

THE SITUATION OF CHILDREN IN BURMA

Summary by the Karen Human Rights Group
May 1, 1996

[This report was prepared as a submission to the UN Committee which is reviewing SLORC's observance of the Convention on Rights of the Child, which SLORC ratified in 1991. Under the terms of the Convention, SLORC was required to submit a report to the Committee in 1993, but did not do so until September 1995. Their case comes before the Committee in Oct. 1996 or Jan. 1997. This report was submitted together with a 140-page Annex of excerpts from KHRG reports relating to children. It is reproduced here for general use.]

This summary is intended for consideration by the United Nations Committee on the Rights of the Child. It has been prepared partly in response to the report filed by the State Law & Order Restoration Council (SLORC), Burma's ruling military junta. It does not contain a paragraph-by-paragraph analysis of SLORC's report, but instead attempts to summarize some of the worst problems facing Burma's children today and point out some of the most glaring fallacies in the SLORC report. All of the observations and quotations included here are taken from our 4 years of living among and interviewing villagers, refugees and the internally displaced.

In Burma the Tatmadaw (Army) exercises absolute power of life and death over every civilian, including children. Soldiers act with complete impunity, particularly in rural areas, and are not answerable to any laws which exist on paper in Rangoon. Children are often shot on sight in free-fire zones, tortured or executed as "suspected rebels", used for forced labour, forcibly conscripted into the Army and otherwise subject to direct abuse. They also suffer from the destruction of the village environment and the economy under SLORC policies, which are leading to widespread malnutrition and the death of children, the lack of educational opportunities, and other factors which rob them of a childhood.

Forced Labour

The most prevalent form of human rights abuse in Burma today is forced labour, including military forced labour (such as portering military supplies, standing sentry, building and maintaining Army camps, and going as human minesweepers), infrastructure forced labour (building and maintaining military supply roads, railways, hydro dams, etc.), forced labour growing cash crops and logging for the military, and many other kinds of labour. There is a common misconception that portering and other military forced labour only occurs in conflict areas, but in reality portering happens in rural areas nationwide wherever there are no roads, and military camp labour occurs everywhere, as SLORC continues to send more battalions into every part of the country to control the population.

Children are used for many kinds of forced labour by the Army. Usually as soon as a child is large enough to carry a basket or break a rock, he or she must go for labour with the adults. The youngest children taken for road and railway building are usually aged 8 or 10, while the youngest taken for heavy portering duties are usually 12-year-old boys and 14-year-old girls. As one 17-year-old girl recently told us, "I've had to go since 5 years ago, when I was 12 years old. We had to go anytime they ordered, because if we didn't they would come and catch us. As I grew older they noticed, so they gave me heavier and heavier loads. I've carried weapons, bullets, 5 big shells...". Conditions for porters are brutal, including forced marches over mountains with heavy loads, given only handfuls of rice per day or forced to bring their own food, being beaten for going too slowly and left to die if they get sick or weak. The smaller children are generally given lighter loads, but they are still sometimes beaten and

they are also sent in front of the military column with the others as human minesweepers and shields. In one typical case in January 1995, Naw Sah Mu, a 15-year-old girl from Papun District in Karen State, stepped on a landmine while portering and had her right leg blown off, while her 16-year-old girlfriend Zaw Zaw Oo was hit in the face by the shrapnel and blinded. Many children die after they get back home from diseases contracted while portering combined with exhaustion.

SLORC battalions generally prefer male porters because they can carry heavier loads, but some battalions deliberately demand or capture women porters in order to rape them at night. SLORC soldiers generally select young unmarried girls under 18 for rape. We have interviewed 15-year-old girls who have been taken as porters, forced to carry 15-20 kg. loads all day and then raped at gunpoint by one or more soldiers every night for a whole month. On returning home, some discover they are pregnant and attempt to abort using primitive methods, sometimes dying in the process. The girls fear that if the village learns that she has been raped, no one will want to marry her.

Women and men with small infants also have to go as porters. In some cases, a woman can be seen carrying a baby on her chest and a heavy load of mortar shells on her back. In other cases, the soldiers order her to leave the infant behind in the village, where she must hope the other villagers will take care of it. Many of these infants are still breastfeeding.

Women with infants must also go for rotating shifts (usually 3 to 7 days) building and maintaining Army camps, cooking, cleaning and doing errands for the soldiers, and standing sentry. These labour assignments are rotated by family, so if a family's turn comes and there are no able-bodied adults, a child must go. Young girls who go are often raped by soldiers at the camp. In conflict areas, able-bodied men are often afraid to go because the soldiers often accuse able-bodied men of being rebels and torture or execute them, so a woman or child is sent instead. Along military supply roads in conflict areas, women and children are often ordered out every morning to sweep the road to expose any vehicle landmines. Sometimes the soldiers will then force a large number of children to climb on board an Army truck or bullock cart and pass slowly along the road (the soldiers know that the villagers support opposition groups, so they hope that the villagers will then tell the opposition not to lay any mines in fear for their children).

Forced labour on roads, railways and other infrastructure is becoming ever more prevalent as SLORC pushes its "development" agenda. On these projects, SLORC usually sends written orders to villages demanding a quota of one or more labourers per household for shifts of one or two weeks; usually a family's turn will occur once per month on each project in their area (this is in addition to all other forced labour as porters and at army camps). They receive no pay and have to take all their own food and tools. Children often go because their parents must stay home to work the fields and get food for the family. No excuses are accepted; even if the parents are sick or if the household consists of a grandmother caring for her orphaned grandchild, someone must go or a replacement must be hired. On many projects, the Army assigns each village or family a specific work quota each time rather than a time period, so parents take along their children in order to finish the work assignment as quickly as possible so they can return home. On major projects such as the Ye-Tavoy railway line in southern Burma, families must send someone for 2-week shifts every month, and children as young as 8 or 10 make up a large part of the labour force - particularly in rainy season, because then the parents must work in the ricefields. Rainy season is also when railway labour is the most brutal, and mud embankments collapse killing the workers.

Forced Conscription

Before 1988 the Tatmadaw was mainly a volunteer force, but the public feeling against the Army combined with SLORC's drive to increase it to a force of 500,000 have led it to obtain most of its recruits now through conscription or coercion. Most Townships are assigned a quota, usually

amounting to one or two recruits from each village and town quarter per month. If Township or village authorities cannot provide the quota, they face being imprisoned or conscripted themselves, regardless of their age, so they will take anyone to fill the numbers, young or old. Usually, boys aged 14 to 16 are drawn in the village quota lotteries. Once drawn, if their family cannot pay a huge sum of money they have no choice but to go. The family is often further coerced into cooperating by being told they will be free of forced labour duties if the Army gets their son. Army officers and Non-Commissioned Officers (NCOs) are also offered cash rewards of 500 Kyats for any recruits they bring in, and they usually target the youngest possible boys (age 13 or 14) because these boys are the easiest to coerce. Many young deserters have told us of how they were approached in the market or on the way home from school when they were 13 or 14 by soldiers or NCOs and offered the chance of adventure, a happy-go-lucky life, a snappy uniform, a gun, and the high-sounding sum of 750 Kyats per month. All they had to do to get it was follow the soldier to the recruiting centre. Usually they are also told to lie and say that they are 18 when asked by the recruiting officer. It is obvious by looking at most of these boys that they are well under 18, but the recruiting officers never even try to check. The boy's family often doesn't even hear what has happened to their son for a year or more. In many cases, the boy and/or his parents are illiterate, so he cannot even write to tell them, and once at the frontline rank-and-file soldiers do not get home leave.

Some young boys still volunteer on their own initiative for various reasons:

being a soldier is the only job opportunity for most poor people in Burma today, and the only way the boys think they can help support their family instead of being a burden; the attraction of the soldiering life; the promise of freedom from forced labour for his family; or in many cases, because a family member has been beaten, tortured or arrested by SLORC, and the boy hopes if he becomes a soldier it won't happen again. There are also reports of SLORC battalions taking orphans or unclaimed small children, making them cadets and using them as company mascots and errand-boys until they are age 13 or so, then using them as soldiers. Karen townspeople from the Irrawaddy Delta claim that in 1993 SLORC organized "shooting tournaments" for the youth, then during one of the tournaments suddenly took away many of the boys to join the Army. Parents who protested were threatened. In northern Burma, since 1993 SLORC has been encouraging parents to enroll their children in a youth organization called Ye Nyunt by telling them that all members will get access to basic and higher education; but once enrolled, many of the boys have been taken away to join the Army. We also have reports of Ye Nyunt operating in central Karen State, and that SLORC is using its rehabilitation "training schools" as a source of young army recruits..

Once in the Army the boy is gone, with little or no contact. The family usually still has to provide forced labour. Most of the boy's pay is stolen by his officers every month, and out of the rest he even has to buy his own uniforms. The officers sell off the good rations and medicines and send him into the villages to loot his own food. They also order him to round up villagers for forced labour, and he faces beatings and other punishments if he fails to bring back the specified numbers. He is ordered to get his civilian porters and their burdens to the destination by an impossible deadline, forcing him to beat them or be beaten himself, and he is gradually drawn into the web of human rights abuses. Newspapers and shortwave radio are forbidden, and any letters home are tightly censored; if he writes complaining about the Army, he is beaten with a cane or tied to a post in the hot sun all day without water. In battle situations, boy soldiers are often forced to drink alcohol or take drugs such as amphetamines or 'myin say' (a combination of amphetamines, caffeine, and opiates which makes them mindless, sleepless and aggressive). Leave is refused even with good reason, and when the enlistment time is up after 5 years, the boy is generally told he cannot leave and automatically re-enlisted.

Education and Religion

SLORC uses schools as a means of imposing discipline and control. Many people in remote villages need their children to help the family or are afraid to send their children far away to a SLORC school, so they try to set up their own primary school in the village. SLORC authorities always order these schools to be dismantled. Schools near conflict areas with teach in ethnic languages are the first targets to be attacked and burned by SLORC troops. Even SLORC-run schools near conflict areas are often shut down because every time Tatmadaw columns come near the teachers flee for fear of being taken as porters. Sometimes middle and high schools are surrounded while in session as an easy source of young porters for the Tatmadaw.

When SLORC says it has spent money setting up schools, most or all of this money is actually extorted out of the local population. In situations like this they often extort 2 or 3 times the amount they need and turn a profit. In SLORC schools, all teaching must be in Burmese, no other languages are taught or allowed to be spoken. Non-Burman children grow up illiterate in their own languages and ignorant of their own literature and culture. A SLORC committee under Col. Pe Thein, Minister for Public Relations and Psychological Warfare, has rewritten the history books. Paragraph 118(b) of SLORC's report to the Committee states, "Although there is no written curriculum in their languages, the nationalities have the right to pursue their own literature." However, publishing literature or periodicals in non-Burman languages is extremely difficult and undergoes the strictest censorship. Paragraph 118(b) goes on, "The University of National Races in Ywathitkyi is producing teachers of various nationalities to promote the spread of education in the border areas". In fact, this University takes people from the border areas but trains them to teach the strictly Burman SLORC curriculum, not their own languages and cultures. A significant proportion of the training is focussed on political indoctrination. Furthermore, all schoolteachers in Burma must periodically go to SLORC "refresher courses" where they are issued uniforms and military boots and forced to do military parade drill, shout slogans, and sit through political indoctrination lectures. Anyone who "fails" the course loses their teaching job. As a further method of controlling schoolchildren, teachers and parents must sign forms promising to keep their children from doing or saying anything against the State; if the child does anything, the parents and teachers are then subject to arrest.

The Annex to this report contains a recent interview with a schoolteacher describing the school situation, as well as of several written orders sent to civilians by the Tatmadaw aimed at suppressing teaching of Mon language and literature in monasteries and aimed at suppressing formation of Karen Youth Organizations in villages.

For the most part there is freedom of religion in Burma, but Muslims are generally denied citizenship and are heavily targetted for portering and other forced labour. In areas such as Chin and Arakan States and Sagaing Division, the Army is actively demolishing Christian sites and graveyards and replacing them with pagodas. In Tan Ta Lan Township of Chin State, SLORC issued an order encouraging parents to send their Chin Christian children for free education in 1994, then took at least 9 of these children and initiated them as Buddhist novices at Kaba Aye monastery in central Burma, holding them incommunicado from their parents.

Breakdown of the Village

Children in Burma are suffering severely and often dying because of the destruction of social structures such as the family and the village under SLORC policies. In conflict areas, SLORC has a policy called "4 Cuts", meaning to cut off all food, funds, recruits and communications from ethnic opposition organizations by attacking the civilian populations who support them. Whenever SLORC forces come under attack by opposition forces, they respond with military attacks against undefended civilian villages. In Taungoo District of Karen State, SLORC troops are now systematically burning crops and food supplies in order to drive villagers out of the hills into military-controlled roadside sites. Many

farmers and their children have been shot on sight with assault rifles and grenade launchers since October 1995 when seen in their fields. The people of at least 26 villages have fled into hiding in the hills with whatever rice they can carry. Further south in Papun District approximately 100 Karen hill villages have been ordered to move to labour camps to build car roads. In order to strengthen its control over the hills and block refugee escape routes to Thailand, SLORC has declared the entire region a free-fire zone where adults and children can be shot on sight. In the labour camps, no food, medicine or education is provided and families must find some way to avoid starvation. Rather than go to the labour camps, 10,000 to 30,000 people have fled into hiding in the hills. Children cannot grow up in such an environment. Malnutrition is rampant and many are dying of treatable diseases. Anyone caught trying to take medicine into such areas faces execution for "supplying the rebels". Medics who penetrate these areas from Thailand say that 50% of children die before age 5, and about 20% of women die before age 40 leaving orphaned children. In all conflict areas, families are constantly having to flee SLORC troops. Education becomes an impossibility, and families become scattered. Parents are taken away as porters or "suspected rebels" never to be seen again. SLORC claims to be improving things through military ceasefires in some parts of the country, but once a ceasefire is in place more SLORC troops are sent to establish control, forced labour increases and people continue to flee.

Even in non-conflict areas (both Burman and non-Burman), SLORC is increasing military concentrations to control the civilian population. An average rural village has to serve at least 3 nearby military camps. This includes rotating shifts as porters, doing labour at military camps and on infrastructure development projects. On average, one family member will be absent at some form of forced labour half to two-thirds of the time. Children are often sent so the parents can still produce food, or parents go and their children are left alone to support their younger siblings. Extortion money must also be paid to every military unit in the area, to the point where families have no more livestock or valuables and must flee because they cannot pay. Even in many non-conflict areas 20% or more of the population have fled their villages to become internally displaced. The Army forces farmers to hand over about one third of their entire crop for nothing or for one-fifth of market price, and families are left without enough to survive. The Army sells much of this rice for export, while Burma suffers a rice crisis. Rice prices have doubled since last year in many areas. Serious malnutrition now afflicts a high proportion of children even in the urban areas. Children are being pulled out of school because families need all the free hands they can get to survive the spiralling commodity prices. In urban areas some families are sending their smallest children into the streets to beg, while many families in rural areas are handing their children over to procurers in return for down-payments of 5,000 Kyat or more. They are promised that the child will get a good job in Thailand or elsewhere, but the children generally end up sold into bonded labour at Thai brothels or factory sweatshops.

Refugees

Fleeing the forced labour and other abuses, many children with or without their families end up as refugees in neighbouring countries, where they are generally classified as illegal immigrants and subject to arrest, imprisonment and deportation at any time with no protection from international agencies. In the unofficial refugee camps in Thailand where about 100,000 people live, Thai authorities tightly restrict aid going into the camps to make sure it is at bare subsistence level as a way of pressuring the refugees to go back - in particular, no educational aid beyond a few pens and notebooks is allowed, so it is very difficult for the refugees to get a proper education for their children. Many refugees, including thousands of unaccompanied children, avoid the camps and instead go to Thai cities where they end up as low-paid or unpaid construction, sweatshop or sex labourers. Many of them are regularly arrested, robbed and raped by Thai police. Thailand's Immigration Detention Centres, which are set up like high-security prisons, are full of parents with infants and unaccompanied children of all ages from 5 to 18. They are maltreated, underfed, robbed if they have anything, and the girls over 13

are often taken from the cells by the police guards to be raped overnight. They are held up to 3 months or more if they cannot pay, then "deported" to the border, from where they usually sneak back into Thailand and the cycle begins all over again.

Some Comments on SLORC's Report to the Committee

Lt. Gen. Khin Nyunt, Secretary-1 of SLORC and head of Military Intelligence (whose wife leads SLORC's "NGO" for mothers and children), was quoted in 1992 as saying that under military rule in Burma there was essentially "no law at all". It is an apt quote, because it reflects the small value SLORC places on written laws. The junta, however, has become quite adept at writing laws to impress the international community which it has no intention of putting into practice. It is common to hear SLORC quoting its own laws that porters must be paid, that they are never to be taken into battle, that compensation must be paid if they are hurt, that women must never be taken, etc., but this has no connection with SLORC practice. The "Child Law" appears to be a similar exercise. The Child Law is full of expressions such as "Every child has the right to freedom of speech and expression in accordance with the law", "Every child shall have the right to citizenship in accordance with the provisions of the existing law", "Every child has the right to participate in organizations relating to the child, social organizations or religious organizations permitted under the law" (emphasis added in all 3 quotes), etc. Even if one makes the unrealistic assumption that SLORC obeys its own laws, SLORC has made the Child Law subservient to its other laws and has thereby made it meaningless.

For example, in guaranteeing children "freedom and speech and expression in accordance with the law" (Paragraph 61), SLORC neglects to mention that "the law" dictates heavy punishments for anyone saying or writing anything which can be construed as negative towards the State or the Defence Forces. Twenty-year prison sentences have been given this year to young people simply for handing out leaflets. In an attempt to imply that children are guaranteed freedom of association, the report states that children can join organizations "permitted under the law" (Par. 67), then goes on to clarify that this means only "registered" organizations (Par. 68). It does not mention that any gathering of 5 or more people is illegal, that families must register all houseguests (including children) or face imprisonment or portering, or that association with "illegal" (i.e. unregistered) organizations is punishable by multi-year prison sentences with hard labour under Article 17/1. (See also the Annex to this report, which includes SLORC orders to villages threatening "severe action" if they try to form an illegal youth organization.) Special Rapporteur Yozo Yokota stated in his report (E/CN.4/1996/65, 5 Feb. 1996) that "more than 15 individuals who were exercising their rights to freedom of expression and association were arrested in the course of 1995 on a combination of charges under these laws, including such charges as writing and distributing 'illegal leaflets, spreading false information injurious to the State and contact with illegal organizations'" (Par. 174). The actual number was much higher, particularly in rural areas to which the Rapporteur has no access.

Regarding the Sports Festivals and other events which are organized as a "national task" (Par. 68©), it is important to note that all money for putting on these festivals is extorted out of the local population by the military, along with forced labour to set them up. Villagers have told us that this is a real burden to them. In the report SLORC often claims to have spent certain amounts on hospitals and other community facilities. In fact, most or all of this money is usually extorted from each family in the local community by the Army, threatening them with eviction or arrest if they fail to pay their share. In many cases, if 100,000 Kyat is required the local Battalions will use it as an excuse to extort 300,000, then keep 200,000 for themselves. Any civilians who attempt to object are arrested. In the footnotes, SLORC converts the amounts spent into US dollars using a rate of 6.5 Kyat to the US dollar, whereas the actual market rate is 125 Kyat to the US dollar. While several billion US dollars per annum are spent on the military, little or nothing is spent on social welfare.

Paragraph 60(b) states that "every child shall have the right to citizenship in accordance with the provisions of the existing law". However, the Special Rapporteur notes in his report that "Most of the Muslim population of Rakhine State are not entitled to citizenship under the existing naturalization regulations and most of them are not even registered as so-called foreign residents" (Par. 163).

Paragraph 49(a) states that "Students of primary and middle schools have the privilege of free tuition. Textbooks and stationery are distributed by the State." In reality middle school students must pay school fees of at least 15 Kyats per month, and though primary school "tuition" is free, parents must pay "maintenance fees", "table and bench fees", broom, waterpot and drinking-cup fees, fees for "Parent-Teacher Association", "sporting fees", etc., to the local-level SLORC authorities or their children cannot attend school. The fees are payable for each child attending school, and vary with the Standard (higher fees for higher Standard levels). In many rural areas the parents must also pool their money to pay the teachers' and headmaster's salaries. Students must also pay for their textbooks, stationery and materials. Textbooks are extremely expensive and generally only available on the black market.

Paragraph 47(e) states that "all children of Myanmar irrespective of religion have equal rights to education", while Paragraph 62(a) claims that children have the "right to access to literature". Under the Printers' and Publishers' Act, all literature must be censored by SLORC and possession of other literature, even by children, is punishable by imprisonment. Ethnically non-Burman children are routinely denied their right to education in their own languages and cultures, while SLORC rigidly controls the curriculum and the teachers in its education system. Details on this subject are provided under 'Education' above.

The general credibility of SLORC's report can be best judged by Paragraph 31, Family Reunification, which summarily states, "Myanmar has neither problems of war refugees nor problems of separation of families caused by war." Coming from a country which has been at civil war since 1948, with close to 500,000 refugees who have fled to camps in neighbouring countries, at least 1 million more refugees in neighbouring countries but not in camps, thousands in exile worldwide, and two to three million internally displaced people, this statement is more than just absurd - it is criminal.

It is important to note that most of the "domestic NGOs" referred to by SLORC are in fact set up and run by SLORC either directly or indirectly. In particular, the "Myanmar Maternal and Child Welfare Association" is run by the wife of Lt. Gen. Khin Nyunt, SLORC Secretary-1 and head of Military Intelligence. It is used as a public relations arm of SLORC and to raise foreign money for SLORC Border Area projects, which usually have a political aim of increasing military control in the border areas. The Union Solidarity and Development Association (USDA) is not an NGO at all, but a political organization which SLORC formed in 1993 as an artificial "mass support" organization on the model of the pre-1988 BSPP (Burma Socialist Programme Party). The USDA gets members through SLORC-organized forced-attendance mass rallies, through threatening people who do not join with loss of privileges and offering perks to those who join. To date, the USDA's main role has been to hold mass rallies expressing "unanimous public support" for SLORC's National Convention drafting a military-run Constitution. There is even speculation that SLORC may turn USDA into a political party once their Constitution is finished.