

3. Rights of the Child

3.1. Background

Burma became a party to the United Nations Convention on the Rights of the Child on August 15, 1991 after acceding to the Convention on July 16, 1991. The SLORC promulgated its new *Child Law* on July 14, 1993 in order to “implement the rights of the child recognized in the Convention.” Chapter V, Section 8 of the *Child Law* states that “the state recognizes that every child has the right to survival, development, protection and care, and to achieve active participation within the community.” SLORC’s *Child Law* was seen as a positive sign internationally and it temporarily improved SLORC’s image for the world community; but the law is a farce. The actual treatment of children in Burma is contrary to the objectives and stated purpose of the Convention and the law. In light of abhorrent and inhumane conditions faced by Burmese children everyday, largely due to SLORC policies, SLORC’s efforts to win international respect ring hollow and insincere.

The last several years of unfavorable economic conditions in Burma have adversely affected the situation of the most vulnerable groups in society, particularly children. According to a report by UNICEF, the plight of Burmese children is directly linked to the country’s economic collapse: “due to inflation and declining living standards, social problems such as early childbearing, marital disruption, migration, and urbanization are likely to worsen, contributing to a rise in child abandonment, labor, homelessness, abuse, and neglect.”

The country’s declining economic situation often forces children out of school and into the workplace — families need all the free hands they can get to survive difficult economic conditions. In urban areas some families are sending their smallest children into the streets to beg, while many families in rural areas are handing their children over to procurers in return for down-payments of 5,000 kyats or more. Sometimes children flee the country to escape such hardships, with or without their families.

Burmese children face many other hardships. The State provides little welfare support, even for those who have lost parents in the armed conflicts. In a report entitled, “Children and Women in Myanmar: A Situation Analysis 1995,” UNICEF estimates that as many as four million out of a total 11.8 million children between the ages of 6 and 15 may be working today in Burma. The infant mortality rate in Burma is 94 per 1,000 live births, the fourth highest

Photo(2)

Child labor on the road to Pegu, Burma. (Photo by N. Dunlop)

among the nations of the East Asian and Pacific region. The mortality rate for children under the age of five is the fourth highest in the region, 147 per 1,000. And the maternal mortality rate is the third highest in the region, officially reported at the rate of 123 per 100,000 live births; United Nations agencies surmise that the actual maternal mortality rate is higher — 140 or more per 100,000.

Moreover, in the ongoing ethnic civil war, children have become victims or participants in armed conflicts, at times used as porters, human bullet-shields, or human mine-sweepers. Frequently, children used as porters die from beatings, lack of medical care, and exhaustion.

In conflict areas, SLORC has a policy called “four cuts,” meaning to cut off all food, funds, recruits, and communications from ethnic opposition organizations by attacking the civilian populations who support them. Whenever SLORC forces come under attack by opposition forces, they respond with military attacks against undefended civilian villages. In Taungoo District of Karen State, SLORC troops are now systematically burning crops and food supplies in order to drive villagers out of the hills into military-controlled roadside sites. The people of at least 26 villages have fled into hiding in the hills with whatever rice they can carry. Even in many non-conflict areas 20% or more of the population have fled their villages. Further south in Papun District, approximately 100 Karen hill villages have been ordered to move to labor camps to build roads. As a result of SLORC actions, children’s lives have become tumultuous; they face constant upheaval and displacement.

In order to strengthen its control over the hills and block refugee escape routes to Thailand, SLORC has declared the entire region a “free-fire zone” where adults and children can be shot on sight. Since October 1995, many farmers and their children have been shot with assault rifles and grenade launchers when spotted in their fields. Families are constantly having to flee SLORC troops in all conflict areas. Education becomes an impossibility, and families become scattered. Parents are taken away as porters or “suspected rebels” never to be seen again. SLORC claims to be improving things through military cease-fires in some parts of the country, but once a cease-fire is in place more SLORC troops are sent to establish control, forced labor increases, and people continue to flee.

SLORC is increasing military concentrations to control the civilian population even in non-conflict areas. An average rural village has to serve at least three nearby military camps. This includes rotating shifts as porters, doing labor at military camps and on infrastructure development projects, primarily at labor

camps. On average, one family member will be absent from their home performing some form of forced labor half to two-thirds of the time. Children are often sent to labor camps so their parents can earn a living; sometimes parents go to the camps and the children are left alone to support their younger siblings. In the labor camps, no food, medicine or education is provided and families must find some way to avoid starvation. Malnutrition is rampant and many are dying of treatable diseases. Anyone caught trying to take medicine into such areas faces execution for "supplying the rebels." Medics who penetrate these areas from Thailand say that 50% of children die before age 5, and about 20% of women die before age 40, leaving orphaned children. Rather than go to the labor camps, 10,000 to 30,000 people have fled into hiding in the hills.

Villagers must pay "extortion money" to every military unit in the area; eventually villagers exhaust all of their resources and must flee when they can no longer pay. The SLORC soldiers also force farmers to hand over about one-third of their entire crop with no compensation or for one-fifth of market price, and families are left barely able to survive. The SLORC sells much of this "stolen" rice for export, while Burma suffers a rice crisis. Rice prices have doubled since last year in many areas. Serious malnutrition now afflicts a high proportion of children, even in the urban areas.

3.2. Education of Children in Burma

There is an obvious need for greater investment in education in Burma, yet government expenditure in this sector, as a proportion of the budget, has been falling steadily. Education accounted for 5.9 percent of the budget in 1992-93, 5.2 percent in 1993-94, and 5 percent in 1994-95.

While the SLORC claims that the education standard in Burma is being upgraded and that they have allocated extra expenditures for the education sector, the fact is that the students are not staying in school. The overall rate of school drop-outs in Burma, especially under 10-years of age, has drastically increased during the 1995-96 academic year. An estimated 80% of students enrolled in primary school drop out, according to an Education Sector Study jointly published by the Burmese Ministry of Education, UNDP, and UNESCO in 1992. Some 35% of children never even enroll in primary school, as reported by UNICEF in January 1995.

Many Burmese children enjoy no childhood at all; they are simply put right to work. The sky-rocketing costs of living often render working people in Burma

incapable of providing their children with an education. One working family member is no longer able to secure enough food for the whole family, forcing other family members, including school-aged children, into the work place.

If a family is fortunate enough to spare a school child from working, it must face the high cost of sending their child to school. Although free basic education is available in Burma, many compulsory fees force families to forgo schooling for their children. At the beginning of the academic term, parents are required to pay many initial fees, including 200 kyats for school registration fee, 200 kyats for school fund raising, 35 kyats for school sport fees, 200 kyats for renovations, and 200 kyats for the computer lab. In each township, many other fees are required throughout the academic school year depending on the school's particular needs. For example, in Min Kin township, Sagaing Division, students were ordered to contribute money for the extension of the school building at the High School. Children who remain in school are faced with impediments beyond the numerous fees, including insufficient school supplies. Often, students are compelled to buy their text books on the black market at an extremely high price. These fees have forced many working parents, especially those who have many children in school, to keep their children at home.

SLORC uses the school system as a means of imposing discipline and control over the general population. Many people in remote villages are afraid to send their children far away to a SLORC-run school. If villagers try to establish their own school, SLORC authorities invariably shut it down. Existing schools that teach ethnic languages are often near conflict-areas and are prime targets to be attacked and burned by SLORC troops. Even SLORC-run schools near conflict areas often shut down because teachers flee the school when SLORC's military columns come near for fear they will be taken as porters. Since middle and high schools are an easy source for young porters, SLORC soldiers often surround schools and forcibly recruit porters there. As an additional method of controlling schoolchildren, teachers and parents must sign forms promising to keep their children from doing or saying anything against the State; if the child does anything objectionable to SLORC, the parents and teachers are then subject to arrest.

The money SLORC claims it uses to build and renovate schools has been extorted from the local population. The SLORC will often extort two to three times the amount they truly need for a school to ensure that they can turn a profit. In SLORC schools, all teaching must be in Burmese; no other languages may be taught or spoken. Ethnic children grow up illiterate in their own languages and ignorant of their own literature and culture. In 1994, in Tan Ta Lan township, Chin State, SLORC issued an order encouraging parents

to send their Christian children for free education. SLORC then took many of these children and initiated them as Buddhist novices at Kaba Aye monastery in central Burma, holding them incommunicado from their parents.

Publicly, SLORC maintains they support different nationalities. Paragraph 118(b) of SLORC's 1996 report to the UN Committee for Child's Rights states, "although there is no written curriculum in their languages, the nationalities have the right to pursue their own literature." In reality, publishing literature or periodicals in non-Burmese languages is virtually impossible in Burma. Paragraph 118(b) of SLORC's report continues, "The University of National Races in Ywathitkyi is producing teachers of various nationalities to promote the spread of education in the border areas." In fact, the University of National Races takes people from the border areas, but trains them to teach a strictly Burmese/SLORC curriculum. Indeed, a significant proportion of the "university training" is actually political indoctrination. Moreover, all schoolteachers in Burma must periodically go to SLORC "refresher courses," where they are issued uniforms and military boots and forced to do military parade drills, shout slogans, and sit through SLORC lectures. Anyone who "fails" the course loses his/her teaching job.

3.3. Child Soldiers

SLORC's abuse of power, use of torture, and the dangers of the armed conflicts have made people afraid to join the army; SLORC's drive to increase its army to a force of 500,000 has led it to obtain its recruits largely through forced conscription and coercion. Since 1988, the size of the armed forces has doubled, from 180,000 to approximately 400,000 in 1995. Burmese army regulations prohibit the recruitment of boys under the age of sixteen, however the military has been recruiting boys fourteen years-old and younger. Most townships are assigned a quota, usually amounting to one or two recruits from each village and town-quarter per month. If township or village authorities cannot provide the quota, they face imprisonment, heavy fines, or conscription into the army. At this point, the army has become desperate for recruits — it will take anyone, regardless of age. SLORC uses many methods of coercion and forced conscription to build up their military force.

According to private Naing Win (BC 862213), Loikaw-based LIB 250, who recently defected to the KNPP, SLORC demanded eight youth from each ward in his native Myingyan township. His younger brother, studying at school, was selected by lottery but he decided to enlist in the army himself to replace his younger brother. Another 16-year-old defector, Thet Naing Win, explained

that he was forced to join the army by a lottery system in Latputta township, Irrawaddy Division. In September, 1995, five youths from each village in Latputta township were summoned to join the army by force.

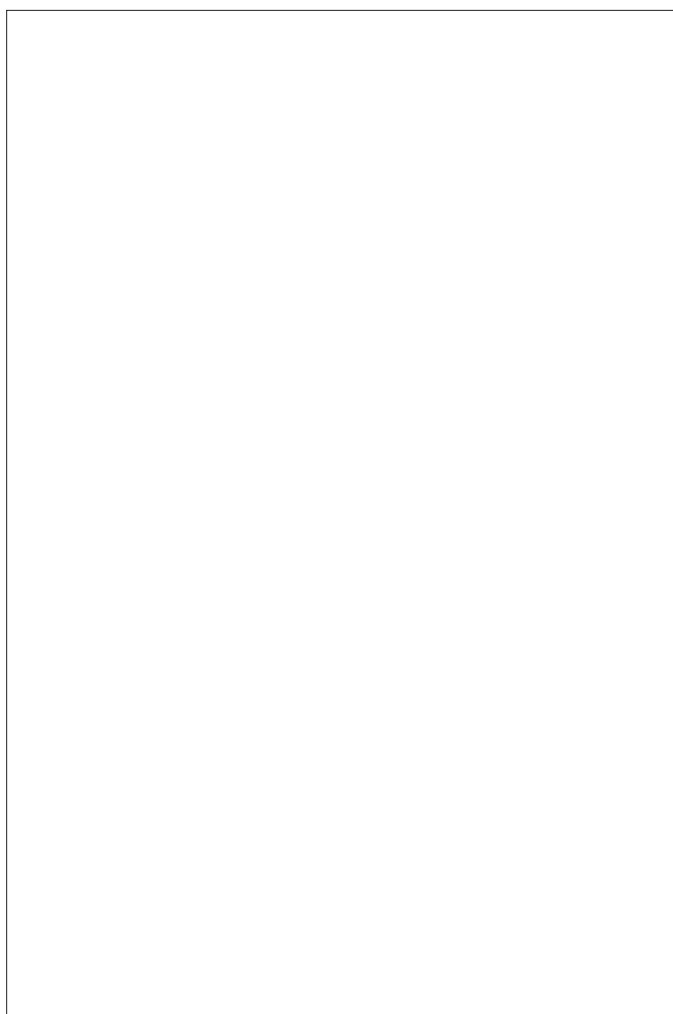


Photo by Images Asia

Child soldier in the SLORC army, Karen State, September 1996.

Often, boys aged 14 to 16 are drawn in the village quota lotteries. Once drawn, unless their family can pay a huge sum of money in bribes, the boys have no choice but to join the army. The family is often further coerced into cooperating by being told they will be free of forced labor duties if the army gets their son. Army officers and non-commissioned officers (NCOs) are offered cash rewards of 500 kyats for any recruits they bring in; they usually target the youngest possible boys, about 13 or 14, because these boys are the easiest to coerce. Many young deserters have described how they were approached in the market or on the way home from school when they were 13 or 14 years-old

by soldiers or NCOs and offered the chance of adventure, a happy-go-lucky life, a snappy uniform, a gun, and the high-sounding sum of 750 kyats per month. All the boys had to do to get the trappings was to follow the soldier to the recruiting center. Usually the boys are also told to lie and say that they are 18 when asked by the recruiting officer. It is obvious by looking at most of these boys that they are well under 18, but the recruiting officers never verify the age of the recruits. In most cases, the boys' families often do not know what has happened to their son for a year or more. In many cases, the boy and/or his parents are illiterate, so he cannot even write to them, and once at the front line, rank-and-file soldiers do not get homeleave.

There are also reports of SLORC battalions taking orphans or unclaimed small children, making them cadets, and using them as company mascots and errand-boys until they are age 13 or so, then using them as soldiers. Karen townspeople from the Irrawaddy Delta claim that in 1993 SLORC organized "shooting tournaments" for the youth, then during one of the tournaments suddenly took away many of the boys to join the army. Parents who protested were threatened. Since 1993 in northern Burma, SLORC has been encouraging parents to enroll their children in a youth organization called Ye Nyunt; SLORC officials persuade the parents to permit the boys to join the organization by telling them that all members will get access to basic and higher education. Once enrolled, most of the boys have been taken away to join the army. There are also reports that Ye Nyunt is operating in central Karen State where SLORC is also using the organization as a source for young recruits.

3.3.1. Incidents of Forced Conscription

- One person from each township and village in Mai Kai township, Shan State was forcibly recruited by SLORC LIB 514, under Eastern military command. The December 5, 1995 order, signed by Battalion Commander Major Kyaw Zeya, demands one recruit from each area or a fine of 20,000 kyats. (*Source: ABSDF*)
- In late 1995, SLORC commander of LIB 229 ordered the recruitment of four to ten youths from every village in Lay Shee, Khanti, Nanyoon, and Lahal townships, Sagaing Division. The size of the quota varied depending on the size of the village. A substitute cost between 15,000 to 40,000 kyats. By the end of January 1996, SLORC had forcibly recruited over 100 Naga youth. All of the new recruits were taken to the LIB 229 base where they were to await their transfer to a new recruitment training center. Twelve recruits managed to escape before

they were sent to the center; six of them were recaptured. The remaining six escapees did not dare to return to their villages for fear they would be arrested or tortured by the soldiers. They fled to the Indian border. SLORC troops fined each of their families 15,000 kyats for their son's escape. According to some Naga youth who have reached the Indo-Burmese border, their training in the military consisted of considerable physical and psychological torture methods. Most of those interviewed spoke of the terrible suffering they had to endure in the army. (*Source: ABSDF*)

- In Tenasserim Division, the cost for substitute recruits has soared to 80,000 kyats per person; previously, the price for a substitute recruit was 20,000 kyats for one person. SLORC is desperately recruiting new soldiers for their recently-established Coastal Regional Division military headquarters and for new battalions under No. 8 Strategic Command Headquarters. According to the order issued by the Divisional LORC, village and ward LORC members were required to find two new recruits from each village and ward within the ten townships of Tenasserim Division. New recruits are usually chosen by drawing lots. According to one 14-year-old secondary school student from Kan Bauk district, Tenasserim Division, he and his family fled to the Thai border in July 1996 to escape SLORC's lottery. His 50-year-old father stated, "soldiers came to our neighborhood and made all the young men stand in front of them. The soldiers selected the young boys who were tall and heavy enough for hard labor, regardless of their age." He continued, "Some students showed their ID cards, but it did not make any difference." According to the 14-year-old, his friends, Toe Toe, a student in sixth standard in the State Middle School and Soe Pyne, who was out of school, were selected and taken to LIB 104 in Tavoy. They later fled and escaped to Three Pagodas Pass. Their families also fled to Thailand because they were afraid of being arrested by troops after their sons deserted. (*Source: ABSDF*)

3.3.2. Army Volunteers

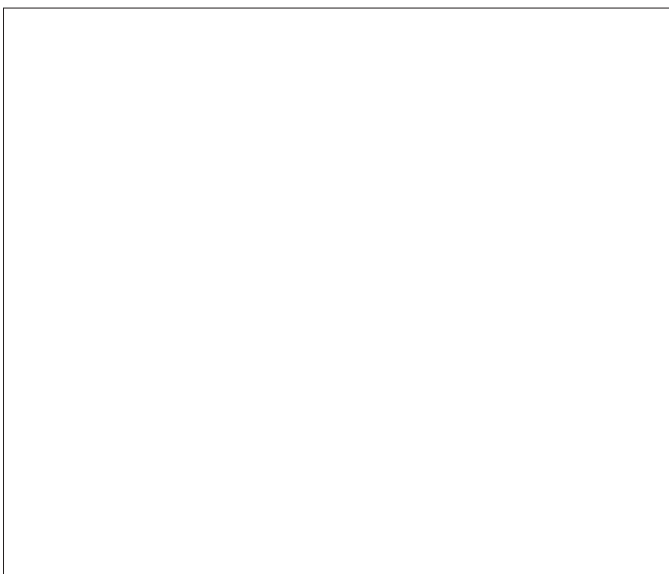
Despite the widespread fear of the army, some young boys still volunteer for various reasons: being a soldier is the only job opportunity for most poor people in Burma today, and the only way the boys think they can help support their family instead of being a burden; the attraction of the soldiering life; the promise that his family will be free from further forced labor; or, in many cases, because a family member has been beaten, tortured or arrested by SLORC,

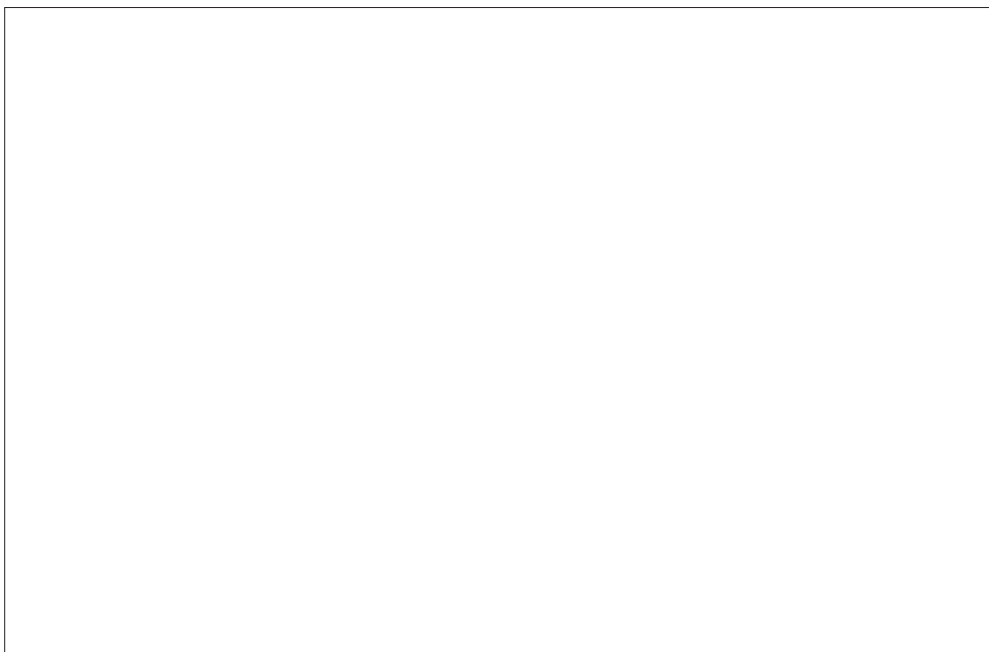
and the boy hopes if he becomes a soldier it won't happen again. However, once in the army, the boys' dreams are dashed and their childhood stolen. Most of their pay is stolen by their officers every month, their families are still required to perform forced labor, and they must endure physical abuse and inflict harm upon others. Officers further exploit young boys by stealing and reselling food rations and medical supplies; boys have to go into villages and beg or loot for their own food. Officers order young soldiers to round-up villagers for forced labor or face beatings and other punishments if they fail to return without the specified number of laborers. Out of fear for their safety and the safety of their families, the boys begin to abuse civilians physically in the villages and forcibly take them from their families and villages. Boys are not permitted any pleasurable distractions. No newspapers or short-wave radios are permitted and letters home are scrutinized carefully. If a boy writes home complaining about the army, he is beaten with a cane or tied to a post in the hot sun all day without water. Leave is refused even with good reason, and when his enlistment time is up after 5 years, the boy is generally told he cannot leave and automatically re-enlisted. In battle situations, boy soldiers are often forced by the officers to drink alcohol or take drugs such as amphetamines or "myin say" (a combination of amphetamines, caffeine, and opiates, which makes them mindless, sleepless, and aggressive).

3.4. Child Forced Laborers

Hundreds of thousands of local people, including children as young as 12-years-old, have been forced to work without pay constructing roads, railways, and bridges across the country. Publicly, SLORC has claimed that no children under 16 work on the labor projects, but child forced labor is common and well-documented. Often, the family breadwinner cannot afford to spend time working on forced labor projects because they lose time and money. Subsequently,

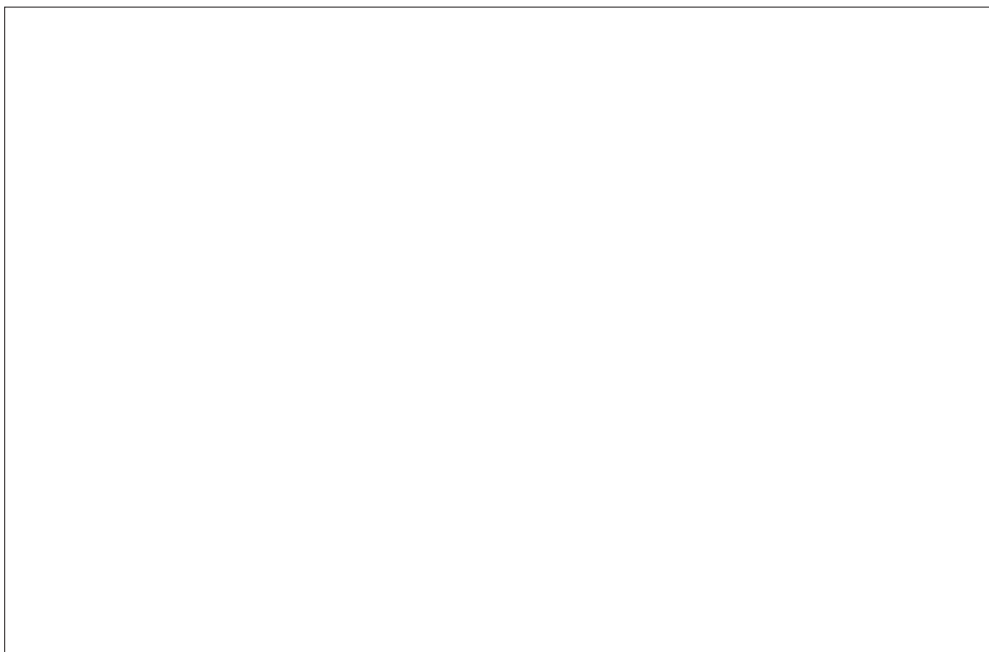
**Child laborers in downtown Rangoon hired by a contractor to rebuild the road.
(Photo by FTUB)**





Child labor on road outside Pegu, Burma. (Photo by N. Dunlop)

A young boy salvages bricks from a house destroyed in a forced relocation operation in central Mandalay, Burma. (Photo by N. Dunlop)



many children from rural villages must substitute for their parents or siblings and work on the forced labor projects. In many cases, as soon as a child is strong enough to carry a basket or split rocks, he or she must perform forced labor alongside the adults.

Children are used for many kinds of forced labor by the army. The youngest children working on road and railway construction projects are between 8 and 10 years old; portering duties require a slightly older and stronger child, so SLORC usually recruits 12-year-old boys and 14-year-old girls. One 17-year-old girl reported, "I've had to go [to forced labor camps] for the last 5 years, since I was 12 years old. We had to go anytime they [SLORC] ordered, because if we didn't they would come and catch us. As I grew older they gave me heavier and heavier loads. I've carried bullets, shells, and many other weapons." (*Source: KHRG*)

In general, porters endure abominable living conditions; children working under these conditions are particularly vulnerable. Children must withstand forced marches over mountains carrying heavy loads. They are fed only one or two small handfuls of rice per day. When they suffer from fatigue, they are often beaten and left to die if they are too sick or weak to continue. The smaller children are generally given lighter loads, but are still sometimes beaten. The small children are also often sent ahead of the military column to act as human bullet shields or mine-sweepers. In January 1995, in a typical portering situation, Naw Sah Mu, a 15-year-old girl from Papun District, Karen State, stepped on a landmine; she lost her right leg. Her 16-year-old girlfriend, Zin Zin Oo, was hit in the face by the shrapnel of the landmine and blinded. Many other children die from disease and exhaustion after when they return home from their portering duties. (*Source: ABSDF*)

3.5. Life as an Illegal Immigrant

Political and economic hardships in Burma force many children, with or without their families, to seek refuge in Thailand or other neighboring countries. Fleeing the forced labor and other abusive situations, many children end up in foreign countries, where they are generally considered illegal immigrants and subject to arrest, imprisonment, deportation, and sometimes forced repatriation; they are afforded almost no protection from international agencies.

There are estimated at least 100,000 Burmese refugees in unofficial refugee camps along the Thai Burma border. Thai authorities there tightly regulate food and other aid going into the camps, keeping it at barely subsistence-level, as a

way of pressuring the refugees to return to to Burma. No educational aid, beyond a few pens and notebooks is allowed in the camps, so it is very difficult for the children there to get a proper education.

Many refugees, including thousands of unaccompanied children, avoid the camps and instead go to Thai cities. Once there, children must beg or drift on the streets; they will consider any work that enables them to survive. Even the children who have fled to the cities with their parents, who may find odd jobs, must often find jobs themselves. Many of these “drifting” children end up in low-paid or unpaid construction jobs, or are sold into bonded labor in Thai brothels or factory sweatshops. Burmese children are working in the provinces all along the Thai/Burmese border in towns such as Tak and Ranong at construction sites, gas stations, restaurants, and on fishing boats. Burmese girls and women are also trafficked from Burma to neighboring countries, particularly Thailand, to work in brothels where they live as virtual slaves in appalling conditions. Today, there are at least 50,000 Burmese girls and women working in Thailand as prostitutes.

Due to their illegal status and their lack of Thai language skills, most children are afraid to seek help. When these “illegal alien” children are arrested in Thailand, they are held at the Immigration Detention Center until their cases are processed. Often this takes from six months to one year. At the center, children are crammed together with other adult detainees in small, dark rooms where they wait to be sent back to Burma and an uncertain future.

(See also under “Personal Accounts,” interviews 7, 9, 12, 17, 20, 24, 33, 40, 45, 60, 66, 70, 71, 74, 76, 81, 87, and 88)

Photo (7)

Refugee children in Phu Muang border camp in Thailand.

Karen children from KNU 6th brigade eating breakfast beside the road near Ban Kleung. (Photo by Images Asia)

Photo (8)

Photo (9)

Refugee children in refugee camp in Kanchanaburi province, Thailand after SLORC's 1997 offensive.

How about their future in such a war-torn country? Moving from one place to another is what they have experienced since they were born.
(Photo by Rosalie T. Mckernan)

Photo (6)