

CRC Shadow Report Burma

The plight of children under military rule in Burma

**Child Rights Forum of Burma
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Assistance for All Political Prisoners-Burma (AAPP-B), Burma Issues (BI), Back Pack Health Worker Team(BPHWT) and Emergency Action Team (EAT), Burma Anti-Child Trafficking (Burma-ACT), Burmese Migrant Workers Education Committee (BMWEC), Chin Human Rights Organization (CHRO), Committee For Protection and Promote of Child Rights-Burma (CPPCR-Burma), Foundation for Education and Development (FED)/Grassroots Human Rights Education (GHRE), Human Rights Education Institute of Burma (HREIB), Karen Human Rights Group (KHRG), Karen Youth Organization (KYO), Kachin Women's Association Thailand (KWAT), Mae Tao Clinic (MTC), Oversea Mon Women's Organization (OMWO), Social Action for Women (SAW), Women and Child Rights Project (WCRP) and Human Rights Foundation of Monland (HURFOM), Yoma 3 News Service (Burma)

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Executive Summary

The Child Rights Forum of Burma (CRFB) is submitting the following report to the Committee on the Rights of the Child for its review of Burma. Children in Burma face numerous challenges to their survival and development. For the majority of children access to basic rights such as health care, food, education, protection from abuse and exploitation are almost non-existent.

CRFB wishes to bring to the Committee's attention information regarding the following children's rights violations by the State Party, all of which impede their chances of development and survival:

- the denial of health care and an adequate standard of living;
- the denial of free and accessible education, and discrimination in access to education;
- pervasive and widespread child labour and forced labour, including portering in the army;
- a failure to protect children from sexual exploitation and trafficking;
- a failure to accord special protection to children affected by armed conflict, including from ongoing violations of international humanitarian law by the armed forces;
- the recruitment and participation of children in armed conflict;
- the denial of rights to freedom of expression, association and assembly;
- arbitrary arrest, detention and torture, and denial of the rights to a fair trial.

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Introduction

Growing up under military rule has a profound and devastating affect on children and young people in Burma. The UN Convention on the Rights of the Child (CRC) explicitly requires State parties to ensure to the maximum extent possible the survival and development of the child. Children in Burma, however, grow up amidst acute challenges to the realisation of their most basic human rights, fundamental to life, including the rights to food, shelter, physical security, and access to basic health care and education. Policies and practices of the State party, and its armed forces (Tatmadaw), remain the primary threat to these and other rights protected under the CRC, rather than poverty or incapacity due to Burma's status as a developing nation. The violence, abuse and hardship that young people suffer as a result of political violence, armed conflict and authoritarian political systems can severely impair their development and chances of survival. When parents and family members are killed, disappeared or unlawfully detained, children's rights are further violated.

Children in Burma account for almost half of the population and are the key to its future development and growth, if they themselves are given the chance to develop and grow. Yet the

environment in which the majority of Burma's children grow up is fraught with numerous challenges to their survival and development. Access to basic rights such as health care, food, education, protection from abuse and exploitation are almost non-existent. Children in Burma face arbitrary arrest, imprisonment and torture for their political beliefs. Religious and ethnic minority children face persecution, discrimination and additional barriers in accessing basic services. Militarization, armed conflict, abuse (particularly forced labour), and exploitation of natural resources in ethnic areas leads to loss of livelihoods, crippling poverty, mass displacement, and the denial of basic needs of local communities, all of which directly endanger children's rights, and cost many their very lives.

Violations of human rights and international humanitarian law, including the use of child soldiers, torture, deliberate and indiscriminate killing and maiming of civilians, forced labour, attacks on civilian objects including the food supply, and obstruction of humanitarian assistance are not isolated incidents. The evidence collected by member organizations of the Child Rights Forum of Burma (CRFB) provides further evidence to the growing body of documentation that these violations are widespread and committed with impunity, suggesting that they are systematic, and are conducted with institutional support. These acts likely constitute crimes against humanity and war crimes as defined under customary international law, which is reflected in the provisions of the Rome Statute of the International Criminal Court, and are currently not being investigated in Burma within the domestic legal system. Evidence collected for this report indicates that, in Burma, children are also subject to these crimes. Families expressed reluctance to report violations to authorities out of fear of retribution, but also due to a lack of faith in the judicial system to deliver adequate and fair legal remedies in a manner consistent with basic standards of justice. CRFB supports the position of the UN Special Rapporteur on the situation of human rights in Myanmar that "failing to act on accountability in Myanmar will embolden the perpetrators of international crimes and further postpone long-overdue justice...If the Government fails to assume this responsibility, then the responsibility falls to the international community."¹

Purpose and Methodology of the Report

This report provides an alternative testimony to that of the State Party report to the UN Committee on the Rights of the Child. Burma ratified the Convention on the Rights of the Child in 1991. A complete and thorough examination of the implementation of each article of the CRC was impossible due to time constraints. Furthermore, comprehensive, reliable statistics about healthcare, education and other fields in Burma are often unavailable.

The Child Rights Forum of Burma was formed by civil society organizations (CSOs) after a national consultation workshop that was carried out from 20-22 March 2011 on the Thai-Burma border. Eighteen child and human rights organizations that conduct activities inside Burma but maintain administrative offices in Thailand participated in the workshop.

The report focuses on the following child rights issues: health; education; child labour; trafficking in children; special protection issues – children in armed conflict; the recruitment and participation of children in armed conflict; freedom of expression, assembly and association; and torture and arbitrary arrest and detention. These issues were identified as primary areas of concern by CRFB member organizations and were areas which the groups had been documenting and reporting on over the past two decades. Materials and research provided by the member organisations for this report incorporate the opinions and views of children. Due to severe restrictions imposed by the military regime, independent civil society organizations often cannot operate openly inside the

country; nonetheless, the groups compiling information for this report regularly conduct activities inside the country, though for safety reasons many must do this in secret, coordinated by offices located in neighbouring countries; others must permanently stay in exile because it is impossible to return safely, even discretely.

Since ratification, little progress has been made on implementing the provisions of the CRC or the 1997 and 2004 recommendations of the CRC Committee. The reality for children growing up in Burma remains dire and the State has made minimal progress towards meeting Millennium Development Goals (MDG) for 2015. Despite some legal and policy developments, such as the 1993 Child Laws, the 2005 Anti-trafficking Law, the Plan of Action Against Trafficking and the Supplementary Understanding between ILO and the Government of Myanmar, reforms are largely cosmetic and State policy and practice fails to comply with the obligations set out in the CRC. Burma has ratified only two international human rights treaties, the CRC and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In order to strengthen the full implementation of all human rights, the Committee in its 2004 Concluding Observations recommended that Burma ratify all other international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture. In its State report the regime makes no mention of these treaties, and provides no indication of whether it is considering ratification or any steps it will take to ratify them.

Furthermore, the State only made minimal effort to adhere to the Committee's recommendation regarding the inclusion of the rights of the child in the new Constitution. The Constitution makes only two references to children: section 32(a) stipulates, "The Union shall care for mothers and children, orphans, fallen Defence Services personnel's children, the aged and the disabled"; and the section of the Constitution on Citizen, Fundamental Rights and Duties of the Citizens, states, "Mothers, children and expectant women shall enjoy equal rights as prescribed by law".

The CRFB supports the recommendations made by the Committee in its 2004 Concluding Observations, but the regime has failed to make progress on these recommendations. This report contains concrete suggestions on how the State Party can fulfill its the obligations under the CRC and improve the life chances of Burma's children.

The CRFB urges the State party to:

1. Ratify and bring relevant laws and practices into compliance with international human rights treaties, including the International Covenant on Civil and Political Rights and its Optional Protocols, the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, the Convention against Torture
2. Ratify the Additional Protocols I and II of the 1949 Geneva Convention and bring relevant laws and practices into compliance with these and other international humanitarian norms.
3. Review and amend the Constitution and existing legislation to ensure implementation of international human rights including the CRC and compliance with international humanitarian law.
4. Publicly acknowledge the above changes in law and direct all civilian and military officials to comply. Remove from posts and then prosecute individuals who violate these laws or fail to punish perpetrators. Penalties should involve criminal, in addition to administrative, charges and punishments. Information about prosecution and punishment of violators should be widely publicized, and verification by outside monitors and the media permitted.

5. Mobilize and utilize all available resources to ensure that the basic rights of all children, including the rights to development, survival and to be free from discrimination, are fully realized and met.
6. Prioritize policy reform and increase budget allocation to meet the Millennium Development Goals and ensure basic needs such as health care, food, shelter and education are provided to all people throughout the country, as laid out in CRC, CEDAW, and UDHR.

Articles 24 and 27 - the right to health ² and an adequate standard of living³

Children in Burma often grow up without enjoying the most basic human rights fundamental to life: food, shelter, physical security, and access to basic health care. The situation for children in the ethnic and border areas, particularly internally displaced persons (IDPs), is even more precarious. For such individuals, widespread rights violations that take place cause and exacerbate existing health problems. Burma's once vaunted public health system has collapsed, a consequence of decades of military misrule, abuse, and disinvestment. Less than 3 % of Burma's State expenditure is on health⁴; some recent estimates place the figure at under 1%⁵. Official health expenditure per capita is amongst the lowest in the world, estimated at \$1 (actual dollars) per capita per annum in 2009. ⁶ This figure amounts to 0.8% of the Burma's overall State expenditure. The equivalent figures for Burma's neighbour, Thailand, are \$168 and 14%, respectively.⁷ Even childhood immunizations, one of the most cost-effective public health interventions available, are excluded from the State health budget; no State funds were spent on immunizations in 2009.⁸ The reality of ongoing disinvestment in essential social services by the State party remains unchanged today, despite recent political changes: the country's latest budget, passed in secrecy and without oversight by the new parliament, allocated only 1.3% of the national budget to health, about \$2 per capita per year. The lion's share was reserved for the military, which received almost a quarter of the budget, easily eclipsing expenditures on health, education, and social welfare combined.⁹

However, the problem is not simply one of resource limitations: in 2010, the State party continued its string of trade surpluses, particularly through the sale of energy, and is estimated to hold almost \$4 billion in international reserves.¹⁰ Its ongoing neglect continues to place the country's most vulnerable populations, particularly mothers and children, at high risk for preventable morbidity and mortality, and Burma's basic infant, child, and maternal health indicators rank amongst the worst in the region. Officially, in 2009, the infant mortality rate was estimated to be 54 per 1000 live births, while the figure for child (under-5) mortality was 71, amongst the highest in the region.¹¹ The equivalent figures for neighboring Laos, where governmental spending on health is \$7 per capita per year (or 3.8% of government expenditures) is 46 and 59, respectively¹². A third of Burma's children are moderately to severely underweight, and the maternal mortality ratio is estimated to be 320 per 100,000 live births, again amongst the highest in the region¹³.

Access to Health Services

As a result of severe official disinvestment in basic health services, almost 90% of healthcare expenditures are paid for privately, almost entirely out-of-pocket.¹⁴ Given that over 70% of the average Burmese household budget is estimated to be spent on food alone, a reflection of severe food insecurity in a country once known as the "rice basket of Asia," professional health-related services are an unaffordable luxury for most people in Burma¹⁵ The already precarious situation is

exacerbated by widespread corruption, including in State health facilities, where informal “fees” are often levied (not only for admission but for other services such as wheelchairs, blankets, and cleaner facilities); further, all supplies and medicines, absent from hospital stores, usually have to be purchased on the black market by patients or their families, incurring additional time and expenses.¹⁶

In rural eastern Burma, severe official disinvestment in health-related services and the resulting lack of infrastructure is worsened by increased militarization and its abusive consequences on the civilian population. Predatory practices such as forced labour and seizure of land and property, a consequence of the Tatmadaw’s policy of self-sufficiency, are deepening poverty and further limit access to health care.¹⁷ Where health care facilities are available, access may be controlled by the whims of the local Burma military commanders.¹⁸ According CRFB member the Karen Human Rights Group (KHRG), *“Constant demands for forced labour by army personnel operating in State Peace and Development Council controlled areas force villagers to leave their crops untended, resulting in spoiled or reduced harvests. Military taxes and extortion then take away much of this harvest and erode savings kept in the form of livestock, jewellery and rice surpluses, leaving villagers to work hand to mouth and thus reducing parents’ health care options for their children.”*¹⁹

The inability of many mothers and children to access timely and appropriate health-related services often proves to be fatal, as shown in Table 1 in the Appendix. In internally displaced communities of eastern Burma, recently published figures for infant and child mortality are even higher than Burma’s official figures, at 73 and 138 per 1000 live births, respectively.²⁰ Similarly, maternal mortality ratios in such communities are almost triple Burma’s official national figure, bearing closer resemblance to countries such as Democratic Republic of the Congo, Nigeria, and Rwanda.²¹

Qualitative interviews in IDP communities have also highlighted the common experience of losing children as a result of lack of access to healthcare. A Karenni man who lived for four years at various relocation sites recalled, *“at least one child died every week.”*²² A Kayan Padaung man described the loss of his children: *Everyone in my family got sick within a year of being forcibly relocated. My three year-old and six-year-old got sick so quickly. They couldn’t eat and got terrible fever and diarrhea. Within a week they were both dead...Most of the children from my community died in that year”*²³

Although direct military violence has been frequently reported and has been extensively documented, surveys of IDPs in eastern Burma have not shown direct violence, either from torture by soldiers or landmine injuries, to be the major cause of death. Far more civilians die indirectly from causes closely linked to abusive policies of the State party. The impact of specific human rights abuses on children’s health are depicted in Table 2 in the Appendix.

The main causes of death in the children of such communities are overwhelmingly preventable: malaria was identified as the main cause; and diarrhea and acute respiratory infections were the second and third most common killers.²⁴ Malaria remains one of the biggest killers in Burma; however, the burden of sickness and death is disproportionately borne by IDPs and ethnic peoples of the country. One community survey in IDPs of Eastern Burma found that malaria was responsible for 24.7% of all deaths, and 27.7% of deaths in children under five.²⁵ Perhaps 1/14 household heads, primarily women, were infected with *Plasmodium falciparum*, the most deadly type of malaria parasite, suggesting high ongoing transmission. These realities have had destabilizing health impacts on the country’s neighbours, especially Thailand, where 90% of the country’s malaria cases occur on the border with Burma.²⁶

The second leading identified cause of death in IDP children, diarrhea, is similarly preventable.²⁷ Less than a third of IDP children who had diarrhea were able to access highly cost-effective, potentially life-saving oral rehydration salts (ORS), again reflecting lack of access to even the most basic of health interventions. And the frequency with which this disease occurs also reflects lack of investment in adequate clean water supplies and sanitation for such communities, again a situation more dire than for Burma as a whole, where it is estimated that 34% of the rural population has no access to clean water and for 43% there are no safe sanitation facilities available.²⁸

Child Malnutrition

In eastern Burma, childhood malnutrition rates are also disproportionately high, particularly in IDP communities, where over 40% of children may be acutely malnourished.²⁹ For three townships here, the situation would meet the criteria of the World Health Organization (WHO) for critical malnutrition, indicating an acute need for supplementary feeding interventions.³⁰ Results of other surveys in similar communities were consistent with this; one such analysis published by the Thai Burma Border Consortium in 2010 found that 60% of households had an inadequate diet, consuming primarily rice and vegetables, and having almost no protein.³¹

Available information also indicates that micronutrient deficiency is also very common in Burma, particularly for IDP children. Although official UNICEF figures from 2008 indicate 94% coverage of Vitamin A supplementation³², surveys by the Back Pack Health Worker Team, done in IDP communities of eastern Burma largely blocked off from international humanitarian assistance, indicate rates of only 20%.³³ Similarly, while 93% of households in Burma officially have iodized salt³⁴, an important intervention for prevention of iodine deficiency and childhood mental retardation, the equivalent figure for IDPs of eastern Burma is only about 47%.³⁵

Although data is even more limited for other border areas of Burma, available information for Chin State, bordering India, indicate an even more dire situation of food insecurity. In 2006 the *Melocanna baccifera* bamboo which covers approximately one-fifth of Chin State began to flower and produce fruit, a process which happens once every 50 years. The fruit attracts forest rats, which then reproduce at a rapid rate. When the fruit supply is exhausted, the rats turned on people's farms and fields, quickly depleting rural villagers of their primary food supplies. The consequences of this process are long-lasting: the destruction of their livelihoods, increased hunger, malnutrition and disease.³⁶ 44 children, mostly under the age of 10, died in the Lautu and Mara areas of Thantlang Township in 2008 alone. Another five children died in Paletwa Township in February 2008³⁷. The food crisis is still ongoing in southern Chin State, with an estimated 114 villages in Kanpalet Township facing acute food shortages in December 2010.³⁸

However, this disaster was not simply a result of natural cycles of the bamboo: it was exacerbated by widespread official abuses by the Burmese authorities. In a 2011 report published by Physicians for Human Rights (PHR), based on surveys conducted in every township of Chin State, over 90% of surveyed households had experienced forced labour in the preceding year, overwhelmingly by Burmese authorities. Over 50% had their livestock stolen or killed, and over 40% had been forced to give money, again overwhelmingly to agents of the State, all of which compromised their ability to survive amidst a predictable famine.³⁹ For many, these realities have rendered survival in their homes untenable: an estimated 12.3% of all households in Chin State were forced to flee during February 2009 to March 2010, the main reasons being to find food (83%) or work (9%).⁴⁰ The southern townships of Paletwa and Kanpalet comprised 80% of all displaced households. One family of four was forced to move ten times in one year. They moved, they said, primarily out of a need to find food. In Paletwa Township, researchers met with a 57-year-old resident who lives with

his wife and four of his seven children – one of whom was only three-months old. More than ten times during the past month, members of the household went a full day without eating anything for lack of food.⁴¹ Many more were unable to survive in Burma, fleeing to India and Malaysia.

The authorities in Burma have not provided any direct food aid to the people of Chin State. Requests for technical preventative assistance have been ignored. Instead the authorities have obstructed foreign relief aid. In July 2009, then-Chairman of Chin State Peace and Development Council, Brigadier-General Hung Ngai – recently appointed Chief Minister of Chin State following the November 2010 elections - issued an order to all Township Peace and Development Councils of Chin State, forbidding them from receiving foreign assistance.⁴²

Maternal health

As noted earlier, maternal mortality ratios in IDP communities of eastern Burma are far higher than Burma's national figures, a reality driven by the inability of women to access basic reproductive health services. In recognizing the intimate link between the survival and development of children and their mother's health and socio-economic status, the CRC requires that State parties ensure appropriate pre-natal and post-natal health care for mothers. In Burma, the failure to realize the health rights of women has a devastating impact on survival of children.

In the areas where community organisations are working in Eastern Burma, access to safe delivery is very low, and access to emergency obstetric care is only 4%.⁴³ One survey found that only 4% of women delivered in hospitals.⁴⁴ In 2006, one large community survey, covering approximately 3000 IDPs of eastern Burma, showed that only 5.1% of births were attended by skilled personnel⁴⁵; Burma's equivalent national figure, published in 2001, is 57%.

Women hiding in the jungles of Eastern Burma due to armed conflict have had to deliver in the forest: *"Some pregnant women have to give birth in the forest where there's no bed, no mat or no chair to sit on, no hot water to warm their bodies and no shelter to sleep in. In some cases, the husbands are busy working to get food, and their children are too small to look after their mother. It's very difficult for them."* Saw Gi--- (male, 45), Ze--- village, Lu Thaw Township (December 2009)⁴⁶

Other indicators of access to basic services were also low for IDP women: fewer than 40% had any antenatal care visits, only 21.9% were tested for malaria during pregnancy, 11.8% received iron or folate supplementation, and 4.1% received de-worming treatment. In one baseline survey in 2008, only 15.6% of pregnant women received one dose of tetanus, and 2% received 2 doses⁴⁷. These populations remain at risk of neonatal tetanus but lie beyond consideration of any neonatal tetanus eradication programme, despite the country's recent confirmation of being neonatal and maternal tetanus free.

Similarly, the unmet need for contraception in IDP communities of eastern Burma was high, 61%; Burma's national-level equivalent in 2009 was 19.1%. This inability to control fertility can be fatal for women and children, especially given the high prevalence of malaria - 36.7% of pregnant IDP women tested positive for *Plasmodium falciparum* malaria, the most dangerous type.⁴⁸ Malnutrition rates in IDP women are also high, increasing the risks of poor pregnancy outcomes for mothers and their children. Up to 18% of women of reproductive age women were malnourished, increasing the risk of delivering infants with low birth rate and neonatal mortality.⁴⁹

In a similar respect to children, the lack of access to basic health services for pregnant women is compounded by human rights abuses, increasing the risk of poor health outcomes of the neonates and infants. In particular, forced relocation was associated with increased odds of maternal anemia, and lack of family planning, malaria screening, and antenatal care in pregnant women.⁵⁰

Yet despite the severity of the humanitarian crisis in eastern Burma, international aid to most of these communities is blocked by the State party, forcing them to rely solely on community-based organizations (CBOs), frequently operating across borders to implement basic health programs. Multi-ethnic programs serving IDP communities across eastern Burma have demonstrated that such community-driven initiatives are able to improve access to basic preventative and curative health interventions, particularly of mothers and children.⁵¹ In addition, such initiatives have been able to document, report, and control outbreaks of childhood, vaccine-preventable diseases and emerging health priorities, such as influenza, where the State party has been unable or unwilling to do so, posing a threat to the country's neighbors.⁵²

Despite assertions in the State CRC report that "Child Health, including newborn care, has been accorded priority aiming at reducing maternal, newborn, infant and children morbidity and the Ministry of Health has put emphasis on achieving the MDGs by 2015 with its own available resources"⁵³, the realities of the health situation, render it unlikely that Burma will meet its MDG indicator targets for 2015, particularly with regard to reducing child deaths and improving maternal health, in many ethnic and displaced communities of the country. Ample available data suggests that, without a cessation of human rights violations committed with impunity against ethnic civilians, the health catastrophe befalling women and children of eastern Burma will continue, particularly given that international humanitarian assistance remains blocked by the regime.⁵⁴

Denial of the right to health for children in prisons

Another group of children at risk of ill-treatment and the denial of the right to adequate health care are infants and young children who are in prison with their mothers. The protection of a child's wellbeing and development is clearly challenged when their parent, or in some cases both parents, are deprived of liberty. However, children living in prison with their parents are not prisoners and should not be treated as such. In Burma, detention facilities seldom provide the necessary conditions to protect children and ensure their wellbeing. Babies born in prison and children who accompany their parents during incarceration are denied adequate health care, nutritious food and their mothers are often denied assistance during childbirth. Such deprivation often results in the deaths of babies and children inside Burma's prisons. Former political prisoner, Myat Mo Mo Tun, recalls, *"Because of the malnutrition and the lack of proper healthcare, many children died in prison. When a female warden left the women's ward carrying a big plastic bag, we understood a child was also dead."*⁵⁵

All women have the right to access antenatal care in pregnancy, skilled care during childbirth, and care in the subsequent weeks to ensure the safe delivery of the baby and prevent any complications, as secured in Art. 24 of CRC. Women who are arrested while pregnant and forced to give birth in prison find their lives and the lives of their newborn babies at risk. In many cases authorities refuse to send skilled health professionals, leaving the mother to rely solely on her cellmates for assistance. CRFB member, the Assistance Association for Political Prisoners – Burma (AAPP), reports that in the case of political prisoner, Daw Khin San New, who suffered complications during childbirth, the denial of medical assistance resulted in infertility: *"It was so difficult for me to give birth so I asked for Dr. Toe Toe Tin and Dr. Aye Aye Cho of the NLD, who were in*

my ward also, to give me a hand. But they were not allowed to come to me. I had to give birth with only a female prisoner in charge of my ward and a girl called Mi Lone. Mi Lone pushed my belly extremely hard to give birth, which is why I am barren.”⁵⁶

Reports from political prisoners incarcerated in Moulmein Prison, in Mon State, between 1999 and 2009, reveal that women who gave birth during this period were denied medical assistance during childbirth, which coupled with dire prison conditions led to the deaths of babies and children inside the prison. The exact number of child deaths is unknown; however, between 1999 and 2002, a former political prisoner witnessed the death of at least six babies. The main reason for their deaths was malnutrition often brought about because their mothers received inadequate food and were unable to breastfeed. Cho Mar Htwe, who was detained in Moulmein prison between 1999 and 2009, provides an example: *“At 2pm one afternoon a baby boy, aged just six months old, started convulsing. We tried to contact the doctor and I said I would pay the fee. I told the prison guards it was their responsibility to take care of the baby. At 3pm the baby died. The doctor did not come until after the baby had died.”⁵⁷*

The conditions documented in Moulmein prison are reflective of the situation in all prisons in Burma. AAPP can confirm that malnutrition, poor sanitation and the denial of adequate healthcare are a serious problem throughout the prison system, posing a major health risk.⁵⁸

The absence of proper postnatal care leaves women with little resources with which to care for their babies. Burma’s Jail Manual states that all children are entitled to two baths per day; however, prisoners are not allocated additional water for their children and must share their meager ration with their children. Female political prisoners were not provided with nappies; forcing them to resort to using their *tameins* (women’s sarongs). Others were denied adequate water to bathe their child and wash their clothes and nappies, as former political prisoner, Daw Yuu Yuu Hlain describes, *“We were entitled to four or three small cups of the water for having a bath. It was not enough even to have a bath. I needed some more water for washing my child’s nappy and clothes. I used bathwater for washing my child clothes. One day, I was abused badly by the jailer because I was washing my child’s nappies in this water”.*⁵⁹

In Burma’s prisons, the absence of everyday stimuli and educational material hampers children’s social and emotional development. Often, children held inside Burma’s prisons are unable to read and write and have very little knowledge of the world outside of prison, as evidenced in the following quotes from former political prisoners: *“I worried about the children’s development. They were mentally tortured. Sometimes prison guards brought their children into the prison. The comparison between them and prison children, in regards to their knowledge and physical development, was shocking”.*⁶⁰ Former political prisoner, Myat Mo Mo Tun, reflects *“Children who lived in prison with their mothers knew nothing about the world. Sometimes we met children who did not know what dogs were. They were the children who did not know what a motorcar was, and didn’t know people outside of the wall were free”.*⁶¹

The CRFB urges the State party to:

1. Significantly increase expenditure on health, particularly in the areas of women and children’s health.
2. Immediately cease violations of human rights and international law, which are the primary drivers of involuntary, large-scale population migration, food insecurity, loss of livelihoods,

and lack of access to basic medical services. Those responsible for such violations, including civilian authorities and the military, must be held accountable for such abuses.

3. Develop a health system that is inclusive, transparent, effective, and equitably distributed to "ensure to the maximum extent possible the survival and development of the child," and which aims to make medical treatment and preventative care available to all children in Burma, including the most marginalized, such as displaced populations, ethnic nationalities, and religious minorities).
4. Rescind excessive limitations on the provision of humanitarian assistance to the peoples of Burma, limitations such as those embodied in the "Guidelines for UN Agencies, International Organizations and NGOs/INGOs on Cooperation Programme in Myanmar," which further denies access to basic social services to Burma's most vulnerable populations.
5. Lift restrictions on the independent collection, analysis, and dissemination of data, including health-related data essential for programming and the provision of appropriate services in the most cost-effective manner to the children of Burma.
6. Mobilize and utilize all available resources to promote health care along Burma's borders, where some of the highest rates of infant, child, and maternal deaths occur, particularly as a consequence of preventable infectious diseases.
7. Support the work of community, often ethnic-based, organizations who are often the sole providers of accessible health services in the area, and expand cooperation with neighbouring countries such as Thailand to maximize access to basic health services for mobile populations, particularly services addressing diseases of national concern such as malaria, tuberculosis, and HIV/AIDS.
8. Cease harassment of community members striving to address humanitarian disasters occurring in their own communities, and release all community and humanitarian workers and volunteers currently detained in prison.
9. Ensure enough funding for the prison budget to ensure conditions consistent with international standards. Funding should be allocated for facility renovation, upgrading water and sanitation facilities, adequate food and adequate health services.
10. Develop gender-specific detention standards to meet the health needs of women and children; and refrain from detaining women who are pregnant or nursing infants, unless access to antenatal, natal and post natal services for women prisoners are guaranteed.

Article 28 – Right to education⁶²

Access to free and compulsory primary schooling is guaranteed under the CRC. It is also provided for under Burma's domestic law⁶³ and under the 2008 Constitution.⁶⁴ However, many young people in Burma are denied access to quality education; and others have no access to education at all. The low level of State expenditure for education, 1.3% of its budget, reflects the low priority placed on education by the State. The level of spending on education remains one of the lowest in the world and represents less than US\$1 per person, per year.⁶⁵ As a consequence students and their parents must supplement a broad range of costs, including teacher salaries, books and other school supplies, maintenance of school facilities and intermittent 'donations' for festivals and ceremonies organised by local authorities. CRFB findings indicate significant barriers to accessible and free schooling violating children's rights to education. According to Save the Children 80% of children aged five through nine enrol in primary school, but more than half fail to complete their schooling.⁶⁶ While all of Burma's citizens are affected by the regime's neglect of the school system, ethnic groups face additional discrimination due to religious and/or ethnic prejudices, in violation of not only article 28 of the CRC but also the guiding principle of non-discrimination (art. 2 of the CRC).

The State party has developed a 30 year education development plan that incorporates the vision of creating “an education system that will generate a learning society capable of facing the challenges of the Knowledge Age,” as well as a more detailed plan, the Education for All: National Plan of Action (2003-2015).⁶⁷ However, neither suffice as adequate planning frameworks and they do not have accompanying budgets. Research by the UN Special Rapporteur for the human rights situation in Myanmar found that there is no overall education budget and finances are fragmented, with 13 ministries running education institutes. The Committee on the Rights of the Child found that there was a lack of reliable data, particularly data disaggregated by gender, age, and urban and rural area in regards to education and recommended the Government remedy this gap. Finding reliable and comprehensive data on education in Burma remains difficult. The lack of data, asserts the Special Rapporteur, “reduces the capacity of the Ministry of Education to manage its responsibilities in ensuring the right to education”.⁶⁸

The State party’s claim of “energetically” carrying out “education development” in order to “narrow the gap between hilly regions and lowlands and between rural and urban areas”⁶⁹ stands in stark contrast to reports received by CRFB member organizations from villagers living in these regions. Villagers living in areas of eastern Burma under consolidated military control have frequently refuted the assertion that the authorities fund the construction and operation of schools and have improved access to educational facilities for rural children. Instead, gross under-funding of education and impoverishment of the civilian population through regular demands for labour, money, food and supplies, and pervasive restrictions on travel, trade and livelihood, constrict access to education by undermining family income levels and driving children into the workforce.

The State party systematically undermines the education system in eastern Burma and other areas by limiting resources, reducing expenditure and strictly censoring the curriculum, as highlighted in a 2008 report by the Karen Human Rights Group, drawing on over 160 interviews with local children, their families and communities.⁷⁰

A father from Papun District, Karen state, explains: *The villagers had to pay the teacher’s salary. We paid her 60,000 kyat [US \$54] per year. The students who attended the government school had to buy the books, pens and other things by themselves. I sent my three children to attend the government school. I think that for my three children I have already spent 30,000 kyat [US \$27]*” Saw N---, N--- village, Papun District (November, 2007).⁷¹

Similar issues are experienced in other ethnic areas. The Chin Human Rights Organization (CHRO), a CRFB member, reported that in Thantlang Township, Chin State, high and arbitrarily-set admission fees have prevented many school students from enrolling. Beginning from the 2006-2007 academic calendar year, the Township Education Officer had imposed an admission fee of 3500 kyat for each high school student, 3000 Kyat for middle school student and 2000 Kyat for primary level students. When added with the costs of school uniforms and books, each student spent about 20,000 kyat (20 USD) per year.⁷²

Inadequate teacher salaries

Teachers are drastically underpaid, and are sometimes not paid at all. In Chin State, the monthly salary for a high school headmaster is between 64,000 – 80,000 kyat (64 – 80 USD), depending on length of service; for high school teachers is between 59,000 - 64,000 kyat (59-64 USD); for middle school teachers 53,000 – 59,000 kyat (53-59 USD); and for primary school teachers 47,000 – 53,000 kyat (47-53 USD) respectively. The Township Education Officer, in charge of the education

department in a township, earns 100,000 kyat per month (100 USD). In comparison, one 50kg sack of rice costs as much as 35,000 kyat in the state capital Hakha, which denotes that salaries are too low for many teachers to purchase basic food.⁷³ To help meet teachers' basic needs, some schools resort to collecting compulsory extra fees from students for additional classes after normal school hours. Students report that important aspects of the curriculum are usually only taught in these after-school classes. In a high school at Rih sub-town of Falam Township, Chin State, for example, each student was required to pay 2000 kyat per month beginning in the 2008-2009 academic year.⁷⁴

Meagre salaries mean many teachers must work two or three jobs just to make ends meet; therefore time spent in the classroom or preparing for lessons is limited, as the following example illustrates: *I came from a village in Mon State. My mother was a Primary School teacher. Every day, after I came back from school I had to help my mother to make hand-made snacks to sell at school. At school, like my mother, all teachers had to sell snacks. They also asked the students to sell them for them. Some teachers went round the school class after class during the lunch-break. Students got one kyat as commission for every 10 kyat gained from sales,*" Interview with a Mon woman, aged 24, in August 2008.

The current education system and low teacher salaries have encouraged corruption among educational staff. Students can obtain good marks by giving bribes to teachers, while the children of State authorities and members of the state-sponsored association, the Union Solidarity and Development Association, get good marks for free. Students graduate without any understanding of their courses, having used bribery to gain their grades.⁷⁵

A shortage of schools and understaffing are major impediments to the access of quality education in rural and border areas. In many areas in Chin State, one school is shared by up to four or five villages. According to 2008 figures from the State Peace and Development Council (SPDC), there are 109,334 students in Chin State, making up a fifth of the total population of 533,047 in the state. The same statistics show that there are 4,777 teaching staff in Chin State. This means that in theory there is an average of one teacher for every 22 students. However, this is generally not the case especially in rural areas where up to 200 students share a single teacher. In many areas, one school is shared by up to four to five villages in the area.⁷⁶

There are only 49 high schools in Chin State and no higher learning institution such as a college or university, contrary to the State party's claim in its submission to the Universal Periodic Review process that "at least 1 Arts and Science University, 1 Computer University and 1 Technical University are established in 14 states/divisions."⁷⁷ High school graduates must continue their higher education outside of Chin State, an added barrier to educational access for Chin students, as well as, a financial burden for parents with one or more students studying in colleges or universities.

Armed conflict and education

A number of ongoing armed conflicts, mainly in ethnic rural areas, have had a devastating effect on the education of young children. In addition to endemic poverty, many families are forced to relocate in order to avoid persecution and attacks by the armed forces of the State party. Forced displacement and relocation disrupt the schooling opportunities of children in these areas. In a number of villages, there simply is no school and parents cannot afford to send their children to other areas to study. School materials have to be left behind when villagers flee military attacks and

students must then try to continue their studies in the jungle. Children studying in makeshift schools in the jungle face numerous impediments to quality education. There are no educational aids, books or shelter. They practice writing on the ground or on cliff faces. A 13 year old from eastern Bago Division, describes his experience in 2008: *"I studied in the village for two years and then I had to flee into the forest. I couldn't continue my studies in my village school...Then we fled further and further until we reached B...the SPDC came again and we had to flee to Gk---. When I lived in B--- we had a school and I could go to school but we could only study for one month [at a time] and [then] we fled. We stayed about a month in Gk--- ... but we had no books and we had to write on wild banana leaves".*⁷⁸

A 15 year old girl from a conflict area of Karen State, describes the impact of armed conflict on her education: *"When I was in grade seven, while we were taking our mid-term exam we heard the sound of mortar explosions, so we had to try to concentrate while listening to the explosions. Once we finished the exam we fled out of our village immediately."* (December 2009)⁷⁹

In carrying out the destruction of villages for the purpose of eradicating civilian presence in areas which it does not fully control, Tatmadaw personnel have burnt schools to the ground alongside houses, churches, food stores and agricultural crops. The UN Special Rapporteur, recently noted, "The Rome Statute of the International Criminal Court, for instance, defines intentional attacks against civilian objects, including schools, as a war crime (art. 8,para. 2 (b)(ii)). There is evidence that schools were attacked during the many years of systematic destruction of entire villages by the military carrying out its "four cuts" policy." He suggests "[t]he attacks against schools would be an additional subject in pursuing truth, justice and accountability".⁸⁰

In 2010, 13 schools⁸¹ located in Kyauk Kyi Township, in eastern Bago Division were burned by the Tatmadaw, according to documentation by the Karen Youth Organisation (KYO). At least 500 students attended these schools and were consequently been deprived of educational facilities and materials. Students in the same area also reported to KYO missing out on school and exams for fear of being shot by the Tatmadaw, as has happened in the past, after Tatmadaw authorities ordered people not to use designated local roads. The soldiers stated that anyone caught on, or crossing, these roads would be shot. The roads were an important route to school for children in rural communities with no school of their own, and many children stayed home from school as a result of the movement restrictions.

Since November 2010, KHRG has documented widespread disruption to children's education across eastern Dooplaya and Pa'an districts, Karen State, amid escalation of conflict between the Tatmadaw and Karen armed groups.⁸² According to three community-based education organizations contacted by KHRG, there are a total of 24 schools in areas of Kawkareik Township affected by ongoing conflict. As of January 17th 2011, at least 18 of these schools had been closed, and those that continued to operate were doing so with only 50% of their students. The CBOs estimated that at least 3,700 students had been affected by these closures. Displaced villagers, meanwhile, have reported struggles to address disruptions to their children's education. While some families have been able to send their children to other nearby schools that remain open,⁸³ or set up ad hoc schools run at unofficial refuge sites in Thailand,⁸⁴ these solutions are not sufficient to address the educational needs of the large number of children displaced by the conflict. The result is that children hiding with their families have faced particular obstacles in accessing education and preventing interruptions to their schooling.

Education for girls

Owing to prevalent gender attitudes, sons' education is prioritized over daughters', and girls commonly leave school to help support their families, or do part time jobs while studying. The high cost of education increases this predicament. School girls also face the personal risk of sexual and gender based violence, including by Tatmadaw troops, due to the necessity of traveling dangerous routes to get to school (see sexual violence section for a case example). According to the Women's League of Burma (WLB), there is on average only one school for every 25 villages in ethnic areas, so the nearest school may be at least half an hour's walk from the village⁸⁵, which results in some families taking their daughters out of school for fear of this danger. A 2008 KHRG report noted that "Girls have traditionally been expected to take on household occupations less dependent on high levels of formal education," suggesting that limited opportunities for financial or personal development beyond traditional agrarian livelihoods in militarised rural areas sustained some communities' scepticism about the usefulness of education for girls, as well as boys.⁸⁶

Discrimination in education

In Burma it is not legal to teach in any language other than Burmese. Article 30 of the CRC⁸⁷ and the principle of non-discrimination (art. 2) protect minority groups from discrimination in education. The CRC Committee has emphasized in its General Comment No.1 that Article 29.1 "*cannot be properly understood in isolation*" from a number of provisions in the CRC, including specifically "*the linguistic and cultural rights of children belonging to minority groups (art.30)*."⁸⁸ Many students speak an ethnic minority language as their mother tongue the prohibition of bilingual education poses a barrier to early learning as children must become literate in a new language before they are literate in their mother tongue.⁸⁹ Students in Chin State also suffer from religious persecution from the authorities, while in Arakan State, ethnic Rohingya children face discrimination on account of being denied the right to citizenship, as they are not recognized as citizens by the state.

The State party has openly used State resources to promote Buddhism through the Ministry for Development of Border Areas and National Races and Municipal Affairs. In southern Chin State's Kanpalet Township the ministry is running a school (Border Areas Ethnic Youth Development Training School), which is separate from the regular public school system. Students wishing to attend the school are required to convert to Buddhism and are accorded free school fees, uniforms and monthly rations. Since July 2010, U Hung Om head of the **Na-Ta-La school**, has been telling young people [high school male students] to change what's written on their identity card from Christian to Buddhism. If they change their religion on their ID card they get a school uniform for free, a monthly rice and lentil ration.⁹⁰

Students who convert are sent to the school and then as soon as they graduate they are given a position with the local authorities; "*If you carry an ID card that says you are a Christian, it's very difficult to get a job. Even though the Buddhist and Christian populations are more or less equal in number in our area, they are getting these positions and will dominate all the positions of power in our area. Therefore we will face increasing discrimination*".⁹¹

According to an expert from Arakan Project, Rohingya children in Arakan state face severe discrimination in their right to access education due to their status as non-citizens. One of the key issues is lack of access to education due to restrictions on the right to movement. The only university is in Sittwe and most Rohingya students, even after being admitted to the university, do not receive travel authorisation to go to Sittwe. Consequently, very few high school students

managed to continue their studies. Non-citizens are barred from State employment and, since there are few other available jobs for educated people, they have little prospects for a job in the future. Non-citizens are also not allowed to study certain subjects such as medicine. At the village level, primary and secondary education are accessible within North Arakan state but these services are very neglected. Rohingya are barred from working in the civil service, and consequently Rohingya cannot work as State teachers. Schools lack qualified teachers and Rakhine teachers are often not interested in teaching Rohingya children. Illiteracy is very high also due to widespread poverty as children have to work to support their families or to do forced labour.

Human Rights Education

Burma's commitment to human rights education is rooted in the Universal Declaration of Human Rights (UDHR), as well as CRC, which stipulates that Burma must ensure that education is directed at "the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations". Despite these commitments, Burma's successive military regimes have failed to include human rights education in the schooling system.⁹²

Not only have they failed to incorporate Human Rights Education (HRE) in schools, they have also introduced laws that severely limit others from engaging in activities that raise awareness about human rights. These legal prohibitions include the Printers and Publishers Registration Law, the Emergency Provisions Act, and the Unlawful Association Act (*Civil and Political Rights section for more information*). Individuals and organisations are punished for carrying out human rights education and engaging with the international human rights mechanisms.⁹³ Thirty-one members of the Human Rights Defenders and Promoters (HRDP) network are in prison, two of are serving life sentences.⁹⁴ Such lengthy sentences reflect the SPDC's anxiety surrounding the promotion of human rights.

If authorities discover that people are coming together for a human rights activity they may cancel it before it happens or raid the venue where it is being held. The authorities banned a 2009 event celebrating human rights day in Pyay, a town in Pegu Division north of Rangoon (Bureau of Democracy, Human Rights and Labor, 2010). To avoid these restrictions, human rights educators need to organize trainings at safe places, such as monasteries and churches.⁹⁵

The lack of human rights resources and teaching materials is another significant barrier to the right to HRE. In September 2008, human rights educators facilitated a series of workshops with youth leaders in Rangoon Division. Security was not the main challenge reported; rather the trainers suffered from a lack of human rights resources.⁹⁶ The UDHR is translated into Burmese on the Office of the High Commissioner for Human Rights website, but this is one of the only human rights educational resources available in the Burmese language inside Burma. The fact that it is online makes it inaccessible to the vast majority of the population.

Human rights educators inside Burma are afraid to keep documents relating to human rights in their personal libraries or on their computers, as these documents could be used against them. Authorities may confiscate materials and accuse them of trying to destabilize or weaken the state. Educators are further restrained because of restrictive printing laws that forbid making photocopies about human rights. As a result, they have to rely on oral transmission of knowledge and people's memories.⁹⁷

The few teaching materials that have been produced by the authorities do not actually directly refer to human rights. They use the problematic language of 'human opportunities'. Starting in 2004 the

SPDC included lessons about 'human opportunities' in the eighth and ninth standards curriculum, but according to an analysis by HREIB, these lessons are not consistent with international standards for HRE. Instead, the lessons are packed with SPDC political biases and propaganda. HREIB's analysis reveals that the lessons are also very selective, only teaching about some articles in the UDHR; this selectivity contradicts the fundamental principle that human rights are indivisible.⁹⁸ In addition to these legal and infrastructural obstacles to conducting HRE in rural and remote areas, a major challenge reported by human rights educators is poverty and literacy. UNICEF maintains that the literacy rate in Burma hovers around 90 per cent. This figure is misleading though, because the rate fluctuates greatly in rural areas where it can be as low as 10 per cent.⁹⁹ The same teaching methods, therefore, cannot be used across all communities in Burma.

The CRFB urges the State party to:

1. Significantly increase funding for education, and improve the efficiency and equity of that funding to ensure better availability and accessibility of schools for all children and to deliver truly free compulsory primary education for all throughout the country;
2. Provide affordable higher education and universities in all States and Regions.
3. End the discrimination in policy and in practice against ethnic children including Arakhan, Chin, Karen, Karenni, Kachin, Mon, Shan and Rohingya children.
4. Revise the language-instruction policy to reflect international standards regarding cultural rights of minorities and indigenous peoples, including by lifting the ban on teaching ethnic languages and the use of ethnic languages in schools.
5. Increase special services and opportunities for children with disabilities.
6. Allow CBOs to conduct human rights education free from restrictions and harassment and grant genuine independence to the National Human Rights Committee of Myanmar in accordance with the Paris Principles.

ARTICLE 32—CHILD LABOUR¹⁰⁰

The problem of child labour in Burma is widespread and pervasive. It is difficult to accurately assess the exact number of working children in Burma. The State party does not provide data on this and the ILO does not have a mandate to investigate the overall problem in Burma. The ILO, however, does monitor the use of forced labour in the country, which includes children. The definition of 'underage' with regards to labour under Burmese law varies depending on the industry. Children under 15 are not to be employed in factories at night, whereas 15 to 18-year-olds can. The same applies under the Oilfield (Labour and Welfare) Act. 307. Legal provisions of the Shops and Establishments Act, 1951 are as follows: "Section 8(1) No young person who has not attained the age of 13 years shall be required or permitted to work in any shop, commercial establishment or establishment for public entertainment. Under section 65(a) of Burma's Child Law, children are prohibited from working in environments which are "hazardous to the life of the child or which may cause disease to the child or which are harmful to the child's moral character". In reality, these laws are not implemented and as a consequence the state fails to meet its obligations under CRC to protect children from work that is dangerous, exploitative or might harm their health or their education (Art.32).

In the State report, the State party does acknowledge that children are in work, *“As in other societies, children in Myanmar usually take part in their family household business although the types of work and their roles may differ, such as cleaning, cooking, baby sitting, helping at farms and contributing in family businesses. By participating in family house-hold business, they learn various skills and sense of responsibility and dignity of work...There has a difference between child workers and such the above children.”* The picture painted above is a far cry from the reality of the working environment that children face in Burma. The State party also fails to acknowledge and address the reason children are driven into fulltime employment -to ensure their own and their families’ survival.

Poverty at the family and community level has seriously affected the childhood, education, physical growth and psychological wellbeing of children. Children are sent or permitted to work by their parents, engaging in farming, factory work, construction, service industry labour, domestic work; others end up as beggars on the streets, at teashops, and bus and railway stations. This situation has heightened children’s vulnerability to exploitation, including sexual exploitation and abuse, trafficking, forced labour, and recruitment into the armed forces, in contravention of Burma’s obligations under the following CRC Articles: 36, 34, 35 and 38.¹⁰¹

A number of factors have led to families sending their children to work. Reports from CHRO indicate that willful neglect on the part of the State to meet its obligations to tackle poverty, provide free education, and food relief to those affected by the food crisis, is a primary cause of child labour.¹⁰²

In Mon State, children are also sent to work to contribute to family incomes, as the following example illustrates: a young girl, Ma Larn Zar Me, works collecting bottles for recycling to supplement her family’s income. Her parents, like many villagers in southern Burma, do not have steady jobs and instead rely on sporadic labour positions to cover their daily expenses. She describes her experience, *“Everyday my sister and I search for water bottles under the overpass, in the streets, and in our neighbour’s yards. We usually earn 400 or 300 kyat a day and then we are so happy because we can buy rice for our family”*. Her little sister explains further, *“When we have free time my sister and I go to school and we sit in front of the school and look at it. I would like to attend like other children, but my mother won’t let us because she doesn’t have enough money to cover the costs. She just tells us to work and get more money.”*¹⁰³

Ma Larn Zar Me and her sister are not alone in their plight. WCRP asked several people from Mon state to estimate the number of children they see daily searching the streets for water bottles, but sources said there were too many to keep count. Documentation by WCRP of 44 cases of child labour in Mon State, found children often partake in dangerous and physically exhausting work when compared with their age and physical structure, including in rice-fields, rubber plantations, charcoal burning factories, brick-making factories, the armed forces and brothels. Families are increasingly dependent on the income of their children, as a mother explains, *“We want to send our children to school, but we cannot make enough money to support them. My daughter is in standard 9. She wants to be an engineer in the future, but now she has to work in a shoe factory. She cannot continue her education without our [financial] support. We feel very upset for that”*.¹⁰⁴

According to a field reporter from southern Burma, *“I see more child workers than before in Mon state. Some children collect plastic and some go to farms and clean with their parents. Some work in Tea shops and factories, while others sell water at bus stations and vegetables in the market.”*

Use of child labour is frequently related to economic exploitation. Since employers have to pay less to children and their labour contribution is not much different to adults, many children are hired.

Children report working the same long hours as adults and many of them have to work 10 hours a day. Child labourers have to carry heavy loads. Therefore, both the nature of work and the working hours can be considered as 'worst forms of labour' used by employers, parents and State authorities.

Forced Labour

In Burma the use of forced labour continues to be widespread and systematic. Local people are not compensated for their work, and face retribution including the threat of physical violence and financial penalties if they refuse to perform the work. Children are not exempt from demands for forced labour. In Chin State since 2006 more than 70 incidents of forced labour have been documented by CHRO, some involving orders to 40 villages at a time.¹⁰⁵ In February and March 2010, Chin human rights fieldworkers surveyed 621 households in Chin State as part of a Physicians for Human Rights study, and found that Burmese authorities forced 91.9% of families to porter military supplies, sweep for landmines, be servants, build roads, and do other hard labor across Chin State in the twelve months prior to the survey. Nine out of ten men and women interviewed recounted at least one episode of an adult or child being subjected to forced labor, corroborating previous documentation¹⁰⁶ of this widespread abuse, which according to ILO under certain circumstances may amount to a crime against humanity.¹⁰⁷

In late 2006 and 2007, children under the age of 18 were among people from 16 different villages in the Cikha township area in Chin State were forced to work on repairing the road between Cikha and Tonzang towns, under orders from State Peace and Development Council Tactical 1 Commander Colonel Tin Hla based in Hakha, the capital of Chin State.¹⁰⁸

In late 2008, students studying at a State high school in Rih sub-town, Chin State, were regularly forced to fence an army camp or work at State-run *jatroph*a (an inedible biofuel crop) plantations. Students were made to participate every weekend. In 2009, the school administration and teachers from Chin State's Kanpalet Township compelled primary and middle school children - most of who were under the age of 12 - to work picking and gathering wild orchid buds from the forests for as many as three days a week. The wild orchid buds were stored in one of the school buildings and then sold by the teachers to their business contacts in Mandalay in central Burma.^{109 110}

WCRP found the use of children in forced labor to be widespread and systematic throughout Mon State, with most children over the age of ten and some even younger having experienced forced labor.¹¹¹ Nearly all villagers surveyed by WCRP have been forced to work for the military on at least one occasion and often multiple times. Often there is no alternative for a family but to send one of their children, as the adults must work their regular job in order to buy food for their family. WCRP interviewed children who were forced to work on state sanctioned projects under harsh conditions and without pay including the building of army barracks, police stations, roads and state schools, clearing land, breaking and carrying rocks and many other tasks. "Special" projects often require the entire village to work. Wealthier families sometimes bribe officials and gain exemptions, but for the vast majority of villagers, there is no choice but to send a family member to work.¹¹²

In Mon state Tatmadaw soldiers also order the village militia to provide security from attacks especially when the SPDC is based in the village or during a period of heightened conflict. In addition to the establishment of village militias in Ye and Ye Phyu Township, the SPDC also uses a rotational system to form a guard force made up of villagers. Up to 12 people are used per night in some villages. Children are not exempt from this work. A 15 year old interviewed by WCRP,

explains, *"I did this many times, more times than I can count that I stood guard. I do not remember how many times. I performed these duties until February 2009 when my family and I fled to the IDP area where we live now"*.¹¹³

During field research in May to August 2010 found WCRP found that 25 children were recruited to be village guards and two children were recruited to be porters.¹¹⁴ In one village surveyed by WCRP 15 out of 40 village security guards were children, some as young as 12years-old. In 2009, in a Village in southern Ye Township, three children out of 27 people were forced to work in the military barracks.¹¹⁵

According to the WCRP's finding, eight boys aged between 14 and 17 from — Village, Khawzar sub-township were forced to work at the police station. The boys started work before 7am until 6pm digging ditches, making fences, and cutting wood and bamboo, working for 36 days straight. All the boys were attending school and missed school when they were working. They had to provide their own food, water, and tools.¹¹⁶

Portering for the Tatmadaw

The Tatmadaw frequently orders local villagers to serve as unpaid porters for them, carrying weapons, ammunition, supplies and heavy army packs from village to village. Village leaders are often forced to implement the orders given by the Tatmadaw against their will, by ensuring that each household provides a porter, under threat of severe punishment if they fail to comply. If there are not enough adults available for portering – for example, if some are away working on their farms – children are sometimes taken instead.

Children as young as 10 are reportedly forced to work as porters for the Burmese military and ethnic minority Karen troops. Of a group of 95 Burmese refugees, documented by Radio Free Asia, there were 39 children. According to one girl, age 16, she had had to carry dozens of cans of rice in a basket on her back for five days at a stretch and was only given rice with salt and chili peppers to eat. *"When it rained we had to sleep under trees, so we would get completely wet from the rain."*¹¹⁷ Children too small to porter would accompany their parents. Parents said they had no choice but to bring their children, as the only people left behind in their villages were the elderly or those too disabled to look after anyone but themselves. One woman carrying her three-year-old son in a sling in front of her demonstrated how she had to carry artillery shells in a basket on her back at the same time. If her child cried, she was told to put her hand over his face to silence him or face a reprimand from the soldiers. She said she had had to carry the shells for four days at a time and was allowed to stop and rest only two or three times a day. ¹¹⁸

According to Aung Naing, 16 years, troops from Tatmadaw LIB #32 seized him and four other young people near Three Pagodas Pass during a troop exchange in August 2010. He was taken from the yard of his home when his parents were out, *"they made me carry mines, mortar shells and a radio transmitter...They didn't give me any food for two days. I only had water to drink. All I could do was try to get some sleep at night. Without food, I became more and more tired. I could barely lift my feet to walk, but if I sat down, they beat me. They forced me to walk on the frontline."*¹¹⁹

In Chin State, in 2006, Captain Bo Ne Lin of LIB 140 based at Leisen in Matupi Township regularly used villagers to porter army supplies. In November, two young boys were taken for portering. They had to carry heavy loads of army supplies between Leisen and Boili villages. Even though the two villages were half a day's journey on foot, it took the whole day for the porters to walk with their heavy loads.¹²⁰ In late 2010, soldiers from LIB 226 and 229 based at Darkhai army camp,

Tonzang township, came to Darkhai village school almost every day to take high school students to work at the army camp, and also to carry their backpacks and guns for them. Three students were taken each time.¹²¹

Recent fieldwork conducted by WCRP documents the use of children as porters by Tatmadaw troops in Ah-zin village tract, Kyaik-don sub-township, Kawkareik Township, Karen State on 20 February 2011. 14 villagers including 4 children were arrested by Infantry Battalion No. 32, led by Captain Nyunt Win, to serve as porters for the battalion. A father, whose daughter was arrested, explains: *“On February 20th, 2011, the Maekatee advance unit Cap. Nyunt Win came to arrest everyone he saw in the Maekatee village to porter the army’s supplies. My daughter was arrested to porter while she was going to pick some vegetables to cook. It was in the morning that she was arrested. She is only 17 years old, and I was so worried about her.”*¹²²

Recent reports from CRFB member organizations and from the media reveal that the Tatmadaw has been using large numbers of convict porters in an ongoing military offensive in Dooplaya District since November 2010. Escaped convict porters, interviewed by KHRG, report serious human rights abuses occurring as standard practice, including: the use of porters to sweep for landmines, deprivation of adequate food and medical assistance to porters, beatings and the systemic extortion of civilians at every level of Burma’s police, judicial and prison infrastructure. Those interviewed include a 17 year old, who described how on 29 December 2010 he was taken to be a porter, *“they called out a list of names, including prison numbers. People whose names were called had to go and it included me... There were 30 porters from K--- prison... The police from K--- accompanied us. They sent and accompanied us with military trucks”*. He recalls the conditions of portering, *“The soldiers ordered us to clean and find landmines at the place where they were going to put their base. For them, they could take a rest but for us, we couldn’t take a rest. We had to find [sweep for] landmines.”*¹²³ Documentation by AAPP also reveals that convict porters, including children, are subjected to severe abuse as evidenced in the following testimony: *“three porters from Pyae/Prome prison who couldn’t carry the soldiers’ stuff were cruelly killed in front of me. Two of those three porters were stabbed and one was shot in Htee Thae Khee village...I know two of those three porters, one was Chit Ko Ko (18 years old) and the other one was Aung Thu Win (17 years old).”*¹²⁴

The CRFB urges the State party to:

1. Amend and strengthen implementation of labour laws for employers that use child labour to enhance protection of children, and increase the number and quality of labour inspectors
2. Amend and strengthen the implementation of labour laws to ensure the prosecution of individuals making use of forced or other unlawful or exploitative forms of labour.
3. Mobilise all available resources to address the deep rooted socio-economic factors that push children into the workforce.
4. Ratify the Worst Forms of Child Labour Convention (International Labour Organization Convention No. 182), which defines the forced or compulsory recruitment of children for use in armed conflict as one of the worst forms of child labor.
5. Review and amend the employment laws to ensure compliance with CRC and the ILO Convention No. 182 on Worst Forms of Child Labour (1999) and raise the legal age of children in employment.
6. Allow the ILO regular and unfettered access to the entire country and increase the number of ILO offices throughout the country, ensuring there is an ILO office in all

states and divisions and increase the number of staff to allow the ILO to effectively fulfill its mandate.

7. Allow victims of forced labour to report violations to the ILO complaint mechanism without harassment and/or punishment.
8. Immediately stop the use of forced child labour in State sanctioned projects such as road-construction, rubber plantations, tea plantations, jatropa plantations and army camps and military operations.
9. Immediately stop the use of child porters during military operations in ethnic areas.

Article 34¹²⁵ and 35¹²⁶ - Trafficking in Children

Ongoing political instability, armed conflict, human rights violations, increasing costs of education, underemployment and deepening poverty have led to an increase in forced migration. Furthermore, an increasing number of foreign and state and sanctioned development projects are causing large scale displacement and loss of livelihood throughout Burma. These factors lead many people to seek employment through both legal and illegal means in neighboring countries, where a long the way some become victims of trafficking. The exploitation and trafficking of children continues in part because the State party fails to combat the root causes of trafficking and because children and their families have few mechanisms and channels to redress breaches and safely report abuses, particularly in an environment of impunity.

The State party fails to undertake effective preventative, protective, and legislative measures to ensure that children are not subject to exploitation and trafficking as stipulated in Art. 34 and 35 CRC. While Burma enacted the Combating of Trafficking in Persons Act, created an Inter-Agency Task Force and developed a National Plan of Action to combat trafficking, these mechanisms do not address the root causes of trafficking, Burma remains a Tier 3 country, one of only 13 countries, on the US Department of State list that fails to meet the US minimum standards in fighting the crime of human trafficking.¹²⁷

The main trafficking destinations from Burma are Thailand, China, Malaysia, South Korea and Macau for sexual exploitation, domestic servitude and forced labour¹²⁸. Children from Burma are particularly vulnerable to being trafficked into Thailand as forced street hawkers and beggars, or to work in shops, agriculture, and small-scale industries. The main exploitative sites in Thailand are Bangkok, Samut Sakhon, Mae Sai, and Mae Sot. In China, women as young as fourteen are taken to border towns in Yunnan Province and as far as Eastern China, where they are forced to marry Chinese men or work in the sex industry.

CRFB member organizations who document trafficking cases and work to assist victims of trafficking have found an increase in trafficking since 2004.¹²⁹ The Kachin Women's Association Thailand¹³⁰ documented 133 cases of human trafficking in Kachin State and Northern Shan State between 2004 and 2007. About a quarter of those trafficked were under 18, with girls as young as 14 forced to be brides.

Of the confirmed trafficking cases to China from Kachin state about 90% of the women and girls were forced to be brides.¹³¹ Between the years 2008 – 2010, KWAT collected 150 accounts of trafficking. Of these cases, 30 % involved the trafficking of children in Kachin State and Northern Shan State, including cases of new-born babies being trafficked.

KWAT documented a large number of children and young women who were trafficked to China. Some of these children were told they would be provided with a legitimate job and were deceived on arrival. Others were abducted from their families and sold by brokers. According to KWAT, most children disappeared during the trafficking process and their families have had no contact with them since they left. Of the girls who do manage to get back home a significant number report facing discrimination and lack of understanding from their community.¹³²

From 2004 to July 2009 WCRP compiled 40 separate incidents of trafficking, totaling 71 victims, of which 33 were children.¹³³ The cases documented involved trafficking for the purposes of sexual exploitation from 19 Townships in Mon State, Karen State, Tenasserim Division, Pegu Division, Rangoon Division and Mandalay Division. The cases documented by KWAT and WCRP are in no way exhaustive and represent only a small percentage of the total number of trafficking cases from Burma to its neighbouring countries.

In interviews conducted by WCRP an alarming trend was the violent sexual abuse that women and children were subjected to during the trafficking process as well as upon arrival at the destination. In an incident four women from Rangoon Division, including a 17 year old were raped; *“Four days ago we were gang raped by a group that came in while Ko Sai was away from home. Seven people came to our house with a car and caught us. After that they gagged us, tied our hands, and violently raped me and my friend. I think they raped me almost 6 times.”*¹³⁴

In another case a 12-year-old Burmese migrant child was gang raped by five Thai men posing as police in Minburi Sub-district, Bangkok. The child’s aunt relays her experience, *“during the rape she nearly lost conscious because of pain. After they raped her, they left both children on the roadside with 100 baht to get a ride back home. The girl was so terrified she couldn’t speak.”*¹³⁵

Also evident in the interviews is the contrast between the work promised, such as paid factory and domestic work, with the reality; illegal sex work and other exploitive and forced labor. A 17 year old from Thaketa Township, Rangoon Division explains: *“At first, I did not realize that I had been sold to work at brothel because a broker said we would get a job at a factory. However, after a few days the owner U San Yuu forced us to work for him as a sex worker and he told us to work until we paid off that debt.”*¹³⁶

Children are also trafficked within Burma to work in the service industry, as evidenced in this case, whereby a trafficker sold five boys, age 10 – 14 years from Mandalay to a restaurant in Moulmein City, Mon State. After the boys worked for a month, they asked for their salary from the employer and the employer said that, because they were sold by the trafficker for 100,000 kyat each, they would have to work for one year until their debt was paid off.¹³⁷

Children without parents or a secure home environment are at increased risk of exploitation and an increasing number of children find themselves working in the informal economy or on the street, where they were exposed to drugs, petty crime, risk of arrest, trafficking for sex and labor exploitation, and HIV/AIDS. Cyclone Nargis in 2008, which devastated the country and left 140,000 dead and thousands of children orphaned and homeless, increased children’s vulnerability to exploitation. The US Department of State reported in 2009 that in 2008 there was a dramatic increase in the number of unverified reports of forced labour including that of children and trafficking in persons.¹³⁸ According to an anti-trafficking trainer with an INGO working in the country, *“since Cyclone Nargis ripped into the Irrawaddy Delta, killing tens of thousands and tearing families apart, many young women were trafficked to cities and forced to work at sex-related*

businesses like karaoke bars and massage parlours... some orphans were taken to work as low paid workers in factories, restaurants and markets".¹³⁹

The work conditions facing victims of trafficking are deplorable as evidenced in the following testimony of a 16year old from Aungkoun village, Kawa Township, Pegu Division: *"We were placed at a prawn pearling factory and immediately had to work 20-hour days. However hard we worked, we were unable to learn how much money we had earned to pay back the debt because the broker would not allow us to check the balance of our account with the manager. With not enough food or rest, we get sick easily but are not allowed to rest and accept medical treatment".¹⁴⁰*

Corruption and restrictions on freedom of movement

The trafficking problem in Burma must also be understood in terms of tight restrictions on freedom of movement and access to information. Since 1997, unaccompanied young women between 16 and 25 in Eastern Shan State have been forbidden to travel to the Thai border, according to a directive by the SPDC Regional Commander. This limits the right to freedom of movement of young people and placed them further under the control of others. It has also become more difficult and more expensive for women to get passports. Without legal ID cards or travel documents, no knowledge about their destinations and limited survival skills, including language skills, young people rely on people with former travel experience when they travel, increasing their vulnerability to trafficking.

CRFB member organizations working with victims of trafficking both inside Burma and along the borders have witnessed, in the last decade, "flagrant corruption along the borders"¹⁴¹ This corruption impedes any efforts to combat trafficking and hold perpetrators to account.¹⁴² Anti-trafficking measures have placed more restrictions on the movement of women and girls, and led to increased extortion and unjust arrests by local authorities. According to KWAT, out of the 70 trafficking cases they documented, between 2005 and 2007, following enactment of the new Anti-trafficking law, 'traffickers' were only charged by the police in six cases and in four of these the accused used bribed officials to escape prosecution.¹⁴³

Communities are aware that local authorities often cooperate with traffickers, rendering legal action against them meaningless. An interview with a teacher in Kachin State reveals the nature of corruption in trafficking cases: *But the traffickers were able to run away, and the police did not follow up or do anything to charge the traffickers. It was learnt that the police had taken money from the traffickers, and let them escape. Now the parents do not know what to do. At the same time, they are very afraid of being retaliated against by the traffickers".¹⁴⁴*

The State party and GONGOs are reportedly conducting awareness raising trainings and campaigns at the community level. However, these initiatives do not focus on the root causes of the problem and do not reach out to all communities. Reports from the Kachin State show that most of the women and children being trafficked are from rural areas. Awareness raising campaigns do not reach them due to project area restrictions.¹⁴⁵ Lack of educational opportunities in remote ethnic areas and lack of access to information about the outside world. In ethnic areas, the training materials and seminars should be in ethnic languages in order to effectively raise community awareness on the processes of child trafficking. Community based, independent, women's groups and NGOs are prohibited from operating shelters and services for victims of trafficking and can only provide limited assistance, usually underground.

The CRFB urges the State party to:

1. Address the root causes of trafficking of persons, including economic mismanagement and lack of employment and educational opportunities for young people.
2. Eliminate all forms of discrimination of women and girls in migration measures, including the directive forbidding women under the age of twenty-five from travelling without a legal guardian.
3. Issue young people the necessary legal travel documents, such as passports and ID cards, without discrimination and in a timely manner, to ensure a safe and lawful travel.
4. Allow independent community-based organizations, particularly women's organizations, to work without restriction to assist victims of trafficking by providing shelter, counseling and legal services; and allow, independent CBO's and to develop and widely distribute accessible information on safe migration.
5. Take legal action against individuals, including law enforcement officials, who are involved in the trafficking of children.
6. Provide comprehensive public awareness about trafficking, without manipulation and misinterpretation, which often portrays the victims as criminals, throughout the country, and including in ethnic languages.

SPECIAL PROTECTION ISSUES – Article 38 Children and Armed Conflict¹⁴⁶

In areas of Burma in which armed conflict occurs, the Tatmadaw continue to employ a number of practices that directly violate fundamental principles of international humanitarian law and CRC Articles 38.1 and 38.4; and violate other core children's rights, particularly those enshrined in Articles 6, 24 and 27 of the CRC. Certain practices are also in tension with prior recommendations made explicitly by the CRC Committee to the State party, particularly recommendations that the State party strengthen efforts to provide assistance to internally displaced children; prevent occurrences of forced relocation or displacement, prevent situations causing children and their families to leave Burma; and to impartially, thoroughly and systematically investigate cases of violence against children by members of the armed forces and sanction perpetrators.¹⁴⁷

Killing, maiming and attacks on civilian targets

Tatmadaw military practices undermining the realization of children's rights outlined in this section occur mainly in "shoot-on-sight" areas of eastern Burma, as well as other conflict affected parts of the country: these are areas in which the armed forces of the State party or an allied non-state armed group (NSAG) have not yet established control and open conflict is frequent.¹⁴⁸ Such areas exist across much of Karen State and eastern Bago Region, and in parts of Shan, Karenni and Mon states and Tenasserim Region. Shoot-on-sight areas are home to substantial numbers of civilians; calculations released in November 2010 indicate that more than 91,000 people remain in hiding and at risk of being shot in states and Regions of eastern Myanmar.¹⁴⁹

Tatmadaw practices in conflict-affected areas appear designed to prevent opposition NSAGs from obtaining support from the civilian population – sometimes referred to as the 'four cuts' or *pya ley pya* strategy¹⁵⁰ – and to consolidate control sufficient to enable Tatmadaw units to use the civilian population as a support base. A key element of these strategies is to depopulate areas over which military control cannot be exercised. Civilian populations are forced to relocate to areas that can

easily be controlled by the Tatmadaw, usually in lowland territory or near Tatmadaw bases.¹⁵¹ Tatmadaw forces then target civilians that evade forced relocation, treating civilians including children as members of opposition forces, and therefore legitimate military targets.¹⁵² KHRG have documented 32 separate incidents of children injured, killed or subjected to violence by Tatmadaw or allied armed groups in Karen State and East Bago Region since March 2006; see Table III for a detailed list of the cases.¹⁵³

In shoot-on-sight areas, civilians, including children, are shot when encountered by Tatmadaw soldiers,¹⁵⁴ who do not take steps to distinguish between civilians and fighters.¹⁵⁵ This contravenes norms of customary humanitarian law requiring efforts to protect the civilian population, and the obligations of the State party to adhere those norms (CRC Ar.38.1, 38.4) and to recognize the inherent right to life of every child, and to ensure to the maximum extent possible the survival of the child (CRC Ar.6.1, 6.2). On March 22nd 2010, for example, during an attack on Khaw Hta village in eastern Bago Region Tatmadaw soldiers from LIB #369 shot and killed a 5-year-old girl and a 5-month old boy, wounded their mother and killed another woman as they returned from visiting family in a neighbouring village.¹⁵⁶ Since January 2006, KHRG documented the shooting by Tatmadaw forces of 18 children ranging in age from 2 months to 17 years old in eastern Bago Region and Karen State, of whom 11 were killed.¹⁵⁷

Tatmadaw forces also fire indiscriminately upon villages,¹⁵⁸ hiding sites,¹⁵⁹ farm field huts,¹⁶⁰ and villagers working in fields,¹⁶¹ including shelling from remote locations.¹⁶² Before shelling, checks to determine whether targets are military or civilian in nature are not made.¹⁶³ The indiscriminate nature of such attacks also precludes the possibility of children being afforded special protection. Indiscriminate attacks contravene norms of customary humanitarian law intended to protect civilians; as such, this practice is in tension with the obligations of the State party to adhere those norms (CRC Ar.38.1, 38.4), to recognize the inherent right to life of every child, and to ensure to the maximum extent possible the survival of the child (CRC Ar.6.1, 6.2). On February 19th 2010, for example, Tatmadaw soldiers from MOC #7 shelled a hiding site in Lu Thaw Township in northern Karen State; during the attack a shell landed in a school in which children were sitting exams, injuring three boys aged 8, 10, and 15. The 15-year-old boy died on February 21st 2010 after being unable to receive timely medical treatment for his injuries.¹⁶⁴

During an attack on a village in Dweh Loh Township in northern Karen State on October 13th 2010, Tatmadaw soldiers fired into a home just 45-minutes after a 24-year-old woman had given birth; the mother was killed, and the father spent the ensuing two months attempting to raise his infant son in a forest hiding site before relocating to another refuge site.¹⁶⁵ Failure to adhere to basic principles of international humanitarian law (Ar.38), as illustrated by this example, thus have consequences for the compliance of the State party with core CRC requirements to recognize the inherent right to life of every child and ensure to the maximum extent possible the survival of the child (CRC Ar.6); to implement the highest attainable standard of health (Ar.24) by diminishing child and infant mortality (Ar.24.2a) and ensuring appropriate pre-natal and post-natal health care for mothers (Ar.24.2d); and to secure conditions necessary for the child's development (Ar.27). The CRC Committee recommended in 2004 that the State party strengthen efforts to reduce the incidence of child, maternal and infant mortality,¹⁶⁶ objectives which targeted or indiscriminate military attacks on civilians fundamentally undermine.

Tatmadaw forces also continue to deliberately destroy – often by burning¹⁶⁷ – civilian settlements¹⁶⁸ and hiding sites¹⁶⁹, including schools¹⁷⁰ and hospitals.¹⁷¹ Destruction of villages is not an isolated occurrence; rather groups of battalions launch coordinated offensives against identified areas,¹⁷² moving methodically from village to village.¹⁷³ Civilian food supplies, and agricultural and cooking

equipment, are deliberately destroyed, including agriculture projects,¹⁷⁴ food storage barns,¹⁷⁵ agricultural tools, pots and water containers.¹⁷⁶ The most recent example of such an attack occurred on February 25th 2011, when Tatmadaw LIB #252 soldiers shelled the area of Dteh Neh village for approximately one hour, forcing families in fourteen villages to go into hiding. Soldiers then entered Dteh Neh and destroyed at least six homes, two rice barns, agricultural equipment, food storage containers, and cooking pots and banana trees; dismantled animal enclosures; and poured out and trampled stores of rice and paddy grain.¹⁷⁷ In the following quote, a villager who experienced this attack describes his experience as a parent: "*Suddenly, the SPDC Army [Tatmadaw soldiers] came and attacked. We heard a lot of shelling. Immediately, we parents had to find our families and fled during the shelling... When we fled, we couldn't carry any food or anything. We just had to flee like that [empty-handed]. It's fine if we are safe.*" - Saw K--- (male, 26), Plah Koh village, Lu Thaw Township (March 2nd 2011)¹⁷⁸

One outcome of these practices is acute food shortages for large numbers of civilians currently residing in shoot-on-sight areas,¹⁷⁹ in some places so severe that civilian populations have told KHRG they did not think they could survive the rest of the year.¹⁸⁰ Recent documentation collected by KHRG indicates that in 2011 at least 8,885 villagers in 118 communities in Lu Thaw Township, northern Karen State will run out of food at some point between April and the beginning of the 2011 harvest in October.¹⁸¹ A 2008-2009 survey conducted with 458 children aged 5 and under in 20 villages in the same area found that one in seven (14.2%) were already severely malnourished.¹⁸² A 2010 report summarizing the findings of a study conducted across 17 conflict-affected Townships of eastern Burma, meanwhile, found that children in households experiencing displacement – typically a direct result of the military practices summarized in this submission – or the destruction or seizure of food supplies were 3.3 times and 1.8 times more likely to suffer moderate or severe acute malnutrition, respectively.¹⁸³

Tatmadaw practices that actively undermine food security thus impact compliance of the State party with core CRC requirements to recognize the inherent right to life of every child and ensure to the maximum extent possible the survival of the child (CRC Ar.6); to implement the highest attainable standard of health (Ar.24) by combating disease and malnutrition (Ar.24.2c); and to secure conditions necessary for the child's development (Ar.27). The CRC Committee has explicitly recommended that the State party prevent and combat malnutrition among vulnerable groups of children.¹⁸⁴ The Committee has further noted in its 2005 General Comment No.7: Implementing Child Rights in Early Childhood that malnutrition continues to be a major obstacle to realizing rights in early childhood (para.10) and can have long-term consequences for children's physical health and development, noting that States parties bear a responsibility to ensure access to good nutrition (para.27a).¹⁸⁵ These objectives will remain difficult to realise as long as Tatmadaw practices continue to foster, rather than combat, food insecurity among children affected by armed conflict.

The rights of children living outside of shoot-on-sight areas are also impacted by militarization and conflict, and practices of Tatmadaw and allied NSAG forces in "mixed administration" areas directly threaten children's rights. These are areas in which control by the Tatmadaw or an allied non-state armed group is nominal, and opposition armed groups continue to exert some control and conflict occurs, but in which civilian populations are not usually targeted in military attacks. When conflict does occur between Tatmadaw forces and members of an opposition NSAG, however, civilians under nominal Tatmadaw control may be subjected to individual or collective punishment for perceived links with or support for opposition forces. Starting on November 21st 2009, for example, families in a village in Dweh Loh Township in Karen State were subjected to multiple days of forced labour and harsh restrictions after a Tatmadaw LIB #219 soldier stepped on a landmine planted by

KNLA forces between the village and a nearby Tatmadaw camp. For at least three days, adults were forced to perform forced labour while children and infants were made to sit in the sun in the camp without food, water, or parental care, in conditions amounting to torture. On the afternoon of November 21st soldiers looted food from the villagers homes while families were detained at the Tatmadaw camp, and villagers were forbidden from pounding rice paddy to have rice to cook that evening. After three or four days of harsh treatment, all 105 residents of the village, including 47 children, fled in the evening to IDP hiding sites in the surrounding village tracts.¹⁸⁶

Summary executions of children perceived to have links to opposition NSAGs have also been documented. CHRO documented the execution of a 17 year-old boy by Tatmadaw troops under Lt. Colonel Ye Myint, Commander of LIB #140 based in Matupi on 15 December 2005. He was accused of aiding rebel soldiers from the Chin National Army.¹⁸⁷

Several organizations, including the Free Burma Rangers, WCRP, KHRG, BPHWT, and various media outlets have documented cases of child landmine 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. The incident took place on May 29th, 2007 in Demawso township. On March 15th 2008, KHRG documented an incident in Lu Thaw Township, Karen State, in which a 16-year-old girl lost her left leg to landmine planted in her village following a Tatmadaw attack; the villagers had fled ahead of the attack but the girl returned to collect hidden food supplies for her family.¹⁸⁸

According to the most recent data available, up to 100 persons were killed and 500 injured by land mines during 2010.¹⁸⁹ Documentation by KHRG indicates that landmines are used by all parties to conflict in eastern Myanmar, including Tatmadaw forces.¹⁹⁰ Tatmadaw soldiers use landmines to construct defensive perimeters around camps and bases in shoot-on-sight areas, as well as some mixed-administration areas, though they do not always remove these mines when camps are vacated.¹⁹¹ Tatmadaw soldiers have also used landmines to control movement of the civilian population, particularly between mixed-administration and shoot-on-sight areas.¹⁹² In areas where Tatmadaw forces are attempting to expand control or drive populations into lowland relocation sites, landmines have been placed in abandoned civilian settlements¹⁹³ and agricultural land¹⁹⁴ to prevent access by villagers in hiding or villagers who have been relocated.¹⁹⁵ Landmines are not always clearly marked, nor are communities always warned of new dangerous mined areas.¹⁹⁶ The Tatmadaw also appears to have shared landmines with the Democratic Karen Buddhist Army (DKBA),¹⁹⁷ the majority of which has been incorporated into the Tatmadaw as Border Guard Battalions, which has placed these landmines in civilian areas without providing warnings to local communities.¹⁹⁸ Tatmadaw soldiers have also used children to walk in front of patrols to trigger mines, booby-traps or ambushes¹⁹⁹ and perform forced labour clearing brush and debris from roadsides²⁰⁰ known to be mined by all parties to the conflict. Unexploded remnants of war are also a significant threat to civilian populations,²⁰¹ particularly children.²⁰²

In Mon state, WCRP reported 10 cases between 2007 and 2009 of children killed or maimed in civilian areas. 7 of these cases were caused by undetected landmines. The lack of emergency medical care facilities in conflict areas increases the chances of death or long-term trauma for children injured by landmines or UXO. The 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.

There are still no systematic humanitarian mine clearance programs in Burma. According to the International Campaign to Ban Landmines there have been “sporadic military clearance and village demining” 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.²⁰³

Denial of humanitarian access

The State party and its armed forces, rather than taking steps to provide or support humanitarian assistance to children affected by conflict that would strengthen food security and health objectives consistent with its CRC obligations and with explicit recommendations of the CRC Committee (see last paragraph of this section), have actively obstructed families' access to humanitarian services in conflict-affected areas, including services provided by international humanitarian actors; community organisations operating from bases inside the country or in Thailand;²⁰⁴ and humanitarian materials such as medicine or food collected for their own communities.²⁰⁵ Humanitarian actors that are able to access these populations are an exception, and must operate under risk of being killed or arrested. In February 2010, for example, a medic from the Back Pack Health Worker Team (BPHWT), whose mobile health teams provide health support to internally-displaced and vulnerable populations across 43 townships of Myanmar,²⁰⁶ was killed by Tatmadaw forces during an attack on a village in northern Karen State, the tenth BPHWT medic or traditional birth attendant to be killed by Tatmadaw forces since the organisation's inception.²⁰⁷

Such restrictions on humanitarian support organized internally or cross-border are reinforced by movement and trade restrictions enforced by the armed forces of the State party in areas where Tatmadaw or civilian authorities feel vulnerable to attack or unrest, or where civilian support bases may attempt to escape. Movement restrictions are used to deny civilian access to areas that are not under control, for instance by blocking roads linking relocation sites or villages in lowland areas with upland areas where NSAG forces are active.²⁰⁸ These restrictions are devastating for internally displaced civilians in adjacent shoot-on-sight areas, because they prevent civilians from selling or trading agricultural products and acquiring essential supplies such as food and medicine. In October 2010, for example, a community member trained in human rights documentation in the Ma No Roh area of southern Tanintharyi Region reported that movement restrictions enforced on two villages and three relocation sites controlled by the armed forces of the State party was impeding the ability of displaced households in the area to acquire adequate food resources.²⁰⁹

Movement restrictions also obstruct displaced civilians' access to essential medical facilities in services. In September 2009, for example, Pah Na---, a 20-year-old villager in northern Karen state told KHRG that movement restrictions had prevented him from taking his wife to a hospital for the delivery of their second child; his wife died just ten days after giving birth and his newborn son later died as well.²¹⁰ Trade restrictions, meanwhile, particularly target humanitarian materials, even in small quantities for personal use, and civilians have been searched and punished for travelling with medicine,²¹¹ in some cases resulting in the death of family members including children that could not access necessary supplies.²¹²

Attacks and restrictions on humanitarian support to displaced populations by State armed forces contravene the obligations of the State party under CRC Ar.6, 24, 27 and 38 as explained above. These practices are also in tension with the explicit recommendation made by the CRC Committee that the State party "*Strengthen its efforts to provide adequate assistance to internally displaced children, including their access to food, education, and health.*"²¹³ The requirement of all States

parties to the CRC to "ensure humanitarian assistance and relief and humanitarian access to children in situations of armed conflict," consistent with provisions of humanitarian law has also been particularly emphasized by the CRC Committee in its General Comment No.1 regarding children in armed conflicts.²¹⁴

Sexual violence

Accounts gathered by CRFB member organizations indicate that rape and sexual violence have been committed against children by Tatmadaw soldiers. Militarization and the lack, or absence, of accountability for members of armed groups, particularly the Tatmadaw, heighten the vulnerability of children to sexual violence. Sexual violence against children is extremely difficult to document, as survivors, and their families, are often reluctant to speak about their experiences because of shame and fear of stigmatisation by their communities if an incident becomes public knowledge; parents worry about a daughter's future marriage prospects if she is not yet married. In some cases girls have been ostracised by their communities after incidents of sexual violence. Fear of reprisals by perpetrators also pushes survivors to refrain from reporting incidents of sexual violence.

Despite these inherent challenges, women and human rights organisations continue to document incidents of sexual violence against children. In 2008, the WLB published a survey of reports by five women's organisations, released between 2002 and 2006, see Table 4 in Appendix. The reports documented 399 incidents of rape and sexual violence against 875 women across Burma's states and regions between 1988 and 2006, of which 161 were committed against girls. In its analysis of these reports, the WLB asserted that: "Nearly all military rapists - whatever their rank - go unpunished, fostering the climate of impunity and escalating violence. The reports corroborate that sexual violence is not being committed by rogue elements within the military but is central to the modus operandi of SPDC, and is therefore systematic and structural in nature."²¹⁵

In September 2004, two 16-year-old girls from Matupi Township, Chin State were gang raped by seven soldiers from Tatmadaw LIB #274, while returning to their village after school. The girls were severely injured. They were taken to the nearest hospital by farmers who encountered them after the incident; one of the girls did not survive injuries caused by the assault.²¹⁶

On April 9th 2006, fourteen-year-old Ma M--- from Pa'an District, Karen State, was assaulted by a Tatmadaw LIB #547 soldier on her way home from a tutorial session at her teacher's home with two female friends. A sexual assault was prevented in this case by the arrival of a man from her village. Ma M--- told her aunt about what had happened, who related the incident as follows: "*When the man arrived to help Ma M---, the soldier left. When the soldier was trying to rape Ma M---, he punched her in the face one time and pushed her down and he began to rape her and she struggled, and then he punched her again on her jaw so that Ma M--- fainted.*" Ma M--- subsequently told her family she no longer wished to attend school and wanted to take her own life. Sources providing this information to KHRG indicated that community members had brought the incident to the LIB #547 commander, who discharged the offending soldier.²¹⁷

Villagers in a relocation site in Tenasserim Division reported to the Karen-language *Kwe Ka Lu* news agency that a Tatmadaw soldier had raped a seven-year-old young boy from their village in November 2006. While two boys were bathing in a river beside the relocation site, soldiers from Tatmadaw battalion #309 based beside the village grabbed one of the boys and tied him up. The other boy ran away. The villagers reporting the incident said, "*that soldier did [raped] the younger boy's anus.*" The rape was reported to the battalion commander. The villagers said no official action

was taken against the perpetrator, but he was punched and beaten by his captain and the family of the boy received between ten and twenty thousand kyat (US \$9 to \$18) in compensation.²¹⁸

Kwe Ka Lu has also reported that on May 1st 2007, Myint Aung, a sergeant in Tatmadaw IB #118 entered a house in Thaton District, Mon State, and attempted to rape a 12-year-old girl while she was sleeping. Myint Aung laid down on her and started to take off the girl's clothes; the girl woke up and shouted loudly and the rape was averted.²¹⁹

On 2 July 2007, a 9-year-old Akha girl, girl in Nawng Non village Shan state was raped by three soldiers, who also attempted to strangle her. The soldiers were attending a local Tatmadaw training school. She was taken to a hospital by her family where it was confirmed she had been raped. The police were notified and an investigation was instigated. The girl was able to point out the three soldiers. However, the Kengtung Deputy Military Commander gave her family 500,000 kyat (US\$ 500) and reportedly said: *"If anyone spreads news about this event, action will be taken against them."*²²⁰

According to a report published by KHRG, on February 27th 2009, a 13-year-old girl was raped by Tatmadaw LID #11 soldier in Dweh Loh Township, Karen State, while travelling to collect water from a river near her village. The perpetrator's commanding officer paid family 40,000 kyat (US \$47), and ordered them not to discuss the case with anyone; the family stated that they were not satisfied with the remedy, but was afraid to refuse the money.²²¹

No credible evidence indicates that members of the Tatmadaw and non-state armed groups who perpetrate acts of sexual violence against children are prosecuted and punished. As illustrated in some of the cases described above, token punishment for perpetrators or compensation for survivors for specific incidents may take place in localized contexts outside of the judicial system, where survivors or their families are brave enough to report incidents to local authorities. Such compensation has in some instances been accompanied by specific instructions not to discuss the incident further, effectively 'closing' a case. In other instances, survivors or families have explicitly stated that they feared retribution if they pursued the matter further. The CRC Committee in its 2004 Concluding Observation strongly recommended "all reported cases of abuse, rape and/or violence against children committed by members of the armed forces be rapidly, impartially, thoroughly and systematically investigated. Appropriate judicial sanctions should be applied to perpetrators and wide publicity should be given to such sanctions".

At the international level, the State party is unwilling to acknowledge that sexual violence against children has been committed. In 2010, for example, the State's representative to the UN HRC condemned and rejected as "unfounded allegations,"²²² the Special Rapporteur's findings that "[t]he presence and conduct of the military are central to the plight of these civilians... Cases of rape and sexual violence, many of them against young girls and adolescents, have been reported by human rights organizations over the past years as committed by military personnel. As with all allegations of serious human rights violations, proper investigations must be conducted and justice provided to the victims."²²³ At the UPR on 27 January 2011 the State representative described 'accusations of rape' as 'baseless' and claimed "the armed forces have a zero tolerance policy towards serious human rights violations, including sexual violence". In failing to acknowledge and investigate allegations of rape and punish perpetrators, the State party has failed to meet its obligations under the CRC to protect children from sexual abuse; ensure respect for the rules of international humanitarian law; and to take all appropriate measures to promote the physical and psychological recovery of child victims of any form of exploitation, abuse, or armed conflict.

The CRFB urges the State party to:

1. Halt military practices that target civilians including children, including: indiscriminate shelling, shooting on sight, forced relocation and the destruction of civilian settlements, agricultural land and food supplies.
2. Halt the arbitrary arrest, detention, torture and summary execution of civilians, including children.
3. Halt the use of curfews and movement restrictions, including restrictions on access to humanitarian materials, such as food and medicine, and humanitarian actors, both local and international.
4. Halt the use of anti-personnel landmines and ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction. Permit comprehensive mine mapping, mine clearance and mine risk education in accordance with the International Mine Action Standards to ensure the safety of civilians in mine risk areas, and provide free and sufficient services to all victims of landmines without intimidation.
5. Take all necessary steps to end sexual violence against women and children, including developing effective mechanisms, in consultation with independent groups representing women's interests, specifically tailored to prevent violence against women and girls, to facilitate prosecution of perpetrators and to provide full reparation for victims and survivors of sexual violence, in line with UN Security Council resolutions 1325 and 1820.
6. Issue written orders or enact legislation explicitly directing military and civilian authorities not to engage in practices outlined in Recommendations 1-5. Orders and/or legislation should be publicly available, including in ethnic languages, and distribution or related press coverage should not be restricted.
7. Remove from posts and then prosecute individuals who commit or fail to punish acts prohibited by written orders and/ or legislation described in Recommendation 6. Penalties should involve criminal, in addition to administrative, charges and punishments. Information about prosecution and punishment of violators should be widely publicized, and verification by outside monitors and the media permitted
8. Allow unrestricted monitoring of human rights conditions in all parts of the country by international bodies such as the ILO, ICRC, and CTFMR, as well as local and international non-governmental organizations.

ARTICLE 38 -THE RECRUITMENT AND PARTICIPATION OF CHILDREN IN ARMED CONFLICT

Burma is one of a handful of countries that continue to recruit and use children in their armed forces. The London-based Coalition to Stop the Use of Child Soldiers lists Burma among the "five real offenders."²²⁴ Documentation reveals that during the reporting period children were forcibly recruited into the military and they were routinely subjected to abusive treatment. The minimum age for enlistment in the army is 18 years; however, authorities in Burma routinely falsify the enlistment papers of those under age 18.²²⁵ In a report to the UN Security Council, 2009, the Secretary General described a "lack of interest" on the part of Burmese authorities to aggressively put an end to the practice of recruiting child soldiers. No precise figures exist as to how many children are currently in the Tatmadaw or armies of non-state armed groups, or how many children

have been recruited over the past 10 years of warfare. The use of child soldiers poses a serious threat to the rights of children, including their rights to life, to health, to protection and to education. Many child soldiers have suffered egregious abuses: forced conscription; beatings and other forms of torture; and psychological damage.

Recruitment

The apparent effort by the State Party to maintain an estimated 350,000 to 400,000-strong military has contributed to the recruitment of children into the army. One report estimated that Burma's Armed Forces currently sustain an average monthly desertion rate of 1,600 troops.²²⁶ As a consequence, recruitment officers and other military personnel (often in collusion with the police) rely on threats and enticements to ensure the regular enlistment of new, and often underage, recruits.

Many children are forcibly recruited into the army after being kidnapped or arbitrarily detained. The ILO believes that one third of child soldiers are abducted, including while out in the streets, at the market or at bus or train stations. Htun Myint²²⁷ was arrested at age 11, for "hiding in the dark" as there were no lights on in the streets. He was taken to the local recruitment unit and was asked to choose between jail and the army. A similar situation happened to Sai Seng²²⁸ who was detained while walking home alone one evening. Human Rights Watch noted that a common recruitment tactic is "to demand to see people's national registration cards (NRC), knowing that most adolescents do not carry them. If the adolescent presents a student identity card, they may be told it is an unacceptable form of identification. Typically the recruiter then offers a choice of joining the army, or a long prison term for failure to carry a card. Although minors cannot be legally imprisoned for failing to carry an NRC, many adolescents are unaware of this."²²⁹

Some children voluntarily enlist as soldiers. However, voluntary enlistment must be considered in light of the fact that recruitment officers often offer false jobs to children to attract them. Poverty increases children's vulnerability to recruitment.²³⁰

In 2010, a 16 year-old child soldier from a village in Kalay township area, Sagaing Division, based in Tiddim Township, Chin State, described to CHRO how he was lured into the army by Sergeant U Kyaw Htun with the promise of financial rewards. He testified that during his training, he met three other child recruits from other Kalay villages who were also enlisted under similar circumstances.²³¹

Since 2006, CHRO has documented the cases of 13 ethnic Chin child soldiers serving in the Tatmadaw.²³² A former child soldier who deserted the Tatmadaw and fled to Mizoram, Northeast India, testified that he and several other children were recruited in early 2007 by Colonel Lwin Oo and Battalion Commander Soe Tin from Light Infantry Battalion (LIB) 349, military head of Shew-Bo recruitment, Sagaing Division.²³³ According to CHRO documentation, Sergeant Maung Thant of LIB 304 operating under Tactical Command II based in Matupi, southern Chin State, has been responsible for recruiting at least six child soldiers.²³⁴

WCRP, which documents human rights abuses in Mon state, recorded 50 cases of recruitment of child soldiers between 2005 and September 2010. Of the 50 cases, 18% were between the ages of 12 and 15. Recruitment methods ranged from forced recruitment, delegation by village administration, a rotation to the village militia by default list, and selection by village lottery system.

CRFB member organization, Yoma 3 News Services (Burma), reported 46 cases of child soldiers between the 2009 and 2010 from Irrawaddy, Rangoon, Pyathein, Mandalay, Pegu division.

Treatment and living conditions for child soldiers

Beatings, abuse, ill-treatment, inadequate diet and the arbitrary deduction of salaries by officers constitute a daily challenge for child soldiers, and results in many attempting to escape despite the threat of arrest and imprisonment. Child soldiers are required to perform tasks that include combat, portering, scouting, spying, guarding camps and cooking. Thu Zin Oo, recruited in 2009, recalls his experience, *"in that carriage I saw about 100 young guys like me. We were never allowed to use the toilet so the guy next to me urinated on the floor. As punishment he was badly beaten by some sergeants."*²³⁵

The boys were transported to north to Pegu (Bago) Division. The camp was in the Yaytashay Township of Taungoo District. During his 18 weeks of basic training, Thu Zin Oo was forced to cut and carry sugar cane while bullied by superiors. He recalled one instance of a group of trainees being beaten about the head with wooden poles for singing the national anthem too softly. A former child soldier recruited when he was 12 years old describes his combat experience, *"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"*.²³⁶

Min Swe Oo, when aged 14, was forcibly recruited at the end of 2009 by an unidentified sergeant in Taungoo, Pegu Division. He received basic military training at Training Battalion No. 4 in Pinlaung, in southern Shan State, and was later sent to Air Defense Workshop No. 7, located in Kyaukse, Mandalay Division. Min Swe Oo said: *"When I was in the army, I received just 2,000 kyat (US \$2.25) per week. I don't know how much my actual salary was, because my superior officers took it to pay for various 'fees'. But when I left the army, my commanding officer, Maj Moe Lwin, said that none of my possessions belonged to me anymore."*²³⁷

In a KHRG interview one former child soldier, Ko L, -- cited the mistreatment and extortion of villagers by Tamadaw personnel as his reasons for deserting but also cited army officers' regular deductions from the wages of soldiers under their command as an issue of dissatisfaction. According to Human Rights Watch, "government documents reported a loss of 9,497 soldiers during a single four-month period in 2006, many due to desertions"²³⁸.

Child soldiers are forced to commit crimes against civilians accused of supporting rebel groups. HREIB interviewed one former child soldier, in 2008, who confessed to torturing villagers; he said that he would have been severely disciplined if he did not obey his superiors.²³⁹

Punishment for deserting the army

The ongoing imprisonment of child soldiers for deserting the army is at complete odds with the State party's position that it is working to prevent the use of child soldiers and to support their rehabilitation. Many child soldiers, during their orientation to the army are first warned that any attempt to escape would result in a jail sentence. Thu Zin Oo was, upon arrival in the army, immediately warned that "desertion would be punishable with up to 5 years in prison"²⁴⁰. Many of

the child soldiers have experienced escaping from the military base or training camp, being caught by soldiers, and then sent to prison. Htet Htet Aung²⁴¹ escaped from his base in Taunggyi, in Shan State, but was caught a few days later, by the Military Police at his home. He was then sentenced on January 25th 2011 to one-year imprisonment. Detained in Loikaw prison, he suffers from cerebral malaria.

Others are sent back to the army where they face severe punishment, as a former child soldier explained in an interview with KHRG in 2009: *"During my time, two of the trainees ran away, but they [army authorities] were able to catch one of them. We had 250 trainees. They [army authorities] asked the trainees to beat [the escapee who was caught] once each. By the time it got to the 250th beating, the guy had died. That guy's name was Aung Ko Lin. He was 15 years old. He was the oldest in our platoon."*²⁴²

Kyaw Ye Aung, 15, was a child soldier in the Tatmadaw from Myin Mu village, Amarapura Township, Mandalay. He ran away from his base but was rearrested as a deserter. He was put in stocks at Palake police station for two days before he was transferred to Htee Taw Moe Recruitment Base No. 2 at Madaya, Mandalay Division. His parents were notified on 27 January 2011 that they could take him home because he was underage. However, they were forced to sign a declaration that they would not report the case or file a complaint with the authorities or any organization. A former child soldier who spoke to KHRG confirmed that many of the new recruits were under the age of 18 and those who attempted to flee were put in stocks and beaten.²⁴³

Deserters face major challenges once they have escaped from the army. They know officers are looking for them, and they can face re-enlistment or jail at any moment. Many flee to Thailand or go underground in order to limit the risks of being found and arrested. DDR programs in Burma remain weak and limited. Children are not offered any possibility to start a new life after release or desertion from state or non-state armed forces, increasing their chances of voluntarily or involuntarily re-entry to armed services.

Obstacles to the implementation of Article 38 (2 and 3) of CRC

The ILO faces significant constraints in investigating complaints of child soldiers. ILO has limited staff and capacity, as well as restricted access to the country. ILO is based exclusively in Rangoon, which means that those living in remote areas have difficulty lodging complaints due to travel restrictions, or simply because they can not afford to do so. Although the ILO liaison officer is able to travel throughout the country, he must first receive clearance from the authorities. Lack of awareness about ILO activities in Burma and the existence of a forced labour complaint mechanism, as well as fear of legal or other reprisals against individuals who file complaints with or provide other information to the ILO also comprise significant barriers to individuals who might otherwise lodge complaints.

There is also a disparity between penalties for failing to meet recruitment targets and the crime of underage recruitment. The UN reported in 2008 that punishments for recruiting a child included official reprimands and monetary fines, whereas battalion commanders faced loss of rank if they failed to meet recruitment quotas.

The arrest and intimidation of complainants has been an impediment to curtailing the recruitment or use of child soldiers. For example, Thet Wei, Chairman of the Sanchaung Township National League for Democracy (NLD), was sentenced to two years in prison in 2008 for communicating

with the ILO on the use of child soldiers; he was convicted by the Rangoon, Pabedan Township court of 'obstructing discharge of duty by public servant'.²⁴⁴

While the ILO reports an increase in the number of child soldier complaints, another disincentive for parents to contact ILO regarding cases of their children being forcibly enrolled in the state army or non-state armed groups are the inappropriate or non-existent judicial sanctions for recruiters. People know that high-ranked officials and recruiters will not be seriously punished for their responsibility in the recruitment of child soldiers. The US Department of State reported that in 2010 there were no reports of prosecutions against identified civilian brokers and that military perpetrators, if punished at all, received one to three months in a military prison with hard labor, loss of 12 months' seniority for pension and promotion rights, salary deductions, and a reprimand.²⁴⁵

The CRFB urges the State party to:

1. Immediately end all recruitment of children under the age of 18, and demobilize children under the age of 18 from the armed forces, and implement the Concluding Observations of the CRC 2004.
2. Ensure that all armed groups integrated into the armed forces of the State party adhere to the minimum age of recruitment of 18 years.
3. Impose effective and appropriate sanctions against individuals, including military recruiters, law enforcement officials and civilians, who recruit children into the armed forces, including potential conviction and imprisonment.
4. Eliminate all incentives, including monetary compensation and promotions for members of the armed forces who meet recruitment quotas by recruiting children and punish perpetrators who recruit children.
5. Sign and ratify the Optional Protocol No. 2 to the Convention on the Rights of the Child on the involvement of children in armed conflicts, and consistent with existing national law, deposit a binding declaration establishing a minimum age of voluntary recruitment of at least 18.
6. Refrain from punishing and/ or imprisoning child soldiers who desert the army, and immediately release all child soldiers imprisoned for desertion from the army, including those recruited as children but who are now adults.
7. Order that military personnel of all ranks halt the physical and psychological abuse of child soldiers and investigate and punish those that commit or fail to punish abusive acts.
8. Develop effective mechanisms to identify, release and ensure disarmament, demobilization, and reintegration of all combatants under 18, to prevent further recruitment and to address all other grave violations against children in line with UN Security Council resolutions 1612 and 1882.
9. Allow effective monitoring and reporting of grave violations of children's rights in accordance with UNSC 1612.
10. Allow the ILO to operate without restrictions to ensure child soldiers are returned and reunited with their families without delay.

Civil and political Freedoms

The ongoing and systematic imprisonment of political activists and ordinary citizens for their perceived political opposition is well documented. Less well known, however, is the impact of the repression and imprisonment on children growing up in Burma. Some children have been arrested for their involvement in peaceful political activities. Others are effectively orphaned after both parents were imprisoned at the same time. Other children have suffered the pain of losing a parent from political violence. Historically, students have played a key role in the struggle for democracy and human rights in Burma, including high school students²⁴⁶ Since 1988, children in Burma, some as young as 12, have been unlawfully arrested, tortured and imprisoned, solely for their political beliefs, in direct contravention of Articles 13- 15, 37 and 40 of the CRC. Many more have been discriminated against for the political activities and views of their parents, in violation of the fundamental principle of non-discrimination (Art.2).

Article 13²⁴⁷ - Freedom of expression and Article 15²⁴⁸ - Freedom of association and assembly

The State party maintains that children have freedom of expression. In their CRC report they state: "Article 15(a) of the Child Law stipulates that every child has the right to freedom of speech and expression in accordance with the law." While the Child Law recognizes the right to freedom of expression it is secondary to other laws. In Burma there are a number of draconian laws²⁴⁹ commonly used to criminalize the rights to freedom of expression, assembly and association, resulting in the mass imprisonment of political activists and ordinary citizens. The widespread and unlawful detention of political activists has a significant impact on the lives of Burma's children and young people.

The State Party report also claims that "every child has the right to participate in organizations relating to children, social organizations or religious organizations permitted under the Law" and that "*Children take part freely in social organizations or religious organizations permitted under the law, such as art associations, swimming clubs, Myanmar traditional dance clubs, Mingalar Byu Har Association (religious association), Sunday Alms Donation Teams, the Union Solidarity and Development Association(USDA), Myanmar Womens Affairs Federation, Myanmar Maternal and Child Welfare Association, the Auxiliary Fire Services and the Myanmar Red Cross Society to promote the interests of the people, the community and the State*". These are all State organisations and membership in these organisations is often forced.²⁵⁰ 423 political prisoners are currently imprisoned under the Unlawful Associations Act for being members of, or having contact, with 'unlawful' organizations, including student unions.²⁵¹

The State party, in its CRC report, claims, "*Nowadays, Myanmar children use Information Technology (IT) widely and they communicate freely through the Internet with children all over the world*". However, only 0.2% of the population in Burma have access to the internet and those who do face heavy censorship.¹ The State party has one of the most draconian approaches to the Internet in the world. Much information is censored and many international or exiled news agencies are officially banned in Burma. People face long prison terms if caught sharing information or photos that the military authorities deem sensitive or subversive under Section 33(a) of the Electronics Act. This restrictive and punitive environment prevents young people from freely accessing information and

¹ The Irrawaddy, Wai Moe, 19 November, 2010, Suu Kyi Plays IT Catch up with the Junta. Reported, 0.2% as of June 2010.

communicating with others both within and outside the country. Reporters Sans Frontiers, a media-watchdog organization ranked Burma 171 out of 175 countries in its 2010 World Press Freedom Index.

On 19 July 2010, police arrested a 14-year-old boy in Rangoon after he was caught in possession of books written by Burmese pro-democracy leader Aung San Suu Kyi and her colleague, Win Tin, a National League for Democracy executive member. A Rangoon resident who requested anonymity said the boy was caught in a bus station in South Okkalapa township in Rangoon with 11 of the books.²⁵²

Article 37²⁵³ - Unlawful arrest, detention and torture

In Burma, victims of torture include children as well as adults. The CRC protects children from torture and provides that children deprived of their liberty shall be treated with respect for the inherent dignity of the person and stipulates that detention “shall be used only as a measure of last resort”. As well as being prohibited under CRC, the prohibition of torture is a peremptory norm of customary international law binding on all states.

The State report fails to respond to concerns raised by the Committee in their 2004 Concluding Observations regarding: “the lack of information regarding ill-conduct by law enforcement officials and army personnel, especially in the light of numerous reports received of torture, serious ill-treatment and sexual abuse, including rape of children by law enforcement officials and army personnel”. The CRC Committee recommended that the State party: “Duly investigate cases of violence through a child-sensitive judicial procedure, notably by giving appropriate weight to children’s views in legal proceedings, and sanction perpetrators, giving due regard to guaranteeing the right to privacy of the child and ensuring that the child is not re-victimized during the legal proceedings,” despite this, children in Burma are equally subject to torture, ill-treatment and the prisons’ grossly inadequate conditions.

In preparation for this report to the Committee, AAPP conducted interviews with former political prisoners who were under the age of 18 when arrested. It is evident from the interviews conducted by AAPP that children have been subjected to the same forms of torture as adult detainees. Including beatings to the head and body with batons, fists, guns, and kicked with military boots, burning of the body, stress positions, such as the motor-cycle, and psychological torture, such as long periods of hooding, sleep and food deprivation and verbal abuse.

Former political prisoners arrested when children report being detained in cells with adult prisoners. CRC explicitly states that children should be kept separate from adult prisoners, a right also recognized under section 37 of the prison regulations on the detention of juveniles issued by the State party in 1993, “a minor should not be handcuffed or tied up, or held together with adult criminals”.

Ye Myat Hein, was arrested in 2007, aged 17 years, for his involvement in the peaceful monk led ‘Saffron Revolution’. He was sentenced to 10 years’ in prison and is currently held in Kale Prison. Shortly after his arrest, his father, Khin Maung Cho, said “*my son is being held in a cell together with 20 adult criminals in order to intimidate him*”.²⁵⁴ Zin Min Tun, was also 17 years old when arrested on 5 September 2007 for his involvement in peaceful student activities. He was sentenced to 5 years and 3 months imprisonment and is currently in Myitkyina prison.

In all of the cases documented by AAPP, child political prisoners were arbitrarily deprived of their liberty in direct contravention of article 37(b). State authorities failed to ensure that imprisonment was only used as a measure of last resort and for the shortest appropriate period of time. All detainees interviewed were held incommunicado, without access to legal representation or family. Four interviewees were held incommunicado for more than one month. It is evident from the interviews that all were denied the right to a fair trial.

Kyaw Hsan, was 15 years old when he was arrested in Rangoon in 1999 for participating in a small-scale peaceful protest. He was held incommunicado for one month at a Military Intelligence (MI) centre where he was repeatedly tortured. Sentenced to 17 years for unlawful association and for having 'illegal' books, he describes his trial: *"I never had access to a lawyer. At the court, I had a hood on the whole time. I never even saw the judge. I didn't have any opportunity to speak at the trial, just to answer yes or no to the questions. I sat for 10 minutes on the chair at the Court. It was a closed court, inside the prison so no family attended"*.²⁵⁵

Former child political prisoners report being tortured until they confessed, *"I was beaten at every question, I got kicked and punched especially when they thought I was lying. I had to cooperate in the end. I couldn't resist anymore,"* Kyaw Hsan recalls.²⁵⁶

The physical assaults inflicted on young people during torture have long term consequences on their health, as the following cases confirm. Detained and interrogated at age 14 for his membership in a high school union, Ko Min Lwin describes his experience: *"As I entered the prison gate they told me to sit down. I sat down on the steps. This angered the guard and he kicked me in the back. He used such force that I flew off the steps and through the air. To this day, I still have back pain. I never saw a doctor and afterwards had to sleep on the concrete floor with no mattress. My back didn't recover properly."*²⁵⁷

Former political prisoner, Ko Soe Lwin, was arrested and interrogated twice when he was a child. The first time he was arrested he was 12 years of age and was held incommunicado for over 2 months. Both his mother and father were former political prisoners, and it appears he was targeted because of his parent's political activities. When he was arrested the second time, he was 13 years of age. The MI arrested him along with fourteen other young people, aged 13 – 14 years, all students of his mother, who was a private tutor.

During the interrogation he was subjected to severe physical assaults: *"I was boxed repeatedly in the ears, until blood was flowing from my nose. I am now deaf in one ear, at the time I was only 13 years of age. My friend was subjected to the same treatment; he lost his hearing in both ears."* He continues: *"After about 10 days, they beat me so hard two of my ribs were broken and I was unconscious. Because of the broken ribs I could not stand up anymore, when I told them this they said I lying. I was carried back to the interrogation room and tortured more. Sometimes they burnt plastic and dropped the hot liquid on my calf and legs. The plastic would stick to my skin and peeled off my flesh. They stuck needles under my finger nails and my toe nails. This was the worst torture I suffered."*²⁵⁸

One of the other boys arrested with him was tortured to death. *"One of my friends died in the interrogation centre. He was just 13 years. Min Zaw Oo was his name. Originally he was from a village and he came to the town to go to school."*²⁵⁹

In April 1994, at age 13, Ko Soe Lwin and 6 of his friends were sentenced, without any legal representation, to 24 years and three months in prison for illegally printing and distributing

material contrary to Burma's press law. Released on 18 September 2009, he spent more than half his life in prison.²⁶⁰

Young people are also arbitrarily arrested for their perceived association with rebel groups in ethnic areas. In 2006 for example, two high school students from Auk Pin Ti Village of Paletwa Township, southern Chin State were arrested by LIB #140, stationed at Lailente village of Matupi Township. They were held in army custody on suspicion of being sympathetic to Chin rebels from the Chin National Army.²⁶¹ In 2006, Captain Aung Kyaw and troops from LIB #304, based in Matupi Town of southern Chin State, attempted to arrest five village chairmen from the Matupi and Paletwa region on suspicion of having connections with a foreign-based Chin pro-democracy organization. One village chairman, Lung Thui, heard that soldiers were coming to arrest him and went into hiding. While in hiding, he learned that LIB #304 had arrested his wife and two month old baby, in an apparent attempt to force Lung Thui to give himself up to authorities.²⁶²

Separation of children from their parents

The impact of Burma's repressive policies on children spreads far wider than those who are imprisoned for their own beliefs or political activities to the children of Burma's political prisoners. CRC reiterates the centrality of the family in the upbringing of the child and prioritizes regular family contact in cases where children are separated from their families (article 9). Burmese law states that prisoners have the right to receive visits once every two weeks. In reality, this is not the case. In Burma, prison authorities arbitrarily suspend family visits for political prisoners, as well as intercepting and censoring their personal letters.

Article 9 (4) stipulates that where separation of the child from his or her parent/s results from any action initiated by a State Party, such as the detention, imprisonment, or death (including death arising from any cause while the person is in the custody of the State), the State party must provide the family with the essential information regarding the whereabouts of the absent member. Political prisoners are often held incommunicado and during this time, their families are not informed of their whereabouts. Democracy leader and Nobel Laureate, Daw Aung San Suu Kyi describes the impact of this: *"A number of political prisoners who were placed in jail for their part in the democracy movement were kept without trial for more than two years. For more than two years, they did not see their families at all. Two years is a long time in the life of a child. It is long enough to forget a parent who has vanished from sight. It is long enough for boys and girls to grow up into young adolescents. It is long enough to turn a carefree youngster into a troubled human being."*²⁶³

The authorities routinely transfer political prisoners to remote prisons far away from their families. This is part of a deliberate strategy employed by the State to breakdown the resolve of political prisoners by removing the support provided to them by their families, while at the same time punishing the family. In October 2008, reports emerged from Burma that the State had ordered its courts to expedite the trials of political activists. Shortly after sentencing, authorities systematically transferred political prisoners to prisons all around Burma, far from their families. Between November 2008 and May 2009, 228 were transferred. In 2010, at least 52 political prisoners were transferred and 71 transferred in 2009.²⁶⁴ The arbitrary use of prison transfers and the banning of family visits impacts on the children of political prisoners. The authorities often fail to notify family members when visits are cancelled or prisoners transferred. Because the journey to prisons is often long and costly, this practice places an unnecessary burden on family members.

Political prisoners, husband and wife, Nilar Thein and Ko Jimmy, both leaders of the 88 Generation Student Movement are serving 65 year prison sentences for their involvement in the peaceful

demonstrations in August 2007. Their daughter, Nay Kyi Min Yu, was six months old when her parents were arrested. In December 2010, Nilar Thein went on hunger strike. During this period, her sister-in-law, Thandar Yu, traveled to Thayet prison with Nilar Thein's 3-year-old daughter. However, authorities would not permit the family to see her because she was on hunger strike even though they had traveled 340 miles to the prison.

The Special Rapporteur, in his March 2011 report to the Human Rights Council expressed particular concern about the condition of women in prison. He raised the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), adopted in October 2010. It asserts women prisoners should be "allocated, to the extent possible, to prisons close to their homes", (rule 4) and their "contact with their families, including their children, their children's guardians and legal representatives shall be encouraged and facilitated by all reasonable means" (rule 26). Rule 23 explicitly states, "Disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children."

The husband of political prisoner, Thin Thin Aye aka Mie Mie, currently serving 65 years in Katha prison, located 800 miles from her family, said: *"Our lives are not perfect. I have to take care for them not only as a father but also as a mother," he said. "It would be good for them to live with their mother. Now they don't have a complete family...When their mother was in Tharrawaddy Prison, my daughter was 5 years old and my son was just over 2 years old. Since that time, they have become familiar with political prisoners."*

Also serving 65 years in prison is Thet Thet Aung, her husband Chit Ko Lin is serving a 11 year prison sentence. They have three sons: Aung Ko Ko is currently 11 years old; Wai Yan Ko Ko is 9 years old and Htoo Aung Linn is 4 years. Chit Ko Lin was arrested on 8 October 2007 but on that occasion Thet Thet Aung managed to escape. The security forces then took both of their mothers into custody for two days were held hostage in an effort to force Thet Thet Aung out of hiding. Her home and those of other family members were also searched and their children left without adult care. In an interview, on 17 October 2007, two days before her arrest, Thet Thet Aung told RFA: *"The youngest child is only about one year and two months old. Also, the child is not a healthy one. The child had a blood transfusion at birth. He needs a lot of care... I'm really concerned for their health and education".*²⁶⁵

AAPP receives numerous reports of the families of political prisoners struggling to survive. Before being arrested political prisoners are often the breadwinners of their family. The family members of imprisoned father and son, NLD members U Tin Yu and Than Zaw Myint are reportedly struggling to survive. When the two men were arrested the responsibility of financially supporting the family fell on Tin Yu's daughter, Thin Thin Yu. She is now working as a fish vendor to cover expenses for six family members including school fees for two children and visits to their detained relatives.²⁶⁶

In Burma, children have lost parents from political violence, including torture and severe ill-treatment. In May 2010 political prisoner, Ko Kyaw Soe, died in prison from the denial of healthcare, torture and maltreatment, he left behind a wife, and 7 year old daughter. In 2005, NLD member, Aung Hlaing Win, 30 years, was tortured to death. His daughter was only four years old at the time and struggles to understand the enormity of what happened to her father. The wife of Aung Hlaing Win explains: *"She (my daughter) often asks for her father because she did not see what happened. At that time, I do not know how to reply. If he had died in my lap I could have told her what happened. I did not see what happened, what he faced...So, I am never content. She thinks her father went to fetch eels to sell. She thinks that is where he went but never returned".*²⁶⁷

The CRFB urges the State party to:

1. Immediately and unconditionally release the 2,073 people imprisoned for exercising their basic civil and political rights, such as the rights to association, assembly, and expression.
2. Amend domestic law, including the 1962 Printers and Publishers Registration Act, Electronic Transactions Law, Section 505(B) of the Penal Code, the Unlawful Associations Act, and the 1950 Emergency Provisions Act, so that it is in line with international human rights standards and the law cannot be used to criminalize peaceful political dissent, and freedom of expression, association and assembly.
3. Cease the persecution, harassment, arbitrary arrest and wrongful imprisonment of young people for their involvement in the peaceful political activities, student groups, and human rights promotion.
4. Investigate all allegations of torture and mistreatment of children in detention, make the results public and hold accountable those found responsible for these crimes.
5. Allow the ICRC full and unrestricted access to places of detention and allow individual monitoring of detainees and prisoners by the ICRC in accordance with its standard procedures, to prevent torture and mistreatment and to safeguard the physical and psychological health of juvenile prisoners.
6. Immediately abolish the use of incommunicado detention and ensure children arrested and deprived of their liberty are brought before an independent authority to examine the legality of their deprivation of liberty within 24 hours; ensure that they have immediate access to legal representation; and the child's family is informed of their whereabouts without delay.
7. Ensure that prisoners and pre-trial detainees under the age of 18 are kept in separate facilities from adults.
8. End the practice of transferring political prisoners to remote areas away from their families; and ensure prisoners are able to receive visits from their family, every two weeks, throughout their detention

End Notes

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² Article 24: State 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 health care services 2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:(a) To diminish infant and child mortality; (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care; (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution; (d) To ensure appropriate pre-natal and post-natal health care for mothers; (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents; (f) To develop preventive health care, guidance for parents and family planning education and services.

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Luke C. Mullany^{1,3*}, Thomas J. Lee^{2,3}, Lin Yone⁴, Catherine I. Lee^{1,3}, Katherine C. Teela¹, Palae Paw⁴, Eh Kalu Shwe Oo⁵, Cynthia Maung⁶, Heather Kuiper³, Nicole F. Masenior¹, Chris Beyrer¹)
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education compulsory and available free to all; (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; (c) Make higher education accessible to all on the basis of capacity by every appropriate means; (d) Make educational and vocational information and guidance available and accessible to all children; (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates”.

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¹⁰⁰ 1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. 2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular: (a) Provide for a minimum age or minimum ages for admission to employment;(b) Provide for appropriate regulation of the hours and conditions of employment;(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

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¹⁴⁶ Article 38: 1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child. 2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities. 3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest. 4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

¹⁴⁷ See especially CRC Committee Concluding Observations, 4 June 2004, paras. 65,67; CRC Committee Concluding Observations, 24 January 1997, paras. 40-41.

¹⁴⁸ Some of these practices may also be employed in "mixed administration" areas. These are areas in which control by the State party's armed forces or an allied non-state armed group (NSAG) is nominal, an opposition NSAG continues to exert some control and conflict occurs, but in which civilian populations are not usually targeted in military attacks.

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¹⁵² Extensive background on Tatmadaw practices that target civilians, including children in shoot-on-sight areas of eastern Burma is available in Self-protection under Strain: Targeting of civilians and local responses in northern Karen State, KHRG, August 2010. The report includes specific sections on the consequences of military practices on food security, health and education. While the area focuses on Lu Thaw Township in northern Karen State, the practices outlined in the report are employed by Tatmadaw forces on a widespread scale in eastern Bago Region, and in parts of Mon State and Tanintharyi Region in which armed conflict continues to occur.

¹⁵³ Note that only incidents from Karen State and East Bago Region that have already been published in KHRG reports, and for which specific ages for children were provided, have been included in this table. Incidents of children injured, killed, or subjected to violence by Tatmadaw or Tatmadaw-allied armed forces which referred to a child without specifying his or her age have been excluded; as have incidents for which one source indicated a child was under 17 while another source indicated he or she was over 17. Incidents documented by other organisations but not reported by KHRG field researchers have also been excluded.

¹⁵⁴ For recent examples, see: "Mortar attacks, landmines and the destruction of schools in Papun District," KHRG, August 2008; "Militarisation, violence and exploitation in Toungoo District," KHRG, February 2008; "Forced Labour, Movement and Trade Restrictions in Toungoo District," KHRG, March 2010. For photos, see "KHRG Photo Gallery 2008: Attacks and killings," KHRG, February 2009.

¹⁵⁵ KHRG, "Living conditions for displaced villagers and ongoing abuses in Tenasserim Division," October 2009.

¹⁵⁶ "Attacks and displacement in Nyaunglebin District," KHRG, April 2010.

¹⁵⁷ See table III

¹⁵⁸ "Attacks, killings and the food crisis in Toungoo District," KHRG, August 2008.

¹⁵⁹ "Mortar attacks, landmines and the destruction of schools in Papun District," KHRG, August 2008.

¹⁶⁰ "Attacks, killings and the food crisis in Papun District," KHRG, February 2009.

¹⁶¹ "Attacks, killings and increased militarisation in Nyaunglebin District," KHRG, January 2008.

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- ¹⁶² KHRG, "Update on SPDC/DKBA attacks at Ler Per Her and new refugees in Thailand," June 2009.
- ¹⁶³ KHRG, "SPDC mortar attack on school in Papun District," February 2010.
- ¹⁶⁴ KHRG, "SPDC mortar attack on school in Papun District," February 2010.
- ¹⁶⁵ KHRG, "Mother of newborn shot and killed in Papun District," January 2011.
- ¹⁶⁶ CRC Committee Concluding Observations, 4 June 2004, para. 53(d). Pregnant women remain particularly vulnerable to physical injury and death arising from the unstable military situation in eastern Myanmar. For information about other recent incidents in which the Tatmadaw has directly targeted women and children in military attacks in Papun district, see "Human rights violations in Karen State," Back Pack Health Worker Team (BPHWT), August 2010. For information generally concerning maternal and reproductive health in eastern Burma, see *Diagnosis Critical: Health and human rights in eastern Burma*, BPHWT, October 2010, pp.33 – 35; and *Chronic Emergency: Health and human rights in eastern Burma*, BPHWT, 2006, pp.39 - 41.
- ¹⁶⁷ KHRG, "Attacks on cardamom plantations, detention and forced labour in Toungoo District," May 2010.
- ¹⁶⁸ "Military expansion and exploitation in Nyaunglebin District," August 2008.
- ¹⁶⁹ KHRG, "Attacks, forced labour and restrictions in Toungoo District," KHRG, July 2008.
- ¹⁷⁰ KHRG, "Militarization, Development and Displacement: Conditions for villagers in southern Tenasserim Division," March 2011.
- ¹⁷¹ KHRG, "Attacks and displacement in Nyaunglebin District," April 2010.
- ¹⁷² KHRG, "Attacks and displacement in Nyaunglebin District," April 2010.
- ¹⁷³ KHRG, "Militarisation, violence and exploitation in Toungoo District," February 2008.
- ¹⁷⁴ KHRG, "Attacks on cardamom plantations, detention and forced labour in Toungoo District," May 2010.
- ¹⁷⁵ KHRG, "Forced Labour, Movement and Trade Restrictions in Toungoo District," March 2010.
- ¹⁷⁶ For photos taken following a July 2010 attack on a village in Lu Thaw Township, northern Karen State, depicting damage to tools, cooking equipment, water storage containers and see "KHRG Photo Gallery 2010-B: Surviving with dignity beyond military control," KHRG, February 2011, photos C-18 to C-20.
- ¹⁷⁷ KHRG, "Tatmadaw attacks destroy civilian property and displace villages in northern Papun District," April 2011.
- ¹⁷⁸ *Ibid.*
- ¹⁷⁹ Thailand-Burma Border Consortium. *Protracted Displacement and Militarisation in Eastern Burma*, November 2009; also: *Self-protection under strain*, KHRG, August 2010, pp.52-64.
- ¹⁸⁰ KHRG, "Starving them out: Food shortages and exploitative abuse in Papun District," October 2009.
- ¹⁸¹ Internal KHRG source documents; information is based on 41 interviews conducted with community members and village heads in the affected area in February and March 2011. Report for citation to be released in April 2011.
- ¹⁸² KHRG, "Self-protection under strain," August 2010, pp.67-8; figures courtesy of Karen Department of Health and Welfare (KDHW) and BPHWT, July 2010. Malnutrition was assessed by measuring the mid-upper arm circumference (MUAC) of children under five years old and comparing results to the World Health Organisation's Child Growth Standards. These figures were estimated from a sub-set of a larger sample from a survey of eastern Burma. Since the survey was not designed for sub-analysis by township, the confidence interval for estimates for Lu Thaw Township alone may be quite wide.
- ¹⁸³ Burma Medical Association et al, *Diagnosis Critical: Health and human rights in eastern Burma*, October 2010, p.7. The survey covered townships in Shan, Kayah, and Karen states and Bago and Tanintharyi (Tenasserim) regions.
- ¹⁸⁴ CRC Committee Concluding Observations, 4 June 2004, para. 53(e).
- ¹⁸⁵ General Comment No.7: Implementing Child Rights in Early Childhood, CRC Committee, 2005, paras. 10, 27a
- ¹⁸⁶ A full account of this incident, including extensive testimony from displaced residents of the village in question, is available in: "Central Papun District: Village-level decision making and strategic displacement," KHRG, August 2010.
- ¹⁸⁷ CHRO, "A 17 Year-Old Boy Summarily Executed by Burmese Troop," 1 February 2006, *Rhododendron News* Jan-Feb 2006..
- ¹⁸⁸ KHRG, "Burma Army attacks and civilian displacement in Papun District," June 2008
- ¹⁸⁹ US Department of State, 2010 Human Rights Report of Burma, <http://www.state.gov/g/drl/rls/hrrpt/2010/eap/154380.ht>
- ¹⁹⁰ KHRG, "Insecurity amidst the DKBA - KNLA conflict in Dooplaya and Pa'an districts," February 2009.
- ¹⁹¹ KHRG, "Patrols, movement restrictions and forced labour in Toungoo District," September 2009.
- ¹⁹² KHRG, *Cycles of Displacement: Forced relocation and civilian responses in Nyaunglebin District*, January 2009.
- ¹⁹³ KHRG, "Attacks and displacement in Nyaunglebin District," April 2010.
- ¹⁹⁴ KHRG, "IDP responses to food shortages in Nyaunglebin District," April 2009.
- ¹⁹⁵ KHRG, "Burma Army attacks and civilian displacement in northern Papun District," July 2008.
- ¹⁹⁶ KHRG, "IDP responses to food shortages in Nyaunglebin District," April 2009
- ¹⁹⁷ See, for instance, photos of an SPDC-manufactured landmine placed by the DKBA in Pa'an District, *Photo Gallery 2009*, KHRG, July 2009. <http://www.khr.org/photoreports/2009photos/gallery2009/index.html>
- ¹⁹⁸ KHRG, "Exploitative abuse and villager responses in Thaton District," November 2009.

- ¹⁹⁹ KHRG, "Attacks on cardamom plantations, detention and forced labour in Toungoo District," KHRG, May, 2010; "Villagers used as human shields by Tatmadaw troops," in Displacement Monitoring: Photo updates on protection concerns for villagers in Dooplaya and Pa'an districts and adjacent areas of Thailand, February 2011.
- ²⁰⁰ See photo in: "Livelihood consequences of SPDC restrictions and patrols in Nyaunglebin District," KHRG, September 2009; and photos G-8 and G-9 in KHRG Photo Gallery 2010-B, KHRG, February 2011.
- ²⁰¹ For photos of unexploded shells recovered after being fired by the GOM Army, see "KHRG Photo Gallery 2008: Landmines, mortars, army camps and soldiers," February 2009.
- ²⁰² KHRG, "Functionally Refoulement: Camps in Tha Song Yang District abandoned as refugees bow to pressure," April 2010.
- ²⁰³ HREIB, *Forgotten Future: Children and Armed Conflict in Burma*, 2009.
- ²⁰⁴ Grave Violations: Assessing abuses of child rights in Karen areas during 2009, KHRG, January 2010.
- ²⁰⁵ "SPDC spies and the campaign to control Toungoo District," March 2008.
- ²⁰⁶ The scope of BPHWT's activities is summarized in *Life, Liberty and the Pursuit of Health: A decade of providing primary healthcare in Burma's displaced and vulnerable communities*, BPHWT, 2011, pp.16-21.
- ²⁰⁷ BPHWT, "Provision of primary healthcare among the internally displaced persons and vulnerable populations of Burma: BPHWT Mid Year Report 2010," 2010, p.7.
- It is also important to note that communities in mixed-administration and government controlled areas also face restrictions on access to humanitarian services. While local and some international humanitarian and community development actors are able to access some of these areas, their access is constrained by civilian and military authorities. This is particularly true in the area of humanitarian protection, and these actors are rarely able to conduct activities that prevent authorities from committing the abuses described above.
- ²⁰⁸ KHRG, "SPDC spies and the campaign to control Toungoo District," March 2008.
- ²⁰⁹ KHRG, "Militarization, Development and Displacement: Conditions for villagers in southern Tenasserim Division," March 2011.
- ²¹⁰ KHRG, "Southern Papun District: Abuse and the expansion of military control," August 2010.
- Additional testimony: 'I had two children, but my wife passed away. In a short time my youngest child also passed away.... Just ten days after she had delivered her last child, she died. We didn't have good enough medicine at that time. I had also planned to bring her to a hospital, but the DKBA blocked our way, so she had to die.' (Pah Na---, Xa--- village, Bu Tho Township, September 2009. interview is on file with KHRG).
- ²¹¹ KHRG, "Forced Labour, Movement and Trade Restrictions in Toungoo District," March 2010.
- ²¹² KHRG, *Growing up under militarisation: Abuse and agency of children in Karen State*, KHRG, April 2008; *Self-protection under strain*, August 2010, pp.64-73.
- ²¹³ CRC Committee Concluding Observations, 4 June 2004, para. 65b
- ²¹⁴ General discussion on Children in Armed Conflicts, CRC Committee, 1992, para. 73
- ²¹⁵ *In the Shadow of the junta: CEDAW Shadow report by Women's League of Burma 2008* pg. 58
- ²¹⁶ *The Women's League of Chinland, Unsafe State, 2007*, pg.23.
- ²¹⁷ *Growing up under Militarisation*, KHRG, August 2008, p.126
- ²¹⁸ "Burmese soldiers forcibly take away a boy," Kwe Ka Lu, May 25th 2007
- ²¹⁹ KHRG, "Army officer attempted to rape a 12-year-old girl," Kwe Ka Lu, May 25th 2007
- ²²⁰ WLB, *In the Shadow of the Junta*, <http://www.womenofburma.org/Report/IntheShadow-Junta-CEDAW2008.pdf>, pg 62
- ²²¹ KHRG, "IDP conditions and the rape of a young girl in Papun District," April 2009.
- ²²² Union of Myanmar, Statement to the Human Rights Council, <http://myanmargeneva.org/statement&speech/Statement%2013th%20HRC.pdf>.
- ²²⁴ The others are Chad, the Democratic Republic of Congo, Somalia and Sudan.
- ²²⁵ US Department of State, 2010 Human Rights Report of Burma, <http://www.state.gov/g/drl/rls/hrrpt/2010/eap/154380.ht>
- ²²⁶ KHRG, Field Report, Forced recruitment, child soldiers and abuse in the army: Interviews with SPDC deserters, April, 2009, http://www.khrg.org/khrg2009/khrg09f9.html#ftn_2
- ²²⁷ Information from Human Rights Watch, *Sold to be soldiers*, last accessed on Feb 17th 2011
- ²²⁸ Ibid
- ²²⁹ Ibid
- ²³⁰ Information from Burma News International, last accessed on Feb 16th 2011
- ²³¹ CHRO, SPDC Still Uses Child Soldiers, 8 June 2010, Rhododendron News, May-Jun 2010
- ²³² CHRO, Two Child Soldiers Flee SPDC Cruelty, 27 March 2007, Rhododendron News Mar – Apr 2007; Children Forcibly Conscripted into Tatmadaw, 6 February 2009, Rhododendron News Jan-Feb 2009, CHRO; Child Soldier Frustrated By Life in the Tatmadaw, 18 April 2010, Rhododendron News Mar-April 2010.
- ²³³ CHRO, Two Child Soldiers Flee SPDC Cruelty, 27 March 2007, Rhododendron News Mar – Apr 2007.
- ²³⁴ CHRO, Children Forcibly Conscripted into Tatmadaw, 6 February 2009, Rhododendron News Jan-Feb 2009.

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- ²³⁵ Information from Burma News International, last accessed on Feb 16th 2011
- ²³⁶ HREIB, 2008, *Forgotten Childhood*, pg.55
- ²³⁷ The Irrawaddy, *Forcible Recruitment Still Common*, 3 March 2011, http://www.irrawaddy.org/article.php?art_id=20869).
- ²³⁸ Human Rights Watch, *Sold to be soldiers*, last accessed on February 17th 2011
- ²³⁹ HREIB, 2008, *Forgotten Childhood*, pg. 55
- ²⁴⁰ Information from Burma News International, last accessed on February 16th 2011
- ²⁴¹ Information from The Irrawaddy, last accessed on February 16th 2011
- ²⁴² KHRG, 2009, <http://www.khrg.org/khrg2009/khrg09f9.html>
- ²⁴³ <http://www.khrg.org/khrg2009/khrg09f9.html>
- ²⁴⁴ Mizzima, <http://www.mizzima.com/news/inside-burma/1055-nld-leader-sentenced-for-trying-to-complain-to-ilo-on-use-of-child-soldiers.html>
- ²⁴⁵ US Department of State, 2010 Human Rights Report of Burma, <http://www.state.gov/g/drl/rls/hrrpt/2010/eap/154380.ht>
- ²⁴⁶ One of the most iconic photos to come out of the 1988 democracy demonstrations is the photo of 16-year-old Win Maw Oo, her bloodied and limp body being carried to hospital after she was shot by troops at the corner of Sule Pagoda and Merchant roads, in Rangoon. Win Maw did not survive the gunshot wound and died that night.
- ²⁴⁷ Article 13: 1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
- ²⁴⁸ Article 15: 1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
- ²⁴⁹ Including the Unlawful Associations Act, Section 505(b) of the Burmese Penal Code, 2004 Electronic Transactions Law, the 1996 Television and Video Law, and the 1962 Printers and Publishers Act.
- ²⁵⁰ KHRG, "Village Agency: Rural rights and resistance in a militarized Karen State," November 2008, pp.62-63
- ²⁵¹ AAPP, database of political prisoners.
- ²⁵² AAPP cannot confirm whether he was freed or imprisoned but feared he might have been tortured for information on how he obtained the books.
- ²⁵³ States Parties shall ensure that:(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age; (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time; (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances; d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.
- ²⁵⁴ Democratic Voice for Burma, 28 December 2007
- ²⁵⁵ AAPP, interview with Kyaw Hsan, March 2011, transcript on file at AAPP
- ²⁵⁶ Ibid.
- ²⁵⁷ AAPP, interview with Ko Min Lwin, March 2011, transcript on file at AAPP
- ²⁵⁸ AAPP, interview with Ko Soe Lwin, March 2011, transcript on file at AAPP
- ²⁵⁹ Ibid.
- ²⁶⁰ Ibid.
- ²⁶¹ CHRO, *Two High School Students Arbitrarily Detained For Suspected Ties to Rebels*, 3 February 2006, Rhododendron News Jan-Feb 2006.
- ²⁶² CHRO, *Mother And Infant Child Arrested*, 5 July 2006, Rhododendron News Jul-Aug 2006.
- ²⁶³ Daw Aung San Suu Kyi, *Letter from Burma No. 6*, published by AAPP, 2004.
- ²⁶⁴ AAPP, *Submission to the Universal Periodic Review*, July 2010 and AAPP, 2010 Annual Report.
- ²⁶⁵ AAPP, *Political Prisoner Profile*, Thet Thet Aung, 2 July 2009.
- ²⁶⁶ AAPP, *Monthly Chronology*, March 2011
- ²⁶⁷ AAPP, video interview, 2005 on file at AAPP.

Table I: Child and Maternal Mortality in Eastern Burma²⁶⁷

	Eastern Burma	Burma	Thailand	MDG Target for 2015
Infant mortality rate (per 1,000 births)	73	54	12	28
Under-5 mortality rate (per 1,000 live births)	138	71	14	39
Maternal Mortality rate (deaths per 100,000 live births)	721	240	48	50

Table II: Human Rights Violations and Impact on Child Health in IDPs of Eastern Burma (Adapted from Diagnosis Critical 2010)²⁶⁷

Human Rights Violation	Frequency (within preceding year)	Health Outcome	Increased Odds
Any measured human rights violation*	30.6%	Infant death	1.5
		Child death	1.4
		Moderate-severe acute child malnutrition	1.7
Forced labor	8.7%	Infant death	2.5
		Child death	1.9
Forced Displacement	5.6%	Moderate-severe acute child malnutrition	3.3
		Infant death	1.3
		Child death	1.7
Destruction and/or Seizure of Food	11.7%	Moderate-severe acute child malnutrition	1.8

Table III: Incidents of children injured, killed or subjected to violence by Tatmadaw or allied armed groups in Karen State and East Bago Region since March 2006

** Please note that only incidents from Karen State and East Bago Region that have been published in KHRG reports, and for which specific ages for children were provided, have been included in this table. Incidents reported describing children injured, killed, or subjected to violence by Tatmadaw or Tatmadaw-allied armed forces which did not specify the age of the victim(s) have been excluded; as have incidents for which one source indicated a victim was under 17 while another source indicated he or she was over 17. Incidents documented by other organisations since March 2006 but not published in KHRG reports have also been excluded.*

#	Name	Age	Date	Location	Description	KHRG Report
1	Naw Pah Lah's Daughter	5 years	22 Mar 2010	Kyauk Kyi Township, East Bago region	Shot & killed by LIB #369 soldiers during attack on Kaw Htah village while returning with her mother from visiting relatives	"Attacks and displacement in Nyaunglebin District" (April 2010)
2	Naw Pah Lah's Son	5 months	22 Mar 2010	Kyauk Kyi Township, East Bago region	Shot & killed by LIB #369 soldiers during attack on Kaw Htah village while returning with her mother from visiting relatives	"Attacks and displacement in Nyaunglebin District" (April 2010)
3	Saw R---	15 years	19 Feb 2010	Lu Thaw Township Karen State	Injured in stomach when IDP school shelled by MOC #7, died at 3 am on Feb 21 st after being unable to receive adequate treatment (photos)	"SPDC mortar attack on school in Papun District" (February 2010)
4	Saw Hs---	8 years	19 Feb 2010	Lu Thaw Township Karen State	Injured in leg when IDP school shelled by MOC #7 (photos)	"SPDC mortar attack on school in Papun District" (February 2010)
5	Saw E---	10 years	19 Feb 2010	Lu Thaw Township Karen State	Injured in arm when IDP school shelled by MOC #7 (photos)	"SPDC mortar attack on school in Papun District" (February 2010)
6	Multiple victims		21 Nov 2009	Dweh Loh Township, Karen State	LIB #219 forced children of Pi--- village forced to sit under sun in and deprived of food from approximately 8am to 5pm for at least 3 days, while parents were made to perform forced labour and not permitted to tend to their children, as part of collective punishment. Sources indicated that there were 105 residents including 47 children in Pi---. (photos)	"Central Papun District: Village-level decision making and strategic displacement" (August 2010)
7	Saw E---	7 years	19 Jun 2009	Bu Tho Township, Karen State	Injured by four pieces of shrapnel when DKBA Special Battalion #666 soldiers fired automatic weapons and RPG's into field hut. Four other villagers injured in attack, including Saw E---'s mother & grandfather (photo)	"DKBA attack on villagers and the forced dismantling of a mosque in Papun District," (July 2009)

8	Naw M---	13 years	27 Feb 2009	Dweh Loh Township, Karen State	Raped by LID #11 soldier while travelling to collect water from a river near her village. The soldier's commanding officer paid family 40,000 kyat (US \$47), ordered them not to discuss the case with anyone. Family was too afraid to refuse the money.	"IDP conditions and the rape of a young girl in Papun District" (April 2009)
9	Naw Ree Htoo	9 years	30 Aug 2008	Dweh Loh Township, Karen State	Shot and killed by patrolling LIB #256 soldiers, who fired through the slats of a field hut where family was staying, near Meh Way village	"Attacks, killings and the food crisis in Papun District" (February 2009)
10	Naw Gka Tee	16 years	23 May 2008	Tantabin Township, Karen State	Injured in both legs when shot by LIB #47 soldiers during attack on Yer Loh village.	"Attacks, forced labour and restrictions in Toungoo District" (July 2008)
11	Naw D---	16 years	15 March 2008	Lu Thaw Township, Karen State	Lost left leg to landmine planted in her village after residents had fled from Tatmadaw attacks. She had returned to collect hidden food supplies for her family (photo)	"Burma Army attacks and civilian displacement in Papun District" (June 2008)
12	Naw R---	13 years	27 Oct 2007	Papun District, Karen State	Shot and injured by Tatmadaw soldiers near N--- village	"Mortar attacks, landmines and the destruction of schools in Papun District" (August 2008)
13	Naw Th---	16 years	9 Oct 2007	Shwegyin Township, East Bago Region	Shot and injured in right arm by Tatmadaw while at farm field hut with family members near Htee Bla Kee village. Injured her leg while fleeing the attack (photo and quote)	"Attacks, killings and increased militarisation in Nyaunglebin District" (January 2008)
14	Saw Eh Kree Htoo	12 years	9 Jul 2007	Lu Thaw Township, Karen State	Injured in right calf from shelling during Tatmadaw attack on Htee Baw Kee village	"SPDC Army atrocities in Ler Muh Bplaw village tract in the words of a local resident" (October 2007)
15	Saw Ee Bra Hay	1 year	9 Jul 2007	Lu Thaw Township, Karen State	Injured in shoulder by shrapnel from mortar shell fired during Tatmadaw attack on Htee Baw Kee village	"SPDC Army atrocities in Ler Muh Bplaw village tract in the words of a local resident" (October 2007)

16	Naw Say Ler Paw	4 years	9 Jul 2007	Lu Thaw Township, Karen State	Injured in left arm by shrapnel from mortar shell fired during Tatmadaw attack on Htee Baw Kee village (sister of Saw Eh Kree Htoo)	"SPDC Army atrocities in Ler Muh Bplaw village tract in the words of a local resident" (October 2007)
17	Saw Tar Noo Htoo	7 years	25 May 2007	Tantabin Township, Karen State	Shot and killed by LID #88 soldiers while preparing holes for planting rice paddy seedlings. Attack killed two and injured three other villagers.	"Provoking Displacement in Toungoo District: Forced labour, restrictions and attacks" (May 2007)
18	Naw Kree Kree	13 years	25 May 2007	Tantabin Township, Karen State	Shot and injured by LID #88 soldiers while preparing holes for planting rice paddy seedlings. Attack killed three and injured two other villagers.	"Provoking Displacement in Toungoo District: Forced labour, restrictions and attacks" (May 2007)
19	Saw Pah Bih Tra	17 years	22 May 2007	Papun District, Karen State	Shot and killed by Tatmadaw soldiers in attack on Dtar Keh Der village	"Mortar attacks, landmines and the destruction of schools in Papun District" (August 2008)
20	Saw E---	12 years	28 Apr 2007	Papun District, Karen State	Shot and injured by Tatmadaw soldiers near Y--- village	"Mortar attacks, landmines and the destruction of schools in Papun District" (August 2008)
21	Saw Ah Po's daughter	2 months	5 Apr 2007	Tantabin Township, Karen State	Killed, along with father (Saw Ah Po) by IB #75, according to KHRG field researcher; futher details not provided	"Landmines, Killings, and Food Destruction: Civilian life in Toungoo District" (August 2007)
22	Saw Aye Kay Moo	12 years	27 Mar 2007	Lu Thaw Township, Karen State	Shot and killed by Tatmadaw soldiers near Leh Kee village	"Mortar attacks, landmines and the destruction of schools in Papun District" (August 2008)
23	Saw P---	15 years	5 Feb 2007	Lu Thaw Township, Karen State	Injured by mortar shrapnel during attack by MOC #8 soldiers on Thay Thoo Kee village	"Road construction, attacks on displaced communities, and the impact on education in northern Papun District" (March 2007)

24	Saw K---	16 years	5 Feb 2007	Lu Thaw Township, Karen State	Injured by mortar shrapnel during attack by MOC #8 soldiers on Thay Thoo Kee village	"Road construction, attacks on displaced communities, and the impact on education in northern Papun District" (March 2007)
25	Saw Hta Kyah	15 years	19 Jan 2007	Tantabin Township, Karen State	Killed by LIB #75, according to KHRG field researcher; futher details not provided	"Landmines, Killings, and Food Destruction: Civilian life in Toungoo District" (August 2007)
26	Saw Chit Chit	16 years	25 Oct 2006	Tantabin Township, Karen State	Shot and killed while harvesting rice by IB #73 soldiers	"Bullets and Bulldozers: The SPDC offensive continues in Toungoo District" (February 2007)
27	Saw Ah Cho	15 years	25 Oct 2006	Tantabin Township, Karen State	Shot and killed while harvesting rice by IB #73 soldiers	"Bullets and Bulldozers: The SPDC offensive continues in Toungoo District" (February 2007)
28	Saw Kwa Lah	15 years	25 Oct 2006	Tantabin Township, Karen State	Shot and injured while harvesting rice by IB #73 soldiers	"Bullets and Bulldozers: The SPDC offensive continues in Toungoo District" (February 2007)
29	Saw Bpin K'Nay	16 years	Oct 2006	Bawgali Gyi Town, Karen State	Arrested by LID #66, detained for two weeks in Bawgali Gyi camp, tortured, provided insufficient food	"Bullets and Bulldozers: The SPDC offensive continues in Toungoo District" (February 2007)
30	Saw Ree Htay	17 years	20 Apr 2006	Lu Thaw Township, Karen State	Shot and killed while travelling to rice field by LIB #364 soldiers	"Villagers displaced as SPDC offensive expands into Papun District" (May 2006)
31	Saw Heh Nay Htoo	16 years	9 Mar 2006	Mone Township, East Bago Region	Shot and injured by soldiers in combined force of LIB #364, 366, 368 near Klaw Kee village	"SPDC Operations in Kler Lweh Htoo (Nyaunglebin) District" (April 2006)
32	Saw Eh Lah Hser	12 years	8 Mar 2006	Mone Township, East Bago Region	Shot and killed, along with father, by soldiers in combined force of LIB #364, 366, 368 near Yeh Ka Koh village	"SPDC Operations in Kler Lweh Htoo (Nyaunglebin) District" (April 2006)

Table IV: Documentation of Rape and Sexual Violence

Name of Report	License to Rape	Shattering Silences	System of Impunity	Catwalk to the Barracks	Unsafe State	Total
Release date	May 2002	April 2004	September 2004	July 2005	March 2007	
Focus area	Shan State	Karen State	All ethnic states and central Burma	Mon State	Chin State	
Period covered	1996 – 2001	1988-2004	2002-2004	1995-2004	1989-2006	
No. of cases	173	125	26	37	38	399
No. of women & girls	625	127	34	50	39	875
No. of girls (under 18)	77	20	15	11	5	128
Remark	<p>83% of rape cases committed by high-ranking military officers (commander – corporal).</p> <p>61% gang-rapes</p> <p>25% of the rapes resulted in death</p> <p>In only one case was a perpetrator punished by his commanding officer.</p>	<p>Half of the rape incidents were committed by high-ranking officers;</p> <p>40% were gang-rapes;</p> <p>In 28% of cases women were killed after being raped</p>	<p>17 cases were gang rapes by senior military officers or authorities, or with their complicity.</p>	<p>Scores of "comfort women" forced to work by day - forced into sexual slavery at night.</p> <p>30 young women, including schoolgirls,</p> <p>Made to stay at military base and take part in a military "fashion and beauty show." Over half cases committed by military officers, often in front of, or together with their troops.</p>	<p>Women and girls as young as 12 are being raped in their hopes and farms, while travelling outside their village and when conscripted as forced labour.</p>	

Photos to illustrate the situation of children in Burma

Karen Human Rights Groups-Photos



The photos above show children who fled shelling in the vicinity of Saw Hsaw Gker Der, Bplar Law Dteh, Plah Koh and Ta Baw Kaw Der villages prior to the Tatmadaw attack on Dteh Neh village in Karen State on February 25th, returning from a temporary refuge site to their homes. The photos below shows food storage containers and cooking pots bayoneted and destroyed, and paddy grains poured out during the attack. Empty containers are used to store paddy grain and other comestibles and protect food supplies from animals and insects. These containers are also placed at hidden food caches in the forest, which villagers maintain in case of Tatmadaw attacks. All photos were taken on February 26th 2011. **[Photo: KHRG]**



These photos, taken on April 22nd 2010, show Naw P---, a 27 year old mother from Kh--- village in East Bago Region, who was shot during an attack by Tatmadaw LIB #369 on Khaw Hta village on March 22nd 2010. Naw P--- was returning home from visiting her father in Le--- village with her with her infant son and 5-year old daughter. As they passed through Khaw Hta, they were fired upon by LIB #369 soldiers. Naw P-- - was injured in her side; her 5-year-old daughter Naw Pa--- was shot in the head and killed; and her 5-month old son Saw Ht--- was shot in the leg and buttock and died later that evening. [Photos: KHRG]



This photo, taken on February 19th 2010, shows Saw R---, who was wounded in his stomach after Tatmadaw soldiers fired an 81 MM mortar into an IDP hiding site in Papun District, Karen State. The mortar landed in a school in T---, just after 9am on February 19th, while students were sitting an exam. Saw R--- was unable to receive treatment at two separate medical facilities in the region; by the time he was admitted to a hospital at Kaw Lu Der, his condition had deteriorated and his injuries were no longer treatable. Saw R----- passed away at about 3:00 am on February 21st 2010. [Photo: KHRG]



This photo was taken on June 19th 2009, the day after DKBA soldiers fired small arms and RPG's into a field hut occupied by a family of farmers at Maw Ler Kee village in Bu Tho Township, Karen State. The picture shows seven year old Saw E---, who was injured in the attack **[Photo: KHRG]**



This photo on the right, taken on September 24th 2009, shows Na---, from Ke--- village in Bu Tho Township, Karen State, with one of his two children. Na---'s wife died ten days after giving birth to their second child; she was unable to travel to a medical facility for the delivery due to movement restrictions imposed by a Tatmadaw-allied NSAG. Na--- and other residents of his village had gone into hiding in Lu Thaw Township to avoid a relocation order. **[Photo: KHRG]**



This photo, taken on November 26th 2009, shows a temporary hiding site in Bu Tho Township, Karen State, established by residents of Pi--- village in neighbouring Dweh Loh Township. Families fled Pi--- after three days of abuse by LIB #219 soldiers. Adults were forced to perform forced labour while children and infants were made to sit in the sun in the camp without food, water, or parental care, in conditions amounting to torture. **[Photo: KHRG]**



16-year-old Naw D--- from Htee Baw Kee village in Karen State recovers after medics amputated the mutilated lower part of her right leg. Naw D--- was injured by a Tatmadaw landmine on March 15th 2008 when she returned to her village from an IDP hiding site to collect food supplies her family had left behind. The mine had been planted in the village after the community fled to escape Tatmadaw patrol. **[Photo: KHRG]**

This photo, taken on February 1st 2011, shows Naw A--- and her family, who told KHRG that, on January 27th 2011, soldiers from Tatmadaw LID #22 forced her family to come out of bomb shelters they had constructed near their homes in Dooplaya District, Karen State, and walk on either side of the column as human shields while the Tatmadaw troops were being attacked by the KNLA. After the incident Naw A--- and her family fled their village to a nearby hiding site in the forest; continued security concerns, forced them to seek refuge at the unofficial site in Thailand, where they are now staying. *[Photo: KHRG]*



This photo, taken on December 29th 2010, shows students from Palu Pa Doh and Palu Poe villages in Dooplaya District, Karen State. The children are studying under trees at an unofficial temporary refuge site in Thailand's Phop Phra District. Approximately 40 students were participating in this class. Communities in eastern Dooplaya District threatened by continued conflict between the Tatmadaw and Karen armed groups since November 2010 have told KHRG researchers that they have made arrangements to respond to interruptions to their children's education. *[Photo: KHRG]*



In January 2010, Tatmadaw battalions from MOC #10 began attacking villages in northern Kyauk Kyi Township, East Bago Region; more than 2,000 villagers fled to forest hiding sites over the ensuing two months. The attacks caused ten schools to be abandoned and coincided with final exams for students. Some communities were able to gather in hiding places, where students resumed their studies and sat their exams. This photo, taken on February 7th 2010, shows students from Htee Baw Hta village studying in a hiding site. Htee Baw Hta village was razed by Tatmadaw soldiers on February 9th 2010. *[Photo: KHRG]*



This photo, taken on March 20th 2010, shows one of the families currently in hiding to avoid Tatmadaw attacks at La--- in Tenasserim Region. Many families in the site reported that they were confronting food shortages; they told KHRG they planned to attempt to buy food in villages in Tatmadaw-controlled areas, but were afraid of what would happen to them if they were captured by Tatmadaw soldiers. *[Photo: KHRG]*



This photo, taken on March 20th 2010, shows children living in a hiding site in Ht--- village in the Ma Noh Roh area of T'Naw Tha Ree Township, Tenasserim Region. Families in hiding in Ma Noh Roh told KHRG that they fled after soldiers from Tatmadaw IB #17 set up camps in their area in March 2010 and looted villagers' property and animals. Civilians in hiding in Ma Noh Roh have to be ready to flee on short notice because Tatmadaw soldiers are active nearby. *[Photo: KHRG]*



This photo, also taken on November 13th 2010, shows a family from A--- village at a hiding place in Thailand. They told a KHRG researcher they had fled on November 9th 2010, but were not going to return because they were afraid that they would be arrested and forced to walk in front of Tatmadaw soldiers during attacks on DKBA or KNLA positions. *[Photo: KHRG]*



This photo, taken on May 30th 2010, shows children living in D--- village, Lu Thaw Township, Papun District. These children came to D--- in 2009 when their families fled Tatmadaw attacks in Yeh Mu Bplaw village. Villagers told KHRG that many people try flee to D--- when they have to leave their villages, because their children have good opportunities to continue their education there. *[Photo: KHRG]*



This picture, taken in September 2009, shows Saw G---, age 13, who lost his leg to a landmine after returning to check on his family's livestock in Pa'an District. He and his family have been residing in Thailand since June 2009, when they fled conflict and exploitative abuse related to joint SPDC/DKBA attacks on KNLA 7th Brigade near the Ler Per Her IDP site. *[Photo: KHRG]*

Children residing in Ee Thoo Hta IDP camp in Pa'an District, Karen State, walk to school during the rainy season in July 2009. Most of these children have come from villages in the mountains of northern Karen State. For some the school at Ee Thoo Hta is their best opportunity for education. The current camp registration includes 472 children aged 1 to 5 years. The head teacher of Ee Thoo Hta High School told KHRG that there were over 500 children aged 6 to 15 years attending the school. *[Photo: KHRG]*



This photo, taken on February 7th 2010, shows women and children working at night in their village, weaving thatch to meet an order issued by a local DKBA unit in Bu Tho Township. Residents of villages in central Papun District are frequently ordered by local SPDC or DKBA authorities to find, fabricate and deliver thatch and other building materials to their camps. *[Photo: KHRG]*



Residents of Thoo GkBee village in East Bago Region, perform forced labour repairing a vehicle road on April 30th 2009. The order to do this forced labour was sent by Tatmadaw officer U Khin Soe based in Ler Doh Township. U Khin Soe told the villagers that if they did not want to be forcibly relocated, they would have to rebuild the vehicle road and the local school at Thoo Gk'Bee Village. Children participating in the forced labour are clearly visible. **[Photo: KHRG]**



This picture, taken in September 2009, shows Saw G---, age 13, who lost his leg to a landmine after returning to check on his family's livestock in Pa'an District. He and his family have been residing in Thailand since June 2009, when they fled conflict and exploitative abuse related to joint SPDC/DKBA attacks on KNLA 7th Brigade near the Ler Per Her IDP site. **[Photo: KHRG]**

Residents of M--- village, Papun District, on April 19th 2009, prepare to carry thatch for SPDC Army soldiers based at the Meh Bplay Kee camp. The villagers had been ordered to provide 100 pieces of thatch roofing, for which they had to collect materials, weave into shingles and then transport on foot. A young girl carrying her sibling can be seen participating in the forced labour. **[Photo: KHRG]**



This photo, taken on March 31st 2010, shows Saw Pe---, a 10-year-old boy, after accidentally detonating an unexploded M79 cartridge he and his brother had found outside Mae La Ah Kee village. Saw Pe--- and his family had fled conflict and exploitative abuse related to joint SPDC/DKBA attacks on KNLA 7th Brigade near the Ler Per Her IDP site in June 2009. The family had returned to their village in Burma after RTA soldiers forced them to leave the Mae U Su camp. **[Photo: KHRG]**



This photo, taken on May 9th 2009, shows 34-year-old Naw M--- along with her three sons, who now live in Mae La Oo refugee camp in Thailand. Naw M--- told KHRG that she left her village in Lu Thaw Township, Karen State because of problems created by frequent Tatmadaw patrols. Naw M--- lost a leg to a landmine while she was displaced in Lu Thaw Township, and her husband was shot and killed by the Tatmadaw. A fourth son and her father died from lack of access to medical treatment. **[Photo: KHRG]**

This photo, taken on August 2nd 2009, shows a six-year-old child from Gkaw Thay Der, Tantabin Township, who cannot walk because he has polio. Stringent travel and trade restrictions enforced across Toungoo District have significantly reduced access to health care and medicines both for villagers in areas under SPDC control and in hiding. **[Photo: KHRG]**



This photo, taken on November 19th 2009, shows villagers from Th'Ay Kee, Tantabin Township after they fled into the jungle to avoid SPDC patrols during re-supply operations after the 2009 rainy season. **[Photo: KHRG]**

Karen Youth Organization

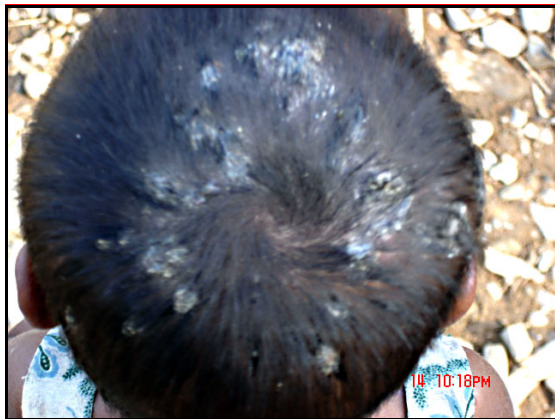


Karen State
Cross-border assistance given to three communities in Karen State, Burma by Burmese Migrant Workers Education Committee (BMWEC) 2011-photo by BMWEC staff

Women and Child Rights Project (WCRP) and Human Rights Foundation of Monland (HURFOM)



Malnourish children in Mon State-December
2006: Photo by HURFOM



Skin problems are rampant among children



Children suffering from Chicken pox_Cheik Dike resettlement camp, Mon State 2006: Photo by HURFOM

Yoma 3 News Services (Burma)



Children among adult army at the military training-at Tha Ton 9- 2008 photo by Yoma 3 News Services (Burma)



Child Soldier
Maung Pho Zaw, former child soldier photo by
Yoma 3 News Services (Burma) 2011

Chin Human Rights Organization (CHRO)



A malnourish child in Paletwa Township, Chin State, Photo by Khin Tun 2009



A girl suffering from blood cancer without basic access to healthcare, Tlanglo village, Thlantlang Township, Chin State- Photo by Khin Tun 2008



Lack of family planning awareness, food insecurity, lack of basic healthcare are serious burdens for family- Paletwa Township, Chin State- Photo by Khin Tun 2009



Forced labour at Calthawng village, Rezua, March 2011 township (Matupi-Hakha road) Photo by : CHRO



Forced labour on the Matupi - Leisen road, March 2011: Photo by CHRO

Human Rights Education Institute of Burma (HREIB)



Children earning survival in mining camps, near Myit Kyi Na, Kachin State-December 2010: Photo by Khin Tun

A boy working at road-construction, near Mandalay City, December 2010: Photo by Khin Tun

