

## 6. Rights of the Child

### 6.1 Introduction

2006 marked the fifteenth anniversary of the Burmese military regime's ratification of the UN Convention on the Rights of the Child (CRC). The CRC affirms that every child has the right to protection, the right to life, and the right to survival and development. The CRC also specifically refers to the protection of children in armed conflict and mandates that no child under 15 should take part in hostilities; that children should not be separated from their parents except for their own well-being; that states should protect children from harm and neglect; and that all children should be entitled to the rights enshrined in the convention, without discrimination.

The military regime promulgated the new Child Law on 14 July 1993 to *"implement the rights of the child recognized in the Convention."* According to the Child Law, Chapter 5, Paragraph 8, *"the State recognizes that every child has the right to survival, development, protection and care, and to achieve active participation in the community."* In September 1993 the SPDC formed the National Committee on the Rights of the Child (NCRC) to implement the CRC and Child Law. During a UN review of the SPDC's second periodic report to the Committee on the Rights of the Child, in 2004, SPDC representatives claimed that the junta has been *"giving top priority to the rights of the children in our national agenda"* and cited that there had been *"significant achievements in promoting the rights of children."*<sup>1</sup> Whilst the regime's decision to accede to the CRC was considered a step of progress and temporarily improved its image in the international community, widespread evidence of continuing violations against children has shown that the military regime has taken little action to enforce these laws, and that the regime's progressive rhetoric has not corresponded to a substantive improvement in the situation of children in Burma.

In 2005, the UN Committee on the Rights of the Child expressed concern for, among other issues, the significant reduction in resources allocated to health and education, inequalities between rural and urban as well as ethnic minority children, and the affects of Burma's political instability and continued armed conflict on the development of children.<sup>2</sup> The Committee noted that the regime's initiatives have done little to improve the situation of children, that *"more work needs to be done on the Child Law to put it in full compliance with the CRC,"* and that the NCRC *"is not fully operational"* with respect to implementing the CRC. Further, the Committee found that *"the general principle of 'the best interests of the child' (article 3) is not fully applied and duly integrated in the implementation of laws, programmes, and administrative and judicial decisions."*<sup>3</sup>

In 2006, conditions within the country continued to deteriorate. Child mortality was a major problem, and Burma's health and education systems continued to suffer from a lack of resources, particularly in ethnic and rural areas. Annual expenditure is estimated at less than US\$1 per capita for both health and education combined. While primary education is officially provided, by the SPDC, to all Burmese citizens, the low level of SPDC investment forces local families to pay for teachers, supplies and uniforms, and often the construction of the schools themselves. These costs are prohibitively high for many families and, as the education budget has declined in terms of actual purchasing power, the financial burden has only increased.

As poverty has consumed the population, children are frequently required to contribute to their family's livelihood either by participating in family businesses, seeking external employment, or fulfilling a family's obligations to participate in SPDC forced labour projects. Children are not exempted from serving as porters for the military or being recruited to serve in the armed forces. In January 2004, amidst calls from the international community to end child conscription into the armed forces, the SPDC formed the Committee for the Prevention of the Recruitment of Child Soldiers (CPRCS). However, numerous 2006 reports affirm the regime's practice of recruiting child soldiers, often forcibly, and including those younger than 15, continued unabated. According to an August 2006 report by the Human Rights Education Institute of Burma (HREIB), *"rather than spending time aggressively fighting against the recruitment and use of child soldiers, the committee focuses on contesting allegations from the UN and international and national human rights groups about the use of child soldiers in the country."*<sup>4</sup>

Ethnic minority children in rural areas face the most widespread violations of their human rights, not only suffering from severe discrimination but also suffering from the consequences of protracted armed conflict. Children living in ethnic minority areas, like other members of their communities, are subject to physical injury, torture, rape, murder, forced labour, and forced relocation as the SPDC attempts to suppress any form of opposition, both armed and unarmed. Children in these areas also often witness atrocities carried out against their family and community members; endure separation from their families and communities; and suffer from extremely limited access to healthcare, education, housing, and food. SPDC offensives and abuses have displaced tens of thousands of people, further increasing obstacles to the child's right to health, education, and development. IDP children in Nyaunglebin, Toungoo and Papun Districts, on the move with their families as a result of SPDC offensives in 2006, and suffering harsh conditions, particularly during rainy season, were reported to be in urgent need of security, food and shelter.<sup>5</sup>



This 15 year old boy in northern Papun district says he joined the KNLA to fight back against the SPDC because SPDC soldiers had tortured his siblings. During the school year the KNLA sends him to school, but during the school holidays he accompanies an active KNLA unit and carries an assault rifle. [Photo and caption: KHRG]

## 6.2 Children in Armed Conflict

*“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.”*

- Article 38, Paragraph 1, CRC

*“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.”*

- Article 38, Paragraph 4, CRC

The CRC specifically refers to the protection of children in armed conflict and provides that every child has the right to life, survival and development; that no child under 15 should take part in hostilities; that children should not be separated from their parents except for their own well-being and protection; that states should protect children from harm and neglect; and that children of minority and indigenous populations should freely enjoy their own culture, religion and language, as well as all other rights enshrined in the Convention, without discrimination.

In an effort to defend the human rights of children in armed conflict, the United Nations Security Council Resolution 1612, July 2005, requested the Secretary-General to *“implement a monitoring and reporting mechanism that would provide a more systematic and coherent process for gathering objective, specific and reliable information on grave violations committed against children in situations of armed conflict.”* The six grave violations of children’s rights the mechanism was mandated to specifically address were:

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;
6. Denial of humanitarian access for children.<sup>6</sup>

The monitoring and reporting mechanism was to report on these abuses to a newly created Working Group on Children and Armed Conflict (CAAC) consisting of the 15 Security Council member states. Whilst the working group did not deliberate and report on the situation in Burma during 2006, the inclusion of Burma on the Security Council agenda does submit the SPDC to the scrutiny of the CAAC. All six violations for which the monitoring and reporting mechanism is mandated to assess have been perpetrated by SPDC forces within Burma during 2006, in the context of armed conflict, and are documented within this report.

In ethnic states troops regularly shoot at villagers and into homes, regardless of whether there are children present. Villagers in conflict areas report that SPDC commanders order their troops to kill everyone suspected of involvement with ethnic resistance, even children. One escaped porter, in northern Karen State, reported that he overheard Captain Ne Lin Oo commenting to his officers that the current military operation was very difficult because the SPDC soldiers *“were required to shoot everything – including civilians, small children and resistance.”*<sup>7</sup> Within northern Karen State, in 2006, 16 year-old Saw Eh Htoo, his father and

12 year old brother- who only had one leg due to an accident when young, were fired upon whilst working on their farm. Despite being shot three times Saw Eh Htoo managed to escape. His father and younger brother were killed.<sup>8</sup> Torture has also been employed against children during the offensive in Karen State,<sup>9</sup> and the widespread rape of minors by military personnel continued to be reported throughout 2006. There have also been numerous reports of the abduction of children by SPDC personnel. Such abductions often result in the forced recruitment of these children into the SPDC armed forces (For more information see Section 6.3: Child Soldiers).

Furthermore, schools are deliberately destroyed by SPDC troops and humanitarian access is routinely denied to areas which the SPDC considers to be the most sensitive, leading the Office of the Special Representative of the Secretary General for Children in Armed Conflict to state that *“in some critical areas, where children are believed to be in very vulnerable situations, humanitarian assistance and protection is denied owing to Government restrictions on movement, allegedly for “security reasons”.*”<sup>10</sup>

## **Violence against Children – partial list of incidents for 2006**

### **Arakan State**

In the first week of August 2006, 22 Rohingya from Lake Ya village-tract (Kumir Khali) of Maungdaw Township were reportedly detained and tortured by NaSaKa (Burma Border Security Force), as punishment for repairing and rebuilding the Kumir Khali mosque roof in June 2006. NaSaKa requires that permission be obtained for repairs to be undertaken but rarely provides that permission. The men were arrested, tortured and detained in Maungdaw jail. Those detained included:

1. Molvi Mohammed Hossain, aged 40;
2. Ali Zuhar, 15;
3. Mahommed Shafi, 40;
4. Abdul Hasim, 35; and
5. Chairman Din Mohammed (a.k.a. Maung Mon Kha).<sup>11</sup>

On 7 August 2006, at 10 am, a 15 year-old cowherd, named Ramauk Ali, was killed by unexploded ordinance near the ‘model village’ (village for Buddhist settlers) Ainn Grin Myin, Buthidaung Township, whilst tending to his cows.<sup>12</sup>

### **Chin State**

In July 2006, two child orphans who tried to escape from being forcibly recruited into the *tatmadaw* were tortured by the SPDC military, before being sent to Kalay Wah military camp. The boys were recruited from an orphanage in Tedim town on 7 July 2006 by Major Thein Tun of LIB #365.<sup>13</sup>

### **Karen State**

#### ***Nyaunglebin District***

On 15 January 2006, a column of soldiers from SPDC LIB #599 indiscriminately fired mortars at civilians in Mi Yeh Hta village, causing the villagers to flee to the forests where

they remained hidden. Due to their surroundings many fell ill from diarrhoea including the two year old daughter of Eh Ler Ghay who died from her condition.<sup>14</sup>

On 1 March 2006, a column led by Deputy Battalion Commander Aung Thein Win and Company Commander Ha Win Aung from LIB #439 visited Na Peh Pa Nay Cheh. As all the adults had fled, they coshed several children on the head with their grenade launchers.<sup>15</sup>

On 8 March 2006, Saw Du Kaw and his son, Saw Peh Lu, aged 14, (also reported as Saw Eh Lah Hser, aged 12.<sup>16</sup>) were shot dead by troops from SPDC MOC #10. The troops had come from Muthey village and were patrolling the Keh Ka Koh area when they came upon the villagers near Sho Kaw Der village. The father and son had been working on their farm and were returning home for lunch. When fired upon, they were unable to flee the scene as Saw Peh Lu had only one leg. Sixteen year old Saw Heh Nay Htoo, brother and son of the two murdered villagers, was shot twice in the same incident, injuring his hip, backbone and right armpit.<sup>17</sup>

On 22 March 2006, near Ka Ba Hta village, Mone Township, a 9 year old girl was shot in the back by SPDC troops. The troops, from Ma Law Daw, Mu Thay, and Myaw Oo Army camps, had been hiding behind a hill, waiting for the villagers to approach. They opened fire on the girl's family who were on the move due to the presence of SPDC troops in the area. The grandmother and father were killed. The mother, Naw Bee Ko, carried her 4 year old daughter and 8 month old son whilst fleeing, with her 9 year old daughter running alongside her. The soldiers continued to fire hitting the 9 year old on the side of her back. After receiving superficial treatment from a local family, she was forced to walk 3 days with her remaining family to another clinic in order to obtain the necessary medicine.<sup>18</sup> Naw Bee Ko recounted the experience to an FBR field reporter as follows:

*"My family and I were hiding in an area near Ta Kweh Wah Hta. Many other families were there as well. When we had to move to another place, no one knew where the next hiding place was. My mother in law (80 years old), at this time was sick and could not walk. My husband carried his mother on his back. My husband, his mother and my 9 year old daughter went ahead of our main group. When we were walking up a ridgeline, Burma Army soldiers began to shoot at us. My husband's mother fell off his back in the shooting. His mother called him and he went back to help her. The Burma Army then shot my mother in law in the neck and my husband in the chest. Both fell down and all of our group scattered. My 9 year old daughter ran to me and I saw that she was shot. At first she was able to walk on her own, but later she was not able to. I asked a friend that was with us to help me. My friend had two sick children that she and her husband were carrying. But my friend's husband still helped and carried my daughter while my friend carried her children. We arrived at Thet Baw Der and asked for help. They sent us to Ka Hsaw Kaw and a nurse treated my daughter there. The nurse was worried about security because we were on the front line. If something happened it would be difficult for us to help each other. So the nurse advised us to move to a higher place. My brother in law came and treated the bullet wound to my daughter's stomach. We then started moving again and have arrived where we are now."*<sup>19</sup>

On 25 October 2006, three villagers from Malagone were shot and killed by troops from SPDC IB #37 led by Aung Ka. Those killed were Saw Mg Mg, aged 40, Saw Chit Chit, aged

16, and Saw Ah Cho Moo, aged 15. Saw Kwa La Moo, 15, was also injured in the shooting. Whilst villagers were allowed to travel to their farms between the hours of 6 am and 4 pm each day, the four villagers were shot in their farm huts at 3 pm.<sup>20</sup>

### ***Papun District***

On 26 February 2006, in reprisal to a KNU attack upon the Democratic Karen Buddhist Army (DKBA) camp based in Meh Mweh Hta, SPDC soldiers threatened villagers from Wah Klu Ko and arrested a 17 year old girl along with the village head. The SPDC soldiers covered the two villagers' faces with a plastic sheet and tied their hands behind their backs, before detaining them for three hours.<sup>21</sup>

On 20 April 2006, SPDC troops from LIB #316 (also reported as LIB #366<sup>22</sup>) shot dead villager Saw Ray Kyay (Saw Hsa Rae Sae<sup>23</sup>), aged 17, of Paw-mu-doe village, whilst he was in his rice field.<sup>24</sup> His friend, Saw Kyay Nu Wah, 18, was also shot in his right leg.<sup>25</sup>

### ***Thaton District***

On 14 June 2006, SPDC Battalion Commander Kyaw Min visited Ta-eu-ni village in his attempts to find Seik-ywa-shwin villager Saw la Noe, who promptly ran away. The troops responded by beating Naw Peh Say, 15, around the head with the butt of the pistol, breaking two of her teeth, before looting her house.<sup>26</sup>

On 10 July 2006, Than Htun and Kyaw Min of the DKBA shot at a mother and her 2 children, at Pa-htaw-kho-khee-plaw, near Ta-eu-khee village. Saw Maung Maung, aged 16, was wounded, and lost a significant amount of blood. All three managed to escape.<sup>27</sup>

On 16 July 2006, Commander Aung Tha of SPDC TOC #663, based in Tantabin Township fired 20 rounds from Naw Soe camp into Hsaw-wa-doe village. Villagers including children were forced to flee although none were injured.<sup>28</sup>

### ***Toungoo District***

In October 2006 soldiers from SPDC LID #66 operating in areas of Kler La Township, were conducting search and destroy missions targeting displaced villagers covertly harvesting their rice. They came cross a group of farmers and opened fire. All the farmers save for Saw Bpin K'Nay, aged 16, were able to escape. Saw Bpin K'Nay was detained at the camp, regularly tortured, and not provided sufficient food. He was able to escape, despite plans for his execution.<sup>29</sup>

### ***Mon State***

On 4 March 2006, SPDC soldiers shot and killed two 16 year-old DKBA soldiers. The DKBA, an official ceasefire group, reported that the two boys had been asleep along the Makatha natural road when they were killed. The SPDC claimed they had been mistaken for KNU troops.<sup>30</sup>

On 9 November 2006, in Khaw Zar Sub-Town, southern Ye Township, SPDC troops from IB #31 reportedly tortured five villagers, including a 14 year old boy. Whilst the soldiers

claimed the villagers had stolen their guns, witnesses testified that the troops were heavily intoxicated and had been firing their weapons recklessly.<sup>31</sup>

### **Shan State**

On around 18 July 2006, Zaai Wan, 17, was assaulted by SPDC troops from IB #99 when returning home from a friend's house. He sustained serious injuries to his head after being struck by the troops with an electric torch.<sup>32</sup>

## **Abduction of Children – partial list of incidents for 2006**

### **Magwe Division**

On 16 February 2006, a 16 year-old schoolgirl named It It Tun from Myothit, Taungdwingyi District, was kidnapped by a Burmese soldier from KaPaCa #17 (arsenal base). The girl's family reported the case to the authorities, who allowed the girl to see her family, but then took her away again. During the meeting, in which It It Tun was reportedly shaking uncontrollably, the authorities informed her parents that she followed the soldier of her own free will, and as such there was nothing they could or would do about the situation.<sup>33</sup>

### **Karen Areas**

#### ***Thaton District***

On 25 October 2006, Company Commander Aung Ko Ko and troops from SPDC IB #235, under LID #101 based in Pa-an Township, reportedly tried to abduct 2 young school girls, Mu Lay Paw aged 9, and Naw Say Moo aged 10, of Kru-see village, while they were returning from school at 4 pm.<sup>34</sup>

#### ***Toungoo District***

On 22 November 2006, SPDC LID #66, TOC #662, attacked Klay War Moh Taung village and captured a group of villagers on their way to Kler Ler village. All the villagers but two children were released. Naw P'Lay Way, a 5 year old girl, and Saw Taw K' Loh Mu, a 3-year-old boy, were still being held captive at the time of this report (12 December 2006).<sup>35</sup>

On 2 December 2006, Saw Thaw Thi Htoo, 17 years old, from Taw Ku village, Tantabin Township, was captured by the Burma Army and taken to Taw Ku IB #48 camp. He had not yet been released at the time of this report (12 December 2006).<sup>36</sup>

(Further incidents of abduction are listed under Section 6.3: Child Soldiers)

## 6.3 Child Soldiers

*“...the Council reaffirms its strong condemnation of the recruitment and use of child soldiers by parties to armed conflict in violation of international obligations applicable to them and of all other violations and abuses committed against children in situations of armed conflict. It urges all parties to armed conflict to halt immediately such intolerable practices.”*

-Statement by the President of the UNSC, S/PRST/2005/8, 23 February 2005

As a signatory to the CRC, the SPDC is obligated to “ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities,” and to “refrain from recruiting any person who has not attained the age of fifteen years into their armed forces” (Article 38). Whilst the SPDC has failed to ratify the International Labour Organisation’s (ILO) Convention 182 against the worst forms of child labour, as a member of the ILO it is automatically bound to the Organisation’s core conventions.<sup>37</sup>

In 2005 the UN Security Council passed Resolution 1612, which calls for an immediate stop to the use and recruitment of child soldiers, and 2006 marked the International Criminal Court’s (ICC) first prosecution of a defendant charged with the use of child soldiers.<sup>38</sup> The Rome Statute of the ICC includes the conscripting or enlisting of children under the age of 15 years, or using them to participate actively in hostilities, in both international and non-international armed conflicts, as a war crime. Burma has not ratified the CRC Optional Protocol, 2002, seeking to regulate the use and recruitment of child soldiers under the age of 18 years old. However, the Myanmar Defense Services Act of 1974 and War Office Council Instruction 13/73 declare that military recruits must be at least 18 years of age.

Despite the fact that both international and Burmese national law prohibits the use of child soldiers, it is well-documented that the SPDC perpetrates forced military recruitment, training, and deployment of children as young as 11 years old, as it zealously attempts to enlarge its armed forces. (Following the 1988 pro-democracy demonstrations, the junta decided to expand the army significantly, increasing its numbers from around 180,000 at that time to a force now widely estimated to be 400,000). The most recent comprehensive figures regarding child soldiers in Burma were produced by HRW in 2002 which estimated there to be around 70,000 children under the age of 18 serving in the *tatmadaw*. This figure roughly equates to 25 percent of all child soldiers deployed worldwide, giving the country the dubious honour of having more child soldiers than any other nation.<sup>39</sup>

On 5 January 2004, the SPDC created the Committee for the Prevention of the Recruitment of Child Soldiers (CPRCS), chaired by SPDC Secretary 2, Lt. Gen Thein Sein, ostensibly to reduce child enlistment. In October 2004, the Committee adopted a Plan of Action for the Implementation of the Objectives of that Committee, which affirmed the necessity of:

*“strengthened control of the recruitment process to ensure that no one under 18 years of age enters the armed forces; the discharge from military service and return to their parents or guardians of those found to be under 18 while training or in service; the provision of vocational training or other educational options and livelihood support, in particular for orphans, vulnerable children and those without guardians; an improved birth registration system; and the dissemination of information to recruitment centres and the general public on the prohibition of recruitment of persons under 18 years.”<sup>40</sup>*

However, rather than taking steps to curtail child recruitment, the regime has employed the Committee as a forum to deny the practice altogether. On 3 February 2005, during the televised fourth meeting of the CPRCS, Lt. Gen. Thein Sein stated its task as being to “refute” the “baseless allegations” that there are child soldiers, saying these were “false statements” made by “unscrupulous people.” Committee members reported on measures already taken to “reject the allegations of destructive elements” internationally.<sup>41</sup> In 2006, Human Rights Watch asserted, “the Burmese government’s high-level committee to end child soldier recruitment has had no impact on the problem,” adding, “Until the government takes genuine steps to implement its laws, children will continue to be snatched off the streets and forced into military service.”<sup>42</sup> Similarly, a 2006 report by the Human Rights Education Institute of Burma (HREIB) found no evidence of the regime punishing officers for illegal recruitment practices. HREIB director Aung Myo Min stated that “This committee has done little to protect children from being recruited into the military.”<sup>43</sup> The Coalition to Stop the Use of Child Soldiers has also rejected the regime’s claims that child recruitment has been curtailed, particularly noting the regime’s lack of cooperation with NGOs and children’s rights organisations working to stop the use of child soldiers in the region.<sup>44</sup>

In fact it was not until 2006 that the SPDC explicitly acknowledged the presence of child soldiers in the *tatmadaw*, whilst maintaining its denial of any intentional recruitment of children under 18 years of age. Thein Sein alleged that child soldiers lie about their age, and stated that underage recruits were returned to their parents by the military.<sup>45</sup> According to a letter sent by the SPDC to the UN Security Council, “The Myanmar Armed Forces is an all volunteer force and those entering military service do so of their own free will... Forced conscription by the Government is strictly prohibited.”<sup>46</sup> A November 2006 report by the Ministry of Foreign Affairs claimed that up until September the army had discharged 16 new recruits, four of whom were underage, since the start of the year. In addition, on 24 October 2006, the SPDC informed the International Committee of the Red Cross (ICRC) that 17 complaints regarding recruitment of underage soldiers had been resolved.<sup>47</sup>

Despite these claims, numerous reports surfaced in 2006 of military authorities ignoring or refusing parents’ requests to release their children from service. HREIB reported incidents of parents appealing unsuccessfully to SPDC authorities, both through established institutions and extra-legally. Requests sent through the ILO to the CPRCS, to the Committee directly, and to individual military officials were ignored.<sup>48</sup> In 2006, the SPDC invited UNICEF to visit its military recruitment centres. The offer was declined due to the lack of insight provided by government organised tours. UNICEF did, however, offer to assist the SPDC in the reintegration of discharged child soldiers into society and to conduct awareness workshops for trainers of military recruiters in international and domestic law. The SPDC failed to formally respond to this offer.<sup>49</sup>

In September 2006, Christian Solidarity Worldwide (CSW) reported that over 30 children, aged between 15 and 16, had been forcibly recruited into the *tatmadaw* from one Township alone in the previous two years, within Mong Ku District, northern Shan State.<sup>50</sup> Similarly, HREIB’s 2006 report, for which the group used interviews with over 50 current or former child soldiers, found numerous cases of child recruitment by SPDC forces since the formation of the CPRCS. These child soldiers reported the SPDC’s recruitment practices to be systematic, intentional, and coercive. While some children join the *tatmadaw* out of economic hardship, most interviewees had been forcibly recruited by military officials.<sup>51</sup>

The most frequent tactic used by SPDC recruiters is to give children the option “*join the military or go to jail.*” Recruiters often “*lurk in train stations and other places where impoverished children not attending school during the day can be found,*” luring children with the promise of good salaries and opportunities.<sup>52</sup> Often, recruiters ask a child if he has a national I.D. card. If, as is often the case, he does not have an I.D. card, the recruiters threaten the child with arrest if he refuses to join the military.<sup>53</sup> Homeless children, orphans and street traders are particularly vulnerable to the threat of arrest for ‘loitering’ or trading without a license. A report in June 2006 suggested that as many as five children were recruited each day at Rangoon’s main railway station, alone, through such tactics.<sup>54</sup>



Z--- is 15 years old but was forced into the SPDC Army and assigned to Light Infantry Battalion #349 in Shwegyin Township before escaping in February 2006. He now has to decide what to do, knowing that if he tries to return home he may be arrested for desertion, imprisoned and then forced back into the Army. [Photo and caption: KHRG]

There have been numerous reports describing the practice of military officials intentionally obscuring the age of recruits, despite SPDC claims to the contrary. SPDC officers order recruits to lie about their age, sometimes under the threat of violent reprisals.<sup>55</sup> In one case reported by a child soldier to the HREIB, the officer who recruited the child first ordered him to lie to the examining doctor about his age. After the doctor initially refused to accept the boy, based on his obvious physical immaturity, the recruiting officer bribed the medical examiner in exchange for the child’s medical approval.<sup>56</sup>

Whilst the upper echelons of the SPDC command may not proscribe the recruitment of child soldiers, they have created a system whereby such recruitment is indirectly encouraged and allowed to go unchecked and unpunished. A former member of the *tatmadaw* who defected to the Kachin Independence Organisation (KIO), told CSW how each battalion is ordered to recruit at least five new recruits each month, or else face a fine.<sup>57</sup> This onus is passed on to recruiters who may be fined for failing to reach their quota, while they receive bonuses for bringing in soldiers over their quota.<sup>58</sup> High recruitment figures are also said to be concomitant with rapid promotion within the SPDC ranks. In December 2006, a recruitment

drive by Colonel San Aung, operations commander of TOC #2, led to youths being arrested and detained in the recruitment camp in Matupi Township, and meant children were afraid to go out of their houses at night.<sup>59</sup>

Officers at recruitment camps sell recruits to individual battalions. The use of child soldiers is institutionalised to the extent that separate prices have been established for underage recruits, with a cost of 50,000 kyat for adults and 30,000 kyat for children.<sup>60</sup> In some instances, Burmese police sell young offenders directly to military recruitment camps. On 22 August 2006, three 15 year old boys, Than Naing Aye, Lin Lin and Yan Lin Maung, were sold in such a way by Police Lt-Sgt Min Aung Thein from No.1 Police Station Meikhtila, Mandalay Division. They were sold to Mandalay Taung Thone Lone Army Recruitment Camp for 65,000 kyat. They had been arrested on 3 August and charged with theft.<sup>61</sup>

In 2006, a 16 year-old soldier with the LIB #106 based in Mawkanin of northern Ye Township, whom had deserted his post, reported that, during his training at Yeni military training school in Pegu Division, of his 200 fellow trainees, “*half of us were child soldiers.*”<sup>62</sup> During training, child recruits are beaten, receive insufficient or poor quality food, and often have their money taken by higher-ranking officers. The barracks are overcrowded and facilities are insufficient. Children who are caught attempting to escape are severely punished often by beatings, forced labour, or detention. Sometimes these punishments extend to the entire unit. If a soldier escapes from a unit, the entire group may be beaten. If an escapee is apprehended, any member of the unit who does not participate sufficiently in the punishment will be beaten themselves.<sup>63</sup>

When children are deployed as soldiers in the *tatmadaw* and assigned to duty with various military units, they are generally treated as adults. They are often forced to engage in armed conflict, perpetrate human rights abuses against ethnic minority civilians, participate in the destruction of villages suspected to support ethnic insurgency groups, and commit extrajudicial killings.<sup>64</sup> Child soldiers may also be forced to serve as human minesweepers or as human shields for adult soldiers.<sup>65</sup> A former SPDC Major reported in 2006, that some improvements in this situation had occurred; “*As a result of international pressure, the SPDC does not let children who are very young go to the front-line anymore. They tell commanders instead to use the children for domestic work in the army camps. But some commanders ignore this and still send young children to the front-line,*” he stated.<sup>66</sup>

Like adult soldiers, child soldiers are not provided with adequate food, money or supplies. They are subject to harsh conditions, and treated badly by commanding officers. One child soldier who reached Thailand in October 2006, after fleeing his Division, told how when he fell ill with malaria he asked his Commander Nyi Nyi Htwe for leave, but was instead scolded and told to put up with it.<sup>67</sup> Many other child soldiers attempt to desert the army but have few choices of where to go. If they return to their homes or remain in Burma, they fear arrest, punishment and being forcibly re-recruited; if they flee to neighbouring countries they are forced to work and live illegally, without rights, documentation, or access to assistance programs.<sup>68</sup>

Former child soldiers seeking protection in Thailand also face the threat of forcible return to Burma, as dictated by Thai policy. When the Thailand Working Group of the Security Council on Children and Armed Conflict sought clarifications on this practice, Thai officials stated that they were not aware of the situation. Since that time, the Thai Government has

agreed to cooperate with the UN and address the problem of child soldiers through a common strategy with the Thailand Working Group.<sup>69</sup>

## Child Soldiers in Armed Ethnic Groups

In 2002 Human Rights Watch estimated there to be approximately 6,700 children serving in non state ethnic armed groups within Burma, including those aligned with the junta, as well as those resisting SPDC control.<sup>70</sup> Ethnic minority children often join armed resistance groups as a result of the ongoing armed conflict within their regions, sometimes in response to human rights abuses perpetrated against them or their families and communities. Whilst HRW's figure represents the most recent reliable estimate, certain factors suggest that the number of child soldiers, at least in those forces resisting SPDC control, have since dwindled.

In 2006, two of the largest resistance forces, the Karen National Union (KNU) and the Karenni National Progressive Party (KNPP), continued to make concrete moves to be removed from the UN listings of countries and organisations engaged in the use of child soldiers. In June 2006, leaders of both groups met with officials from UNICEF and UNHCR in Thailand to assure them that they no longer recruit child soldiers. KNU General Secretary Mahn Sha stated that although the KNU had not recruited child soldiers since 2000 it was possible that “*low-level leaders*” were not following orders from the top. KNPP General Secretary Raymond Htoo said if any children applied to serve with KNPP forces they were sent to school.<sup>71</sup>

On 31 July 2006, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict received a letter from the KNU stating that it would no longer use or recruit children; would monitor its units and take action to ensure that no children were within its ranks; and would cooperate and allow unhindered United Nations access to monitor and verify compliance to non-recruitment.<sup>72</sup> The Southeast Asia Coalition to Stop the Use of Child Soldiers asserted that “*the number of child soldiers in KNU and KNPP have dropped compared to three years ago. There were less than 50 child soldiers in KNU and KNPP in 2006, according to dialogues with these groups.*”<sup>73</sup> By the end of the year, the Office of the UN Secretary-General for Children and Armed Conflict was liaising with the UN Country Team to finalise a deed of commitment and action plan to address the Karen National Liberation Army's (armed wing of the KNU) indications.<sup>74</sup>

The Shan State Army-South (SSA-S), whilst not listed by the UN, was reported to continue to recruit child soldiers in significant numbers in 2006,<sup>75</sup> with both HREIB and the Coalition to Stop the Use of Child Soldiers documenting the use of child soldiers by the SSA-S.<sup>76</sup> In February 2006 the SPDC began a trial for captured members of the SSA-S, under charges which, hinting at hypocrisy, included the use of child soldiers. The state-appointed lawyers reportedly advised the defendants to plead guilty, to avoid lengthy jail terms or suffering for their families.<sup>77</sup> SSA-S commander Sai Htoo, who led the surrendering group, subsequently testified that the SSA-S “*generally recruited fighters aged between 18 and 40, but boys in their early teens were enlisted if older conscripts were unavailable*” adding that “*depending on the size of villages, each village has to send four or five recruits*”. The SPDC used one of the captured fighters, a 13 year-old, as proof that the SSA-S continued to recruit child soldiers, and told the media that the boy had confirmed that SSA-S troops were murdering families of recruits to prevent desertion.<sup>78</sup> The leader of SSA-S, Col. Yawd Serk, denied the reports, saying that the boy was not a Shan but a Burmese boy. He also asserted that the SSA-S does not use force to recruit new soldiers, because it is not practical.<sup>79</sup>

Of those armed groups aligned with the SPDC, the Democratic Karen Buddhist Army and the United Wa State Army (USWA) are reported to have the largest numbers of children within their ranks.<sup>80</sup> IN 2006, the U.S. State Department cited the UWSA as the worst offender of all armed ethnic groups in Burma. The USWA is one of the most powerful armed groups in Burma, and is a major ally of the SPDC. In return for attacking armed resistance groups and supporting SPDC led military operations, the UWSA receives substantial material benefits, and the SPDC turns a blind eye to its heavy involvement in the opium trade.<sup>81</sup>



In February 2006 the KNLA attacked the DKBA camp at Meh Mweh Hta. During the attack they captured 16 year old DKBA soldier N--- (left). N---'s father had already died, and he was living with his mother, grandmother and two siblings when the DKBA ordered him to join them or pay 50,000 Kyat. He had no money, so he joined. They told him he would receive 50,000 Kyat per month as salary, but he never saw any money at all. *[Photo and Caption: KHRG]*.

## Conscription of Child Soldiers – Partial List of Incidents 2006

### Chin State

On 2 February 2006, it was reported that a 14 year old boy from Tone-kalay village, Bogale Township, Irrawaddy Division, had been kidnapped by a soldier from IB #18. Aung Thu was abducted on 25 October 2005, and has reportedly been forcibly conscripted into the army. His family were ignored in their pleas to have him returned.<sup>82</sup>

On 21 March 2006, SPDC troops detained 17 year old Maung Han Zaw of Tharkayta Township, Rangoon Division, placing him in Military Training School No. 5 at Yai Ni, near Pyinmana. When his parents travelled to the training school, to retrieve their son, the commanding officer, Captain Aye Thit, whilst allowing them to speak to their son, would not allow him to leave.<sup>83</sup>

On 7 July 2006, (also reported as being in May<sup>84</sup>) SPDC LIB #365 recruited 11 child soldiers from an orphanage in Tedim town, Chin State. The soldiers, who were reportedly under the command of Sergeant Major Thein Tun, first forced them to work at Kalaymyo airport,

before taking them to the Kalaymyo military camp. Two of the older boys attempted to escape but were caught, punished and transferred to Kalewa military camp. One of the “older boys”, Vung Ki Thang, was reported to be only 15 years old.<sup>85</sup>

On 22 August 2006, three children were sold to the SPDC military by local police at Meikhtila. Police Lt-Sgt Min Aung Thein reportedly sold 15 year-olds Than Naing Aye, Lin Lin and Yuan Lin Maung to Mandalay Taung Thone Lone Army Recruitment Camp. Min Aung Thein received 65,000 kyat for the boys, who are all from Nangdawkone Zone, Chan Aya Thar Zan Ward.<sup>86</sup>

On 6 November 2006, four youths, including a high school student, were arrested by soldiers from the LIB #104 in Matupi, Chin State. The student was released after his teacher reportedly bribed the authorities an undisclosed amount. The three other youths were on their way to a nearby training centre when their vehicle overturned and the children escaped. The fate of the three youths after this point was not documented at the time of the report.<sup>87</sup>

#### KHRG Child Soldier Interview<sup>88</sup>

Source: KHRG.  
 Name: Ko Z---  
 Sex: Male  
 Age: 15  
 Ethnicity: Burman  
 Religion: Buddhist  
 From: Mandalay Division  
 Occupation: Student (5th Standard); also helps his parents in the ricefields.

While I was going to sit for my [5th Standard] examinations I met NCO (non-commissioned officer) Tin Soe from *Su Saun Yay [recruit camp] #3* in Meiktila. He asked me, “Do you have an I.D. card?” I answered that I didn’t. He told me, “Then you must join the army, for you have no I.D. card and you cannot come to town without an I.D. card.” I refused to join the army but he threatened me that he would send me to court. That made me afraid, so I told him I would join the army. The SPDC is using many tricks to recruit their soldiers. One of my friends named Ko P--- is about 30 years old, and one time while we were waiting for a car we were sitting drinking tea in a teashop. Some SPDC soldiers started calling people to jump on their truck and they would send them for free to their villages without payment. Many people were happy and jumped on the truck. But the soldiers drove their truck to the Army camp. Then they demanded money to let the women go, and forced the men to become soldiers.

My mother has passed away. I was her only child. I was staying with my aunts, not with my father. My father took another wife and got two more children, and his wife was pregnant again when the soldier arrested me. When I informed my father I’d been arrested he told me I could join the army. He was staying with his second wife.

I was arrested on May 1st 2005 and they kept me in the *Su Saun Yay [recruitment camp]* for 15 days. There were many recruits under 16 years old in the recruiting camp. The NCOs at the recruiting camp sold recruits for money to Battalion companies who needed more

soldiers. If a soldier runs away from his company, the Company Commander can go and buy a soldier from recruiting camp to replace him. The Battalions paid 50,000 Kyat for a fully aged recruit or 30,000 Kyat for an underage recruit. Underage recruits at the recruiting camp who wanted to attend training also had to give a bribe to the recruiting camp NCO. So the NCO was paid 30,000 Kyat *[by a Battalion]* for each new underage recruit, and if you are underage you must also pay the NCO another 2,000 kyat and you can attend training.

On May 17th 2005 they sent me to #7 Army Training Camp at Taung Dwin Gyi, and I was in training there for four months. The NCO *[at the Su Saun Yay]* assigned me to Light Infantry Battalion #378 but when I arrived *[at training]* they assigned me to LIB #349. My weight wasn't enough, but I put some mud in my uniform pockets when they weighed me. The minimum weight is 80 pounds but I weigh under 70 pounds.

There were 250 recruits attending the training, including 10 child soldiers. The recruits were divided into four companies at the Army Training Camp. I saw three child soldiers in other companies who were younger than I am. They were about 13 years old. During my training time I heard that General Kyaw Win was coming to visit our training camp, and my Sergeant Kyaw Oo asked me, "*How old are you?*" I answered that I am 15 years old and he slapped my face. He told me I must answer 18 years old, because if General Kyaw Win asks me I must answer that I am 18 years old.

During my training we had to run in the morning, and we practiced parade drill, ploughed and harvested paddy, and studied about small arms. To plant the paddy we had to pull a plough through the flat field like bullocks. We also had to pull a tractor with rope *[to turn the soil]* , with some recruits pushing and others pulling it *[so the officers didn't even have to spend for fuel]* . We worked hard and got tired but did not get enough food. We got one egg and one handful of rice in the morning, bean soup in the afternoon, and in the evening we got two pieces of meat with a little rice. The paddy that we grew was sold and all the money went to the Light Infantry Division Commander, so he became richer and richer.

During training I also learned the *kyin wut chao she* ["sixty rules of conduct"] . There are 20 rules for soldiers, ten about how to deal with civilians, five about dealing with enemies, and I don't remember exactly how many about dealing with fellow soldiers, maybe 5 or 10. During training ten recruits tried to escape, but only four of them got away and six were recaptured. They were tortured seriously, nearly to death. They were kept locked in leg stocks, handcuffed, tied with chains, and beaten again and again every time the NCOs got drunk. The NCOs ordered them to lie down on their faces and then beat their backs in front of all the recruits. I was afraid of that so I didn't dare to run away.

Seven of us were sent to LIB #349 as soldiers: Ko Z---, M---, Z---, Z---, W---, T---, and A---. Of the seven, Z---, W--- and I have already run away.

There were over a hundred soldiers in LIB #349. My Captain was Soe Win, the Battalion Commander was Soe Tint, and the 1st Lieutenant was Thet Khaing. The Battalion Commander liked to choose soldiers who could speak Karen language and who were skilled in defense. This was the first time for me to come to the front line. We started by travelling from Ma Ta Ba to Shwegyin. We came by boat on the Sittaung River from Shwegyin to Shan village. From Shan village we walked for three days to Win Maw. The Battalion Commander demanded six porters from every village along the way. He took six villagers, then when we arrived at the next village he demanded six more villagers and released the previous six

villagers. LIB #349 controls the area around Per Lah Daw, Myeik Way, Kya In Gone and Win Maw. LIB #349 arrived about two and half months ago to replace LIB #587. The LIB #349 Commander is Soe Tint, the 1st Lieutenant is Thet Khaing, Company #1 Commander Bee Tah [*transliteration of 'Peter'*] , Company #2 Commander Yeh Htun, Company #3 Commander Zin Oo and Company #4 Commander Kyaw Zin Htaik.

The salaries for ordinary soldiers are 8,000 Kyat to 9,500 Kyat [*per month*] . The Battalion Commander cut out 200 Kyat of that for himself and also took money for festivals, for example K'Htain fees [*the festival of giving new robes to the monks, which occurs around October-November*] , of 2,000 or 3,000 Kyat from our salaries many times. We received only 6,000 or 7,500 Kyat for one month. The Lance Corporal received 11,000 Kyat, Corporals got 12,000 Kyat, and Sergeants got 13,000 Kyat. The Warrant Officer Class 2 got 15,000 Kyat.

When we were based at Win Boe village, the soldiers shot two of the villagers' pigs and brought them into our camp. Then they ordered their owners to come to meet with them to pay double the value of those pigs if they wanted them back, but the villagers didn't dare come. The soldiers accused those pigs of destroying their plantations, but the soldiers hadn't planted anything near their camp. They just want to eat pork, so they do silly things to the villagers. The soldiers did not follow their moral duties [*as specified in the 'sixty rules of conduct'*] toward the civilians.

The NCOs bullied and forced the ordinary soldiers to do work all the time. They were so cruel to us. We never had time to rest, whether in the back lines or at the front line. I am angry at the SPDC's NCO soldiers and I want to kill them.

The reason I ran away from the SPDC Army is that one day when I was cooking [*for his unit*] Corporal Kyaw Thu called me and ordered me to carry water. I replied that if I went my rice would go soft [*from overcooking*] and asked someone else to carry the water. The Corporal said I was disobeying him and he punched me. I reported it to Company Commander Bee Tah, and he punched me too. The other reason I fled is that I never wanted to join the army, but if I had run away when I was still in the back lines I surely would not have escaped. When I arrived at the front line I decided to run away. I ran away on February 4th 2006. Now I hope I can continue to carry arms, but if that's not possible I will attend school again.

## 6.4 Sexual Assault against Children

“The Security Council...

10. *Calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;*

11. *Emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls, and in this regard stresses the need to exclude these crimes, where feasible from amnesty provisions”.*

-UN Security Council Resolution 1325 (2000)

The perpetration of sexual violence against women and girls by members of the military and other junta-sanctioned actors has been well documented by a range of human rights organisations. However, reports also suggest that most sexual abuse goes unreported, either from fear of social isolation or as a result of the regime’s policies. According to the Committee on the Rights of the Child, cases of sexual abuse, torture, and ill-treatment of children by military and police forces occur frequently, but most are not documented. The Committee cited SPDC policies discouraging reporting, and a lack of access to judiciary services, as reasons for under-reporting. In 2004, the Committee also expressed concern over the “*increasing number of child victims of sexual exploitation, including prostitution and pornography.*”<sup>89</sup> The U.S. State Department Country Report offers similar criticism, noting that in Burma “*laws specifically against child prostitution and pornography... were not effectively enforced.*”<sup>90</sup>

The SPDC has repeatedly denied the occurrence of rape by soldiers and personnel under its command, despite numerous accounts to the contrary. A statement to the UN Secretary-General made by Jackie Sanders, Alternate U.S. Representative to the UN for Special Political Affairs, noted the “*systematic rape of women and girls, particularly of the Shan, Karen, Karenni, and other ethnic minorities, as an instrument of armed conflict.*”<sup>91</sup> KHRG reports that “*rape, including gang rape, of civilian women and girls by SPDC military personnel is common in Karen State and though it is not a daily or weekly occurrence the structures of power connected to militarization do heighten the villagers’ vulnerability to such abuses,*” adding that this heightened vulnerability and concurrent fear “*serves the military as a tool for intimidation and control of women and entire communities.*”<sup>92</sup>

Sexual assault by SPDC personnel is invariably conducted in a climate of total impunity. There were numerous reports in 2006 of SPDC officials denying victims’ allegations, refusing to report accounts of sexual violence, and offering bribes to the victims and their families. According to the Asian Human Rights Commission, whilst “*reliable information...indicates that acts of rape by government agents in Burma are widespread and increasing in frequency. Very rarely are the perpetrators ever brought to justice, as invariably they are able to pay money to silence the victims and other concerned persons, and because of their influence among other local officials.*”<sup>93</sup>. (For more information see incidents below and the Chapter 7 Rights of Women)

Children in ethnic conflict areas face the greatest risk of sexual violence. Children in these areas may be displaced or orphaned by ongoing SPDC offensives and the resultant violence. Heightened troop levels expose them to a greater number of soldiers, who may be given license to commit atrocities by their commanding officers. According to reports, an SPDC colonel visiting central Shan State told the soldiers of IB #243 to “*do anything you like, whether it be stealing, robbing, raping, or dealing in drugs. The only thing is to be careful it doesn’t come out on one of the foreign radios.*”<sup>94</sup> The risk of rape has knock on effects in the lives of the girl child within these ethnic rural areas. It has been reported that such a threat has prevented girls from attending school particularly if they would have to walk long distances on their own in order to get their.<sup>95</sup>

## **Sexual Assault against Children – Partial List of Incidents for 2006**

### **Arakan State**

On 10 October 2006, three naval cadets raped a 14 year-old girl, Khaing Thin Kyi at Yaysinpyin Village, Sittwe Township. None of the cadets were punished and the girl was later forced to marry one of her rapists, for which she was forced to lie about her age.<sup>96</sup>

### **Irrawaddy Division**

On 25 January 2006, a 15 year old girl (name withheld) was raped by Aung Myo Min, Executive of the Union Solidarity and Development Association in Wakhema Township. Although he threatened to kill the girl if details emerged, the case came to light following a doctor’s appointment. At this point, he offered money to the girl’s aunt to keep the incident quiet and pay for an abortion if necessary. Her aunt refused the money. Aung Myo Min then managed to get the girl’s grandfather to accept 70,000 kyat. The girl’s aunt, nevertheless, continued to pursue the case. The police, however, refused to record the case claiming too much time had passed since the incident. The local government’s women’s committee also refused to take up the case.<sup>97</sup>

### **Karen State**

#### **Pa’an District**

On 9 April 2006, 14 year old Ma M--- from Htee Chwa village was attacked by a soldier from SPDC LIB #547 when returning home with two female friends from a tutorial session at her teacher's home. Her two friends ran away and informed a man from the village who rushed to the scene causing the soldier to flee. Ma M--- reported that the soldier had attempted to rape her. He had pushed her to the floor and punched her in the face twice forcing her to pass out. Whilst her injuries healed, she told her parents that she dared not go to school and wanted to commit suicide. The villagers informed SPDC LIB #547 Commander Khaing Maung Htway of what had happened, who discharged the guilty soldier.<sup>98</sup>

#### **Thaton District**

On 25 October 2006, Company Commander Aung Ko Ko alongside troops from SPDC IB #235, based in Pa-an township, reportedly tried to abduct and rape 2 young school girls, while they were returning from school at 4 pm. They were Mu Lay Paw, aged 9, and Naw Say Moo, aged 10, of Kru-see village.<sup>99</sup>

## Magwe Division

On 13 September 2006, Pt Zaw Win Soe, a Burmese soldier from Taungdwinggyi based Battalion #103, raped a 14 year old local school-girl. The girl's parents reported the assault to the local police station but the police refused to accept the report. On 18 September the soldier's commanding officer, Hla Myo Kyaw, came to see the parents to warn them not to pursue the lawsuit.<sup>100</sup>

## Mandalay Division

On 22 August 2006 a Burmese military officer raped a seventeen year-old girl at gunpoint while on security duty near Tada-U International Airport. Lt-Col Thiha Maung Maung pointed a gun at Ma Moe Moe Myint of Sipinkwayh village, and took her away. Although the villagers reported the case to military superiors and the local police, no action was taken. The villagers were warned that they would be punished if details of the case were made public.<sup>101</sup>

## Shan State

On 16 March 2006, two women (names withheld), aged 15 and 19, were gang raped by SPDC soldiers from IB #13 at Wan Khaam Phurk (a small camp where a few villagers were staying whilst working on their farms) in Wan Hai village tract, Kaa-See Township. When more than 30 troops searched the camp, all the males had already fled. The troops detained the two women in their hut, and a procession of troops took turns raping the girls before leaving the next morning.<sup>102</sup>

On 6 October 2006, a 13 year old Akha girl was sexually assaulted during an attempted rape by a soldier from LIB #331 in Pung Lo village, Hawng Lerk village tract, Tachilek Township. The girl (name withheld) was travelling from her village, Paang Sali, to market at Waeng Keo village, when she was accosted by the soldier. When the girl was attacked she screamed for help, and many villagers came to her aide. The villagers apprehended the soldier and took him to his base to inform his commanding officer of what he had done. The commander responded by immediately freeing the soldier, refusing to take any action against him and telling the villagers not to pay him any attention as he was mentally unstable.<sup>103</sup>

On 9 October 2006, three Palaung women: Daw Nan Man, 52; Ma Aye Sein, 32; and Ma Aye Kyaing, 14, were raped by SPDC troops outside Wan Pan Village, of Ho Pong village tract in the Loi Lem District. Two of the women, Daw Nan Man and Ma Aye Kyaing, escaped from the Burmese soldiers after being raped, but they suffered several injuries from the attack. The third woman, Ma Aye Sein had her skull cracked open, was stabbed four times in her left breast, and suffered three broken ribs. On 13 October, at Lwe Lin Hospital, she died from her injuries, which had been complicated by delays in getting her to the hospital. Whilst Wan Pan villagers went to the battalion to complain of the incident to commanders, there was no action taken against the rapists. The rapists, from LIB #9, were identified as:

1. Thet Pine
2. Thet Lwin Oo
3. Myo Thein
4. La Min Htwe
5. Kyaw Soe
6. Win Ko.<sup>104</sup>

## 6.5 Right to Education

*“States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:*

- Make primary education compulsory and available free to all*
- Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need.”*

*- Article 28, Paragraph 1, UN Convention on the Rights of the Child*

Burma’s Child Law stipulates that *“Every child shall have the right to free basic primary education in state schools and that the Ministry of Education shall implement a system of free and compulsory primary education,”* and the SPDC maintains that it has endeavoured to *“facilitate children’s accessibility to education even in the remote regions of the country”* as part of the ‘Education for All’ National Action Plan.<sup>105</sup> Despite these claims, the state of education in Burma remained deplorable throughout 2006, particularly in rural and conflict areas.

Burma’s deteriorating education system is a direct result of disproportionately low investment by the SPDC regime. The SPDC’s own figures for the fiscal year 2006 to 2007 (April through March), claimed expenditure allocated to the Ministry of Education to be 1.9 percent of the total national budget. However, even this low figure can be questioned. The British Government’s country report for Burma estimated SPDC expenditure on education to be only 0.3 percent of the country’s GDP in October 2005, during a period when the SPDC claimed it allocated 8.9 percent of its national budget to education.<sup>106</sup>

As a result, the SPDC’s assertions regarding free education for all have little grounding in reality. Families are forced to shoulder the financial burden of buying school supplies, paying for teachers’ food and travel expenses, and funding the construction and repair of school buildings. They may even be coerced by SPDC forces into providing the labour for school construction themselves. Frequently, local residents must hire additional teachers to supplement the inadequate number of teachers appointed by the SPDC, with local families paying the entirety of their salaries.

Many families simply cannot afford the rising costs associated with educating their children. At the beginning of the 2005-2006 school year, on average, students faced an enrolment fee of 6,000 to 9,000 kyat in rural areas and between 10,000 to 15,000 kyat in urban zones.<sup>107</sup> In the area around the Yadana gas pipeline in northern Yebyu, tuition fees for 2006-2007 rose to 15,000 kyat for middle school and 17,000 kyat for high school in order to supplement inadequate government funding. The money went to finance basic supplies, such as chairs, bookshelves, and even cement and bricks to repair old buildings and construct new facilities.<sup>108</sup> Tuition fees also increased around the Three Pagodas Pass border town of the Thai Burma border, and in southern Chin State it was reported that many poor families were unable to afford new tuition fees and the costs of supplies, which together were estimated at 20,000 kyat per child per year.<sup>109</sup>

After heavy rainfalls in Arakan State, at least ten primary schools were forced to close due to a lack of funds. The regime has not provided financial support to any of the schools in the area, despite the fact that some have been shut down for extended periods of time, and the Township education authority ordered all of the villages to repair the facilities with their own funds. Concurrently, illiteracy rates within Rathidaung, Ponna Kyunt and Buthidaung Townships, Arakan State, are said to be increasing on a yearly basis.<sup>110</sup>

As tuition fees and associated costs rise, poor families are forced out of the educational arena in increasing numbers. Children whose parents are farmers frequently subsidise their education through a combined payment of money and agricultural produce. In urban areas, inflation and low salaries inhibited parents from meeting the high costs of their children's education.<sup>111</sup> In a three Township survey conducted in 2005 by Save the Children (UK), more than half of out-of-school children reported 'cannot afford schooling costs' as their reason for leaving school.<sup>112</sup> Many families in Burma support multiple children, and often cannot pay all of the school fees simultaneously, forcing them to rotate children in and out of school, withdrawing them from school after the fourth Standard and then sending a different child through the education system.<sup>113</sup> There are very few schools that provide an education to children from poor families, or children with special developmental needs. Whilst the SPDC claims 90 percent of children are enrolled within the education system, UNICEF places this figure at closer to 55 percent.<sup>114</sup>

Systematic and unchecked corruption interferes with many students' desires to continue their education. One Karen district official said that in order to receive a national I.D. card, a document needed to take the 10<sup>th</sup> Standard exam and continue to university, students must 'develop an understanding' with an SPDC official. This involves the student bribing the official with roughly 10,000 kyat to issue the I.D. card. According to another official, students who want to transfer schools must pay a bribe of 4,000-5,000 kyat to the administration of the new school, or they will be denied entry.<sup>115</sup> In areas of Karen State under SPDC control, families have reported being forced to pay an additional tuition fee of 6,000 kyat per child per month, forcing many children out of the education system. The fee was said to have been imposed not only due to a lack of funding but also as a result of local-level SPDC corruption.<sup>116</sup>

Education in Burma is also compromised by the low wages provided to teachers. The U.S. Department of State reported teachers' salaries to be 5,300 kyat per month in 2006 and noted that this amount was "*far below subsistence wages*".<sup>117</sup> KHRG reported lower salaries in Karen State, ranging from 40,000 to 50,000 kyat per year.<sup>118</sup> As a result of such low wages, teachers cannot support themselves by teaching in classrooms. Some work another job, others are forced to quit. There were reports in 2006 of SPDC-appointed teachers deserting local schools and then bribing local officials to continue paying their salaries as if they were still working.<sup>119</sup> Most, however, support themselves by giving private lessons. This has become a major issue in Burmese education, as many Burmese allege that teachers intentionally cut lessons short and omit necessary information from classroom sessions in an effort to force pupils to pay for private tutoring in order to pass their exams.<sup>120</sup> The cost of these private sessions was reported to be around 10,000 kyat per month in Karen State in 2006; a prohibitive amount for the vast majority of pupils.<sup>121</sup> In March 2006, 36 students were prevented from taking their matriculation exams due to a regulation regarding the number of missed classes. Local residents reported that the students missed these classes because they were being taught improperly by teachers, and were unable to understand the lessons if they did not attend private tutoring sessions organised by the teachers.<sup>122</sup>

In response, the SPDC has introduced new legislation to limit private tuition sessions, claiming that increased teacher salaries render the practice unnecessary. In May 2006 six teachers from the Rangoon area were arrested for violating the new law. Some parents welcome the legislation, hoping that it will improve classroom lessons and lessen the cost of education. However, many remained sceptical as to the impact of such reforms; *“The government forces teachers and students into the underground,”* said a Rangoon university lecturer, adding *“The law scares people, but what can they do? The present education system is under-funded and needs radical reform before it will work.”*<sup>123</sup>



Kheh Der village primary school in the hills of southwestern Toungoo District, taken in September 2005. This school, which was built and operated by the villagers themselves, and the entire village have now been destroyed and abandoned as part of the ongoing SPDC offensive against all hill villages in Toungoo District. [Photo and Caption: KHRG]

Lack of teacher training and experience has further eroded the quality of education in Burma. According to the All Burma Federation of Student Unions (ABFSU), teachers who receive their training through the University of Education are taught teacher-centred teaching methods and rote learning that fail to embrace independent, creative or critical thinking. Similarly, textbooks and education standards are reported to have remained static since the current education system was founded in the early 1970s. As a result, the education children in Burma receive fails to encourage students to participate in discussion, to critique material, or to offer their own knowledge or experiences.<sup>124</sup>

Schools are also subject to un-announced, unexplained closures by SPDC officials. In Hakha Township, Chin State, three separate closures were ordered in 2006 by Commander Tin Hla. These closures included two schools for orphans, which together provided services to over 400 students, and a self-supported middle school. No reason was given for the closures. According to reports, local residents and school officials were outraged, but complied out of fear of the SPDC authorities.<sup>125</sup>

The situation is somewhat different for the establishment. In 2006, in response to rising tuition costs, education stipends were granted to the children of armed forces personnel. Members of the Arakan State police department, NaSaKa border security, and army battalions stationed in Arakan were awarded money to assist in paying for their children's education. The awards ranged from 2,500 to 8,000 kyat per month for primary students, 3,000 to 11,000 kyat for middle school students and 5,000 to 15,000 kyat for high school

students. University and post-graduate students received even larger stipends. The funds for the military stipends are reported to include money forcibly collected from local residents, many of whom are unable to afford education for their own children.<sup>126</sup>

Children of the military elite attend exclusive primary and secondary schools with access to modern equipment and amenities such as computers, computer training, school trips and sports. According to the ABFSU, registration fees for these schools can range from US\$100 to 200 per year, which is beyond the means of most civilians. Children who attend these schools are indoctrinated by military ideology. Students from these schools are more likely to receive highly-coveted opportunities for study abroad, which are awarded based on the student's connections with regime officials rather than academic competence.<sup>127</sup>

## Education in Ethnic Minority and Conflict Areas

Ethnic minority children, particularly those in areas of active armed conflict, suffer disproportionately from Burma's failing education system. A study by KHRG in Thaton District, Karen State, found that only 7 percent of students who complete primary school enrol in middle school, and of those only 14 percent go on to high school.<sup>128</sup> Children in these areas endure an environment of ongoing human rights abuses, including forced labour, sexual violence, torture, extra-judicial killing and restrictions on movement. In 1999, UNICEF reported that 84 percent of all children who drop out of primary school in Burma come from ethnic border areas. Only 10 percent of children in Karen, Karenni, and Shan States attend school, while in other areas such as Arakan State and the Wa areas of Shan State, the percentage is even lower.<sup>129</sup> As a result of continuing violence, many families have moved or sent their children to refugee camps in Thailand in order to access a better education and escape the constant abuse of local SPDC and SPDC aligned soldiers.<sup>130</sup>

The SPDC bans the study of ethnic languages in all public schools. Independent village-run schools, prevalent in ethnic conflict zones, where villagers have little or no SPDC funding, often teach two curriculums: their own, including classes in ethnic languages, and the SPDC official curriculum. If SPDC forces enter the village, they switch to the official curriculum for fear of reprisals from the military.<sup>131</sup> There are reports of the SPDC taking control of established locally run schools and renaming them Government Schools. After a school has been appropriated by the regime, the curriculum must conform to the SPDC agenda and instruction in ethnic languages is no longer permitted.<sup>132</sup> Although continued teaching of Mon language was part of the 1995 Ceasefire Agreement, the government reneged on this in 1997 and banned the teaching of both Mon language and literature in government schools. The following year they declared the teaching of Mon to be illegal. During the year 2005/06 the New Mon State Party had a total of 376 schools providing Mon language education for around 50,000 Mon students. SPDC interference in these schools has ranged from poaching teachers by offering them more money to work in government schools, to sending the military to forcibly close the schools down. Teachers and village leaders are routinely threatened.<sup>133</sup> In Khaw Zar Sub-Township, Ye Township, Mon State, an SPDC commander forced a teacher at the Khaw Zar Mon National School to stop giving classes on the Mon language, and also forced her students to work as labourers on the building of the SPDC high school. The teacher eventually left the area, stating *"the continual threats on us to report on our activities including staff meetings have forced me to leave the area."*<sup>134</sup>

The SPDC frequently appoints Burman teachers with no knowledge of ethnic culture, language, or history to teach in ethnic areas. A large percentage of these teachers graduate

from the University for Development of National Races, which offers a masters degree in philosophy and education. These teachers are taught by members of the regime to perpetuate SPDC ideology through their lessons.<sup>135</sup> Residents of ethnic minority communities perceive SPDC schools and curriculum as a tool used by the regime to further 'Burmanise' ethnic communities. As one Karen villager said, *"If we cannot read or write our own language, it means the same as if we kill our nation."*<sup>136</sup>

In the predominately Chin and Kachin States, the SPDC has established military run schools ostensibly for the purpose of offering local children from poor families the opportunity of a completely free education. However, these schools have not permitted freedom of worship, despite promises in Chin State to the contrary. Christian children are forced to recite Buddhist prayer, and reportedly beaten if they refuse. Kachin girls in one school in Bhamo are forced to dress as Buddhist nuns. Such practices are often carried out without the parents' knowledge. Other times the SPDC is more candid in its approach.<sup>137</sup> In 2006, Christian Chins reported that an SPDC high school in the area, which promised graduates government jobs, only permitted the enrolment of Buddhist children, forcing Christians to convert in order to benefit from such an opportunity of education and employment.<sup>138</sup> Such practices are supportive of claims that the SPDC continues in a policy of Burmanisation, attempting to assimilate ethnic races and create a Burma of one race, one language and one religion. Concurrently, Christian teachers may be subject to harassment and abuse by SPDC or pro-SPDC forces. In Thaton District, Karen State, officers from the SPDC-aligned DKBA threatened Christian teachers during 2006, as a result of their religion. According to KHRG reports, *"If the teachers are Christian, the soldiers have accused them of having KNU (Karen National Union) connections and of coming to destroy the Buddhist religion, and in some cases threatened to kill them. Through such harassment the DKBA has attempted to ensure that all teachers in Karen State are Buddhist."*<sup>139</sup>



The village school of Kay Pu village in Lu Thaw Township, Papun district, which local villagers were rebuilding when this photo was taken in April 2006 after their former school had been burned by an SPDC column. [Photo and Caption: KHRG]

SPDC offensives continued to disrupt education in ethnic areas throughout 2006. In Khaw Zar sub-Township, Ye Township, Mon State, considered a “black area” by the regime due to continued insurgent activity, it was reported that students were often unable to attend school due to an inability to get home before the regime-imposed 5 pm curfew. The restriction stated that villagers had to be back in their village by this time or risk being shot or tortured. According to one teacher, *“I have a total of 70 students, but only 50 attend the class because they are afraid of the Burmese authorities and their restrictions.”*<sup>140</sup>

Similarly, in areas of Karen State where the SPDC mounted a continual offensive throughout the year, children in the mountain areas found it impossible to attend school due to the high levels of military activity, through which any civilian was liable to be shot.<sup>141</sup> KHRG reported that many schools in Toungoo District were forced to close, in February 2006, leaving students unable to sit their exams.<sup>142</sup> The Federation of Trade Unions-Kawthoolei asserted, in May 2006, that it is *“highly likely”* that all of the 126 schools in Toungoo and Nyaunglebin Districts will be forced to close as a result of the violence, leaving the current 3,659 pupils without access to education.<sup>143</sup> In Papun District, KHRG reported that *“the SPDC has been burning school buildings along with houses and field huts. As villagers must constantly flee, displaced communities have had to close their schools and many have not been able to reopen since the current attacks began in November 2005.”* Soldiers also reportedly place landmines around abandoned schools in order to maim or kill returning villagers.<sup>144</sup>

Children who live as Internally Displaced Persons (IDPs) have the least access to education. Many children must commit their time to foraging for food or child rearing, and others become too ill to continue their studies.<sup>145</sup> Nevertheless, IDP communities often try to continue their children’s education in hidden sites, using makeshift supplies. However, continuing violence prevents them from maintaining an effective education system, especially at the post-primary level. A KHRG report on the situation in Toungoo District found that *“There are many children who have passed 5th standard but cannot continue their studies because they are constantly fleeing from their homes and no higher education is available locally any more... Some students have fled to the jungle, while others have moved to other districts or refugee camps in order to continue their schooling.”*<sup>146</sup>

The Muslim Rohingya in Burma are subject to particular discrimination in their education. As they are not recognized as citizens, they have no access to public education beyond the primary level.<sup>147</sup> Their lack of citizenship also means they are excluded from most civil service positions.<sup>148</sup> As a result of this exclusion, there are no Rohingya teachers. The majority of teachers in Rohingya areas are Rakhine, and are reportedly *“not inclined to work in rural areas dominated by Muslims.”*<sup>149</sup> In 2006, Rohingya students in Northern Arakan who applied for higher studies in Sittwe were denied permission to travel and unable to attend university, with the exception of some students in Maungdaw whose parents paid an exorbitant bribe to the authorities. On 16 January 2006, the DPDC Chairman Major Ran Myu Aung, and immigration officers in Maungdaw District, failed to grant 270 prospective students their necessary travel permits, despite previously soliciting money from them under the promise of forthcoming passes. Eventually, the Rohingya students were told that they would not receive travel passes as they were not citizens of Burma.<sup>150</sup>

In 2006 the World Food Program (WFP) operated a largely successful effort, supplying rice to students in Northern Arakan State, where rice prices continued to increase exponentially creating concerns for food security. As part of its efforts, the WFP had instituted a food for education programme in Buthidaung, Maungdaw and Rathidaung Townships in 1996

specifically targeting girls in order to reduce the gender gap in school enrolment figures. The programme was subsequently expanded to include boys.<sup>151</sup> However in early 2006, the WFP was prevented from implementing its plans in areas of Buthidaung Township. The Commander of the Western Command prohibited the import of rice into this area and the WFP was unable to find a company from which to procure rice in the village tract.<sup>152</sup> It is thought that the SPDC attempted to control the rice trade within the area in order to manage the state's rice markets. In March 2006 it was reported that 126 orphans from a school affected by this prohibition were facing starvation in the absence of these supplies.<sup>153</sup> The situation in Northern Arakan improved somewhat with the arrival of a new Western Commander in May 2006.<sup>154</sup>

## Gender Equality

A report by Save the Children U.K. (SCUK) found that *“there does not appear to be a significant difference between boys’ and girls’ access to education.”* According to official figures, overall enrolment in 2002-2003 was 84.3 percent for boys and 83.6 percent for girls, with primary school enrolment being marginally higher for girls.<sup>155</sup> However, these figures do not include other measures of school attendance, and the regime has failed to produce any sex-disaggregated data on rates of retention or dropout.

According to KHRG, the expanding military presence in Karen State has severely damaged girls’ educational prospects. As mothers are increasingly occupied with subsistence work, daughters are often forced to devote their time to taking care of younger siblings. Sons are also asked to work, but their duties are generally more short-term tasks, such as gathering firewood or foraging for food, and as such they are more likely to be able to attend school, where there is a school available. In areas without a school in the immediate vicinity, daughters are less likely to be allowed to travel to school. This is a result not only of traditional stigmas against girls travelling far from home, but also the immediate fear of young girls being attacked and sexually assaulted whilst travelling to school in rural areas, with a large military presence.<sup>156</sup>

The WFP ‘food for education program,’ which has been operating in Arakan State since 1996, has been associated with rising rates of female enrolment in the area. When the programme was introduced, 12,767 girls were enrolled in the 271 schools included in the project, as compared to 26,928 boys. The WFP provided 15 kg of rice a month to any female students with an attendance rate of 80 percent, and by 2004-2005 there were 61,456 girls enrolled in 345 schools, compared with 25,856 boys. The programme’s success prompted the WFP to balance gender participation in their programme, resulting in a 2005-2006 enrolment of 43,205 female and 43,058 male students in the 340 schools for which information was available. The WFP has recently extended its efforts to Shan State and Magwe Division.<sup>157</sup>

## 6.6 Right to Health

*“States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such healthcare services.”*

- Article 24, Paragraph 1, UN Convention on the Rights of the Child

The national healthcare system in Burma remains chronically under funded, and children in Burma continue to endure a healthcare system devoid of skilled health practitioners, proper medical facilities, and adequate information. Even according to SPDC statistics only 0.8 percent of the national budget was allocated to the Ministry of Health for the 2006-2007 fiscal year.<sup>158</sup> Hospitals are few and far between and sometimes understaffed, facilities are rudimentary, and medicine is in short supply. As an illustration, from mid-November to early December 2006, about 300 children were hospitalized in Sittwe Hospital, Arakan State, due to malaria, dengue fever, and jaundice caused by complications of malaria. The children were brought from outlying areas, where hospitals faced severe medicine shortages. However, doctors at Sittwe Hospital reported that they also faced under-staffing and a shortage of supplies, and that the SPDC had ignored their appeals for assistance.<sup>159</sup> What medicine is available is very expensive. In addition, families are often required to pay bribes to poorly paid hospital staff in order to receive treatment.<sup>160</sup> With a quarter of all households living below subsistence level, healthcare is beyond the financial means of much of the population.<sup>161</sup> (For more information see Chapter 9 Right to Education and Health).

Consequently, many children die from treatable diseases.<sup>162</sup> According to a 2005 report by Save the Children (UK), acute respiratory illness and diarrhoea are the leading causes of death in children under five, which is *“a clear indication that the health system is in crisis. This is primarily due to consistently low government expenditure on health, which is now estimated at <\$0.20/person/year, a fraction of the \$40-60 /person/year that WHO estimates is required to fund a minimally functional health system in developing countries.”*<sup>163</sup>

A lack of public health information and education also greatly contributes to the prevalence of diseases and children’s susceptibility to them. During August 2006, in Moulmein, Mon State, as many as three children a day were dying at the local hospital, as a result of dengue and hemorrhagic fever. The inherent risks of the disease during rainy season were exacerbated by the total absence of public health information and education. In its absence, parents from rural areas continued to believe they could nurse their children at home after they became infected, allowing the disease to progress. Children were generally only taken to hospital after their condition became serious, often to the point of being untreatable.<sup>164</sup>

Many individuals and organisations suspect that bird flu has been active in the country for the past two years, based on migratory patterns in infected birds. However, until February 2006, the regime had denied these claims.<sup>165</sup> At this time, an outbreak was in fact confirmed to the UN Food and Agricultural Organization (FAO), by the Ministry of Health, however, the SPDC did not disseminate information to the public. The official newspaper, *The New Light of Myanmar*, refused to publish reports of the outbreak more than a week after it was confirmed. After the bird flu-related deaths of many Thai and Vietnamese children, it is feared that Burmese children may be particularly at risk, as there has been little or no education about disease prevention.<sup>166</sup> In April 2006, the FAO admitted that the outbreaks

were “*more serious than we imagined.*” At the time of its announcement, the organisation said it was tracking over 100 distinct sites of bird flu infection.<sup>167</sup>

In 2006, the SPDC initiated a nationwide campaign forcing villagers to buy, plant, tend to and harvest castor oil plants (for more information see Chapter 1 Forced Labour and Forced Conscription, and Chapter 5 Deprivation of Livelihood), for the profit of the SPDC. The seeds of the castor plant are highly toxic, containing ricin, whilst being colourful and attractive to children.<sup>168</sup> If eaten, a raw castor bean can cause abdominal pain, vomiting, and severe, sometimes bloody diarrhoea within hours. Ingestion can even lead to death. In other countries the plant is grown under controlled conditions. The SPDC has provided villagers with no information on the dangers of the plant. There have been reports of villagers, including children, whom are conscripted to work on the plantations, alongside adults, experiencing dizziness, nausea and severe illness after simply placing the bean in their mouth.<sup>169</sup>



During her flight to the Thai border in April 2006 with a group of other people from her village, this schoolgirl from Toungoo district fell seriously ill and had to be carried through the hills of Papun district. This photo (left) was taken during a rest stop while she was being carried several days' walk to the nearest clinic in a KNU-controlled area. The group soon set off again through the fields (right). [Photo and caption: KHRG]

Children in ethnic border regions, often experiencing high levels of conflict and militarization, are particularly susceptible to poor health. A 2006 report on the health situation in eastern conflict zones by the Backpack Health Worker Team (BPHWT) reported infant mortality rates in 2004 about 20 percent higher than the national average, with under 5 mortality rates over twice the average.<sup>170</sup>

High rates of child mortality in ethnic minority border areas can, to a large degree, be explicitly traced to SPDC policy and practice within these areas, beyond the chronic lack of funding discussed above. BPHWT found that conditions conducive to poor health “*often have their basis in misgovernance and abrogation of the rule of law.*”<sup>171</sup> In 2006, 126 children faced starvation in Buthidaung Township, Northern Arakan State, when SPDC authorities refused to allow rice to be transported to their orphanage, providing an explicit exemplar of the cause-effect nexus between SPDC policy and child health.<sup>172</sup> Similarly, an outbreak of diarrhoea in Arakan State, during October 2006, which claimed the lives of 41 children under 10 years old, over a 10 day period, was attributed to the consumption of unclean foods which the children had foraged for. The families of the children had been unable to afford to feed them since the SPDC’s banned the travel of residents to the local forest. Previously, roughly 90 percent of villagers in the Tawphyachaung area of Ponna Kyunt Township were employed as bamboo cutters.<sup>173</sup> (For more information on the effects of movement restrictions on food security see Chapter 12 Freedom of Movement, Assembly and Association)

Children of internally displaced families are particularly vulnerable to health risks, as a direct result of ongoing SPDC military campaigns in ethnic areas and human rights abuses by the *tatmadaw*. BPHWT found over a quarter of IDP families reported food destruction or theft by *tatmadaw* forces in the twelve months preceding the survey. In these households, rates of moderate child malnutrition were 4.4 times higher than the rest of Burma, and rates of severe child malnutrition were twice as high as the national average.<sup>174</sup> BPHWT also found that families who had been forced to flee in the past year faced under 5 mortality rates 2.4 times that of the national average, malnutrition rates 3.1 times higher than the average, and women were over six times more likely to die from childbirth in their lifetime.<sup>175</sup> A BPHWT medic explained the chain of causation; “*displacement can lead to malnutrition, because people have to leave their villages. They can carry only small amounts of food and other personal needs, and the lack of food can cause malnutrition especially in children.*”<sup>176</sup>

High rates of malaria in eastern Burma have also been directly linked to SPDC abuses, and the resulting displacement of communities, as they are forced to live in jungle areas without proper shelter or mosquito nets and lack access to adequate treatment.<sup>177</sup> Malaria is a chronic problem in Burma, which records 7.3 percent of infections in Southeast Asia but 53.6 percent of malaria deaths.<sup>178</sup> Children under 5 years of age, particularly those living in eastern border zones, are most vulnerable to the disease. The BPHWT survey of over 1,800 households found malaria to be the cause of nearly 50 percent of deaths in children under 5.<sup>179</sup>

The health situation of children in conflict areas is worsened due to the difficulties international aid agencies have in reaching them. Due to the SPDC’s limited investment in healthcare, most of the aid provided to children in Burma comes from external agencies and governments. However, throughout 2006, conflict-affected areas along the Thai border remained largely inaccessible with no aid able to reach villagers in areas where there was large scale food scarcity.<sup>180</sup> Whilst insecticide-treated mosquito nets (ITNs) have been shown to be particularly effective in reducing childhood mortality, their use remains low, especially

340in border areas. Medicines Sans Frontieres- France had previously been refused permission to distribute these nets in the eastern border areas. This restriction was one of many that forced the group to end its operations in Burma in 2006.<sup>181</sup>

Furthermore, when the SPDC does initiate health programmes those in rural areas are often simply overlooked. Burma will vaccinate a total of more than 7 million children against measles under a measles control strategic plan for 2007. However, the initial vaccination plan failed to include those children in ethnic rural areas.<sup>182</sup>

## **Children and HIV/AIDS**

In 2004 the Global Fund announced that over 2 percent of pregnant women in Burma were suffering from HIV/AIDS,<sup>183</sup> and the level of HIV-positive women receiving antenatal care was high enough in 2005 for the World Health Organisation to conclude that HIV/AIDS infection rates in Burma had reached the status of a general epidemic. In 2005, UNAIDS estimated that over 3,000 to 4,000 HIV-positive babies were born each year in Burma, and at least 16,000 children under 15 were living with HIV or AIDS. According to UNICEF, mother-to-child transmission is the most common mode of infection for those under 15.<sup>184</sup>

In response, UNICEF launched a new programme, in 2005, to provide preventative treatment to mothers and children in Burma's 10 largest major hospitals.<sup>185</sup> Whilst the number of Townships offering HIV testing and prevention of mother to child transmission treatment have increased through such work by INGOs and UN agencies, in 2006 these efforts remained limited and those in rural and conflict areas were particularly out of the reach of current capabilities.<sup>186</sup>

Aside from mother to child transmission, Burmese children are also increasingly vulnerable to contracting HIV/AIDS due to the rising number of children either being trafficked into the sex industry, or resorting to it as a result of economic hardship. Girls, as young as eleven, have been forced to turn to prostitution, and using contraception in the sex industry is said to be rare. UNAIDS have reported that 27% of sex workers, tested in Burma in 2004, were found to be HIV positive.<sup>187</sup> The AIDS epidemic has fuelled the demand for young prostitutes who are mistakenly believed to be less likely infected. The demand, both within Burma and in neighbouring countries, for young "virgin" girls has increased the likelihood that children trafficked will be sold multiple times to customers intending to have unprotected sex with them.<sup>188</sup> (For more information see Section 6.7 Child Trafficking and Chapter 9: Rights to Education and Health).

Like adults, children with HIV/AIDS not only face difficulties in obtaining adequate healthcare, but they also face difficulties accessing other social services because of the stigma associated with the disease.

In an encouraging move, in January 2006, the SPDC announced plans to add an HIV/AIDS prevention and education program to its national school curriculum, targeting children aged from seven to sixteen, although low attendance rates in schools, a lack of funding and poorly trained teaching staff will likely mitigate the impact of this measure.<sup>189</sup>

## 6.7 Arrest and Detention of Children

According to the 1993 Child Law, the minimum age for legal accountability in Burma is just 7 years old, though it allows for the immaturity of children less than 12 years. The law also defines persons between the ages of 16 and 18 as “youths,” rather than children, to be treated as adults under the penal code.<sup>190</sup>

There are two juvenile courts in Burma, in Rangoon and Mandalay. For those outside these cities, the Child Law has conferred the powers of a juvenile judge on judges who preside in Township courts. If found guilty, the law only provides for children to be imprisoned if their offence is one that for adults would normally be punished by death or transportation, or if the child is considered a particularly “*unruly or depraved character, or absolutely uncontrollable*”.<sup>191</sup> Instead, most convicted children are remanded to reformatories jointly managed by the Prison Department and the Department of Social Welfare. Those who are sentenced to jail are held separately from adults, with one jail in Meiktila, Mandalay Division, specifically assigned to juvenile offenders.<sup>192</sup>

The Child Law makes no provisions for ensuring juvenile offenders have access to legal assistance. In October 2005, UNICEF conducted trainings to demonstrate how to contend with cases of juvenile offenders without causing negative physical or mental consequences. Following the trainings, the National Committee of the Rights of the Child was reportedly formulating a plan to utilise these trained officers as a special task force for juvenile offenders.<sup>193</sup> However, in its 2006 report on Burma, the U.S. Bureau of Democracy, Human Rights, and Labour found there to be “*no adequate child protection or juvenile justice system,*” and that “*Efforts in this regard were severely constrained by lack of resources.*”<sup>194</sup> Like adults, children who are held in detention are often subject to prolonged periods of detention in poor conditions prior to their trials.<sup>195</sup>

According to official figures, in 2004 there were 323 males and 81 females under the age of 18 detained in Burma’s prisons. In the past, the ICRC visited children in prison and provided them with assistance, as well as maintaining a confidential dialogue with prison authorities concerning the children in their care.<sup>196</sup> However, the cessation of ICRC prison visits in Burma in December 2005 has prevented them fulfilling this function. In December 2005, the junta affiliated Union Solidarity and Development Association interfered with the work of the ICRC when it demanded that it be able to accompany ICRC delegates during prison visits. As the ICRC operates as a neutral, independent and impartial humanitarian organisation, these conditions were unacceptable. As a result, the only independent organisation with the ability to monitor Burma’s 90 prisons and labour camps, suspended visits.

Children in ethnic minority areas are particularly susceptible to arrest, often arbitrary, at the hands of the SPDC army. It is not unusual for children who are arrested to be kept in unspecified locations with their parents either not informed of their arrest or not allowed any communication with them. On 17 January 2006, two high school students from Auk Pin Ti Village of Paletwa Township, southern Chin State were arrested by SPDC soldiers from LIB #140 stationed in Matupi Township on suspicion of being sympathetic to Chin rebels. Parents of 9th grader Pa Pa Tha and a 10th grader Maung Shwe were told to bring 350,000 kyat in exchange for the boys’ freedom. When the parents returned with the money they were told that their children had already been sent to Tactical Operation Command Headquarters in Matupi and there was nothing they could do to help free the boys.<sup>197</sup> Whilst many children are seemingly arrested as a means of extortion, with authorities demanding money for their

release, others are arrested on petty charges, such as a lack of I.D. in order that they can be coerced into the armed forces. (For more information see Section 6.3 Child Soldiers).

Similarly, homeless children are susceptible to arbitrary arrest, and potentially conscription into the armed forces, due to large scale crackdowns mounted to ‘clean up the streets’. In August 2006, it was reported in the *Myanmar Times* that police in Rangoon detained over 1,500 homeless people, as part of a new tough approach to street crime. The police stated that these people were connected to 157 theft cases reported in Rangoon over the two previous months. Over 300 of those arrested were homeless gypsies, nearly 350 were beggars and nearly 1,000 were rubbish collectors, most of whom were under 16 years old.<sup>198</sup>

### **Children in Prison with Their Mothers**

Children under five may be found in prison with their mothers for 3 reasons; they have no relatives to care for them, their mothers have requested that they stay together; or they are born there. These children endure the same poor treatment and living conditions as their mothers, despite the fact that they are innocent of any criminal charges. In prison, women and their children suffer from the inadequate healthcare, unsanitary conditions and lack of nutritious food. Children in prison have no access to medicine, besides that provided by family members. The majority of children suffer from malnutrition. Furthermore, no provisions are made for children’s mental and physical development. There are no books or toys for children and movement is restricted to inside the cells. According to one former political prisoner, *“Children who lived in prison with their mothers knew nothing of the world. Sometimes we met children who did not know what dogs were. They were the children who did not know what a motorcar was, and didn’t know people outside of the wall were free.”*<sup>199</sup>

Furthermore, imprisoned pregnant women are denied access to proper pre-natal care and during birth they are usually forced to rely on the assistance of fellow prisoners, who may or may not have relevant skills. As a result, a high number of children born in prison die during childbirth due to complications. After giving birth, female prisoners are forced to care for their new born babies under the same restrictions and harsh living conditions, adversely affecting the health of both mother and child.<sup>200</sup>

Upon reaching the age of five, children are taken away from their mothers and put into the care of social services if there are no relatives to take responsibility for them. Some reports indicate that children are sent to orphanages, while others are sent to military training schools and later forced to become child soldiers. Many children run away from social services, adding to the number of street children in urban areas.<sup>201</sup>

### **Ei Po Po: A Four Year Old Political Detainee**

The SPDC's incarceration policies attracted international attention in 2006, after the regime arrested four year-old Ei Po Po along with her mother, in January 2006.

On 14 January 2006, two Burmese students, Maung Maung Oo and Chit Thein Tun, members of the All Burma Students Democratic Front (ABSDF), were taken into custody from Moreh, Manipur in north-east India, by the military junta, in relation to the bombing at Nanthphalon Market in Tamu on 8 January 2006, which had killed one person.<sup>202</sup> Chit Thein Tun's wife, Ma Hnin Hnin, and his four year old daughter Ei Po Po and two others, Ko Po Zaw and his wife Ma Aye Myint Ma, were arrested two days later in Yan Lem Phai village, Sagaing Division whilst visiting relatives in Burma.<sup>203</sup>

On 22 January, Amnesty International issued a statement condemning the abductions. The group was particularly concerned that Ei Po Po was being held separately from her mother, and urged the Burmese authorities to adhere to international agreements on children's rights to which Burma is signatory.<sup>204</sup> Ei Po Po's mother was reported to have been moved to a prison in Monywa, Sagaing Division, and her father sentenced to death.<sup>205</sup>

In mid-February, Ei Po Po was placed into the care of her grandmother in Yan Lem Phai Village. However, the SPDC refused to allow her aunt to bring the girl back to India, where she could resume schooling.<sup>206</sup> According to the aunt, Ma Cho, *"I could not even enter Yan Lem Phai. From friends in a nearby village, I knew that outsiders visiting the house [of Ei's grandparents] needed permission from the local military authority. Fearing for my own security I returned to India."*<sup>207</sup> Following this time, Ei Po Po continued to be held under virtual house arrest, and the close surveillance of the SPDC.<sup>208</sup>

## 6.8 Child Labour

*“States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.”*

- Article 32, Paragraph 1, UN Convention on the Rights of the Child

As Burma's economy continues to deteriorate, many families rely on all family members, including young children, to obtain sources of income. Children who leave their homes to live and work in urban areas forfeit their educational opportunities, and are exposed to overwork and abuse by employers, as well as predation from human traffickers. While the Child Law prohibits the employment of children under the age of 13, these restrictions are rarely enforced. Burma has not ratified ILO Convention 138 regarding minimum age standards for labour or ILO Convention 182 regarding the worst forms of child labour. According to the U.S. Department of State, children's presence in the work force was a “prevalent and visible” phenomenon in 2006.<sup>209</sup>

While children in Burma have traditionally contributed labour for their family farms or household duties, they are increasingly engaged in a variety of industries. Children are employed in the agricultural, fishing, service, domestic, manufacturing, sex and construction sectors. Conditions are particularly harsh in manufacturing, tea shops, and food processing, where children are expected to work 9-12 hours per day, 7 days a week. Children generally earn only half of adults' salaries, with children working in service jobs sometimes receiving no payment. Children working in informal sectors in urban areas also tend to be more exploited than rural child labourers, who are often unpaid assistants to family work. Although rural children are more vulnerable to demands for forced labour.<sup>210</sup>



Primary school students in Kwih Dt'Ma village of Papun District carry coconuts on a weekend in September 2006 for a coconut merchant. Their parents have no money to pay their school fees at the SPDC-controlled primary school, so they have to look for jobs like this whenever they can to make some money to pay the fees. [Photo and caption: KHRG]

Due to the economic plight of children in Burma a growing number are resorting to begging as a means of survival, a trend which the Women and Child Rights Project also attributes to a lack of family planning in the country. Child beggars are found in shopping and transport centres throughout the country either individually or alongside their parents. Child beggars are also coordinated by gangs who compel them to solicit money or sell flowers and the like.<sup>211</sup>

Many young girls turn to the sex industry as an alternative to Burma's failing economy, with those girls who have a broker able to earn around 5,000 kyat per client. According to a Rangoon based journalist who conducted interviews for a survey on sex workers, *"Most of them are uneducated and want to earn more money. They are between the ages of 15 to 25 because at this age they can sell themselves for a better price."*<sup>212</sup> According to the U.S. Department of State 2006 Country Report on Burma; *"In Rangoon and Mandalay, diplomatic representatives noted widespread employment of female prostitutes who appeared to be in their early teens and for whom there was reportedly a high demand."* Karaoke bars which were opened for entertainment purposes in the past were, in 2006, frequently converted to brothels, some of which advertised young, *"first time"* prostitutes. The demand is thought to be fuelled by increasing concerns of HIV/AIDS infections and the misconception that the younger sex workers are less likely to be infected.<sup>213</sup> According to local residents, SPDC authorities are not only failing to tackle the problem, but are themselves complicit.<sup>214</sup>

Many Burmese children – over 300,000 by some estimates – are also working in Thailand. Those working in the manufacturing, domestic, agriculture and fishing industries are subjected to excessive working hours, lack of time off, unhealthy proximity to dangerous machines and chemicals, situations of debt bondage, confiscation of their identification documents, and systematic restrictions on their freedom of movement. In addition, the number of young Burmese forced to vend or beg in Thailand is reported to be rising.<sup>215</sup> Due to their illegal status, these children are an easy target for exploitation, and may be lured or coerced into the sex trade.<sup>216</sup> (For more information see Chapter 15: Situation of Migrant Workers).

## Children and Forced Labour

Although the SPDC passed Order 1/99 in 2000 banning forced labour practices, reports of forced labour, including the use of children, persisted through 2006. Children as young as eight are subject to conscription for forced labour projects including portering, road construction, military camp maintenance, construction projects and sentry duty. Children are also forced to serve as human shields or human mine sweepers by being forced to walk in front of troops. As porters, children are exposed to the same harsh treatment as adult porters, including beatings, lack of food, and exposure to the elements.<sup>217</sup> Whilst performing forced labour, these children are typically unable to attend school.<sup>218</sup> According to KHRG, *"If orders state a preference for adults or able-bodied men to do the work, it is merely out of a desire to get the heavy work done more quickly rather than any sense of morality."*<sup>219</sup>

When the SPDC makes demands for forced labour through village heads, the village heads generally try to avoid sending children for forced labour projects. However, a range of factors contribute to their continued employment in such situations. Children often participate in forced labour projects in place of their parents, who may be busy in the fields, working on another forced project, or simply unable to afford to lose a day of work. In addition, SPDC-

imposed deadlines on their projects often necessitate entire villages to contribute their labour, or else there simply may not be enough people in the village to fulfil the requested number of workers, without the inclusion of children.<sup>220</sup> Alternatively, children are often forced to carry out their parents duties whilst their parents fulfil the demands placed on them by the SPDC. In cases where women are forced to work, small children may accompany their mothers, although in many cases the soldiers do not allow this, and the children must be left at home alone.<sup>221</sup>

## **Forced Labour Involving Children – Partial List of Incidents for 2006**

### **Arakan State**

In early May 2006, 12 SPDC troops visited a Madrasah (Koranic School) in Buthidaung Township and abducted 16 orphans, all between the ages of 12 and 18. They forced the pupils to carry their loads from Panjee to Katella, a distance of 5 miles, before releasing them. (see interview below).<sup>222</sup>

In June 2006 it was reported that SPDC LIB #289 ordered the following villages in Palawa Township to each send 20 labourers every day to the SPDC camp:

1. Nharmatar,
2. Mondawn,
3. Loundkadu,
4. Palawa,
5. Ruwa,
6. Kethar,
7. Panetapan,
8. Jalay,
9. Chindawn,
10. Nupu,
11. Kuwa.

The villagers, aged between 15 and 40, were forced to bake brick, clean the camp, make fences, and build a temporary building and do general work in the camp. Each person was forced to bring rations and firewood for three days. They also had to bring tools such as hoes, pickaxes, and knives to use during their work.<sup>223</sup> Villagers had to arrive at six in the morning and work eight hours a day without payment.<sup>224</sup>

### **Chin State**

On 8 January 2006, troops from LIB #30 came to Satu village, Matupi Township, southern Chin State, and stopped a Sunday church service in order to commandeer 20 persons to porter for their unit. The church president, Mr. Vansen, was given an hour to select 20 people. Those who subsequently portered for the SPDC troops included 2 church elders and a 15 year old girl called Ma Yin.<sup>225</sup>

## Karen State

### *Nyaunglebin District*

On 7 September 2006, SPDC MOC #2 reportedly forced villagers from Shwe Dan, Tha Pyay Gone and Aung Soe Moe to repair the road between Ler Doh and Than Bon. It was about 800 metres in length but the villagers were required to complete their task within one day. Over 70 villagers, including 20 women, and a 13 year old girl were forced to work on the road.<sup>226</sup>

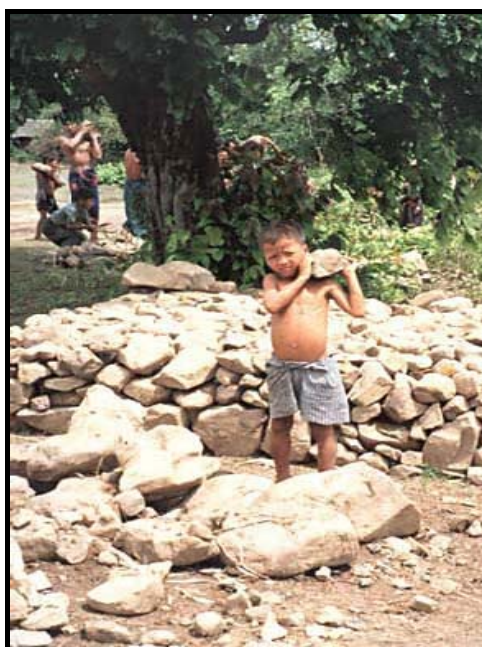
### *Papun District*

In December 2006, it was reported that, in Papun District alone, over 20 boys, under the age of 16 years old, had been conscripted from Insein Prison to work as SPDC porters.<sup>227</sup>

### *Thaton District*

On 26 March 2006, it was reported that the SPDC in Pa'an Township was implementing a castor oil plantation project by forcing the local population to grow the plant. Local middle school students were included in this order and were forced to grow 200 plants each.<sup>228</sup>

On 13 July 2006, SPDC troops forcibly gathered villagers in Maw-nay-pwa area, in Tantabin Township and sent them to Tat-pu army camp near Tat-pu village. The 60 villagers commandeered by the troops included some children, who were forced to carry food supplies up to Ta-pa-khee village for the army.<sup>229</sup>



This young boy from Bilin Township - who looks to be no older than ten - is doing forced labour for the SPDC, collecting stones that are to be used in the restoration of the old colonial road from Kyaik Khaw to Lay Kay and on into Papun District. Each village in the area was ordered to assemble 30,000 cubic feet of stone. Many parents send their children to do the work while the adults are busy tending to crops or doing other work to ensure the family's survival. *[Photo and caption: KHRG]*

### *Toungoo District*

On 7 January 2006, troops from SPDC IB #48, led by Bo Htun Nay Lin, forced local villagers to work at the Shar-si-bo army camp. The villagers and their ages were:

1. Saw Ako, aged 45;
2. Saw Heh Nay Htoo, 27;
3. Saw Toe Nay, 70;
4. Saw Tay Nay, 42;
5. Saw Htoo Hla Say, 35;
6. Saw Leh Meh, 40;
7. Saw Naing Oo, 23;
8. Saw Say Doe Htoo, 15;
9. Saw Say Poe, 7;
10. Saw Theh Thaw, 30;
11. Naw Li Paw, 53;
12. Naw Mya Paw, 30; and
13. Naw Julia, 23.<sup>230</sup>

On 25 February 2006, Bo Aye Kyaw from SPDC IB #53, based at Htee-lo camp in Tantabin Township, forced Per-taw-tay villagers to work for Htee-lo army camp. Those villagers were:

1. Naw Ka Neh Paw, aged 15;
2. Saw Thein Lwin, 15;
3. Saw Wae Waw Htoo, 15;
4. Saw Kaw La Htoo, 15;
5. Saw Heh Say, 22;
6. Saw Poe Say Mya, 36;
7. Saw Aye Poe, 34;
8. Saw War Thoo Bay, 30;
9. Saw Kyaw Lay, 32;
10. Saw Tha Soe, 35; and
11. Saw Say Poe, 30.<sup>231</sup>

On 11 March 2006, the SPDC TOC #663 Commander Tin Aung, under LID #66, based at Play-hsa-lo camp in Tantabin Township, forced Ya-lo and Plaw-baw-doe villagers to carry army rations from Paw-per-lay-la to Play-hsa-lo. Those persons requisitioned for labour from Plaw-baw-doe village were:

1. Saw Ta Kaw Raw, 46 years old;
2. Saw Ta Ma Taw, 17;
3. Saw Ywa Heh, 15;
4. Naw Si Wae, 34;
5. Naw Wa Doe, 21;
6. Naw Ker Lay, 20;
7. Naw Heh Klu, 18; and
8. Naw Kler Paw, 18.<sup>232</sup>

On 3 April 2006, the SPDC military forced villagers from Ger Mu Loh to serve as their porters. The villagers had to go to Hti Lo, pick up rice, and take it back to Play Hsa Loh camp. The villagers were:

1. Saw Htee Moo, 35 years old;
2. Saw Khu Heh, 30;
3. Saw Hee Paw, 30;
4. Saw Thu, 12;
5. Saw Maw Plo Gaw, 16;
6. Saw Tha Way, 50; and
7. Saw Kyaw Soe, 17.<sup>233</sup>

### Karenni State

On 5 December 2006, it was reported that residents of Loikaw Township, including women and children, were being forcibly employed in the construction of local police stations and military camps. Reports stated that villagers were forced to carry water, build fences and collect wood for police and military personnel. Twenty villages were reportedly ordered to send roofing materials, including large dried leaves, to the Loi Linlay police station in Loikaw Township. In addition, SPDC LIB #530 was reported to have forced villagers to help build a new military camp. Whilst the Loikaw TPDC denied the allegations, one resident reported that the authorities *“demand one person from each household. Some widowers and old people are not able to go so their children, who are students, have to be absent from school while they work at those places.”*<sup>234</sup>

### Mon State

On 12 February 2006, it was reported that SPDC commanders forced school children in Khaw Zar sub-Township to work as unpaid labourers on the construction of a new SPDC high school. The students were forced to carry food and water to the military camp, feed the camp's pigs, clean latrines and collect refuse. The children's classes had to be suspended while they carried out the labour, as they were taken out of school in order to fulfil their duties.<sup>235</sup>

On 1 August it was reported that the SPDC was forcing villagers in Kwan-hlar village, Hneepa-daw village, Kalort-tort village and Yaung-daung village along the Kanbauk-Myaingkalay gas pipeline to send five people from each quarter of the village for day or night patrol on rotation. According to 13 year old Min Tu, *“I have to patrol the railway route from 6 pm to 6 am which means the whole night because my parents are busy with farming.”*<sup>236</sup>

### Pegu Division

On 8 January 2006, it was reported that schoolteachers at the state middle school in Myochan Village, Nattalin Township, Pegu Division had been employing their pupils as forced labourers. 13 year-old Thein Aung's legs were crushed after he was forced to carry heavy logs, and Ni Ni, a 10 year-old girl, broke her arm and lost consciousness after she fell off the school clinic's roof which she had been forced to clean.<sup>237</sup>

During March 2006, U Sein Myint, 60 years old, from Wayonkone village, and a 17 year old from Myoma High School No.2 were killed by oncoming trains whilst being forced to guard railway tracks in Nyaunglebin Township, Pegu Division. Local residents said that the two

victims were too poor to pay the 880 kyat fees to exempt them from sentry duty and died after falling asleep.<sup>238</sup>

### **Shan State**

On 14 June 2006, it was reported that farmers and their children in Lashio Township, northern Shan State, were being forced to work on a castor oil plantation owned by the SPDC. It could take villagers as long as two and half hours to reach the plantation. Nevertheless, one person per household was required to work from 11 am to 5.30 pm planting trees and clearing the grass/weeds in the surrounding areas. Workers had to provide their own food and water. There were reported to be more than 1,000 people affected by the order.<sup>239</sup>

### **Tenasserim Division**

In February 2006, it was reported that children as young as ten were being forced to work as labourers for SPDC troops in Wear Kwao village, northern Yebyu Township, Tenasserim Division.<sup>240</sup>



Teenage girls from Khaw Po Pleh village in Bilin township of Thaton district working in the fields in January 2006. These girls told KHRG they would prefer to be in school, but they have to work in the fields instead because their parents have to spend much of their time doing forced labour for the SPDC and DKBA. *[Photo and caption: KHRG]*

## 6.9 Child Trafficking

*“States Parties shall take measures to combat the illicit transfer and non-return of children abroad.”*

- Article 11, Paragraph 1, CRC

*“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.”*

- Article 35, CRC

Throughout 2006, children in Burma continued to fall victim to human trafficking. The Burmese Penal Code prohibits kidnapping, and the Suppression of Prostitution Act and the Child Law include provisions against the sale, abuse or exploitation of children, but these laws are not effectively enforced. Since 2001, the U.S. Department of State has ranked Burma as a Tier 3 country, the lowest of the U.S. government’s standards, for failing to fulfil the minimum requirements of the 2000 Trafficking Victims Protection Act. In its 2006 Trafficking in Persons Report, the U.S. Department of State characterised Burma as a “source country” for human traffickers and asserted that *“the military junta’s economic mismanagement, human rights abuses, and its policy of using forced labour are driving factors behind Burma’s large trafficking problem.”* The report concluded that *“the Government of Burma does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so.”*<sup>241</sup>

Children in Burma often fall prey to traffickers as a direct result of the deteriorating economy. As many children are forced to seek an income in order to contribute to their family’s survival, they become easy targets for traffickers who offer false promises of good salaries and jobs. Children may also be sold to traffickers by friends or family members, either for the money received or in the hope of a better life for the child. In addition, ongoing military conflicts drive children from Burma, many of whom flee to Thailand to escape the violence.<sup>242</sup> Because there are no official paths for the safe migration of labour, children who want to find work in Thailand can become subject to abuse and exploitation from the traffickers to whom they may be forced to turn.<sup>243</sup>

Children trafficked across international borders most frequently end up in Bangladesh, China, India, Korea, Macau, Malaysia, and Thailand where they are often forced into domestic servitude, sex work, factory work or begging.<sup>244</sup> According to ILO-IPEC, around 80,000 women and children have been trafficked to Thailand for use in the sex trade between 1990 and 2005, with most of the victims coming from Burma.<sup>245</sup>

Children trafficked within the country are often transferred from rural to urban areas or to areas where sex work is prevalent such as trucking routes, military bases, fishing ports and mining areas.<sup>246</sup> Recruiters reportedly travel around rural areas, particularly in northern Burma, to procure children as domestic labourers in urban areas.<sup>247</sup>

Ethnic children from rural areas are the most vulnerable to trafficking, particularly those who are homeless, orphaned, or displaced. According to a 2006 NGO conference, examining trafficking from all over South East Asia; Akha and Lahu children from Burma were the highest risk groups, with Burmese Shan also particularly vulnerable.<sup>248</sup> The U.S. Department of State concurred that Shan girls are vulnerable to being sent or lured into prostitution in

Thailand.<sup>249</sup> The number of Shan children forced to beg or work as street vendors in Chiang Mai, Thailand, was also said to be increasing in 2006.<sup>250</sup> There also remained significant numbers of Burmese children trafficked into situations of forced and bonded labour in the fishing, domestic and manufacturing sectors of Thailand throughout the year. (For more information see Chapter 15 Situation of Migrant Workers).

In response to international criticism of trafficking violations in Burma, the SPDC has instituted several widely publicised measures against trafficking. In 1998 the regime established a National Plan of Action for Trafficking Women and Children as well as a National Task Force. In July 2002, a Working Committee for Prevention against Trafficking in Persons was established. On 30 March 2005, Burma also became a signatory to the UN Convention against Trans-national Organized Crime, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. In September 2004 and March 2005, the SPDC participated in the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), and in January 2006 Burma signed the Treaty on Mutual Assistance in Criminal Matters. The treaty coordinates countries in the region in an attempt to fight international crime, including trafficking.<sup>251</sup>

On 14 September 2005, the SPDC announced the enactment of its new anti-trafficking law, which imposes punishments ranging from 10 years to life imprisonment for those found guilty of trafficking.<sup>252</sup> The SPDC claimed that, in 2005, they prosecuted 426 traffickers in 203 cases and identified 844 victims. The U.S. Bureau of Democracy, Human Rights, and Labour criticised the new legislation, however, alleging that it is “*not used effectively...because the Burmese judiciary lacks resources and independence,*” and added that “*although local and regional officials, primarily along the borders, were suspected of complicity in trafficking, the government reported no prosecutions of corrupt officials related to trafficking.*”<sup>253</sup>

Concurrently, the SPDC strictly limits the movement of women and girls under the age of 25 both within eastern Shan State and in crossing the border to Thailand. As such, young women and girls have been made more vulnerable to trafficking as they are forced to rely on traffickers in order to avoid the authorities when making such journeys. (For more information see Chapter 12 Freedom of Movement, Assembly and Association). The system of restrictions leaves children and their families open to extortion at the hands of local officials. On 8 July 2006, a couple and their 2 daughters from Laai Paang village Kun-Hing Township were travelling on a bus from Murng-Pan to Murng-Ton. They were arrested by SPDC troops from LIB #519 in transit at Saa-Laa Village in Murng-Ton Township and detained in a Buddhist monastery for four days until they paid a 220,000 kyat fine. They had been arrested on the basis that their daughters were underage and ought not to be travelling with them to the Thai border.<sup>254</sup>

## Endnotes

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- <sup>3</sup> Source: *Ibid.*
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- <sup>5</sup> Source: "Message from A Relief Team Leader in a Hiding Place for Displaced People," FBR, April 2006.
- <sup>6</sup> Source: Report of the Special Representative of the Secretary General for Children and Armed Conflict to the UN General Assembly, A/61/275, UN General Assembly 61<sup>st</sup> Session, 17 August 2006.
- <sup>7</sup> Source: *Shoot on Sight: The ongoing SPDC offensive against villagers in northern Karen State*, Burma Issues, December 2006.
- <sup>8</sup> Sources: *Shoot on Sight: The ongoing SPDC offensive against villagers in northern Karen State*, Burma Issues, December 2006; "Images from Burma: 16 Year Old Shot 3 Times by Burma Army," FBR, April 2006.
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- <sup>10</sup> Source: "Developments in Myanmar," Office of the Special Representative of the Secretary General for Children and Armed Conflict, <http://www.un.org/children/conflict/english/myanmar64.html>, [accessed 27 April 2007].
- <sup>11</sup> Source: "Twenty two Rohingyas Detained in Maungdaw Jail," *Kaladan News*, 19 August 2006.
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- <sup>14</sup> Source: *SPDC Operations in Kler Lweh Htoo (Nyaunglebin) District*, KHRG, 30 April 2006.
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- <sup>16</sup> Source: *Ibid.*
- <sup>17</sup> Source: "FBR Update: Father and One Legged Son Shot and Killed by the Burma Army in Mon Township," FBR, 20 May 2006
- <sup>18</sup> Source: "Message from a Relief Team Leader Now in the Karen State," FBR, 11 April 2006.
- <sup>19</sup> Source: *Ibid.*
- <sup>20</sup> Source: "FBR REPORT: Five Villagers Killed and Three Wounded in Continuing Burma Army Attacks," FBR, 2 November 2006
- <sup>21</sup> Source: *Forced Labour, Extortion and Abuses in Papun District*, KHRG, 29 July 2006.
- <sup>22</sup> Source: "Update of Burma Army Activity in Muthraw District, Northern Karen State," FBR, 24 April 2006
- <sup>23</sup> Source: *Ibid.*
- <sup>24</sup> Sources: "KNU Press Release 18/06," KNU, 28 August 2006; "Toungoo and Muthraw Update," FBR, 24 April 2006.
- <sup>25</sup> Source: "Update of Burma Army Activity in Muthraw District, Northern Karen State," FBR, 24 April 2006
- <sup>26</sup> Source: "KNU Press Release No. 29/06," KNU, June 2006.
- <sup>27</sup> Source: "KNU Press Release No. 33/06," KNU, 12 February 2006.
- <sup>28</sup> Source: *Ibid.*
- <sup>29</sup> Source: *Bullets and Bulldozers: the SPDC offensive continues in Toungoo District*, KHRG, 19 February 2007
- <sup>30</sup> Source: *Burma Briefing: Issues and Concerns Volume 3*, Altsean, July 2006.
- <sup>31</sup> Source: "Soldiers Torture Village Guards, 14-Year Old in Mon State," IMNA, 13 November 2006.
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- <sup>34</sup> Source: "KNU Press Release No. 45/06," KNU, 12 February 2006.
- <sup>35</sup> Source: "FBR REPORT: Burma Army Attacks Against the Karen People in Northern Karen State, Eastern Burma," FBR, 12 December 2006.
- <sup>36</sup> Source: *Ibid.*
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- <sup>41</sup> Source: "Interview with an SPDC Child Soldier," KHRG, 26 April 2006.

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- <sup>43</sup> Sources: *Despite Promises: Child Soldiers in Burma's SPDC Armed Forces*, HREIB, 26 August 2006; "Child Soldiers Still Recruited in Burma, Says Report," *Irrawaddy*, 15 September 2006.
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- <sup>71</sup> Source: "Ethnic Leaders Assure UN on Child Soldiers," *Irrawaddy*, 14 June 2006; "UN Repeats Call for Action on Child Soldiers," *Irrawaddy*, 29 November 2006.
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