document ID DOS 2012-0046-0001)
Attachments: PHR public comment on responsible investment in Burma.pdf

Physicians for Human Rights would like to submit the attached comment as requested by the Department of State's proposed information collection on Reporting Requirements for Responsible Investment in Burma (Document ID: DOS 2012-0046-0001).

For more information, please contact Hans Hogrefe, Washington Director and Chief Policy Officer at Physicians for Human Rights, at hhogrefe@phrusa.org or 202.728.5335 x304.

Sincerely,
Andrea Gittleman
Senior Legislative Counsel
Physicians for Human Rights
agittleman@phrusa.org
202.728.5335 x303

The text of the comment is pasted below:

Comment: Responsible Investment in Burma Reporting Requirements

Physicians for Human Rights (PHR) submits this document pursuant to the State Department's request for public comments on reporting requirements for responsible investment in Burma.

PHR uses medicine and science to stop mass atrocities and severe human rights violations. PHR relies upon scientific methods to conduct human rights investigations in areas where human rights violations are occurring. PHR has been investigating such violations against Burmese civilians, human rights defenders, and refugees since 2004, with a particular focus on abuse against ethnic minority groups in the country. Two recent reports, *Life Under the Junta: Evidence of Crimes Against Humanity in Burma's Chin State* and *Bitter Wounds and Lost Dreams: Human Rights Under Assault in Karen State*, Burma compile survey data from household studies conducted in rural Burma about the incidence of human rights violations and several humanitarian indicators. This research, conducted in close collaboration with Chin and Karen partner organizations, provides data about the extent of human rights violations in these particular ethnic communities. PHR also conducted the first humanitarian assessment of internally displaced people in areas of Kachin State shortly after the outbreak of fighting in the region in 2011. PHR's survey of the population in the area indicated that camps and shelters were failing to meet multiple minimum humanitarian standards. People experienced overcrowding, insufficient numbers of latrines and water points, and a high incidence of upper respiratory infections and diarrhea. Our findings, based on rigorous scientific methods, were essential to shifting policies toward Kachin State, especially on the part of the United Nations.

I. Information collected through the Reporting Requirements for Responsible Investment in Burma is necessary for proper performance of the State Department's mandate

Charged with implementing United States foreign policy, the State Department must be fully informed about human rights violations and ethnic conflict in Burma. The reporting

requirements will reveal essential information that the State Department must use to shape US foreign policy in a way that most efficiently addresses human rights violations in the country, especially those relating to labor and land. Because US investment may correspond to higher incidence of human rights violations in Burma, robust reporting mechanisms are required for the State Department to formulate a clear understanding of the human rights situation and develop appropriate responses. Civil society groups can also use the publicly reported information to improve documentation of human rights violations, identify perpetrators, and assist in providing victims redress.

a. PHR's research indicates a correlation between foreign investment and human rights abuse.

PHR's report on human rights violations in Karen State, *Bitter Wounds and Lost Dreams*, highlights several findings from a household survey that covered incidents from January 2011 to January 2012. PHR trained 22 surveyors from five Karen partner organizations to perform this multistage, 90-cluster sample household survey in Karen communities in January 2012. The survey questions covered various human rights violations, health indicators, food security, and access to health care.

One-third of the 665 households surveyed reported experiencing a human rights violation within this time period. Forced labor was the most common crime reported; one out of four respondents reported experiencing some form of forced labor during the survey period. Acts of forced labor reported to surveyors include portering for the military, growing crops, and sweeping for landmines.

On a general level, human rights violations were significantly worse in Tavoy, Tenasserim Division, which is an area completely controlled by the Burmese government. Tavoy is also the site of the Dawei port and economic development project. PHR's data shows that the odds of an individual being forced to porter were 4.4 times higher in Tavoy than for individuals living elsewhere in the area surveyed. The same odds for having to do other forms of forced labor, including building roads and bridges, were 7.9 times higher; for being blocked from accessing land, 6.2 times higher; and for restricted movement, 7.4 times higher for families in Tavoy than for families living elsewhere. The data indicates a correlation between the development project in Tavoy and human rights violations, especially those relating to land and displacement.

b. Human rights organizations can use information collected through the State Department reporting requirements to improve documentation and monitoring of human rights violations.

As an organization that conducts scientific investigation and that uses research in order to press for greater human rights protections, PHR would benefit from increased availability of information from US companies operating in Burma. For example, PHR's research in Karen State revealed high levels of forced labor and land rights violations in areas where foreign investment is underway, but respondents to the survey often did not have the necessary information to link a violation to the foreign company that profited from the crime. Respondents could, however, identify a Burmese proxy. Information collected through the State Department reporting requirements would fill this information gap and help identify companies that are facilitating or benefiting from human rights violations. Organizations such as PHR would be able to improve data collection regarding human rights violations by indicating links to perpetrators. In a complementary manner, PHR partner organizations would be able to use information collected through the reporting requirements to leverage local dispute resolution mechanisms or negotiations that would lead to an improvement in the human rights situation.

Conclusion

The State Department has many tools at its disposal through which it can protect human rights in Burma. The Administration could have restricted US investment in Burma by forbidding investment in extractive industries or in areas of armed conflict or by requiring businesses to follow established guidelines on business and human rights, but even in the absence of such stronger mechanisms, public reporting would still allow the US Government and organizations such as PHR to examine and improve the human rights situation in areas of US investment.

Physicians for Human Rights welcomes this opportunity to present its comment on responsible investment in Burma, and we look forward to discussing the issues raised in this comment. For more information, please contact Hans Hogrefe, Washington Director and Chief Policy Officer, at hhogrefe@phrusa.org<<mailto:hhogrefe@phrusa.org>> or 202.728.5335 x304.

Sincerely,

Hans Hogrefe
Washington Director and Chief Policy Officer Physicians for Human Rights



Using science and medicine to stop human rights violations

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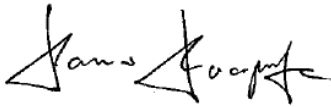
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Sincerely,

A handwritten signature in black ink, appearing to read 'Hans Hogrefe', with a stylized, cursive script.

Hans Hogrefe
Washington Director and Chief Policy Officer
Physicians for Human Rights