



# **FORGOTTEN FUTURE: CHILDREN AFFECTED BY ARMED CONFLICT IN BURMA**





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## About the Human Rights Education Institute of Burma

The Human Rights Education Institute of Burma (HREIB) is a non-profit organization, based in Chiang Mai, Thailand, that facilitates a broad range of training and advocacy programs for grassroots organizations and community leaders. Along with facilitating informal, learner-centered human rights education programs, HREIB regularly conducts research and documents human rights violations inside Burma. HREIB was the first Burmese organization with a primary focus on human rights, democratic leadership training, and community organizing concepts.

### Vision

HREIB envisions a society where human rights education is institutionalized as a potent tool for building a peaceful, tolerant, and democratic Burma that respects and promotes all aspects of human rights for all.

### Mission

To empower people through human rights education to engage in social transformation and promote a culture of human rights for all.



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## List of abbreviations and acronyms:

ABSDF	All Burma Students Democratic Front
AFPFL	Anti-Fascist People's Freedom League
ARNO	Arakan Rohingya National Organization
BSPP	Burma Socialist Program Party
CAAC	Children Affected by Armed Conflict
CBO	Community Based Organization
CDC	Children's Development Center
CHRO	Chin Human Rights Organization
CIDKP	Committee for Internally Displaced Karen People.
CNA	Chin National Army
CNF	Chin National Front
CPPCR	Committee for the Protection and Promotion of Child Rights
CPB	Communist Part of Burma
CRC	Convention on the Rights of Children
DDR	Disarmament, Demobilization, and Reintegration
DKBA	Democratic Karen Buddhist Army
ERW	Explosive Remnants of War
HREIB	Human Rights Education Institute of Burma
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
KA	Karenni Army
KHRG	Karen Human Rights Group
KIA	Kachin Independence Army
KIO	Kachin Independence Organization
KNLA	Karen National Liberation Army
KNU	Karen National Union
KNDA	Karenni National Democratic Army
KNPLF	Karenni National People's Liberation Front
KNPP	Karenni National Progressive Party
KWO	Karen Women's Organization



LDF	Lahu Democratic Front
MRE	Mine Risk Education
NCGUB	National Coalition Government of the Union of Burma
NCRC	National Committee on the Rights of the Child
NDA-K	New Democratic Army-Kachin
NHEC-WR	National Health and Education Committee-Western Region
NLD	National League for Democracy
NMSP	New Mon State Party
NSAG	Non State Armed Group
NUPA	National United Party of Arakan
PAC	Political Action Committee
PSLF	Palaung State Liberation Front
PPLO	Pa-O People's Liberation Organization
SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
SSA- South	The Shan State Army South
SWAN	Shan Women's Action Network
TBBC	Thailand Burma Border Consortium
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNSC	United Nations Security Council
UNSG	United Nations Secretary-General
WLB	Women's League of Burma
WLC	Women's League of Chinland



## When I grow up...

*I'm not educated and I'm illiterate, so I don't know what my future will be. If I get a chance, I want to learn how to weave. I also want to look after the children.<sup>1</sup>*

*P'rey Meh  
Abducted and forced to porter 3 times at ages 13 and 14*

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1. HREIB Interview Case No. 98



# Executive Summary and Introduction



## Executive Summary and Introduction

*I think it's time the SPDC stop using children as soldiers because the development of the country is in the hands of the youth. But now, the SPDC seems committed to destroying young people's potential. If they have a policy demanding people serve in the army, they should ensure that the soldiers are above 18 years old. Now they are using children who are just 10 or 12, 15 or 16 years old. It's like they always try to hold back the new generation in Myanmar.<sup>2</sup>*

*Yan Aung*

*Former child soldier, recruited at the age of 11*

*Myanmar is not a country of conflicts. The Myanmar Army does not recruit soldiers under the age of 18 and the military service is purely voluntary with appropriate facilities provided to the soldiers.<sup>3</sup>*

*Ye Min Thein*

*Assistant Director, International Organization Department  
Myanmar Minister of Foreign Affairs*

Yan Aung's childhood ended prematurely. When he was 11 years old he was abducted by two soldiers and forced to join the Tatmadaw, Burma's armed forces. Although he had no interest in serving in the army, he had to sign a prepared statement affirming that he had voluntarily enlisted and that he was 18 years old at the time.

The year Yan Aung should have completed the fourth grade, he attended basic training at the Pinlaung military training facility. He went on to serve as a private with Light Infantry Battalion No. 135 under the supervision of Captain Aung Aung. At the age of 13 he was sent to Kaingtaung in Southern Shan State to train as a corporal. Shortly after, Yan Aung was sent to Mawchee Township in Karenni State where, under the direction of Major Aung Naing Soe, he took part in an attack against the Karenni Army (KA), the armed faction of the Karenni National Peoples Party (KNPP). During the battle Yan Aung's friend and fellow child soldier, a 15 year-old boy by the name of Tin Re, was shot and killed right in front of him.

After five consecutive stints on the frontlines of Burma's civil war, Yan Aung managed to escape to Thailand. However, along with abandoning military life he also left behind his family and friends. Now he is a refugee, living along the Thai-Burma border. He is 17 years old.

The top generals in the State Peace and Development Council (SPDC) insist that Burma is a safe place for children, where all young people are "regarded as precious gems."<sup>4</sup> But many children in Burma, particularly those affected by armed conflict, do not have access to education, healthcare, or other child protection services. They are exploited for their labor and sexually abused. Like Yan Aung, their rights are ignored. They are Burma's forgotten future.

2. HREIB Interview Case No. 107

3. Myanmar country explanation at the conference on Children as Zones of Peace: Mainstreaming the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict (OP CRC AC) in the Southeast Asia Region, 27 – 29, November 2007, Quezon, Philippines.

4. Ibid.

Burma continues to be deeply affected by years of internal armed conflict. Intermittent clashes between the Tatmadaw and opposition forces are slowly eroding communities on the fringes of the country where child rights violations are endemic.

In contrast with most other war-ravaged regions around the world, where civilian abuses are perpetrated primarily by non-state armed groups (NSAGs), the overwhelming majority of Burma's human rights abuses occur under the hand of its ruling junta. Tatmadaw soldiers rape, torture, kill, abduct, and burn down entire villages – either under the pretense of punishing dissidents or in pursuit of the SPDC's border-races development agenda.

The UN Secretary General has taken action to address these alleged violations; his annual reports on children and armed conflict have consistently listed Burma as a country where children are used and recruited by armed forces and groups. As a result, in 2005 Burma was officially placed on the agenda of the UN Security Council and a task force was established, with the approval of the SPDC, to investigate six grave categories of violations.<sup>5</sup> Reflecting on the task force's work, the Secretary General submitted his first report to the Security Council on the situation of children affected by armed conflict in Burma in November 2007.

Consistent with international priorities, this report explores the six grave categories of violations against children outlined by the UN Secretary General,<sup>6</sup> these are:

1. Killing and maiming of children
2. Recruiting or using child soldiers
3. Rape or other sexual violence against children
4. Abduction of children
5. Denial of humanitarian access for children
6. Attacks against schools and hospitals

It is evident from both HREIB's primary research and other reports documenting these crimes that all six violations have been perpetrated in Burma over the last five years. This report examines who is responsible for these abuses and identifies places where they typically occur. It illustrates trends and patterns of abuse in Burma and helps stakeholders consider protection measures.

## International Efforts to Protect Children

Since the Cold War, the nature of conflict has changed; while wars traditionally consisted of disputes between states, more recent conflicts, including the one in Burma, take place in an intrastate or civil context where civilians account for a disproportionate amount of casualties – particularly children, who tend to be more vulnerable in situations of armed conflict. Despite the increase in civilian casualties, international and regional bodies are reluctant to intervene. Issues relating to state sovereignty, ambiguities in international law, and concerns about political or economic relations tend to obscure debates about the protection of basic human rights.

5. UNSC report A/59/695-S/2005/72

6. UN Secretary General Report to the UN Security Council, A/59/695 S/2005/72



The situation in Burma underscores this phenomenon. China and Russia, two of five Member States that hold permanent seats on the Security Council, have both utilized their veto powers to block humanitarian and political intervention in Burma's affairs.<sup>7</sup> China serves as the principal arms supplier for the Tatmadaw, and maintains lucrative trade deals with the SPDC. Russia asserts that Burma's conflict does not pose an immediate regional or global threat, and the state should be allowed to solve its own internal issues without interference from external actors.

Nevertheless, international efforts to protect children are increasing. These include the passing of several UNSC resolutions that directly address the situation of children and armed conflict.<sup>8</sup> These resolutions have called on the UN Secretary General to list parties that recruit and use children in armed conflict and have called on those parties to prepare and implement time-bound action plans in order to deal with conflict-related violations against children. UNSC Resolution 1612 established a monitoring and reporting mechanism. These resolutions along with the other international standards are explored further in relation to each of the six violations in Appendix 2.

## Summary of Violations in Burma

Certain abuses fall under several categories while others do not fit any one category in particular. For instance, many reports about violations that involve abduction do not concentrate on abduction itself; rather, they focus on how the abducted individual was exploited after s/he was taken. Although some crimes are difficult to isolate, each of the six categories of violations are summarized below in the context of Burma.

### Killing and Maiming

Throughout Burma's long and protracted civil war children have been and continue to be victims of violent attacks perpetrated by members of the Tatmadaw and various NSAGs; they are unlawfully killed during village raids and are casualties of indiscriminate landmines and explosive remnants of war (ERW).

While documenting human rights violations, HREIB researchers found a range of circumstances in which children were killed or maimed. In some cases children were directly targeted, accused of supporting rebel groups. In other cases children were caught in the crossfire during active combat between the Tatmadaw (or allied groups) and opposition forces.

### Recruiting or using child soldiers

Children are regularly recruited and used as child soldiers in the Tatmadaw, and to a lesser extent some NSAGs. Although there have been some initiatives to end the use of child soldiers, the SPDC's efforts lack strong political will and have been largely ineffectual. For instance, since the formation of the Committee for the Prevention of Military Recruitment of Underage Children in 2004, there has been little evidence to suggest that military personnel have been prosecuted through the legal system for alleged involvement in the recruitment/use of child

7. Heinlein, P. Russia, China Veto UN Resolution on Burma, 13 January 2007, <http://www.voanews.com/english/archive/2007-01/2007-01-13-voa2.cfm>

8. UNSC Resolutions 1261, 1314, 1379, 1460, 1539, 1612



soldiers. In fact reports contend that child protection advocates are actually jailed for making complaints about the use of child soldiers.<sup>9</sup>

A report from the March 2008 meeting on the developments concerning the question of observance by the Burmese government of the International Labor Organization's (ILO) Forced Labor Convention (No. 29) acknowledges that despite some improvements in the relationship between the ILO and the SPDC there was still, "insufficient increase in awareness on the part of local authorities, the military and the general public as to rights and responsibilities under the Forced Labor Convention, 1930 (No. 29), national law and the Supplementary Understanding."<sup>10</sup> The same report includes a list of 74 cases of alleged forced labor received by the Liaison Officer in Rangoon. Of those 74 cases 16 were complaints regarding the use/recruitment of child soldiers.<sup>11</sup> This figure suggests that forced labor, particularly the recruitment and use of child soldiers which account for over 20% of such cases, is still common.

HREIB documenters conducted interviews with eight former child soldiers and also discussed the issue with eye-witnesses, including adult soldiers who trained or served alongside child soldiers, police officers, and senior officials of three non-state armed groups—Karenni Army (KA), Chin National Army (CNA), and Kachin Independence Army (KIA). These accounts, along with documentary evidence from several recently released reports on child rights in Burma, demonstrate that the Tatmadaw and some NSAGs have yet to seriously address the use and recruitment of child soldiers.

### Rape or other sexual violence against children

Increased militarization in ethnic minority and rural areas has led to rape and other forms of sexual abuse against children. Despite the challenges many documenters face, several women's rights organizations have released reports over the past few years recording the extent to which children have been sexually abused in Burma's conflict zones. Documented crimes include: attempted rape, rape, gang rape, and sexual assault. In some cases victims were also killed after suffering grave sexual abuse. In other cases children were forced to witness their mothers and sisters being raped and abused. Although the documented cases focus on incidences involving young girls, sexual violence is a problem that affects boys as well; unfortunately, such incidences are rarely reported and/or documented.

Victims are denied their legal right to justice because a culture of impunity continues to be cultivated in Burma. Members of the Tatmadaw and non-state armed groups who perpetrate acts of rape and other forms of sexual violence are rarely prosecuted for these abuses. Laws and policies, which purport to protect the rights of young children in Burma, are futile if they are not backed with the political will of the government to enforce them.

9. Mizzima News (September 2008) NLD leader sentenced for trying to complain to ILO on use of child soldiers, <http://www.mizzima.com/news/inside-burma/1055-nld-leader-sentenced-for-trying-to-complain-to-ilo-on-use-of-child-soldiers.pdf>

10. International Labor Organization (March 2008) GB.301/6/2

11. Ibid



## Abduction of children

Children continue to be abducted because of the ongoing armed conflict in Burma. They are taken and forced to become child soldiers, porters, hard laborers, and sex slaves, mostly for Tatmadaw soldiers and commanders. They are seized from both markets and transit hubs in urban areas and from community farms and schools in rural areas.

HREIB documenters conducted interviews with 13 victims of abduction; of those, five were taken to be porters and eight were taken to be child soldiers. In addition to drawing on these primary cases, HREIB evaluated 25 secondary cases documented by other human rights organizations and media outlets. Of these cases, 13 children were taken to be child soldiers, three were taken to be porters, one was taken for sexual exploitation, and the remaining eight were taken for unknown reasons. The inherent features of abduction were present in all of the incidences cited in this report—the children were taken against their will, deprived of their freedom, and forced to perform functions that violated their rights. Additionally, their parents and/or guardians were deprived of their rights of custody without reason.

All of the children interviewed for this report conveyed feeling afraid when they were apprehended. In most instances their captors capitalized on that fear by asserting their seemingly legitimate authority and flaunting their weapons. Burmese military soldiers used their positions of power to convince children to accompany them to recruitment centers and army bases. Soldiers also used community leaders and/or village heads as proxies, especially in recruiting and abducting child porters.

## Denial of humanitarian access for children

The need for humanitarian assistance in Burma is dire. Paradoxically, the places where the need is most acute, namely conflict-affected areas on the margins of the country, are the very places that are systematically neglected. That neglect is a direct result of the SPDC's policies, which prohibit grassroots organizations and international humanitarian agencies from providing relief to vulnerable populations. Not only do the SPDC's laws and policies prevent aid agencies from providing assistance, but military activities and ongoing fighting often delay and/or block medicines and other supplies from reaching intended destinations and beneficiaries.

The Secretary General's November 2007 report concerning children and armed conflict asserts that the SPDC's armed forces are responsible for denying humanitarian aid agencies' access to conflict zones. This assertion is consistent with other United Nations' reports reviewing the situation of children affected by armed conflict in Burma. Findings from HREIB interviews reveal how the military government has constrained international and local humanitarian aid efforts in conflict areas.

The SPDC imposes travel restrictions on international organizations' staff and impedes information gathering and sharing. The regime's deliberate efforts to veil the conflict from international eyes and is detrimental to the health and well-being of hundreds of thousands of civilians living in constant peril, particularly children.





HREIB interviewed representatives from four organizations, which provide humanitarian assistance inside Burma and along Burma's borders, these include:

- The Backpack Health Worker Team
- The Committee for Internally Displaced Karen People
- The Political Action Committee
- National Health and Education Committee-Western Region

HREIB also spoke directly with internally displaced children who have been living without access to vital resources. Without the assistance of humanitarian agencies in the field, rehabilitative programs for IDPs, orphans and children formerly associated with armed forces or groups can collapse or become ineffective due to a severe lack of resources and support.

### Attacks against schools and hospitals

Attacks against schools and hospitals engender long-term comprehensive problems for children, often producing detrimental consequences for generations. Beyond the immediate damage caused by destruction, such attacks severely stunt a child's development. In her groundbreaking report on the situation of children involved in armed conflict Ms. Graça Machel maintains, "the destruction of educational infrastructures represents one of the greatest developmental setbacks for countries affected by conflict. Years of lost schooling and vocational skills will take equivalent years to replace and their absence imposes a greater vulnerability on the ability of societies to recover after war".<sup>12</sup> Likewise, the destruction of hospitals presents a myriad of development challenges for children and the broader community.

There are few functioning hospitals and clinics to provide vaccinations making children dangerously susceptible to the diseases plaguing Burma. Pregnant women are often forced to give birth in unsanitary and hazardous conditions without the assistance of a qualified medical professional, putting both their own lives and the lives of their babies at risk. The number of children maimed by explosive ordnances are subject to further suffering when the risks of infection, excessive bleeding, and pain left untreated are exacerbated due to a lack of acceptable healthcare facilities. Children suffering from malnutrition, dehydration, diarrhea and other easily treatable health conditions are faced with the looming prospect of premature and senseless deaths.

Several interviewees described how attacks on their villages destroyed schools and interrupted their learning and access to healthcare. Over 35 children and 15 of their parents, grandparents, teachers and older siblings interviewed for this report conveyed how indiscriminate attacks on their villages continue to disrupt schooling and limit their healthcare.

12. Machel, Graça for United Nations General Assembly, Fifty-first Session. (August 1996) Impact of Armed Conflict on Children p. 54



## When I grow up...

*I hope to be a teacher in the future, because so many children don't have the chance to go to school. I really want to help the children.*

*Naw Nandar*

*Forced to flee her village when she was 17*





# Methodology



## Methodology

This report draws substantially on direct accounts from children affected by armed conflict. HREIB's grassroots team, comprised of two trained local documenters a research coordinator and several volunteers, conducted extensive interviews with children, parents, teachers, community leaders, commanders of non-state armed groups, migrant workers, and other relevant stakeholders in refugee and IDP camps between October 2007 and March 2008; a list of these interviews can be found in Appendix 1. In total, HREIB documenters conducted 119 interviews.

In addition, this report draws on cases that have been documented by numerous other non-governmental organizations, journalists, and independent observers. Local organizations are particularly well situated to document and expose violations against children in situations of armed conflict because of their well-established links and deep-roots in the communities they work in.

### Data Collection Sites

Documenters traveled to IDP camps in Karen State, refugee camps along the Thai-Burma border, ceasefire areas along the China-Burma border, and migrant communities along the India-Burma border. These sites were chosen to provide a full picture of the conflict in Burma, highlighting both areas where conflict is ongoing and areas where ceasefires have been signed. Nevertheless, access restrictions prevented documenters from freely traveling to all areas affected by armed conflict and thus from capturing the entire geographic scope.

#### Inside Burma

##### *Dae Bu Noh Internally Displaced Persons Camp*

Dae Bu Noh village is in the eastern part of Karen State, isolated atop Butho Mountain. There are no roads leading to the village, however there is a small footpath that permits access.

An HREIB documenter visited Dae Bu Noh from 17 – 21 December 2007. She interviewed 28 people including 21 children, 2 teachers, and 4 other villagers. She documented cases of killing and maiming and gathered information about the situation regarding education and healthcare in Karen State.

##### *Ei Tu Hta Internally Displaced Persons Camp*

The Ei Tu Hta internally displaced persons camp was established in April 2006 as a temporary settlement for conflict affected Karen villagers. Many of its inhabitants came from Toungoo district, Karen State, where a fierce Tatmadaw offensive began in 2005.<sup>14</sup> The camp is located in Karen State along the Salween River, roughly two hours by boat from the border village of Mae Sam Laep in Mae Hong Son, Thailand. As of March 2008 there were nearly 4,000 people

14. KHRG (February 2007) *Bullets and Bulldozers: The SPDC offensive continues in Toungoo District*. Retrieved May 13, 2008 from <http://www.karenhumanrightsgroup.org/khrg2007/khrg07f1.html>

living in the camp, 1,600 of whom were children under the age of 12, living in approximately 600 houses.<sup>15</sup> Thousands more are still living in hiding in the surrounding area.

An HREIB documenter visited Ei Tu Hta refugee camp from 9 – 15 November 2007 and interviewed 29 people including 19 children, eight mothers, and two grandmothers.

### Thai-Burma Border

#### *Mae Sot*

One of HREIB's documenters was based in Mae Sot from October 2007 – March 2008 and the research team made regular visits, where they collaborated with local NGOs and CBOs in the area. The documenter discussed child rights violations with representatives from several key organizations, including:

- Committee for Internally Displaced Karen People (CIDKP)
- Karen Human Rights Group (KHRG)
- Mae Tao Clinic/Committee for the Protection and Promotion of Child Rights (CPPCR)
- Backpack Health Worker Team

The documenter also met with young children and students studying at the Children's Development Center school (CDC).

#### *Karenni Refugee Camp 1, Mae Hong Son*

Karenni Camp 1 is home to over 17,000 refugees from Burma. It is located in Mae Hong Son Province, Thailand, approximately two kilometers from the Thai-Burma Border.

An HREIB documenter visited Karenni Camp 1 from 15 – 27 February 2008. She interviewed 16 people who had been affected by armed conflict including five former child soldiers and one adult soldier. Six of those soldiers were from the Tatmadaw, one was from the Karenni National Peoples Liberation Front (KNPLF) and one was from the Karenni National Democratic Army (KNDA). She also interviewed five girls and four boys who were forced to porter.

#### *Karenni Camp 2, Mae Hong Son*

Karenni Camp 2 is situated in Khun Yuam District, Mae Hong Son Province, Thailand, about three kilometers from the Burma Border. According to the TBBC there are approximately 2,600 people living in the camp.

An HREIB documenter visited Karenni Camp 2 from 9 – 15 December 2007. He identified several former child soldiers and other children whose rights had been violated. Unfortunately, he was unable to document their cases because of security risks in the camp.

15.Irrawaddy Magazine (March 5, 2008) Myanmar: Food transports for Karen IDPs halted. Retrieved April 16, 2009 from <http://www.reliefweb.int/rw/RWB.NSF/db900SID/ASIN7CFQYW?OpenDocument>

## India-Burma Border

### *Delhi*

Although India's capital is far from Burma, a number of migrants, particularly asylum seeking ethnic minority Chin people, make the journey to Delhi to find work and apply for refugee status. According to the Chin Human Rights Organization (CHRO) there are over 1,500 Chin people in Delhi.<sup>16</sup>

HREIB's research coordinator traveled to India and was stationed at the HREIB office in Delhi from 23 – 29 February 2008. He interviewed the parents of a boy who was killed by the Tatmadaw soldiers, two young girls who were harassed by Tatmadaw soldiers, two former child soldiers, and a village headman who witnessed the attack of a school. He also met with students and teachers from two refugee schools, the coordinator for the National Health and Education Committee-Western Region (NHEC-WR), an officer from the Chin Refugee Committee, and journalists from Radio Free Asia and Mizzima News.

### *Mizoram State*

Mizoram, a state in India's northeastern region, is home to approximately 60,000 Chin migrants from Burma's isolated and impoverished Chin State. They are mostly comprised of economic migrants, forced to flee their home villages due to abject poverty; however many escape across the border because of widespread religious persecution (the Chin are mostly Christians whereas the majority of the population in Burma are Buddhists) and persistent human rights violations.

HREIB's research coordinator visited Mizoram State from 1 - 6 March 2008. He interviewed two former child soldiers and met with leaders from several organizations working along the India-Burma Border including the Women's League of Chinland (WLC), the Chin Human Rights Organization (CHRO), and the Political Action Committee (PAC). HREIB's research coordinator and director also held meetings with Chin National Front (CNF) leaders on March 2, 2008 and March 15, 2008, respectively. The meetings took place at the CNF office in Aizawl. CNF General Secretary, Thang Yen, Publicity team leader, Ngai Ja Thang, and Chief Commander, Major Ra Nin attended the meetings.

## China-Burma Border

### *Laiza*

Laiza is part of Momawk Township in the Bhamo District of Kachin State and is located on the border with China. It is under the control of the Kachin Independence Organization (KIO); its economic importance increased after the KIO signed a ceasefire agreement with the SPDC. There is an open border with China with checkpoints on both sides. Burmese and Chinese citizens holding passports are eligible to cross the border, however many people cross illegally by sneaking over the river.

16. CHRO (2006) The Chin People of Burma: A Struggle for Survival.



An HREIB child rights researcher visited Laiza from 4 - 6 February 2008 during the Kachin Revolution Festival. Along with HREIB's director, she met with some leaders from the KIO and several youth from Kachin State. She interviewed 23 young boys who traveled to the KIA headquarters to enlist as soldiers. In this group, 12 boys and one girl were under 18.

HREIB's director also held discussions with leaders from the KIO and the Kachin Independence Army (KIA); leaders included vice chairman of the KIO, secretary of the KIO, head of Information and youth department, chief of commander and headmaster of the military academy at their headquarters. The participants discussed the issue of child soldiers and the UN Secretary General's report to the UNSC Working Group. They also discussed ongoing advocacy efforts with other NSAGs like the KNU and KA.

## Research Challenges

### Primary Research

As the chapter on the denial of humanitarian access will show, it is very challenging to reach conflict zones inside Burma; travel restrictions and active combat often prohibit human rights documenters from recording violations. Owing to such access limitations and the prevalent fear of the people of Burma to speak out about what has happened to them, HREIB documenters encountered many challenges documenting cases. For example, security concerns prevented one documenter from reaching Yeh Mu Plor, an IDP area near Dae Bu Noh village. HREIB's plans to conduct interviews there were abandoned because the situation was too dangerous. There is still ongoing fighting in and around Yeh Mu Plor and the people who live in the surrounding area move around very often.



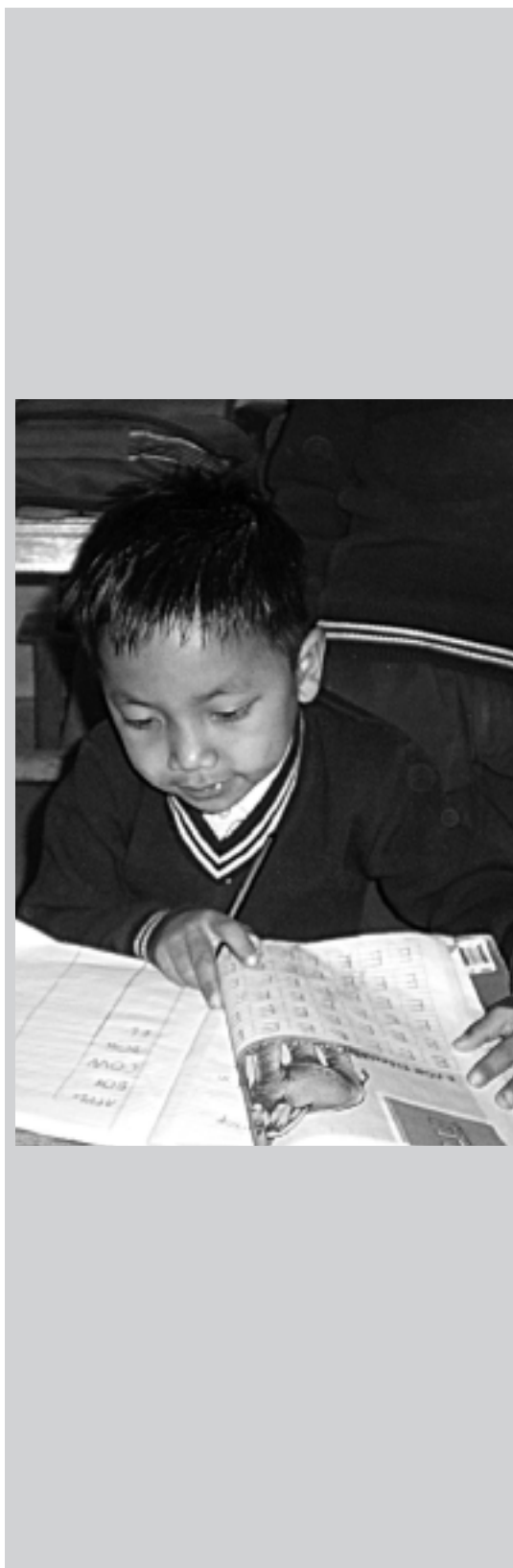
Communication in remote areas was problematic. For example, HREIB's child rights research team traveled to the China-Burma border to hold discussions with the leaders of the New Democratic Army-Kachin (NDA-K). Despite months of preparation and coordination, communication with the leaders of NDA-K was lost while in China and the scheduled meeting was postponed to late 2008/early 2009. Also, researchers based in the refugee camps were unable to maintain consistent contact with HREIB's headquarters.

Another challenge was that many interviewees were at times unable to describe horrific events in great detail. For example, a mother living in Dae Bu Noh could not provide specific events relating to how her daughter and son were killed; she was only able to generally explain that Tatmadaw soldiers were responsible. Some children HREIB documenters interviewed had family members who were killed by the Tatmadaw and found discussing these events difficult.

### Secondary Research

Unfortunately, there is no comprehensive database that exclusively keeps track of the six violations, so a more complete quantitative look at violations is lacking. Moreover, violations reported in other reports or media publications do not always indicate the age of the victim, many times there is only a vague reference to "child." There is a general lack of disaggregated data in secondary sources.

Even though some agencies providing assistance to conflict-affected populations keep records of people they treat, the data is rarely disaggregated by relevant categories for CAAC research. For example, the Backpack Health Worker Team's 2007 mid-term report provides a general list of people treated for gunshot wounds and landmine injuries, but it





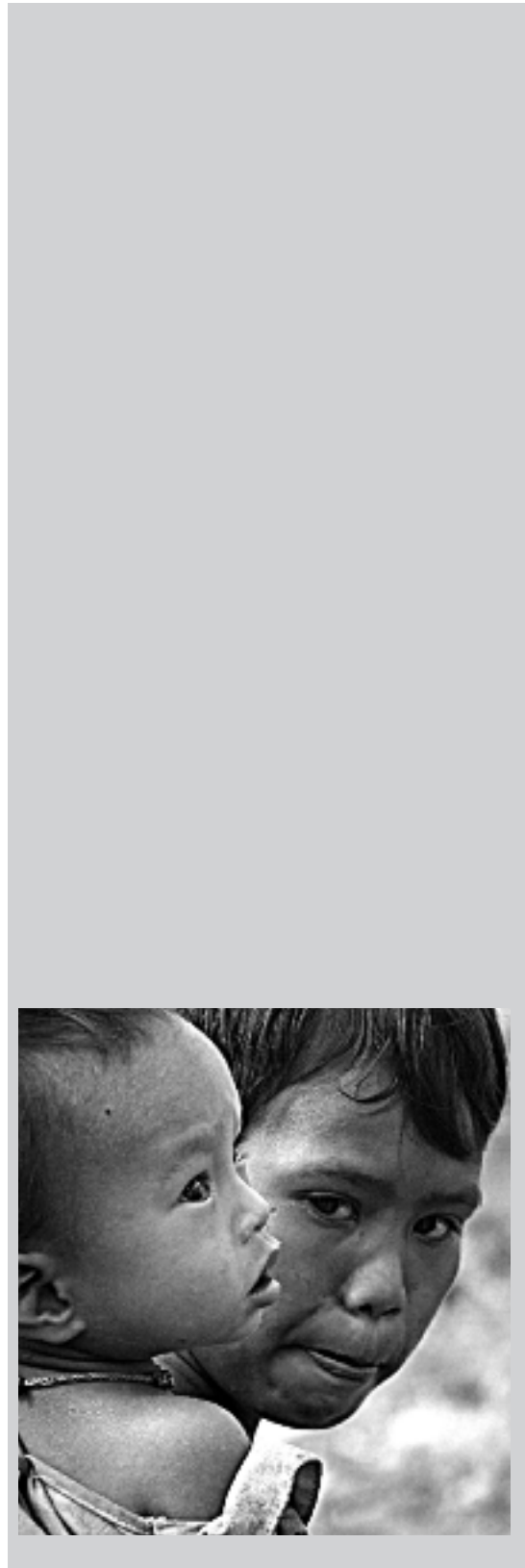


does not break down that list into victims under/over 18; it does however supply the number of children under-five years old treated for such injuries.

In Burma, the regime has refused to fully cooperate with international actors for inspection and reporting purposes, thus it has been nearly impossible for both the UN and international NGOs to gather reliable data on the number of civilians harmed.

#### Security of Interviewees

The names of all interviewees, with the exception of high profile figures and those who consented to having their name published, have been changed in this report. Interviewees were assured of their security and all interviews were conducted in private.





## When I grow up...

*When I grow up, I want to be a nurse so that I can look after the patients and take care of people.<sup>17</sup>*

*Naw Darlie  
Forced to Flee her village when she was 12 years old*

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17. HREIB Interview Case No. 53



# Healthcare and Education in Burma



## Healthcare and Education in Burma

### Healthcare

Health expenditures in Burma are considerably low, hovering around 0.5% of the total GDP;<sup>18</sup> the Burma Campaign UK estimated in 2007 that the Burmese government spends an equivalent of 37 cents per person per year on healthcare.<sup>19</sup> The World Health Organization's World Health Report ranked Burma 190<sup>th</sup> out of 191 countries in 2000, and this position has not improved much since. Hospitals are few and far between, especially in remote regions.

The country also suffers from a paucity of healthcare professionals available to attend to the urgent needs of its widely malnourished and ailing population. In 2007, the World Health Organization reported that for every 10,000 people in Burma there are only three doctors, four nurses, 0.3 dentists, and 0.4 lab technicians.<sup>20</sup> Only 68% of newborn babies are delivered by qualified medical personnel.<sup>21</sup> One in ten children in Burma don't live to see their fifth birthday.<sup>22</sup>

Burma's capacity for rice production has traditionally classified the state as a food-surplus nation. However, decades of abuse and forced displacement have rendered malnutrition a common condition, particularly among children. The World Food Program estimated in 2005 that one out of every three children in Burma was chronically malnourished or physically stunted.<sup>23</sup> The grossly excessive amount of Burma's national budget that is spent on the army, especially when one considers the fact that Burma has no current involvement in any external wars, appears particularly absurd in light of the desperate health needs of its civilians – and, most significantly, its children.

The Backpack Health Worker Team's 2006 report *Chronic Emergency: Health and Human Rights in Burma* underscores the correlation between healthcare problems and human rights, observing that "several human rights abuses were found to be closely tied to adverse health outcomes. Families forced to flee within the preceding twelve months were 2.4 times more likely to have a child (under age 5) die than those who had not been forcibly displaced. Households forced to flee also were 3.1 times as likely to have malnourished children compared to those in more stable situations" (p. 10).

Displaced populations are subject to Southeast Asia's vicious climate cycles with little more than the sacks on their backs; they are forced to scrounge for food and shelter in the ominous jungle; they are at greater risk of stepping on landmines; and they face a higher probability of acquiring infectious diseases spread by mosquitoes. In fact malaria is the leading cause of mortality in Burma.<sup>24</sup> The prevailing strain of malaria alone in eastern Burma, *Plasmodium falciparum*, is the cause of death for 45% of internally displaced adults and children in the region.<sup>25</sup>

18. NCGUB HRDU 2006 p. 337

19. Burma Campaign UK. (October 2007) *The Lady of Burma*.

20. World Health Organization. (2007) *Country Health System Profile: Myanmar*.

21. *Ibid.*

22. United Nations Development Programme (2003) *Human Development Report 2003*.

23. World Food Programme (August 2005) *Myanmar Must Do More to Help its Hungry Millions*.

24. BPHWT, *Chronic Emergency*, p. 14

25. Human Rights Center: University of California, Berkeley and Center for Public Health and Human Rights, Johns Hopkins Bloomberg School of Public Health. (July, 2007) *The Gathering Storm: Infectious Diseases and Human Rights in Burma*

The aforementioned BPHWT report also pointed out that in eastern Burma's "black zones" (free-fire zones designated by the military due to prevailing control of opposition groups), mortality rates among children under five years of age are even higher than the corresponding rates in the Democratic Republic of the Congo (DRC) – a state notorious for harboring the world's deadliest conflict since World War II. According to a 2006 UNICEF report, under-five mortality rates in black zones were 221 deaths per 1,000 live births; for comparison, calculated rates in the DRC were 205 per 1,000 live births.<sup>26</sup>

## Education

Burma's education system is also in tatters due to long-standing neglect. Like the healthcare system, government expenditures are extremely low, accounting for just 1.3 percent of the GDP.<sup>27</sup> Most children who enroll in school do not make it past the 5<sup>th</sup> grade; in fact, 57 percent of the children living in Burma do not complete primary school.<sup>28</sup> However, despite ostensibly universal education policies, the number of children attending school in conflict-affected areas is much lower than in the rest of the country. Estimates figure that just 10 percent of school-age children residing in Shan, Karenni and Karen states are in school, while even lesser numbers of children are able to access education in areas such as Arakan State and Wa areas of Shan State.<sup>29</sup>

*There are so many children in this village but there is no school. The SPDC has been saying that they would build a school since 1990, but they have not built one yet. The SPDC doesn't give money. Now we are teaching at the monastery – altogether, there are forty to fifty students. The school requires three teachers, but we have only two teachers this year. The teachers only receive some rice each month and few other things.<sup>30</sup>*

*Saw Than  
Teacher, Karen State*

Indeed, the situation in war-ravaged regions is worse. In many villages there are no schools, and children have no choices. According to Refugees International, only 3 percent of children reach high school in some conflict areas.<sup>31</sup> They cannot afford to leave their communities to study in other villages, nor do they have the resources to recruit help from others. The regime's ambivalence toward improving education, especially in conflict-affected areas, is rooted in discrimination and exclusion inherent in the SPDC's laws and policies. The SPDC forbids students in ethnic minority areas to study in their own language placing minority children at a severe disadvantage.

26. UNICEF (2006) Info by Country. Retrieved May 23, 2008 from <http://www.unicef.org/infobycountry/eastasia.html>

27. UNDP (November 2007) Human Development Report 2007/2008.

28. UN (June 2007) Myanmar – Children and Armed Conflict

29. All Burma Federation of Student Unions – Foreign Affairs Committee (February 2005) Year 2004 Education Report.

30. HREIB Interview Case No. 31

31. Refugees International (June 2006) Ending the Waiting Game

*We don't have any school facilities or materials. We asked for help from the other [humanitarian] organizations but nothing came out of it; we just got a few books and pens. We can't ask the villagers to build a school because they are too busy with their work and have no money. A lot of children who are clever want to go to school but they can't.*<sup>32</sup>

*Saw Wine  
Policeman, Karen State*

In some villages where children complete primary school, there is nowhere for them to continue their studies.<sup>33</sup> Their education stagnates because high schools and universities are out of reach. In Chin State, villagers living along Burma's western border must cope with this shortage. There are not enough primary schools nor are there enough teachers. There are no high schools in the villages, and middle schools rely on community support.<sup>34</sup> If adolescent villagers want to attend high school they must take a two-day journey, on foot, to a "neighboring" village or town. For many of these would-be students, undertaking such an arduous journey can only be regarded as a luxury. In towns where there are high schools, economically marginalized children cannot afford the school fees necessary to attend. Several interviewees mentioned the high costs of education and lamented the extreme expenses that lead to exclusion.

*When we lived in Burma, even if we wanted to go to school we had to find work to have enough money to study – if we didn't have money, we couldn't go to school. The school fees are so expensive...some children want to attend school but can't, because they are already working to support their families and cover their daily living expenses. There are so many children that have no chance to study and have to work hard just for their daily life.*<sup>35</sup>

*Sai Aung  
Denied an education at age 15*

*I didn't go to school when I was inside Burma because my parents are poor; they are just farmers. They can't afford to send me to school and I have to struggle for my own survival. I think that even if I get a chance to do what I want to do, I can do nothing because I am illiterate. I feel too shy even to attend informal education because of this. I want to study if it involves vocational training, but not school. I want to make candles and I want to look after the children.*<sup>36</sup>

*Naw Mya Mya  
Denied an education throughout her childhood*

32. HREIB Interview Case No. 31  
33. HREIB Interview Case No. 41  
34. HREIB Interview Case No. 82  
35. HREIB Interview Case No. 57  
36. HREIB Interview Case No. 95

Due to displacement and a lack of school facilities in conflict-affected areas, some parents decide to send their children to study in neighboring countries such as Thailand and India. While their decision is aimed at ensuring a favorable learning environment for their children, many children have a difficult time adjusting to their new surroundings. Language barriers, cultural differences, and the stigmatization of being a migrant/refugee pose challenges for children who emigrate. Children who have endured the double emotional traumas of conflict-related violence and estrangement from their families are at a severe disadvantage at their new schools.

Furthermore, constant worry about the safety of their family members can retard children's development in school and affect their ability to concentrate in class. These difficulties are especially hampering for children who have fallen behind in their education due to constant displacement and the destruction of educational facilities in their home country. As such, children who cross the border for educational purposes are often unable to reap the full benefits of their opportunities.





## When I grow up...

*If I finish school, I want to become a soldier. I will fight against the Burmese military soldiers because they are very bad people. They torture, beat and kill our people.<sup>37</sup>*

*Saw Bo Bo  
Forced to flee his village when he was 10 years old*

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37. HREIB Interview Case No. 51





# Synopsis of Conflict in Burma



## Synopsis of Conflict in Burma

### Root Causes

Burma gained independence from Britain in 1948, but the conflict that had raged in the country prior to British withdrawal continued—some armed groups were communists while others were ethnic minorities who wanted to reestablish sovereignty over their lands after long periods of foreign rule. Despite the persistence of some insurgents, General Aung San, the revered Burmese leader and father of Nobel Peace Laureate Daw Aung San Suu Kyi, managed to convince many ethnic minority groups to sign agreements with the ruling Burman leaders. These agreements were solidified in the second Panglong Conference, on February 12, 1947, which called for equitable development in the whole country. However just five months after the conference General Aung San was assassinated and the agreements he brokered eventually fell apart.

Throughout most of the 1950s the Anti-Fascist People's Freedom League (AFPFL) ruled Burma; however, in 1962 General Ne Win ousted the elected government and established a new state order under the military-dominated Burma Socialist Program Party (BSPP). Ne Win's policies inaugurated an era of isolation from the rest of the world, hiding the continued civil war.

Ne Win introduced the 'Burmese Way to Socialism,' which hastened Burma's economic decline. Despite the weakened economy, Ne Win continued to pour money into the military apparatus in order to maintain stability and continue waging war against the armed groups. Later efforts to reform the economy fell short of real progress and people became increasingly more frustrated, culminating in calls for democracy in July and August of 1988. University students joined together with activists to demand change. On August 8, 1988, protesters filled the entire country, but their hopes and dreams were crushed. The military put an end to the protests and massacred numerous innocent people. New student-led armed groups formed to fight back, such as the All Burma Students Democratic Front (ABSDF). But, they were driven to the frontier. The junta was reformed as the State Law and Order Restoration Council (SLORC) and decided to hold elections in 1990; however they never recognized the results—which concluded with the National League for Democracy's (NLD), led by Aung San Suu Kyi, landslide victory.

Since 1989, the SLORC (now SPDC) has succeeded in brokering a series of ceasefires with both former Communist and nationality groups. The incentive for these NSAGs to agree to ceasefires was the opportunity to develop their respective areas, fulfilling general Aung San's legendary promise in Panglong that for every kyat allocated to the Burman majority, a kyat would also be designated for the use of ethnic minority groups. Beyond the ostensible promotion of stability and peace, the Tatmadaw sought ceasefire agreements in order to ultimately weaken ethnic minority factions, while gaining unprecedented access to marginal territories not strictly controlled by the Tatmadaw forces. By maintaining strategic ceasefires with select rebel groups, the Tatmadaw could effectively divert its considerable armed resources to crush-

ing other remaining targets, such as the Karen, Shan, and Mon non-state armed groups.<sup>38</sup> With this policy, the Tatmadaw would effectively be able to defeat many of its enemies without firing a single shot.

Accompanying SLORC's ceasefires was its border races development program allowing groups to operate both illicit and legitimate businesses, so long as the ethnic group didn't enter politics. Many ceasefire agreements simply affirmed the status quo of NSAGs in which little financial support reached marginal communities, which were ruled by a non-constitutional form of "warlord federalism" similar to the local programs in the 1960s.<sup>39</sup> Ultimately, the only political change was: the terms "rebel" and "insurgent" were replaced by the phrase "armed groups" in describing resistance fighters.

While the ceasefires themselves only maintain the status quo in terms of economic development and political rights among ethnic minority groups, as well as a strategic advantage against the remaining non-state armed groups from Karen, Karenni, Mon, and Shan States, additional negative social and economic effects also arise from this nominal sense of "ceasefire." Frequently Tatmadaw soldiers move into ethnic minority-controlled areas in order to "keep peace," undermining the regions' local autonomy which is supposedly afforded by the ceasefire. In addition to the unwelcome military presence, unregulated drug, logging, and prostitution industries also move into ceasefire areas, taking advantage of the blind eye that the government has turned towards any illicit activity in the area, so long as it does not become political.<sup>40</sup>

### **Ongoing low intensity conflict**

Three main groups maintain an ongoing, low-intensity conflict with the Tatmadaw, in spite of the prevalence of the aforementioned ceasefires, as well as more tentative pacts between many non-ceasefire groups and the Tatmadaw. The Shan State Army (SSA-South), the Karen National Liberation Army (KNLA), and the Karenni Army (KA), all still maintain some form of armed opposition to the Burmese army in spite of dwindling supplies, personnel, and morale in recent years. Other smaller groups like the All Burma Students' Democratic Front (ABSDF) and splinter factions like the Mon Peoples Protection Army also maintain active soldiers. While each of these groups has posed very little direct threat to the SPDC's central government since the days of early independence in 1948, non-ceasefire NSAGs nevertheless engage the Tatmadaw in occasional combat.<sup>41</sup> Most significant for each of these armed opposition groups is the fact that after the "moderate" Burmese General Khin Nyunt's 2004 ouster from the Tatmadaw, informal agreements between the SPDC and these remaining "non-ceasefire" opposition groups have broken down, with groups resuming an armed, albeit scattered, conflict.

The All Burma Students' Democratic Front (ABSDF) was formed after the 1988 unrest, when many students fled Rangoon to the KNU-controlled Thai-Burmese border area. These urban,

38. Irrawaddy Magazine Vol 10 No 2 (February 2002)

39. Ibid

40. Irrawaddy Magazine Vol 10 No 2 (February 2002)

41. International Crisis Group (May 7, 2003) Myanmar Backgrounder

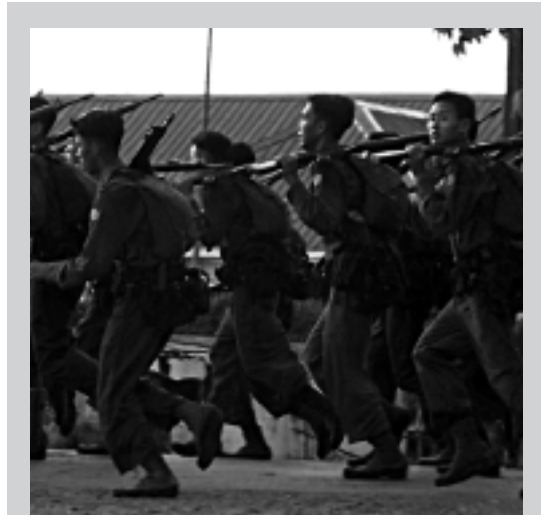


former university students found it difficult to adjust to jungle life, and high rates of both disease and attrition have weakened the ABSDF's ranks over the past twenty years. Now only 300-strong, the ABSDF's main challenge is to maintain its numbers. The real source of fresh ABSDF recruits is, ironically, the group's main enemy: the Tatmadaw. While involuntarily conscripted Burmese soldiers who flee the Tatmadaw often hope to join the Karen army, the ex-Tatmadaw soldiers' inability to speak Karen causes the KNU to hand these prospects over to the Burmese-speaking ABSDF.<sup>42</sup> Although still labeled as a "terrorist" organization by the SPDC, in most recent years the "low intensity" conflict maintained by the ABSDF has taken an even more peaceful turn. Many ABSDF militants now operate schools in refugee areas, focusing their struggle on the education of a new generation of dissidents, rather than direct combat with the Tatmadaw.

The armed wing of the Karen National Union (KNU), the KNLA, suffers from an aging leadership and critically short supply of weapons. Recent infighting between the Democratic Karen Buddhist Army and the Karen National Liberation Army (the latter making the majority of the group) has weakened the solidarity of the group as a whole.<sup>43</sup> A "gentleman's agreement" between the Tatmadaw and KNLA, brokered by general Khin Nyunt, had served as an unofficial ceasefire. In reality, while conflict was avoided in certain designated areas, fighting continued in others. Even this tentative minimization of conflict soon ended with the ouster of Khin Nyunt from the Tatmadaw. In 2006 the annual attacks on Karen villages significantly increased, arguably to secure the Karen-controlled area that

42. Irrawaddy Vol 14 No. 2 (May 2006)

43. Irrawaddy Vol 14 No.3 (March 2006) The Longest Fight





borders the Tatmadaw's new military center of operations.<sup>44</sup> While over 230 villages were destroyed in these attacks,<sup>45</sup> the mass-displacements that have resulted from news reaching a village before a strike have had even more devastating consequences for the Karen population as a whole.<sup>46</sup>

The Shan army similarly faces strained relations with the Tatmadaw. While the area had been declared "drug-free" in an agreement with the Burmese government, the Wa Army has still been granted special permission to conduct drug operations within Shan state territory, largely because of members' personal ties with General Khin Nyunt.<sup>47</sup> Although the Shan make up a large "non-ceasefire" faction, many Shan militants disarmed in April 2005 as part of an "Exchange Arms for Peace" agreement with the SPDC.<sup>48</sup> Not all Shan followed this course, though, and many chose to abandon their military bases rather than disarm. In most recent years, the Shan have noted a significantly increased presence of the Burmese military within the Shan state, causing further concern among members of the Shan army who still maintain "non-ceasefire" armed opposition.



44. Asia-Pacific Daily Report (March 28, 2006)  
45. Thailand Burma Border Consortium (October 27, 2006)  
46. John Aglionby, (May 23, 2006) The Guardian  
47. Irrawaddy Vol 13 No. 11 (November 2005) Uncertainty Reigns in Shan State  
48. Ibid





## When I grow up...

*I want to be a politician because I want to help our people attain democracy. I don't want to be a soldier, I don't want there to be any more fighting. If we fight, people just die.*<sup>49</sup>

*Saw Ye Lin  
Forced to flee his village when he was 14*

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49. HREIB Interview Case No. 60





# THE VIOLATIONS



## THE VIOLATIONS

### Killing/Maiming

*In 2007 at Brigade no.3, the military soldiers shot and killed my brother; I saw it with my own eyes. We were going to get rice at the time; the military soldiers saw us and shot at us on the way. My brother went first and was killed. When I saw it I ran away with other friends.<sup>50</sup>*

*Saw Htet Htet  
Forced to flee from his village at age 12*

Whilst the fighting in Burma is fragmented and intermittent, children are deeply affected by the violence they experience and witness. This section of the report examines precisely how such violence leads to the physical harm of children. It presents individual accounts of child killings and incidences of child maiming.

Tatmadaw troops and members of non-state armed groups continue to scatter landmines, which have caused casualties in 10 out of 14 of Burma's states and divisions.<sup>51</sup> Both groups also employ guerilla warfare tactics in efforts to gain geopolitical control. Findings from a recent report by the Karen Human Rights Group (KHRG) indicate that in certain conflict-affected areas in Karen state a "pattern of army killings of civilians has continued unabated into 2007."<sup>52</sup>

There is compelling evidence that killing and maiming remain common in conflict-affected areas of Burma and that Tatmadaw soldiers and/or their allied forces are responsible for perpetrating the majority of these abuses. Secondary sources reveal that some of the victims in Burma are under five years old. In fact, between January and June 2007 BPHWT emergency medics and health volunteers treated three children under the age of five for gunshot-related injuries and one child under five for a landmine injury.<sup>53</sup>

#### Child Maimed by Landmine\*

My name is Saw Kyaw Kyaw, I am 18 years old and I am a Karen Christian. I have three siblings and am the second oldest in my family. I am originally from Paw Mu Der village. I attend the informal school at Ei Tu Hta because I didn't have any schooling before, and never learned how to read or write. I am learning now, though. My parents died about five years ago from diseases that they caught while hiding in the jungle.

54. Women's League of Burma (January 2000) Burma: The Current State of Women in Conflict Areas. Retrieved May 24 from <http://www.womenofburma.org/Report/TheCEDAWShadowReport2.pdf>

\* HREIB Interview Case No. 6



I came to this camp because the Burmese soldiers came to my village and burned down all the houses and rice fields. I was fourteen when I had to run into the jungle with my brothers and sisters. My parents had died a year earlier. We stayed in the jungle for a while, and went back to the village after the soldiers left.

One day, I went into the forest to gather wood for cooking. I stepped on a landmine that the soldiers had placed, and was seriously injured. My friend had to take me to the Karen army hospital in the jungle, and I had to stay there three months for my treatment. When I finally got back to my village, the Burmese soldiers had come back and my siblings had run away. I was afraid I would never see them again. Eventually they came back to the village, though, and when we all found each other we decided to leave forever. Then we came to the Ei Tu Hta camp. It took eleven days for us to get here. We had to go through the jungle without enough food. My leg was maimed, too, so it was really difficult for me to walk. All of this was so upsetting. I wish my parents were still alive also. It hurts to think about all we have been through because of the soldiers.

HREIB documenters interviewed several children who were directly injured during conflict; they also interviewed relatives of children who were unlawfully killed. In almost all the cases of killing and maiming featured in this report the Tatmadaw was responsible for committing the violence; out of 117 documented primary and secondary cases only 11 were not attributed to the Tatmadaw. In three of those 11 cases the DKBA, a non-state armed group and partner of the Tatmadaw was held responsible. In the remaining eight cases the perpetrator was unknown.

### Combat Zones

Distinguishing between combat zones and non-combat zones is difficult in Burma's eastern states as the lines dividing the two are intentionally blurred by both the Tatmadaw and NSAG groups. Fighting often erupts near villages in contested regions, placing civilians in grave danger. The clashes are typically short, and uncertainty regarding when and where they will occur breeds intense anxiety amongst villagers.

Few areas in conflict zones are completely safe, although certain places are more dangerous than others, depending on the administrative situation. For example, in black areas, which are predominantly controlled by NSAG's, Tatmadaw soldiers are given permission to shoot on sight.<sup>54</sup> Nevertheless, some villages in these areas tend to enjoy a degree of protection from local NSAGs and can be comforted by friendly patrols and relative autonomy. Brown areas are hotly disputed and subject to frequent attacks. Villagers in these areas see the most

54. Women's League of Burma (January 2000) Burma: The Current State of Women in Conflict Areas. Retrieved May 24 from <http://www.womenofburma.org/Report/TheCEDAWShadowReport2.pdf>



violence and are often forced to flee into the jungle for days and sometimes months at a time. White areas, where the Tatmadaw maintains authority, are least likely to experience fighting, but recurring raids by Tatmadaw soldiers and relocation programs trouble local communities.<sup>55</sup>

In *Bullets and Bulldozers: The SPDC Offensive Continues in Toungoo District*, KHRG documented several incidences of unprovoked attacks against children in places far from active battlefields. For example, in November 2006 in Tantabin Township, Karen State, a 16-year old boy was killed by Tatmadaw soldiers; the boy was harvesting rice in the fields near his village at the time. Two other boys were killed, one 16 and one 15, during a similarly unprovoked incident in Ma La Kohn village. During the Ma La Kohn raid another boy, 15 at the time, was seriously injured. None of these children had any connection with NSAGs in the area.<sup>56</sup>

Aside from direct assaults, children also suffer from indiscriminant attacks on their villages. Human rights documenters from Free Burma Rangers and journalists from the Democratic Voice of Burma recorded a number of cases of child killing and maiming that occurred as a result of such attacks. In June 2007, during a skirmish between the KNLA and DKBA, artillery shells were fired at Sit Hmudan Haung Asu village killing a young man and a three-year old child.<sup>57</sup> Neither of the non-state armed groups took responsibility for the deaths and both blamed each other for starting the fight. In another case a 13-year-old girl was wounded, in October 2007, when troops from Tatmadaw Division 88 shelled Hta La Ko village.<sup>58</sup> Six others were also injured during that attack.

In addition to being caught in the crossfire, individuals who are suspected of having links to rebel groups are often subjected to ill treatment and executed. Children, whose parents are allegedly associated with armed factions are harassed and abused. Village heads and other community leaders usually bear the heaviest burden and those found or even suspected of supporting non-state armed groups are subject to severe consequences. NCGUB's 2006 Human Rights Yearbook confirms, "Village headmen in ethnic areas also occupy a particularly vulnerable position within the state apparatus. Serving as conduits for SPDC control and exploitation; they are often held responsible for the conduct of their villagers, failure to report the activity of NSAGs in the area, or simply being unable to comply with unreasonable demands."<sup>59</sup> But the headmen themselves are not the only ones in danger; their children are also at great risk.

During interviews with two former village headmen, HREIB documenters discovered that children face harassment from authorities if their fathers hold authority within a village or town. In one case, two daughters of a former Chin community leader were repeatedly harassed and intimidated after their father fled to India. In the other case, a former village headman's son was tortured and killed for alleged involvement in an attack on a police camp. Both incidences occurred in Chin State, the former in early 2000 and the latter in 2005.

55. Human Rights Watch, Report (June 2005) They came and destroyed our village again. Retrieved April 14, 2008 from <http://www.hrw.org/reports/2005/burma0605/4.htm>

56. KHRG (November 2006) Naw S--- (female, 22), S--- village, Tantabin township, *Bullets or Bulldozers*.

57. Democratic Voice of Burma (June 2007) Two people killed during Karen rebel clash. Retrieved May 2, 2008 from <http://english.dvb.no/news.php?id=163>

58. Free Burma Rangers (October 2007) <http://www.freeburmarangers.org/reports/2007/20071029.html>

59. Human Rights Documentation Unit of NCGUB (2006) Human Rights Yearbook, p. 118



*On December 11, 2004 the Chin Integrated Army (CIA) ambushed the Tibual Police camp. I was the village headman at the time and the Burmese army suspected me of providing support to the CIA. A 3-Star Chin Military officer informed that I should leave Chin State, so I fled to Mizoram, but the [SPDC soldiers] arrested three of my sons on January 10, 2005. I then found out that while I was in Mizoram, my two eldest sons, who were married at the time, were transferred to Tibual Police Camp. My youngest son, Samuel was not transferred to Tibual, he was taken to Rih Military Camp. After that, Samuel was supposed to be taken to Tiddim, but on the way he was murdered near the Tio River by Captain Tin Myo Win and his troops of Burmese Army Light Infantry Battalion (LIB) 266.<sup>60</sup>*

*Khan The  
Father of Samuel The, Killed at age 17*

It is difficult to determine how many people actually support NSAGs in contested areas. Moreover, there are many different levels of support. For instance, in some villages in both Karen and Karenni states families directly support local NSAGs by providing one member to the armed group.<sup>61</sup> In other villages, however, the only connection villagers have to rebel armies is ethnic identity.

In efforts to intimidate local villagers and reduce support for NSAGs, Tatmadaw authorities have made blanket threats to entire communities. The Chin Human Rights Organization (CHRO) provided details of one such instance, “Colonel San Aung, Tactical Commander of Southern Chin State, in early December [2005] had reportedly issued a direct order to troops under his command to ‘eliminate’ anyone suspected of having contacts with Chin National Army.”<sup>62</sup> As a result of the above directive, a seventeen-year-old boy, Maung Yan Naing Soe, was killed.<sup>63</sup>

#### Tatmadaw Soldiers Harass Daughters of Village Headman\*

On August 25, 1999 Tatmadaw soldiers beat U Win—headman of a village, Matupi Township, Chin State. The beating was so harsh that he was unable to sit or stand for a long time. He spent seven days in the hospital and came to realize that if he did not want to be thrown back in jail he would have to flee his homeland. Late one night he escaped across the border to Mizoram State, India. Infuriated by the headman’s disappearance, Tatmadaw soldiers resolved to discover his whereabouts. They eventually traced his daughters to a boarding school in Matupi and soon after decided to go there and investigate.

Six gun-toting soldiers stormed into the girls’ room at the school one quiet evening in September 1999. The soldiers demanded to know where the girls’ father was,

60. HREIB Interview Case No. 77

61. HREIB Interview Case No. 30

62. CHRO, Rhododendron News, Volume IX. No. 1. (January-February 2006). Retrieved May 15, 2008 from [http://eng.chro.org/index.php?option=com\\_content&task=view&id=15&Itemid=15](http://eng.chro.org/index.php?option=com_content&task=view&id=15&Itemid=15)

63. Ibid.

\* HREIB Interview Case No. 66 and 67

threatening arrest and using verbal harassment when answers weren't forthcoming. Exacerbated after 30 minutes of interrogation, the soldiers finally left, but not before intense emotional damage had been inflicted. Both girls were so petrified by the soldiers' threats that they did not want to return to school.

As months passed without word from the soldiers, the girls relaxed and resumed their daily lives. However, while at home on Summer break in April 2000 their lives were again disrupted and thrown into disarray. Early in that month, the soldiers paid a visit to the girls' home and for a second time demanded to know where their father was. The girls once more refused to reveal any information, leaving the soldiers very displeased. Later in April, 11 soldiers forced their way into the girls' home at 11 pm. Again, they demanded to know where the girls' father was hiding. This time the soldiers smashed all the belongings in the house.

With their mother and other siblings, the girls eventually decided to join their father in exile in India in 2003. They came to Delhi in 2005 to seek refugee status from the UNHCR. The whole family, ten members, now stays in a crowded single room in a slum on the outskirts of India's capital. There is one toilet shared by 24 people. They want to return to their village, but cannot because it is too dangerous. The two girls now work mending dresses. They earn 1000 rs/month (\$25) for 10 hours of work/day, six days/week. Their father has Hepatitis B and cannot work anymore. He still complains of injuries incurred by the beating.

### Landmines

*On 19 November [2007], 13-year-old Saw K'Tray Soe detonated a landmine while gathering bamboo soot leaves to make a roof for his family's house. The mine blew up in his face, severely injuring his eyes and throat. His eight-year-old sister was nearby and was also injured by the explosion. The children are from Lay Kee village, on the border of Toungoo and Papun Districts, northern Karen State. The mine was laid by the SPDC two months ago during their activity in the Ta Ler Ker Ko and Kaw Daw Ko areas.*

*Free Burma Rangers Report  
December 5, 2007*

In more than 85 nations, both conflict-stricken and post-conflict, countless children are maimed and killed due to the presence of explosive devices such as landmines. In fact, globally, over a third of all casualties that occur as a result of landmines and other explosive remnants of war are children.<sup>64</sup> In Burma, extensive landmine contamination continues to plague children. Both state and non-state actors still deploy these deadly and

64. United Nations Special Representative of the Secretary-General for Children and Armed Conflict. (August 2007) Report of the Special Representative of the Secretary-General for Children and Armed Conflict.

indiscriminate devices. According to the International Campaign to Ban Landmines (ICBL) in 2006 and 2007 mines were laid in Karen, Karenni, and Shan states and Tenasserim division.<sup>65</sup> The injuries resulting from stepping on mines include blindness and loss of limbs. Such injuries are usually permanent and if sustained during childhood ultimately last an entire lifetime.

Although mines are not designed to cause death, many victims are killed as a result of stepping on/triggering them. The lack of emergency medical care facilities in conflict areas increases the chances of death or enduring trauma. The widespread use of landmines in civilian areas means that children remain vulnerable even while they are in relative close proximity to their homes. In fact, many children accidentally explode mines while performing routine activities around the community, whether collecting food and firewood in the forests on the outskirts of their villages or while playing games in fields after completing chores or school lessons.

Over the past few years several organizations, including the Free Burma Rangers, the Human Rights Foundation of Monland (HURFOM), KHRG, BPHWT, and various media outlets have documented cases of child mine victims. For example, on June 15, 2007 a Karenni news agency reported that a 13-year-old girl died after stepping on a mine that was placed underneath an electricity pylon.<sup>66</sup> The incident took place on May 29th, 2007 in Demawso township. In November 2007 the Free Burma Rangers reported that a 13-year-old boy and his eight-year-old sister were wounded by a mine in Lay Kee

65. Ibid.

66. Karenni Homeland, General News (2007, June) 13 year old Girl Killed by Landmine. Retrieved June 12, 2008 from <http://karennihomeland.com/NewsArticle.php?ContentID=79>

village, on the border of Toungoo and Papun Districts, northern Karen State.

There are still no systematic humanitarian mine clearance programs in Burma. According to ICBL there have been “sporadic military clearance and village demining” in years past, but these are not sufficient. Furthermore, Mine Risk Education (MRE) programs are limited by humanitarian access restrictions. Organizations that wish to provide MRE are often unable to reach the populations they wish to educate. The ICRC recently noted, “aside from posters distributed in areas of [Karen] state, lack of access to the mine-affected population led the delegation to suspend its mine-risk education programme.”<sup>67</sup>

#### 15 Year Old Girl Witnesses Attack \*

My name is Nar Dar. I am 16 years old. I have five siblings, and I am the youngest. I lived in Klay Hkee village until I was ten years old, but since then I've always been running and moving to the jungle.

We left our village because the soldiers came and attacked us. We stayed in Ta Mlaw Di village, then moved to Lay Gu Hta village for about a year. After that we went back to Klay Hkee village. In 2006 the soldiers came again, so we had to go back into the jungle. By that time, my mother had died from illness because of all the running around. I had to live in the jungle with my siblings for almost a year.

When I was ten years old, I had run into the jungle and the Burmese soldiers saw me. They shot at me, but didn't hit me. I was so scared. They followed me for so long, but I just kept on running and I hid. The Burmese soldiers had two groups – one stayed in front of us and one stayed behind us. We had to be very careful.

My sister's husband, Saw Par Der, was subjected to torture and killed by the soldiers. After they killed him, they killed his three month old son, Saw Lay. They destroyed all the houses in the village.

I was so shocked and scared. Everything that happened...was just so horrible. No one should have to go through what we went through.

When I grow up, I want to be a doctor and take care of my people.

67. ICRC (2006) Annual Report, Myanmar, p. 187. [www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/738D24/\\$FILE/icrc\\_ar\\_06\\_myanmar.pdf?OpenElement](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/738D24/$FILE/icrc_ar_06_myanmar.pdf?OpenElement)  
\* HREIB Interview Case No.20





## When I grow up...

*If I grow up, I want to be a soldier to fight and kill the Burmese soldiers as they did to my family.<sup>68</sup>*

*Saw Wei Eh  
Forced to Flee his village when he was 8 years old*

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68. Saw Wei Eh, son of Naw Pway Pway, HREIB Interview Case No. 14.





# Recruitment and Use of Child Soldiers





## Recruitment and Use of Child Soldiers

*Even though I had a gun, I still felt insecure*<sup>69</sup>

*Thiha*

*Former Child Soldier, Recruited at age 12*

*I told them that I was 16 years old and the soldiers said, '10 years old, no problem, 15 years no problem; we get money for recruits.' In the records they wrote that I was 18 years old. They didn't ask for any proof. They knew I was under 18, so they just wrote 18 and reported that to their senior officer.*<sup>70</sup>

*Mone Htang*

*Former Child Soldier, Recruited at age 16*

A report released by the Institute of Asian Studies estimated in 2007 that around one-third of the world's 300,000 or more child soldiers are recruited from Asia-Pacific nations.<sup>71</sup> That same report found the Tatmadaw to be the only government-affiliated armed force in the region actively recruiting combatants under the age of 18.<sup>72</sup> Indeed, children are still being recruited and used as soldiers by both the armed forces and non-state armed groups in Burma.

Evidence that the Tatmadaw forcibly recruits large numbers of children below the age of 18 is supported by first hand accounts from former child soldiers themselves, many of whom have testified that the majority of new recruits are children. One former combatant interviewed for this report alleged that 70% of the soldiers in his training batch at the Pinlaung military training facility were children;<sup>73</sup> another child who trained at the same facility a year prior alleged that 150 of the 250 trainees were underage, most between the ages of 11 and 12.<sup>74</sup> These allegations suggest the use and recruitment of children remains prevalent in Burma.

### The Tatmadaw

Burma has no prevailing external national security threats, yet the SPDC has embarked on a relentless campaign to expand the army's size and capacity. For over a decade Burma's top military leaders have tried to galvanize the strength of its fighting force, with plans to increase troop numbers to 500,000.<sup>75</sup>

As Burma's economic interests grow, particularly in natural resource extraction, there is a concurrent demand for greater troop accompaniment of infrastructure projects across the country. Larger troop numbers are required to provide protective services and sometimes the actual manual labor for the construction of highways, roads, railways and dams, which may be threatened by armed groups.

69. HREIB Interview Case No. 106

70. HREIB Interview Case No. 74

71. Institute of Asian Studies (2007) *Children Caught in Conflicts: The Impact of Armed Conflict on Children in Southeast Asia*. Bangkok.

72. *Ibid*

73. HREIB Interview Case No. 106

74. HREIB Interview Case No. 107

75. Selth, Andrew (2002), *Burma's Armed Forces: Power Without Glory*. Norwalk, CT: EastBridge, p. 79.



But, senior ranking generals do not have the capacity to achieve their goals. They seek to maintain an enormous fighting force, spending close to 40% of Burma's GDP on the military,<sup>76</sup> yet they still lack the financial means to sustain that force. As a result, commanders resort to recruiting children. In fact, children are regarded as attractive new recruits due to the long-term "investment" potential; they are also considered easy to indoctrinate and therefore easy to train.<sup>77</sup>

### Recruitment

*One morning I had to go to school very early and on my way I met two soldiers, the first one's name was Myo Htun Win, he was a Second Sergeant—one stripe on his arm badge—but I can't remember the other's name; they asked me, "Would you like to go to prison, die, or be a soldier?"*<sup>78</sup>

*Mone Htang  
Former Child Soldier, Recruited at age 16*

*One night, two of my friends and I came back from watching a movie at the village, on our way the recruiters took us. They brought us to one police station, after that they sent us to a recruiting center and asked us "Do you want to go to jail or do you want to be soldiers?" They explained that if we would serve in the army, we would just need to serve three years but if we chose jail we'd be imprisoned for five years.*<sup>79</sup>

*Thiha  
Former Child Soldier, Recruited at age 12*

Children throughout Burma continue to be recruited into the Tatmadaw. They are recruited while going to school or the market, while waiting for buses or trains, or simply while hanging out with friends. Recruiters use a host of methods to force and/or persuade children to join the army to fill gaps and meet quotas established by regional and national commanders.

The weak state of the Burmese economy means that many underpaid military personnel seek to supplement their incomes by recruiting under age children. The payment given to soldiers for recruiting children is well documented in Human Rights Watch's 2007 report *Sold to Be Soldiers* and statements from children interviewed by HREIB confirm the allegations found in HRW's report. One interviewee claimed that if a recruiter manages to enlist 5 new soldiers he can get upwards of 100,000 kyat.<sup>80</sup> Another former child soldier who was recruited at a train station in Rangoon mentioned that the soldier who recruited him received 4,000 kyat and a bag of rice. Still another former child soldier who was recruited at a bus stop alleged that the soldier received 9,000 kyat and five bags of rice.<sup>81</sup> Although the amounts vary from case to case, the evidence reveals an unambiguous incentive system for recruiters.

76. Human Rights Watch (October 2007), *Burma: Security Council Should Impose Arms Embargo*, <http://www.hrw.org/english/docs/2007/10/10/burma17066.htm>

77. HREIB Interview Case No. 110

78. HREIB Interview Case No. 74

79. HREIB Interview Case No. 106

80. HREIB Interview Case No. 74

81. HREIB Interview Case No. 109

Similarly, economic factors affect many children's decision to voluntarily join. After decades of unremitting mismanagement, the failing Burmese economy affords little opportunity to most of the population. Since impoverished families cannot cope with the costs of raising children, including school fees and healthcare expenses, enlistment is perceived as a way to alleviate their financial burden. Child volunteers are unaware that the actual salaries in the army are low and rarely disbursed on time or in the promised amount. One of the former child soldiers interviewed for this report stated that he and three other soldiers in his unit did not receive their salaries for months at a time; their wages, rather, were distributed sporadically throughout the five years they served.<sup>82</sup> Moreover, ambiguous rules about compulsory savings and hidden expenses for uniforms and equipment reduce actual earnings to a negligible sum.<sup>83</sup> In fact, one former child soldier reported that he was only able to take home about 10 percent of his 4,500 kyat monthly salary—the remaining amount went into a savings account and a charity fund for monks.<sup>84</sup>

### Training

*During my service as a police officer, we often had joint trainings with the army. I saw a lot of very young children [at these trainings]. Many of them were ethnic minorities...I felt a lot of pity for those kids, even though I'm Burman.<sup>85</sup>*

*Kyaw Moe  
Former Policeman*

*There were 250 trainees in each of the 6 divisions. I estimate that only 20 of those had volunteered to be soldiers, the rest were forced or deceived. I can't tell you exactly how many children there were, but I know there were 10 year olds, 11 year olds, and 12 year olds there. Really, as young as 10.<sup>86</sup>*

*Mone Htang  
Former Child Soldier, Recruited at age 16*

All the former child soldiers interviewed for this report recounted being at induction centers and sent to training facilities that contained many other children below the legal recruitment age. One former soldier explained that some of the trainees in his unit were not physically mature enough to serve as soldiers.<sup>87</sup> Despite the failure to meet height or weight requirements, trainees were still expected to engage in all regular training exercises and activities. Children are actually forced to work alongside their adult counterparts and face the same harsh disciplinary measures if they are unable to perform. If they have the temerity to complain about conditions, they risk being beaten for their insolence.

82. HREIB Interview Case No. 70  
83. HREIB Interview Case No. 109  
84. HREIB Interview Case No. 74  
85. HREIB Interview Case No. 73  
86. HREIB Interview Case No. 74  
87. HREIB Interview Case No. 111

Several former child soldiers complained of the poor living conditions during training. They cited cramped sleeping quarters and insufficient food provisions as two factors contributing to their dissatisfaction. They also lamented the arduous physical activities and expressed feelings of shame and inadequacy about not being able to meet the taxing demands of their commanders. Furthermore, many were forced to perform unconventional military training functions such as domestic work for ranking officers and road construction for state-sponsored enterprises.

*Everyday we woke up at 4 (sometimes 2 or 3) in the morning and were forced to run—they called it the “speedy run for health.” We ran until 6 am. Then we had breakfast, always fried rice with tea. Then we began training at 7 am. We had basic military training from 7 – 11 for one month. We learned how to stand at attention, how to turn left and right, etc. After the first month we learned how to use weapons, fixing them, taking them apart and putting them back together again. And also how to run. This lasted for around two weeks. We had lunch at 11—rice with vegetables, always, no meat. From 12 pm to 3 pm, we continued training activities (pretty much same as the morning). After 3 pm, we would repair roads, clear forests for planting mustard and other kinds of vegetables around the battalion until 5 pm. These were called the social activities. Sometimes we went to Shwebo town to clean the roads. They let us have a rest from 5 pm – 6 pm and then we had dinner. We always had meat for dinner. After training, we went to the military field and sang songs and listened to the experience of the officers, until around 11 pm.<sup>88</sup>*

*Mone Htang*

*Former Child Soldier, Recruited at age 16*

### *Civilian Army Trainings Organized by the Tatmadaw*

In order to muster support for their campaign against armed resistance groups, the SPDC tries to convince civilians to join forces with them. Using a combination of propaganda and scare tactics, Tatmadaw soldiers go into communities and hold “Civilian Army” trainings. At these trainings, local villagers are told about the immanent threat posed by counterinsurgents. They are instructed to resist such rebellious elements at all costs.

In February 2006 several senior officers from the Tatmadaw went to five villages in Falam Township, Chin State and demanded that the young men train in the civilian army. The Tatmadaw wanted the villagers to collect weapons and fight against the insurgents. The officers took 30 villagers and taught them basic military skills such as how to crawl on their elbows, how to patrol and how to prepare for an ambush. All the participants were forced to pledge allegiance to the Tatmadaw and renounce any connections with armed groups like the Chin National Army and the Chin Independence Army. The training took place at a public football field in Zongte Village.

88. HREIB Interview Case No. 74

*We had to be at the training at 8 am. Some people were late and they were beaten, but I came on time. If we couldn't follow our friends, the soldiers beat us with sticks. We had to keep up. I was never beaten though. Some of the people in the training were weaker than others and they were the ones who were beaten. I think some of the younger children were beaten because they couldn't keep up.<sup>89</sup>*

*Khua Uk Lian, CNF Central Committee Member*

Below is a letter that was sent to a village chairman regarding a 'People's Militia training':

2 January 2005

To: Chairman, Sheh Htaung village  
Subject: To send trainees for the People's Militia.

We are going to conduct the People's Militia training on 3<sup>rd</sup> January' 2005 to 4<sup>th</sup> January' 2005 in Lay Let village so we demand that you send us all the men between sixteen years old and forty years old from your village to attend the training at Lay Let village and they must arrive tonight with the needed rations and percussion lock firearms each and every one must bring a five foot sharp straight mangrove tree spear.

(Signed)  
Major Win Htut  
Infantry No. (260)  
Lay Let villages

### Deployment

*On the way [to the frontline], there was a food shortage; we didn't have enough to eat, we were starving. During the shortage, we just drank water; nobody came to give us food in the jungle and the other soldiers who were sent to bring us new supplies were delayed about five days. Sometimes we ate banana plants and eastern gooseberries.<sup>90</sup>*

*Kyaw Zin  
Former Child Soldier, Recruited at age 14*

89. HREIB Interview Case No. 79  
90. HREIB Interview Case No. 109



I saw so many people die right in front of me and I was full of anxiety. I couldn't stop thinking about when my turn to die would be. When we attacked and we won, I was happy but I felt devastated if our comrades were killed. The conflict images are still a nightmare for me.<sup>91</sup>

Thiha

Former Child Soldier, Recruited at age 12

Children on the frontlines of Burma's civil war are exposed to war crimes and other crimes against humanity such as rape, torture, arbitrary executions, theft and arson. Often, child soldiers are forced commit crimes themselves, against civilians accused of supporting rebel groups. HREIB interviewed one former child soldier who confessed to torturing villagers; he said that he would have been severely disciplined if he did not obey his superiors.<sup>92</sup>

When child soldiers are not engaged in active combat, they are obliged to dig trenches, patrol villages, and perform domestic duties at their commanders' homes. Away from their families and friends for the first time, they experience both loneliness and depression. One former child soldier who served with Light Infantry Battalion No. 7 under Major Aung Kyaw recounted intense feelings of isolation because while he was in the army he was barred from contacting his family.<sup>93</sup> Many child soldiers are prohibited from contacting their friends and family or even returning home on leave.

In addition to being exposed to conditions that lead to devastating emotional trauma, child soldiers are also exposed to diseases and illnesses like malaria, dysentery, and diarrhea. One former child soldier who served with Infantry No. 135 at Hpa Saung, Karenni State, under Captain Aung Aung reported coming down with malaria; yet he was still forced to perform his daily functions as a personal assistant/servant for his commander.<sup>94</sup>

### Desertion and Demobilization

*If I didn't obey them [commanding officers], they would beat me, they were higher ranking. So, I started thinking about ways in which I could flee...But, I was afraid. If I managed to escape, I figured the authorities would harass my relatives, maybe even arrest them...[I eventually decided to go] to Mizoram, India... I stayed in Lawng Tlai Town (third biggest in Mizoram State) for two years working as a tree/wood cutter in the jungle. Then I went to Aizawl (Sihmui Village on the Airport road) and stayed there for another two years working as a sand worker, collecting sand and loading it on trucks. I got married in Mizoram. I tried to go back home after I got married, but my brothers told me not to go back because our parents may be arrested. I saved some money and people told me to go to Delhi because the UNHCR is there and they could help. Finally, I arrived in Delhi. I've been here for three months, and I*

91. HREIB Interview Case No. 106

92. Ibid

93. HREIB Interview Case No. 108

94. Ibid





*start working tomorrow for the first time here. I don't know what I'm doing yet (something with iron), we'll see tomorrow.<sup>95</sup>*

*Mone Htang*

Former Child Soldier, Recruited at age 16

Many children choose to desert from the Tatmadaw. Although desertion may lead to freedom from the army, children must take many risks into consideration before they decide to flee; risks include arrest, detention, and even torture.<sup>96</sup> There is no formal disarmament, demobilization and reintegration (DDR) program for child soldiers in Burma and few opportunities outside the country. In fact, children who express a desire to leave military service are often scolded and told that if they wish to leave, they must find one or two recruits to replace them. Moreover, children have to take their families' future into consideration because officers may target and punish them.

Child soldiers who flee the army have few prospects in civilian life and have to abandon the small safety net that rations from the military provide. Often alone in unfamiliar territory, deserters have few choices. They can try to make their way back home, they can try to start a new life in a new city in Burma, they can flee to IDP camps along the border, or they can emigrate to bordering countries. If they choose to try and make it back to their homes they risk arrest. If they make it to the border areas, they face an uncertain future in IDP camps with slim chances of reuniting with their family. If they make it to another country, they face a host of other problems.

*One of my friends was shot and killed as we were crossing the river into India. My other friend and I managed to get to Chapi Village, which is on the border of Mizoram State—we were carrying our friend's body. We buried the body with the help of the CNA. I eventually made it to Aizawl, but stayed in Lunglet first.<sup>97</sup>*

*Thar Gyi*

Former Child Soldier, Recruited at age 11

All of the former child soldiers interviewed for this report decided to leave Burma. In their new environments they continue to encounter numerous challenges: they do not speak the local language, they have few friends or family members—if any—they have few opportunities for work and they have difficulties securing food and shelter for themselves. They also run the risk of capture and refoulement by authorities in the countries where they flee. Despite such challenges, interviews with migrant workers and activists in exile confirm that former child soldiers continue to escape across borders. For example, the former chairman of a local NLD chapter in Falam District, Chin State, described his encounter with four former child soldiers who had fled to Aizawl, Mizoram State in January 2008. The children were aged between 15

95. HREIB Interview Case No. 74

96. Ibid

97. HREIB Interview Case No. 70







and 16 and all from a small village in Falam Township.<sup>98</sup>

Parents who are aware of Burma's laws and policies and try to claim their children from recruitment centers or training facilities also encounter challenges. They are confronted with varying obstacles, ranging from outright denial to threats against them or their children. Some parents who move forward with complaints are treated with contempt or completely ignored. In other cases, parents who have gone to recruitment centers to seek release for their children are told to leave without even being given the chance to visit their child.<sup>99</sup> Other parents are completely deceived and told their children were never recruited.<sup>100</sup> Despite domestic law being on the side of parents whose children fall prey to unscrupulous officials, attempts to invoke the law is an arduous, and often ineffective process.

### Non-State Armed Groups

In recent decades, the SPDC has managed to sign cease-fire agreements with nearly all the non-state armed groups. Still, the military feels the need to maintain a significant fighting force to monitor and control areas along the ceasefire lines, and sometimes beyond them as well. In Mon State for example, the Tatmadaw is still active inside the ceasefire zones where splinter factions, like the Hongsawatoi Restoration Party and the Mon Peoples Protection Army, disgruntled with the signing of the ceasefire accord, continue to fight. In non-ceasefire areas the military continues to implement the "Four Cuts" policy so as to erode support for insurgents; the policy ensures an increased troop presence in areas where insurgents are still operational. In these areas, like Karen and Karenni States, the army is still engaged with rebel forces that refuse to sign agreements.

Though many, if not most, non-state armed groups have children in their ranks, it is difficult to address the issue of underage recruitment because access to these groups is limited. Moreover, NSAGs are not included in international policy making decisions and so many do not feel obligated to adhere to agreements found in UN conventions and treaties. Nevertheless, engagement is crucial and can lead to significant changes in both NSAG policy and behavior. HREIB researchers interviewed former child soldiers from two NSAGs (KNPLF and KNDA) and met with leaders from three others (KIA, CNF, KA).

Children who join NSAGs usually do so for vastly different reasons than children who join the Tatmadaw. Many children who voluntarily enlist with opposition groups resent the Tatmadaw and are determined to take revenge against soldiers who attacked their villages. Others, however, are recruited to fill quotas in groups that fight alongside the Tatmadaw. Some recruits are dejected youth who have few options at home and seek a sense of belonging in a group.

*My friends convinced me to come here. I decided to become a soldier to fight the Burman soldiers. They come to our village, drink a lot, and take people away as*

98. HREIB Interview Case No. 69

99. HREIB Interview Case No. 106

100. HREIB Interview Case No. 111



*porters and as fighters for the front lines. They also use Kachin prisoners on the front lines.<sup>101</sup>*

*Gam Gam*

*Attempted to enlist into the KIA at age 14*

*I stopped my studying because I don't want to go school anymore and I had no friends...I want to be a soldier and I want to carry a gun. I also love the uniforms... Sometimes I want to go back home and see my mother, but I know I belong here. I don't want to go to school again. I have so many friends here and I love being here.<sup>102</sup>*

*Brang Ja*

*Attempted to enlist into the KIA at age 13*

### *Kachin Independence Army (KIA)*

*I want to fight the Burmese soldiers and stop their military control. I want to free my people and to make Kachin State independent.<sup>103</sup>*

*La Htung*

*Attempted to enlist into the KIA at age 15*

Before the cease-fire between the Tatmadaw and Kachin Independence Army (KIA) in February 1994, some young people under 18 were recruited or joined the KIA voluntarily; however, since the ceasefire, the KIA claim they have not allowed anyone under 18 to join.<sup>104</sup> There is still no monitoring mechanism in place to verify this claim, though. Despite leaders being aware of the policies set in Optional Protocol to the CRC, the KIA still lacks a clear policy establishing a minimum age for recruitment, and in some cases young people have secretly joined. KIA generals report that it is hard for the authorities to check the real age of new volunteers due to the lack of ID cards and/or birth certificates.<sup>105</sup> Currently, there are some young people under 18 at KIA headquarters, but they are sent to school. HREIB researchers interviewed six children between the ages of 13 and 15 who tried to join the KIA between November 2007 and January 2008. All six aspiring soldiers were rejected entry into the KIA, but allowed to stay in Laiza (KIA headquarters) to continue schooling.

The leaders of the KIA and KIO have agreed to study the Deed of Commitments signed by the KNU and KA and consider signing a similar agreement. They also welcomed a child rights training program and requested HREIB to provide child rights sessions in their Military Academy every year.<sup>106</sup>

101. HREIB Interview Case No. 93

102. HREIB Interview Case No. 88

103. HREIB Interview Case No. 90

104. HREIB Interview with General Gwa To, KIA

105. Ibid

106. HREIB Interview with Gernal Gwa To, KIA

*Chin National Army (CNA)*

*We have a clear policy that we don't accept soldiers under 18. Some 16 and 17 year old boys come to volunteer with us, but we sent them back to their parents. This happened in 2000-2001. We told them to come back when they're 18. It [this child soldier issue] is very popular in the international community. We want kids to be in school or with their parents.*<sup>107</sup>

*Khua Uk Lian  
CNF Central Committee Member*

Until 1997 the Chin National Army did not have a policy restricting the recruitment of children. Anyone who wanted to join were allowed.<sup>108</sup> However, in 1997 during the second conference of the Chin National Front (CNF), the CNA adopted a Military Code of Conduct clearly stipulating that anyone under the age of 18 is not allowed to join the army, even on a voluntary basis. CNF leaders claim that the CNA no longer accepts anyone under 18. HREIB researchers were unable to confirm the leaders' declaration.

*Karenni National People's Liberation Front (KNPLF)*

*The KNPLF (Karenni National People's Liberation Front) soldiers promised me a happy life if I went with them. I was very young at the time and didn't know what they were about so I followed them. My parents knew how bad it was for me to go with them but knew that if they told me the KNPLF would ill treatment them. I was thirteen when I was recruited in 2005...I was beaten by Major Kyaw Soe once because I made a mistake while cutting bamboo. He beat me three times on my back with a stick and kicked me. My nose was swollen and bloody. When the KNPLF soldiers went to the villages, they would steal from the villagers and ill treatment them also. They would ask the villagers if they wanted to become soldiers for the KNPLF, and if the villagers refused, the soldiers would beat them.*<sup>109</sup>

*Kar Reh  
Former Child Soldier, Recruited at age 13*

The KNPLF, a group that seceded from the Karenni Nation Peoples Party (KNPP) in 1978, fights together with the Tatmadaw against the Karenni Army (KA). Child soldiers can still be found amongst their ranks. HREIB interviewed one former child soldier who served with the KNPLF and another former child soldier who fought alongside the KNPLF with the Tatmadaw in Mawchee, Karenni State. The latter noted that 35 of the 100 soldiers that were involved in the repeated attacks against the KA were KNPLF soldiers under 18.<sup>110</sup>

107. HREIB Interview with Mr. Khua Uk Lian, CNF

108. HREIB Interview with Mr. Thang Yen, CNF

109. HREIB Interview Case No. 105

110. HREIB Interview Case No. 107

*Karenni National Democratic Army (KNDA)*

*I had been to the frontlines about fifteen times without any training in my life as a KNDA soldier. We had to patrol for information and find out if there were enemies at particular villages. If we saw the enemies, we were supposed to kill them at once.<sup>111</sup>*

*Thar Reh*

*Former Child Soldier, Recruited at age 12*

*When I was in our village, I often forced to porter at the KNDA camp, which is very close to our village. The KNDA camp is also very close to the highway but it was destroyed by the KNPP after they attacked near our village. That's why the KNDA called porters to build their new camp on the mountain. Their destroyed camp was at the bottom of the mountain and they moved to the top of the mountain. There were about hundred porters forced to build their new camp. I was one of the porters. They called both men and women, including children. The youngest porters were just thirteen years old and the oldest were about fifty years old. I was fifteen years old at that time in year 2005.<sup>112</sup>*

*Ko Reh*

*Forced to Porter at age 15*

The KNDA is another group that split from the KNPP and like the KNPLF is now used as a proxy army by the Tatmadaw to fight against the KA.<sup>113</sup> HREIB interviewed one former child soldier who served with the KNDA. He was persuaded into joining the KNDA with offers of money and support for his family in 2004 in Loi Kaw District, Karenni State. While on the frontlines he learned how to use small arms like AK-47s and M16s, but remained afraid to use the weapons to kill. He served alongside approximately 50 other child soldiers, including some who were only 11 years old.

*Karenni Army (KA)*

*We, the representatives of the Karenni National Progressive Party (KNPP) and the Karenni Army (KA)...condemn the use and recruitment of children as soldiers.*

*KNPP Deed of Commitment*

The Karenni Army, the armed wing of the Karenni National Progressive Party (KNPP), is one of the main groups that continue to fight against the Tatmadaw. Though rights monitors discovered child soldiers in KA ranks in the past, recent developments are positive. In April 2007 the KNPP and KA signed a Deed of Commitment, pledging not to use or recruit anyone under the age of 18. The KA has also shown willingness to partake in child rights trainings organized by HREIB. In March 2008, several KA commanders participated in one such training.

111. HREIB Interview Case No. 104

112. HREIB Interview Case No. 99

113. Burma Issues (March 2005) Beyond the Fighting Nyar Moe. Retrieved April 13, 2008 from <http://www.burmaissues.org/En/Newsletter/BINews2005-03-02.html>



HREIB documenters interviewed General Aung Mya. The general confirmed that the KA has a policy restricting underage children from voluntary service in the army. He claimed that any child who wants to be soldier is forced to return to school. The general also alleged that there was no incentive system for recruiters.

Implementation of the Deed of Commitment is problematic because a plan of action has yet to be prepared. Additionally, there is an enormous gap between the Karenni leaders and the on-the-ground commanders. In fact, during interviews with several mid-ranking officers of the KA, it became apparent that some commanders still do not fully understand the definition of a child soldier (in that it encompasses all children who are apart of armed groups—not just active soldiers) and many officers still do not know that the KA has signed a deed of commitment regarding child soldiers. More trainings and awareness-raising activities need to be conducted.

*Karen National Liberation Army (KNLA)*

According to Saw Leh Pe, a former Karen policeman, KNLA soldiers still visit Karen families and if the family has two or more sons, one of them has to become a soldier, for life. If that son dies, then the other son has to replace him. Some of those children are reportedly under-18. However, on March 4, 2007 KNU leaders signed a deed of commitment, pledging that its armed faction, the KNLA, will not use child soldiers.



## When I grow up...

*I was so shocked and scared. Everything that happened was just so horrible. No one should have to go through what we went through. When I grow up, I want to be a doctor and take care of my people.*<sup>114</sup>

*Naw Dar  
Shot at by a Tatmadaw Soldier when she was 15 years old*

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114. HREIB Interview Case No. 20





# Rape and other forms of grave sexual violence



## Rape and other forms of grave sexual violence

Decades of internecine conflict in Burma have created an environment in which children, particularly young girls, face the threat of rape and other forms of grave sexual violence. Yet, despite the prevalence of sexual abuse against children, of the six categories of violations that must be monitored according to UNSC Resolution 1612 it is perhaps the most difficult to document. Victims of sexual violence, especially children, are often reluctant to speak about their experiences because of overwhelming feelings of shame and fear. Such experiences engender immense psychological trauma, propelling abused children into prolonged periods of isolation.

Due to the sensitivity surrounding the documentation of rape and sexual violence, documenters need to be patient and cautious when recording narrative accounts. They must go beyond eliciting specific details of the incident and foster special relationships built on trust and compassion. Additionally, they need to be acutely aware of and responsive to the heightened cultural sensitivity surrounding issues of sexuality. Many grassroots women's organizations have the trained staff and skilled documenters to carry out such interviews with victims of sexual violence in Burma. These organizations, including the Shan Women's Action Network (SWAN), the Karen Women Organization (KWO), and Women's League of Chinland (WLC), have deep-rooted bonds with women and young girls in the communities they work in.

Below is a chronological list of reports written by the various women's and human rights organizations over the past five years. These reports detail 423 cases of rape and sexual violence. Of those, an astonishing 31 percent, or 133 cases involved children. In the Women's League of Burma's (WLB) 2004 study, *System of Impunity: Nationwide Patterns of Sexual Violence by the Military Regime's Army and Authorities in Burma*, over half of all the documented cases were children.

Title	Author (s)	Date Published	No. of Cases	No. of Child Cases
License to Rape: The Burmese military regime's use of sexual violence in the ongoing war in Shan State	SHRF & SWAN	May, 2002	173	76
Shattering Silences: Karen Women speak out about the Burmese Military Regime's use of Rape as a Strategy of War in Karen State	KWO, CIDKP, KIC, KHRG, and the Mergui Tavoy District Information Department	April, 2004	125	20
System of Impunity: Nationwide Patterns of Sexual Violence by the Military Regime's Army and Authorities in Burma	WLB	September, 2004	26	14



Catwalk to the Barracks: Conscription of women for sexual slavery and other practices of sexual violence by troops of the Burmese military regime in Mon areas	Woman and Child Rights Project (Southern Burma), in collaboration with Human Rights Foundation of Monland (Burma),	July, 2005	37	11
State of Terror: The ongoing rape, murder, ill treatment and forced labour suffered by women living under the Burmese Military Regime in Karen State	KWO	February, 2007	24	7
Unsafe state, State Sanctioned Violence Against Women	WLC	March, 2007	38	5

These reports share numerous consistencies, exposing clear trends and patterns of abuse. For example, the cases indicate that most of the violations were committed by members of the Tatmadaw and occurred on or near military bases. The reports also indicate that adolescent girls are particularly vulnerable to rape and sexual violence; many of the victims under 18 were around 15 years old at the time of the incident. However, young girls are often victims as well. The youngest documented case was that of 5-year-old girl who was raped in her home in Shan State.<sup>115</sup>

Although the reports do not focus on children, it is possible to discern certain consequences that disproportionately affect them. For example, the reports reveal that the rape of minors is often of a more violent nature than that of older women. Their physical immaturity affects the severity of abuse, and in a number of cases the victim has died as a result of acute bodily harm.

## Rape and Conflict

A case documented by the Human Rights Foundation of Monland and the Women and Child Rights Project -Southern Thailand details the rape of a 14 year old girl in Mon state. In 2004, in the state capital Moulmein, SPDC battalions from Tenasserim Division held a joint military operation. Under this operation military officers went into every village in Ye Township to monitor rebel activities, including the girl's home village. They arrested and raped the 14 year old accusing her of knowing of her father's contact with Mon Rebel groups.<sup>116</sup>

115. The Shan Human Right Foundation and The Shan Women's Action Network (May 2002) License to Rape: The Burmese military regime's use of sexual violence in the ongoing war in Shan State.

116. Hurfom, WCRP (July 2005) Catwalk to the Barracks . Retrieved May 14, 2008 from [http://burmalibrary.org/docs3/Catwalk\\_to\\_the\\_Barracks.htm](http://burmalibrary.org/docs3/Catwalk_to_the_Barracks.htm)

Documented cases show that the rape of young girls is used as a tactic by the SPDC to suppress and prevent the expansion of NSAGs. The following example demonstrates that military officers use rape for this purpose, and do so without obscuring the motive behind their crimes. In June 2005 battalion commander identified as Lt-Col Toe Myat and his men surrounded the twin villages of Jani and Ah Pawday in Shan State where villagers were accused of supporting the Shan State Army. In the afternoon, 14 year old Ah Sha was raped by the commander in front of her parents. After the incident everyone in the villages received a warning: "If there is any failure to inform (the Army) about the rebels' movements, you are going to witness more excesses from us."<sup>117</sup> Many men are less likely to join or continue to support opposition groups if they fear their daughters or sisters will become the victims of rape as a consequence of their own political activism or allegiance with their ethnic military group.

Girls are not the only victims of rape in Burma. There are documented cases of young boys being sexually abused in conflict zones, as well. In one such case, Ziabul Haque, aged 15, was sodomized by SPDC soldiers while crossing a border security outpost and taken to a nearby hillside. His family later found him dead in a narrow stream. A doctors report confirmed the sexual abuse and also noted that the boy was strangled to death. Ziabul's family believes he was killed in an attempt to prevent the rape being reported to the police.<sup>118</sup>

Evidence suggests that sexual crimes committed against children have become institutionalized and accepted as a weapon of war in Burma. A large number of the documented cases occurred at military bases. For instance, in June 2005 17 year old girl was conscripted to work in the battalion of LIB No. 31. Her and several other women were forced to cook meals, give massages and entertain the soldiers. Several soldiers and officers raped the women and girls during their stay.<sup>119</sup>

In 2003, the No. 3 Tactical Command led by Myo Win, arranged a beauty contest to take place on July 4th in Mon State. He ordered 15 villages to provide young girls for the contest. Some of those selected were under 18. They were subjected to sexual molestation and humiliation whilst being forced to parade up and down a catwalk in front of military officials. The selection process of the beauty contest resulted in many young girls leaving their villages fearing they would be chosen to participate and become victims of sexual violence.<sup>120</sup>

### Impunity

*I heard a lot about rape and sexual abuses happening in the ethnic areas. There was this one time in 2004 when I was based in Falam Township, Chin State in Light Infantry Battalion 269 that I found out that Captain Aung Kyi Myint raped a woman.*

117. Shan Herald Agency for News. (August 18, 2005) Still no signs of outlawing license to rape. Retrieved May 24, 2008 from <http://www.burmanet.org/news/2005/08/page/5/>

118. Kaladan News (October 30, 2007) Youth sodomized and strangled in Maungdaw. Retrieved July 13, 2008 [http://bnionline.net/index.php?option=com\\_content&task=view&id=2930&Itemid=6](http://bnionline.net/index.php?option=com_content&task=view&id=2930&Itemid=6)

119. WCRP, Hurfom (September 2005) The Plight (p. 5)

120. Women and Child Rights Project – Southern Burma (July 2005) Catwalk to the Barracks (p. 15)

*The woman actually came to our police department to report the rape and seek justice, but we couldn't do anything about it. At the police department, we can't do anything to punish the soldiers. Sometimes the soldiers shoot people, but still we can't do anything because the soldiers say that they're just "shooting the enemy." There aren't sufficient laws that we can use. A rape case is considered very minor. Also, all too often soldiers threaten rape victims, making them afraid to disclose their experiences.<sup>121</sup>*

*Kyaw Moe  
Former Policeman, Shan State*

The Tatmadaw appears to legitimize rape and other grave forms of sexual abuse. The fact that rape occurs on military bases with the complicity of authorities suggests that an environment of total impunity has been established in conflict areas. High-ranking officers rape children in front of lower ranking officers, thus giving sanction to sexual abuse.

Moreover, perpetrators were not prosecuted in any of the documented cases. In fact, attempts to report crimes were ignored by military officials and often dismissed by local authorities, even in cases in which the attackers' identity was known. For example, after 8 year old Ma Nang Kon was brutally raped by Private Soe Win, a local commander presented Ma Nang Kon's family with 50, 000 Kyat, 3 sets of clothes, 2 pounds of dried cake and a teddy bear as compensation, claiming that the army could not be held responsible for the rape of their daughter as Private Soe Win had fled from the army.<sup>122</sup>

Those who report incidences of rape and sexual abuse face severe consequences for doing so. For instance, the morning after two Tatmadaw army soldiers raped Aung San Hla's sister, he went to the police station and attempted to file a case against the perpetrators. As soon as news of the report reached Army Headquarters, two soldiers went to Aung San Hla's home and arrested him.<sup>123</sup> His arrest is indicative of one reason why cases of sexual abuse go unreported: fear of reprisal.

Military commanders also conceal sexual crimes committed by soldiers in efforts seemingly to protect those responsible. In one case, after Corporal Naing Naing raped a 17-year old girl in Wae Ka Li Village, near Thanbyuzayat, Mon State, his superior did launch an investigation. The girl's father and the village headman reported the rape to the commander of the military training center where he was based, but they were forced to sign documents retracing the accusation. Nothing further was done.<sup>124</sup>

121. HREIB Interview Case No. 73

122. Women's League of Burma (September 2004) System of Impunity (p. 15)

123. The Rakhaing Lens Newsletter, Issue No. 6 (March 2003) published by Rakhaing Women's Union (RWU)

124. The Rakhaing Lens Newsletter, Issue No. 6 (March 2003) published by Rakhaing Women's Union (RWU)



Victims of rape lack an impartial and just legal system from which they can seek justice. This not only means that rape victims will never receive the justice, but also cements in the mind of the perpetrators the knowledge that they will not be prosecuted for committing these types of crimes.

### Effects of Rape

There are both physical and psychological consequences of rape and sexual violence; in Burma these effects are exacerbated by the lack of access to healthcare services. Physically, girls may be subject to uncontrolled bleeding, internal injury, sexually transmitted infections and gynecological complications. Psychologically, child victims may endure nightmares, loss of sense of self worth, paranoia, and intimacy issues as they mature into adulthood. Counseling is extremely limited and children who suffer from post-traumatic stress disorder and situational depression typically do not get the help that they desperately need. In severe cases children have been unable to physically recover from the rape and have consequently died.

A 13-year-old girl, Nang Ung, from Shan State was detained and raped by Tatmadaw troops after being falsely accused of being a rebel. She was tied up in a tent for 10 days and gang raped everyday. Nang Ung subsequently died from the injuries she sustained a few weeks after she was released.<sup>125</sup>

Beyond the impact that rape has on the individual, sexual violence produces profound problems penetrating the social fabric of the victim's community. In many ways that

violence leads to the fragmentation of families and communities alike.

### Stigmatizing Victims of Sexual Violence

Victims of sexual violence in both rural and urban areas of Burma endure suffering that extends far beyond their immediate painful experiences. Many young girls are stigmatized and can be blamed for being raped.<sup>126</sup> Such stigmatization drives some victims and their families from their homes and communities. Girls who live with stigmatized identities often find it difficult to marry, forcing some victims to leave their homes and rebuild their lives elsewhere. In other instances young women are left to deal with unwanted pregnancies and face the hardship of being a single mother. Young expecting mothers are additionally burdened by their age and relative inexperience.

125. Hurford, Report Part I: Rape as a Weapon to Win War (December 31, 2003) Retrieved April 16, 2008 from [http://www.rehmonnya.org/allwcrp\\_detail.php?id=19](http://www.rehmonnya.org/allwcrp_detail.php?id=19)

126. Women and Child Rights Project – Southern Burma (July 2005) Cat walk to the Barracks (Case 30)





## When I grow up...

*It is very difficult for me to talk about these experiences because it is so upsetting. I get so angry with the soldiers that it scares me. I hate what they did. I want to attend Bible school if I finish my studies.<sup>127</sup>*

*Naw Kyi Kyi  
Her village was attacked when she was 11*

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127. HREIB Interview Case No. 46





# Abduction



## Abduction

*In our village, we had to struggle for our daily survival because of economic hardship. We had a lot of trouble [because] the SPDC soldiers would often come and bother us. They would abduct the young girls and other villagers and use them as porters. I myself was made to be a porter three times. I remember carrying very heavy loads of bullets and rice from village to village.<sup>128</sup>*

*Shee Meh*

*Abducted and forced to porter 3 times at ages 15 and 16.*

Abduction is a crosscutting, multidimensional human rights issue; it is not only a violation in and of itself, but also a precursor to other violations. In conflict-affected areas in Burma children are abducted for a variety of reasons, whether to satisfy recruitment quotas for the Tatmadaw, to satiate sexual desires of their captors, or to fill a void in the workforce. The complexity surrounding this particular infringement of child rights underscores the necessity to evaluate both the conditions driving abduction and the ways in which children are exploited after being seized.

### Typical Abduction Locations

Information collected during extensive HREIB interviews along with documentary evidence from other human rights monitors reveal some trends in the places where children are typically abducted in Burma. In urban areas, for example, children face tremendous risks in crowded locations such as transit hubs (e.g. train and bus stations). Often children working as vendors or beggars at these busy locations are abducted by military related personnel, sent to army induction centers and formally recruited into the Tatmadaw. The risks for children are compounded when they are unaccompanied by adult supervisors.

Markets are another common crowded location from which children disappear, often in the evening or at nighttime. Children working at markets to support their family and young students shopping for groceries may be seized by authorities and taken to recruitment centers. In one such case, a fifteen-year-old boy was abducted and sent to the Danyingon military collection camp.<sup>129</sup> Two unknown people seized the boy, Mg Khin Maung, late in the evening on September 17, 2003, at Mekwat market in Hlaingthaya District, Rangoon.

In the countryside the dangers for young children are no less prevalent than in the cities, however, trends in typical abduction locations are somewhat different. For instance, in rural areas children are often abducted while they are on the way to/from their homes or schools. They are picked up along desolate roadsides rather than bustling bus stations. Children in these

<sup>128</sup>. HREIB Interview Case No. 95

<sup>129</sup>. Yoma3 (2004) Cited Human Rights Documentation Unit of the NCGUB 2003/4, Ch 6 <http://burmalibrary.org/docs/HRDU2003-04/Rights%20of%20the%20child.htm>



areas are also typically apprehended in broad daylight from the fields where they work. Unlike in cities where children are rarely taken in the presence of parents, in rural villages the fact that a father or mother is in the vicinity may be irrelevant.

Abductions in rural areas commonly follow skirmishes or attacks. In one such incident, two young children, a girl aged 5 and a boy aged 3, were captured after the Burmese army attacked a village in Toungoo district in Karen State.<sup>130</sup> Soldiers from Tatmadaw Division 66, TOC 662 abducted the two children on November 22, 2006 along with several other villagers, however the two children were held captive even after the rest of the abductees were released.

Schools constitute yet another place where Burma's children are at risk of being abducted. For example, in the early months of 2006 several gun-toting soldiers entered a village in Falam Township, Chin State and abducted twenty-two high school students, fifteen of whom were between 15 and 17 years old. The students were taken to a recruitment center in Kalay Township, Sakaing Division and forced to listen to lectures exulting the military and the opportunity they were being given to serve their country. They were held there for four months, in prison like conditions, before they managed to escape.<sup>131</sup>

#### Abduction Practices

The main technique employed by military recruiters and police officers is the threat of arrest. Authorities may accuse children of committing some minor offense, such as loitering or truancy, and threaten to put them in jail. Such intimidation illustrates how authorities take advantage of the law and exploit children's vulnerabilities.

#### Abduction and Child Soldiers

*After my mother died, my sister, who was working in Rangoon at the time, called me to come and live with her. On the way [from Patheingyi, Irrawaddy Division] I was abducted at Da Ngin Gong, Rangoon Division. I was waiting for a bus and some soldier came up to me and asked if I wanted to drink some tea with him. I told him that I wasn't interested. He forced me to come and talk with him anyway—I didn't know who he was, but he had three stripes on his shoulder and was with two other soldiers. While we were having tea, the main soldier ordered the two other soldiers to take me to get my hair cut. So right then and there they took me to the barbershop next to the teashop. This was at around 7 pm. At 9 pm they took me to Mandalay and locked me up.<sup>132</sup>*

*Thar Gyi*  
*Former child soldier, abducted and recruited at age 11.*

<sup>130</sup>. Free Burma Rangers (December 2006) Burma Army Attacks Against the Karen People in Northern Karen State, Eastern Burma. Retrieved May 25 from <http://www.freeburmarangers.org/Reports/20061212.html>

<sup>131</sup>. HREIB Interview Case No. 72

<sup>132</sup>. HREIB Interview Case No. 70



A comprehensive look at the recruitment of child soldiers—which can be found in the Child Soldier chapter of this report—reveals how abduction plays a fundamental role in this process, often preceding formal induction or initiation into the armed force or armed group. Abduction in this context is often described as a part of the recruitment process itself, but for purposes of monitoring and reporting child rights violations according to UNSC Resolution 1612, it should be considered as an independent violation of rights.

One child interviewed for this report, who was recruited at the age of 16, described how two soldiers approached him while he was on his way to school. The boy, Mone Htang, was living in Mandalay at the time and attending school five miles away from his home village. He had to wake up very early in the morning in order to walk the long distance to school and still make it in time to complete his chores before classes started. When the soldiers arrived, they presented Mone Htang with an ultimatum, forcing him to choose between joining the army, going to jail, and death. Mone Htang said “I was afraid of the soldiers, so I decided to join with them and go to Mandalay.”<sup>133</sup> He was eventually transferred to Namaka, Northwest Command where he was locked up for one week before sent to a rigorous training program.

The ultimatum that the soldiers used to convince Mone Htang into coming with them is a common device used to convince children into joining the army. It allows recruiters to abduct children without resistance. If there are bystanders around it appears to them as if the child willingly accompanies the recruiter/s. This is exactly what happened when Thiha and two of his friends were abducted while they were returning to their homes after watching a movie. Thiha and his friends were also offered an ultimatum and understood the consequences of rejecting service; they quietly went along with the soldiers.<sup>134</sup>

*[One] attack near our village involved about forty KNLPF soldiers, which were later joined by one hundred and forty SPDC soldiers. I was afraid that they would shoot at us, so I ran away from the village that day. After coming back, I was called to porter. In fact, during 2006 I was taken for porting three times. The first time I carried three RBG bombs and five packs of sugar and brought them to Yu-so-pra village from our village. There were five girls about the same age as me and five men in our group.*<sup>135</sup>

*P'leh Meh*

*Abducted and forced to porter 3 times at ages 17 and 18.*

Militarization not only fuels the need for more combat soldiers but also the need for porters to assist in transporting food, water, weapons, munitions, and other supplies to military bases and frontline units. Local officials and community leaders are sometimes complicit in these crimes, forcing civilians under their authority to porter for the Tatmadaw. HREIB researchers interviewed five girls and one boy who were abducted and forced into portering for the Burmese army.

133. HREIB Interview Case No. 74

134. HREIB Interview Case No. 106

135. HREIB Interview Case No. 97



Khu Meh, a 13-year old, informed HREIB that she was forced to porter seven times between the beginning of 2005 and the end of 2006. She was scolded and humiliated while carrying heavy loads of rice and bullets for the army. One time she had to help carry a bag that contained the body of a dead soldier.

The example below describes the experience of another 13-year old Karenni girl, P'rey Meh, who was taken by Tatmadaw soldiers and forced to porter for them three times between 2005 and 2006. Not only was she coerced into bringing soldiers rice and other daily rations but she was also made to carry ammunitions.

### Forced Portering

When I lived in the village, I had to go as a porter three times for the SPDC. I was only thirteen when I was forced to carry two buckets of rice to Hku-pra village from our village. It took eleven hours to get there. While I was carrying the rice, the soldiers scolded me often because I kept falling down. My father was forced to porter sometimes also. The first time I went, there were two girls and three boys in the porter group. The boys were about seventeen and eighteen years old, and the girls were about the same age. I was the youngest in the group at thirteen.

I also had to go Ko-hso to carry bullets from our village. That trip took nine and a half hours. I was forced to carry three chains of bullets. One bullet chain includes one hundred and fifty bullets. There were only about five porters in our group that day. The SPDC soldiers wouldn't give us any food, so we were forced to beg from villagers. I saw two child soldiers at the SPDC outpost where we brought our bullets. They were about fifteen years old. The last time I was a porter, I carried dry rations for the SPDC to Yu-so-pra village. They kept yelling and swearing at me because I couldn't carry the loads well – they were very heavy. Then they beat me – they struck me on my back with their staff several times. My back became swollen and bloody. I was only fourteen years old at the time.

*Thinking about all of this makes me so upset. Although my heart hurts, I know I can't have revenge against them. I'm not educated, and I'm illiterate, so I don't know what my future will be. If I get a chance, I want to learn how to weave.*

*P'rey Meh  
Abducted and forced to porter 3 times at ages 13 and 14*

Abduction and Forced Labor

*The SPDC outpost is very close to our village. There were about fifty or hundred soldiers in there. We [were taken and forced to] make fences and dig canals at their outpost. They didn't give us any food; we brought our own food with us. Once I had to carry bamboo to the SPDC outpost from Khraw-hku village. And another time was in 2005, I sent bamboo to the SPDC's outpost from Yakee-bu village.<sup>136</sup>*

*Khu Meh*

*Abducted and forced to porter at ages 13, 14 and 15*

The military government has undertaken a number of infrastructure projects throughout the country. Many of these projects intended to transform and modernize Burma's roadways, bridges and rail links are being built in frontier areas and involve forced labor. Children are arbitrarily abducted and forced to work on these government run projects. They are made to carry supplies to construction sites, help pave roads, and engage in other types of hard labor. HREIB documenters interviewed Kyaw Thu, a boy who had to help pave roads for the army at the age of 14. All throughout his childhood, the Burmese soldiers stationed near his village in Karen State harassed him and his family.

*In the village there are security guards [Burmese Soldiers] and so the soldiers never came to raid our village. But, if the soldiers wanted someone to help build the roads or do some work they would come and*

*request us from the guards. If we couldn't go, then we had to pay. If we couldn't pay then the security guards forced us to leave. The villagers wanted to pay, but they didn't have enough money. Whenever the villagers left they were harassed and some were abducted to be porters, others were forced to help the soldiers find their way.<sup>137</sup>*

*Kyaw Thu*

*Forced to work for the Tatmadaw at age 14*

Abduction and Sexual Abuse

Many abducted girls, especially those who are taken by military forces in rural areas and conflict zones, are raped and sexually abused. Though abduction with the intent to rape or sexually abuse women is a crime in Burma,<sup>138</sup> soldiers and other authorities rarely prosecuted for such offences. The culture of impunity surrounding sexual exploitation, along with other related cases are discussed further in the chapter on rape and other grave forms of sexual violence.

Abduction and Trafficking

Children from conflict and post-conflict areas are particularly at risk of being trafficked due to an overarching lack of security and high number of vulnerable and/or orphaned children in these areas. Traffickers prey on unaccompanied and orphaned children, luring them with promises of better lives in faraway places. Children are abducted and eventually transported to places where they face a number of other abuses including sexual exploitation and forced labor. When a child is abducted and taken across an international border, the situation becomes even more complicated and difficult to address.

136. HREIB Interview Case No. 96

137. HREIB Interview Case No. 63

138. Burma Penal Code, Section 366





## When I grow up...

*I am sad facing these kinds of events but I can do nothing. I want to attend school until the end but I don't know what will happen next year. If I finish school I want to go to seminary, but I don't know if my dream will come true or not. My siblings are still young and both of my parents are ill.* <sup>139</sup>

*Saw Htw Khaung  
Forced to his village flee at age 13*





# DENYING HUMANITARIAN ACCESS



*Denying humanitarian access*

*“Authorities in Burma don’t invest in the people’s health or education. There is no health care in [conflict] areas; they never provide assistance to the ethnic minority villagers. The town hospitals are completely under funded as well. Every single tablet of paracetamol is vital for the people because the government doesn’t provide anything. Despite the lack of care we never get permission to provide these supplies or services. They even restrict the UNDP and UNICEF.”<sup>140</sup>*

*NHEC-WR Coordinator*

Children have the right to receive unfettered access to health, education and other protection services. These rights are enshrined in international humanitarian law (IHL). Yet, the SPDC continues to restrict access to conflict-affected areas despite being on the agenda of the UN Security Council’s Working Group on Children and Armed Conflict. Various UN officials and numerous international aid organization staff have reminded the Burmese authorities of their obligation to allow access to children, but their persistent appeals fall on deaf ears. The following list reveals some of their efforts:

- In August 2006, UNICEF’s deputy director tried to persuade Secretary 1 Lieutenant General Thein Sein to allow much needed medicines and supplies to reach conflict-affected areas as apart of the Mass Measles Campaign;<sup>141</sup>
- In May and October 2006, the Under-Secretary-General for Political Affairs urged authorities to lift restrictions on humanitarian access ;<sup>142</sup>
- In April 2007, the Assistant Secretary-General for Humanitarian Affairs raised the issue of humanitarian access with officials from the government ;<sup>143</sup>
- In June 2007 the International Committee of the Red Cross (ICRC) released a statement publicly denouncing major and repeated violations of international humanitarian law, including restrictions on humanitarian access ;<sup>144</sup>
- In November 2007, the UN Security Council pressed the Burmese government to allow “humanitarian access to persons in need throughout the country.”<sup>145</sup>
- In late 2007 and early 2008 Ibrahim Gambari, the UN Secretary General’s special advisor, repeatedly called on the authorities to improve access.

Nevertheless, the regime has remains impervious to calls for access and has even promulgated new policies toughening restrictions.

140. HREIB Interview Case No. 85

141. UN (June 2007) Myanmar – Children and Armed Conflict

142. Ibid

143. Ibid

144. ICRC (June 29, 2007) Myanmar: ICRC denounces major and repeated violations of international humanitarian law, <http://www.icrc.org/Web/eng/siteeng0.nsf/html/myanmar>

145. Human Right Watch (March 5, 2008) Burma: Heed UN Advisor on Constitutional Reform. Retrieved July 12, 2008 from <http://www.hrw.org/english/docs/2008/03/05/burma18208.htm>



## Restricting Access

*Even though we are not political, the SPDC recognizes this area as a black zone so anyone working in this area is considered an enemy.<sup>146</sup>*

*BPHWT Director*

By restricting access to organizations that support civilians, Burma is in direct contravention of IHL. However, the international laws attempting to eliminate access restrictions are ignored and aid agencies continue to face obstacles in Burma.

### Travel Restrictions

Travel restrictions imposed by the regime limit access to vast areas of the country and also repel committed humanitarian organizations. International aid agencies are often prohibited from sending their staff to work in the field and local organizations are barred from providing assistance in conflict areas. The withdrawal of the Global Fund to Fight HIV/AIDS, Tuberculosis, and Malaria (the Global Fund) in August 2005 is a prime example of how these restrictions have derailed assistance programs. The Global Fund was initially set up to combat the three aforementioned diseases in Burma, with the UNDP coordinating efforts. The Fund was to allocate 98.4 million dollars over a five-year period. The Global Fund eventually withdrew from Burma because the government inhibited effective program implementation. In a statement explaining the termination of grants to Burma, the Global Fund's director Richard Feachem declared that government's travel clearance procedures introduced in July 2005, were detrimental to the Fund's mandate to provide relief to intended beneficiaries.<sup>147</sup> Travel restrictions have also effectively kept many organizations that would otherwise want to work inside Burma away.

### The Guidelines for UN Agencies, International Organizations & NGO / INGOs

The SPDC's 2006 guidelines for UN agencies and international organizations working inside Burma have effectively impeded humanitarian access to conflict-affected areas. These guidelines constrain access in several ways: they force UN agencies and INGOs to coordinate their efforts with government and/or government affiliated groups, they impose strict limitations on travel, and they require organizations to gain approval from government authorities when appointing staff. Even though the guidelines have not been fully implemented, such constraints have already driven away a number of key humanitarian assistance providers. For example, the International Committee for the Red Cross and Médecins Sans Frontières-France have both noted that the guidelines were a primary reason for canceling or reducing programs.

The ICRC recently shut down more than half of its field offices and no longer operates in conflict-affected areas. The 2006 guidelines were largely responsible for this reduction in work. In a rare statement the ICRC expressed their frustration with the regime's policies,

146. HREIB Interview Case No. 58

147. ICRC (June 29, 2007) Myanmar: ICRC denounces major and repeated violations of international humanitarian law, <http://www.icrc.org/Web/eng/siteeng0.nsf/html/myanmar>



stating “increasingly severe restrictions imposed on the ICRC by the government have made it impossible for the organization’s staff to move about independently in the affected areas and have hampered the delivery of aid intended for strictly humanitarian, apolitical purposes.”<sup>148</sup> Similar frustrations led Médecins Sans Frontières (MSF)-France to cancel all of its programs. MSF-France provided medical services in Burma from 2001 until 2006, working primarily with vulnerable communities in Mon and Karen states, where low intensity conflict has simmered for decades. In 2006 they stopped programs because of access restrictions.

*We had to face up to the facts: the Myanmar authorities do not want independent, foreign organizations to be close to the populations they want to control. The authorities don’t want anyone to witness how they organize the forced displacement of the population, the burning of villages, and forced recruitment... We have concluded that it is impossible to assist people living in these conflict areas given the conditions required to carry out independent humanitarian action. Our teams had no freedom to travel, we had less and less direct contact with the people we had come to help...<sup>149</sup>*

*Dr. Hervé Isambert  
MSF program manager*

### Unlawful Association Act

The SPDC’s Unlawful Association Act is often invoked to punish civilians and grassroots organizations that provide vital humanitarian support to communities in conflict areas. The law states that anyone found supporting politically dissident groups are considered enemies of the State and should be punished accordingly. The law itself serves as a deterrent function by inciting fear in individuals and communities. In fact, some village leaders are reluctant to accept much needed assistance from certain aid organizations because of the potential consequences of receiving aid. In Chin State, for example, where isolated communities struggle for survival with little or no help from the government, village leaders must make difficult decisions about whether or not to accept assistance.

*At first the people inside did not want to join these [community health] programs because they were afraid for their lives. But as time goes by more and more people are coming to join us. The village heads are now always welcoming to us... If the SPDC knew where the assistance was coming from then they [village heads] would be harassed and probably arrested. The fact that we work with the opposition means we will never be able to provide our services freely. But health and education are a part of human rights. People are very very poor in Chin State and along the India-Burma border. There is no future for the younger generation. CNF health teams are separate from the*

148. *ibid.*

149. MSF (March 2006) *Voices from the Field*, [www.doctorswithoutborders.org/news/voices/2006/03-2006\\_myanmar.cfm](http://www.doctorswithoutborders.org/news/voices/2006/03-2006_myanmar.cfm)





*CNF military. But, that doesn't mean that these teams are safe. Security is the No. 1 concern for the team.*<sup>150</sup>

*NHEC-WR Coordinator*

In other instances government authorities intimidate or coerce villagers forcing them into commitments not to work with humanitarian organizations.

*The SPDC forced some village health volunteers to sign an agreement to say they would not work with the Backpack Health Worker Team.*<sup>151</sup>

*BPHWT Director*

Health workers continue to come up with strategies to mitigate the problems that stem from villagers' association with health and education programs. One such strategy is to train the villagers themselves and designate a few health workers for each community. This gives villagers complete ownership of their health programs.

*We tell the villagers that the medicine belongs to the community. The villagers never say they are working with our organization because if the authorities know they're working with us, they'll be arrested. The SPDC does not distinguish between us and the CNF. We're the same to them. Our aim is to set up programs that belong to the community itself [to reduce the risks involved for those community members].*<sup>152</sup>

*Paul Sitah  
Political Action Committee Coordinator*

### *Four Cuts Policy*

Since 1974 Burma's successive military regimes have implemented the Four Cuts Policy in conflict affected areas. This policy seeks to destabilize and weaken NSAGs by strategically cutting off four essential supply lines; these are (1) Food, (2) funds, (3) recruits, and (4) information. The policy specifically aims to terrorize villagers who support opposition groups; it also gives soldiers expanded authority in dealing with alleged antagonistic communities. The policy has led to the forced relocation of hundreds of thousands of villagers, the calculated destruction of whole communities, and the merciless ill treatment of village leaders.

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150. HREIB Interview Case No. 85

151. HREIB Interview Case No. 58

152. HREIB Interview Case No. 82



### Forced Displacement\*

My name is Naw Moe Moe I am in the sixth standard at New Generation High School. I am originally from a small village in Karen State, but now live in Htee Lay Kwee Plaw village with my aunt. I have nine siblings and I am the eldest.

Since 2006, we've had to run from the Burmese soldiers because they often came to our village and attacked us. Sometimes we would try to return, thinking they were gone for good. But they never were. We ended up in the jungle so many times because our houses were always burned and all the food was destroyed. We had nothing.

I came to Htee Lay Kwee Plaw with a large group of villagers. Some villagers went before us and when they crossed the road, the Burmese soldiers saw them and shot them. One villager died and another was injured and had to go to the hospital. We had to leave the other dead body where it was because the Burmese soldiers were near us. We had to run away from that place.

It was so hard for us in the jungle to find food to eat because I have so many brothers and sisters. I am the oldest, so it is often my responsibility to look after everyone. Some of my younger brothers and sisters would cry a lot because were sick and had no medicine. It was a very sad time for us. We didn't have a chance to go to school, either, because we were always in the jungle. So my father sent me to attend school.

In 2006, when the Burmese soldiers first came to our village, they laid mines along the path and in the paddy fields. My uncle went back to the village and stepped on one, and was injured. We had to send him to the hospital.

I want to go back to see my parents but I can't because the Burmese soldiers live around there and patrol along the way. For now, I'm just living like this with my aunt, hoping that my family is okay.

### Restricted Access

The situation in Burma's remote regions continues to degenerate as the regime maintains its restrictions on humanitarian aid agencies. Nevertheless, a number of organizations have emerged to improve conditions. These small organizations deliver desperately needed supplies and services to conflict-affected communities and internally displaced people. However, they must work under immense pressure, often in secret and in haste. They are reduced to providing care this way because of the severe consequences they face if they are caught, which include arrest, ill treatment and unlawful killing. Reports of medics being shot at, as if enemy combatants, are common.

\* HREIB Interview Case No. 45

*We do not consider ourselves to be under the SPDC's laws. We believe we are free to provide assistance to our people. We have to ensure our security, but sometimes the SPDC imposes a curfew and makes it difficult for movement.*<sup>153</sup>

*NHEC - WR Coordinator*

The Committee for Internally Displaced Karen People (CIDKP) is a humanitarian organization that provides assistance to IDPs in Karen State; they give two main types of aid, food and health, however they occasionally bring clothing and other supplies to displaced villagers. In order to reach their targeted communities they must walk on foot for days through the jungle.

*Most of the IDPs are living in hiding, where it is difficult to do farming, difficult to get support, difficult to get any supplies. They are suffering diseases like malaria and dysentery. They are not living in a stable condition. They rely on rice, salt and a few vegetables that they can find in the jungle. Living in the jungle is like living on a battlefield. It is difficult to do farming; they normally slash and burn farmland, but they cannot farm the land in this traditional way because such methods would be easily observable by the SPDC—They would know when and where exactly the farmers are. The IDPs are constantly living in fear.*<sup>154</sup>

*CIDKP Director*

Another organization working to alleviate the crisis is the Backpack Health Worker Team (BPHWT). The team operates in 17 field areas along Burma's eastern border and consists of over 1700 health workers, including 288 medics, 720 Traditional Birth Attendants, and 700 village health volunteers. They provide emergency healthcare services, preventative health-care education, and other health related assistance to vulnerable populations. In their 2007 mid-year report BPHWT field workers described worsening conditions in most field sites due to increased military activity and armed conflict.

The National Health and Education Committee also supports grassroots initiatives along the border and inside Burma by training health and education professionals and by providing much needed supplies. The NHEC-Western Region works specifically with displaced and refugee populations along Burma's western border. Those on the western border are particularly isolated and thus excluded from health and education services. The region is behind in development too, lacking basic infrastructure such as roads, schools and hospitals.

These three organizations, along with many others, face challenges in trying to provide humanitarian assistance to marginalized border communities. Below are examples of how the military regime has tried to eliminate humanitarian access to Burma's conflict-affected regions. The examples illustrate the restrictive policies of the regime, but also indicate the tenacity of grassroots NGOs.

153. HREIB Interview Case No. 85

154. HREIB Interview Case No. 59

*The mobile health teams have to be very careful for security reasons. If they are caught by the military inside they will be arrested and put in jail. They are considered the biggest threat to the SPDC [because they are associated with the CNF and the CNF is the SPDC's main enemy in the area]. They are completely illegal.<sup>155</sup>*

NHEC-WR Coordinator

### Arrests

Over the past five years several health workers have been arrested for providing their services to war-ravaged communities. Along the western border at least one medic was arrested<sup>156</sup> and along the eastern border, three health volunteers were arrested.<sup>157</sup> The risk of being apprehended and held in detention fuels constant anxiety.

*BPHWT workers cannot move openly through their field areas, as they risk being captured and imprisoned, or shot by these armies. Villagers are also under many constraints and threats which force them to flee and hide in the jungles, making the delivery of health care more difficult. Three Village Health Volunteers have been jailed and others forced to sign documents that prevent them from working with BPHWT. As a result of these conditions, some BPHWT staff feel depressed.<sup>158</sup>*

BPHWT Mid Year Report 2006

### Unlawful killing of humanitarian aid workers

Despite the international laws protecting them, backpack medics and community health volunteers are not physically safe; this insecurity permeates all aspects of humanitarian aid provision. Since 1998, seven medics and one traditional birth attendant have been killed according to the Backpack Health Worker Teams.<sup>159</sup> This figure does not include the countless number of village leaders who have been killed because of their alleged affiliation with resistant groups. Children receiving aid have also lost their lives fleeing oncoming Burmese military troops. In March 2008, Mizzima News reported that a seven year-old girl died while escaping Burmese soldiers. She was with health workers at the time.

*Five people [were] hospitalized with severe burns, and a seven year-old girl [was found] dead, as the vehicle they were riding in to escape army troops overturned on a steep hillside in eastern Burma. Healthcare workers, after successfully vaccinating 82 children in one village on March 28, were forced to conceal their medicine and health records and flee to the jungle ahead of approaching Burmese army troops. Three other teams were obligated to act likewise, as similar reports of oncoming army units reached them.<sup>160</sup>*

155. HREIB Interview Case No. 85

156. HREIB Interview Case No. 82

157. BPHWT 2007 Mid Year Report 2006, p. 10

158. BPHWT Mid Year Report 2006, p. 8

159. HREIB Interview Case No. 58

*Active combat preventing humanitarian assistance*

Violence, which can be attributed to both government and non-government armed forces, prevents aid workers from reaching certain communities and internally displaced people. According to the 2007 BPHWT midyear report, "The SPDC, DKBA and the Karen Peace Force (KPF) are operating in [some] areas and have increased the number of military posts in the six months. There was fighting between these forces and the KNLA. This made it difficult for the BPHWT to travel and to transport medical supplies, especially along the car roads. The Tatmadaw attacked one village during BPHWT TBA Training."<sup>161</sup>

*Sometimes, due to SPDC activity, the staff cannot reach the IDP areas. Distribution usually only takes 1-2 days to finish, but to contact with the people and wait for the right moment to provide aid... Sometimes staff have to go at night, sometimes there is fighting. It depends.*<sup>162</sup>

*BPHWT Director*

*We are always strategic about where we go and when we go. We avoid clashes with the SPDC because these are not ambush missions. We are providing supplies and relief to villagers.*<sup>163</sup>

*NHEC-WR Coordinator*

### Information Gathering and Sharing

The denial of humanitarian access prevents information regarding some conflict-affected areas from reaching the media. The lack of information contributes to impunity, as without corroborative evidence of abuse it is difficult to pursue legal action against the state. The UN's November report on children affected by armed conflict states, "Due to limited access to conflict-affected areas and the lack of guaranteed protection for monitors and victims of grave child rights violations, it is not possible currently to provide a full picture of the breadth and depth of grave child rights violations." Many grassroots organizations try to circumvent information gathering restrictions. For example the BBHWT conducts the Health and Human Rights Survey and other humanitarian assistance groups like the Public Action Committee (PAC) and the Committee for Internally Displaced Karen People do the same.

160. Mizzima News (April 15, 2008) Retrieved April 16 from <http://www.mizzima.com/MizzimaNews/News/2008/April/15-April-2008.html> link not working. Article name?

161. BPHWT Mid Year Report 2007 p. 6

162. HREIB Interview Case No. 58

163. HREIB Interview Case No. 85

*We collect health information and share that information with Burma Relief Center and others who come and ask us. We're open to sharing.<sup>164</sup>*

*Paul Sitah  
Political Action Committee Coordinator*

*We also collect information and disseminate that information to people in the international sphere—thus, by creating awareness we are also violating the SPDC's laws.<sup>165</sup>*

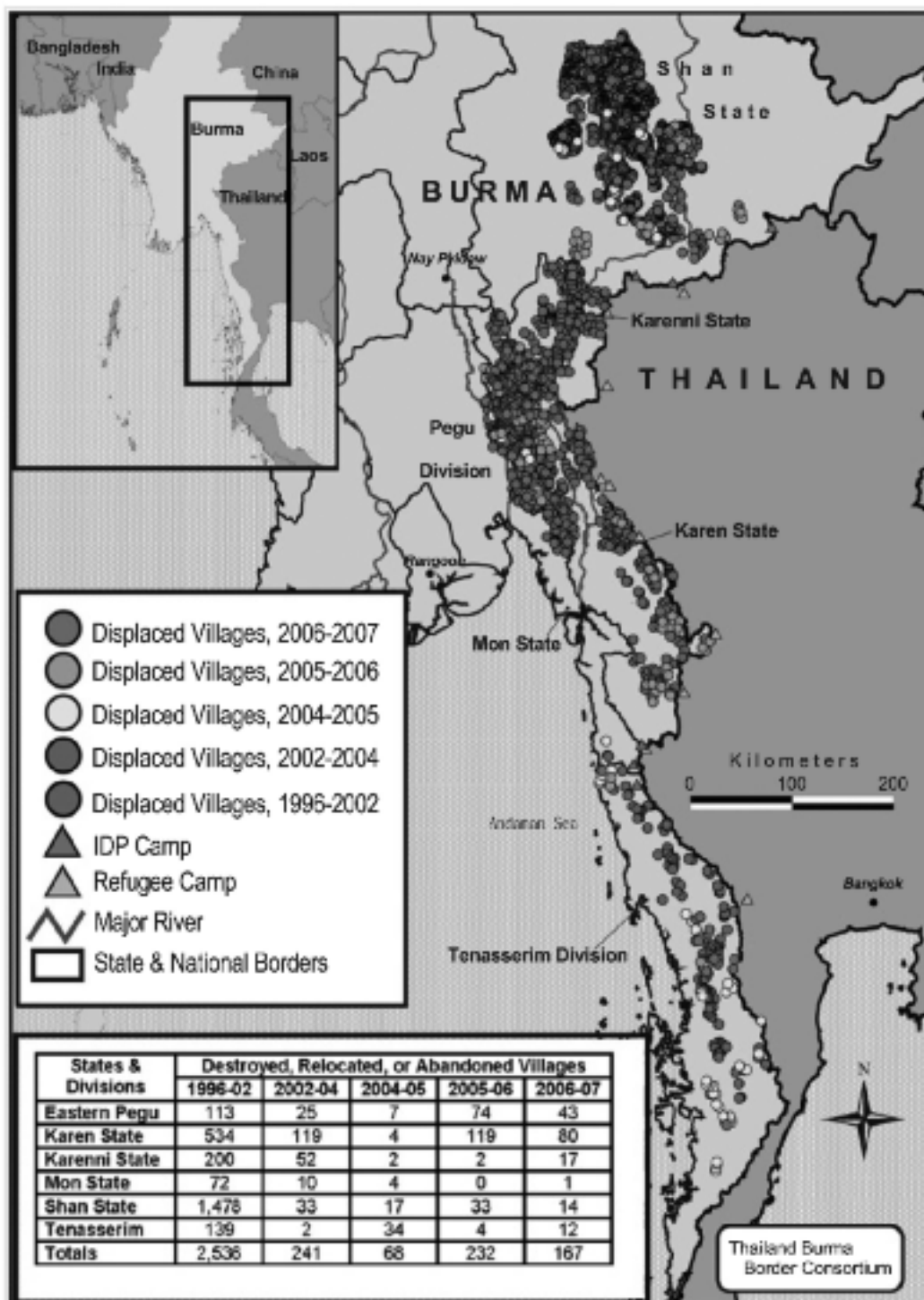
*CIDKP Director*



164. HREIB Interview Case No. 82  
165. HREIB Interview Case No. 59



## Displaced Villages in Eastern Burma, 1996-2007





## When I grow up...

*If I grow up and finish school, I want to become a teacher, because so many children need teachers...I hope things become safer in the future.* <sup>166</sup>

*Saw Myo Htet  
Forced to flee his village when he was 13 years old*

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166. HREIB Interview Case No. 47



# Attacks against schools and hospitals



*Attacks against schools and hospitals*

*Our small school was totally destroyed. The desks, chairs, roof and walls were burned. The SPDC soldiers burned not only the school but also the whole village. Our house was burned and we lost all of our belongings at the end of 2004. The SPDC burned our village because they thought that we supported the KNU and KNPP. While they burned the village, we were hiding in the forest; we left with only one set of clothes, which we wore on our body. Then we moved and stayed at the other village. When we came back to our village, there was nothing left.<sup>167</sup>*

*Naw Day*

*Her school was attacked when she was 12*

*They [the Burmese Soldiers] burned down everything...we just ran and didn't look back. When we were in the jungle, we had to face so many difficulties. We didn't have enough food to eat, we had no medicine, no doctor and we didn't have a chance to go to school. There are so many people who have the same problem as we did. When I ran I saw the Burmese soldiers catch the villagers and beat them, and some of the villagers had to work as porters. The Burmese soldiers threw others into the water and killed them.<sup>168</sup>*

*Naw Kyi Kyi*

*Her village was attacked when she was 11*

Children have the right to learn and obtain healthcare in safe and secure environments. Nevertheless, protecting the places where children can realize their basic rights is difficult in war-ravaged regions around the world because armed forces and armed groups often completely disregard notions of humanitarian concern. Both state and non-state armed groups destroy schools and/or hospitals in efforts to achieve dominance over their adversaries; in Burma armed groups often occupy schools during civilian army trainings, as well. During active combat, few places are secure for children.

UN Security Council Resolution 1612 calls on human rights monitors to report incidences of targeted attacks against schools and hospitals. Certainly, monitors should pay attention to targeted attacks, but when considering this violation in the context of Burma it is necessary to include the intentional destruction of entire villages, as an attack on a village constitutes a violation that is closely related to attacks on schools and hospitals.

Many villages are equipped with primary schools, which are not spared during village attacks. Furthermore, any health infrastructure that exists also becomes ruined. Under other circumstances and in different country contexts, human rights monitors have adjusted their scope to

<sup>167</sup>. HREIB Case No. 101  
<sup>168</sup>. HREIB Case No. 46

include additional violations. For example, UN teams working to document abuses in Nepal monitored the illegal detention of children and the team in Colombia looked at various forms of violations against the right to life, expanding upon the killing and maiming category.<sup>169</sup>

### Village Attacked\*

My name is Naw Swe Swe. I am a 16 year old student, a Karen and a Christian.

When I was 9 years old, the [Burmese] military soldiers came into my village and burned the houses down. Before the soldiers arrived in the village, we had heard that they would be coming, so we ran away into the jungle for a while, moved to another village, and lived there for two years until we got word that there were no soldiers in [our village] anymore. Then we went back and lived there for three years.

In 2006, the military soldiers came back and we had to move into the jungle again. I remember seeing the Burmese soldiers when I was hiding, and having to run further into the jungle. We didn't have enough food; my brothers were sick and we didn't have enough medicine to treat them. I had to run very often, and didn't have a chance to study until the end of the year. Now I am here in the Ei Tu Hta refugee camp and live with my parents, my sisters and brothers.

According to the Thailand Burma Border Consortium (TBBC), over 3,000 villages have been destroyed by the Tatmadaw in eastern Burma since 1996,<sup>170</sup> – nearly twice the number destroyed in Sudan's Darfur region.<sup>171</sup> As a result of the widespread devastation, over a million villagers have been forced to flee their communities.<sup>172</sup> When children are forcibly displaced from their homes due to repeated harassment and raids, their lives are completely disrupted and they are unable to attend school or obtain health care. During raids, soldiers frequently destroy everything in the village; they burn houses, kill and eat livestock, and torture those villagers who can't escape in time.

*When the SPDC soldiers entered our village in 2006, we had to run and hide in the jungle. When they [soldiers] came to the village, they took our hens, pigs, and other animals—they killed and ate them. They also burned our rice fields.*

169. Watchlist on Children and Armed Conflict. (January 2008) Getting It Done and Doing It Right: A Global Study on the United Nations-led Monitoring and Reporting Mechanism on Children and Armed Conflict.

\* . HREIB Interview Case No.4

170. Thailand Burma Border Consortium (October 2007) Internal Displacement in Eastern Burma.

171. U.S. Campaign for Burma (March 2008) Regime Attacks Ethnic Minority Villages While UN Envoy Enters Burma.

172. Ibid

*They killed people and burned houses. They beat people [too]. They are very cruel. When the Burmese soldiers left, the villagers went back to the village but there was nothing left. Their houses had been burned. Some villagers tried to rebuild their houses, but because this kind of thing [attacks] happens so often, other people just stayed in the jungle.* <sup>173</sup>

*Naw Wain*

*Her village was attacked when she was 16*

*The Karen armed groups knew that the SPDC columns would come in 2005, so they set up mines. But the SPDC soldiers didn't come along the route where the mines had been set up. The Karen soldiers eventually accidentally exploded their own mines and when the SPDC soldiers heard the explosion, they shot at our village with small arms and heavy weapons. The bullets fell near the school so both students and teachers had to run away. None of the students or teachers were killed, but some were injured. Some children cried and ran away because they were so scared.* <sup>174</sup>

*Saw Zaw Zaw*

*Teacher*

In *Children Caught in Conflicts: The Impact of Armed Conflict on Children in Southeast Asia*, Gary Risser includes testimony of a Shan girl whose school was shelled and destroyed during a Burmese army attack.<sup>175</sup> Even in ceasefire areas some schools have been allegedly destroyed. In one case in Chin State the local authorities were responsible for demolishing two schools; a Tatmadaw official, Colonel Tin Hla, had two schools for orphans demolished in October 2006 even though both schools were originally built with full permission from local authorities.<sup>176</sup>

### No Chance to Study\*

My name is Saw Myo Htet. I am seventeen years old. Now I am in the eighth grade at the New Generation School...My parents have to hide in the jungle.

In 2004-05, the Burmese soldiers came to my village and burned down all the houses. Everyone had to run into the jungle; we couldn't stay in the village and had to live in the jungle for two years. While we were there, the Burmese soldiers would come and shoot at us so we would have to keep running to other places. When we ran away we couldn't take anything...we didn't have any blankets or food. If it was raining, we had no place to stay. I remember feeling so cold. We didn't have medicine, so when the children were sick they suffered greatly until they just died.

<sup>173</sup>. HREIB Interview Case No. 36

<sup>174</sup>. HREIB Interview Case No. 32

<sup>175</sup>. Risser (March 2007) *Children Caught in Conflicts: The Impact of Armed Conflict on Children in Southeast Asia* p. 123

<sup>176</sup>. Khonumthung News (May 2007) Myanmar Army demolishes houses for training ground. Retrieved June 22, 2008 from <http://www.khonumthung.com/kng-news/07-news-archive/may-07-news/myanmar-army-demolishes-houses-for-training-ground/?searchterm=school>

\* HREIB Interview Case No. 47

We didn't have a chance to study. Sometimes we tried to study under the trees for about two or three days, but we always had to run to other places. There were three teachers we came across that sacrificed their time and energy to teach us as much as they could. Other than that, though, nobody would help us. We had to find food and places to sleep by ourselves.

While I was hiding, I saw the Burmese soldiers gather up four villagers, beat them, and then shoot them. The soldiers didn't see me at the time, but I was so scared afterward that I ran away again after they had left.

Whenever I think about these things I feel so sad and angry. If I see the Burmese soldiers, I want to kill them when I remember this situation and what I have had to face in my life.

### Makeshift Schools

Some children who are forcibly displaced from their villages attend makeshift schools in the jungle. They study wherever they can, usually under trees or other relatively cool and quiet places. Teachers craft blackboards out of available natural materials and use charcoal instead of chalk to illustrate lessons. But these educational "facilities" are by nature very precarious and are constantly shifting locations. Because students are on the move, history lectures become disjointed and math lessons become incoherent. Sporadic learning sessions leave the children confused, as without continuity children are unable to grasp important concepts. Many of the teachers in these schools are not formally trained or adequately compensated for their efforts.

*We went to school in the jungle...but we often had to move our school. We studied under the trees and in bamboo forests. At that time, there were only two teachers. Meanwhile, between schooling and running, two academic years passed...when we were hiding and running in the jungle, it was very difficult.*<sup>177</sup>

*Saw Htwat Khaung  
Forced to his village flee at age 13*

*There were so many children when we ran [into the jungle]. The children couldn't go to school. They couldn't process anything during the learning period. Some children cried. There are so many children who are learning under trees who have to run away after learning for one or two days. When they arrive at another place, they learn again, run again and a year has passed again.*<sup>178</sup>

*Naw Khet Khet  
Mother, Karen State*

177. HREIB Interview Case No. 42  
178. HREIB Interview Case No. 33

## School Occupations

The Tatmadaw holds “civilian army” trainings with communities that are predisposed to insurgents’ threats. Often the trainings are held at schools, where open space is readily available. In some villages, soldiers completely take over the school. For instance, according to the village headman in Chin State, roughly forty Tatmadaw soldiers from Infantry Battalion 267 occupied a primary school for two months in Falam Township, between November 2004 and January 2005. The soldiers prohibited the students from attending all regular classes during this period, thus totally disturbing educational services. Such occupation is tantamount to an attack.

*There were about 40 Burmese (Tatmadaw) soldiers living at the school and another 70 or so living in the surrounding area. The soldiers harassed us and forbade us from celebrating Christmas at the school...the children couldn't attend classes at all. Before the soldiers came, children attended school consistently, but when the soldiers arrived they forbade the kids from coming to school...after two months they left, but for two more months the children did not attend school (January – February). Exams were scheduled for March and the children didn't have enough time to prepare; they still had to take the exams even though they missed the previous two months of school.* <sup>179</sup>

*U Htun Win*

*Former village headman, Falam Township, Chin State*

Not only did the soldiers prevent all the students from learning for these few months, but they also conducted military activities on the school premises. They recruited children as young as 14 to attend special trainings in order to foster contempt for the Chin Independence Army (CIA), an influential armed group based in the area. Furthermore, the soldiers provided trainees instruction on how to use weapons and villagers were encouraged to attack members of NSAGs.

## Displacement

Internal displacement serves as yet another agonizing consequence of war that disproportionately affects civilians. Approximately 24.5 million people around the world are currently estimated to be internally displaced as a result of violent conflict.<sup>180</sup> According to the Internal Displacement Monitoring Center (IDMC), the conflict in eastern Burma has displaced over 500,000 people.<sup>181</sup>

Internally displaced children in conflict zones are most vulnerable to human rights violations and are least likely to attend schools or have access to healthcare. However, displaced children desperately need such services, perhaps more urgently than those living in permanent or semi-permanent communities. Such urgency is a direct result of the inherent dangers involved

79. HREIB Interview Case No. 65

180. Internal Displacement Monitoring Centre (2007) Global Statistics: IDP Country Figures. Retrieved June 24, 2008 from [http://www.internal-displacement.org/8025708F004CE90B/\(httpPages\)/22FB1D4E2B196DAA802570BB005E787C?OpenDocument&count=1000](http://www.internal-displacement.org/8025708F004CE90B/(httpPages)/22FB1D4E2B196DAA802570BB005E787C?OpenDocument&count=1000)

181. *ibid.*



in a life of hiding. Displaced children are more likely to become injured by landmines; according to a survey conducted by the BPHWT, IDPs are four times more at risk of stepping on a landmine than those living in villages or relocation centers.<sup>182</sup> Risks also multiply when children are without guardians around to protect them. Although some children are uprooted with their families, many others are separated from their parents during the chaos of an attack.

*The Burmese soldiers started to fight and came to our village in 2006, and then we had to run away and move to the jungle. At that time, we had to face so many difficulties, we didn't have enough food or medicine, and no one was there to help us. The children, including my brothers and I, didn't have a chance to go to school; we had to stay in the jungle. So many children cried because they were hungry and sick. Some parents beat their children because they cried; when the children cried their parents worried that the Burmese soldiers would hear and come to them so the parents were just trying to stop their children from crying. The Burmese soldiers often come to our village, so we often run away and hide in the jungle... They burned the village and they robbed and destroyed our property. They killed and ate our hens, ducks and pigs. They burned the entire rice paddy.<sup>183</sup>*

*Naw Mon Mon  
Forced to flee her village at age 15*

## Hunger

Displaced children are reduced to scavenging for food and have to skip meals when they cannot find enough to eat; many become malnourished as a result. Documenting the humanitarian crisis in eastern Burma, Christian Aid observed, "foraging for wild foods is a second vital lifeline in the absence of a regular food supply. It is a normal part of life for rural people in Burma, but it becomes a dangerous and unpredictable undertaking as the pangs of hunger force people to forage ever wider."<sup>184</sup> Food shortages are common and many children go hungry for days. Consequently, malnutrition gives way to stunted growth and weaker immune systems in children, increasing their vulnerability even further to the harsh extremes of living in the jungle. Growing children who are physically weakened by vitamin deficiency and undernourishment may also be put at further risk when it becomes more difficult for them to perform manual tasks (such as gathering food or firewood) for basic survival in the wilderness, and when they are not able to run away as fast from the Tatmadaw soldiers.

*When we were in the jungle, we couldn't eat well. We had nothing. Sometimes we couldn't eat at all. We were very hungry, so our stomachs pained. But we couldn't go anywhere else.<sup>185</sup>*

*Saw Tin Tun  
Forced to flee his village at age 15*

182. BPHWT 2006 mid-term report.

183. Ibid

184. Christian Aid (May 2004) Burma's dirty war: The humanitarian crisis in Eastern Burma. Retrieved May 15, 2008 from <http://www.reliefweb.int/library/documents/2004/chraid-mmr-24may.pdf>

185. HREIB Interview Case No. 38

*We didn't have enough to eat when we were hiding and running. We couldn't eat food at every mealtime. Sometimes we couldn't eat for four or five days. The other children also experienced [these shortages]. Some children cried and some children were happy because they knew nothing. There are so many children who are ill but we don't have enough medicine. Some children lost their lives.<sup>186</sup>*

*Saw Zinko  
Forced to flee his village at age 9*

### *Displacement and Education*

Only some displaced children get the chance to attend the makeshift schools described above, while most have to abandon their education, altogether. Some children return to their villages after one or two weeks in the jungle, but then after a few months are forced to flee again. This pattern presents a serious impediment to their learning potential. Displaced children do not have access to books and school supplies, greatly reducing their chances to review and retain what they learned before being forced to flee. On the other hand, a lack of qualified teachers and proper reference sources make for substandard schooling. Education is the foremost path to attaining a sustainable and improved standard of living, as well as the financial means that enable mobility.

*We can't attend school and we can't study. We lost our education. While we run, we study under the trees irregularly. We'll study two days and then run away again, and study the next day and need to run again on the next day and the circle continues like this. We are in one place at daytime and move to another place at night.<sup>187</sup>*

*Naw Le Le  
Forced to flee his village*

### *Displacement and Healthcare*

Displaced children rarely receive medical services, despite cross-border initiatives that aim to support them. Oftentimes medics are unable to reach these children because of ongoing military activities. According to a TBBC report from October 2004, "indicators...suggest there is a public health emergency amongst internally displaced persons in eastern Burma. A third of households surveyed had not been able to access any health services during the past year, contributing to high mortality rates from infectious diseases which can be prevented and treated, such as malaria."<sup>188</sup> Children suffer from dysentery, diarrhea, malaria, tuberculosis, and other illnesses. Many others endure severe malnutrition and dehydration owing to the jungle's absence of sustainable food and clean water sources. Virtually all are forced to live in conditions completely devoid of a sanitation system.

<sup>186</sup>. HREIB Interview Case No. 64

<sup>187</sup>. HREIB Interview Case No. 35

<sup>188</sup>. Thailand Burma Border Consortium (October 2004) Internal Displacement and Vulnerability in Eastern Burma. p.3

Those who step on landmines and become maimed face the risk of infection, rotting of the flesh and bleeding to death. If girls become pregnant, they are forced to give birth in a highly hazardous and often unsanitary environments. Furthermore, children who have been severely injured or weakened by illness may become immobile and thereby unable to run away fast enough when the army returns for another attack.

*When I was young I had to run and move to the jungle because the Burmese soldiers often came to our village to burn and destroy everything. At that time, I was nine years old and my brother and sister got sick. They didn't have medicine and there was no doctor to take care of them. We stayed in the jungle about one or two weeks and then went back home. Then we ran and moved again but now we can live freely.<sup>189</sup>*

*Saw Moe Lay*

*Forced to flee his village at the age of 10*

*When we were running in the jungle, one of my younger sisters was sick but we didn't have any medicine and we didn't have enough food. She became so thin. Whenever I think about that I feel very hurt and I am so sad. Fortunately, my younger sister recovered and is still alive now.<sup>190</sup>*

*Saw Htet Htet*

*Forced to flee his village at age 12*

*When I was in my village, I had to run into the jungle very often. If the Burmese soldiers come we have to run again to the jungle so if I think about it, I feel so sad. When I was in the jungle I saw so many other people struggling like my*

*siblings and me. When we ran my sisters and brothers got ill, but we didn't have enough medicine and nobody helped us. We had to stand on our own and find food to eat and other things for our family.<sup>191</sup>*

*Naw Than Than*

*Forced to flee his village at age 13*

#### On the Run\*

My name is Naw Htwe Htwe. I am in the fifth standard. I am the youngest of nine siblings, but three of them passed away from diseases. My father died when I was five years old.

I came to Ei Tu Hta because the Burmese soldiers attacked our village. They burned down all the houses, beat and killed the villagers. My mother told me that my father died in this way when I was five. I was eleven when they last attacked, though. We had to move to several other villages, and eventually run into the jungle. It was so scary being there – we felt like the soldiers could find us at any time. We always heard shooting and fighting.

The Karen soldiers helped us get to Ei Tu Hta, and now I live here with my mother and three of my siblings. I've heard that my other brothers and sisters are living in another village, but I haven't been able to get in contact with them. I hope they are okay.

I wish I could fight back against the Burmese soldiers. Make them go through what my family had to go through because of them. If I grow up, though, I want to become a doctor and take care of my people.

<sup>189</sup>. HREIB Interview Case No. 49

<sup>190</sup>. HREIB Interview Case No. 43

<sup>191</sup>. HREIB Interview Case No. 7

\* HREIB Interview Case No. 10



## When I grow up...

*I am so angry about what has happened to me and the type of life I've had to live. The Burmese soldiers didn't even treat us as though we were people. If I get the chance, I want to become a teacher and work with children.<sup>192</sup>*

*Saw Paing  
Forced to Flee his village when he was 11 years old*

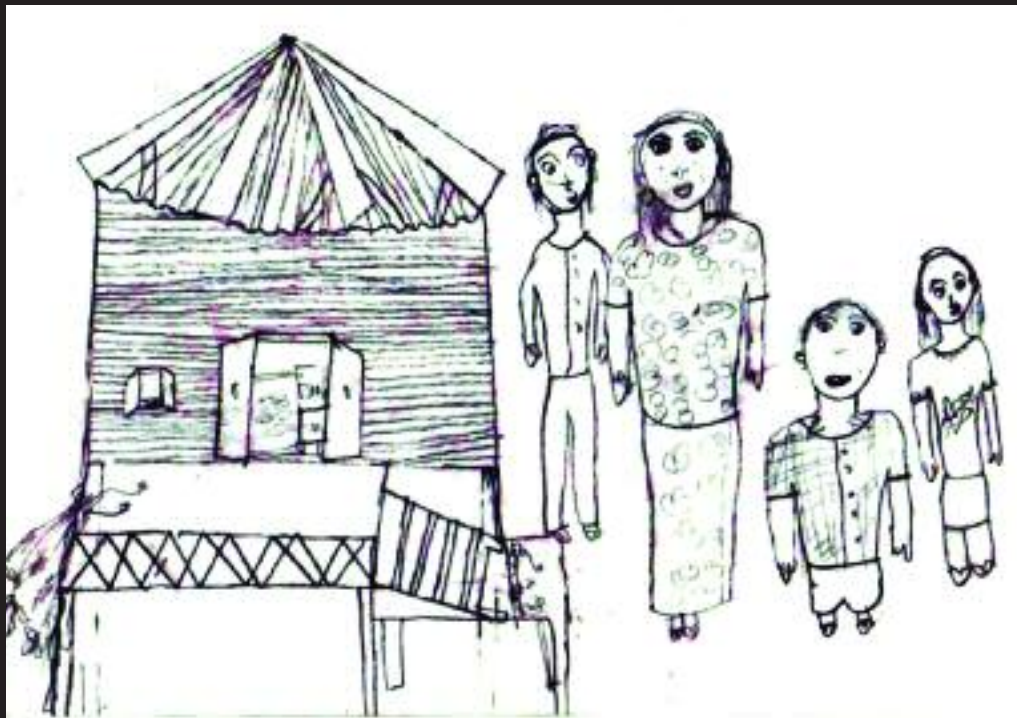
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192. HREIB Interview Case No. 12





# Conclusion and Recommendations





## Conclusion and Recommendations

*When I think about what I saw and what happened to me, I feel so sad. I am still afraid.*<sup>193</sup>

Nar Dar

*Forced to flee her village when she was 10-years old*

The conflict in Burma persists on the margins of the country and children continue to be adversely affected. Though the SPDC has signed ceasefire agreements with many groups, these agreements remain precarious because of tensions and deep-rooted antagonism. While the debate continues over the relative merits of “ceasefire” and “border development” as opposed to active armed conflict, any form of ceasefire, even if it only nominally maintains a status quo, remains unstable because of both ongoing dissatisfaction among non-state armed groups and the Tatmadaw’s own internal strife and changing policies. Only a policy that entails an effective and inclusive political process can lead to national stability. However, regardless of whether or not such a political process begins, children will remain vulnerable and their fundamental rights need to be protected.

The trends and patterns of abuse in Burma reflect a complex interplay between several factors including rapid militarization, widespread impunity, and a nearly universal lack of human rights education. Victims and their relatives seldom see perpetrators prosecuted because many people are afraid to bring their case to authorities; others are fed up with the weak and corrupt judicial system. The majority of those interviewed for this report described feeling powerless to confront officials.

On 25 July 2008 the UN Security Council Working Group on Children and Armed Conflict issued conclusions on the Secretary General’s November 2007 report regarding the situation in Burma. These conclusions, released over eight months after the Secretary General’s report was submitted, called on the SPDC and other parties alleged of committing abuses to end the recruitment and use of child soldiers, adopt and implement time-bound action plans to protect children in armed conflict, provide unhindered access to the MRM task force, and enter into dialogue with that taskforce to develop time-bound action plans.<sup>194</sup> The working group also welcomed the cooperation of the SPDC, seemingly optimistic about promises made by Burma’s leaders. However, evidence in this report demonstrates that the SPDC’s commitments are rarely honored.

Despite increased pressure from the UN Security Council and other international agencies and advocacy groups, hesitancy pervades the diplomatic arena. The international community must address the situation of children affected by armed conflict in Burma and take stronger measures to secure child protection and ensure time-bound action plans are followed.

<sup>193</sup>. HREIB Interview Case No. 20

<sup>194</sup>. UN Security Council S/AC.51/2008/8



Interviews conducted by HREIB's research team, along with evidence from other reports documenting human rights abuses in Burma, clearly demonstrate that members of the SPDC's armed forces, and to a lesser extent members of non-state armed groups, continue to commit crimes associated with the six categories of violations outlined by the UN Secretary General. The prevalence of these crimes is indicative of the SPDC's reluctance to take preventative measures, including strengthening, prioritizing and streamlining human rights education.

## Recommendations

### To the SPDC

- Acknowledge that members of the Tatmadaw have and continue to perpetrate crimes associated with all six categories of grave child rights violations.
- Enforce current laws and policies that are meant to protect children affected by armed conflict, including but not limited to the Child Law, the Regulations for the Persons Subject to the Defense Services Act, and the Burma Penal Code (particularly, Section 39 as it relates to the classification and prosecution of perpetrators of rape and Sections 361 – 364 as they relate to abduction).
- Immediately end the Four Cuts policy and rescind all military directives that infringe on child rights, particularly in conflict-affected areas.
- Discontinue all civilian army trainings.
- Ensure that the Committee for the Prevention of Military Recruitment of Underage Children implements its plan of action, which includes preventing recruitment of child soldiers, protecting children's interests, and to adhere to orders and instructions issued for the protection of children.
- Establish an independent complaints mechanism so that all people in Burma could submit grievances regarding child rights abuses without threat or fear of reprisal.
- Collaborate more sincerely with the MRM Task Force and UN agencies in investigating, monitoring and reporting child rights violations.
- Broadly publicize all reporting mechanisms, including the ILO complaints mechanism.
- Eliminate access restrictions for human rights documenters and humanitarian service providers.
- Release all children currently serving in the Tatmadaw and unite them with their family according to internationally recognized standards.
- Address poor governance issues, particularly surrounding impunity at all levels of military and civilian administration.
- Clarify punitive measures for those responsible for perpetrating abuse.
- Take strong legal action against those who commit crimes associated with all six of the grave categories of child rights violations, including legal action against those who are complicit in these crimes and fail to report incidences of abuse.
- Implement an equitable and pervasive birth registration policy in harmony with internationally recognized standards.
- Stop the current offensive against non-state armed groups and promote an inclusive political process to end the conflict.
- Enter into dialogue with non-ceasefire NSAGs, to discuss measures to prevent recruit-

ment of children and to ensure their release from armed forces or groups.

- Conduct dialogues with armed groups that have signed ceasefire agreements to ensure that they comply with both international and domestic laws protecting children from recruitment, and to seek their support in the implementation of action plans of the SPDC.
- Ensure that succeeding ceasefire agreements contain provisions related to child protection.
- Evaluate and implement effective strategies to disarm, demobilize and reintegrate children in accordance with internationally recognized standards, especially those found in the Paris Commitments and Principles.
- Respect the Geneva Conventions and international humanitarian laws as they relate to civilians, particularly children, and armed conflict.
- Sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts
- Ratify the International Labor Organization's Worst Forms of Child Labor Convention No. 182
- Ratify the Rome Statute for the International Criminal Court.
- Respect the Declaration on the Protection of Women and Children in Emergency and Armed Conflict
- Regularly report on the situation of children in the country and provide comprehensive information about CRC articles 38 and 39
- Cooperate with UN agencies, international, regional, and national nongovernmental organizations, and civil society groups for child protection and child rights education
- Designate children as zones of peace.
- Strengthen, prioritize and streamline human rights education.

#### To all non-state armed groups

- Those groups that have and continue to commit human rights abuses should acknowledge their crimes.
- Cease recruiting child soldiers and rescind policies that infringe on child rights.
- Evaluate and implement effective strategies to disarm, demobilize and reintegrate children in accordance with internationally recognized standards, especially those found in the Paris Commitments and Principles.
- Groups without a Deed of Commitment to stop using and recruiting child soldiers should formalize commitments to end the recruitment and use of child soldiers and develop clear policies prohibiting the recruitment of anyone under the age of 18.
- Publicize recruitment and other child protection policies and conduct awareness raising campaigns to ensure that all armed group personnel understand and follow these policies.
- Allow international fact finding missions to freely investigate and monitor training facilities and recruitment practices.
- Cooperate with UN agencies, international, regional, and national nongovernmental organizations, and civil society groups for child protection and child rights education.
- Respect UN declarations and treaties and international humanitarian law with regards to children and armed conflict.
- Designate children as zones of peace.



- Strengthen, prioritize and streamline human rights education.

#### To the United Nations Secretary General and his Special Rapporteur on the Situation of Human Rights in Myanmar

- Open up a reporting channel for reliable information from individuals, nongovernmental organizations and civil society groups.
- Continue dialogue with the SPDC and find ways to constructively engage with non-state armed groups.
- Insist that the United Nations Secretary General's Undersecretary-General for Political Affairs take consideration of children affected by armed conflict when he enters negotiations regarding political reconciliation

#### To the United Nations Security Council

- Adopt stronger measures to ensure the implementation of time-bound action plans, including sanctions if necessary.

#### To the United Nations Security Council Working Group on Children and **Armed Conflict**

- Reduce and strive to eliminate delays when issuing conclusions to the Secretary General's reports on the situation of children and armed conflict.
- Open up a reporting channel for reliable information from individuals, nongovernmental organizations and civil society groups.

#### To local nongovernmental organizations

- Continue documenting and reporting child rights violations.
- Collaborate on research and documentation with other local, regional and international nongovernmental organizations, UN agencies, and the government whenever possible.
- Maintain clear channels of communication with other nongovernmental organizations working on similar issues.
- Explore effective strategies to assist with disarming, demobilizing and reintegrating former child soldiers in accordance with internationally recognized standards.

#### To international and regional advocacy networks

- Intensify public education, targeting both state and independent media organizations.
- Integrate advocacy messages in formal education and trainings for security forces.
- Ensure transparency and cooperation with local nongovernmental organizations and civil society groups.
- Help bridge the divide between local nongovernmental organizations and national governments and intergovernmental organizations.



To the governments of ASEAN

- The Thai government should rescind its bilateral agreement on the repatriation of Tatmadaw deserters, which also applies to children.
- Remove restrictions imposed on international agencies and nongovernmental organizations regarding the establishment of child protection measures.
- Apply pressure on the SPDC to stop all child rights violations.
- Give special attention to women and children seeking refugee status.
- Coordinate and cooperate with the United Nations High Commissioner for Refugees, the United Nations Children's Fund, and local nongovernmental organizations to establish special programs for child rehabilitation and protection.

Appendix 1: Cases

Killing and Maiming of Children							
Case ID#	Name	Age	Sex	Ethnicity	Date of Incident	Place of Incident	Details
77/78	Samuel	17	M	Chin	Jan-05	H-mawngkwan, Falam Township, Chin State	Village headman's son killed by Tatmadaw soldiers
6	Saw Kyaw Kyaw	13	M	Karen	2003	Paw Mu Der Village, Karen State	Injured by landmine, leg maimed
33	Naw De	?	F	Karen	May-07	Tay Hkar Hta Village, Karen State	Shot and killed during Tatmadaw raid
Interviews with children who witnessed killing/maiming							
101	Naw Day	15	F	Karen	2004	Pa Lo Par Village, Karen State	Uncle killed right in front of her
20	Naw Dar	16	F	Karen	2006	Klay Hkee Village, Karen State	Was shot at by Burmese Soldiers, witnessed torture
97	Pleh Meh	20	F	Karenni	2005, 2006	Kraw Hku Village, Hpruso District, Karenni State	Witnessed killing, while tied up by Tatmadaw soldiers
21	Saw Htut	20	M	Karen	2003, 2006, 2007	Hto Phoe Hta Village, Karen State	Witnessed Tatmadaw soldiers kill a mother and her child
38	Saw Tin Tun	18	M	Karen	2005	Taw Hku Mu Dae Village, Karen State	Witnessed Tatmadaw soldiers kill and torture
48	Saw Htet Htet	15	M	Karen	2005	Show Per Hko Village, Karen State	Witnessed Tatmadaw soldiers from Brigade kill his brother
1	Saw Win	18	M	Karen	2000	Saw Mu Dae Village, Karen State	Witnessed Tatmadaw soldiers beat father to death
3	Naw Phyu Phyu	15	F	Karen	NA	Ha Toe Ber Village, Karen State	Witnessed Tatmadaw soldiers beat father to death
19	Naw Htay Htay	8	F	Karen	2004	Klay Hkee, Karen State	Witnessed Tatmadaw soldiers torture and kill a villager
41	Saw Maung Lay	15	M	Karen	NA	Meh Wah	Witnessed Tatmadaw soldiers torture and kill villagers
Interviews with friends or relatives of children killed/maimed							
77	Khan The		M	Chin	Jan-05	H-mawngkwan, Falam Township, Chin State	Son, Samuel, Killed
78	Lun Lun		F	Chin	Jan-05	H-mawngkwan, Falam Township, Chin State	Son, Samuel, Killed
33	Naw Khet Khet	55	F	Karen	May-07	Tay Hkar Hta Village, Karen State	Daughter shot and killed, son tortured to death

Child Soldiers						
Case ID#	Name	Age	Sex	Ethnicity	Date Recruited	Place of Incident
104	Thar Reh	16	M	Karenni	Jun-04	Chee Ke Village, Loi Kaw District, Karenni State
105	Kar Reh	16	M	Karenni	2005	Daw Kaleh Te Village, Karenni Sate
106	Thiha	11	M	Shan	Apr-02	Mong Hkat, Shan State
107	Yan Aung	11	M	Burman	Sep-01	Gyobinggauk, Bago Division
108	Tin Soe	14	M	Burman	2000	Pathein, Irrawaddy Division
109	Kyaw Zin	14	M	Burman	Apr-98	Rangoon Railway Station
70	Thar Gyi	13	M	Burman	1998	Da Ngin Gong, Rangoon Division
74	Mone Htang	16	M	Chin	Nov-02	Pyin oo Lwin, Mandalay Division
<p>Interviews with children who tried to enlist in the KIA, but were refused</p> <p>**Note--Discussions were held with 23 youth, however individual interviews were held with the following children:</p>						
88	Brang Ja	13	M	Kachin	Jan-08	Kachin Independence Organization Headquarters
89	Ah Hkawn	14	F	Kachin	Jan-08	Kachin Independence Organization Headquarters
90	La Htung	15	M	Kachin	Jan-08	Kachin Independence Organization Headquarters
91	Tu Nan	15	M	Kachin	Jan-08	Kachin Independence Organization Headquarters
92	Ah Tang	14	M	Kachin	Jan-08	Kachin Independence Organization Headquarters
93	Gam Gam	14	M	Kachin	Jan-08	Kachin Independence Organization Headquarters
Interviews with witnesses and other military officials						
Case ID#	Name	Sex	Ethnicity	Details		
68	Ko Dwe	M	Chin	Trained alongside 3 child soldiers aged 14 - 15, Shwe Bo No. 2 Recruitment Camp, Sagiang Division		
69	U Doe Lone	M	Chin	Former local NLD Chairman of Ngaizam Village, Falam District, Chin State met four child soldiers		
75	Mi Cho	F	Chin	Member of WLC, witnessed forced recruitment in Cekan Village, Kalaymyo, Sakaing Division		
30	Saw Wine	M	Karen	Former policeman in Karen State, explained forced recruitment by Tatmadaw		
71	Khaing	M	Chin	Witnessed Children recruited to 'Civilian Army' in Falam Township, Chin State, Feb. 2006		
73	Kyaw Moe	M	Burman	Former policeman in Lasha Shan State, trained alongside child soldiers		
72	Mone San	M	Chin	Recruited in Feb. 2006 with 21 classmates (mostly under 18s)		

110	Nay Toe	M	Burman	Tatmadaw soldier, witnessed child recruitment
Interviews with NSAG leaders				
CaseID#	Name	NSA/ NSAG	Position	
111	Dr. Tuja	KIO	Vice Chairman,	
112	Dr. La Ja	KIO	Secretary	
113	Gun Maw	KIO	Information and Youth Department	
114	Gen. Gwa To	KIA	Chief Commander	
115	Gen. Htoi la	KIA	Headmaster of the Military Academy	
116	Thang Yen	CNF	General Secretary	
117	Ngai Ja Thang	CNF	Publicity team leader	
118	Major Ra Nin	CNA	Chief Commander	
119	Gen. Aung Myat	KA	Commander	

Rape and other sexual violence against children						
Case ID#	Name	Age	Sex	Ethnicity	Date Recruited	Place of Incident
No cases of rape were documented by HREIB						

Rape and other sexual violence against children						
Case ID#	Name	Age	Sex	Ethnicity	Date Recruited	Place of Incident
99	Ko Reh	18	F	Karenni	2004, 2005	Htee Poe Kalo Village, Karenni State
96	Khu Meh	16	F	Karenni	2005, 2006, 2007	Kee Lo Pra Village, Hpruso District, Karenni State
70	Thar Gyi	21	M	Burman	1998	Da Ngjin Gong, Rangoon Division
72	Mone San	20	M	Chin	Jan-06	Weatbula, Falam Township, Chin State
74	Mone Htang	23	M	Chin	Nov-02	Pyin oo Lwin, Mandalay Division
103	Khu Reh	17	M	Karenni	2007	Dawnye-hku Village, Dee Maw So District, Karenni State
98	P'rey Meh	16	F	Karenni	2005	Kraw Hku Village, Hpruso District, Karenni State
Please also refer to Child Soldiers Section and Cases						

Denial of Humanitarian Access				
Case ID#	Name	Sex	Ethnicity	Position
58		M	Karen	BPHWT Director
59	Hla Henry	M	Karen	CIDKP Director
82	Paul Sitah	M	Chin	PAC Coordinator
85		M	Chin	NHEC-WR Coordinator
Please also refer to Attacks on Schools/Hospitals Section and Cases				

Attacks Against Schools and Hospitals						
Case ID#	Name	Age	Sex	Ethnicity	Date	Place of Incident
	Note: cases are of general attacks against villages, see report for more details about targeted attacks against schools/hospitals					
2	Naw Pyee Pyee	14	F	Karen	2007	Klaw Mu Der Village, Karen State
4	Naw Swe Swe	16	F	Karen	2003, 2006	Pway Baw Der Village, Karen State
7	Naw Than Than	14	F	Karen	2006	Tat Ma Har 2 Village, Karen State
8	Naw Ei Ei	13	F	Karen	Dec-06	Yay Sha Village, Karen State
9	Saw Tun	11	M	Karen	2007	Tat Ma Har 2, Karen State
10	Naw Htwe Htwe	16	M	Karen	2003	Mwee Lor and Pway Has Lu Villages Karen State
12	Saw Paing	17	M	Karen	2006	Htee Hko Village, Karen State
13	Saw Lwin	18	M	Karen	2003	Nya Mu Hkee Village, Karen State
17	Naw Hninse	18	F	Karen	NA	
22	Saw Maung	12	M	Karen	2007	Thay Hko Der Village, Karen State
23	Saw Kyaw Lin	18	M	Karen	2007	Wah Law Village, Karen State
24	Naw Poe Phyu	18	F	Karen	Aug-07	
34	Saw Myo	17	M	Karen	2007	Kyaukgyi Village, Karen State
35	Naw Le Le	17	F	Karen	NA	Mu Pae Hta Village, Karen State
36	Naw Wain	18	F	Karen	2006	Naw Yo Hta Village, Karen State
37	Naw Hla Hla	17	F	Karen	NA	Ku Day Village, Karen State
40	Naw Mi Ei	13	F	Karen	NA	Mu Thae Village, Karen State
42	Saw Htut Khaung	17	M	Karen	2004, 2005	Eh Maw Dae Village, Karen State
44	Naw Nandar	18	F	Karen	2007	Lae Khee Village, Karen State
45	Naw Moe Moe	15	F	Karen	2006	Taw Hku Mu Dae Village, Karen State
46	Naw Kyi Kyi	13	F	Karen	2006	Mu Thae Village, Karen State
49	Saw Moe Lay	12	M	Karen	NA	Thay Hka Hta
50	Saw Aung Lay	8	M	Karen	NA	Thay Hka Hta
51	Saw Bo Bo	11	M	Karen	NA	
52	Naw Yone Yone	6	F	Karen	NA	
54	Naw Mon Mon	17	F	Karen	2006	Saw Mu Der Village, Karen State

62	Saw Myint Lwin	12	M	Karen	2007	Mae Ka Neh Village, Karen State
63	Kyaw Thu	14	M	Karen	NA	Min La Pan Village, Karen State
64	Saw Zinko	17	M	Karen	2000	Hter Nya Der Village, Karen State
94	Maw Maw	19	M	Kachin	2007	Kasung Village KIO Battalion No.11, Kachin State
102	Khun Aung	20	F	Karenni	2004	Hparee Kyaut Village, See Sai District, Shan State
53	Naw Darlie	13	F	Karen	NA	
100	Toe Reh	17	M	Karenni	2005, 2006	Htee Poe Kalo Village, Karenni State
43	Naw Nway Nway	16	F	Karen	NA	Si Day Village, Karen State
47	Saw Myo Htet	17	M	Karen	2004, 2005	Saw Mu Plaw Village, Karen State
Interviews with adults (parents, grandparents, teachers, and older siblings)						
5	Naw Aye Aye	Grand-mother	F	Karen	2006	Paw Mu Der Village, Karen State
14	Naw Pway Pway	Mother of seven	F	Karen	NA	Nwar Hta Village, Karen State
11	Naw Phyo Phyo	Sibling	F	Karen	2006	Gu Blay Hta Village, Karen State
15	Naw Cho Cho	Mother of four	F	Karen	Mar-06	
16	Naw Poe Poe	Mother of three	F	Karen	2006	Keh Pu Der Village, Karen State
18	Naw Khin Khin	Grand-mother	F	Karen	2006	Saw Me Lu Village, Ler Doh District
25	Naw May	Mother of four	F	Karen	Nov-06	K'Li Hta Village, Karen State
26	Naw Mya Mya	Grand-mother	F	Karen	Aug-07	Saw Wa Der Village, Karen State
27	Naw Myint Myint	Mother of three	F	Karen	May-07	Daw Hko Village, Karen State
28	Naw Soe Soe	Mother of three	F	Karen	Aug-07	Saw Wa Day Village, Karen State
29	Naw Mar Mar	Mother of four	F	Karen	May-07	Kaw Du Hter Village, Karen State



31	Saw Than	Teacher	M	Karen	NA	Ko Hta Village, Karen State
32	Saw Zaw Zaw	Teacher	M	Karen	2006	
39	Saw Yarzar	Sibling	M	Karen	Apr-07	Taw Hku Mu Dae Village, Karen State
65	U Htun Win	Village Headman	M	Chin	2004 2005	Leilet Village, Falam Township, Chin State



## Appendix 2: International Norms<sup>195</sup>

### Killing and Maiming

International law forbids the arbitrary deprivation of life; in fact, the fundamental principles found in all human rights treaties are based on the right to life. Article 6 of the CRC asserts, “States Parties recognize that every child has the inherent right to life.” That inherent right must be protected under all circumstances, especially during situations of armed conflict. Armed forces or groups should never target civilians, nor shall they physically harm or torture civilians in any way. Article 37 of the CRC relating to torture demands that “States Parties shall ensure that: (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.”

Article 3 of the fourth Geneva Convention states, “The following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture.”

Another relevant international treaty is the convention on certain conventional weapons.<sup>196</sup> This treaty establishes further safeguards for non-combatants affected by conflict and seeks to put an end to unnecessary injuries and deaths caused by weapons like cluster bombs and flamethrowers. The treaty came into force in December 1983, although Burma has yet to sign or ratify it.

Further, there is the Mine Ban Treaty.<sup>197</sup> It stipulates that member states discontinue the use of mines and halt all production and trade. It also offers advice on how to deal with the current dilemma posed by existing landmines, such as how mine fields should be cleared and how to go about mine risk education. It aims to ensure assistance for landmine survivors. Burma is not a signatory to this convention either; however, some non-state armed groups from Burma have pledged their support. For instance in August 2006 the Chin National Front (CNF) voluntarily signed the treaty. Colonel Ral Hnin, Chief of staff of the Chin National Army, explained, “We voluntarily signed this treaty because we care about the lives of civilians. Our accession to the treaty is our statement to the world that we denounce the indiscriminate use of violence against non-combatants and civilians in all its forms and that we are committed to adhering to international humanitarian and legal norms”.<sup>198</sup> Other non-state armed groups that have vowed not to use or produce mines, include the Arakan Rohingya National Organization (ARNO), the National United Party of Arakan (NUPA)<sup>199</sup>, the Lahu Democratic Front (LDF), the Palaung State Liberation Front (PSLF), and the Pa-O People’s Liberation Organization (PPLO).<sup>200</sup>

195. This appendix is meant as an overview, not a comprehensive reference

196. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

197. Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on their Destruction. This convention became binding under international law in March 1999 and currently has 155 ratifying States Parties – including heavily afflicted countries such as Afghanistan and Colombia.

198. ChinLand Guardian (August, 2006) CNF Ratifies Anti-Landmine Treaty. Retrieved April 24, 2008 from <http://www.chinlandguardian.com/index.php/Home/182>

199. Ibid.

200. Landmine Monitor (2007) Burma/Myanmar Landmine Report 2007. Retrieved April 27, 2008 from <http://www.icbl.org/lm/2007/burma.html>





## Child Soldiers

The Geneva Convention (Protocol II) and the Convention on the Rights of the Child, both have provisions safeguarding children under 15 from recruitment and use in armed conflict. The Optional Protocol to the CRC on the Involvement of Children in Armed Conflict, adopted on May 25, 2000, establishes further provisions. Article 1 asserts that states must take “all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.” Even though three-quarters of states have now signed, ratified or acceded to this protocol, Burma has yet to do so.

The establishment of the International Criminal Court (ICC) yielded a multilateral binding treaty known as the Rome Statute. The statute, which entered into force on July 1, 2002, assumes jurisdiction over its 105 ratifying State Parties as well as in situations referred to the Prosecutor by the UN Security Council. The Rome Statute codified violations against children, precluded the prosecution of persons under the age of 18 at the commission of the crime, and adopted numerous protective measures against child victims and witnesses.<sup>201</sup>

Similarly, the Rome Statute of the ICC, includes in its definition of a war crime; “conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities”(Article 8.e.vii). This definition relates specifically to conflicts that are not of an international character.

In addition, the ILO’s Worst Forms of Child Labor Convention (No. 182) defines the worst forms of child labor and includes all forms of slavery or practices similar to slavery including forced or compulsory recruitment of children for use in armed conflict. Burma has also yet to ratify this Convention; the SPDC, however, signed a Supplementary Understanding establishing a complaints mechanism to address the issue of forced labor. A yearlong agreement was signed on February 26, 2007 by the ILO and the SPDC and was extended in 2008.

Although Burma is not a state party to the Rome Statute of the ICC, a signatory to the Optional Protocol on the CRC, or a ratifying party to ILO Convention 182, customary law prohibits the recruitment and use of child soldiers in Burma.<sup>202</sup> For instance, those responsible for using and/or recruiting children under fifteen could be held criminally responsible for war crimes. The precedence for this interpretation in the context of the ICC was made by the Appeals Chamber of the Special Court for Sierra Leone in May 2004. The Special Court for Sierra Leone prosecuted five individuals, most prominently Charles Taylor of Liberia, for conscripting and enlisting child soldiers.

Aside from legally binding international instruments, there are internationally recognized standards with regards to protection and approaches to the disarmament, demobilization, and reintegration (DDR) process. The Paris Commitments and the Principles and Guidelines on

201. Burma is not a ratifying state party to the ICC treaty.

202. ICRC (March 2005) International Review Vol. 87 No. 857, p. 210, Rule 135 and 137 Retrieved September 13, 2008 from [http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/p0860/\\$File/ICRC\\_002\\_0860.PDF!Open](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/p0860/$File/ICRC_002_0860.PDF!Open)





Children Associated with Armed Forces or Armed Groups offer a broad framework and set of guiding principles for conducting DDR. The Paris Commitments and Principles also reaffirm and set out measures that should be taken in order to prevent unlawful recruitment practices and support sustainable child development.

## Rape and Other Forms of Grave Sexual Violence

The SPDC has signed several international treaties and conventions designed to protect women and children from rape and other forms of grave sexual violence. As a signatory to the CRC, the SPDC is obliged to uphold article 34, which states that “States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials.” Furthermore, the CRC demands that victims have recourse to the law should they suffer from these abuses.

Articles 9, 10 and 11 of the United Nations Security Council Resolution 1325 on “Women Peace and Security” are also pertinent. Article 9 refers to the rights and protection of women and girls as civilians. Article 10 demands that parties to armed conflict 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. Article 11 calls on states to end impunity and ensure access to justice.

The SPDC has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The Convention’s General Recommendation 19 reaffirms that “violence that is directed against a woman because she is a woman or that affects women disproportionately, is a form of discrimination against women.”

The UN Declaration on the Elimination of Violence against Women (DEVAW), which was signed in 1993, is relevant especially in conflict situations. It defines violence against women as “any act of gender based violence that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.”

Finally, rape is considered both a war crime and a crime against humanity. Article 7 of the Rome Statute of ICC establishes the definition of such crimes, maintaining that all acts “committed as part of a widespread or systematic attack directed against any civilian population with knowledge of the attack” be included. Section G of that article further defines rape and other forms of sexual violence as a crime against humanity.



## Abduction

Abduction is often a precursor to other violations and as such is relevant in relation to the other five violations. Article 9, Paragraph 1 of the CRC pertains to the state's role in preventing children from being separated from their parents against their will. And Article 35, states that, "States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of, or traffic in children for any purpose or in any form."

## Restricting Humanitarian Access

Both the CRC and the Geneva Convention explicitly address humanitarian concerns in conflict situations. Article 38 of the CRC, states, "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." And that "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."

The fourth Geneva Convention, which pertains to the Protection of Civilian Persons in Time of War, secures the right to humanitarian services for civilians living in conflict areas and to civilians affected by internal conflict (article 3). Article 23 of the convention states "Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases." Articles 30 and 50 also directly concern children and their special right to humanitarian services. Burma signed the fourth convention on August 25, 1992 and as a signatory is obligated to ensure the protection of all civilians, especially children. The denial of humanitarian access constitutes a form of collective punishment as it involves penalizing whole communities of civilians for crimes they are not responsible for.

## Attacks Against Schools and Hospitals

Article 24 of the CRC states that "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." The right to access these services must be upheld under all circumstances, especially during times of conflict. Article 28 of the CRC calls on States to recognize the child's right to education, requiring primary education to be compulsory and free to all. It also encourages States to ensure access to secondary school and higher education. Like healthcare, the child's right to education should not be compromised during conflict.



The fourth Geneva Convention pertaining to Protection of Civilian Persons in Time of War is also relevant. With regards to attacks on hospitals, Article 18 states, “Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack but shall at all times be respected and protected by the Parties to the conflict.”

## Appendix 3 National Laws and Policies<sup>203</sup>

### Killing and Maiming

Burma’s military regime introduced the Child Law (State Law and Order Restoration Council Law No. 9/93) on 14 July 1993 to “implement the rights of the child recognized in the Convention.” The Child Law recognizes that all children have an inherent right to life.<sup>204</sup> Chapter five, Paragraph eight, affirms that “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.

#### Child Soldiers

On paper, elements of Burma’s civilian and military law are consistent with the standards proscribed by international law and should serve to protect children against recruitment. For example, the Defense Services Act sets 18 as the minimum age for recruitment into the Tatmadaw. This law sets a higher minimum age for recruitment than both the CRC and the Optional Protocol to the CRC.

Responding to intense international pressure, the SPDC formed the “Committee for the Prevention of the Recruitment of Under-age Children” in 2004. Along with the NCRC, this committee is charged with enforcing Burma’s Child Law and preventing the recruitment of children. Critics claim this committee appears more concerned with absorbing and nullifying legitimate civilian complaints and deflecting outside accusations of noncompliance than with actually countering the use and recruitment of children.

#### Rape and Other Forms of Grave Sexual Violence

*Effective action is taken against those who commit rape according to the existing laws of the Myanmar Armed Forces*

*Myanmar Information Committee,  
Information Sheet No. D-3160 (I) September 10, 2004*

The SPDC and its predecessors have taken various steps to address the situation of children in Burma. The 1993 Child Law establishes protections child victims of rape and sexual

203. This appendix is meant as an overview, not a comprehensive reference

204. Chapter Five



violence. Also, Section 39 of the Burma Penal Code of 1948 establishes provisions for the classification and prosecution of perpetrators of rape.

### Abduction

Burma has introduced legislation to protect children from abduction. Chapter 5, Article 12b of the Child Law pertains directly to this violation, explaining that every child; “shall not be separated forcibly from his or her parents, except in a case where in accordance with law, separation is necessary for the best interests of the child.” Chapter 5, Article 16a further states that no child shall be subject to arbitrary infringement of his or her freedom

Other Burmese domestic laws make specific reference to the act of kidnapping. The Burmese Penal code delineates criminal offences of this kind in the section entitled; ‘Of Kidnapping, Abduction, Slavery and Forced Labor’. Sections 361-364 establish the legal parameters surrounding the abduction of minors and taking them away from their lawful guardians. Section 361 defines kidnapping, while Section 362 defines abduction. Section 364 refers to those acts of abduction or kidnapping that place the victim’s life in danger. The law also outlines the implications for such offences. This law is applicable to those cases of abduction where children are subsequently made to serve in the Tatmadaw, exposing them to the risk of death in combat situations.

Burma’s five-year national plan to combat human trafficking (2007 – 2011) is also relevant. The plan’s three stated objectives are to “(1) implement prevention, prosecution, protection and rehabilitation activities effectively, (2) cooperate and strengthen activities among related ministries, organizations, INGOs, NGOs and the private sector, and (3) strengthen cooperation with regional and international agencies in combating transnational trafficking.” The plan, if implemented, would help protect children from abduction.

### Restricting Humanitarian Access

The SPDC’s unjust laws and discriminatory policies exacerbate the problems facing those living in conflict-affected areas; these include: travel restrictions, the 2006 guidelines for UN agencies and international organizations working inside Burma, the Unlawful Association Act, and the Four Cuts policy. Each of these policies is explored in the body of the report.

### Attacks Against Schools and Hospitals

The regime’s laws and policies produce and perpetuate conditions of insecurity and are primarily responsible for the displacement crisis in the country. Children living in conflict zones are systematically excluded from health and educational services. In fact, there are few schools and hospitals in these areas. Often, the schools that do exist consist of one simple classroom supported by the community itself or a local CBO. The SPDC has promised time and again to build health and educational facilities; these promises are repeatedly broken.



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