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CHAPTER 16

Rights of the Child

BURMA

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16.1 Introduction

Children comprise a highly vulnerable segment of any society and this is especially the case in a country marred by conflict, such as Burma. In the case of Burma especially, children form a large percentage of the total population, with UNICEF estimating the under-18 population of Burma to be 15,772,000 out of a total population of 48,379,000 in 2006. Thus, children comprise around 33 percent of the people of Burma.¹ Despite Burma having ratified the Convention on the Rights of the Child (CRC) in 1991 under the then ruling State Law and Order Restoration Council (SLORC), the rights of children in Burma today remain as tenuous as ever. Over the course of 2008, various civil society actors such as exile media and International Non-Governmental Organisations (INGOs) provided accounts of the rights of children being violated both in urban and rural environments. The CRC states clearly that children require *“special safeguards and care, including appropriate legal protection.”*² This proved to be a luxury that was not afforded to Burma’s children over the course of 2008. The Burmese regime was furthermore in breach of the Universal Declaration of Human Rights (UDHR) in its treatment of the rights of children throughout the year, in another example of the State Peace and Development Council showing scant concern for either the rights of its citizenry or for the stipulations of international law.

Patterns of abuse in Burma are strongly connected to patterns of military control, thus the nature of abuse which children face in Burma largely depends on the extent to which they live under State Peace and Development Council (SPDC) military control. For those living under consolidated SPDC control, the intensive militarisation of Burmese society, which relies on abusive mechanisms of civilian control and exploitation of their resources, undermines almost every aspect of children’s rights. Militarisation requires extensive national budgetary spending on the military. Such expenditures come at the expense of other areas, such as health and education. According to figures released by the International Institute for Strategic Studies in 2007, the SPDC was spending around 40 percent of the national budget on the military, opposed to 0.4 percent and 0.5 percent on health and education respectively.³

Burmese society is also characterised by extremely hierarchical and non-transparent power structures which tend to foster widespread corruption and an ingrained culture of impunity. While individual SPDC leaders have become increasingly wealthy through their involvement in the sale of the country’s natural resources (primarily offshore gas) they have also funnelled a great deal of profits into military spending, however, this has not proved sufficient to actually sustain the large army that the SPDC has built up. Individual units have thus been ordered to ‘live off the land’, which essentially means, living off civilian exploitation. This policy adopted by the SPDC has directly impoverished many villagers throughout Burma, leading to poor rural villagers being forced to extract children from school and send them to work or beg for a living. According to Save the Children, *“Although 80 percent of children enroll in primary school, more than half fail to complete their schooling.”*⁴ The ‘live off the land’ policy has placed great financial pressure on rural populations, resulting in a decline in health as families struggle to afford medicine and medical treatment whilst coping with military demands. The health of children has also suffered from demands of forced labour and the need for families to use their children in pursuit of livelihoods as a way to ensure survival. However, according to Save the Children, *“Many (children) don’t have enough food to eat and can’t get treatment when they are ill. One child in ten dies before reaching their fifth birthday.”*⁵

A widespread culture of impunity among SPDC officials allows individuals to commit abuses against children without fear of retribution and widespread corruption further impoverishes families, thereby undermining children’s rights. Furthermore, high rates of desertion and a lack of willing volunteers has led to large numbers of children being forced to enlist in the SPDC

army against their will. Despite accusations from human rights groups and the international community that the SPDC army may include the highest number of child soldiers in the world, there has been very little in the way of tangible restitution for children who have had their rights violated in Burma. As an example, in the area of forced labour, pressure from the International Labour Organisation (ILO) – which is able to work inside the country, although with a limited mandate - has only resulted in a handful of token cases of child labour being addressed. In addition to this, the vast majority of child soldiers remain in the army, subject to abuse by their superiors and in grave danger of injury, trauma, ill-health and death.

For those children living under the control of armed groups which have ceasefire agreements with the SPDC, the pattern of abuse depends on the character of the ceasefire group. Some are better than others in terms of their willingness to respect the rights of the civilian population. In Mon State, in areas under New Mon State Party (NMSP) control for example, villagers are subject to fewer demands and arbitrary taxes than in neighbouring states and thus have more available cash for their children's education and health. In Karen State, in areas under the control of the Democratic Karen Buddhist Organisation (DKBO), however, villagers face just as bad a situation as under the SPDC, and some say worse, causing further abuse and impoverishment of civilians. As well as the ceasefire group's own demands, SPDC policies and demands are also imposed on civilians through ceasefire groups, which act as proxies for the SPDC, such that civilians in these areas often find themselves exploited simultaneously by different factions. Additionally, expenditure on education and healthcare in ceasefire group areas can be just as bad as in areas directly controlled by the SPDC.

Large areas of Burma remain outside consolidated SPDC control, but children and their families in many of these areas face an aggressive campaign to submit to SPDC control. They are pressured to move to military-monitored relocation sites (dubbed 'peace' villages or 'model' villages by the SPDC) or otherwise be considered legitimate military targets and subject to attack.⁶ Relocation sites are notoriously unsustainable and their inhabitants suffer a large number of abuses; consequently many villagers prefer to take their chances in the forest and flee in to hiding in the jungle. Displaced villagers face attack from SPDC troops and their proxies which results in the destruction of their homes, schools, food stores and farms. Civilians also face injury and death from landmines and other weapons and sickness and death from preventable and treatable diseases while in hiding. They may be assisted by groups fighting the SPDC, but these groups may also impose their own demands on civilians.

While many civilians confront abuse in Burma, the relative lack of power of children and their greater physical and emotional vulnerability increases the impact of these abuses on Burmese children. The special developmental needs of children mean that abuses in the health and education sector disproportionately affect children more than adults. Furthermore, abuses around the appropriation of civilian labour directly put children in harm's way, for example, by requiring them to perform labour that they are physically and emotionally not ready for. Soldiering is one example of this, but children are also required to porter military supplies, walk in front of troops as human landmine sweepers, build and repair military camps, relocation sites and roads and work without pay on business enterprises run by military officers.⁷

Additionally, children's dependency on family members renders them vulnerable to the impacts of abuses upon adults. Some children have been orphaned or have been raised in single parent families as a result of abuses against their parents. Phyu Nay Kyi, for example, who will be aged 2 around May 2008, faces a very long wait to see her parents, Nilar Thein and Kyaw Min Yu (aka Jimmy), as they have both been imprisoned for 65 years each for leading Rangoon protests against sharp increases in the price of fuel and other commodities in August 2007 (For more information, see Chapter 13: Freedom of Opinion, Expression and the Press).⁸

Children are traditionally cherished in Burmese society and their families make every effort to protect them from abuse. They are usually the first to be fed in times of food scarcity; their families make great sacrifices to find the money for their education and medical treatment and the extended community, as well as the extended family, all watch out for children. There are numerous examples of teachers, monks and villagers intervening to assist children in need and communities in hiding regularly prioritise the needs of children.

Children themselves are often quite adept at negotiating their way among the variety of abuses and violations which affect them. They learn when they must remain silent for their safety, how to avoid certain types of abuse and how to subtly claim their rights and shape their lives as much as they can, given the situation. Some teenagers become involved in overt resistance to military rule and become politically active, despite their young age. They help their families to remain outside SPDC control, join banned organisations, participate in political action such as protests and poster campaigns and volunteer for armed resistance duties. They should therefore be viewed not as passive victims of adult abuse in an oppressive environment over which they have no control, but as active agents who are directly engaged in a struggle, albeit an imbalanced one, to claim their rights. Such a conception lays the foundations for more sensitive engagement on the issue of children's rights in Burma and may prevent further marginalisation of children by external actors seeking to remedy the dire situation they face.⁹



Internally displaced children on the move in Papun District, Karen State in February 2008. SPDC army soldiers had recently established two new camps near to where these villagers were hiding in the forest and had used these camps as a base from which to mount patrols through the area and shell nearby IDP hiding sites with mortars. [Photo: © FBR]

16.2 Children and Armed Conflict

Among all of the abuses against children, the six most egregious violations of their rights were recognised by UN Secretary-General Ban Ki-Moon as:

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 ¹⁰

These categories formed a framework for investigation by a task force on Burma, established by the UN Security Council in 2005. In November 2008 the Human Rights Education Institute of Burma issued a report entitled *Forgotten Future: Children affected by armed conflict in Burma*, showing that all six of these categories of abuse have been inflicted upon children in conflict areas of Burma over the previous five years, mostly by SPDC forces.

The protracted armed conflict in Burma has seen the SPDC utilise a range of brutal counterinsurgency techniques, many of which are directed at civilians in an effort to cut the links between non-state armed groups and civilian populations. Overlapping this is a desire to extend SPDC control nationwide so that wealth and resources can be exploited for the benefit of the SPDC hierarchy. In border areas which the SPDC does not already fully control, SPDC army continued to conduct military operations targeting undefended civilian villages throughout 2008. During such attacks, men, women and children have been shot on-sight, entire villages razed to the ground, and crops and other food sources systematically destroyed by SPDC and DKBA soldiers. In the predominantly ethnic rural areas where these offensives occur, other rights violations included the use of forced labour, extortion, illegal taxation and land confiscation. To date the policy of targeting ethnic rural populations in order to control territory has forced an estimated 500,000 from their homes along the eastern border with Thailand alone. The victims of SPDC persecution live as internally displaced persons (IDPs) in the jungle, in temporary camps or in relocation sites tightly controlled by SPDC and allied ceasefire forces such as the DKBA. (For more information, see Chapter 19: Internal Displacement and Forced Relocation).

The *Report of the Secretary-General on Children and Armed Conflict in Myanmar* presented to the UNSC in June 2009 once again illustrated the manner in which 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. These findings supported those that had been made previously in the Secretary General's report of 2007. (For more information, see Chapter 4: Landmines and other Explosive Devices). The 2009 report described one incident in which a child was severely injured by mines. It was unclear from the case which group was responsible for the laying of the mine, however, the area in question suggested that the mine had been laid by a non-state armed group;

“Villagers and internally displaced persons, including children, in locations along the eastern border areas of Myanmar continue to suffer serious threats to their lives from the effects of the use of anti-personnel mines. In one case verified by the country task force, on 25 January 2008, a 10-year-old boy from Kayin State stepped on a mine and suffered serious wounds to his right leg, which was later amputated at the hospital. The mine had been buried at the perimeter of an army camp, indicating that it was meant to protect the army base and was thus unlikely to have been laid by an insurgent group.”¹¹

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 militarisation throughout the country and 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. It should be noted that the nature of the armed conflict in Burma is not primarily a fight between opposing armed groups any longer, though this was traditionally a part of the conflict. In the current climate, the struggle is characterised by the conflict between the SPDC (and its proxies) and the civilians it seeks to bring under its control. In Burma, civilians are the primary targets of military attacks especially in the eastern border regions – 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 18: 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 achieve this, 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 that the SPDC's system of rule is pushing children into increasingly vulnerable situations due to factors such as militarisation of livelihoods, political instability, economic mismanagement and instability and armed attacks on civilians in border areas.



IDP children fleeing from SPDC army attacks in eastern Tavoy Township in Tenasserim Division in January 2008. During such attacks, SPDC army soldiers typically fire upon all villagers indiscriminately, irrespective of age. By living beyond direct military control as IDPs, these children are considered to be enemies of the State and as such, legitimate targets for the use of lethal force. [Photo: © FBR]

Children and Displacement

Armed attacks on civilian communities and the regime's repressive policies in ethnic areas have led millions of people to flee their homes to destinations both inside and outside the country. A few children flee far across Asia with their families in an effort to find a peaceful and prosperous place to live. On 30 September 2008 *Punjab Newslines* (India) reported that 35 people including 20 children had been arrested at the India-Pakistan border. They had fled all the way from Burma, crossing Bangladesh and India before arriving at the border with Pakistan where they were arrested and imprisoned by Indian authorities.¹² Few of those who have crossed an international border have been recognised as official refugees. Within the country it estimated that as many as one million IDPs are 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 2007.¹³ (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 (whether direct SPDC control or under one of the ceasefire groups) and those who do not. The second category includes those people who flee areas of military control not wishing to move into SPDC relocation sites. Those villagers opting not to live under military control often hide in the forests and attempt to avoid all contact with the military. Those living in areas under SPDC control, usually in relocation sites, are subject to regular demands of forced labour and illegal taxation, and are constrained by stringent trade and movement restrictions, the breaking of which has led on prior occasions to civilians being shot on-sight by military personnel.

Violence against Children

Almost all incidents of violence in Burma impact upon children's lives in some way, but an examination of the secondary effects of violence upon children is beyond the scope of this chapter. (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: Arms Proliferation and Landmines).

On 12 February 2008 at around 2:00pm an orphan resident at a private orphanage in Letpadan Township, Tharawaddy district, Pegu division, died in suspicious circumstances. Than Zaw Moe, aged 16, died after returning to the orphanage from his school marching band's performance. A local resident told DVB that suspicious villagers uncovered his body after they noticed it was very quietly brought to a cemetery in another village. He said:

*"There were bruises on his neck and his tongue was sticking out, and there was a wound on the back of his neck that looked like he had been hit with something hard...It looked as though he had been choked and then slammed against a wall, so he had clearly not died of natural causes."*¹⁴

The resident told DVB that it is generally known in the village that the orphanage owner abuses the 15 orphans in his charge, but when some of the concerned villagers went to file a complaint at the police station they were pressured in to dropping the case and the police refused to investigate further. Residents complained that *"Whenever a crime takes place, we don't know where to turn for help, because the authorities such as the police, the township chairman and the township Peace and Development Council never take it seriously."*¹⁵

Karen State

In northern Karen State, military operations against villagers hiding from SPDC control continued in 2008. The Karen Human Rights Group reported in late November that approaching troops fired mortar shells on villages before torching homes, schools, churches, farm fields, food supplies and food storage containers. Anyone spotted during these attacks was shot on sight.¹⁶ Children have not been spared in these attacks, as the following cases show.

On 15 March 2008 16-year old Naw D--- from Htee Baw Kee village, Saw Muh Plaw village tract, Papun District, stepped on a landmine deployed by SPDC troops. Naw D---, along with all of the other villagers, had fled from her village when it was attacked by the SPDC army and went in to hiding in the jungle. After the soldiers retreated, Naw D--- went back to the abandoned village to recover her family's hidden stores of rice but she stepped on a landmine placed by the retreating soldiers, which blew off the lower part of her right leg. Luckily, a medical team reached her in time and amputated her leg.¹⁷

In May 2008 Naw S---, a 14-year old girl from Ht--- village in Papun Township, described to a KHRG field researcher an attack by SPDC soldiers on her village in which she was injured by mortar fire:

*"I feel sad. We are children, we should study in school peacefully and smoothly but now we have to run and stay in the forest and study in the forest instead... They came and attacked the village, arrested villagers and killed the villagers and burnt down the village. They shelled Hta La Koh [village] with six mortar [shells] and five of the mortar [shells] exploded. Villagers and animals were injured and killed. Six villagers were injured, including two students and myself [also a student]. At that time, I was walking and the mortar [shell] hit my waist, my upper bladder and my thigh."*¹⁸

Arakan State

On 30 October 2008 a group of Bangladeshi cattle raiders killed 16-year old Mohammed Nasim in Maungdaw Township, according to *Kaladan News*. The boy and his friend, who escaped the attack, were fishing on the Naff River close to the robbers' boat when the thieves fled to the border after their cattle raid was disrupted. Thinking the boys would report them to the authorities, the robbers struck Mohammed Nasim over the head with a stick, killing him on the spot.¹⁹



This IDP baby, jaundiced and ill, was unable to obtain necessary medical treatment due to the strict military-imposed movement restrictions. [Photo: © KHRG]

Pegu Division

On 23 May 2008 SPDC soldiers from Light Infantry Battalion (LIB) #47 active in the Htee Wah Day area of Tantabin Township attacked Yer Loh village at around 4:00pm. Troops shot and injured 16-year-old Naw Gka Tee, crippling both of her legs.²⁰

Democratic Voice of Burma reported that on 12 October 2008 a drunk military officer named Aung Aung Oo knocked down 13-year old Maung Kyaw Zin Tun on his motorbike in Pegu town, near the old bus station. When the officer stopped to check on the boy a policeman confiscated his motorbike key, but the officer, thinking that a youth standing nearby had stolen his key, beat the youth unconscious. The youth, 23-year old Maung Thaw Aung, who suffered broken teeth and injuries to his face and head, was paid 160,000 kyat to drop the charges after reporting the incident to police station #3 the following morning. Not only was the victim persuaded to drop the charges against a military person, but the amount paid to him was much less than if the perpetrator had been a civilian, reflecting the double standards that exist in Burma between military personnel and the civilian population.²¹

Tenasserim Division

On 16 December 2008 SPDC soldiers from Infantry Battallion (IB) #101 killed four cattle traders in Kasawphoe, beside the Tenasserim River in eastern Tavoy Township, one of whom was a child. The victims, who all came from Se-ku village, were identified as:

1. Saw Hut Phloe, male, age 16;
2. Saw Dah Htoo Phoe, male, age 18;
3. Saw Hser Thel, male, age 35; and
4. Saw Deedi, male, age 40.²²

After murdering the villagers, the soldiers stole two oxen and two buffalo. (For more information see Chapter 3: Extra-judicial, Summary or Arbitrary Executions).



Kachin schoolgirl, Nhkum Hkawn Din's naked and mutilated body was found in bushes 200 metres from an SPDC army post near Nam Sai village in Momauk Township, Kachin State. She had been gang raped, tortured and murdered by SPDC army soldiers on 27 July 2008. She was only 15-years-old. For more information, see the following section on "Sexual Violence against Children" in which her case is discussed in depth. [Photo: © BSS].

16.3 Sexual Violence against Children

As a State Party to the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Burma has obligations under international law to protect women and girls against all forms of sexual violence and is responsible for the investigation of all allegations of sexual abuse. Despite the weight of these obligations, the year 2008 continued to see sexual violence being perpetrated against Burmese women and girls, including by SPDC officials. Increased militarisation around the country has seen an attendant increase in human rights abuses committed by soldiers. Abuses of children have gone unpunished in Burma due to levels of corruption, a lack of transparency and furthermore, the lack of political will required to allow the mechanisms of justice to perform their proper function. The enforcement of political will on the judicial system is clearly not in the interests of the SPDC when incidents of rape appear to serve the military by cultivating fear and intimidation among the wider community that the SPDC seeks to control. Fear enables the military to more easily control society and challenges Burmese citizens' will to resist demands.

Sexual violence is a devastating crime against any individual, but possibly, it is even worse for children due to their physical and emotional immaturity. Their undeveloped bodies are more susceptible to long-term and serious damage and long-term trauma may result from an inability to understand and emotionally deal with incidents of sexual violence perpetrated against them.²³ Sexual violence is committed against boys and girls in Burma, though the majority of incidents involve girls, and the recorded victims have been as young as seven years old. Most incidents go unreported due to fear of punishment by SPDC officials and stigmatisation by the community.²⁴

Cases of sexual abuse commonly occur in or around army bases or outposts, providing further justification for villagers to flee from SPDC soldiers and military control. The risk of sexual violence increases where victims are isolated in the home, on their farms, walking along paths or doing forced labour. It is especially high when soldiers have been drinking alcohol. Burmese villagers are well aware of these risks and these form one of the many factors that they take into account when they make decisions regarding whether or not to follow orders to move to a relocation site under SPDC control or flee into the forests for a life in hiding as IDPs.²⁵

"They [the SPDC officers] told us to come and stay [at Thee Muh Hta] because they love our civilians and take pity on the civilians, but we already see through them... We already see their intestines [know what they are really like]... If the SPDC come to our village, we can't sleep during the night. We worry that they will fuck [sic] our daughter or fuck our wife and if they fuck our daughters and wives to whom will we put the crime. Then if we go and stay among them, it's [our life's] finished!"²⁶

Sexual Violence against Children – Partial list of incidents for 2008

With the deteriorating economic situation throughout the country, child participation in the sex industry is on the rise as impoverished girls turn to selling their bodies for income. In Rangoon Division, for example, there are reports that nightclubs and brothels selling sex with girls as young as 17 are proliferating. Many of them are run by SPDC officers or people with close relationships to the SPDC.²⁷ Their clients profit from socio-cultural power disparities between men and women and the economic crisis in the country which is leaving young women with little choice but to offer their bodies for abuse.

Soldiers throughout the country also exploit socio-cultural power disparities between the military and villagers, as well as adults and children. It is very difficult for a woman to protect herself against an armed soldier intent on raping her, but it is even more difficult for a child to do so.

Chin State

On 8 June 2008 at around 4:00pm two Chin girls were raped by Major Soe Thaik Aung of LIB #268 and lawyer U Myint Phone. The girls were 13-year old Ngun Chin and 14-year old Par Ku, both from Thangtlang Town. They were raped and subsequently locked in the lawyer's house but the father of one of the girls heard about the situation and immediately filed a report at the police station where he worked as a policeman. The police rescued the girls and it was confirmed after a medical examination that they had been raped. One of the girls was hospitalised in Hakha town with serious injuries. Both of the perpetrators were arrested.²⁸

Kachin State

On 27 July 2008 a 15-year old Kachin schoolgirl named Nhkum Hkawn Din, daughter of Nhkum Yawng Shawng and Maran Nu Bren, was raped, brutally tortured and murdered by SPDC army soldiers one and a half kilometres from her home in block one of Nam Sai village in Momauk Township. The girl was an eighth grade student at Momauk High School and was walking past an SPDC army post at around 9:00am to take lunch to her brother who was working in the family's paddy field when the incident took place. The army post contained between eight and fifteen soldiers and was headed by Sergeant Thet Htun of LIB #437. The battalion commander was identified as Major Aung Myint Htun, stationed in Momauk Town. Eyewitnesses recalled seeing three soldiers following the girl. The soldiers were:

1. Corporal Aye Thein;
2. Private Soe Tu Win; and
3. Trainee Tu Ra.²⁹

Other eyewitnesses saw two of the soldiers before and after the incident took place. The girl's family became concerned after she failed to return home, reported her disappearance to the police and started searching for her with the help of other villagers. Her naked and mutilated body was found three days later on 30 July 2008 buried in bushes just 200 metres from the army post. The girl's skull was crushed beyond recognition, her eyes had been gouged out and her throat was cut. She also suffered a stab wounds on her right rib cage and stomach and her vagina had been violated with knives.³⁰

Nhkum Hkawn Din's body was sent for an autopsy where it was concluded that two or three people had raped and killed her but the local police told the girl's family there was insufficient evidence to prosecute the perpetrators and took no action to further investigate the incident.³¹ Local villagers were outraged and the story was quickly reported to Kachin media groups. Kachin Independence Organisation (KIO) officials in Momauk, whose armed wing (KIA) signed a ceasefire with the SPDC in 1994, also demanded that the SPDC punish the perpetrators. Two weeks later on 14 August 2008, one of the perpetrators, Private Soe Tu Win, was arrested and the next day sent to Momauk police station, while all of the other soldiers based at the army post were transferred to Bhamo by the MOC #21 commander on 15 August 2008.³² The eyewitnesses identified Private Soe Tu Win in a line up in Momauk police station. On 17 August 2008 a group of officials came to visit the family and offered them a small settlement to close the matter. The officials were:

1. Colonel Khin Maung Maw, a commander of Military Strategic Command based in Momeik in Northwest Shan State under Northern Command (MaPaKha) based in Myitkyina, Kachin State;
2. Major Min Tu, back-line commander of LIB #437;
3. U Myint Soe, Chairman of Momauk Township Peace and Development Council;
4. Tin Htun, head of Momauk police station; and
5. Lieutenant Lamau Yaw Htung, temporary KIO development officer in Nam Sai village.³³

The compensation offered was:

1. One sack of milled-rice (equivalent to three tins);
2. Two viss (3.2 Kg) of sugar;
3. Four viss (6.4 Kg) of cooking oil;
4. Five cans of condensed milk; and
5. 500,000 kyat (At the time equivalent to US\$424).³⁴

Major Min Tu also promised the girl's family that his army battalion would provide the cost of schooling for all the remaining children in the family. The officials told the family that Private Soe Tu Win would be sentenced to up to 20 years in prison; however there was no mention of any action against the other perpetrators. The girl's family told the Kachin News Group that they wanted the court to punish the guilty soldiers rather than the case being concluded in keeping with 'customary law' by a small amount of cash compensation offered by the SPDC Army.³⁵ International attention and protests outside Burmese embassies in Asia and Europe followed at the end of August 2008.³⁶ The Thailand-based Kachin Women's Association released a press statement after the incident saying *"The junta uses rape as a tool against ethnic minority women with impunity and this is an act of crime against humanity and lack of rule of law in Burma."*³⁷

Karen State

On 9 September 2008 a 14-year old Mon girl from Ye Township, Mon State, was raped in Umpiem Mai refugee camp at around 9:00pm. She had stepped out of her home to use the outside toilet when she was raped by a man from the camp. The man was ordered to pay a 20,000 baht fine to the girl's family and was imprisoned until he paid.³⁸

Pegu Division

On 27 December 2008 (Karen New Year Day) a seven year old Karen girl named Ma Ni Kabyar was raped and shot dead at about 6:00pm in her home by an SPDC soldier. The incident took place in Maubin village, Kyaukkyi Township, while the girl's parents were out. The perpetrator was from LIB #350, deployed at Saw Behldoe outpost near the village, under the command of Lieutenant Thet Khaing.³⁹

16.4 Child Soldiers

The SPDC is the world's most persistent 'government' offender of child soldier recruitment, according to Coalition to Stop the Use of Child Soldiers' 2008 Child Soldiers Global Report. The SPDC uses extreme militarisation throughout the country to bend the population to its will and secure the country's resources for the military hierarchy. In order to maintain the structures of militarisation, however, a large army is required. Although it is difficult to arrive at a precise estimate, it is assumed that the SPDC army has roughly 350,000 men and boys at arms, but the majority of these are poorly paid, abused and exploited by senior officers.⁴⁰ As a result, the army suffers from high rates of desertion and recruitment problems. To offset these problems, local commanders frequently target children for recruitment because they are more easily intimidated and more susceptible to coercion.

For more than a decade, numerous organisations have denounced not only the existence but also the extent of child soldiering in Burma. In 2002, Burma was labelled as the world's foremost user of child soldiers; 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 asserted 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.⁴¹ Many human rights groups and Burma analysts have since cast serious doubt over the figure of 70,000 child soldiers. Even if the true number were half this many however, it would still be enormous. The Coalition to Stop the Use of Child Soldiers has estimated that children under the age of 18 account for between 35~45 percent of all new SPDC army recruits, some of whom have been reported to be as young as 11 years of age.⁴²

Though extensive documentation and accumulating evidence clearly demonstrates the ongoing systematic and widespread use of child soldiers in Burma, both the SPDC and several Non-State Armed Groups (NSAGs) have denied such charges and have labelled these allegations as politically-motivated falsifications. 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 modernise 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 2006.⁴³ 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. The poor conditions faced by soldiers such as those mentioned above have led to increasing levels of desertion. Some soldiers also choose to leave the army, whereupon they are required to find two new recruits who can take their place. 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.⁴⁴ It is also much easier to abduct children from markets and train stations, as has been the case in urban centres.⁴⁵ In rural ethnic areas the situation is slightly different in that children are often coerced into joining the military. This is sometimes achieved with promises of education and easing the financial burden on parents, only for the children to find themselves tricked into military service and being posted far away from their families, such that they must rely on the military for support.⁴⁶

Once again in 2008, neither domestic nor international law provided any protection for Burma's children. Burma should be bound by, among others, the Geneva Conventions which provide for the protection of children from military recruitment and/or service. Article 4, paragraph 3(c) of the 1977 Additional Protocol II to the Geneva Conventions 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."*⁴⁷ This article has long been considered part of international customary law and as such should be respected regardless of whether the protocol has been acceded to by the SPDC or not.

Additional protections should be afforded by the Rome Statute of the International Criminal Court (ICC). The Rome Statute clearly asserts in Article 8, 2 b) xxvi, that the act of *"conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities"* constitutes a war crime.⁴⁸ This law, like many aspects of Additional Protocol II, is considered a part of international customary law. Moreover, as a State Party to the Convention on the Rights of the Child (CRC), the SPDC is obliged to abide by the stipulations established in Articles 38/39, which specifically lay out state obligations in relation to children and armed conflict as follows;

Article 38 states that:

- "1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.*
- 2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.*
- 3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.*
- 4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict."*

While Article 39 stipulates that:

*"States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child."*⁴⁹

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). The adoption of the Optional Protocol raised the minimum age at which people could individuals could become eligible for military recruitment to 18 years. 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 ratified by Burma in 1999. ILO Convention 182 obliges state parties to prohibit and eliminate the worst forms of child labour, among which it lists in Article 3 the *"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 18.⁵⁰

As with many other aspects of international law, the SPDC has neither signed nor acceded to either the Optional Protocol or ILO Convention 182. Despite the regime's reluctance to accede to the conventions, the SPDC is still bound by the prohibitions on the recruitment and use of child soldiers as both the Additional Protocol II to the Geneva Conventions and the Rome Statute of the ICC include similar protections for children's rights that comprise customary international law. 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."*⁵¹ Likewise, the Defence Services Act, also promulgated in 1959, established 18 years as the minimum age for military recruitment.

In spite of the protection that should be afforded by these international and domestic laws and regulations, children continued to serve as soldiers in Burma during 2008 in the SPDC army, the allied ceasefire armies and in the non-state armed groups. Regardless of all evidence to the contrary, the SPDC continued to deny all allegations regarding the recruitment and use of child soldiers. In February 2007, Burma was included in a UN blacklist of 12 countries guilty of the continued and extensive use of child soldiers.⁵² Thus far the SPDC approach to the problem of child soldier recruitment has been to totally refuse to acknowledge the presence of under age recruits in its armed forces. 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."*⁵³

Very little has changed in the SPDC approach to dealing with the problem, though it very clearly still exists within the country. In the space of the past two years, at least four major reports from human rights organisations including: Watchlist on Children and Armed Conflict, Human Rights Education Institute of Burma, Human Rights Watch and the Karen Human Rights Group have been published with credible evidence to suggest that the practice of recruiting child soldiers continues.

The ILO office in Rangoon has also reported receiving numerous credible reports of under-age and forced recruitment of children in to the SPDC army, stating in March 2008:

*"Prior to September [2007], the majority of [forced labour] complaints received [by the ILO] concerned public works under local administration with only a few military-related complaints and cases of underage recruitment. Since September that pattern has been reversed with the majority of complaints now being military-related and underage recruitment [child soldier] cases."*⁵⁴

The crucial event of 2007 was the Saffron Revolution (For more information see the Human Rights Yearbook 2007 Chapter 11: The Saffron Revolution – The 2007 Pro-Democracy Movement). In *Sold to be Soldiers*, HRW 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 have resulted in the increased vulnerability of children to SPDC army recruiting officers and brokers. In November 2007, it was reported that Jo 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."*⁵⁵

The ILO's statement regarding the changing pattern of forced labour complaints to its office in Rangoon appears to confirm that these concerns have become a reality.

In 2005 a United Nations Security Council special working group was created to specifically address abuses against children in armed conflict, including recruitment of child soldiers, but the Rangoon team has failed to make any progress on the issue of child soldiers in Burma because of SPDC obstructions. Jo Becker, Children's Rights Advocacy Director for Human Rights Watch and co-author of *"Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma,"* reports *"The United Nations team in Burma is severely restricted in what it can do, where it can go, and what kind of information it can collect."*⁵⁶ She goes on to argue that the SPDC have been protected from any punitive measures the UN may recommend, such as sanctions or arms embargoes, by the Chinese government and, in essence, been given a free pass to abuse Burmese children with impunity. In an article published in the International Herald Tribune on 12 September 2008, she comments,

*"A stalwart ally of Burma's military regime, China tried to prevent the Security Council from discussing Burma's record of violations against children. According to diplomats, China's representatives (often backed by Russia and Indonesia) have consistently rejected all efforts to pressure Burma to address its use of child soldiers - including proposals for a more detailed action plan on the issue from Burma's government, access by UN personnel to Burma's territory to verify Burma's claims that it has no child soldiers, or even a follow-up report on progress."*⁵⁷

Recruitment and Training

As touched on earlier, there are pressures on those who seek to leave the military to find replacements for themselves, and there are several options available for people to do this, including: abduction, coercion and threatening children that if they do not join the military they may face jail time. There is also a financial motive for those who are already in the military to supplement meagre incomes by selling children to military recruitment centres. These centres have often falsified documents in order to keep children in the ranks at training facilities.⁵⁸ Recruiters have rounded up boys in markets, train and bus stations, pagodas and other public places and coerced or threatened them into joining the military. According to an SPDC deserter, the SPDC army has a rule that *"battalion commanders must recruit 5 or 6 soldiers every month. If they can't recruit [the quota], the officers must pay a fine."*⁵⁹ Occasionally large recruitment drives are ordered.

On 8 March 2008 in Arakan State, the SPDC's Western Command Brigadier Maung Shien ordered four townships to send 100 youths each for military training by the end of the month. Youths already serving in the fire service, the people's militia or members of USDA were exempted.⁶⁰ While the order reportedly stipulated that recruits should be over the age of 18, pressure to comply with orders such as these is likely to result in youths under the age of 18 being conscripted and their age falsified on military records. In some cases, villages can pay a large bribe to avoid sending their youths for enlistment in the SPDC army. On 31 January 2008 *Khitpyaing News* reported that LID #66 had instructed township and village level SPDC officials to collect one recruit from every village in Paungde Township, Pyay District, Pegu Division. Villages were able to pay a 100,000 kyat bribe to avoid the request, which village level SPDC officials would then use to buy recruits from brokers.⁶¹

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 adult recruits. According to credible reports, trainees are lectured on military subjects but most of the training focuses on drills, parading, and discipline. Child soldiers undertake basic weapons training; learn how to mount frontal assaults and how to engage in hand-to-hand combat. The physical nature of training is particularly hard for the youngest recruits who in many cases suffer from exhaustion.

New recruits frequently face physical abuse and torture during military training. According to the aforementioned SPDC deserter interviewed by KHRG, *“during the military training period face-slapping was the least [of the abuses]. They beat the students a lot. People were afraid of them. They frightened the soldiers into following their policies.”*⁶²

Children are not only recruited in to the army, however, they are also recruited in to the police force, paramilitary forces such as the Auxiliary Fire Brigade, the USDA, the ‘*pyitthu sit*’ (People’s Militia) and the Myanmar Red Cross. On 9 February 2008 *Khonumthung* reported that underage youths in Paletwa Township in Chin State and Kyauk Taw Township in Arakan State had been coerced in to joining the police force and had been sent to police training camps in lower Burma.⁶³

If a case of child conscription becomes public, the brokers and army officers involved may continue to make money by playing on the fears of parents. They can avoid media attention by releasing the child, but still make money by forcing the parents to pay a bribe for the release. For example, on 23 January 2008, four children were detained by market security guards at the Central Model Fish Market in Kyi Mying Taing Township, according to DVB. They were then sold to Sergeant Soe Myint, who took them to Danyingon military recruitment centre. At around 2:00am the next morning the children were brought back in a military vehicle after the story was made public by several news agencies. Subsequently, Soe Myint demanded 30,000 kyat for the release of each child for ‘transportation fees’. As the parents did not have enough money, the market vendors helped them and the children were released. Sergeant Soe Myint is reportedly well known for making money from the temporary detention of children in this way and both he and the market security guards are able to act with impunity.⁶⁴

For street children and orphans, there is no one to fight for their release if they are abducted and forced to join the army, thus these children remain very vulnerable to forced recruitment in Burma.⁶⁵

Service and Active Duty

Many children recruited into the military are often sent to regions of conflict that are notorious for the perpetration of human rights abuses against civilians. At times children have been made to participate in the terrible forms of abuse and have reported witnessing scenes of rape, beatings and killings of ethnic rural villagers.

Active duty in the SPDC army can be highly dangerous, especially for lower ranking soldiers, as this SPDC deserter describes:

*“If we didn’t do what they ordered, it would have been death for us. If they ordered [us] to shoot, we had to shoot. Even when we knew that a [given] place was full of landmines and that if we went on we could die, if the officer ordered [the soldiers] to go ahead, we had to go. We couldn’t go backwards. If we moved backwards, we would have died under their bullet fire.”*⁶⁶

Duties for ordinary soldiers also include labouring for their superior officers, working on military-run commercial money making ventures such as baking bricks, planting physic nut shrubs, as well as being assigned to menial duties such as cleaning toilets, gathering water and firewood, and cooking.

Child Soldiers in the SPDC Army – Partial list of incidents for 2008

Residents of Sittwe Township in Arakan State reported that forcible recruitment of minors had become increasingly common in the area. In March 2008 14-year old Maung Maung (aka Kyaw Than Htay) was taken from Minkan Ward 3 to an army recruitment camp and not released until a bribe of 30,000 kyat was paid. On 21 September 2008 13-year old Maung Tun Khaing Win, was taken from his home at knifepoint while his mother was out. Three days later his mother found him at an SPDC military recruitment base in Utyinthaya Ward along with other child soldiers, but an army officer prevented her from taking her son home. She returned later with her son's school teacher and head teacher from No 1 State High School in Sittwe, capital of Arakan State, but by this time the boy had been moved to another base, thought to be in Mrauk U Township.⁶⁷

On 30 May 2008 a 16-year old boy was arrested by a group of SPDC soldiers when he went to the Immigration Office in Dimawhso Town, Karennni State, to apply for his identity card (which is only issued to people aged 16 and above). He was forcibly sent to the Taunggyi military training camp and beaten up on his arrival. After a month he managed to escape and return to his family. This was not the first time he had been forcibly recruited into the SPDC army and beaten. In September 2007 he had been arrested on his way to school and forced to attend basic military training for six months at the same camp, following which he became a 'Yeh Nyunt' (junior soldier) and then managed to escape. While the boy managed to escape both times and return to his family, he lives in fear of possible re-arrest, recruitment and torture.⁶⁸

In June 2008, a 15-year old boy who was studying in the ninth standard at Phado village high school in Kyauktagar Township, Pegu Division, was recruited into the SPDC army. He had run away from home following a fight with his mother and ended up in Battalion #111 at Wuntho Township, Sagaing Division – 400 miles north of his hometown. His family traced him there, met with the boy and pleaded with the officers to release him, but they refused. His family then enlisted the help of a local labour rights activist in Pegu town, who agreed to submit a complaint to the ILO liaison officer in Rangoon. The ILO appointed an officer in early 2007 to liaise between Burmese civilians and the SPDC on forced labour cases in Burma. This is not the first time that the activist had to report cases of underage recruitment into the SPDC army. The activist related that *"In the past, through the help of the ILO liaison officer, we were able to withdraw about 15 boys from military camps."*⁶⁹ The rights activist, named Aye Myint, met with the ILO's deputy liaison officer, Piyammal Pichaiwongse, and reported, *"I met the deputy officer. She accepted the complaint and said the office will meet those of the concerned ministry to recall the child."*⁷⁰ Submitting a complaint to the ILO can be a dangerous endeavour, however. On 17 September 2008 *Mizzima News* reported that an NLD leader named Thet Wei had recently been sentenced to two years in prison with hard labour for trying to lodge a complaint to the ILO on the SPDC's use of child soldiers.⁷¹

On 14 August 2008, Mg Pauk Chate, a 14-year old orphan from Ngat Pyaw Daw village in Bhamo Township, Kachin State, was abducted by a group of soldiers and taken to the LIB #437 barracks in Makhoy. The following day, his brother and some local village leaders went to the barracks to appeal for his release but they were denied a meeting with either the authorities or the boy.⁷²

On 10 September 2008 SPDC troops from LIB #420, based in Thazi Township in Mandalay Division, abducted nineteen persons from a train, some of whom were reported to be minors according to DVB. The recruitment official took away their ID cards and accused them of being the culprits behind bombings in Rangoon before giving the prisoners the choice of joining the army or being jailed for the bombings. The prisoners were reportedly tortured if they refused to enlist. After two weeks of imprisonment at the barracks five of the prisoners managed to escape.⁷³

On 16 September 2008 a former child soldier, who was allowed to leave the army when his mother intervened because he was underage, was taken from his home in South Dagon Township, Rangoon, on his eighteenth birthday. Maung Win Sithu was arrested by SPDC officials on the pretext of a criminal investigation, but his mother suspects that the SPDC army wanted to re-recruit him.⁷⁴

On 12 November 2008, Ye Lin Htet, a 15-year old boy who was recruited along with three other children from Rangoon general train station in July by Corporal Khin Maung Sint, was released after his mother lodged a complaint with the ILO. Despite SPDC authorities pressuring her to keep quiet, the boy's mother traced her son to a basic military training camp in Thaton and the ILO was able to assist her to secure her son's release from the army.⁷⁵ This case was unusual as most cases of child recruitment into the SPDC army do not result in the child being released.

On 13 November 2008 a soldier from LIB #540 lured 14-year old Maung Tha Tun with money to join the SPDC army in Mrauk U Township, Arakan State, according to *Narinjara News*. The soldier himself wished to retire from the army but was obliged to provide two new recruits to fill his place first. The boy's parents were unable to secure his release from the battalion.⁷⁶

Child Soldiers in Various Non-State Armed Groups – Partial list of incidents for 2008

The use of child soldiers by NSAG's has been well documented and should not be discounted, however there is a vast difference in the numbers of child soldiers utilised by the NSAG's in comparison with the SPDC.

The following are a number of NSAGs, both those allied with and those opposing the regime, who have been accused in past years of using and recruiting child soldiers in Burma (For more information on the groups listed here, see Chapter 18: Ethnic Minority Rights). In 2008 there were no specific reports about child soldier recruitment, but this should not be taken as an indication that the practice has stopped necessarily; rather it may reflect that reporting of cases has diminished.

Democratic Karen Buddhist Army (DKBA)

In August and September 2008, DKBA battalion #999 under the command of Maung Chit Thoo forcibly recruited villagers into the army using a lottery system. Every village tract in the T'nay Hsah area of Pa-an Township, Karen State, was ordered to provide 15 new recruits (larger village tracts had to provide 25 recruits) for 18 months, reportedly so that the battalion could attack the KNLA's sixth brigade. Children were also included in the forced conscription, including 13-year old Saw Y--- from Noh Gkay village tract.⁷⁷

Kachin Independence Army (KIA)

The KIA is the armed faction of the Kachin Independence Organization (KIO) and is based in Kachin State and in North eastern Shan State. According to Democracy for Burma there are currently *“four brigades and five army divisions in Kachin State and one brigade in Northeast Shan State with over 20,000 men and women in both KIO and KIA.”*⁷⁸ The KIO entered a ceasefire deal with the regime in 1993. According to *Kachin News*, the KIA does not have a specific policy on the use of child soldiers and a senior officer from the KIA was quoted in 2008 as saying that

*“We have child soldiers but not intentionally. We do not purposely mobilize children. In many cases child soldiers come and ask to join the KIA because they are from poor families. There is no minimum age in the KIA,”*⁷⁹

Kachin Defense Army (KDA)

The KDA is a splinter faction which had initially broken away from the Kachin Independence Army (KIA) and formed a ceasefire pact with the junta in 1991. Reliable information has been difficult to obtain regarding the policies and practices of the KDA regarding recruitment and use of child soldiers. Despite the difficulties, as recently as late 2007 Human Rights Watch reported that there was some evidence to suggest that the KDA was still recruiting girls and boys to serve in the military. Estimates made by local sources suggested that the possible numbers of child recruits may comprise around 6-7 percent of the troop numbers of the KDA.⁸⁰

Karen National Liberation Army (KNLA)

The KNLA is the armed wing of the Karen National Union (KNU) and has been a noted user of child soldiers in the past. Recent trends show that the numbers of child soldiers within the ranks of the KNU have been in decline. The leadership of the KNU has attempted to address the issue to some extent and has engaged with UN agencies as part of this attempt, signing deeds of commitment to end the practice.⁸¹

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 been reported to have recruited child soldiers from the Mae La Refugee camp and other areas of Thailand and Burma.⁸²

Karenni Army (KA)

The KA is the armed wing of the opposition Karenni Nationalities People's Party (KNPP) and has previously 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 demobilised. In early 2008 General Bi Thu of the Karenni Army called for the removal of the KA from the UN list of child soldier recruiters. On 12 February 2008 a KNPP spokesperson said, *“there is no justification for the inclusion of the Karenni Army in the list of non-state armed groups.”*⁸³ General Bi Thu admitted that there had been children recruited into the army in the past but that they had not been sent to combat zones. The general invited UN agencies to visit KA areas to verify the end of the use of child soldiers by the KA.⁸⁴

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 report for 2008 has reported the group to be continuing in its use of under age soldiers.⁸⁵ The Child Soldiers Global Report also reported the KNPLF as a user of child soldiers in 2008.⁸⁶

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. Although the MNLA is believed to possess a number of children within its ranks, there has been little recent evidence to back up the allegations and the group fails to feature in either the Child Soldier Global Report for 2008 or the UNSG's report on child soldier use for 2008.

Myanmar National Democratic Alliance Army (MNDA)

The SPDC-aligned Myanmar National Democratic Alliance Army (Kokang) operates in northern Shan State and is an offshoot of the Communist Party of Burma. Previously the group had reportedly permitted young children to join its ranks and continues to be mentioned as a recruiter of child soldiers in the UNSG's annual report on the issue.⁸⁷

Shan State Army-South (SSA-S)

The SSA-S has previously been accused of using child soldiers within its ranks and has frequently made the UNSG's annual list. On 7 February 2008, Shan State National Day, the chairman of the Restoration Council of Shan State, Colonel Yawd Serk denied the SSA-S recruited underage soldiers, saying:

*"The United Nations should not listen to outside. We, the SSA invite the UN to come here and see the truth. Our mandatory policy is to recruit people as soldiers from 18 to 45 years old...Although they are over 18 they look like 14 -15 years old because of malnutrition."*⁸⁸

United Wa State Army (UWSA),

The Wa people number only around half a million in Burma, with about another 400,000 living in Yunnan Province, China, however the Wa army is vastly disproportionate to its population with approximately 20,000 men, women, girls and boys enlisted.⁸⁹ Despite a 20-year ceasefire with the SPDC, the UWSA distrusts the SPDC and maintains a large army in preparation for any future conflict with the SPDC. A policy has long been in place that each Wa family must give one child to the army with no minimum age stipulation, thus, enlistment of minors from the age of ten upwards is common. The SPDC-allied UWSA has previously been listed on the UNSG's list of child recruiters. The UNSG has stated in his report on children and armed conflict that eyewitnesses have testified that children as young as nine attend UWSA military training schools.⁹⁰

16.5 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 state 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.”*⁹¹

Despite the ratification of the CRC and the superficial efforts of the SPDC to ensure the upholding of the articles stipulated by the convention, there were again numerous accounts of children being mistreated at the hands of regime authorities. It was common for these abuses to go unpunished, in keeping with the culture of impunity that characterises Burma.



A young boy in Bogale Township, Irrawaddy Division trying to escape the attention of police as he runs through the rain with a sack of food that he had just received from a donor in the wake of Cyclone Nargis. An estimated 140,000 people had died during the storm and as a result of the lack of aid and spread of disease. [Photo: © Min Khet Maung]

Many accounts of children being arrested or held were made in connection to the treatment of children by the military. In January 2008 for example, the aunt of a former SPDC child soldier lodged requests with various SPDC authorities for the release of her nephew whom she had recently learnt had been sentenced to 10 years in jail for absconding from the SPDC army. The boy, named Paing Hpyo Aung from northeast Rangoon, was only 13 when he was recruited in to the army. He was sent to a front line area at Taunggut, close to Thandwe, and subsequently fled from his unit. Following his capture, in December 2005 a military tribunal tried him and sentenced him to 10 years in prison when he was, at that time, only 15 years old.⁹² This act was in violation of the 1993 Child Law of Burma. After signing a letter requesting his release from prison, the boy’s aunt, Daw Ohn Yee, was harassed and

kept under watch by Ward 5 Peace and Development Council officers and Kyaukdwinkone Township Police in Pegu Division. Meanwhile, two other persons who helped her to write the letter, Ma Choe and Ko San Tint, were reportedly forced into hiding while members of the USDA, police and SPDC officials were reported to have gone to their house to search for them and intimidated other members of their family.⁹³

On 22 February 2008 DVB reported that fifteen children from Tharawaddy Township in Pegu Division were abducted by soldiers from SPDC LIB #35 approximately ten days previously. While collecting bamboo in the local forest, the children were abducted by officers from the military recruitment division led by Lieutenant Saw Win and taken to the battalion's barracks. At the barracks they were reportedly given the 'choice' of joining the army or going to prison (which is a common tactic used to coerce vulnerable children into enlisting). However, all of the children chose to go to prison. They were subsequently taken to the local police station because the battalion commander was due to come back to the barracks and they feared being reprimanded for having children there, however the police refused to detain the children or press charges against them, so they were taken back to the barracks.⁹⁴

On 22 October 2008 *Khonumthung News* reported that about ten children, including two girls, had been imprisoned in the Inntainglay prison camp in Kale Township, Sagaing Division, by SPDC officials. A former Chin inmate, who was himself only 17 when he was detained in the camp, said that most had been imprisoned for stealing. Once imprisoned, he reported that the prison authorities tried to persuade the children to join the SPDC army and regularly confiscated half of the food and money that relatives brought to the inmates. The article also reported that because of poor medical facilities in Inntainglay prison camp, at least one prisoner was dying there every month.⁹⁵

16.6 Child Trafficking

As a 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,*”⁹⁶ Despite the existence of these protocols, Burmese children were still being trafficked out of the country in 2008. The exact numbers of trafficked children were very difficult to ascertain with any degree of accuracy, however, according to reports emanating from Thailand’s immigration detention centres, Burmese children “*make up the largest proportion of foreign child labour*” in Thailand.⁹⁷

In addition to the CRC, Burma is also a 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 Migrants 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, People’s Democratic Republic of Laos, Thailand and Vietnam in their efforts to curb the practice.⁹⁸

Intent on showing its commitment to combating the trafficking of persons, in 2005, the SPDC passed the Anti-Trafficking in Persons Law, which criminalised 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 organised 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.⁹⁹ Despite the existence of the law, however, Kachin Women’s Association Thailand (KWAT) reports that it is not being enforced and is having little impact in reducing trafficking in Kachin State. Worse yet, some women are being falsely charged as traffickers under the law.¹⁰⁰

When children are trafficked, not only do they lose their chance to obtain an education and a safe childhood in which to develop, they are frequently forced to work long hours in dirty or dangerous jobs for little or no pay. Burmese children have long been trafficked to Bangkok, through the border town of Mae Sot, where they are forced to sell flowers, beg or work in domestic service, agriculture, construction, fishing or the sex industry. They are also trafficked to China, Bangladesh, Malaysia, South Korea and Macau for sexual exploitation, domestic servitude and forced labour, according to a US State Department report on trafficking which identifies Burma as a source country.¹⁰¹

Teenagers may contact brokers directly to arrange their transport and job placement but they can easily lose control of the process once in transit and find themselves at the mercy of the brokers, employers and corrupt officials along the way. Young children are targeted by brokers who approach their parents and offer a lump sum or monthly payments in return for the child’s labour. With extreme poverty biting at the heels of many families in Burma, some agree to send their child to work through the broker. IRIN reported on 11 December 2008 that some parents only see the first few payments before contact is broken off and they never see their child again. Aye Aye Mar, who set up the Social Action for Women organisation in Mae Sot told IRIN “*The children who are trafficked are very young...they often can’t remember where they come from, and don’t know how to contact their family or village if they manage to run away from the brokers.*”¹⁰²

The Kachin Women's Association Thailand (KWAT) reported an increase in child trafficking across the Sino-Burmese border in 2008 and documented 18 cases of child trafficking throughout the year. The group estimates that around 25 percent of those trafficked to China are under the age of 18 and most of these children, some as young as 14, are forced to be brides to Chinese men. The group also reports that trafficking in Kachin babies continues across the Chinese border with some women being forced to sell their young babies to brokers.¹⁰³

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."*¹⁰⁴

Child Trafficking – Partial list of incidents for 2008

After cyclone Nargis hit the Irrawaddy Delta area, thousands of children were orphaned or separated from their surviving family, not knowing who in their family was still alive. Trafficking of these vulnerable children remained a very real fear throughout the relief and reconstruction phase, though no overall increase in child trafficking was noted by UNICEF in December 2008.¹⁰⁵ Evidence of Nargis-related trafficking of children remains anecdotal, such as IRIN's report that one NGO working in Burma had intervened in seven trafficking cases in June 2008, some involving children.¹⁰⁶ According to AFP on 15 July 2008, SPDC police reported to local media that 80 women and children from Nargis-affected areas had been rescued at border checkpoints where they were being lured overseas by the promise of aid and better jobs.¹⁰⁷



Young Kachin girls like those shown in this photograph are vulnerable to trafficking to China and other Asian countries where they can be forced into sexual servitude and forced marriages.
[Photo: © KNG]

The SPDC officially banned the adoption of children orphaned by the cyclone, seemingly in an effort to prevent them being trafficked. Instead, those that has no other relatives to take care of them were to be brought up in state-run orphanages, in which minimal care and funding is provided. Since the SPDC is notorious for trafficking orphaned and street children into the army and using youth training camps to facilitate their indoctrination into military life, there are reasons to be concerned that the state's obligation to protect children may actually lead to some children being abused. While there were no reports of Nargis-affected children being inducted into the SPDC army, on 22 May 2008 *Mizzima News* reported that around 300 children from the Labutta area of the Irrawaddy delta had been taken away by the local army unit, with promises of food and shelter.¹⁰⁸

Aside from Nargis related cases, brokers often make use of financial incentives to parents to send young children to work in Thailand selling flowers, for example. Children from single parent families are particularly vulnerable to this type of trafficking due to the intense impoverishment such families often face. A young Karen woman explained her neighbour's situation to a KHRG field researcher in March 2008. The events led to two of the neighbours' children being trafficked to Bangkok:

*"I have seen some of my neighbour's children. They only have a mother and the mother doesn't look after her children very well. She has six children and she sent two of her children to Bangkok. It's like she sold her own children. The four children can't get rice everyday. The kids can't stay as their friends live. She receives monthly wages from [the employer of] her two kids, but if the kids didn't want to stay in Bangkok, they [the children's employers] would send them back. But I heard that some children [working in Bangkok] were tortured and oppressed. Some of the children who experienced this came back and spoke about it. Mostly [the children who go to work in Bangkok are] six or seven and they accept up until ten years old. If they are girls, they only accept the pretty girls. If they are boys, they only call on those boys who have good looks and can speak well. They don't call ugly kids to come. When they [the children] arrive in Bangkok, they have to sell flowers in the market. Some kids said that they were threatened by the boss. Some kids ran away back [to their home in Burma]. It [the neighbour's children going to work in Bangkok] happened because their mother couldn't support them. They also have many siblings and the mother can't make sure all of the kids have food everyday. And the mother died. This is what I've witnessed. Her husband died when she was pregnant with their last daughter. Her family has to live poorly."*¹⁰⁹

16.7 Child Labour

Child labour is widespread throughout Burma despite the existence on paper of the 1993 National Child Labour Law and the 2001 Rules Related to Child Labour Laws. An elected representative of the National League for Democracy (NLD), quoted in *Irrawaddy* in September 2008 said *"Nowadays, we can see child workers everywhere, from maid services to big construction sites, and it is rare to see work sites in Burma with no children. That shows our country's future is in trouble."*¹¹⁰ As a direct consequence of the disastrous economic situation in the country and impoverishment due to militarisation of livelihoods, Burma's children are obliged to assist their parents on their farms, care for younger siblings, work as domestic servants, scavenge, beg and work in markets, teashops, restaurants, small industry, and on construction sites.

Children regularly work in teashops in Burma, but unlike their adult counterparts who are protected by legislation to working an 8 hour day; these children are forced by the employers into working back-breaking shifts for minimal wages. In interviews with *Irrawaddy* in 2008, Rangoon teashop worker Maung Thaw Kaung recounted the following labour conditions at the teashop where he was employed,

*"We get up at 3:30 in the morning. The shop opens at 5:30. About 6:30, the customers start coming in and we start serving them. The shop owner feeds us at 8, We have to serve the customers all day until the shop closes at 10:30 at night..... We have to clean and get the things in order after the shop closes, and then we go to bed about midnight. I have worked here for more than three years now, and I earn 8,000 kyat (\$7) a month. Phoe Lone and Wae Htoo [two child co-workers] have just started their work here. Each of them earns 4,500 kyat (\$3.70) a month. The shop feeds us two meals a day. We put these stools together with a blanket, and they are our beds."*¹¹¹

It is concerning that with all the protections afforded by Burmese domestic law, that such overt breaches of child's rights continue to be perpetrated. The owner of the teashop reflected the attitude of those hiring underage workers in the following statement,

*"When I started running this shop, I hired five adult waiters and two children for menial jobs,...Later, I learned the adults were not good at the work. Children don't complain as much, and they do whatever I ask them to do, so I gave all the work to children."*¹¹²

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 to *"take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency."*¹¹³ 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."*¹¹⁴

Burma has long been accused of employing forced labour, most notably by the International Labour Organisation (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 legislation. 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. In spite of the existence of such laws, forced and child labour have continued, and Burma remains reluctant to sign the ILO Convention 182, joining other recalcitrant nations known for human rights violations such as Afghanistan, Cuba, Eritrea, Haiti, Sierra Leone and Somalia, among others. (For more information, see Chapter 7: Forced Labour and Forced Conscription).

Although domestic laws have established the punishment for those who impose forced labour on others; in practice both state and military use of forced labour have remained a source of concern. Evidence continues to accumulate, with reports emanating from various locations across the country of citizens and children being forced to work in numerous military, civil, and private venture projects both in urban and rural areas. 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 those working as waiters and waitresses in restaurants and teashops. In Rangoon, it has been estimated that as many as 100,000 children work in teashops.¹¹⁵

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 in various other money making ventures. According to the US Department of State Report for 2008, Burma does not in effect *“prohibit compulsory labor by children, and children were subjected to forced labor. Authorities reportedly rounded up teenage children in Rangoon and Mandalay and forced them into portage or military service.”*¹¹⁶ Such labour is almost never remunerated, and villagers are required to provide their own food and tools to complete the work. Those who wish to avoid being sent for forced labour must pay a tax in lieu of providing labour, further burdening subsistence level farmers and other poor villagers.¹¹⁷ Civilians have also been called on to serve military units as messengers, guides, sentries, and porters.



This photograph, taken during 2008, shows a woman being assisted by two young children to pack cheroots in Pegu Division. Though it is difficult to tell from the photograph, neither child looks to be any more than 15 years old. [Photo: © AFP]

In areas adjacent to international borders, numerous organisations have continued to gather evidence of children crossing those borders on a daily basis in search of work only to return each evening to take the 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. 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. Some parents have also been deceived by the promises of human traffickers who offer jobs in Thailand for example, with much better wages than are possible in Burma. Children given over to these traffickers can often end up as beggars and sex workers according to sources along the Thai border. According to Rajabhat University researcher Penpisut Jaisanit, who conducted a study around northern Thailand's border with Burma's Shan State, the majority of child labourers in Thailand were ethnic children from Burma. Mr Jaisanit told *Irrawaddy* that,

*"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 centres' and are sexually harassed at an age when they should be in school,"*¹¹⁸

Some children migrate within Burma to seek employment and others migrate outside the country, leaving the protection of their family out of necessity. Some end up being exploited in the sex trade and others, particularly street children, are forced into the SPDC army.¹¹⁹



A young boy, not yet in his teens, seen working selling brooms in Rangoon during 2008. [Photo: © Aung Thet Wine]

Migrant children are particularly vulnerable to exploitation and abuse because of their lack of knowledge about their rights, timidity in the face of adult power and isolation. Young girls, for example, are frequently employed in Burma's neighbouring countries as domestic servants and are largely hidden from public view. On 3 June 2008 *Khonumthung News* reported that an Indian national had been arrested in India's Mizoram State for attempting to rape a 16-year old Burmese girl from Chin State who was working as a domestic servant in his house.¹²⁰ Also in June 2008 in New Delhi, a 17-year old Chin girl was kidnapped by her bookshop employer and three other Indian men, in full view of bystanders who did nothing to assist her, and was held until late that night. When her parents and Chin refugee affairs officials reported the case to the police they were forced to drop the case and no action was taken against the kidnappers.¹²¹

Child Labour – Partial list of incidents for 2008

Children orphaned or left destitute after Cyclone Nargis hit Burma often had no choice but to leave school and go to work in order to find much needed money and food for themselves and their care-givers. Eight-year old Aung Myint Kyaw (pictured below) for example, scavenges for bottles which he can sell for recycling. Since losing both parents to the cyclone, Aung Myint Kyaw lives with his cousin and his younger brother in Kinetawashae village, Bogale Township, Irrawaddy Division.¹²² A monk interviewed by *Irrawaddy* reported that children, some as young as ten, who had lost their parents in the cyclone had migrated to cities to find work in tea shops, small business and households.¹²³

UNICEF identified more than 220 orphans, 914 separated children, 302 unaccompanied children, and 454 extremely vulnerable children in the area hit by cyclone Nargis, but also recognised that there were some vulnerable children who were not encompassed by protection measures. A Save the Children official told IRIN in October 2008 that “*Some orphans are extremely vulnerable in the hands of those who give them food and shelter but make them work hard jobs, which calls for our urgent intervention,*”¹²⁴ The Post-Nargis Joint Assessment, prepared by United Nations officials and released in July 2008, noted on page 156 that there was a fear that some children would become particularly vulnerable to exploitative or dangerous forms of labour including as live-in domestic servants, working in the fishing industry, or in some cases being trafficked for labour and sexual exploitation.¹²⁵

There were also reports that children living in cyclone-affected areas were forced to labour alongside adults by SPDC troops from LID #66, under the command of Brigadier-General Maung Maung Aye, and Ward Peace and Development Council officials. The *Irrawaddy* reported on 17 July 2008 that villagers were expected to serve as porters, cut bamboo and trees, clean roads and villages and work on construction sites.¹²⁶

Forced Labour

Forced labour is a widespread practice throughout Burma. It is a practice in which SPDC officials order civilians to do a wide range of tasks without compensation. This could be anything from working on plantations; building roads, schools, bridges and clinics and forced cropping to carrying military supplies (portering); doing menial tasks in military camps; guiding troops to the next village and walking in front of troops to prevent attacks from insurgent soldiers (human shielding) or to set off any landmines on the way (atrocities demining). In some cases villagers are allowed to opt out of the work, but only if they pay a fine.

Children end up doing forced labour, not usually because they are specifically ordered to, though this sometimes happens, but because the demands are so frequent and intrusive upon villagers' lives that their labour is needed to meet the continuous demands. Usually a demand for forced labour is issued to a village through the village head, who may try to negotiate a reduction. The demand may be for a set number of people, for example 20 people for one day, or for the completion of a specific task, for example the construction of a section of road. If a number of people are required then it is not uncommon for households to send their least productive members to enable their most productive to work on the family's farm for their own livelihoods. In this case young teenagers may form a large part of the work group. If a specific task must be completed then usually the entire village will take part in the task to get the job done as quickly as possible. In this case young children as well as teenagers will participate in the work, accompanying their parents.

Naw Ht---, a 15-year old Karen girl explained the forced labour she had to carry out for SPDC army units to a KHRG field researcher in February 2008:

*"[We] had to porter rice during the time when we were going to school ... [and] the Burmese soldiers didn't allow us to study it [Karen language]. They said that they didn't want the Karen people to be able to read or write their language."*¹²⁷

In parts of Papun Township, Karen State, the DKBA was active in 2008 and regularly demanded forced labour from villagers. A villager reported to KHRG in February 2008 that children were involved in the fulfilment of DKBA demands:

*"We have to send all the thatch shingles to their [DKBA] camp. That's a lot of thatch shingles and it costs the whole village to go [to prepare and deliver the shingles]. All villagers who can carry thatch have to go and their ages have been over 50 and the youngest have been 10 years old."*¹²⁸

In Toungoo District of Karen State, KHRG reported that SPDC MOC #10 were heavily active in the first half of 2008 constructing military camps in an effort to dominate the area, resulting in frequent demands for forced labour from villagers:

*"Yes, we've already portered their rations two times. The first time we had to carry the rations to Gklay Wah. They ordered us to provide 40 people. And the second time was to Maw Gkoh Der. And this time [the second time] we had to provide 60 people to carry the rations. The eldest people were 45 [years old] and the youngest were 14 [years old]."*¹²⁹

Throughout Burma, physic nut planting has regularly been ordered by SPDC authorities. School compounds are one of the areas in which the saplings are planted and school children are forced to plant and tend the saplings. A school age child interviewed in a study on the programme by the Ethnic Community Development Forum said: *"All of us from Grade 5 to Grade 9 had to sow the seeds in the school compound and the football ground. Our teacher told us it was an order from the headmistress."*¹³⁰ In Kachin State, a member of a parent-teacher association told the researchers for the report that children under the age of 11 were forced to plant physic nuts during class time.



Eight-year-old Aung Myint Kyaw lost both parents to Cyclone Nargis in May 2008 and has since had to work as a garbage picker, collecting bottles to sell for recycling. He was reportedly able to earn around 2,000 kyat (US\$1.66) per day. [Photo: Lynn Maung/IRIN].

16.8 Right to Education

According to Burmese domestic law the state is required to provide free education for all citizens regardless of gender, ethnicity or religion. The reality however is that many of Burma's youth are being denied access to quality education. The government spends very little of the nation's resources on the education sector, leaving the SPDC unable to provide free primary education; a goal previously set out in the nation's domestic legislature. All of Burma's citizens suffer from the SPDC's neglect of the schooling system; however, ethnic groups face further discrimination in a variety of ways, including those due to religious or cultural prejudices. Some schools in Mon State, as an example, have been prohibited from teaching their curriculum in Mon language. Other schools have suffered from religious persecution from the authorities and yet others groups, such as the ethnic Rohingya in Arakan State, have faced prejudicial behaviour from officials on account of not having their citizenship recognised by the state. (For more information, see Chapter 12: Right to Education).

Three laws set out the minimum standards for education in the country: The Myanmar Basic Education Law of 1973, Article 152 of the Constitution (1974) and the Myanmar Child Law which was enacted in July 1993.

The Myanmar Basic Education Law states incorporates a long list of stipulations that must be enacted such that members of the population become valuable members of society and are prepared for higher education. It states, among other goals, that primary education should,

“enable every citizen of the Union of Myanmar to become a physical and mental worker well equipped with a basic education, good health and good moral character.”¹³¹

According to Article 152 of the Constitution of Myanmar,

*“(a) Every citizen shall have the right to education.
(b) Burmese is the common language Languages of the other national races may also be taught.
(c) Every citizen shall be given basic education which the State prescribes by law as compulsory.”¹³²*

Finally the Myanmar Child Law lays out the rights of Burma's children to education as well as the Ministry of Education's responsibilities in Article 20, which states that every child shall;

*(i) have opportunities of acquiring education;
(ii) have the right to acquire free basic education (primary level) at schools opened by the State;*

(b) The Ministry of Education shall –

*(i) have an objective of implementing the system of free and compulsory primary education;
(ii) lay down and carry out measures as may be necessary for regular attendance at schools and the reduction of untimely drop-out rates;
(iii) make arrangements for literacy of children who are unable for various reasons to attend schools opened by the States.”¹³³*

The tiny proportion of public funds allocated to the education sector has resulted in a substandard education system incapable of providing an adequate education to Burma's youth. Teachers are drastically underpaid, and are sometimes not paid at all. As a result, many must work two or three jobs just to make ends meet; meaning that 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. Rather than enjoying the right to free education that the SPDC purports to provide, the Burmese population faces additional costs that they can ill afford. 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."*¹³⁴

Despite the SPDC's past claims that schooling is free of charge to all children in Burma, only in 2008 did some schools start offering free schooling from grades one to five. Some parents were surprised by this and others remained confused by the term since they were still being asked to pay school registration fees and purchase books. The reason for the promotion of free primary education appears to be that it was included in the SPDC's Constitution and formed part of the Constitution campaigning in some areas. In Moulmein, the capital of Mon State, for example, teachers involved in the Commission for Referendum held public campaigns declaring that schools would initiate the free primary education scheme, but parents report that registration still cost 400 kyat in Moulmein Township and 200 kyat in Mudon Township.¹³⁵

The SPDC has in fact long claimed that schooling is free for children, but this is rarely the case in practice because not enough funding is given to schools to enable them to operate at even a basic level without demanding additional support from parents. Dr Thein Lwin, who works on education issues with Burmese migrant workers and their children in Thailand, told DVB in September 2008 that the levels of illiteracy were 'frighteningly high'. This is because *"although the schools are free, in reality, parents still have to pay for school maintenance, donations and registration fees...Parents can't afford it because they also have to pay for books."*¹³⁶

In practice, a two-tier education system operates in Burma: one tier for the children of SPDC officials and the upper class and one tier for everyone else. Neither tier is free in terms of provision of schooling and in terms of freedom to gain knowledge. Both systems rely on collecting school fees and 'donations' from parents, but in the wealthier schools more attention is given to the students and teachers are paid more than the meagre wages provided by the Ministry of Education. Daw Nyein Khet Khet, a former lecturer from Rangoon University's Burmese Department, who was interviewed by DVB in July 2008, explained some of the reasons behind the decline in standards of basic education in Burma;

*"In Burma, particularly in schools at ward level in Rangoon, people have to at least make a donation to be able to send their children to schools. I would say such practice is a bad practice...If we had freedom of education in our country, we wouldn't need to worry about the crisis we are currently facing in Burma's basic education system. Teachers' salaries and school expenses for our children would also no longer be a concern. Despite changes in the basic education curriculum to bring it up to international standards, the military regime still doesn't consider the rights of those who work in education and those of the students. It shows that there is no freedom of education in our country."*¹³⁷

Some teachers are forced to impose levies on students in order to supplement their incomes, or merely to get by. On 25 February 2008, SHAN reported that teachers from the No 1 High School in Tachilek, Shan State, were attempting to extort money from the 2,000 students in return for enrolling them in the end of year exams in March. The fees, ranging between 300 and 500 Thai baht per subject per student, were reported to have been demanded by teachers Daw Kyi Kyi Soe, Daw Moe Thandar Hla, Daw Mizzu Aye and the Headmaster U Too Maung. Those who failed to pay the fees were reportedly told they would fail their exams.¹³⁸

Students attending schools catering for Burma's elite are also tapped for extortion by school officials. Basic Education High School (1) Dagon in Rangoon, led by Headmaster U Aung Ko Ko, was reported by DVB to be charging students 6,000 kyat each on top of the 1 to 2 million kyat school entrance fee. The parents were told it was to cover various maintenance costs but one parent complained that *"The headmaster said the money was collected for the school's expenses but no receipt was given and only he can know where the money has really gone."*¹³⁹

School children in SPDC schools frequently complain about extortion from their teachers, who rely on earnings from extra tuition classes to supplement their meagre income. Students complain that their teachers purposely do not teach well in the school so that students are forced to attend their extra tuition classes to learn the material necessary to pass the exams. Extra tuition is very common throughout Burma, due to low standards in teaching throughout the country. Failing the end of year exams results in the student being forced to repeat the year, or drop out. In Rih High School, which is in Falam Township, Chin State, students are obliged to take extra tuition classes provided by the school teachers. The cost is 2,000 kyat per student per month, according to *Khonumthung News*, putting additional stress on family finances.¹⁴⁰

According to an estimate from SPDC education officials, about one month after Cyclone Nargis hit in May 2008, more than 4,000 schools serving an estimated 1.1 million children were partially or completely destroyed by the cyclone.¹⁴¹ Many schools then struggled to find sufficient funding to return to normal operations. For example, the Sasana Rakhita monastery school for orphans in Rangoon's South Okkalapa Township was struggling to provide even basic shelter for its 150 resident orphans in July 2008 after the cyclone pulled the zinc roofing sheets off the school. After the cyclone hit, the school had accepted ten new students but had to turn away another twenty from the Irrawaddy Delta area because it was unable to shelter them. The monastery's abbot, Sayadaw U Zawtika, told DVB *"If we can get the building repaired we will be able to accept more students, but for now, we just have no room for them."*¹⁴²

Some schools damaged by the cyclone struggled to find the funds to repair school buildings and re-open. *Mizzima News* reported on 2 June 2008 that schools in Rangoon were charging students 20,000 kyat each for the repair of the school buildings. This fee was on top of the school admission fee and students paid 500 kyat simply for the school admission form itself. Some schools reportedly charged more, even though parents doubted that the renovations cost that much, as one high school student's parent reported to *Mizzima News*:

*"The school demanded that the students pay Kyat 20,000 each for repairing the school roof. However, the damage to the school roofing is not much. The admission of my 9th grader son cost me Kyat 45,000. Last year it did not cost me much despite buying text books and paying school fees"*¹⁴³

Charges were inconsistent throughout cyclone-affected areas, however. Schools in Myaungmya Township, Irrawaddy Division, were reported to be collecting school admission fees and not fees for renovations, while some schools were only collecting the fees for the

admission forms and not registration fees. The SPDC's Ministry of Education announced that renovation fees should not be collected from students and that complaints could be lodged to the ministry if 'donations' were taken, but not all local officers followed the decree and took the opportunity to make more money from the cyclone victims.¹⁴⁴

Conversely, those unaffected by the cyclone were reporting additional extortion by SPDC authorities, purportedly for cyclone relief. In addition to forced donations from households, a civil servant in the SPDC's Education Department in Karen State told *Kaowao News* that State authorities had ordered teachers to collect donations from every middle and high school student. A parent from Hton Eie village was quoted in *Kaowao News* on 9 July 2008 as saying:

*"We paid 1000 Kyat per household two weeks ago, and now we have to pay another 'donation', collect from us by our own children. I have three children at the village school so I have to pay another 1800 Kyat. That's not fair for poor parents like us."*¹⁴⁵

Six months after the cyclone hit, *Irrawaddy* reported that around 300,000 students were still unable to attend school, with many forced to labour for their remaining family members' immediate survival.¹⁴⁶ Those who managed to get back to school struggled to cope with trauma in its immediate aftermath and faced problems concentrating in school.¹⁴⁷ As teacher Hlaing Thein reported to AFP in June 2008, the children in her village of Mawin, in a remote and inaccessible corner of the Irrawaddy Delta, were disinterested in studying amid the rubble of the village and couldn't keep their minds off Cyclone Nargis: *"But how can they not remember? We are studying in a house without a roof and walls and every time the rain comes, they get wet...Our books and notepads are still damp."*¹⁴⁸

Further limiting children's access to education was 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 instead. (For more information, see Chapter 6: Deprivation of Livelihood).



The Rauk Ron village school in Arakan State was burned to the ground by local residents in protest after the SPDC had forcibly evicted cyclone survivors who had been taking shelter there so that they could use the building as a polling centre for the May 2008 constitutional referendum. [Photo: © *Narinjara News*].

In August 2008, IRIN reported on the life of May Thet, a teenage girl living in Moulmeingyunn Township in Irrawaddy Division, who has become the chief breadwinner for her remaining family members since the cyclone hit

*"My job is to collect the empty plastic water bottles that people dump on the ground and sell them to a bottle-buyer in our town... Sometimes, I make about 3,500 kyat [US\$3] per day. Now I can afford to send my little sister to school, and at the same time provide enough income so my mother has no serious financial worries... My mother has re-opened her road-side noodles shop, but earns just US\$1 per day. We can't think of rebuilding our house yet, because money for food and for school is a first priority. My mother always told me she wanted me to go to school, but couldn't afford the school fees for both my sister and me. I feel like crying when I see my friends going to school, but, I have to console myself. It's my destiny. There are a lot of us who can't go to school because we have to help our parents."*¹⁴⁹

In the ethnic states, education in non-Burmese languages is routinely restricted or prohibited as the SPDC attempts to assimilate all non-Burmans into the dominant language and culture. The right to educate children in their mother tongue is also used as a bargaining tool, and its prohibition as a punishment, by political elites. Thus, millions of children are denied the chance to become literate in their mother tongue. In Mon State, 157 schools were allowed to teach in Mon language while a further 114 schools offered a mixed curriculum of Burmese and Mon-language lessons, following the 1995 ceasefire between the NMSP and SPDC. However, the NMSP fell out of favour when it criticised the SPDC's National Convention and opposed the referendum. Since then, Mon language classes have been cut in Thaton Town and Mon cultural activities banned or deliberately assimilated, according to a report from *Irrawaddy* in November 2008. Thousands of Mon children were thus prevented from becoming literate in one of the oldest and most influential languages in the region.¹⁵⁰

Monasteries have traditionally provided a source of education for many students up to the end of primary level. Indeed, a monastic education system, derived from Theravada Buddhism has been in place in Burma since the 11th century.¹⁵¹ In 2008 however, the curtailment of monks' activities by the SPDC affected extra tuition classes offered by monasteries. A large lecturing monastery, named Ngway Kyar Yan in South Okkalapa Township of Rangoon, had offered free extra tuition classes to thousands of poor children in the area for the fourteen years prior to 2008 to help them keep up with their class mates, but has reportedly been forced to curtail its activities. Students speculated that the crackdown on the monastery's activities came about as a result of the involvement of its more than 1,000 monks in the 2007 Saffron Revolution. The monastery was able to secure the teaching services of popular teachers free of charge and provide all the teaching materials, textbooks and notebooks for 2-3,000 children per year. As of February 2008 there were only 40 monks remaining at the monastery.¹⁵²

Perversely, fulfilling the rights of children to receive education can result in additional abuses against villagers in SPDC-controlled areas. This is because schools are frequently built with forced labour or with money extorted from villagers in the area. Additionally, school teachers' salaries may come from money extorted from villagers and the students themselves form a convenient pool of labour for forced demonstrations in support of visiting SPDC officials and further extortion from teachers or local officials wishing to supplement their meagre salaries.

On 12 September 2008 *Khonumthung News* reported that despite the approval of a 6 million kyat grant from SPDC officials in Naypyidaw to construct a middle school in Letpanchaung village, Kale Township, Sagaing Division, local SPDC officials had extorted the funds for the school construction from the villagers. Prior to the start of the construction in April 2008, low income households in Letpanchaung village were forced to pay 2,000 kyat each while higher

income households paid 2,500 kyat. Each of the 250 households also had to pay 5,000 kyat and one tin of rice (equal to 43kg) for the construction workers' wages.¹⁵³

School children provide a very convenient pool of resources for the SPDC to draw on whenever it wants a show of support or free labour. Previously, children have reported being forced to attend pro-junta rallies and celebrations for visiting military officials, and having to do forced labour for so-called 'development' projects. Moreover, this abuse has been institutionalised by the national curriculum in SPDC-controlled military and high schools, through the Comprehensive Personal Record assessment. According to this assessment, every student must score 40 percent (in addition to 40 percent in their academic assessments) to proceed to the next grade. Forced labour (euphemistically referred to by the regime as 'voluntary labour') on 'development' projects which are poorly executed and of no benefit to the local community, and forced participation in parastatal organisations which are set up to augment military control are clearly stipulated. Students need to show that they are:

1. *"Participating in the development tasks of the local community and the State*
2. *Offering voluntary service for community work*
3. *Participating in the activities of teams, clubs and associations of the school and social activities such as the Red Cross, etc."*¹⁵⁴

On 29 September 2008, General Tint Swe, the Arakan State Peace and Development Officer announced that he would give all towns in Arakan State 50,000 kyat to purchase betel nut and coconut plant seedlings for planting in school compounds for future cyclone protection. However, the township officers sold the seedlings to the school children who were told that each of them must provide a plant for the school, according to *Kaladan News* on 9 October 2008. Teachers were ordered to tell primary school students that they must each bring betel nut seedlings to school or pay 500 kyat per seedling if they failed to comply. Middle school students were ordered to bring a coconut palm seedling or 1,500 kyat. Many parents were struggling to keep their children in school and did not even have enough money for food, so this demand placed a further burden on them. A father in Maungdaw Township explained how this demand formed only the latest in a long line of abuses which had impoverished his family:

*"I have no work as my land was confiscated and I can't go to another village or place to work as the authorities have restricted our movement. I have three children in school and my family sometimes faces starvation. How can I pay them money for seedlings?"*¹⁵⁵

Physic nut planting has also comprised one of the areas of forced labour for school children. (For more information see this chapter, section 16.7 Child Labour – Partial list of incidents for 2008).

Education in Rural and Conflict Areas

*"I want to say that I really hate the Burmese [SPDC] soldiers because I have never had a chance to attend a full school year. They always disturb us so I don't have a chance to study all of the lessons in my textbook. I'm afraid that I won't be able to keep up with the other students when I move to a new school."*¹⁵⁶

The ongoing conflict, centred mainly in ethnic rural areas, has had a disastrous effect on the education of young children in these regions. In addition to endemic poverty, many families are forced to relocate in order to avoid persecution at the hands of the Burmese military and its proxy forces. These forced movements constantly disrupt the schooling of children. Many villages simply have no school and parents do not have enough income to send children to other areas to study.¹⁵⁷

*"If the Burmese [SPDC soldiers] come, we flee and we can't go to school. We have to study under the trees and bamboo. We continue our school like this. Another problem is that we have to look for rice and have to go to far away and collect their rice and bring it back. On such days we can't attend school."*¹⁵⁸

In SPDC-controlled areas, communities are often prevented from developing schools past primary level in rural areas so that students who wish to continue their education are forced to either drop out or find the means to attend school in a town or city. Alternatively, they may migrate internally or across a border in order to access education in non-SPDC controlled areas. In Shan State, a student interviewed by SHAN, who had migrated to an international donor-supported school in Loi Tai Leng, opposite Mae Hong Son, said:

*"When I lived in my hometown, I had no opportunity to study because we had to flee from the Burmese military all the time. In some countryside, the government doesn't allow us to build schools. They build schools in the cities or towns but we have no money to go to study there. On the other hand, I also had to help my parents in farming."*¹⁵⁹

The food crisis in Chin State which following a plague of rats, devastated the region and forced many children out of school in search of food. As one village headman, quoted in the *Guardian* (UK) on 10 September 2008 says: *"Every single week we have to walk to India to buy rice there. The round trip takes four days. My children have had to stop going to school because they have to spend all their time carrying rice."*¹⁶⁰

In Rauk Ron village in Rauk Ron Township, Arakan State, the village primary school was burnt to the ground by unknown local residents after it was used as a polling centre by the SPDC for its referendum. On 1 June 2008 *Narinjara News* reported that the SPDC had not repaired the building so the students, who number more than 100, were unable to attend school.¹⁶¹

In Mon State, school dropout rates increased dramatically in 2008 according to IMNA. One middle school in Mudon Township saw the number of students in one standard fall from 120 to 70 pupils. A high school principal reported to IMNA that there had been a 20 percent drop in student numbers in 2008 compared to previous years, with most leaving school due to family pressure to work to supplement the household income.¹⁶² Other Mon children reportedly left SPDC-run schools after their parents could no longer cope with the incessant demands for donations and fees by the school authorities. Instead, according to IMNA, they enrolled in Mon National schools run by the New Mon State Party (NMSP), which are free. The parents subsequently came under intense pressure to send their children back to the SPDC schools and asked the NMSP to protect them.¹⁶³



A young Karen IDP living in the forests of Tenasserim Division studying at night by the light of a small fire while hiding from the SPDC in January 2008. Even when faced with the considerable difficulties that life as an IDP entails, villagers are still able to retain their dignity and sense of community. [Photo: © FBR].

In the conflict areas of eastern Burma, military attacks on communities living outside SPDC control and civilian displacement inevitably mean a disruption of local education. School materials have to be left behind when villagers flee SPDC attacks and students must then try to continue their studies in the jungle. The destruction of schools in SPDC attacks prevents communities from retrieving school supplies for use at displaced hiding sites but even when retrieval is possible, the students sometimes find that the soldiers have stolen their belongings. Naw S---, a 14-year old female Karen student from Nyaunglebin Township, Pegu Division, told a KHRG researcher in February 2008: *"The Burmese soldiers took some of our text books. Our teacher had to write words down on the surface of a rock and we just repeated them when [the teacher] read out the sounds of the words."*¹⁶⁴ As Rebecca Dun, the program director of KHRG, told *The Irrawaddy* in May 2008: *"It is very difficult for children to study in the jungle. They practice writing on the ground or on the cliff faces. There are no educational aids."*¹⁶⁵

*"I studied in the village for two years and then I had to flee into the forest. I couldn't continue my studies in my village school. I had to join with another school in the forest. Then we fled further and further until we reached B---. I stayed one or two years in B--- and then the SPDC came again and we had to flee to Gk---. When I lived in B--- we had a school and I could go to school but we could only study for one month [at a time] and [then] we fled. We stayed about a month in Gk---... but we had no books and we had to write on wild banana leaves."*¹⁶⁶

Displacement also adds additional strains to an already burdensome existence. With regular demands for forced labour and extortion, and food supplies deliberately targeted for destruction, education is often forced to adopt a position of secondary importance behind 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.

16.9 Right to Health

The SPDC is directly responsible for the dire state of the nation's health care services and the high rate of preventable deaths, due to the regime's ongoing failure to adequately support the health sector; a negligent policy that continued throughout 2008. Despite earning US\$2.7 billion from natural gas exports to Thailand in 2007, the regime allocated only US\$0.70 per person for health care for the whole of 2008, a mere 0.3 percent of Burma's Gross Domestic Product (GDP). Given the extensive corruption within SPDC administrative structures, only a small part of this meagre amount is likely to have reached those in need.¹⁶⁷ In its annual 'Top Ten humanitarian crises' report, *Medecins Sans Frontieres* described the health care system in Burma as being crippling under-funded, leaving the vast majority of the people without access to health care (For more information, see Chapter 11: Right to Health).¹⁶⁸

In 2006, UNICEF, who typically use official statistics provided to them by the SPDC (and which are most likely doctored to present the country in a positive light) estimated the under-five child mortality rate in Burma to be 104 per 1,000 children, mostly from curable diseases such as respiratory infections, pneumonia and diarrhoea.¹⁶⁹ This means that the very best case that the SPDC can present is that 10 percent of Burmese children die before their fifth birthday, a record second only to Afghanistan in Asia. The SPDC provides no childhood vaccines, relying on UNICEF to provide most of them, and prevents the organisation from accessing many conflict areas or areas in which it commits the most visible human rights abuses. In these areas, large numbers of people are internally displaced, fleeing severe abuse and oppression. Forced flight into hiding sites and IDP camps deep inside the jungle, has resulted in an even worse health record in these areas than that in the rest of Burma. One quarter of IDP children do not live to see their fifth birthday, almost all dying as a result of malnutrition and infectious diseases. This mortality rate is comparable to that in Angola or the Democratic Republic of Congo.¹⁷⁰

Dr. Cynthia Maung, who is a Director of Mae Tao clinic on the Thai-Burmese border, told KHRG on 1 April 2008:

*"Many children, particularly under the age of five, are dying every day from diseases that are preventable with simple interventions such as vaccines, good water and sanitation facilities, and mosquito nets. Children comprise more than 17 percent of the patient cases we see here at Mae Tao Clinic. When given the chance for stability in their environment, communities in Burma are capable of organizing themselves to reach the highest attainable standard of physical and mental health – that is, to realize their human right to health."*¹⁷¹

In 2008 there was a large outbreak of measles among some of the IDP population in Karen State, threatening 16,500 people. By the time it was controlled in September, 512 people had contracted the highly contagious virus and four had died.¹⁷²

Malnutrition

According to the 2008 State of the World's Children report, approximately one third of Burmese children are malnourished and about one fifth of newborn babies are underweight.¹⁷³ Child malnutrition rates in rural areas and areas experiencing armed conflict are considerably higher than the national average discussed above. In these areas, civilian crops and food supplies are frequently targeted for destruction by SPDC army units in order to depopulate the areas. The strategy acts as a method of starving the villagers out, and ensures the villagers cannot provide food to resistance forces which 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 has not been compromised.¹⁷⁴ (For more information, see Chapter 6: Deprivation of Livelihood).

In Mon State, ongoing human rights abuses continue to force minors to leave their homes and migrate abroad in search of a better life. For 31 young boys from Ye Township who migrated to Klang, near Kuala Lumpur, Malaysia, however, their fear of arrest hampers their efforts to survive and they are eating only a very small amount of rice donated by their neighbours and edible leaves foraged nearby.¹⁷⁵



A young Karen IDP child with measles. Many IDP communities in Karen State are unable to gain access to medicines that would allow them to adequately treat even the simplest of ailments. In such areas, the possession of medications is often considered a crime as the SPDC fears that villagers will give them to armed opposition groups. Ultimately, many IDPs die from easily preventable and readily treatable illnesses. Sadly, children, many of whom are malnourished, often fare the worst under such circumstances. [Photo: Irrawaddy]

Famine

Chin State was hit by a severe famine in 2008. (For details see Chapter 18: Ethnic Minority Rights). The famine hit about 20 percent of the State's population, or around 100,000 people.¹⁷⁶ Although the Burmese junta claims to have distributed 1,000 sacks of rice in Chin State, many villagers said they had not received any aid at all. Moreover, *Irrawaddy*, reported on 18 September 2008 that the SPDC had banned ethnic Chin people from receiving food supplies donated by overseas Burmese.¹⁷⁷ The result was that malnutrition constituted a serious threat to children's lives in the state, with *Mizzima News* reporting on 21 August 2008 that 44 children had died from starvation. The children were from Surngen, Tisen (A, B), Sentun, Ngalang, Lawngzuite, Lawngtlang villages in Thangtlang Township and had been trying to survive on yams foraged from the jungle as their main source of nutrition.¹⁷⁸ Other villagers were forced to reduce their food intake from three meals a day to one meal of gruel made with boiled corn; however this tactic was causing widespread diarrhoea and skin diseases among the villagers. A public health worker in Longkywethe village, Thangtlang Township said "*Diarrhoea and skin diseases are rampant in our village. Most children and adults are suffering from diarrhoea.*"¹⁷⁹ In some areas, relief supplies from the Christian church community and charity groups in exile were able to get through to those in need; however the deliveries were not sufficient to meet demands.

In September 2008 a medical team visited Paletwa Township in Chin State to treat the Chin, Mru, Khami, Sak and Chakma hill people who were suffering from malnutrition. Their food sources had run out on 15 August 2008 and since then they had been surviving on foraged fruit, tubers and bulbs. The area contained 300 villages at the time, and was under the control of SPDC LIB #289 (Western Command) which provided no health or education facilities. Due to neglect by those controlling the area, the villagers were suffering from a variety of diseases. The medical team treated 103 people, including 62 children, sent 23 patients to hospital for emergency treatment and saw ten people die, including eight children.¹⁸⁰ Earlier in the year, five children died from malnutrition-related illnesses as a result of the famine in Mala village, Paletwa Township. The children were identified as:

1. Lali, aged two, died of diarrhoea in February 2008;
2. Emanuel, aged nine months, died of diarrhoea in February 2008;
3. Zathli, aged seven, died of an unidentified illness in April 2008;
4. Bukau, aged two, died of diarrhoea in May 2008; and
5. Lily, aged one and a half, died of diarrhoea in May 2008.¹⁸¹

In nearby Para Village, Paletwa Township, Chin State, pregnant women were suffering miscarriages as a result of the famine. Dr. Dawt Mang from the Chin Backpack medical team told *Khonumthung News*, “Pregnant women in the village suffered from malaria and malnutrition. As a consequence, some women delivered prematurely. Some had miscarriages.”¹⁸²

In Maungdaw Township, Arakan State, many children were reported to have been admitted to hospital in the first two weeks of October 2008 with diseases such as diarrhoea and dysentery as a result of malnutrition. Arakan State was also affected by the bamboo-flowering famine. Local health workers told *Kaladan News* that more than 15 children had died from the diseases.¹⁸³ Despite some assistance from the World Food Programme reaching the area, villagers continued to die from malnutrition. A child died in Maung Nama village, Maungdaw north, on 15 September 2008 from diarrhoea.¹⁸⁴

A household survey conducted for UN agencies in June 2008 found that the worsening economic situation in Arakan State along the border with Bangladesh had forced families to cut back from three to two meals per day. Only 60 percent of boys and less than half of girls displayed a ‘normal’ body mass index and the rest were severely malnourished.¹⁸⁵

Malaria

According to the 3D Fund established to tackle Malaria, HIV/AIDS and Tuberculosis within the country,

*“malaria is the main cause of morbidity and mortality. The disease is endemic in 284 of 324 townships, mainly in rural areas and in some peri-urban locations. Of the estimated total population of 54.28 million (2004), 38.54 million (71 percent) live in malaria risk areas. Persistent high burdens of malaria and TB are due to several factors: inadequate financial resources, high prevalence of drug resistance, limited access to services in remote areas, and require for strengthening capacity to deal with the problem of counterfeit or sub-standard drugs.”*¹⁸⁶

The 3D proposal goes on to recommend ways in which the challenges posed by Malaria (and the other two diseases) can be met, however the proposal clearly notes that,

*“Despite the existence of five-year government plans for combating the main public health challenges, which reflect a high level of central level technical expertise, the scope and depth of implementation is constrained by the budgetary limitations for social sector spending.”*¹⁸⁷

HIV/AIDS

In Burma, MSF estimates that around 240,000 people have HIV/AIDS and 25,000 people were expected to die in 2008 from the illness. The junta allocated only US\$200,000 for treatment of HIV/AIDS patients in 2008, an amount which barely touches the needs of the 76,000 people who urgently need antiretroviral treatment. Treatment for one patient costs US\$29 per month.¹⁸⁸ Almost two thirds of people with HIV/AIDS in Burma are under the age of 24 and newborns are at risk of infection from the 100,000 women who have the disease; however a lack of state funding means that only 170 of the 325 administrative regions in the country can implement a 100 percent condom-use public health campaign for youths.¹⁸⁹

Children affected by HIV/AIDS are very poorly served by health and social facilities in Burma. Many go to seek assistance from Mae Tao clinic just across the border from Myawaddy, Karen State, in Thailand. In Thailand, community-based groups such as Social Action for Women (SAW) are relatively free to serve the needs of HIV/AIDS affected children (compared to the tight restrictions on such groups in Burma). In Mae Sot, SAW educates the local migrant worker population about HIV prevention and treatment and runs a safe house for Burmese children orphaned by AIDS.¹⁹⁰ Such work is largely banned in Burma and AIDS activists and volunteers harassed by SPDC authorities, despite around 240,000 people reportedly living with the disease.

According to a UNAIDS report released in July 2008 *“Only 18 percent of estimated HIV positive pregnant women are receiving assistance to prevent transmission of the virus to their babies. Too little is known about children affected by HIV.”*¹⁹¹

Dengue

Dengue fever is a mosquito-born disease which results in severe fever, headaches, rashes, muscle and joint pain and is especially dangerous for children. There is no vaccine for dengue, or its more severe form, dengue haemorrhagic fever, and no treatment other than paracetamol and fluids to prevent dehydration. The mosquito favours urban and semi-urban areas, thus over 35 percent of dengue cases in Burma occur in Rangoon Division.¹⁹²

In July 2008 there was an outbreak of dengue haemorrhagic fever among children in Monywa Township, Sagaing Division. Hospitals reportedly ran out of beds as the local health system became overwhelmed by the number of cases and several children died. One local told DVB that SPDC authorities had been spraying insecticide in areas where the outbreak started to suppress mosquitoes, but another local resident said *“The authorities are not doing a very good job preventing local residents from catching the disease.”*¹⁹³

Also in July 2008 there was an outbreak of dengue fever in Ngaputaw and Pyinkayine Townships, Irrawaddy Division. In one village 20 children were reported to be suffering from the disease. A local man from the village told Yoma 3, *“SPDC authorities are so far not taking any responsibility for health care and medical treatment and only private donors groups are offering medical treatment.”*¹⁹⁴

Other Specific Health Issues Affecting Children

Diarrhoea can be a serious threat to children as it can rapidly dehydrate them and put their internal organs at risk of collapse. On 11 November 2008 a three-month old Burmese refugee girl died from diarrhoea in Dum Dum Meah (unofficial) refugee camp in Bangladesh.¹⁹⁵

Cyclone Nargis

After Cyclone Nargis battered the Irrawaddy Delta, diarrhoea became a very real threat to life, with UNICEF estimating that one in five children who survived subsequently suffered from diarrhoea.¹⁹⁶ Relief group Church World Service reported finding child survivors of the cyclone dying from dysentery in some areas because they had no choice but to drink contaminated water.¹⁹⁷ In Pyinmagon village, an isolated village in the Irrawaddy delta where 801 people survived the cyclone, two children died from diarrhoea and food poisoning before a medical team could reach their village.¹⁹⁸ The villagers were trying to survive on their remaining rice, vegetable scraps and rats. Although there was a small increase in numbers of diarrhoea cases, UNICEF reported that fortunately there had been no major outbreak two months after the cyclone hit.¹⁹⁹

Many of the cyclone-affected children were reported to be suffering from trauma in 2008.²⁰⁰ Those separated or orphaned from their parents were particularly vulnerable to trauma, some having seen their relatives drown in front of them and all having been caught up in the desperate fight to survive the immediate aftermath, in which finding food and drinking water became the most urgent task in children's lives.²⁰¹ More than 10 international aid organisations joined together to provide essential services for children in cyclone-affected areas, but many children were unable to access this assistance after the regime forced the closure of displaced persons camps and ordered all of the survivors back to their villages prematurely. These actions by the regime were likely to have placed additional stress on children since, in most cases, there was no village left to go back to. Many schools were destroyed, their surviving family struggled to find materials to build new houses, water sources were polluted, land and livestock destroyed and outside assistance depended in large part on the village being accessible.



This photograph taken, in June 2008, shows the decaying body of a dead infant from Shwe Kyon Tha village in Labutta Township, Irrawaddy Division left in a tree due to SPDC edicts forbidding people from burying or cremating the dead immediately after Cyclone Nargis. [Photo: © KHRG]

Some children resorted to begging on the streets for handouts of food since official aid either passed them by or proved insufficient. However, there were reports of SPDC police beating those children that were caught as a punishment for begging because it portrayed the country in a negative light. A young boy called Maung Maung who was found begging for food beside the motorway near Kawt Hmu Township in Rangoon Division told *Irrawaddy*, “We have to be careful not to be noticed by the police while begging for food ... If they catch us they beat us.”²⁰²

Cyclone Nargis created a number of orphans whom Senior-General Than Shwe unilaterally decided to house in large orphanages in the towns of Myaung Mya, Labutta and Pyapon in the Irrawaddy Division after he toured the region. UNICEF expressed concern about these plans because large institutions do not have the capacity to deal with the social needs and trauma that the children were set to face in the aftermath of the cyclone. Instead, UNICEF advocated family placements for children and flew in its Asia head, Anupama Rao Singh, to speak to the SPDC’s Welfare minister Major-General Maung Maung Swe in an effort to counter this disastrous policy decision.²⁰³ Despite advocacy efforts, the plans to go ahead with the orphanages were approved.²⁰⁴

Chinese Milk Products

Throughout Burma, Chinese milk products are cheap and widely available, but Burmese children were put at risk of illness and death after the SPDC failed to launch any kind of public health campaign about tainted milk after the melamine scandal unfolded in China in 2008. Although the SPDC banned the importation of Chinese milk products, in many areas tainted milk from the two companies which export to Burma, Yashili and Suncare, continued to be sold as traders and businessmen refused to forfeit their profits. Although a few articles were published in Burmese media and some milk cartons were seized by local SPDC officials, regime reaction to the problem was inconsistent. A Rangoon resident with two children told *Irrawaddy*,

*“We haven’t heard anything about this tainted milk from China. The government should inform us about what brands of infant milk powder are not safe. Burmese people mostly rely on Chinese companies for baby milk powder because the price is cheap.”*²⁰⁵



Sixteen-year-old “Naw D---”, a young Karen IDP lost the lower half of her left leg to an SPDC-deployed landmine. The use of antipersonnel landmines has been widely condemned around the world for the indiscriminate nature of such weapons. However, in Burma, patterns discerned from the SPDC’s mine laying activities suggest that civilian villagers are their primary intended targets; not armed combatants as the SPDC claims. For more information, see Chapter 4: Landmines and Other Explosive Devices [Photo: © KHRG]

Child Health in Rural and Conflict Areas

An independent report on the state of health in rural and conflict areas of Burma from 2007 found that *“These abuses (at the hands of the Burma Army and NSAGs) have left civilians, particularly young children, vulnerable to death and illness from malnutrition, malaria, TB, night blindness (vitamin A deficiency), and diarrhoeal diseases.”*²⁰⁶ At the close of 2008, little had changed for civilians living in the areas concerned. Cross-border teams working in the areas of healthcare reported that access for all IDPs to adequate healthcare, including children, was well below what was required. Studies by the Johns Hopkins University and the Burmese Medical Association identified wide ranging health problems for those living in Eastern Burma that was directly linked to the situation of conflict in the region.²⁰⁷ To give some perspective as to the differences in healthcare in eastern Burma compared to the rest of the country and its neighbours, international relief organisations estimate the infant mortality rates at (on next page):

*“91 deaths for every 1000 births in eastern Burma, compared to a national average of 76, and just 18 in neighbouring Thailand. Twenty percent of children in Karen State die before their fifth birthday, while a staggering one in twelve women die during childbirth.”*²⁰⁸

It should be highlighted that the severity of the health crisis in non-SPDC controlled areas is neglected in ‘official’ data presented by UN organisations or the SPDC because this data is always derived from areas which they have access to, usually in the central regions of the country. It cannot be assumed to apply to the rest of the country and data from these areas should not be extrapolated to represent the entire country. It should also be made clear that the greater severity of ill health in conflict areas is tied to the types and scale of abuses perpetrated the junta’s military personnel and NSAGs.²⁰⁹

In Wa State, the majority of the population are exceptionally poor. The United Wa State Party’s efforts to eradicate poppy cultivation among Wa farmers has resulted in extreme poverty, as little else grows well in the Wa hills, and very little outside assistance has been forthcoming. The health of children in Wa villages is reportedly dire. Of the 146 people living in Maw Hai village, west of Panghsang, most are malnourished children. Ai Nap, the village leader, reported in an interview with a foreign journalist that, *“Last year many children died, but this year has been a bit better.”*²¹⁰

In Arakan State, the Rohingya people face constant persecution by SPDC authorities leading many to flee across the border to Bangladesh. In Kutupalong unofficial refugee camp, 10,000 Burmese Rohingyas have been living without any international or governmental assistance since January 2008. They were reported to be living close to starvation in terrible conditions under the open sky, with the children suffering from typhoid, dysentery, malaria, pneumonia, oedema, diarrhoea and rickets without access adequate medical treatment. The scale of human suffering is so severe that in just two days, on 7 and 8 June 2008, 18 children died in the camp from tropical diseases.²¹¹ On 1 July 2008 another two children died of diarrhoea. They were eight-year old Fatema Khatun, and 12-year old Shaffi Ullah.²¹² (For more information regarding health issues, see Chapter 11: The Right to Health)

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The Human Rights Documentation Unit (HRDU) is the research and documentation division of Burma's government in exile; the National Coalition Government of the Union of Burma (NCGUB). The HRDU was formed in 1994 to document the human rights crisis confronting the many and varied peoples of Burma, and to defend and promote those internationally recognised human rights that are inherent and inalienable for all persons irrespective of race, colour, creed, ethnicity or religion. To this end, the HRDU published the first *Burma Human Rights Yearbook* in 1995 to comprehensively document the systematic and egregious nature of the human rights abuses being perpetrated in Burma throughout the previous year. This report, the *Burma Human Rights Yearbook 2008*, represents the 15th annual edition of the *Burma Human Rights Yearbook*, which, combined with all previous editions collectively comprise well over 10,000 pages of documentation and provide an unbroken historical record spanning the past one and a half decades.

All editions of the *Burma Human Rights Yearbook* and all other reports published by the HRDU can be viewed online on the NCGUB website at <http://www.ncgub.net> as well as on the Online Burma Library at <http://www.burmalibrary.org>. Any questions, comments or requests for further information can be forwarded to the HRDU via email at enquiries.hrdu@gmail.com.

Human Rights Documentation Unit

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