

BURMA HUMAN RIGHTS YEARBOOK 2007
CHAPTER 13

RIGHTS OF THE CHILD

“States Parties shall ensure to the maximum extent possible the survival and development of the child.”

- Article 6 (2), Convention on the Rights of the Child

13.1 Introduction

Children, as equal members of society, are entitled to all guaranties enshrined in the Universal Declaration of Human Rights (UDHR) and other international human rights instruments, yet their age and their position within society often dictates that they represent one of the most vulnerable groups within society. As such, special protection is required for children to safeguard these rights. To this end, the Convention on the Rights of the Child (CRC) was adopted by the United Nations General Assembly (UNGA) in 1989 and in 1991; this document was acceded to by the State Law and Order Restoration Council (SLORC).¹ In doing so, Burma became a State Party bound to the CRC and as such was obliged to recognize children's need for "special safeguards and care, including appropriate legal protection".²

Official statistics provided by the SPDC in 2005 estimated Burma's population to be approximately 55.4 million people. Those same statistics maintained that, of this number, 41.5 percent, or 22.9 million people, were below the age of 19. The following table reproduces this demographic information for the population below 19 years of age.³

| Age (in years) | Population | % Total Population |
|-------------------------|-------------------|--------------------|
| 0-4 | 6,513,168 | 11.8 |
| 5-9 | 6,012,581 | 10.9 |
| 10-14 | 5,515,051 | 10.0 |
| 15-19 | 4,884,067 | 8.8 |
| Total population | 55,396,343 | 100 |

As a country with approximately 40 percent of its entire population being underage, it must be noted that issues which adversely affect the general population also affect the lives of a great number children, and as one of the more vulnerable groups within the community, the ways in which children are affected are often to a greater extent than their adult counterparts.⁴

As can be seen in all of the chapters of this, the current, as well as in all previous editions of the *Burma Human Rights Yearbook*, all human rights abuses committed in Burma which affect the general population have additional impacts upon the lives of children. For instance, children in Burma often become orphans when their parents are killed, and when they lose their parents, many children also lose their primary (if not only) benefactors, caregivers, and educators. Moreover, the family unit breaks down, causing often disastrous consequences on the development of the child. Similarly, whenever adults are subjected to arrest or exploited as forced labour, their children again suffer in much the same way as just described. Moreover, issues which have adverse affects upon the health and well being of the general population have further supplementary impacts upon the health of children. Furthermore, in many cases of economic hardship, children are often pulled out of school and sent to work in the informal market, on the streets or to beg so that they can help support the family, yet all of these environments increase their exposure to illicit drugs, petty crime, violence, the risk of arrest and detention, sexual abuse, and exploitation.⁵

One of the most pervasive features of contemporary Burma is the level to which its society has been militarized. It is within this context the usual mechanisms that normally protect children can be undermined or neglected due to prioritization of alternative goals.

Of all the areas in which Burmese children grow up, perhaps the political environment of greatest concern is that related to children in ethnic and armed conflict areas, for it are in these areas that children face the most severe and systematic abuses.

In July 2005, the United Nations Security Council (UNSC) adopted UNSC Resolution 1612, aimed at providing better monitoring and reporting of children in situations of armed conflict. A Working Group on Children and Armed Conflict (CAAC) consisting of the 15 Security Council member states was formed to assess the this reporting mechanism, which was mandated to specifically address the following six “grave violations” of children’s rights:

1. Killing or maiming of children;
2. Recruitment or use of children as soldiers;
3. Rape and other grave sexual abuse of children;
4. Abduction of children;
5. Attacks against schools or hospitals; and
6. Denial of humanitarian access for children.⁶

It should be noted that while not all of Burma experiences armed conflict, the mandate of the Office of the Special Representative to the Secretary General for Children and Armed Conflict (CAAC) can be argued to still apply across Burma, owing to the heavy militarization throughout the country and by the manner in which SPDC army units and their allied ceasefire armies continue to oppress and directly target civilians in areas in which there is no overt armed resistance.

In many of Burma’s ethnic areas, children grow up surrounded either by overt armed conflict or in an environment where undefended civilian villages are deemed legitimate military targets by SPDC army soldiers and are attacked and/or repressed accordingly. By and large, the nature of the armed conflict in Burma differs somewhat from armed conflict in the classical sense where the fighting is waged between two opposing armies; in Burma, civilians are the primary targets of military attacks – not the armed resistance groups. In many cases, SPDC army units have been shown to actively avoid opposition forces, and instead to focus their energies against the non-combatant civilian population. (For more information, see Chapter 15: Ethnic Minority Rights).

Burma’s current ruling military junta, the State Peace and Development Council (SPDC), has claimed to provide a protective environment to children, and in order to do it a number of measures have been taken such as its accession to the UN Convention on the Rights of the Child, the creation of a child legal system and a number of mechanisms aimed at safeguarding children’s rights, including, but not limited to the adoption of The Child Law in 1993. However, evidence has continued to mount in terms of how children are pushed towards increasingly vulnerable situations due to factors such as political instability, impoverishment and the decades-long armed conflict still occurring in various parts of the country.

13.2 Children and Armed Conflict

As so much of Burma continues to experience armed conflict, and with the entire country living under the shadow of militarization, the mandate of the Office of the Special Representative to the Secretary General for Children and Armed Conflict (CAAC) is particularly relevant in Burma. The CAAC mandate, created under UNSC Resolution 1261 in August 1999, aims to protect children in situations of armed conflict, including killing and maiming of children, rape and other forms of sexual violence, abduction and forced displacement, recruitment and use of child soldiers, as well as condemning the denial of humanitarian aid to children and attacks on institutions protected under international law, including places such as schools and hospitals which typically have a significant presence of children, .⁷

Despite the overwhelming body of evidence to the contrary, the SPDC has continued to deny that Burma is in a state of armed conflict. In March 2007, Burma's representative to the UN Human Rights Council, U Wunna Maung Lwin, stated at its Fourth Session that:

"I wish to stress [that] Myanmar is not a nation in a situation of armed conflict. With the return to the legal fold of 17 out of 18 armed groups, the country is enjoying unprecedented peace and tranquility since independence in 1948. ... We, therefore, reject the assertion that Myanmar is a country in armed conflict. Only the KNU [Karen National Union] and remnants of the former narco-trafficking armed groups are fighting the Government. In spite of this, the Government continues to extend the olive branch to the KNU. ... We also reject the accusation that the armed forces targeted civilians in its counter-insurgency activities. ... We will continue to do our utmost to achieve comprehensive peace in the entire country that will invariably contribute to regional peace and security".⁸

However, evidence collected by local and international organizations tells a different story. In ethnic areas, SPDC army units deliberately mount military assaults on undefended civilian villages during which men, women, and children are shot on sight, entire villages are razed to the ground, and civilian crops and food supplies are systematically destroyed by the soldiers. Forced labour, extortion, and land confiscation is also widespread in such areas. As a result of such policies, an estimated 500,000 people have been forced from their homes and live as internally displaced persons (IDPs) along the eastern border with Thailand alone. (For more information, see Chapter 16: Internal Displacement and Forced Relocation).

The *Report of the Secretary-General on Children and Armed Conflict in Myanmar* presented to the UNSC in November 2007 depicted how children in conflict areas have been killed and maimed during attacks on civilian villages by SPDC army units or due to the indiscriminate effects of landmine contamination. (For more information, see Chapter 4: Landmines). The report further stated that owing to the lack of access to conflict-affected areas, the UN was unable to confirm these reports, or other allegations of attacks on schools and hospitals.

*“According to information provided to the United Nations, the Government and several non-State actors manufacture and use landmines extensively. There are no mine-clearance programmes and only limited support for landmine victims. Thousands of displaced people have fled their homes as a result of landmines in or near villages and fields. ... The United Nations has received credible reports indicating that during the period 2006-2007, Government armed forces in Kayin [Karen] State attacked villagers, as well as their homes, farms, areas of refuge and food stores. As a result of such reported attacks, children have died or sustained serious injuries. These reports, however, cannot be confirmed owing to lack of access to conflict-affected areas. ... [A]s the United Nations has very limited access to conflict-affected areas, there have been no confirmed reports of attacks against schools and hospitals during the reporting period”.*⁹

Pushing parents and therefore children to live in such conditions clearly affects their chances to develop and to grow into healthy adults.

Children and Displacement

The armed conflict and the regime’s repressive policies in ethnic areas have led thousands of people to flee their homes to destinations both inside and outside the country, which has resulted in making Burma the world’s third major source of refugees after Afghanistan and Iraq with an estimated 700,000 Burmese people fleeing the country since the end of 2005.¹⁰ Meanwhile, though no concrete evidence exists of it, it is widely accepted that there are as many as one million IDPs living across the country. Studies have shown that along the eastern border with Thailand alone, there were approximately 503,000 IDPs living in relocation sites, in hiding in the forests and in ceasefire areas during 2007.¹¹ (For more information, see Chapter 16: Internal Displacement and Forced Relocation).

In ethnic areas, the SPDC divides the civilian population between those living directly under military control, and those who do not – who instead opt for a life of flight hiding in the forests and attempt to avoid all contact with the military. Those living in areas under SPDC control are subject to regular demands of forced labour and extortion, and are constrained by stringent movement and trade restrictions. According to Karen Human Rights Groups (KHRG) these demands *“have crippled village economies, undermined crop production, and inhibited community efforts to address their own educational, health and social needs”*.¹² Meanwhile, those living beyond SPDC control are hunted like animals, have their crops and food supplies routinely targeted for destruction, and are typically shot on sight.

A Free Burma Ranger (FBR) relief team member made the following statement after completing a humanitarian aid mission to IDP communities hiding in Karenni State, highlighting the way in which children are also affected by displacement:

*“[T]hree Karenni families who were fleeing for their lives from the Burma Army joined us as we were on this relief mission. They had to flee with only what they could carry and, as many of the children were too small to walk, the fathers and mothers had to carry these children. The other children carried small bags and baskets, their life’s possessions”.*¹³

At the same time, the SPDC has been implementing a policy of *Burmanization*, by resettling of large groups of ethnic Burmans into regions that have traditionally been inhabited by non-Burman ethnic minorities so as to dilute the ethnic composition of the area.¹⁴ This policy has been employed most widely in northern Arakan State which is home to the ethnic Rohingya.

In all of the ways in which communities are impacted by displacement, children are also affected, but typically to a greater extent as a result of their vulnerability.



A young Karen IDP from Than Daung Township in Toungoo District of northern Karen State. This young boy fled his village along with the rest of his entire community after SPDC army soldiers attached to MOC #5 set up three new army camps near their home. [Photo: KHRG]

Violence against Children – Partial list of incidents for 2007

Please note that as not all of Burma suffers from armed conflict, not all of the following incidents of violence used against children during 2007 were conducted in the context of armed conflict. It should be further noted that this list, like many others reproduced elsewhere throughout this report, represents only a very small sample of all of the incidents which had occurred during 2007. Naturally, children are adversely affected by direct violence, such as can be seen in the incidents listed below, but owing to their impressionability and mental immaturity, children can also suffer greatly from witnessing acts of violence that are committed against others. However, almost all incidents of violence in Burma are either witnessed by children or have other impacts upon their lives. All such incidents are thus beyond the scope of this chapter and as such have not been included here. (For more information, see Chapter 2: Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, Chapter 3: Extra-Judicial, Summary, or Arbitrary Executions and Chapter 4: Landmines).

On 20 March 2007, seven-year-old Dally Sui Hlei Par, an ethnic Chin refugee living in Malaysia with her family disappeared but was later found brutally murdered and her body mutilated in Kuala Lumpur. The family was preparing to resettle to the United States when the girl was taken. Her body was found soon after hidden among some bushes not far from her home. Both of her hands had been severed at the wrist and it appeared as though she had been left there to bleed to death. Her hands were never found. According to the Chin Human Rights Organization (CHRO), who had reported the incident, her murder was the fourth violent death to have occurred among the Chin community in Malaysia in the first three months of 2007. Two Chin youths had also reportedly been stabbed and killed on New Years Eve.¹⁵

Karen State

On the evening of 5 February 2007, SPDC army soldiers attached to MOC #8 fired a volley of mortar shells into Thay Thoo Kee village in Papun District, wounding several villagers, including 15-year-old Saw P--- and 16-year-old Saw K--- (names withheld in original report). The two boys had been hit by shrapnel from the shells and were later treated at a KNU clinic.¹⁶

On 4 March 2007, SPDC army soldiers fired upon a Karen National Liberation Army (KNLA) unit in Htee-pha-doe-ha village in Bilin Township of Thaton District. Ma Mya Win, 16, and Naw Mu Ler, 15 were both wounded in the shooting.¹⁷

On 8 March 2007, a Karen farmer and his two adolescent sons from Nyaunglebin District were fired upon without warning or provocation by SPDC army soldiers from Military Operations Command (MOC) #10. All three victims received gunshot wounds. Saw Du Kaw and his 14-year-old amputee son, Saw Peh Lu were both killed in the shooting, while 16-year-old Saw Heh Nay Htoo was able to escape, albeit only after also having been shot. The bodies of Saw Du Kaw and Saw Peh Lu were later found partially buried close to the site of the shooting. The three villagers had all been unarmed and were working in their field at the time of the shooting.¹⁸

On 21 March 2007, three villagers were killed by SPDC army soldiers who had opened fire on their group at point-blank range near Tha Da Der village in Papun District. The group of villagers were from Hti Thu Der village and only the daughter of one of the three victims was able to escape. She was fortunate to have been walking at the back of the group when the shooting began at a range of reportedly less than five metres.¹⁹

On 5 April 2007, SPDC army soldiers from Light Infantry Battalion (LIB) #346 fired a volley of mortars into Shan Si Boh village in Toungoo District, wounding five villagers and killing one two-year-old girl.²⁰

On 27 April 2007, SPDC army soldiers from Light Infantry Division (LID) #88 shot and killed Saw Aye Say Mu, 17, from the Ta-lay-kyo area of Papun District.²¹

On 25 May 2007, a group of Karen villagers were fired upon by SPDC army soldiers from LID #88 as they were working in their fields near Si Daw Koh in Toungoo District. Saw Ray Raih, 18, Saw Law Kwauh, 36, and his seven-year-old son Saw Tar Noo Htoo were all killed outright. Three other villagers, including 13-year-old Naw Kree Kree, were also wounded but had managed to escape with their lives.²²

On 23 June 2007, a family of five Htee K'bler villagers were killed by SPDC army soldiers. Among the dead were two children: four-year-old Kyaw Eh Wah and 13-year-old Saw Pa Heh Soe.²³

On 2 July 2007, the Democratic Voice of Burma (DVB) reported that two civilians, one of which was a 10-year-old child, had been killed by crossfire during a clash between KNLA and DKBA soldiers at Myanyanigone village, west of Myawaddy.²⁴

On 9 July 2007, SPDC army troops attacked Htee Baw Kee village in Papun District. During the attack, two children, 14-year-old Saw Eh Christ Htoo and 4-year-old Naw Say Ler Paw, were shot and wounded.²⁵

On 9 August 2007, the Karen Human Rights Group (KHRG) released a report in which it was stated that SPDC army soldiers had killed three children in Toungoo District during the first half of 2007. The names, ages, and dates on which the victims were killed are as follows:

1. Saw Hta Yah, 15 years old, killed on 19 January 2007;
2. Yay Sha, 2 months old, killed on 5 April 2007; and
3. Saw Dtar Koo Noo, 7 years old, killed on 25 May 2007.²⁶

On 19 November 2007, 13-year-old Saw K'Tray Soe from Lay Kee village on the border of Toungoo and Papun Districts in northern Karen State was severely wounded after he stepped on a landmine while collecting bamboo leaves near his home. The boy received shrapnel wounds to his face and throat, which have permanently blinded him. His 8-year-old sister was also reported to have been injured in the blast. The mine was believed to have been laid two months earlier by SPDC army soldiers operating under LID #88²⁷

On 20 December 2007, the SPDC-aligned *New Light of Myanmar* reported that eight people had been killed, including one infant, and a further six were wounded when soldiers from KNLA #18 Battalion attacked a passenger bus on the road between Kawkareik and Myawaddy. The KNU did not deny responsibility for the attack on the bus but maintained that the bus had been carrying DKBA soldiers at the time of the attack and that three DKBA soldiers, two SPDC army soldiers, and seven civilians had been killed. An unnamed KNLA spokesperson stated that *"Before launching this attack, the KNU urged civilians not to travel in DKBA vehicles. If something happens to them while travelling in the DKBA's cars, the KNU will not take any responsibility"*.²⁸

In December 2007, *The Irrawaddy* ran an article maintaining that sources from the Mae Tao Clinic (MTC) in Mae Sot, Thailand, reported having treated as many as 35 persons from Karen State for landmine injuries throughout 2007. A number of these landmine victims were reported to have been children.²⁹

Mon State

On 7 April 2007, FBR reported that during the year from February 2006 and May 2007, 25 villagers from Mon Township in Nyaunglebin District, Karen State had been killed and a further four wounded by SPDC army patrols. Of the 25 persons killed, 24 of them had been deliberately shot and one had stepped on a landmine. Among those killed were a number of children. A child was reportedly killed in Saw Ka Der village, as was another from Tee La Baw Hta village, although no further information about these deaths was provided. Of the four individuals wounded, one was reportedly a nine-year-old girl.³⁰

In early July 2007, SPDC army soldiers from IB #18 (Lieutenant Colonel Hla Min commanding) opened fire on a civilian home inhabited by an elderly couple and their two young children. According to the report by the Independent Mon News Agency (IMNA), the soldiers fired upon the hut with small arms fire and rocket propelled grenades (RPGs) soon after they had been ambushed by a KNLA unit. Such retaliatory attacks on civilians are common, even when children are among the victims.³¹

Rangoon Division

On 27 September 2007, two adolescent students studying at Tamwe Township State High School No 3 in Rangoon were shot and killed by SPDC army personnel during the bloody crackdown on the Saffron Revolution protests. Maung Tun Lynn Kyaw was shot in the head in front of his mother, while 16-year-old Maung Thet Paing Soe was also shot in the head from close range. It was believed that he was targeted specifically because he had been wearing a t-shirt at the time emblazoned with the words: “Free Aung San Suu Kyi”. His parents were not permitted to conduct final Buddhist rites over their dead son’s body and later told the media after seeing his body that, “[t]here was a big hole on the back of his head and the brain was gone”.³²

Tenasserim Division

On 2 March 2007, an SPDC army soldier from IB #299 fired his rifle at the feet of a 17-year-old boy from Yebyu Township to scare the boy into giving him his motorcycle. According to the report by the IMNA, the soldier fired at the boy’s feet three times because he wanted the boy’s motorcycle which was newer than the one he was riding.³³



On 15 November 2007, SPDC soldiers moving in a combined column comprised of soldiers from LIB #218 and LIB #219 shot and killed 28-year-old Saw Ler Ghay from Kyauk Kyi Township, Karen State (top). Saw Ler Ghay’s wife and three young children, aged between three months and six years old (bottom) must now survive without him, and attempt to balance caring for her young children with maintaining their livelihood. [Photos: KHRG]

13.3 Sexual Violence against Children

For the past several years, there have been numerous reported cases of sexual violence perpetrated against women and girls in Burma and 2007 witnessed a continuance of this trend. Many of those raped or subjected to other forms of sexual violence have been below the age of 18.

Burma, as a State Party to both the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has a positive obligation to protect women and girls against all forms of sexual violence and is responsible for the investigation of all allegations of sexual abuse.

In September 2007, the SPDC representative to the Committee on the Elimination of Discrimination Against Women maintained that the SPDC had responded to and investigated allegations made by the Shan Human Rights Foundation (SHRF) and the Shan Woman's Action Network (SWAN) in the previously published report *License to Rape*, in which they accused SPDC army soldiers of 175 cases of rape of women and girls in Shan State.

"[T]horough investigations were made. Under the guidance of the Chairperson of the Anti-Trafficking in Persons Working Committee, [the] Deputy Minister of the Ministry of Home Affairs ... conducted field investigations and found out that 38 cases were old cases, 135 cases were unreal and only two cases were true. The two perpetrators, an army officer and one other rank, in the two cases were prosecuted and given ten-year sentence each and dismissed from the Army".³⁴

In contrast to such claims made by the SPDC, Professor Paulo Sergio Pinheiro, the UN Special Rapporteur on the Human Rights Situation on Burma, stated in 2007 that he had not received any evidence of the SPDC having ever initiated any investigations into any allegations of sexual violence, nor attempting to identify the perpetrators or bring them to justice.

"The failure to investigate, prosecute and punish those responsible for rape and sexual violence has contributed to an environment conducive to the perpetuation of violence against women and girls in Myanmar. ... [An] illustration of the consistent and continuing pattern of impunity is the high number of allegations of sexual violence against women and girls committed by members of the military that have been regularly documented since 2002. ... This trend of sexual violence is particularly alarming, bearing in mind that the figures provided are likely to be far lower than the reality as many women do not report incidents of sexual violence because of the trauma attached to it".³⁵

In apparent agreement with the reports submitted by the Special Rapporteur, the UN Secretary General stated in November 2007 in his report on the situation of Children and Armed Conflict that *"The United Nations has received credible but unverified reports of rape perpetrated by Government forces and armed groups".³⁶*

Widespread allegations of sexual assaults against ethnic women and girls have increased in recent years. This is most likely due to a number of factors. The first of these is the increased militarization of the country and with it, the attendant increase in human rights abuses. Added to this is the perpetuation of the climate of impunity in which such abuses are committed in which soldiers' actions go unpunished due to both the scare tactics employed by the military and the complete lack of any independent judiciary. Finally, the work of a number of committed organizations has fostered greater awareness of these

issues, which, in turn has resulted in the creation of more organizations and the increase in the amount of documentation of such abuses being carried out.

According to All Kachin Students and Youth Union (AKSYU), women and girls in Kachin State have become more vulnerable to sexual violence due to increased militarization and higher numbers of SPDC army soldiers being deployed in their areas. *"It's just a few cases that media groups have heard of because of communication problems. ... Many, many women are raped [but] have nowhere to report abuses, because the area is largely controlled by the military".*³⁷ Meanwhile, also in Kachin State, the Kachin News Group (KNG) has maintained that thousands of girls have been raped by SPDC army personnel; however many cases have gone unreported due to heavy-handed military tactics and the fact that all such cases go unreported in the State-controlled media.³⁸

In February 2007, a representative of the Women's League of Chinland (WLC) testified before the panel of the fifty-first session of the Commission on the Status of Women at which time she explained that, *"[o]ften, the rapes have been carried out with extreme brutality and in some cases resulting in the death of the victim"*. She also presented evidence to the commission which suggested that approximately half of all reported rape cases were gang-rapes; approximately a third of all reported cases had been committed by SPDC officers, sometimes in their own army camps; and that none of the perpetrators had been brought to justice.³⁹

According to the Kaowao News Agency, Ye Township in Mon State is host to an estimated 50 beer gardens catering primarily to a male clientele who are attracted by the sexual services that are often on offer at such establishments. Many girls and young women have been lured into working in these beer gardens such as these in Ye Township, as well as in other areas of the country, by the possibility of making money for their families. A beer garden owner in Kwan Hlar village, in Mudon Township, Mon State said that he prefers to hire young girls to work in his bar to serve beer as this increases his profit margin. One Moulmein University student who has frequented such bars told the Kaowao News Agency that, *"Some girls are very young around 15 to 20-years-old. ... When you go to the bar she will sit with you and then you can negotiate for sex"*.⁴⁰

Sexual Violence against Children – Partial list of incidents for 2007

Arakan State

On 27 March 2007, 40-year-old U Maung Win Naing, chairperson of the Pratha Village Peace and Development Council (VPDC) in Maungdaw Township, was killed by an unidentified Rohingya woman that he had attempted to rape. The woman was arrested for the murder by NaSaKa (Border Security Force) personnel, despite the fact that she had acted in self defence.⁴¹

On 30 October 2007, 15-year-old Ziaul Haque from Padaga Ywathit village (Garatawbil) in Maungdaw Township was sodomized by two members of NaSaKa Area No.4 before they strangled him to death to prevent him from reporting the incident.⁴²

On 14 November 2007, Salma Begum, 12, from to Ngaran Chaung village in Maungdaw Township was raped and killed by a local youth in Buthidaung Township. The perpetrator, identified as 25-year-old Mohamed Sha, had reportedly proposed marriage to Salma Begum, but his proposal had been rejected by her parents.⁴³

On 17 November 2007, NaSaKa personnel raped and killed 11-year-old Taslim Ara from Ray Aung San Bwe village, Maungdaw Township. Taslim Ara had been fishing on the day of the incident with two other local girls when they were approached by a soldier from NaSaKa Area No.1. The two younger girls fled when they saw the soldier coming, who then raped and killed Taslim Ara. The two girls reported the incident and the perpetrator was arrested by a local NaSaKa officer who ordered that the girl's body be sent away for autopsy at an SPDC-run morgue. However, at the time that this incident had been reported, Taslim Ara's parents still had not received the autopsy report, and no further information regarding the fate of the perpetrator has emerged.⁴⁴

On 20 November 2007, an 11-year-old girl was raped and killed by an SPDC police constable from the Marzi police outpost in Maungdaw Township. The victim was identified as Tasafinar Begun, from Marzi village in Maungdaw Township. The incident had reportedly occurred while the girl was tending her family's cows near Marzi Creek when she was accosted by the constable who dragged her into a thicket and raped her. Other farmers in the area who witnessed the incident ran to inform the girl's family, however, by the time they had returned, the girl had already been killed and her body lay on the creek bank. A local nurse later reported that she had heard that *"the constable had been executed by NaSaKa forces from Aungtha Bray station for raping and murdering the girl"*, although this statement remains unconfirmed.⁴⁵

On 1 December 2007, it was reported that Johora Begum, 17, from Maung Nama Alay Rwa village in Maungdaw Township had died of a heart attack while VPDC Chairman Zubair was attempting to sexually assault her. Despite complaints being made on Johora Begum's behalf, to the NaSaKa, the Maungdaw Township Peace and Development Council (TPDC) chairperson, the Arakan State PDC and the United Nations High Commissioner for Refugees (UNHCR), no action was taken against the perpetrator.⁴⁶

Chin State

The following three incidents were reported by the Women's League of Chinland (WLC) in 2007, and though all of these incidents occurred in years prior to 2007, they had remained unreported and undocumented until the report was released in 2007.

In October 2002, a lance corporal and one other soldier from LIB #309 raped a ninth grade student in Paletwa. The girl had stayed back late at school to complete some assignments and was walking home after sunset when the two soldiers accosted her, held her down and raped her in turn. A number of villagers saw the incident occur but dared not come to her rescue fearing that the soldiers, who were armed at the time, would shoot them. The girl's body was found three days later displaying obvious signs of torture. Her arms and legs had been broken and she had clearly died as a result of the injuries that she had sustained.⁴⁷

In September 2004, two young girls, aged 16 and 18 were gang-raped by seven SPDC army soldiers from LIB #274 in Matupi Township. The two girls were both raped and severely beaten by all seven soldiers one evening as they were walking home from their studies.⁴⁸

During the rainy season (June – September) of 2005, Captain Than Thet Soe of LIB #304 had attempted on numerous occasions to sexually assault 16-year-old S--- (name withheld in original report) from Matupi Township after drinking heavily. The girl was so frightened by his attempts to rape her that she fled the village. Despite her family's attempts to bring Thet Thet Soe to justice, they reported that they had never received any answer from the authorities on this matter.⁴⁹

Kachin State

On 2 February 2007, four girls aged between 14 and 16 were reportedly gang-raped by three SPDC army officers and four soldiers from IB #138 (Lieutenant Soe Win commanding) at their military camp in Munglang Shidi village. The four girls, all from Rawang were identified as Lawan Nan, Chamtan Ninlan, Namkhee Khawdang, and Poe Lan. Meanwhile, the officers involved were identified as Major Zaw Min Thet, Captain Win Myint Oo, and Captain Kyaw Ze Ya, although the four rank and file soldiers could not be identified. The victims did not report the case to the police for fear of reprisal; however, the parents of one of the victims did report the incident to the local village chairperson. After the village chairperson spoke with the authorities, it was agreed that each victim would be paid 500,000 kyat in compensation, although each of the girls only received 300,000 kyat along with a warning “*not to spread [the] news*”. However, two months later, as the story was picked up by the media, the victims were arrested on ten counts, including prostitution, and were arrested and sent to Putao prison on 9 March 2007.⁵⁰

Karen State

On 1 May 2007, Sergeant Mya Aung of LIB #118 attempted to rape a 12-year-old girl in Thaton Township, Thaton District as she was sleeping in her bed. As soon as he touched her, she woke up, screamed and ran away.⁵¹

Shan State

On 6 March 2007, the US Department of State maintained that newly-arrived refugees in Thailand had reported that SPDC army soldiers operating in Shan, Karenni and Karen States have continued to rape ethnic women and girls. Although the incidents reported had taken place in years prior to 2007, they had remained unreported and undocumented until the reported in 2007.

From 15 to 16 May 2006, a 17-year-old Shan girl was detained in a military camp in Kunhing Township manned by SPDC army soldiers from LIB #527 where she was raped for the two days of her detention.⁵²

In 2004, unidentified SPDC army soldiers raped an eight-year-old Shan girl from Mong Mai Township.⁵³

In 2007, Sai Seng, a former child soldier in the SPDC army testified to Human Rights Watch (HRW) that while he was serving as a soldier in Shan State in 2006, he witnessed his corporal attempting to rape a young Shan woman. According to his testimony, the young woman managed to fight him off and run away, but was shot in the back and killed as she tried to flee. Sai Seng, an ethnic Shan himself, stated, “*I wanted to shoot that corporal but I couldn’t, so I suffered a lot, because these were my people [the Shan]. But I was the only Shan there so I couldn’t do anything*”. The corporal was not punished for his actions, aside from being ordered by his superior to bury the woman.⁵⁴

In July 2007, 16-year-old Na Mi Jo, an ethnic Lahu girl from Mong Pan, was gang-raped by 10 SPDC army soldiers and their commanding officer, Captain Kyi Aung from LIB #360 in the presence of her 11-year-old brother Ja Si. The incident reportedly took place as she was collecting bamboo shoots with her brother in the forest. In spite of the fact that they were threatened with reprisals, the girl’s younger brother informed his family and other villagers of the incident, although they were too afraid of the repercussion to lodge a formal complaint.⁵⁵

In September 2007, SPDC army soldiers from LIB #528 raped 16-year-old Nang Kham as she was returning home after shopping in a nearby village. She was accosted by the group of patrolling soldiers, five of whom, including their captain, raped her. After the soldiers had finished with her, she was released with the warning not to tell anyone, “otherwise her family would be killed”. Despite the threats, she told her family, but they were too afraid of what might happen to take the matter any further. In the word of the Shan Herald Agency for News (SHAN) who reported the case, “No action was taken because they were afraid to prosecute the perpetrators. So, the case vanished”.⁵⁶

On 19 November 2007, a 16-year-old Shan girl from Minkaung village was raped by Corporal Than Shwe and three of his soldiers from LIB #528. The incident occurred near the Nam Ohn Bridge as the girl was returning to her village with her 9-year-old brother. A local resident maintained that she was raped for an hour as the soldiers rested for lunch, while her brother was tied to a tree. SHAN further claimed that at least four girls had been raped by SPDC army soldiers in the two months prior to this incident, although, as villagers dare not report the cases for fear of retribution, many cases of sexual violence employed against girls go unreported.⁵⁷



A young Karen IDP child from the Leh Per Her IDP site in Pa'an District, Karen State in August 2007. Despite the pressures of living under militarization and the struggle that they must face on a near-daily basis, children such as this young girl can still find time just to be 'kids'. [Photo: KHRG]

13.4 Child Soldiers

For more than a decade numerous organizations have denounced not only the existence but also the extent of child soldiering in Burma. In 2002, Burma was labelled as the world's leading user of child soldiers, stating that out of an estimated 300,000 child soldiers serving in armies around the globe, approximately one quarter of this number were enlisted in armed groups in Burma. At that time it was widely believed that approximately 70,000 children under the age of 18 were enlisted with the SPDC army and an estimated further 7,000 children were thought to be serving with various Non-State Armed Groups (NSAGs) around the country, both allied with and fighting in opposition to the military regime.⁵⁸

These figures estimated that as many as 20 percent of all soldiers recruited into the SPDC army were under the age of 18.⁵⁹ Meanwhile, the Coalition to Stop the Use of Child Soldiers has estimated that children under the age of 18 account for up to 35–45 percent of all new SPDC army recruits, some of whom have been reported to be as young as only 11 years of age.⁶⁰

Though extensive documentation and accumulating evidence has clearly demonstrated the systematic and widespread use of child soldiers in Burma, both the SPDC and several Non-State Actors (NSAs) have denied all such charges and have labelled these allegations as politically-motivated falsifications of the truth.

According to *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, an authoritative report published by Human Rights Watch (HRW) in October 2007, the SPDC has endeavoured to modernize and expand its armed forces, both in terms of its number of active soldiers, but also in its geographic range. To this end, the SPDC army has grown from 168 battalions in 1988 to 504 battalions in 2006.⁶¹

Such dramatic growth has required expansion in the number of soldiers enlisted in the armed forces. However, on the ground, the SPDC has struggled to attract new recruits into its ranks. This is most likely due to the dangerous nature of the job, mistreatment by superior officers, low pay, and poor living conditions experienced by rank and file soldiers. One way in which the regime has attempted to boost its number of soldiers is through forcible recruitment, and children as the most impressionable and vulnerable members of any community have been targeted especially for this purpose.⁶²

In *Sold to be Soldiers*, HRW also warned that the events occurring between August and October 2007, in which SPDC army soldiers brutally suppressed peaceful demonstrations with violence, may have increased the anti-military sentiment among civilians in Burma, which in turn may result in the increased vulnerability of children SPDC army recruiting officers and brokers. (For more information, see Chapter 11: The Saffron Revolution – The 2007 Pro-Democracy Movement).

*“[T]he present popular antipathy toward the armed forces is likely to make it even more difficult to obtain voluntary recruits, so recruitment units may resort to even more forced recruitment of children in order to meet their quotas.”*⁶³

In November 2007, it was reported that Joe Becker, the director of HRW's Child Rights Division further denounced the junta's complete lack of will to end child recruitment and restated HRW's concern that the bloody crackdown on the Saffron Revolution protests may have actually increased the dangers children face in Burma in terms of child soldiering.

*“The [SPDC’s] senior generals tolerate the blatant recruitment of children and fail to punish perpetrators. In this environment, army recruiters traffic children at will. ... After deploying its soldiers against Buddhist monks and other peaceful demonstrators, the government may find it even harder to find willing volunteers”.*⁶⁴

The recruitment and use of child soldiers in Burma continued throughout 2007 despite the existence of an extensive legal framework designed to protect to children from the risk of being recruited as soldiers.

Numerous international laws, to which Burma is bound, provide for the protection of children from military recruitment and/or service. Among these is Article 4, paragraph 3(c) of the 1977 Additional Protocol II to the Geneva Conventions, which unequivocally states that *“children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities”*. This article has long been considered part of international customary law and as such must be obeyed regardless whether the protocol has been acceded to by the SPDC or not.

The Rome Statute of the International Criminal Court (ICC) also clearly asserts under Article 8 that the act of *“[c]onscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities”* is a war crime. This law, like many aspects of Additional Protocol II, is considered a part of international customary law.

Moreover, as a States Party to the Convention on the Rights of the Child (CRC), the SPDC is obliged to abide by the rules laid out in Article 38 of that Convention where it states that *“States Parties shall refrain from recruiting any person who has not attained the age of 15 years into their armed forces”*.

Furthermore, in 2000, the United Nations General Assembly (UNGA) adopted the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (henceforth referred to as the Optional Protocol). This instrument raised the standards set in the CRC by establishing 18 years as the minimum age for military recruitment.

Similarly, the International Labour Organization (ILO) Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (henceforth ILO Convention 182) was adopted in 1999 and which obliges States Parties to prohibit and eliminate the worst forms of child labour, among which it lists *“forced or compulsory recruitment of children for use in armed conflict”*, and for which the term ‘child’ applies to all persons under the age of 18.

The SPDC has neither signed nor acceded to either the Optional Protocol or Convention 182. Although they are still bound to the prohibitions on the recruitment and use of child soldiers as similar articles are contained within Additional Protocol II to the Geneva Conventions and the Rome Statute for which the articles related to child soldiers in both conventions are part of international customary law and which the SPDC must obey.

Similarly, Burma has a number of domestic laws aimed at protecting children from situations of armed conflict. These include the Conscription Act of 1959, which states that enlistment for a period of six months to two years is permissible for men whose age is between 18 and 35 and for women from 18 to 27, but not for those under the age of 18 years. Likewise, the Defence Services Act, also promulgated in 1959, established 18 years as the minimum age for military recruitment.

However, in spite of all of these laws and regulations, children continued to serve as soldiers in Burma during 2007 in both the SPDC army, its allied ceasefire armies as well as in the armies of armed opposition groups. Yet meanwhile, the SPDC continues to deny all such allegations.

In February 2007, Burma was included in a UN blacklist of 12 countries guilty of the continued and extensive use of child soldiers.⁶⁵ Similarly, in March 2007, the SPDC representative to the UN Human Rights Council denied all charges related to the recruitment or use of child soldiers in Burma, stating that:

*“No forced recruitment is carried out and all soldiers [have] joined the armed force[s] of their own accord. No one under the age of 18 [is] allowed to join the military service even out of their own willingness. Moreover, they have to pass the prescribed medical examination and must be clear of criminal records”.*⁶⁶

Responding to ongoing international criticism, in February 2007, the United Nations Children’s Fund (UNICEF) was permitted to visit SPDC army recruitment centres outside of Rangoon and Mandalay, and then in April 2007, the SPDC invited UNICEF to conduct a training session for recruitment officers that included issues such as child rights, child protection and international human rights and humanitarian law standards on children affected by armed conflict. In September 2007, UNICEF was asked to conduct additional trainings on humanitarian and child laws, child rights and child protection with recruitment officers. However, in spite of this apparent opening up and increase in cooperation, the UN reported that concrete action had remained limited.

In a similar manner, the Committee for Prevention against Recruitment of Minors was established by the SPDC in January 2004, although this has been labelled by some as ineffective and has *“served a cosmetic public relations function, making little progress in achieving its stated objectives and failing to substantively address the army’s institutionalized and pervasive forcible recruitment of children”*.⁶⁷ According to HRW, the Committee has worked more towards denouncing and dismissing all independent allegations of child soldier use and less on actually attempting to address the issue. An article carried in the State-controlled *New Light of Myanmar* implied this very role: *“conspirators are framing the Tatmadaw for the alleged forced recruitment of juvenile soldiers for the front lines. ... Thus, the committee will have to pay attention to refuting the matter”*.⁶⁸

The US Department of State reported that on 22 August 2007, the then-acting Prime Minister, General Thein Sein, deviating from the standard SPDC policy of flatly denying the existence of child soldiers in Burma, maintained 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”*, and tacitly admitted the recruitment of child soldiers into the SPDC army, adding 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”*.⁶⁹

In February 2007, UN Special Rapporteur on the Human Rights Situation in Burma, Professor Paulo Sergio Pinheiro, expressed his frustration over the fact that the Burmese authorities had chosen to simply reject all charges on child soldiering and denounce them as false, instead of investigating them. Pinheiro had reported having received numerous credible reports of the recruitment and use of child soldiers in the SPDC army as well as in NSAGs.⁷⁰

Then, in November 2007, the United Nations Secretary General (UNSG) released his report related to the situation of children and armed conflict in Burma covering the period from 2005 to 2007, in which he stated that the SPDC and NSAGs in Burma had continued to recruit children despite official prohibitions.⁷¹

"[The UN] country task force has received numerous credible reports about violations of international humanitarian law, human rights law and Myanmar military directives, resulting in the recruitment and use of children by some Government military [SPDC army] units and several Non-State Actors, there are extensive reports of children sighted in uniform, sometimes armed, riding in trucks, and marching and participating in military trainings or parades, which corroborate individual reports and point to a worrisome trend".⁷²

The recruitment and use of child soldiers in Burma, as noted by the Special Rapporteur and the Secretary General, has been widespread and systematic for at least the past decade, strongly suggesting that these crimes have not been committed as isolated acts of individual misconduct of middle and low-ranking officers, but as a consequence of a policy that has permitted individuals and groups to circumvent the existing international and domestic laws not only with almost complete impunity, but in many cases have been rewarded for doing so.

Recruitment and Training

The pressure that the junta has placed on army recruiters to fill recruitment quotas in order to reach the SPDC's stated goal of half-a-million soldiers in its armed forces has increased the exposure and the risk of children being recruited into the military. Recruiters have rounded up boys in markets, train and bus stations, pagodas and other public places and coerced or threatened to join the military.

"When battalions return from the frontline they change into mufti [military jargon for civilian clothing], go to the train and bus stations and catch young people to send to the recruiting center. If they recruit one soldier they can get 30,000 kyat and a sack of rice as reward from the battalion officers. Also, if you want to transfer to another battalion or leave the army you have to get three or four recruits".⁷³

There have been numerous reports stating that officers and soldiers have been obliged to find recruits and have been rewarded with cash and food for each recruit that they obtained. SPDC army battalions have also been reported to issue orders to villages to provide them with new recruits: *"Now they have two ways of recruiting: they come to the village and demand a certain number of recruits, or they demand [forced labour] porters and later keep them as recruits. When children go as porters and don't come back, people know they've been forced into the army".⁷⁴*

Moreover, civilian brokers have become involved in the recruitment of child soldiers as a result of the economic incentives involved with the practice. According to HRW, in this context, children in Burma have become commodities that are bought and sold with impunity like any other merchandise in the market.⁷⁵ A former child soldier with the SPDC army explained that recruited boys are classified by height and weight, not by age, and that the standards had grown progressively lower, whereby the army has been accepting smaller and weaker boys. Some children recruits have been described as being *"so young that they cannot realistically be made into soldiers"*. A former SPDC army battalion commander has testified that *"[r]ecruits with glasses have their glasses taken off; if underweight their weight is increased on the form, if they're underage they're recorded as 18".⁷⁶*

Following their recruitment, most child soldiers undergo 18 weeks of basic military training. This training typically includes the same physical and combat instruction that is provided to all soldiers. According to credible reports, trainees are lectured on military subjects but most of the training focuses on drills, parading, and discipline. Child soldiers conduct basic weapons training, learn how to mount frontal assaults and how to engage in hand-to-hand combat. The physical aspects of training are particularly hard for the youngest that in many suffer exhaustion. An 11-year-old former SPDC army soldier had the following to say of his training:

"We had to do long and short runs with backpacks. We had to run [and] do long marches. ... I was 11, so I couldn't keep up but had to do my best, otherwise they whipped me with the strings attached to their whistles. ... I couldn't do all the training. Even lifting the gun was too hard for me. The G3 [assault rifle] came up to my shoulder. ... In my platoon, about half were my age".⁷⁷

Service and Active Duty

Child soldiers have testified as having being sent to conflict areas and to frontline areas, where they have been engaged in active combat against opposition groups. Many have also reported that they were forced to participate in the perpetration of human rights violations against the civilian population. Such abuses have included forcibly relocating and burning villages, using local civilians for forced labour, and shooting IDPs and villagers on sight.⁷⁸

"[C]hild soldiers were sent into combat situations like anyone else, and in combat zones each child soldier was usually attached to an adult soldier. Others ... although they were only 15 or 16 years old, they were sent into combat zones within a few days to a month after arriving at the battalion".⁷⁹

A 14-year-old former child soldier testified being forced to participate in the destruction of Shan Si Boh village in northern Karen State after a number of SPDC army soldiers had fallen victim to a landmine deployed by the KNLA:

"I myself torched four or five houses, and many livestock died. ... Three men villagers we saw there were shot by our battalion. ... The battalion commander himself said 'Shoot everyone you see and burn the village.' He didn't exclude women and children, whomever we saw we were ordered to shoot. I felt that the villagers had no connection to the explosion, but as a soldier it is impossible to disobey orders. ... Bu Sah Kee was [located in a] black area. We were ordered that if we see anyone, including women and children, then we must approach and catch them and take them to our officers for interrogation. If they try to run, shoot them".⁸⁰

Meanwhile, other underage soldiers have been sent to work on military-run commercial money making ventures such as baking bricks, planting castor bean shrubs, as well as being assigned to menial duties such as cleaning toilets, gathering water and firewood, and catching and killing bugs: *"There were many bedbugs, so the officer said each of us must find 50 bedbugs each week or we'd be punished. I found enough, but two others who didn't were beaten with a stick. They were 14 or 15 years old".⁸¹*

Child Soldiers in the SPDC Army – Partial list of incidents for 2007

On 10 January 2007, Colonel San Aung, Tactical Operations Commander #2, based in Matupi in southern Chin State, called 30 villagers from 9 different village tracts in the area to report for military training. Local villagers reported that this was the second such training conducted in 2007. Most of the trainees who had attended the first training had since fled into neighbouring India for fear of being conscripted into the army or being forced to attend the second training. *“I was only 16 years old when they persuaded me to join the militias training. They said that when I join the training I’ll be travelling to all the places and will see more things. So I joined the training, but things did not happen as they said. My family thought that I was dead. So as soon as I completed the training I fled”*, said one of the villagers who attended the training.⁸²

At approximately 10:00 pm on 22 March 2007, more than 20 students were captured by SPDC army soldiers at the junction of Cangbawng block in Matupi Township, Chin State for military recruitment. The order was reportedly issued by Tactical Operations Commander #2, Colonel San Aung. The students, whose names and ages were not provided by the source, were apprehended immediately after completing an examination. Similarly, in a related incident, an additional 15 students from the Tui Moe boarding school in western Khoboi block were also forcibly recruited by SPDC army soldiers. According to one student who was able to escape, *“Some students ran away to Mizoram state, India crossing the border and some who have enough money went to Rangoon and Mandalay cities to avoid being recruited”*.⁸³

On 27 March 2007, two child soldiers fled from the unit that they had been assigned to while attending an informational training in Shwegyin in Pegu Division. According to one of the boys, at least ten other boys, all aged around 15 years, had also attended the training. All of these boys had allegedly been recruited in early 2007 by Colonel Lwin Oo and Battalion Commander Soe Tin from LIB # 349 in Sagaing Division.⁸⁴

On 30 March 2007, the *Narinjara News* reported that Aung Myint Thun was coerced into joining the SPDC army at age 12. According to his testimony, Aung Myint Thu was approached by two soldiers while waiting for a bus at the Da Nying Kone bus stop in Rangoon. He explained that the soldiers convinced him that joining the army would allow him to support his family and that he could *“have good stuff and food in the camp”*. Following his recruitment and training, he was sent far away from his family to Matupi in Chin State, where he spent the next six years as a soldier attached to Infantry Battalion (IB) #304. He finally deserted from his unit in 2007.⁸⁵

On 30 March 2007, it was reported that 13-year-old Zin Oo, a seventh standard student from Myaungmya Township in Irrawaddy Division, was recruited into the SPDC army by soldiers from LIB #349. The source, however, failed to provide any further details of the boy, including his current status or when his conscription had taken place.⁸⁶

On 3 August 2007, police in Meiktila in Mandalay Division reportedly arrested Than Naing Aye, Lin Lin, and Yan Lin Maung, all three of whom were 15 years old at the time on charges of theft. On 22 August 2007, police officer Min Aung Thein from Meiktila had reportedly sold the three boys to SPDC army recruiters at the Taung Thone Lone SPDC army recruitment centre in Mandalay for 65,000 kyat.⁸⁷

On 16 August 2007, it was reported that a woman had filed a complaint to the SPDC after her 15-year-old son had been recruited into the SPDC army by soldiers from LIB #106 in Mingaladon on the outskirts of Rangoon in January 2006. After enlisting, the boy was sent far away from his family to attend training in Taungdwingyi in Magwe Division and was later

reunited with his mother when he had returned home on leave. After being reunited with his mother, the boy told DVB that:

"I told them when I was registering that I was only 15 but they forged all the necessary documents and enrolled me as a 19-year-old man. ... Some of the boys attending training with me were even younger – about 13 or 14. They tried to escape but were caught and had their legs chained".⁸⁸

On 20 August 2007, the Kachin News Group (KNG) reported that SPDC army soldiers had been recruiting adolescents in Daw Hpum Yang village in Bhamo District, Kachin State. According to a resident, *"local youth have been directly recruited by Burmese soldiers by holding them up on the roads at night, including those between ages of 14 and 18 years"*. According to the source, those who could pay a bribe of 20,000 kyat were released, while those who could not were *"sent to military training camps"*.⁸⁹

Also on 20 August 2007, KNG reported that five underage Kachin boys from Man Ping village Shan State had been recruited into the SPDC army. According to the source, the boys had been taken from their home by SPDC army soldiers from LIB #322 stationed in Laukkaing. The five boys have been identified as:

1. Mangshang La Awng, 16;
2. Hpauje Ma Yaw, 14;
3. Lamu La Doi, 15 ;
4. Mwihipu Ma Naw, 15 ; and
5. Ma La, 15.

Speaking in reference to Ma La's parents, one of the boys' parents reportedly said that:

"[T]hey are extremely worried about their fifteen-year-old son Ma La. They have no idea whether he was killed or alive. They learnt that their son was with the Burma Army but is reportedly missing whereas the other four boys have been sent to the Northeast Command Headquarters for military training in Lashio Town".⁹⁰

On 24 August 2007, it was reported that SPDC army soldiers in Myitkyina, Kachin State had been apprehending persons *"between the ages of 15 and 35 on the roads, in theatres, video shops and karaoke shops after 9 p.m. ten miles from Myitkyina Downtown and are despatching them to [Naypyidaw] for military training"*. As with forced recruitment programs in Bhamo (described above), those who *"do not want to join the military, ... have to choose between 'Going to prison or paying 20,000 to 30,000 [kyat]'"*.⁹¹

On 25 August 2007, five young Kachin school boys all aged between 14 and 16, had reportedly been forcibly recruited by SPDC army soldiers near Muse in Shan State. *"What a brutal act of violation, taking children away from their families and homes, and to force child soldiers to use their weapons against their own people,"* said one local resident.⁹²

On 14 September 2007, the Democratic Voice of Burma (DVB) reported that SPDC army soldiers stationed in Palate Township, Mandalay Division had been plying local children with alcohol before abducting them and forcing them into the army. According to the source, a number of these abductions took place during a month-long pagoda festival being celebrated in the area which had attracted hundreds of children who had flocked to take part in the celebrations. *"Soldiers from [LIB #14] have come to the festival and gotten a number of children drunk before taking them back to their barracks on motorbikes. ... Some other children have been snatched while going to the toilet during the shows at the festival by soldiers who were waiting for them nearby,"* said one local resident.⁹³

On 14 September 2007, Thaung Aye and Aye Naing filed a missing persons report with their local police station in Dagon Myothit Seikkan Township in Rangoon after their son had failed to return home. According to the source, 14-year-old Maung Kyaw Min Thu had been forcibly recruited into the SPDC army as he was returning home from visiting his uncle in Insein on 14 August 2007. On 20 September 2007, the boy's parents visited the local army barracks but were turned away without being provided with any answers. Following the suppression of the Saffron Revolution protests, the boy's parents once again returned to the barracks on 9 November 2007 once they had deemed it safe to venture back out onto the streets, where they learned that he had since been transferred to No. 6 Training camp in Bassein in Irrawaddy Division and that he had joined of his own volition. Thaung Aye and Aye Naing pleaded with the soldiers that he was underage and had even produced his birth certificate and other documents, but the soldiers dismissed these as forgeries. The soldiers further threatened to prosecute Maung Kyaw Min Thu for having provided lied about his age and forced his parents to sign a document stating that he was over the age of 18 and that he had joined the army of his own free will.⁹⁴

On 5 October 2007, it was reported that 122 adolescents, all of whom were students from fifth to tenth standard in Putao, Kachin State, did not attend school for fear of being recruited into the local SPDC militia. The students, the majority of whom were underage, were all students at the State High School in Lungshayang village. Over 150 villagers had been ordered to attend a militia training which had started on 20 September 2007, although only 90 recruits showed up. After which, SPDC army soldier conducted house-by-house inspections to forcibly recruit the remaining 60 trainees.⁹⁵

On 12 November 2007, two 17-year-old child soldiers, identified as Hla Moe and Zaya Aung, deserted from Light Infantry Battalion (LIB) #564 stationed in Buthidaung Township, Arakan State after three years of enforced service. According to reports, the boys escaped by swimming across the Naff River into Bangladesh and were rescued by local Bangladeshis on the opposite riverbank. The incident was corroborated by a number of different sources, although one report maintained that the boys had been aged 18 and 19 respectively at the time of their flight.⁹⁶

On 16 November 2007, the UNSG reported that seven cases of child recruitment of boys all aged between 12 and 16 had been reported to ILO. However, the UNSG asserted that the number of complaints made to the ILO did not reflect the scale of the problem, which can be explained by the lack of awareness on the right to complain, the difficulties in making complaints and fear of reprisal for doing so. The UNSG conceded that some of these boys had "*volunteered*" for the army, one of whom used a broker, but that most of the boys had been recruited by SPDC army soldiers or policemen.⁹⁷

On 27 December 2007, the *Irrawaddy* reported that 15-year-old San Lin Aung was arrested by an SPDC army sergeant at the Pinyinana train station who had asked to see his ID card. Like many children in Burma, the boy did not possess an ID card, and so was taken by the sergeant to the Mingaladon army recruitment centre on the outskirts of Rangoon. According to the report, the recruiting officer at Mingaladon refused to enlist the boy, so he was then taken to another unit in Mandalay where he was accepted without question.⁹⁸

On 27 December 2007, it was reported that two 14 year-old boys, Kyaw Min Thu from South Dagon, and another boy from North Okkalapa, had been forcibly recruited by SPDC army soldiers in Rangoon in April 2007. "*The children were threatened by army recruiters and told that if they didn't join the army they would be sent to prison,*" said a relative of one of the boys.⁹⁹

Child Soldiers in Various Non-State Armed Groups – Partial list of incidents for 2007

Child soldiering in Burma is not exclusive to the SPDC army. Numerous Non-State Armed Groups (NSAGs) are also guilty of recruiting and using child soldiers. These NSAGs include SPDC-allied ceasefire groups as well as armed opposition groups. However, it must be noted that while some of the armed opposition groups have child soldiers within their ranks, the scale on which child soldiers are employed and the manner in which children are recruited, deployed and treated by their superiors is markedly different from the SPDC, and as such they should not be tarred with the same brush, so to speak.

“It is safe to say that most of Burma’s non-state armed groups have at least some child soldiers in their ranks, but they differ greatly in how these children are recruited and treated, and in their willingness and efforts to stop using child soldiers.”¹⁰⁰

An important distinction between child soldiers in armed opposition groups and child soldiers in the SPDC army is the way in which many opposition groups tend to treat their underage soldiers in a far more humane manner with fewer beatings, less use of obligatory manual labour, and fewer and far less severe forms of punishment.

Another issue to be considered is the overall scale to which child soldiers are employed in armed opposition groups. Even if one were to combine the child soldiers serving in all opposition groups operating in Burma, their number would still be but a fraction of those recruited into the SPDC army.

The following are a number of Non-State groups, both those allied with and those opposing the regime, who have been accused of using and recruiting child soldiers in Burma. (For more information on the groups listed here, see Chapter 15: Ethnic Minority Rights).

Democratic Karen Buddhist Army (DKBA)

Although there have been numerous repeated reports of child soldiers in the SPDC-allied DKBA, the group has not been included on the UNSG’s list of child recruiting organizations, despite the fact that he has asserted having receiving credible reports on uniformed and armed underage boys near DKBA camps.¹⁰¹ It is believed that approximately 10 percent of the several thousand DKBA soldiers are underage.

On 6 August 2007, it was reported that six fully-armed soldiers from DKBA #907 Battalion had defected to the KNLA. According to the source, the deserters, which included a 15-year-old boy, had approached the KNLA in Kawkaeik Township, Karen State on 1 August 2007.¹⁰²

Kachin Independence Army (KIA)

The KIA is the armed faction of the Kachin Independence Organization (KIO). The KIO entered a ceasefire deal with the regime in 1993. Though the KIA claims to have a policy prohibiting the recruitment of children under the age of 18, reports by the UNSG on children and armed conflict have stated that his office had received reliable reports denouncing the KIA as a recruiter of child soldiers, including claims that the KIA operates a “one-child-per-family” policy on recruitment.¹⁰³

In the UNSG's report on children and armed conflict in November 2007, it was reported that in early 2007, a 15-year-old girl was recruited as she returned home from school in Myitkyina. According to the report, it was believed that the girl had been recruited because *"The girl's family had not 'contributed' a child to the Kachin Independence Army (KIA). Her brother and sister were no longer living in the village, and the girl was targeted as the sole remaining child in the household"*. The UNSG's report also maintained that children recruited into the KIA are provided with an education, whereby *"girls are trained for teaching, nursing, midwifery, or administrative office functions, while boys are channelled into military training"*.¹⁰⁴

It has been estimated that there are approximately 50 children under the age of 16 serving with the KIA, with an additional 250 between the ages of 16 and 17.¹⁰⁵

Kachin Defense Army (KDA)

The KDA is a splinter faction which had initially broke away from the Kachin Independence Army (KIA) and formed a ceasefire pact with the junta in 1991. Reports have claimed that the KDA soldiers must meet recruitment quotas and that this has resulted in the forcible recruitment of children as young as 16 years of age.

The KDA is distinct from many other groups in that it recruits girls as well as boys. It has been reported that children have been recruited through a boarding school in Kaung Kha in Kachin State where children aged between ten and 17 study for fifth to tenth standard. Students at the school and those financially supported by the KDA are reportedly obliged to serve the armed group once they graduate in repayment of this debt. It has been estimated that between six and ten percent of all KDA soldiers are underage.¹⁰⁶

Karen National Liberation Army (KNLA)

The KNLA is the armed wing of the opposition Karen National Union (KNU) and was again included on the UNSG's list of child recruiters in 2007. While the US Department of State has maintained that at least 50 minors remained mobilized in the KNLA, the UN has reported that they received no new evidence of recruitment or use of child soldiers into the KNLA during 2007.¹⁰⁷ Since 2002, when the KNLA was accused of possessing significant numbers of child soldiers within its ranks, the organization has taken steps to create a more protective environment for children by issuing *"very clear instructions"* to soldiers in the field to prohibit the recruitment of children.

On 4 March 2007, the KNU signed the Deed of Commitment with UNICEF and UNHCR to cease child recruitment and to allow independent monitoring.

Karen National Union / Karen National Liberation Army Peace Council (KNU/KNLA PC)

The KNU/KNLA PC formed as a splinter faction from the KNU in January 2007 which, soon after its formation brokered a ceasefire deal with the SPDC. The newly-formed KNU/KNLA PC has also been reported as recruiting large numbers of child soldiers into its ranks. The following list of incidents all testify to incidents in which Karen children have either been coerced to join or have opted to join of their own volition into the Karen splinter faction during 2007.

On 21 February 2007, two Karen boys, identified only as “Saw E---“ and “Saw L---“, left their home in Mae La refugee camp in Thailand to volunteer to join the KNU/KNLA PC. According to the source, “Saw E---“ was only 12 years old at the time, while “Saw L---“ was only 14. Rather than being turned away because of their young age, the boys were welcomed into the fold and even threatened at attempting to return to their families. The following is an excerpt from the KHRG report which had originally documented the case:

*“Saw E--- and Saw L--- left Mae La refugee camp and crossed the Moei river, which forms part of the Thai-Burma border ... The two boys then arrived at Maj-Gen Htain Maung’s base camp in T’Nay Hsah township, Pa’an District, across the river from Htee Nuh Hta village in Thailand. Saw E---, who was aged 12 at the time, volunteered to join the KNU-KNLA PC and then persuaded his friend, Saw L--- to join him. Once they had joined they were given uniforms, put on sentry duty and prevented from leaving. They were also threatened that if they went back to the refugee camp the other residents would kill them”.*¹⁰⁸

The following is an excerpt from a recorded testimony made by 14-year-old “Saw L---“ after he and “Saw E---“ had managed to escape and return home to their parents in April 2007:

*“They gave me a gun and a uniform and I stayed there about one month. They didn’t order me to do anything but they didn’t allow us to go outside. In the evening from 7:30 pm to 10:00 pm, I had to do sentry duty. ... They gave us only [chilli] with rice and vegetables. ... They divided the old and new soldiers. I saw about five or six new soldiers under 18 years and I saw two of the child soldiers who were the same age as me. I don’t know their names, they are new soldiers and not from the camp. They are from Htee Nuh Hta [a Karen village in Thailand, just across the river from Htain Maung’s base camp]. ... Some soldiers didn’t like to be there but didn’t have any choice”.*¹⁰⁹

Numerous accounts of other young boys joining the KNU/KNLA PC emerged throughout 2007, although most of these, have testified that the boys were deceived into joining. A number of cases have been reported in which boys have been recruited out of the Mae La refugee camp in Thailand by section leaders and KNU-KNLA PC soldiers and officials who live there have some degree of influence over the camp residents. A number of these children and their parents were openly lied to, while others, unaware of the split from the KNU and the ceasefire agreement that the KNU/KNLA PC had signed with the SPDC, had their ignorance of the situation used against them.¹¹⁰

The following two related testimonies were made by a 17-year-old boy who was coerced into becoming a soldier with the KNU-KNLA PC in January 2007 and his father respectively:

*“I myself wasn’t willing to go [across the border to Htain Maung’s base], but Pah Bp’ Nah, who is a soldier but not a commander, and his friend persuaded me to go. ... At first, they took me to Thoo Mweh Nee [Htain Maung’s base on the Moei riverbank in Pa’an district]. When they first called me I didn’t know that I might become a soldier”.*¹¹¹

“Pah Bp’ Nah [a section leader in Mae La camp zone C] and one other man came and called my son [to join the KNU/KNLA PC]. When they first came they told him to ‘fill in the blanks’ [enhance the soldiers’ numbers] and after the celebration he could come back. They came and called him two times. I told the ones that came to call my son that, ‘He, my son, is just a civilian so he won’t know how to do the marching. It’s not a job for civilians to do. ... They came and said that any child that wanted to go could go. At first, I didn’t allow my son to go and I told him not to go. But the next morning, he, Pah Bp’ Nah came to my house again.

... I summoned him and told him, 'My son, when the celebration finishes come back and stay at home', ... but [after the celebration] they took our son [further] into Burma and we knew nothing about it. I was not happy with it because they came and lied to our child. ... One boy from there [pointing to a nearby house] was also persuaded and he also went. That boy's name is Saw N---. When you go and talk to his mother about her child she starts to cry. She says she wants to see her child. He hasn't got a father anymore, he has only a mother. His mother is quite old, about over 40 to 50. She came from the same village ... as me. Most of the people [children] that went were persuaded".¹¹²

Similarly, the following case describes how a 42-year-old woman from Mae La refugee camp was also tricked on 9 January 2007, into allowing her 16-year-old son attend the KNU/KNLA PC ceasefire ceremony. The boy was requested to attend the ceremony simply to make up the numbers so as to make it appear as though more soldiers had defected from the KNU, although five months later, she had still not seen nor heard any word of her son.

"The section leader and two section assistants came to me and asked if my child was free. ... [T]he section leader, thought it was good so he said to me that it is no problem [for the boy to return after the ceremony] and if any problem occurred he would solve it himself, so I agreed. ... [T]hey came to take my child, but my child didn't want to go. He told me, 'Mom, I don't want to go.' 'We can't do anything, my son,' I told him, '... After he went, I didn't hear any information from him. Thinking only about my child, I am getting sick".¹¹³

On 28 May 2007, KHRG also reported knowledge of at least five other boys who had been recruited into the KNU/KNLA PC in early 2007, although many of the specific details of these boys remain unclear. Four of these boys had reportedly deserted from the KNU/KNLA PC in April 2007 after the reality of what had been forced upon set had set in, while the fifth boy, believed to be 16 or 17 years old, remained missing at the time of the report.¹¹⁴

According to Bah Soh Gay, a commander attached to the KNU/KNLA PC, boys and girls under the age of 18 were welcome to join the KNU/KNLA PC as soldiers of their own will and likewise that they were free to leave to return to their families in the refugee camp whenever they wished. However, the testimonies reproduced above, along with other evidence not shown here strongly suggest that the opposite is true.¹¹⁵ Refuting the claims of Bah Soh Gay, a 17-year-old former child soldier had the following to say about his desertion from the KNU/KNLA PC:

"We wanted to see our parents so we escaped back [to Thailand]. There were five boys who escaped with me. My other friends are about 16, 17, 18 years old. We left at around 8:00 or 9:00 pm. We walked all the night in the valley and mountains. The next morning, we asked people where the way was. ... The other children also really wanted to come back, but they were not allowed. ... One of my friends, Saw M-- was also persuaded to go back [to join the KNU-KNLA PC]. He still isn't back [in Mae La camp] yet".¹¹⁶

Karenni Army (KA)

The KA is the armed wing of the opposition Karenni Nationalities People's Party (KNPP) and has been listed by the UNSG as recruiter of child soldiers. However, HRW has recommended that they be removed from the list as no evidence of new child recruitment into the KA has been found and that child soldiers within the ranks of the KA have been demobilized. In April 2007, the KNPP signed a Deed of Commitment with UNICEF and the UNHCR to end underage recruitment, to demobilize any existing child soldiers, and allow external monitoring. According to a KNPP spokesperson:

*"Our policy is that we don't recruit anyone under 18, and we don't conscript anyone. There are only volunteers in the KA. Even the child soldiers you found before were volunteers who joined because their families had suffered and they wanted to retaliate against the Tatmadaw [SPDC army]."*¹¹⁷

Karenni Nationalities People's Liberation Front (KNPLF)

The KNPLF is an SPDC-allied ceasefire group known to hold a significant number of underage soldiers. The UNSG has reported the group to have employed children to search for and detonate landmines.¹¹⁸ Although the KNPLF has not been formally added to the UN list of child recruiters, some observers have recommended that it be included for consideration. The number of child soldiers within the ranks of the KNPLF is unknown.¹¹⁹

Six KNPLF soldiers defected to the KA in the first half of 2007, of whom some were children. "Koo Reh" (not his real name), a 15-year-old boy, had reported that he was approached by a KNPLF recruiter at a cinema in Shadaw in Karenni State when he was only 13 years old. According to his testimony, he was lured into military service along with five other children:

*"I don't remember his name but he was from KNPLF. ... He spoke to many people in the cinema, one by one, 20 or 25 people, adults, women, boys. About six people went with him. The older ones were 16 or 17, the younger ones 11, 12 or 13. ... Four were kept at the KNPLF camp at Shadaw, and two of us went to Loikaw together with the recruiter, by car to the KNPLF office there. The other boy was 11 or 12. ... They asked, 'Did your mother allow you to come here?' and I answered, 'You called me to come here'. They asked how old I was and I said 13 – they didn't say anything, just said, 'You have to stay here'. There was also another recruit there who was about 13".*¹²⁰

KNPLF Major Kyaw Soe ordered the boys to work at his mustard-seed farm near Loikaw, where they were supervised by another KNPLF soldier. "Koo Reh" reported having been deployed as a sentry at a KNPLF camp in Shadaw, as well as spending time at frontline camps at the Shan State border, where he, and two other KNPLF soldiers aged 16 and 18, were forced to join SPDC army patrols.¹²¹

Mon National Liberation Army (MNLA)

The MNLA is the armed wing of the New Mon State Party (NMSP), which signed a ceasefire agreement with the regime in 1995. Though the figures are not known, the MNLA is believed to possess a number of children within its ranks. However, the NMSP denies this and maintains that not only are there no children within the MNLA, but they also operate under a policy which prohibits the recruitment of child soldiers into its armed forces. One MNLA officer was reported to claim that while children have been seen in MNLA uniforms, this does not necessarily mean that they are soldiers:

*“If you were to visit an MNLA base you would probably see children in MNLA uniforms. ... [However] boys do this out of pride, but are not soldiers. ... Boys borrow their fathers’ uniforms. ... It is easy to buy a military uniform in the market, and ... some orphans being cared for by the NMSP are given military uniforms because no other clothing is available”*¹²²

Myanmar National Democratic Alliance Army (MNDAA)

The SPDC-aligned Myanmar National Democratic Alliance Army (Kokang) operating in northern Shan State has reportedly permitted young children to its ranks and as such has been mentioned in the UNSG’s reports on children and armed conflict, but oddly omitted from his list of child recruiters.¹²³

Shan State Army-South (SSA-S)

The opposition SSA-S has been labelled as a user and recruiter of child soldiers, with the UNSG stating in its November 2007 report on children and armed conflict that he had received “frequent reports” of child soldiers within their ranks, although, like the MNDAA, had oddly been left of his list of child soldier recruiting organizations.¹²⁴ Meanwhile, HRW has reported having seen a video footage, in which teenage girls and young women can be seen in SSA-S uniform and armed with assault rifles during ceremonies. However, SSA-S officials have dismissed this allegations, explained that this was a “fashion” worn by some of the youth in the area.¹²⁵ Although, what these girls were doing with assault weapons and how these serve as fashion accessories was not elaborated upon.

The SSA-S has reported that they had recruited boys as young as 16 in the past, but in February 2001 had set the minimum age for recruitment at 18 years. Despite these claims, however, the SSA-S was reported to have recruited child soldiers during 2007 as a part of its mandatory recruitment policy.¹²⁶

In 2007 the SSA-S showed some interest towards cooperating with UN agencies and signing the Deed of Commitment in much the same way as the KNU and KNPP had done so, although, they are still yet to actually sign this document.

United Wa State Army (UWSA),

The SPDC-allied UWSA has been listed on the UNSG's list of child recruiters. According to some sources, the UWSA has a recruitment quota of one son per family. The UNSG has said that even if the amount of underage people related to the force is unknown, reliable reports have indicated the presence of children in uniform and bearing arms in the Wa State Army.

The UNSG has stated in his report on children and armed conflict that eyewitnesses have testified witnessing children as young as nine attending UWSA military training schools. UWSA primary school curriculum reportedly includes "*pre-military*" training, so that children are ready to join the UWSA at age 12 in non-combatant roles, and to serve as soldiers by age 15.¹²⁷



These young boys are fleeing along with the rest of their community after it was attacked by SPDC army soldiers on 9 October 2007. SPDC army soldiers from LIB #217 launched an unprovoked attack on Htee Bla Kee village in Shwegyin Township of Nyaunglebin District, Karen State, although the villagers had already fled into the forest ahead of the attack. All of the villagers, including the children, fled taking whatever personal belongings they were able to carry.
[Photo: KHRG]

13.5 Arrest and Detention of Children

As a State Party to the Convention on the Rights of the Child, the SPDC is legally obliged to protect children from abduction and arbitrary arrest. Article 37 of the CRC unequivocally states that States Parties must ensure that:

“No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time; ...

“Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances”.

However, throughout 2007, there were numerous cases of children being arrested arbitrarily, including in lieu of others and so that they could be held for ransom, being detained under the same conditions and alongside adults, and subjected to deplorable conditions of detention and torture.

In March 2007, the US Department of State accused the SPDC of lacking adequate child protection procedures and a working juvenile justice system. While the SPDC has claimed that efforts were made in this regard, the severely limited level of public funding has adversely affected the effectiveness of any such programs. The Department of Social Welfare (DSW) provided limited social welfare services to children, although they were largely constrained by the almost complete lack of financial and material resources and were reportedly staffed by only a handful of officially-appointed social workers.¹²⁸

The SPDC has further claimed that juvenile prisoners aged 16 years and younger have been held separately from adults in prisons for juveniles in Meiktila, Mandalay Division. Similarly, that juvenile courts rarely sentence children to prison, but instead have been sent to reformatories in Thayet, Magwe Division, or to Twante in Rangoon Division. These facilities, according to the SPDC, have been managed jointly by the Prisons Department and the Department of Social Welfare (DSW).¹²⁹ However, in spite of these assertions, evidence of children being detained with the general prison population continued to emerge across the country throughout 2007, as the partial list of incidents below will attest to.

Moreover, repeated cases have been reported of children being held under conditions which in themselves could be considered to be classified as cruel, inhuman, or degrading treatment or punishment. Children are typically far more vulnerable to such conditions than their adult counterparts which can quickly escalate, resulting in disease, permanent injury, and even death in children.

Children in detention have reportedly been beaten by SPDC army soldiers, police officers and paramilitary forces, in some cases even to death. In one instance, a six-year-old boy was pitilessly beaten by authorities at the temporary detention facility at the Kyaikkassan Racecourse in Rangoon after he was arrested along with the rest of his family in relation to the Saffron Revolution protests.

"There was a family who stayed near the Pagoda. The whole family was arrested, including a little boy, about 6 years old. In the detention centre, when they started beating the small boy up, people tried to stop them, and shield him from the blows. So they kept on beating these people the whole night. The little boy is still there. He's bound to be traumatised by the experience. He's so young, only in kindergarten".¹³⁰

Children have also reportedly not been provided with adequate food, clean drinking water, blankets, mosquito nets, or sanitation facilities, all of which can, and in many cases have, resulted in disease.

Arrest and Detention of Children - Partial list of incidents for 2007

On 2 March 2007, an 18-year-old Rohingya high school student was arrested at his home in Morisha Bill in Buthidaung Township, Arakan State, by SPDC army personnel after he had argued with an Arakanese (Rakhine) student the previous day. According to the report, Hossain (not his real name) had been the subject of harassment by a number of Arakanese boys at school. On his way home on 1 March 2007, an argument broke out between Hossain and one of his Arakanese classmates, who reported the incident to the military the following day. Later that day, a group of soldiers abducted him from his home and detained him incommunicado at the Hlet Wat Dad SPDC army camp. When he was returned to his family three days later, he was in a *"critical condition"* after having been tortured by the soldiers.¹³¹

In April 2007, the Chin Human Rights Organization (CHRO) reported that at least six children had been rounded up and detained by Malaysian authorities in February 2007. Two of those children were reportedly kept in the Semenyih detention centre despite having been reported sick. Meanwhile, in Jinjang, 12 year-old Ngun Za Tial, and her 10-year-old brother, Bawi Lian Thang, were arrested during a midnight raid by immigration authorities.¹³²

On 5 May 2007, 15-year-old Mohammed Rafique from Pa Dinn village, Maungdaw Township of Arakan State was arrested, by NaSaKa personnel for allegedly possessing a Bangladesh-registered mobile phone. According to reports, the boy was taken to the NaSaKa camp where he was detained, interrogated and tortured. He was later released from custody on 15 May 2007 at which time he displayed numerous signs of torture on his person. Soon after arriving home he was taken for medical treatment, but died as a result of his injuries on 21 May 2007.¹³³

On 16 May 2007, members of the junta-affiliated USDA arrested 15 activists, including a number of members of the NLD youth as they were leaving the regular Wednesday prayer vigils at the Shwedagon Pagoda in Rangoon.¹³⁴

On 18 June 2007, Lieutenant Zaw Lwin from Myo Hla Police Station in Pegu (Bago) Division was reported to have arrested Ma Nyo Kyi together with her 8-month-old baby on no formal charges. According to the source, the following day, the baby was handed over to Ma Nyo Kyi's husband who was informed that his wife had died of a heart attack. The post-mortem report, however, had reportedly revealed that she had been severely beaten, which ultimately resulted in her death.¹³⁵

On 5 July 2007, SPDC army soldiers from IB #30 abducted four persons from the Tate Pu area of Toungoo District, Karen State, including two 17-year-old girls, one of whom was identified as Naw Ma Saw Saw.¹³⁶

On 14 August 2007, five youths from Hnee-padaw village in Mudon Township of Mon State, aged between 14 and 18, were arrested by police while waiting to meet friends at a public rest-house. The five youths were charged with the possession of unlicensed motorcycles. On the evening of 23 August 2007, 13-year-old Abul Kalam from Taungbro in Maungdaw Township, Arakan State, was arrested by NaSaKa personnel. The 13-year-old was taken from his bed as he slept and taken to the NaSaKa Area 4 camp. According to reports, the NaSaKa had attempted to arrest the boy's father, but arrested Abul Kalam instead when they were able to find him. The NaSaKa camp commander, Major Nay Myo told the boy's relatives that he would not be released unless his father surrendered to them. It was reported that Abul Kalam had been tortured by the soldiers while in their custody.¹³⁷

On 10 October 2007, 17-year-old Maung Ye Myat Hein was arrested in relation to the Saffron Revolution protests and detained at Insein Prison in Rangoon for over two months without charge. According to reports, Maung Ye Myat Hein was held in a communal cell with 50 other detainees. *"My son said he was beaten up after he couldn't answer the questions the officials asked him about our family. ... He is only 17 years old so he is still a minor. It's illegal to do that to a minor"*, said his mother.¹³⁸

In November 2007, a report by Christian solidarity Worldwide (CSW) highlighted a case in which a 16-year-old girl was abducted from her village in Shan State and forced to work as a domestic labourer for an SPDC army soldier's family in Rangoon. In the course of her testimony, she also reported having witnessed the abduction and sale of several other young children from her village.

"The soldiers took me and I had to work for one of their families, looking after their three children, cooking and washing clothes. I had to work very hard and I had to sleep outside, with only one blanket. This was in Rangoon. Two or three other children in the village were sold by the SPDC and the boys were taken by the Army to become soldiers. I also saw SPDC soldiers who wanted to adopt a five-month old baby. The parents did not want to agree to this, but the soldiers took the baby anyway. The mother cried so much that she became very ill and had to spend many months in hospital. She never saw her baby again".¹³⁹

On 17 December 2007, *The Guardian* newspaper ran an article on the testimony of a young man arrested from his bed in Mandalay and interrogated for days over his involvement in the Saffron Revolution protests. According to his testimony, children had also been arrested detained where they were treated exactly the same as the adults. *"There were 85 others in my police cell, mostly young people. ... Some were only 15 or 16 years old. One boy told me he was arrested for wearing an American flag on his head. Some of the students had broken bones and head wounds"*, he said.¹⁴⁰

On 26 December 2007, Rashid Uddin, 13, from Sin Oo Khya village in Buthidaung Township, Arakan State, was arrested by NaSaKa personnel after they 'found' 500 taka (Bangladeshi currency) on his person. According to *Kaladan News*, NaSaKa personnel had been harassing Rohingya students on their way home from school by checking their schoolbags and planting contraband in them purely so that they could arrest them and demand large sums of money for their release. The boy was then taken to the NaSaKa camp and interrogated where he was accused of being an informant to an armed opposition group and *"having connections in Bangladesh"*. Rashid's family was unable to pay the extortionate amount demanded of them to secure his release, and so remained in detention at the time the original report was published. No subsequent reports emerged of him having been released.¹⁴¹

13.6 Child Trafficking

As a States Party to the CRC, Burma is legally obliged to protect children from trafficking. Article 35 of the Convention prescribes that “*States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form*”. Moreover, Burma is also a States Party to the Convention on Transnational Organized Crimes (CTOC) and the two Palermo Protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (TIP) and the Protocol to Combat the Smuggling of Migrant by Land, Sea and Air (SOM). In October 2004, the SPDC also agreed to enter the six-member Greater Mekong Sub-region Memorandum of Understanding against trafficking in persons, joining Cambodia, China, Laos PDR, Thailand and Vietnam in their efforts to curb the practice.¹⁴²

Intent on showing its commitment to combating the trafficking of persons, in 2005, the SPDC passed the Anti-Trafficking in Persons Law, which criminalized the practice of sex and labour trafficking. According to this law, the trafficking of women, children and youth is punishable by a prison sentence of ten years to life; the trafficking of men is punishable by five to ten years imprisonment; the trafficking of persons for the purposes of pornography is punishable by five to ten years imprisonment; the trafficking of persons with an organized criminal group is punishable by ten years to life; and the penalty for “*serious crimes involving trafficking*” is ten years to life imprisonment, or death.¹⁴³

In 1997, the regime also adopted the National Plan of Action to address the problem of human trafficking which they stated was implemented by recognizing child protection as one of the leading State interests.¹⁴⁴ To this end, the SPDC has maintained to have conducted child protection workshops at the township level in conjunction with UNICEF.¹⁴⁵ Meanwhile, the junta has maintained that State-sponsored organizations such as the Myanmar Women’s Affairs Federation (MWAF) has also been working with the UN Inter-Agency Project on Human Trafficking (UNIAP) conducting trainings in various States and Divisions around the country on how best to prevent the trafficking of young women and girls. (For more information, see Chapter 14: Rights of Women).¹⁴⁶

In addition to all of this work that the SPDC has maintained to have conducted to prevent the trafficking of persons, they have further maintained that they have also made considerable headway in terms of punishing those persons involved in the trafficking in persons. This, they assert is largely due to the cooperation of several State-sponsored organizations including the MWAF, the Myanmar Maternal and Child Welfare Association (MMCWA) and the Union Solidarity Development Association (USDA), in conjunction with the SPDC’s own state/division, district and township level Peace and Development Councils. According to the junta, these organizations have conducted awareness-raising campaigns on trafficking at the local level, which had resulted in an estimated 830,000 people being educated on the risks of trafficking. In addition to all of this, the SPDC has further claimed that a number of organizations, including the MWAF, have initiated a micro-credit loan program for poor and vulnerable women as an added measure against trafficking.¹⁴⁷ As a consequence of all of this work that it purports to be doing, the SPDC has declared that for the period from 2000 to 2006, 354 Burmese women who were trafficked had been repatriated and reunited with their families.¹⁴⁸

However, as with most areas in which the SPDC is failing the Burmese people in terms of human rights, what the regime states and what is reflected by the reality on the ground, are often two very different things.

In April 2007, the Office of the UN Humanitarian Coordinator in Burma remarked that, contrary to the claims of the SPDC, child trafficking was actually increasing with an estimated 10,000 girls being trafficked to brothels in Thailand alone each year.

*“Internal migration of children as well as adults towards other centers of economic activity is increasing. These areas of vibrant economic activity are for the most part unregulated and involve in many cases illegal mining and logging and human trafficking, especially of women and children, both inside the country and across borders. Even though the numbers remain uncertain an estimated 10,000 girls are trafficked from Myanmar to Thai brothels alone every year.”*¹⁴⁹

Then, in June 2007, the 2007 edition of the *Trafficking in Persons Report* by the US Department of State’s Office to Monitor and Combat Trafficking in Persons claimed that the SPDC “does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so” and that “Military and civilian officials are directly involved in trafficking for forced labour and unlawful conscription of child soldiers”.¹⁵⁰

Child trafficking is believed to have continued through Burma during 2007. Even though Burma’s own domestic laws specifically prohibit all forms of child prostitution and child pornography, enforcement has fallen short at adequately combating these serious issues. Child prostitution and trafficking in girls has remained a major problem, especially in ethnic minority areas where, according to some organizations, girls are at particular risk where many have been trafficked both to other areas inside the country as well as across the international borders. Meanwhile in urban centres such as Rangoon and Mandalay, unnamed diplomatic representatives have reportedly attested to having observed a large number of female prostitutes who look to be no older than in their early teens; and brothels which offer young teenage virgins to their clients for additional fees.¹⁵¹

According to the US Department of State, several thousand Burmese children are believed to be trafficked internationally every year, with common destinations including Thailand, China, Bangladesh, Malaysia, South Korea, Japan, and other countries in the Middle East.¹⁵²

Child Trafficking – Partial list of incidents for 2007

On 7 February 2007, the Rangoon East District Court sentenced three brothers to lengthy prison for trafficking four women and two girls to one of Burma’s neighbouring countries. According to the report, one of the brothers was sentenced to life imprisonment, while the other two each received sentences of ten years. The source failed to provide any further information on the three brothers or state which country the women and children had been trafficked to, although it is quite likely that their destination had been China given that the source was the official Chinese news agency, which has on a number of occasions used the euphemism “*unidentified neighbouring country*” when referring to China as a destination for trafficked young Burmese women and girls.¹⁵³

On 18 February 2007, the Yamethin District Court in Mandalay Division sentenced 33 human traffickers to life imprisonment, for allegedly having trafficked 49 young women to China. The young women, whose ages were not stated, were lured by the traffickers with promises of high paying jobs, but were subsequently forced to marry Chinese men.¹⁵⁴

On 23 February 2007, KHRG published the testimony of an unnamed villager in Dooplaya District, Karen State which highlighted the risks children from that area faced in terms of trafficking:

“Some of the villagers that didn’t have enough food ... sent their son or daughter to Thailand to work. Some of them are in debt because they had to borrow money from other people to send their children to work in Thailand. ... Most of the youths went to Thailand to work. ... In T--- village, at least one person from each family went to Thailand and some have two family members in Thailand”.¹⁵⁵

On 6 March 2007, the US Department of State reported having received credible reports of the trafficking of 85 Kachin women and girls from Kachin State into China. According to the original source, the Kachin Women’s Association of Thailand (KWAT), the girls were lured by the prospect of obtaining jobs in China, however upon arrival they were forced either into prostitution or to wed Chinese men.¹⁵⁶

On 9 December 2007, 35 Burmese migrants were arrested by Bangladeshi police in Cox's Bazaar, Bangladesh after they had crossed the border illegally with the intention of then proceeding to Malaysia. According to the report, the detainees, all of whom were from various parts of Arakan State, were to be taken to Malaysia by an organized trafficking ring. *“In Cox's Bazar, a syndicate exists which sends people to Malaysia. They charge between Taka 20,000 to 30,000 per person to send to Thailand”*. Of the group, at least seven were reported to be children; they included:

1. Sirazul Islam, 15;
2. Mohammad Ahwa, 17;
3. Rabiul Hassain, 13;
4. Abdul Bashar, 16;
5. Sayed Ahmed, 16;
6. Abul Hussain, 15; and
7. Elyas, 17.¹⁵⁷



A young IDP child from the Leh Per Her IDP site in Pa’an District, Karen State in August 2007.
[Photo: KHRG]

According to an article published in the *Irrawaddy* on 18 December 2007, the number of Burmese children trafficked to Thailand had increased, as a consequence of economic difficulties and social problems in Burma. The article highlighted that an organization called Burma ACT documented as many as 70 cases of child trafficking from Burma to Thailand during 2007. Meanwhile, Penpisut Jaisanit, a researcher with Thailand's Rajabhat University, found that the majority of Burmese child labourers working in Thailand were members of Burma's ethnic minorities.

"We found that the ethnic children were forced to beg by their parents, especially in Mae Sai. If they cannot collect enough money they are punished. Some girls under the age of 15 work in 'entertainment centers' and are sexually harassed at an age when they should be in school".

Penpisut's research also uncovered that Burmese child labourers worked in six of Thailand's provinces, stretching from Chiang Rai in the north to Songkhla in the south. He also found that as many as 40 children worked collecting plastic and rubbish on the island under the Friendship Bridge which connects Thailand's Mae Sot and Burma's Myawaddy. *"They [migrant children] don't get pocket money if they attend school. If they collect plastic and sell it, they earn at least 20 baht per day. So, they prefer to keep working as street children".*¹⁵⁸

According to the report, *Caught Between Two Hells*, published in December 2007 by the Burma Women's Union (BWU), Burmese girls as young as 14 years of age have been sold to Chinese men as brides. *"Ma C was sold at the age of 14 to her purchaser, and he was very abusive to her so she wanted to escape".*¹⁵⁹

The following is the testimony of 20-year-old Ma Air who was trafficked to Thailand at the age of 17 under the guise that she was to be provided with work in a factory. However, upon arrival in Thailand, she was sold to a brothel in Chiang Mai where she was obliged to work as a prostitute:

*"I was 17 years old and had never left my village before. One day this lady came and told us of how there was so much work in factories in Thailand and that the salvation to our family's financial [woes] would be solved by me working in Thailand. So with my parents blessing, I left. When I arrived here, I found out that the 'work' was not at a factory but at a brothel in Chiang Mai. I told them I didn't want to do it and tried to fight my way out of the house but they were stronger. I was locked in my room for a substantively long period of time. I spent days and days crying thinking my life was over. One night the 'big mother' came and said its time to 'break me' into work. She sent a strange man into my room. He raped me. This breaking period went on for about a week until finally I agreed to take my first client. She told me that if I resisted the client she would have to extend the breaking period so I stopped resisting".*¹⁶⁰

13.7 Child Labour

Despite the SPDC's assurances to the contrary, the use of child labour in Burma continued throughout 2007. This labour takes many forms, from children working in the fields alongside their parents or in teashops, through to prostitution, forced labour for the military or forced military service. Regardless of the nature of the labour being performed, child labour, and in particular, forced child labour, is committed in violation of numerous international conventions and other mechanisms.

There are a number of interrelated factors which first gave rise to child labour in Burma and which have also allowed the practice to perpetuate. The first of these is the pervasive militarization of the country which has brought with it an attendant rise in human rights violations. The perpetration of these human rights abuses, coupled with the egregious and self-serving economic policies of the junta, have resulted in widespread poverty of the general population. The general insolvency and hardship experienced by the majority of the population and the fact that the practice is culturally accepted in Burma has allowed child labour to continue largely unchecked.

To combat child labour, in June 1999, the ILO adopted the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, also known as ILO Convention 182, in which ratifying States are obliged "*take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency*". Article 3a of the Convention defines worst forms of labour as "*all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict*".¹⁶¹

Burma has long been accused of employing forced labour, most notably by the International Labour Organization (ILO). Following years of sustained pressure by the ILO, in 1999, the SPDC issued Order #1/99 banning the use of forced labour, which was soon followed by a number of supplementary orders enshrining the prohibition of forced labour into domestic legislature.¹⁶² Furthermore, in 1993, the SPDC passed the Child Law, which, among other things, declared that the minimum age of employment was set at 13 years of age. However, in spite of the existence of such laws, forced labour and child labour have continued. (For more information, see Chapter 5: Forced Labour and Forced Conscription).

Although domestic laws have established the punishment of those that impose forced labour on others; in practice both State and military use of forced labour have remained a source of concern as evidence accumulates countrywide with reports of citizens and children being forced to work in numerous military, civil, and private venture projects both in urban and rural areas.¹⁶³

In urban areas, child labour has increased notably, primarily because children can be hired at considerably lower cost than adults for the same jobs, in addition to the general economic pressures which have forced them into work to help support their families. This trend can be observed in the growing number of child street vendors and as waiters and waitresses in restaurants and teashops. According to local residents, children as young as between four and six work as waiters in teashops in Mandalay.¹⁶⁴ While in Rangoon, it has been estimated that as many as 100,000 children work in teashops.¹⁶⁵

"[M]ore and more children aged between 6 and 7 were working in restaurants. When I asked these children why their parents had not sent them to school, they said that their parents could not afford to. They had to drop out at the 2nd or 3rd grade. They can't even calculate the price of 3 or 4 cups of coffee".¹⁶⁶

Numerous commercial mining operations have also reportedly employed children. In spite of the obvious dangers, in Kachin State, children were reported to labour alongside men and women for specks of gold and jade, doing backbreaking work that exposes them to toxic mercury. Similarly, in Mandalay, more than 100 factories cut and polish jade stones, where child labour constitutes an essential part of the production process. A *Los Angeles Times* newspaper article on this issue maintained that children were reported to:

"huddle on their haunches around glowing embers in metal braziers, melting doping wax on the end of dop sticks, plucking small pieces of jade from a cup, and carefully placing them on the wax blobs. They blow gently to harden the seals and then hand the sticks up the line to other children".¹⁶⁷

In rural and conflict areas, consistent and credible reports have emerged of the military forcing civilian men, women and children to work on SPDC army projects, including the construction and maintenance of SPDC army camps, military access roads, bridges, Buddhist pagodas, and various money making ventures. Such labour is almost never paid, and villagers are required to provide their own food and tools to complete the work. Civilians have also been called on to serve military units as messengers, guides, sentries, and porters. In such instances, the villagers are typically ordered to walk in front of the soldiers who they are accompanying as both human minesweepers and human shields.¹⁶⁸ Reliable reports of children being forced to perform such tasks have also continued to surface.

In rural areas where demands for forced labour are an almost daily occurrence, many communities have responded by adopting strategies that allow them to keep the most productive members of their families working to maintain their livelihoods while less productive members have been sent to fulfil the forced labour quotas demanded by the military. In many cases, this has meant that families have sent their children to do the work in the place of adults. The following are excerpts from civilian villagers from Karen State explaining how they have had to send their children to perform forced labour for the SPDC.

"When SPDC soldiers force us to labour, everybody that can do the work goes. Women, old people and children also go. Counting only men there are not enough to do the work and sometimes it is the time when the men work in the field. The oldest men that go to work for the SPDC are about a little over 50 years old and the youngest children are 12 years old, but these civilians are not compensated. Instead of compensating us for working for them, we have to help by giving them the food and money that they demand from us".¹⁶⁹

"Sometimes those who have to go for 'loh ah pay' are sick and can't go, so ask their children to cancel their school and go instead of them. They have to bring whatever the SPDC or DKBA asks [them] to bring".¹⁷⁰

In areas adjacent to international borders with neighbouring countries, numerous organizations have continued to gather evidence of children crossing those borders on a daily basis in search of work only to return each evening taking their profits back to their families in Burma. While some children return to their homes at night, others remain as unregistered workers, exposing them to exploitation, arrest and deportation.¹⁷¹ In spite of the considerable risks that children face doing this, as a response to the daily struggle that most families must face, many parents have forced their children to work and some children have even been sold by their parents.¹⁷²

In August 2007, the *Irrawaddy* reported the story of 10-year-old Moe Moe who worked as a street vendor in the Thai border town of Mae Sot:

“Moe Moe shivers as she walks across the Thailand-Burma Friendship Bridge with a basket of tamarind and vegetables. ... The bridge also represents a vital component in the livelihood of scores of school-aged Burmese children like Moe Moe. She walks daily from Myawaddy, a Burmese border town just across the Moei River, to sell seasonal produce in the Mae Sot market. ‘I want to go to school, but my mother pulled me out because she can’t afford [school fees].’ ... Just 10 years of age, Moe Moe is one of many child street vendors who cross the bridge early each morning to earn extra money for their families. ... Moe Moe and the other children vendors from Myawaddy can earn better profits in Mae Sot. However, extra profits come with the risk of arrest by market authorities. ‘Sometimes I have to run away when they come,’ 11-year-old Maung Htwe, another of Mae Sot’s many street vendors, told me. ‘But luckily, I haven’t ever been arrested so far.’ ... Maung Htwe attended primary school in Moulmein before his mother called him to live with her in Myawaddy. ‘I left the school and followed my mother,’ Maung Htwe told me with a soft smile.¹⁷³

On 18 December 2007, the Burmese Women’s Union (BWU) released the report, *Caught Between Two Hells*, based on 149 interviews conducted with Burmese migrant women and girls in Thailand and China. According to the findings of the report, 19 percent of female migrant workers were adolescent and that the majority of these underage workers were employed in factories, construction sites and agricultural projects. Within its sample, BWU interviewed seven 13-year-old children who had all been working in their host countries for more than 3 years, indicating that children as young as 10 years of age have become migrant workers. Out of the 149 women and girls interviewed for the report, 24 percent were workers within the sex industry. Of this number, 22 percent were found to be under the age of 20.¹⁷⁴

Despite the large amount of evidence indicating the continued use of child labour in Burma and the regular accusations levelled against the regime for being complicit in its use, the SPDC has continued to deny all such allegations and denounced them as false, labelling those making such charges as having a political agenda for doing so.¹⁷⁵

Child Labour – Partial list of incidents for 2007

On 9 January 2007, the Kachin Development Network Group (KDNG) released a report in which they highlighted a case in which two young women, one of whom was only 16 years of age, were forced to work in the sex trade in Kachin State. Although, the incident occurred in 2005, it had gone unreported until the publication of the KDNG report. The two young women had originally been told that they would be sent to work in a restaurant, but were instead sent to a brothel where they were informed that their food would be withheld from them if they refused to work as prostitutes in the brothel. The two young women escaped from the brothel after an unspecified period of time but were apprehended by the local police who then sold them back to the brothel at the cost of 20,000 kyat. An unnamed representative of the Myanmar Women’s Affairs Federation (MWAFF) who had been informed of the case intervened and secured their release after approaching the Township Peace and Development Council (TPDC) and the Regional Operations Command (ROC) who reportedly paid a sum of 100,000 kyat to the brothel owner to release the women. Soon after this had happened, officials from the ROC confiscated all documentation of the issue, presumably so as to cover up their involvement in the matter.¹⁷⁶

On 29 January 2007, 16 villages from Cikha Township in Chin State were forced to repair the road connecting Cikha and Tonzang. The order reportedly came from SPDC army Tactical Operations Commander #1 Colonel Tin Hla. According to the source, one person from every household from each of the 16 villages had been compelled to participate in the maintenance works, all without pay and also while supplying their own food and tools. A number of under age boys and girls were reported to have been among the forced labourers.¹⁷⁷



Burmese children performing forced labour on a drainage system in Myawaddy, Karen State.
[Photo: Irrawaddy]

In February 2007, KHRG reported that in Toungoo District of northern Karen State, children aged only 15-16 years old were regularly obliged to perform forced labour for the SPDC. One female villager from the region had testified:

"We have to do 'loh ah pay' [forced labour] once a month. ... All men, women, children, youth and old people have gone to do 'loh ah pay'. ... The youngest people [who have had to work] are ... 15 years".¹⁷⁸

On 31 March 2007, the Human Rights Foundation of Monland (HURFOM) reported that civilians from a number of villages located near the Kanbauk-Myaing Kalay gas pipeline in Mon State had been forced to stand sentry and patrol along the length of the pipeline. Many children, some as young as 13 years old, have been obliged to do this work. Many families, struggling to make ends meet and to provide enough food for their children, have been reluctantly forced to send their children to do such work for the SPDC, enabling them to continue working in their fields. Maung Min Aung, a 13-year-old boy from Yaung Daung village told HURFOM, *"I have to patrol the gas pipeline and the railway route the whole night (from 6 pm to 6 am) because my parents are too busy with their paddy farms".¹⁷⁹*

In May 2007, the Free Burma Rangers (FBR) reported that the SPDC had employed over 1,700 convict porters in its frontline operations in northern Karen State since late 2005, of which at least 265 were reported dead, many of whom had been executed by the soldiers. According to the report, there were more than 20 underage convict porters – boys under the age of 16 who had been brought to the region from Insein Prison in Rangoon – carrying loads for the military in Papun District alone.¹⁸⁰

In August 2007, KHRG published excerpts from testimonies of Karen villagers from Papun District, Karen State, who had stated that the Democratic Karen Buddhist Army (DKBA) had also been employing children as forced labourers. The following is a selected excerpt from one such testimony.

*“Children under 18 years had to go to cut bamboo for the DKBA as well. We went to cut bamboo near the DKBA camp. But from the place where we cut bamboo to the DKBA camp took one and half hours walking. Everybody had to do as the DKBA demanded ‘without fail’”.*¹⁸¹

In November 2007, it was reported that child labour in Mon State was on the rise due to the increasing insolvency of most families in the region. The report, entitled: called *Minor’s Labour: Comprehensive report on the worst forms of child labour*, highlighted 44 cases of children working in rubber farms and orchards, rice-fields, charcoal burning factories, brick-making factories, tea and coffee shops, various types of stores, brothels, and other work places.¹⁸²

On 28 December 2007, the *Los Angeles Times* published an article about the situation facing Burmese children working in the gold and jade mines of Kachin State. The article had the following to say on the issue:

*“Children barely big enough to swirl the heavy slurry toil alongside men and women, doing backbreaking work that exposes them to toxic mercury ... On a recent day by the river, Ja Bu, 46, strained to lift shovel loads of slurry as a 10-year-old boy, ankle-deep in the cold, muddy water, worked a pan big enough for him to bathe in. Sixty miles west, Ja Bu’s younger brother was searching for jade in the drainage ditch of a mine exhausted years ago by the junta”.*¹⁸³

13.8 Right to Education

According to Burma's own domestic laws, all children are required to receive a primary level education up to the completion of fourth standard. This education is supposed to be provided free of charge to all children irrespective of gender, ethnicity, religion, or socio-economic status. However, in reality, education is not provided to Burma's youth equally or free of charge. That which is provided is expensive, substandard and discriminatory. (For more information, see Chapter 12: Right to Education).

According to the United Nations Development Program (UNDP), the SPDC allocated a paltry 1.3 percent of the nation's Gross Domestic Product (GDP) to the education sector during 2007, as opposed to the 8.9 percent claimed by the SPDC.¹⁸⁴ The US Department of State has stated that during the 1999-2000 fiscal year, the SPDC spent only 100 kyat per child on education.¹⁸⁵

In spite of such overwhelming evidence, the SPDC has continued to argue that they are adequately providing for the education of Burma's youth, with the SPDC Minister for Education stating that the Ministry of Education has:

*"been carrying out development tasks of the basic education sector since 1998 and the higher education sector since 1996. In so doing, tasks of region-wide human resources development were undertaken in line with short-term and long-term plans. In the basic education sector, opening of new schools, upgrading of school buildings, enrolment of school going age children and opening of post-primary schools were included in the plans".*¹⁸⁶

Such a small allocation of public funds has resulted in a substandard education system incapable of providing an adequate education to Burma's youth. Teachers are underpaid, and during 2007 were reported to receive only 5,300 kyat per month in salary.¹⁸⁷ As a result, many teachers must work two or three jobs just to make ends meet, and time spent in the classroom or preparing for lessons diminishes proportionately. Many schools and individual teachers also demand admissions and tuition fees from the students to make up for the shortfall in public spending, despite the fact that education is supposed to be provided free of charge. In addition to this, students must also pay for their own uniforms, books and stationary. Far from being the free right that education is purported to be, commentators have estimated that *"annual fees, uniform and school materials at a typical government primary school add up to at least 60,000 kyat (US\$50), a financial burden that strains the household budgets of many Burmese parents".*¹⁸⁸

The introduction of *ad hoc* admissions fees opens the door to widespread corruption and extortion. In June 2007, it was reported that students in Thantlang Township, Chin State, were being charged admissions fees at higher rates than elsewhere and obliged to purchase school supplies from the authorities at prices higher than in local shops for similar goods.

*"In places like Hakha and Falam Townships students pay 5,000 [kyat] for admission. But the admission fee in Thantlang Township is higher. People are confused about this disparity. Moreover, the District Educational Director has forced students to buy exercise books at 1,300 [kyat] per dozen and each village has to purchase 40 to 50 dozens. The same exercise books can be bought for 1,200 [kyat] per dozen in shops outside".*¹⁸⁹

Further limiting children's access to education is the general impoverishment of the Burmese population. Runaway inflation and widespread extortion, among a number of other factors, has led to falling family incomes, which has ultimately resulted in the inability of families to afford to send their children to school. As a result, many children are sent to work to help support the family. (For more information, see Chapter 6: Deprivation of Livelihood).

Many schools lack sufficient resources to provide their students with textbooks and other related school supplies. In the majority of cases, school infrastructure, is equally deficient, but especially so in rural and ethnic areas.

According to the SPDC, primary school enrolment during 2007 stood at 97.6 percent and the matriculation rate into secondary school was 78.3 percent.¹⁹⁰ In contrast of these figures, the United Nations Children's Fund (UNICEF) maintains that primary enrolments rates are far lower, with only 62 percent of children aged between five and nine entering school, while the United Nations Educational, Scientific and Cultural Organization (UNESCO) has reported that of those who do enrol, as many as 50 percent do not complete primary school.¹⁹¹ According to these figures, only 31 percent of children in Burma complete their primary level education. Meanwhile, the UN Special Rapporteur on the Human Rights Situation in Burma, Professor Paulo Sergio Pinheiro, has stated that "*Only 40 [percent] of children complete five years of primary education (considerably fewer in conflict-affected border areas)*".¹⁹² Similarly, The Burma Fund (TBF) of the National Coalition Government of the Union of Burma (NCGUB) has speculated that while 1.3 million children are eligible to enrol in kindergarten each year, some 300,000, or approximately 23 percent never do so.¹⁹³

The cumulative effects of these issues as they relate to the education system have resulted in an education system that is in decline. The Resident UN Humanitarian Affairs Coordinator, Mr Charles Petrie, had the following to say about the state of education in Burma during 2007:

*"A new generation is coming of age that is less well educated than their parents' generation they are replacing. The decline of a previously stronger education system not only deprives generations of children of a good start in life, but moreover seriously impedes the capacity of the people of Myanmar to overcome chronic poverty in the immediate term as well as the ability of the country to develop and sustain democratic practices in the future. ... Increased impoverishment is also resulting in a greater number of children being unable to complete primary education. More than forty percent of the children enrolled are unable to do so".*¹⁹⁴

In the face of such a deplorable education sector, many children go outside the State-sponsored system to receive their schooling. Such non-State schools are closely monitored and discouraged by the authorities as they work to undermine the SPDC's control over the sector.

Traditionally, education in Burma has been provided Buddhist monasteries and other religious institutions including Christian churches, and Muslim mosques. Most Buddhist families across the country send their young children to monasteries where they undertake their Buddhist novitiate. While many children only remain in the monastery for a few weeks, some stay much longer and obtain their full primary education there.¹⁹⁵ (For more information, see Chapter 8: Freedom of Belief and Religion).

According to an article published in the *Irrawaddy*, Burma is home to an estimated 1,300 monastery schools that offer free primary education up to fifth standard. These schools represent an important alternative for parents who cannot afford to send their children to State-run schools. It has been estimated that during 2007, some 190,000 children attended

such schools.¹⁹⁶ However, many children who complete their primary schooling in these institutions find it difficult to enter higher levels of education at State-run middle and high schools because their families are often unable to afford the high school fees demanded at such schools.



Young Karen IDPs continuing their studies in the forests of Papun District, Karen State in February 2007 despite having been forced from their homes by ongoing SPDC army attacks.
[Photo: KHRG]

In spite of the fact that these schools not only provide an education to much of Burma's youth, especially to those in the lower socio-economic bracket, and also relieve some of the burden on the under-funded State-sponsored system, the SPDC works to impede the work of these schools, rather than assist them. In 1998, the junta issued a decree which banned monasteries from upgrading primary schools so as to permit them to provide secondary education.¹⁹⁷ The logic behind such a move is unclear, but may have something to do with the fact that the SPDC fears that the existence of such schools will threaten their iron grip over the education sector, in addition to educating children to actually think for themselves.

Education in Rural and Conflict Areas

Though the state of education in Burma as a whole is poor, the situation in rural and conflict areas is even more desperate. Statistics have suggested that as many as 84 percent of all children who drop out of primary school live in rural areas, where the increased levels of militarization, the widespread human rights abuses which invariably accompany it, the lack of physical security, the general insolvency of the population all hinder the chances for those children to access and finish even basic education.¹⁹⁸

SPDC army attacks on civilian villages in rural and ethnic areas have resulted in large levels of displacement. Displacement, in turn affects children's ability to access education. When villagers are forced to flee into the forest to evade SPDC army patrols, their children are unable to regularly attend school. Moreover, the soldiers often destroy entire villages, burning homes, places of worship, and schools to the ground. Anything left behind is typically stolen or destroyed and school supplies have been no exception to this. Displacement also adds additional strains to an already burdened subsistence existence. With regular demands of forced labour and extortion and food supplies deliberately targeted for destruction, education is often forced to adopt a position of secondary importance alongside

food security. (For more information, see Chapter 16: Internal Displacement and Forced Relocation).

However, in the face of these myriad problems, many displaced communities have still attempted the continuation of their children's education as a means of preserving a sense of community balance and dignity while in hiding, many times only with the minimal support they get from external sources. In relation to this, one displaced villager from Lu Thaw Township in northern Karen State told KHRG that *"Because the SPDC is active near my neighbours' village we have had to flee from our village. The school year is not finished yet so the children have had to continue their schooling under the trees in the jungle"*.¹⁹⁹ Similarly, in March 2007, KHRG reported how local villagers from Htee Moo Kee village in Papun District of Karen State had rebuilt their village school which had previously been destroyed by SPDC soldiers. According to the report, the reconstruction began soon after the soldiers withdrew from the village, though in spite of the reconstructive works, the newly built school supported only 70 students and 13 teachers, where previously it had over 100 students and 16 teachers.²⁰⁰



Displaced children living at a hiding site in Toungoo District study together in January 2007 despite the increasing SPDC military aggression in the area. The maintenance of education for local children serves to provide them with some continuity in their otherwise turbulent lives and also strengthens community bonds and upholds the dignity of local people in the face of the SPDC's efforts to eradicate such non-military-controlled communities. [Photo and caption: KHRG]

In rural areas there are typically three types of schools, which can be defined by how they are financed and who administers them. These are commonly referred to as community schools, State-run schools and missionary schools. Of these groups, the first if these are those schools which are initiated and supported by local communities. It are the villagers themselves who organise, build and support the school. The second type of schools are those located in SPDC-controlled areas which are ostensibly financed and organized by the SPDC. Despite having been labelled as "State schools", such schools typically receive minimal support from the SPDC. The third and final type of school to be discussed here are those which are funded by Christian or Muslim religious groups. However, such schools are often targeted by the military on the grounds of religious discrimination. In April 2007, KHRG explained the ways in which Christian schools *"have been anathema to the DKBA [Democratic Karen Buddhist Army] in particular, which is averse to Christian teachers in Karen areas"*.²⁰¹ (For more information, see Chapter 8: Freedom of Belief and Religion).

Likewise, the Muslim Rohingya have long denounced not having access to schools beyond the primary level, owing to the fact that the junta has reserved places in State-run secondary schools for citizens – a right which has been denied the Rohingya.²⁰² (For more information, see Chapter 15: Ethnic Minority Rights).

Similarly, students from Kachin State who had studied at schools administered by the Kachin Independence Organization (KIO) were told in March 2007 that they would not be eligible to sit for their matriculation examinations in Sumpra Bum, Kachin State. This new order reportedly affected over 1,000 students attending KIO-administered schools, who were strongly advised to change schools if they wished to graduate. Children studying at KIO schools had previously been permitted to sit for their exams in Sumpra Bum since 1994 when the KIO entered into a ceasefire pact with the junta.²⁰³

In rural areas, most villages only offer education up to the completion of the primary level, so students wishing to continue their studies must travel to larger villages or towns where such facilities are available. However, many parents are unable or unwilling to send their children away to study, not only because of the extra cost of doing so, but also as a result of the added dangers that this option attracts. Depending on where they live, students may have to walk long distances, through forests that may be contaminated with landmines and through which SPDC army units regularly patrol in search of the internally displaced who are frequently shot-on-sight. The drop out rates of girls in rural areas is approximately double that of boys in rural areas, in part due to the increased risk of sexual assault during such travel to and from school. (For more information, see Section 6.3: Sexual Assault against Children and Chapter 14: Rights of Women).

In many cases, but particularly in eastern Burma adjacent to the border with Thailand, the dangers associated with sending their children to other towns or villages to further their studies has influenced the decision of many parents to send their children to study in refugee camps in Thailand, where education is provided free of charge and students stay at lower cost to the family and can live free from the threat of attack by SPDC army soldiers.²⁰⁴

However, this option is not free of dangers either, as the following case illustrates. On 15 December 2007, Ike Oo, a Karenni refugee student living in Karenni Camp 1 in Mae Hong Son Province, Thailand was shot and killed by camp security personnel. The incident occurred after Thai border guards attached to the *Aw Sor* paramilitary force had interrupted a student celebration and arrested a number of students. A column of students marched on the soldiers' camp in protest to demand the release of their friends, but as they approached the encampment, the soldiers opened fire. Official reports maintained that the soldiers "*were forced to fire into the air to break up the demonstration*", however this version of events seems unlikely given that the soldiers held the high ground and that Ike Oo was struck in the neck. If the soldiers had indeed fired into the air, none of the students would have been shot. One of the students present reported that "*They opened fire and a student named Ike Oo was shot in his neck and died soon afterwards ... Another student was hit on the leg*".²⁰⁵

Meanwhile, even in the face of all of this evidence to the contrary, the SPDC maintains that in all such rural areas, it, through the Ministry of Education and State-sponsored organizations such as the Myanmar Women's Affairs Federation (MWAFF) is "*protecting children through education programs and support*". The SPDC has further maintained that "*children in remote areas are provided with mobile schools with the collaboration of the Ministry of Education*". The SPDC has also claimed that the Ministry of Progress of Border Areas and National Races and Development Affairs had opened 27 "*training centres for youth development*" and 34 schools of "*home science*" in Burma's border regions.²⁰⁶ However, where these schools are located and precisely what benefit they provide to the community remains to be seen.

13.9 Right to Health

One of the leading factors affecting children's access to healthcare in Burma is the trifling budgetary allocation awarded to the healthcare sector. Even according to official statistics, which are almost always embellished, the SPDC allocates less than 0.5 percent of Burma's GDP to the healthcare sector.²⁰⁷ As with other sectors, the budgetary allocation to the healthcare sector has been but a fraction of the military and defence expenditure. In the 1998/99 fiscal year, public spending on healthcare was 22.22 percent of public spending on defence for the same period. While by the 2003/04 fiscal year, public healthcare expenditure had dropped dramatically to only three percent of that allocated to defence. According to the *Burma Economic Review*, UNICEF has denounced the "dramatic decline" in spending on healthcare since the early 1990's.²⁰⁸ Meanwhile, the UNDP has accused the SPDC of having one of the worst budgetary allocations for healthcare of any country, and certainly the worst for the region.²⁰⁹ (For more information, see Chapter 7: Right to Health).

Further influencing children's access to healthcare is that as one of the more vulnerable groups of any given population, children are often feel the effects of the widespread human rights violations being committed in Burma to a greater degree than the adult population. As such, children are often more sensitive to the effects of these abuse, in particular those which can have an adverse impact on health.

Despite the claims of the regime that it is adequately providing for the health and well being of population in general, but in particular that of children, Burma's youth continued to suffer from poor rights and access to healthcare during 2007. According to UNICEF, who typical use official statistics provided to them by the SPDC, in 2005, the infant (under one year old) mortality rate was reported to stand at 75 per 1,000 live births, and the child (under five years old) mortality rate at 105 per 1,000 live births. These are shown to be extremely high when compared to neighbouring Bangladesh and Thailand which possess infant mortality rates of 52 and 7, respectively, and child mortality rates of 69 and 8, respectively for every 1,000 live births.²¹⁰

During 2007, children continued to die from easily preventable and readily treatable illnesses such as diarrhoea and influenza. For example, at the end of March 2007, five persons from Dimawhso Township, Karenni State had died from diarrhoea, two of whom were children. According to a representative of the Karenni Central Social Development Department, "*Two persons from Dawnyeaku village, two from Dawtamagyi village and one from Dawsawphya village died*". He added that although approximately 50 people were suffering from the affliction, children were among some of the more susceptible, adding that "*Mostly children, especially under 10 years of age, have been afflicted by [diarrhoea]. It causes loose motion at least three to 20 times a day. The excreta are white in colour and the smell is very bad*".²¹¹

Similarly, on 10 November 2007, it was reported that many cases of persons suffering with severe bouts of diarrhoea had been recorded in northern Arakan State and that four persons from Maungdaw Township had died, including seven-year-old Robiya.²¹²

Meanwhile, on 30 April 2007, it was reported that seven children from Thanbyuzayat Township, Mon State, had recently died after having contracted influenza. According to the head doctor in Mudon General Hospital, many other children from Mudon and Kyaik Mayaw Townships under the age of ten had also contracted the disease.²¹³

Malnutrition

According to estimates provided by UNICEF, 32 percent of children under the age of five suffered from moderate levels of malnutrition during 2005, while as many as nine percent suffered from severe malnutrition.²¹⁴ It has been estimated that as many as 100,000 malnourished children have died each year.²¹⁵

Meanwhile, in May 2007, Save the Children UK (SCUK) has assessed that many poor families in Burma did not have enough money and resources to feed their children an adequate healthy and balanced diet, further stating that child malnutrition is endemic in the most marginal parts of the country. In such areas, it was reported that families were forced to live on between 20 cents and US\$1 a day, at a time when it costs the equivalent of US\$1.15 a day to feed a family of five.²¹⁶

Child malnutrition rates in rural areas and areas experiencing armed conflict are considerably higher than the national average shown above. In these areas, civilian crops and food supplies are frequently targeted for destruction for SPDC army units to depopulate such areas by starving the villagers out and so that the villagers cannot provide food to resistance forces who operate in these areas. Independent studies have shown that children in these areas, whose family's food supply has been destroyed, are 4.4 times more likely to suffer from malnutrition than children in those households whose food supply had not been compromised.²¹⁷ (For more information, see Chapter 6: Deprivation of Livelihood).

Malaria

With as much as 70 to 80 percent of the population living in areas in which malaria is endemic, and with approximately 75 percent of all reported cases being of the deadly *Plasmodium falciparum* strain, it is hardly surprising that malaria, accounting for approximately 42 percent of all deaths, is not only the leading killer in Burma, but also that Burma holds the unenviable position of having the highest rate of malaria-related deaths per capita in the world.²¹⁸ During the seventh ASEAN health ministers meeting in Penang, Malaysia during April 2007, the SPDC provided official figures which showed that Burma accounts for approximately 53 percent of all malaria-related deaths for the entire region.²¹⁹

While the SPDC maintained in March 2007, that mortality and morbidity rates for malaria, the single largest killer of children in Burma, had declined in recent years, an independent report published in July 2007, has shown that there continues to be an average of 3,000 deaths per year due to the disease. Many of these deaths are children, whose bodies, often weakened by malnutrition, lack the strength to combat the disease. However, even these estimates were considered extremely conservative as only as many as 40 percent of all cases go reported to public health facilities.²²⁰

The situation in rural areas is even more acute. In Chin and Karenni States, for instance, the malaria rate is approximately four times higher than the national average, while in Kachin State, the rate jumps to almost five times that of the national average.²²¹ According to the Back Pack Health Worker Teams (BPHWT), malaria has been the cause of almost half of all deaths among internally displaced populations, with children being among the most vulnerable.²²²

HIV/AIDS

Children in Burma have struggled with one of the worst HIV/AIDS epidemics in Asia. According to statistics provided by the Policy Research and Development Institute in Thailand, as many as 230,000 Burmese people, including 6,000 children were living with HIV/AIDS in 2007.²²³ However, in spite of such a large proportion of the population directly affected by the disease, the SPDC spent an average of only US\$0.60 per person on its HIV/AIDS program during 2007.²²⁴ The lion's share of spending on HIV/AIDS programs came from international donors, which in 2007 amounted to US\$28 million – still a far cry short of the US\$41.7 million desperately needed.²²⁵

According to the United Nations Joint Program on HIV/AIDS (UNAIDS), western Burma is the most neglected in terms of support for HIV/AIDS sufferers where not a single AIDS patient received Anti Retroviral Treatment during 2007, including the estimated 8-10,000 children diagnosed with the disease.

*“If the rule book is followed, all HIV-infected children should be given ART [anti-retroviral treatment]. But not one of the estimated 8,000 to 10,000 children in Sagaing division and Chin state have access to these vital medicines. It's a horrible example of indifference meted out to its HIV-positive children by a government”*²²⁶

In May 2007, it was reported that the number of girls and young women in Mon State who had turned to prostitution had increased dramatically. According to the report, this was a result of rising economic hardship with young women under the age of 18 turning to prostitution to help support their families.²²⁷ It has been estimated that over 30 percent of sex workers in Burma are afflicted with HIV/AIDS, and the commencement of this type of work also exposes these young women to contracting the disease.²²⁸ It has been argued that young women and girls working in the sex industry face an even greater risk to contracting HIV/AIDS than their adult counterparts because they lack the knowledge and the experience to protect themselves, and are less likely to protest when their clients insist on not using condoms.²²⁹



As a result of the continuing SPDC army offensive in northern Karen State, children in Toungoo District face severe challenges to food, health and education. As can be seen in this photo, taken in December 2007, the child on the left suffers from malnutrition because his family's food supplies ran low as they were living as IDPs in the forest. [Photo: KHRG]

Dengue

In August 2007, the World Health Organization (WHO) reported that there had been a 29 percent increase in the number of cases of dengue fever in Burma since 2005. In 2006 alone, over 11,000 cases were reported for all age groups, from which there were 130 child deaths. In the period from January to July 2007, the SPDC Ministry of Health confirmed the deaths of approximately 100 children from dengue, 32 of who had died in July alone. During this same period, the Ministry of Health reported that there had been some 3,000 cases of dengue.²³⁰

In April and May 2007, there was an outbreak of dengue in Mon State which resulted in the deaths of a number of children. According to local residents, as many as 17 children died from dengue fever in the Kyaung-ywa village clinic in Ye Township. However, only seven deaths were reported to the authorities by the health workers, for fear of being blamed for the deaths.²³¹ (For more information, see Chapter 7: Right to Health). In a separate article, it was reported that in August 2007, hospitals and clinics in Moulmein were still “full of Dengue patients” and that most of the patients were under 12 years of age.²³²

In June 2007, there were also fresh outbreaks of the disease due to the commencement of the rainy season with at least three or four people being admitted to hospital daily. Yet, even in the face of the obvious seriousness of the disease, Dr. Daw Tin Aye Myint, head of Insein Township General Hospital in Rangoon maintained that “There are about three to four and sometimes about five to six patients being admitted daily. And there are a number of children as well. ... Its more like[ly] recurring [cases] and there is nothing to be alarmed about”. According to *Mizzima News*, who reported the outbreak, an estimated 10,000 children suffer from dengue each year resulting in 300 and 400 deaths.²³³

Meanwhile, an outbreak of dengue haemorrhagic fever, the deadliest strain of the virus, left doctors at Rangoon Children’s Hospital lacking the optimism of Dr. Daw Tin Aye Myint. “Between 150 and 200 children are arriving at the hospital with the disease every day. ... We do not have enough doctors here to do check ups on all of them”, reported one unnamed doctor.²³⁴ Similarly, outbreaks were reported to have occurred in Pegu (Bago) Division around this time with one doctor reporting examining ten children a day presenting with dengue haemorrhagic fever.

*“My clinic receives about 10 children with hemorrhagic dengue fever every day. ... But there are a lot of clinics like mine in town so it’s difficult to tell how many children have been suffering with the fever. Children from the villages suffer from the disease more than children in the cities because of the higher numbers of mosquitoes.”*²³⁵

Other Specific Health Issues Affecting Children

Though it has been eradicated from most countries around the world, polio remains a problem in Burma and a number of cases were reported to have occurred during 2007.

It was reported on 28 April 2007, that the Bangladeshi border town of Teknaf was on high alert after a two year old boy was found to have contracted polio in Maungdaw, Arakan State.²³⁶ Soon after, in May 2007, it was reported that the disease had spread with as many as seven children in Maungdaw Township, Arakan State identified as having contracted polio.²³⁷ On 18 May 2007, it was reported that one of the children, identified as Maung Ni, had made a number of trips to neighbouring Bangladesh with his family seeking better treatment than what was available in Burma.²³⁸

In July 2007, the regime maintained that 2.5 million children under five have been inoculated against polio. Although this figure, like so many which originate from the SPDC, should be weighed with a liberal pinch of salt. The polio vaccination program, which has been implemented throughout the country by UNICEF and WHO, is still unable to access many rural areas, particularly those still experiencing armed conflict. As a result many children living in these areas have not been vaccinated, highlighting the fallibility of the junta's claims which have maintained that in 2003 at least 95 percent of the nation's children had already been immunized.²³⁹

Burma remains one of the only countries in the world where the vitamin deficiency affliction, Beriberi is a leading cause of infant mortality. According to the April 2007 report of the UN Resident Humanitarian Coordinator, beriberi is the fifth leading cause of death among infants.²⁴⁰

Moreover, measles is another of the leading causes of death of children under the age of five. In July 2007, it was reported that the SPDC had prevented the launch of UNICEF's national campaign for measles aimed at vaccinating 13 million Burmese children. According to a UN official, the junta had cancelled the vaccination program incongruously fearing "*potential political fallout*" from deaths caused by adverse reactions to the vaccine. The program was finally allowed to move ahead in early 2007.²⁴¹

On 8 April 2007, a 12-year-old boy from Maungdaw Township, Arakan State died from typhoid. Ahmed Khobir, 12, an orphan from Aley Than Kyaw village died in Maungdaw hospital after a two week fight with the disease.²⁴²

On 27 November 2007, seven-year-old Ma Nan Kham Than from Kengtung Township in Shan State was diagnosed with Burma's first human case of avian influenza. The girl received treatment from WHO personnel and was later discharged from hospital with a clean bill of health on 12 December 2007.²⁴³

Child Health in Rural and Conflict Areas

In rural areas and especially in those areas experiencing armed conflict, the situation facing children and their access to healthcare is even more dire and their needs more immediate. Children in these areas are confronted with many of the same problems as those living in urban areas, but the political climate, nature of human rights abuses, and ongoing armed conflict magnifies what is an already desperate situation. The situation of health in rural areas of eastern Burma undergoing continuing armed conflict has been stated to be on a par with countries in the Horn of Africa.²⁴⁴

In November 2007, the Centre on Housing Rights and Evictions (COHRE) compared some of the basic health indicators in Burma to those in certain sub-Saharan African countries, to illustrate the deplorable state of healthcare in Burma in which children are more likely to be moderately or severely malnourished in Burma.

*"Every year, as many children under five die in Burma (105,000) as do in [The] Sudan (106,000). A child is more likely to be moderately or severely underweight in Burma (32 percent) than in many Sub-Saharan African countries. The figures are roughly similar for Chad (28 percent), Nigeria (29 percent), Rwanda (29 percent), Democratic Republic of Congo (31 percent) and Mali (33 percent)."*²⁴⁵

In such areas, direct causal relationships have been shown to exist between the perpetration of human rights violations and poor conditions of health.²⁴⁶ SPDC army soldiers routinely destroy civilian villagers' crops and food supplies, raze entire villages, and force thousands into a life of uncertainty, fear and flight as internally displaced persons (IDPs) living in hiding in the forests. The areas along the eastern border with Thailand, where such abuses are arguably the most widespread and committed the most systematically, and where the highest numbers of internally displaced live in hiding, are typically very mountainous and temperatures can drop dramatically. Many of these areas are endemic with the often fatal *P. falciparum* strain of malaria, and when villagers flee they must often do so without blankets and mosquito nets, thus exposing them to the cold, the mosquitoes, and to disease. Internal displacement is also marked by a general lack of access to medicine in which the SPDC actively blocks villagers' access to such commodities and declaring it illegal to be in the possession of medicines for fear that they will provide it to armed opposition groups.²⁴⁷ (For more information, see Chapter 16: Internal Displacement and Forced Relocation).

Malaria is the leading cause of morbidity and mortality in rural Burma, accounting for 42 percent of all deaths. In these areas, as many as 20 percent of all children will die before their fifth birthday, almost half of whom die from malaria.²⁴⁸

According to a report published by the Johns Hopkins Bloomberg School of Public Health, internally displaced children under the age of five were 2.4 times to die than those who had not been displaced. Similarly, internally displaced children were shown to be 3.1 times more likely to suffer from malnutrition than those living under more stable conditions. Moreover, those families whose food had been destroyed or stolen were 50 percent more likely to have a death in the family, and children from these families were 4.4 times more likely to suffer from malnutrition than those families whose food supply had not been compromised.²⁴⁹

The following table summarizes the data published by the Johns Hopkins Bloomberg School of Public Health regarding infant and child mortality for Burma. A simple comparison of official figures for all of Burma shown alongside figures for IDP communities in eastern Burma strongly suggest that the under five child mortality rate in conflict areas is more than double the national average. Basic health indicators for a number of other countries are also shown as comparison.²⁵⁰

| | Mortality Rates Per 1,000 Live Births | |
|---|---------------------------------------|------------------|
| | Infants | Children Under 5 |
| Thailand | 18 | 21 |
| Burma (official) | 76 | 106 |
| IDPs in conflict zones of eastern Burma | 91 | 221 |
| Congo, D. R. | 129 | 205 |
| Sierra Leone | 165 | 283 |

According to some studies, such as one published in *Tropical Medicine and International Health* in July 2006, infant and child mortality rates in conflict zones of eastern Burma are even higher than those reproduced in the table above. According to the findings of this research, infant mortality in eastern Burma has been shown to be as high as 122-135 deaths per 1,000 live births while the under-five child mortality rate has reached levels of 276-291 per 1,000 live births.²⁵¹

Endnotes

- ¹ The SLORC was the name of the military regime which ruled Burma from 1988 until 1997 when it was replaced by the SPDC.
- ² Source: Convention on the Rights of the Child, Preamble, adopted 20 November 1989.
- ³ Source: Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Myanmar, Committee on the Elimination of Discrimination against Women, United Nations, CEDAW/C/MMR/, 4 September 2007.
- ⁴ Source: *Burma Country Report on Human Rights Practices-2006*, Bureau of Human Rights, Democracy and Labor, U.S. Department of State, 6 March 2007.
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- ⁶ Source: Report of the Special Representative of the Secretary General for Children and Armed Conflict to the UN General Assembly, A/61/275, UN General Assembly 61st Session, 17 August 2006.
- ⁷ Source: *Burma Issues & Concerns: Vol 4; The Security Dimensions*, Altsean Burma. April 2007.
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