

3. Rights of the Child

3.1. Background

Burma ratified the Convention on the Rights of the Child (the Children's Convention) on August 15, 1991 after acceding to the Convention on July 16, 1991. However, there has been little progress towards the implementation of the convention, and the fundamental problems which impede implementation have not changed. These include a total lack of the rule of law and accountability of relevant authorities, as well as removal of draconian restrictions on freedom of expression, association and peaceful assembly. Such restrictions prevent local reporting and monitoring of the human rights situation of children.

SLORC/SPDC promulgated its new Child Law on July 14, 1993 in order to 'implement the rights of the child recognized in the Convention on the Rights of Child'. Chapter V, Section 8 of the SLORC/SPDC Child Law states that 'the state recognizes that every child has the right to survival, development, protection and care, and to achieve active participation within the community'. In order to ensure full implementation of the law, SLORC established a National Committee on the Rights of the Child, chaired by the minister of social welfare, relief and resettlement. This Child Law was seen as a positive sign within the international community, temporarily improving SLORC/SPDC's image; but the law is a farce. The actual treatment of children in Burma is contrary to the objectives and stated purpose of the Convention and the law itself. In light of the abhorrent and often inhumane conditions faced by Burmese children in their everyday lives, largely due to SLORC/SPDC policies, SLORC/SPDC's efforts to win international respect ring hollow and insincere.

The situation of children in Burma and the daily practices used by the military regime including the abuses of international humanitarian law in ethnic minority areas; the use of children as porters for the army and the forcible relocation of tens of thousands of civilians; the recruitment of children under the age of sixteen into the armed forces, often forcibly; arbitrary arrest and detention, often without charge or trial; the routine abuse of children as unpaid laborers on government construction projects; the arrest of high school students for writing or distributing leaflets, or simply calling out slogans; and the use of forced labor; have been well-documented by the human rights groups.

3.2. Social and Health situation of Children in Burma

Burma is one of the world's least developed countries with per capita gross national product of about US\$220 million. The population is estimated to be 45 million, with approximately three quarters living in the seven more advanced divisions of the country, and the remaining one quarter living in the seven less developed ethnic minority states, according to the 1997 UNICEF report.

The unfavorable economic conditions in Burma have adversely affected the situation of its citizens. The most vulnerable groups within society, children suffer the most. The declining economic situation often forces children out of school and into the workplace- families need all the free hands they can get to survive these difficult economic conditions. In urban areas some families send their smallest children into the streets to beg, while many families in rural areas are handing their children over to procurers in return for down-payments of 5,000 kyats or more. Sometimes children flee the country to escape such hardships, with or without their families. Child prostitution among young females, especially those from the ethnic minority areas, who are sent or lured to Thailand, continues to be a major problem. The rising incidence of HIV infection has increased the demand for these supposedly 'safer' young sex workers.

Currently, around 65 percent of the Burmese population have access to basic health services, which explains the poor national health indicators. The national infant mortality rate in Burma was, in 1995, 105 for every 1,000 live births, with wide regional variations. This compares with 34 in Vietnam, 27 in Thailand and 11 in Malaysia. According to UNICEF, in 1997 as many as 37 per cent of young children suffer from protein-energy malnutrition, with 11 per cent being severely malnourished. Many diets are deficient in vitamin A, iron and iodine.

UNICEF reports that maternal mortality rates for 1990 were an astronomically high 580 per 100,000 live births, compared with 80 in Malaysia and 10 in Singapore. Most maternal deaths in Burma are due to induced abortions, largely conducted clandestinely, and to unsanitary conditions. In addition, there is a widespread lack of essential medications, which contributes to the poor health status of the population.

The situation of children in Burma has worsened under the present military regime. The clumsy change to an open market economy has meant economic disruption for many families. In order to attract foreign investment and tourism, the regime has launched ambitious road building and other infrastructure construction projects which have involved massive use of forced labor, including child labor.

3.3. Education of Children in Burma

Education and other social services for children in Burma have been grossly neglected since the regime has directed immense resources toward doubling the size of the military. While the SLORC/SPDC claims that the education standard in Burma is being upgraded and that they have allocated extra expenditures for the education sector, the fact is that students are not staying in school. According to a recent UNICEF report, thirty-nine per cent of Burmese children are never enrolled in school, despite a widespread primary school network, and only a paltry 25 per cent ever complete the first five years of school. The overall rate of school drop-outs in Burma, especially among children under ten years of age, has drastically increased during the 1996-97 academic year.

Many Burmese children enjoy no childhood at all; they are simply put straight to work. The sky-rocketing costs of living often render working people in Burma incapable of providing their children with an education, and thus a future. One working family member is no longer able to secure enough food for the whole family, forcing other family members, including school-aged children, into the work place.

If a family is fortunate enough to spare a school child from working, it must face the high cost of sending their children to school. Although free, basic education is available in Burma, many compulsory fees force families to forgo schooling for their children. At the beginning of the academic term, parents are required to pay many initial fees, including 200 kyats for a school registration fee, 200 kyats for school fund raising, 35 kyats for school sport fees, 200 kyats for renovations, and 200 kyats for a computer lab fee. In each township, many other fees are required throughout the academic school year depending on the school's particular needs. Children who remain in school are faced with impediments beyond the numerous fees, including insufficient school supplies. Often, students are compelled to buy their text books on the black market at extremely high prices. These fees have forced many working parents, especially those who have many children in school, to keep their children at home.

SLORC/SPDC uses the school system as a means of imposing discipline and control over the general population. Many people in remote villages are afraid to send their children far away to a SLORC/SPDC-run school. If villagers try to establish their own school, the authorities, invariably, shut it down. Existing schools that teach ethnic languages are often near conflict-zones and are thus prime targets for attack from SLORC/SPDC troops. Even government-run schools near conflict areas are often shut down because teachers flee the school when government military columns come near for fear they will be taken as porters. Since middle and high schools an

easy source for young porters, SLORC/ SPDC soldiers often surround the school and forcibly recruit porters there. As an additional method of controlling school children, teachers and parents must sign forms promising to keep their children from doing or saying anything against the State; if the child does anything objectionable to SLORC/ SPDC, the parents and teachers are then subject to arrest.

The money SLORC/SPDC claims it uses to build and renovate schools has been extorted from the local population. The SLORC/ SPDC will often extort two to three times the amount they truly need for the school to ensure that they can turn a profit. In SLORC/ SPDC schools, all teaching must be in Burmese; not other languages may be taught or spoken. Ethnic children grow up illiterate in their own languages and ignorant of their own literature and culture.

Publicly, SLORC/ SPDC maintains they support different nationalities. Paragraph 118(b) of SLORC/ SPDC's 1996 report to the UN Committee for Child's Rights states, 'although there is no written curriculum in their languages, the nationalities have the right to pursue their own literature'. In reality, publishing literature or periodicals in non-Burmese languages is virtually impossible in Burma.

All school teachers in Burma must periodically attend government-run 'refresher courses', where they are issued uniforms and military boots, and are forced to do military parade drills, shout slogans, and sit through SPDC lectures. Anyone who 'fails' the course loses his or her teaching job.

State high schools have been closed for several times as the regime seeks to prevent student protests from erupting. All universities and colleges remain closed throughout the entire year of 1997.

3.4. Child soldiers

The Convention on the Right of Child states in Article 38(2) that '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', and that, (3) 'State Parties shall refrain from recruiting any person who had not attained the age of fifteen years into their armed forces'. There is no similar prohibition in the Child Law, but Burma's armed forces regulations prohibit the recruitment of boys under the age of sixteen.

There are no statistical or other data about the recruitment of children. However, since 1988, the size of the armed forces has doubled from 180,000 to around 400,000, and anecdotal evidence suggests that in part this increase has been facilitated by the

recruitment of boys aged thirteen to fifteen years old. Often this recruitment is forced, with whole villages or sections of towns being ordered to 'give' a number of boys to the army or face heavy fines. In other cases the coercion is less explicit but just as compelling. Often boys aged 14 to 16 are drawn in the village quota lotteries. Once drawn, unless their family can pay a huge sum of bribe money, boys have no choice but to join the army. The family is often further coerced into cooperating by being told they will be free of forced labor duties if the army 'gets their son'. Army officers and non-commissioned officers (NCOs) are offered cash rewards of 500 kyats for any recruits they bring in; they usually target the youngest possible boys, about 13 to 14, because these boys are the easiest to coerce. Many young deserters have described how they were approached in the market or on the way home from school when they were 13 to 14 years-old by soldiers or NCOs and offered the chance of adventure, a happy-go-lucky life, a snappy uniform, a gun, and the high-sounding sum of 750 kyats per month. All the boys had to do to get the trappings was to follow the soldiers to the recruiting center. Usually the boys are also told to lie and say that they are 18 when asked by the recruiting officer. It is obvious by looking at most of these boys that they are well under 18, but the recruiting officers never verify the age of the recruits. At this point, the army has become desperate for recruits- it will take anyone, regardless of age. In most cases, the boys' families often do not know what has happened to their son for a year or more. In many cases, the boy and/ or his parents are illiterate, so he cannot even write to them, and once at the front line, rank-and-file soldiers do not get home-leave.

Under the orders of the Coastal Region Command, all the local infantry battalions have seriously been conscripting youth from the many villages across the region for compulsory service in the army. The Coastal Region Command requires each local battalion to get five recruits per month, a total of 60 recruits per year in 1996; and three recruits per month, a total of 36 recruits per year in 1997. In pushing its own local battalions into taking an all-out effort to obtain as many recruits as possible, the Coastal Region Command has used a method of 'fine or reward' - setting a fine of 25,000 kyats for every one less recruit than the quota and a reward of the same amount for every one extra recruit over the quota. As a result, all the local battalions have very seriously been hunting for men in the many villages across the region- not sparing even teenage boys. As a result, numerous youth and teenage boys from across the region have fled into neighboring Thailand to escape being conscripted; and those remaining in the region have all been staying in hiding, in constant fear of being conscripted.

3.4.1. Army Volunteers

Despite the widespread fear of the army, some young boys still volunteer for various

reasons: being a soldier is the only job opportunity for most poor people in Burma today, and the only way the boys think they can help support their family instead of being a burden; the attraction of the soldierly life; the promise that his family will be free from further forced labor; or, in many cases, because a family member has been beaten, tortured or arrested by SLORC/ SPDC the boy hopes if he becomes a soldier it will not happen again. However, once in the army, the boy's dreams are dashed and his childhood stolen. Most of their pay is stolen by their officers every month. Their families are still required to perform forced labor, and they must endure physical abuses and harm. Officers further exploit young boys by stealing and reselling food rations and medical supplies; boys have to go into villages and beg or loot for their own food. Officers order young soldiers to round-up villagers for forced labor or face beatings and other punishments if they fail to return without the specified number of laborers. Out of fear for their safety and the safety of their families, the boys begin to physically abuse civilians in surrounding villages, forcibly removing them from their families and homes. Boys are not permitted any pleasurable distractions. No newspapers or short-wave radios are permitted and letters to/from home are scrutinized carefully. If a boy writes home, complaining about the army, he is beaten with a cane or tied to a post in the hot sun all day without water. Leave is refused even with good reason, and when his enlistment time is up after five years, the boy is generally told he cannot leave and automatically re-enlisted. In battle situations, boy soldiers are often forced by the officers to drink alcohol or take drugs such as amphetamines or 'myin say' (a powerful combination of amphetamines, caffeine, and opiates), which makes them mindless, sleepless, and aggressive.

3.5. Child Forced Labor

SLORC/ SPDC continues to force citizens- including women and children- to work as porters, which leads to mistreatment, illness, and sometimes death in military operations against armed ethnic groups. The SLORC/ SPDC does not specifically prohibit forced and bonded labor by children. While bonded labor is practiced, forced labor occurs in military portage and in situations in which a family or household is required to contribute labor to a particular project, and the children are called upon by parents to help fulfil that obligation, without opposition by the authorities. Often, a family's sole breadwinner can ill afford to spend time working on forced labor projects because they lose valuable working time and wages. Subsequently, many children from rural villages substitute for their parents or siblings and work on forced labor projects. In many cases, as soon as child is strong enough to carry a basket or split rocks, he or she must perform forced labor alongside the adults. Children are effected by forced labor both directly, when they have to work alongside their parents, and indirectly when the work takes their parents away from them for

long periods, leaving them vulnerable to a myriad of abuse.

SLORC/ SPDC army routinely uses civilians as unpaid porters to carry ammunition and food supplies to front-line positions or while on patrol in ethnic minority areas. Many children are extrajudicially or accidentally killed while working as porters, and all are subject to cruel, inhumane and degrading treatment. Boys as young as fourteen years old have been taken to work as porters, particularly during major military offensives. Routinely, though, young boys are forced to carry supplies for one day at a time, while the army is on patrol. Many boys had died as a result of the treatment they received while working as porters.

As well as working as porters, civilians, including children, also have to guard militarily strategic roads and railways. Usually, women and girls are chosen for this work, and those with small children have no option but to take them along. For the children, this can be very abusive. 'Guard duty' lasts from twenty-four hours to ten days, and the women sit under trees along the road or at the edge of railway embankments in an attempt to keep out of the hot sun or to shelter from the monsoon rains. The women have to take whatever food and cooking utensils they can carry and are not given additional food by the army. In some cases the children fall ill, but there is no medical treatment for them and the women cannot leave their positions for fear of being shot. They are frequently checked by soldiers in vehicles throughout the day and night to ensure that they have not fallen asleep. Those who fall asleep or who leave their posts even briefly are beaten and verbally abused.

3.6. Child Sex Workers

Child prostitution of young females due to the economic hardship is increasing in Burma. However, the SLORC/SPDC Child Law does not sufficiently protect children from sexual abuses and exploitation. While it is aimed at punishing the abusers, rather than the child, it does not prohibit child prostitution or using children in pornographic films. Violators of this law are given only a light sentence of two years imprisonment and/ or a fine of 10,000 kyats (about 100 US\$); the law applies to those persons 'neglecting knowing that a girl (leaving boys totally unprotected) under his guardianship, who has not attained the age of sixteen, is earning a living by prostitution,' or, 'using the child in pornographic cinema, video, television or photography.'

The Child Law is also inadequate with regard to the trafficking of children into sexual or other slavery in foreign countries mostly in Thailand. In fact, there is no mention of any penalty for trafficking children, despite the fact that there are at least 50,000

Burmese girls and women working in Thailand as sex workers at any one time. When a fear of HIV infection, brothels have increased the turnover of girls, and increasingly younger girls are sought by clients, who believe they are less likely to be infected. The reality is that for younger girls, especially for virgins, the risk of HIV infection during sexual activities is greater than for older women, and many girls become infected immediately.

When the girls and women from Burma once arrive in Thailand, the abuses of these trafficked girls are extreme. They are forced to have as many as fifty clients a day. In most cases, the young girls are prevented from leaving the brothels. When they do manage to escape, the girls are often too ashamed to return home. By that time, many are found to be HIV positive. Those that are 'rescued' in Thai police raids are detained by the Thai authorities on immigration charges and are held for months in detention centers where they face further abuses. From there they are deported to Burma, where again they face arrest under immigration laws for having left the country illegally. SLORC/ SPDC has taken some steps to work in coordination with Thai authorities to prevent the trafficking of women and children, and has also signed, although not yet ratified, the Convention for the Suppression of the Traffic in Person and the Exploitation of the Prostitution of Others. But much more needs to be done by the Burmese authorities to ensure that future generations of young girls and boys are not sold into sexual slavery, beginning with the swift prosecution of traffickers, and an education program for the most vulnerable children and their parents.

3.7. Life as an Illegal Immigrant Child from Burma

Political and economic hardships in Burma force many children, with or without their families, to seek refuge in Thailand or other neighboring countries. Fleeing forced labor and other, numerous abusive situations, many children end up in foreign countries where they are generally considered illegal immigrants and are subject to arrest, imprisonment, deportation, and sometimes forced repatriation; they are afforded almost no protection from international agencies.

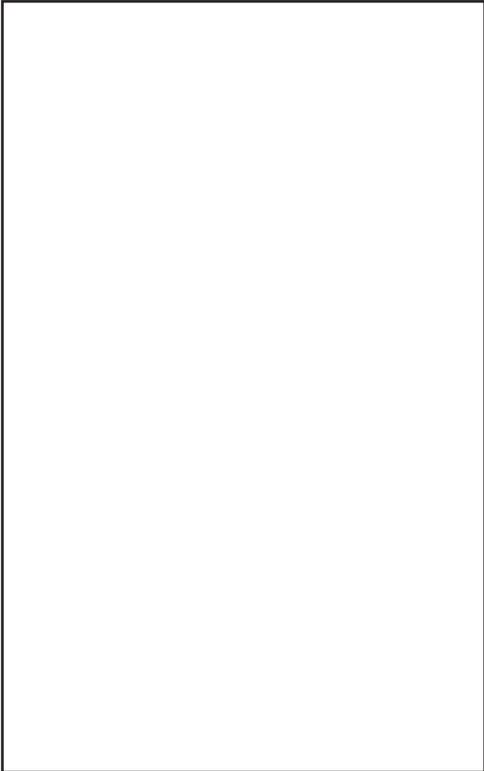
Many unaccompanied children from Burma come to Bangkok and other cities in Thailand. Once there, they must beg or drift on the streets; they will consider any work that enables them to survive. Even the children who fled to the cities with their parents, who may find odd jobs, must often find jobs themselves. Many of these 'drifting' children end up in low-paid or unpaid construction jobs, or are sold into bonded labor in Thai brothels or factory sweatshops. Burmese children are working in the provinces all along the Thai-Burma border in towns such as Tak and Ranong at construction sites, gas stations, restaurants, and on fishing boats. Due to their illegal

status and their lack of Thai language skills, most children are afraid to seek help. When these 'illegal alien' children are arrested in Thailand, they are held at Immigration Detention Centers until their cases are processed. Often this takes from six months to one year. At the center, children are crammed together with other adult detainees in small, dark rooms where they wait to be sent back to Burma and an uncertain future.

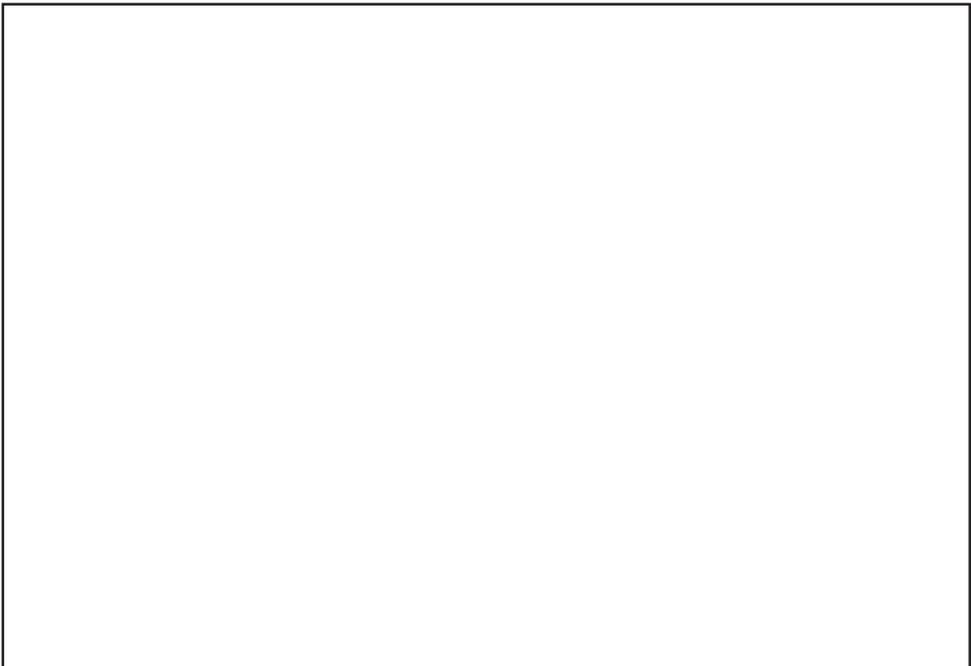
(See also under "personal Accounts," interview 1, 4, 8, 12, 18, 21, 27, 31, 38, 47, 49, 52, 56, 61, 68, 72, 74, 76, 80, 94, 96, 98, 100 and 104)



A child tried to play outside a shelter. The children of many rural areas now have no choice of a school education, many have already died due to lack of food and medicine. (Photo by KHRG)



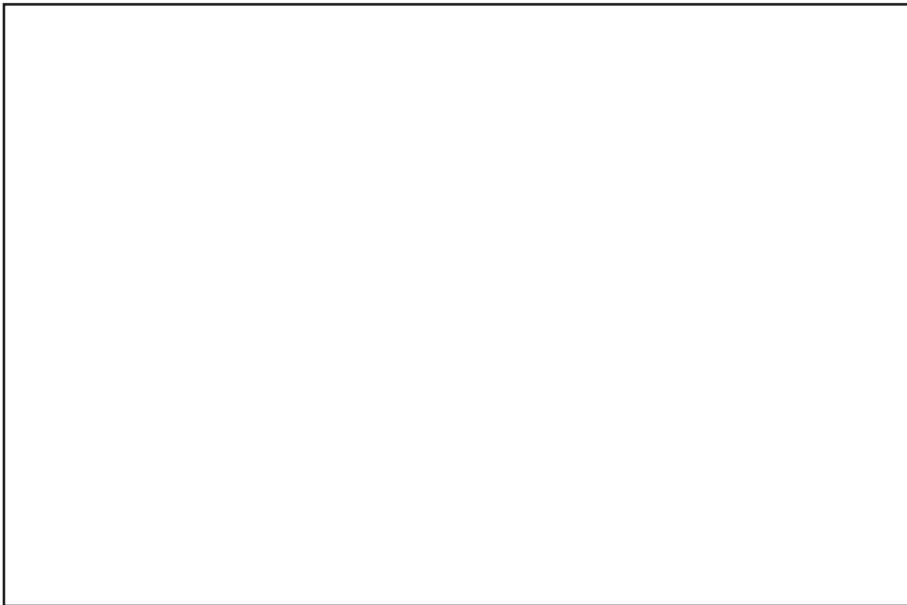
Refugee children in the refugee camp in Ratchaburi province, Thailand. SLORC launched a mass offensive against KNU-controlled regions in February 1997. Thousands of new refugees including these children streamed across the Thai border.



Children are waiting for the food distribution in Huay Kaloke refugee camp after their camp was burned down by the DKBA. (Photo by NLD [LA-Youth])



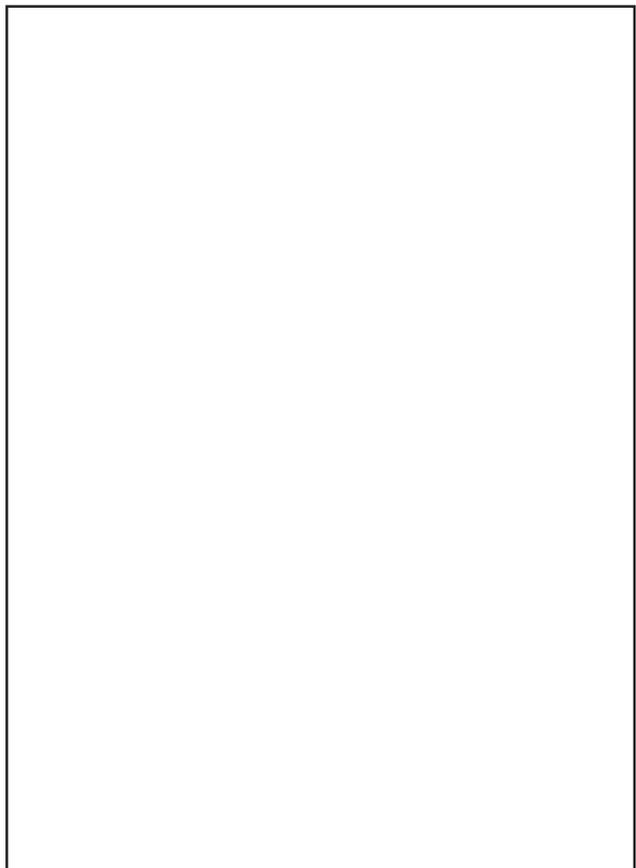
A family fleeing for Thailand because a SLORC patrol burned their village in Karen State.



Child labor in Mandalay. (Photo by N. Dunlop)

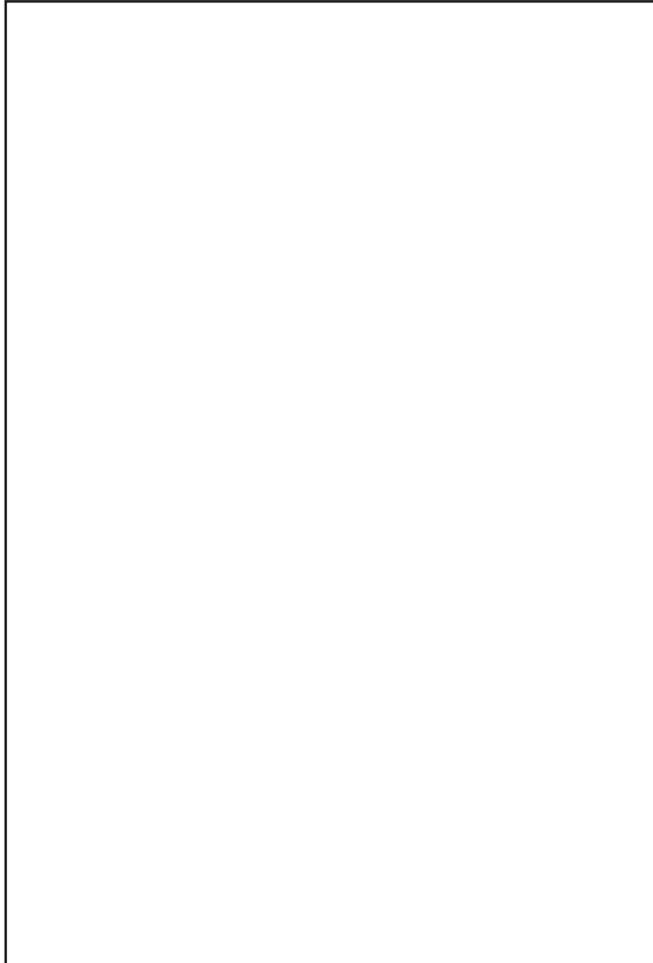


*Child workers
at pottery
industry in
Mandalay.
(Photo by
HRDU)*



*A child working at a tea
shop in Monwya, Sagaing
Division. (Photo by HRDU)*

Father holding a wounded child after an attack to Hyay Kaloke refugee camp in early 1997. (Photo by Images Asia)



Refugee children taking shelter in the refugee camp on Thai-Burma border. (photo by Images Asia)

