

## 3. Rights of the Child

### 3.1 Background

Burma became a part to the Convention on the Rights of the Child on August 15, 1991 after acceding to the Convention on July 16, 1991. The SPDC promulgated its new Child Law on July 14, 1993 in order to “implement the rights of the child recognized in the Convention.” Chapter V, section 8 of the Child Law states that “the state recognized that every child has the right to survival, development, protection and care, and to achieve active participation with the community.” SPDC’s Child Law was seen as a positive sign internationally and it temporarily improved SPDC’s image for the world community; 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. In light of abhorrent and inhumane conditions faced by children in Burma everyday, largely due to SPDC’s policies, SPDC’s efforts to win international respect ring hollow and insincere.

Unfavorable economic conditions in Burma in the last several years have adversely affected the situation of the most vulnerable groups in society, particularly children. According to a report by the UNICEF, the plight of children in Burma is directly linked to the country’s economic collapse” “due to inflation and declining living standards, social problems such as early childbearing, marital disruption, migration, and urbanization are likely to worsen, contributing to a rise in child abandonment, labor, homelessness, abuses and neglect.”

Children in Burma face many other hardships. The State provides little welfare support, even for those who have lost parents in the armed conflicts. In a report entitled, “Children and Women in Myanmar: A Situation Analysis 1995,” UNICEF estimated that as many as four million out of total 11.8 million children between the age of 6 and 15 may be working today in Burma.

Moreover, in the ongoing ethnic civil war, children have become victims or participants in armed conflicts, at times used as porters, human bullet-shields or human minesweepers. Frequently, children used as porters die from beatings, lack of medical care, and exhaustion.

SPDC is increasing military control over the civilian population even in non-conflict areas. An average rural village has to serve at least three nearby military camps. This includes rotating shifts as porters, doing labor at military camps and on infrastructure development projects, primarily at labor camps. On average, one family member will be absent from their homes performing some form of forced labor half to two-third of the time. Children are often sent to labor camps so their parents can earn a living; sometimes parents go to the camps and the children are left alone to support their younger siblings. In the labor camps, no food, medicine or education is provided and family must find some way to avoid starvation. Malnutrition is rampant and many are dying of treatable diseases. Anyone caught trying to take medicine into such areas faces execution for “supplying the rebels.” Medics who penetrate these areas from Thailand say that 50 per cent of children died before age 5, and about 20 per cent of women died before age 40, leaving orphaned children.

Villagers must pay “extortion money” to every military unit in the area; eventually

villagers exhaust all of their resources and must flee when they can no longer pay. The SPDC soldiers also force farmers to hand over about one-third of their entire crop with no compensation or for one-fifth of market price, and families are left barely able to survive. The SPDC sells much of this “stolen” rice for export, while Burma suffers a rice crisis. Rice prices have doubled since last year in many areas. Serious malnutrition now afflicts a high proportion of children, even in the urban areas.

### **3.2 Social, health and educational situation of children in Burma**

Although Burma’s economy continues to register moderate income growth (GNP growth was 5 percent in 1998/99), the benefits of this growth are poorly distributed since most poverty and human development indicators are unsatisfactory. At \$300 per capita, Burma is one of the poorest countries in the World. 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. Life expectancy at birth is 60 compared with an average in East Asia of 68; infant mortality is 79 per thousand births, compared with the East Asia average of 34; child malnutrition rates are very high, according to the World Bank report in 1999. The inevitable correlation is high rates of malnutrition in children: three out of 10 suffer “moderate wasting”, while 10 per cent are “severely malnourished”. Wasting affects 30% of children under age 10, reflecting long term deprivation. Education is also a major concern. Official statistics indicate that a quarter of school age children never even enroll in primary school, and that drop out rates are very high. Of those who begin the primary education program, only a third complete the full 5 years.

According to a government-determined poverty line, about one quarter of the population of Burma lives below minimal subsistence levels. Poverty rates are approximately the same in urban and rural areas, but most of the poor (71 percent) live in rural areas. There is considerable regional variation in poverty rates. The highest rates of poverty are in the Chin State, Magwe Division, and Karenni State, and the lowest rates are in the Tenasserim Division and Shan State.

Burma’s health and education budgets, as a share of national income, are among the world’s lowest. Even where the official figures show gains in terms of absolute poverty and life expectancy after the mid-1970s, Burma’s performance has lagged behind near neighbors such as Indonesia and Vietnam.

In the health sector, declining public confidence in publicly provided services is of concern. A serious concern is that over the last ten years, usage of public hospitals and dispensaries has fallen by 80 percent. This stems principally from low budgetary outlays (at about 0.2 percent public expenditure in Burma, is far below regional and developing country averages). This adversely affects availability of health care staff and medicines and the quality of equipment. The very poor state of national health, on the relative decline of spending on social services over the past decade in favor of continued support for a bloated military establishment and on loss-making state enterprises.

Data collected by both the Ministry of Health and UNICEF show high levels of moderate and severe malnutrition among preschool-age children. There is substantial scope for expanding supplementary feeding programs and maternal education programs.

Low enrolment in primary education is a serious concern. It is impossible to provide good quality education services with the substantial erosion in education spending over the past decade. Current government spending in education as a share of national income is among the lowest in the world. Official data shows that real public spending per child has fallen from about 1200 *Kyat* per child (5-9 years) in 1990/91 to a dismal 100 *Kyat* in 1999/2000. Education financing is further confounded by the lack of affordability at the household level. The cost barrier is compounded by the poor quality of infrastructure and little adaptability of schooling (including schedules and curricula) to local conditions. Although primary education is compulsory, only 37 per cent of children finished fourth grade in urban areas and only 22 per cent did so in rural areas.

Poor families who cannot afford to pay fees to schools or for school uniforms are often doubly penalized when they cannot maintain even a minimal household income without sending their children out to work. Many children from Burma enjoy no childhood at all; they are simply put straight to work. The skyrocketing 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.

### **3.3 Children in Armed Conflicts**

The UN Children's Fund and UNHCR have estimated that there were over 200,000 child soldiers in armed conflicts in 25 countries and it has been reported by the Office of the UN Special Representative for Children in Armed Conflict that in the past decade alone, about two million children have been killed in armed conflict. In addition, some 44 countries recruit children under the age of 18 to serve in national armies. Many of these countries have ongoing internal conflicts. According to the Amnesty International, the total number of youngsters under 18 engaged in active combat is at least 300,000.

Children have witnessed the killing of parents or neighbors. Children have had parents killed or abducted either by security forces or by armed groups. Children have witnessed bomb explosions, military operations by the army and security forces, and attacked by armed groups.

The civil war in Burma affects civilians more than combatants. The majority of civilians killed or wounded in time of war are children. Children are the first victims of any war. Children are most vulnerable to injury and death. Sometimes they are specially targeted as a way of terrorizing their community. They are used as soldiers, sexually abused, tortured and exploited. Their opportunity to grow up in an environment that nurtures and promotes their development is taken away from them. They miss out on education, their health and nutrition suffer. The list goes on.

Children need special protection because they are vulnerable- both because of the direct harm they sustain and the opportunities lost- and because children have a crucial role in peace-building and post-conflict reconstruction. Children also need to be recognized as potential actors in their own right.

### 3.4 Child Forced Labour

The use of children as forced labourers is widespread in Burma, and has been well documented. In April 1999, SHRF reported that SPDC troops based in Kunhing Township, Shan State, who had been forcing relocated villagers to pave the Kun-Hing to Nam Zarng and Kung-Hing to Kaeng Tung roads, were also forcing children to work. The troops were reported to have said that the children of the relocated people were useless and had nothing to do, and as they could not go to school they must be made to work. Almost 200 children, including 7-8 years old, were forced to split stones.

### 3.5 Child Soldiers

The participation of children in armed conflicts has become routine in Burma, as the country has been at war for a long time. The use of children as soldiers in Burma results in serious human rights abuses. Children are killed, forcibly conscripted, unwillingly separated from their families, kidnapped, tortured during their service, forced to kill and torture, and due to the rampant corruption in the military, are underpaid, or are not paid at all. The widespread use of child soldiers has ensured that many thousands of children in Burma have suffered exceptional cruelty during the war: many children soldiers have been killed or wounded, or have witnessed terrible atrocities. Many children have taken part in these human rights abuses themselves.

Children have played various other roles in the conflict: they have performed frontline combat duties, done cooking and other menial labor, stood sentry duty, acted as body-guards, served as porters carrying ammunition and supplies, and been used as cannon fodder to draw the fire of their adversaries, and sometimes in human-wave attack tactics in which hundreds have been killed.

There are no statistical or other data about the recruitment of children. However, since 1988, the size of the armed forces has double 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. Burmese military regulations prohibit the recruitment of boys under the age of sixteen, however the military has been recruiting boys fourteen year-old and younger. Most Townships are assigned a quota, usually amounting to one or two recruits from each village and two-quarter per month. If Township of village authorities cannot provide the quota, they face imprisonment, heavy fines, or conscription into the army. At this point, the army has become desperate recruits - it will take anyone, regardless of age. SPDC uses many methods of coercion and forced conscription to build up their military force.

Since 1988 and the beginning of the military's repaid growth, the PDC has begun recruiting boys at fourteen and below. UNICEF officials even found out that boys could be "officially conscripted" into the military at fourteen. These boys are placed in training centers where they receive military style education. Designated the "Ye Nyunt Youth" the boys are also said to receive political training, and are taught to be loyal to the government and the army. They are eventually assigned to serve in the army, in intelligence units, or as security for high-ranking officers. Most of these recruits tend to be orphans, street children, children captured from enemy positions or those abandoned in front-villages. In July 1999, Maj-Gen

(Thura) Tin Aung Myint Oo, Commander of the Northeastern Command, with headquarters in Lashio, northern Shan State, issued a directive concerning a boy's military school, which contained the following interesting points:

To teach the Ye Nyunt Youth members only primary school education, to train them for reserve force, to give boys between 12 and 18 full military training in order to be prepared for mobilization at any time, those who continue their schools must join the army when they are 18, otherwise, they shall need to enter the Nationalities Development Institute in Sagaing (Northern Burma), after necessary bonds have been signed, those who refuse to join either the army or the Institute shall be promptly expelled, only those who profess Buddhism shall be inducted and they shall be ordained as novices during summer holidays, those who profess other religions shall be induced to join the Buddhist fold, those that refuse to shall be expelled, all members of the Ye Nyunt Youth shall be Buddhists, units stationed near the Ye Nyunt camp shall be manned by religious commissioned and non-commissioned officers, all Ye Nyunt Youth centers shall submit regular monthly progress reports, all local military commands must maintain constant supervision for the Ye Nyunt Youth.

However, not all the SPDC recruits are conscripts. Young men and boys volunteer for a wide variety of reasons: for the glamour and prestige they associate with the uniform; because they are lured by the regular income, and the chance to earn enough to support their families; to protect their families and villages from harassment by SPDC troops. Some could be more accurately termed "induced" than voluntary recruits. Fearing the repercussions of avoiding recruitment, even when they are not literally threatened to join. Others are orphans for whom no support system or safety net exists under the current socio-economic system.

Concerning the forced recruitment, or kidnapping of child soldiers, from Madaya Township in Mandalay Division there have been reports that teenagers have been disappearing from the streets. It is now known that the SPDC has been arresting these teenagers in public places as a means to acquire new soldiers. While fishing in local ponds, visiting wholesale markets to sell or buy produce, or simply walking in the streets, local teenagers are arrested by soldiers and taken without their consent into the army. . Some parents, not knowing where their children were, had contacted the police. Military Trainer Tin Mar, of Training Course No. 2/20 Division, had a list with the names of all the "lost" children inscribed. But even after the parents had located their "lost" children, they were not permitted to see them until the two months of training were completed. Several parents have since written to Gen. Than Shwe about the problem, asking for help, but they have received no response. In one instance, 30 children were found at the Mandalay army recruiting office, some crying and begging people to inform their parents about what had happened. One eyewitness said that child as young as 14 years old had been taken.

The abuses experienced by young SPDC soldiers run the gamut of service conditions, Young soldiers are being frequently beaten by commanding officers, sometimes as punishment, but as often simply as random but regular occurrences. Salaries owed are consistently underpaid. Child soldiers and rank and file recruits receive far less food than commanders and officers, and what they do receive is of highly inferior quality. Medicine and medical care are also said to be grossly inadequate, and soldiers are frequently left to die without treatment. It is thought their care might slow down a column. Leave is rarely granted and most recruits are allowed little or no contact with their families after entering the service.

Many child soldiers suffer severe physical abuses at the hands of their commanding officers. Young soldiers reported being beaten when they could not keep up, often due to their size and inexperience, injury, illness, or weakness, which often resulted from inadequate food during heavy labor. Often beatings are meted out in lieu of reprimands, or as punishment for failure to perform duties. As a result, many reported suffering despair and severe depression, which sometimes led other comrades to commit suicide.

### **3.6 Refugee children**

To flee from one's home is to experience a deep sense of loss, and the decision to flee is not taken lightly. Those who make this decision do so because they are in danger of being killed, tortured, forcibly recruited, raped, abducted or staved, among other reasons. They leave behind their assets and property, relatives, friends, familiar surroundings and established social networks. Although the decision to leave is normally taken by adults, even the youngest children recognize what is happening and can sense their parents' uncertainty and fear.

During flight from the dangers of conflict, families and children continue to be exposed to multiple physical dangers. They are threatened by sudden attacks, shelling, snipers and landmines, and must often walk for days with only limited quantities of water and food. Under such circumstances, children become acutely undernourished and prone to illness, and they are the first to die. Girls in flight are even more vulnerable to sexual abuses. Children forced to flee on their own to ensure their survival are also at heightened risk. Children are often separated from parents in the chaos of conflict, escape and displacement. Parents or other care-givers are the major source of a child's emotional and physical security and for this reason family separation can have a devastating social and psychological impact. Unaccompanied children are especially vulnerable and at risk of neglect, violence, military recruitment, sexual assaults and other abuses.

More than half of the refugee population are children, and they are especially vulnerable. Not all of those children will be accompanied, indeed the majority of them will be with their mothers. But this does not make the refugee child less vulnerable. Women refugees are also vulnerable; in addition to the basic needs of all refugees to be protected against attack or forced return to the country of origin, to have access to food, clothing, shelter, medical care and to have access to protection, women refugees also need protection against sexual and physical abuses and exploitation, and sexual discrimination in the delivery of services.

Refugee children are particularly vulnerable; they are vulnerable not only as refugees, but also as children who, in the majority of cases, are dependent upon their mothers who, as women refugees, are themselves vulnerable. This vulnerability leaves children open to violence, to disruption of social structures and to shortage of basic resources which affects physical and psycho-social development. Unaccompanied refugee children are in an especially difficult position, without even a nominal caregiver to ensure survival.

### **3.7 Child Trafficking**

Children from Burma are trafficked into neighboring countries for three purposes:

(1) to be prostitutes, (2) for begging and soliciting, and (3) for other extreme forms of children labor. The highest number of trafficked children into Thailand comes from Burma. Several push factors are at play; ethnic conflicts, relocation policies, poverty and misery. Economic necessity is often seen as the prime motivation for child trafficking from Burma to other countries, along with the impact of the civil war and the vulnerable society. The main reasons behind trafficking in children for various types of work are the perceived income-earning opportunities in Thailand and the poverty at home.

In Thailand, the numbers of young girls from the North in sex establishments is decreasing with a corresponding increase in the number of foreign girls. This goes hand in hand with the influx of illegal migrant workers into Thailand over the last decade. Most foreign sex workers in Thailand are from Burma, and an estimated 10,000 Burmese women and girls enter sex industry in Thailand yearly. Most girls trafficked for sex workers work in brothels in Thailand, but many move from one type of prostitution to another. Earnings depend on the type of establishment they work in, the arrangements made with employers, and related to this, their level of indebtedness. Often, girls who work in other establishments are also forced to engage in sex industry because they need to pay back debts incurred with agents and have to support their families.

Thailand is also a receiving country for children trafficked to beg and solicit. Since late 1997, children beggars from Burma were found begging in Bangkok and at local markets in rural areas. These children are usually between 6 and 10 years old and either traveled to Thailand on their own or with relatives, or were brought to Thailand by beggar gangs or agents. They are placed in areas where many people pass, such as tourist spots, bus terminals, and shopping centers and are forced to beg. The begging is arranged by gangs and extreme abuses are involved. Gang members keep an eye on them and collect the money. Many suffer abuses if they do not achieve the goal of collecting 400-600 Baht per day. Some are forced to take amphetamines so they could beg day and night, especially for events or at night entertainment places such as Patpong, Pattaya, and Phuket. The number of foreign beggars in Thailand has more than doubled in the past few years. Child beggars from Burma become easily involved in drug trade, other illegal activities or in prostitution.

Trafficking for other types of work include: domestic work, construction work, work in small factories or businesses such as garment factories, condenser factories, steel factories, salted fish factories, load-carrying business, ceramic factories, and work in restaurants. Small enterprises in Thailand hire child migrant children from Burma and other neighboring countries. The ages of children trafficked for these types of work vary between 12 and 14. Many of them initially migrated on their own or with their families. Being undocumented they easily become victims of agents and traffickers. Many work under extremely exploitative conditions.

Most of the child trafficked victims often did not have a full understanding of the costs and subsequent debt that their journeys entailed until after they arrived at their destinations. Their parents often received an advance payment, which the children were supposed to pay back. Because of the high debts, many are pushed into sex industry where the chances of being able to repay debts are highest. Many children were deceived about the jobs they would be doing at their destinations, and were often confined and prevented from escaping.

There are various recruitment processes for trafficking in children into prostitution

and other extreme forms of child labor in Thailand. Procurement ranges from outright kidnapping to obtaining the children's full consent and understanding of what types of work they will be engaged in. All trafficked victims are bonded laborers through debts without exception. Debts accumulated by trafficked children put them in a cycle of bonded labor that is difficult to break. Some are sold from one employer to another. Deceptions about earnings are also very common. Authorities and police officials often claim fees under the threat of physical or sexual abuses or of returning them to where they came from. Working conditions are intolerable; children are made to take drugs so that they can endure it; when they encounter work accidents; they receive no assistance or insurance; many child prostitutes are HIV infected or catch other diseases for which they are not treated; sexual harassment and violence from authorities, agents, employers and customers are very common.

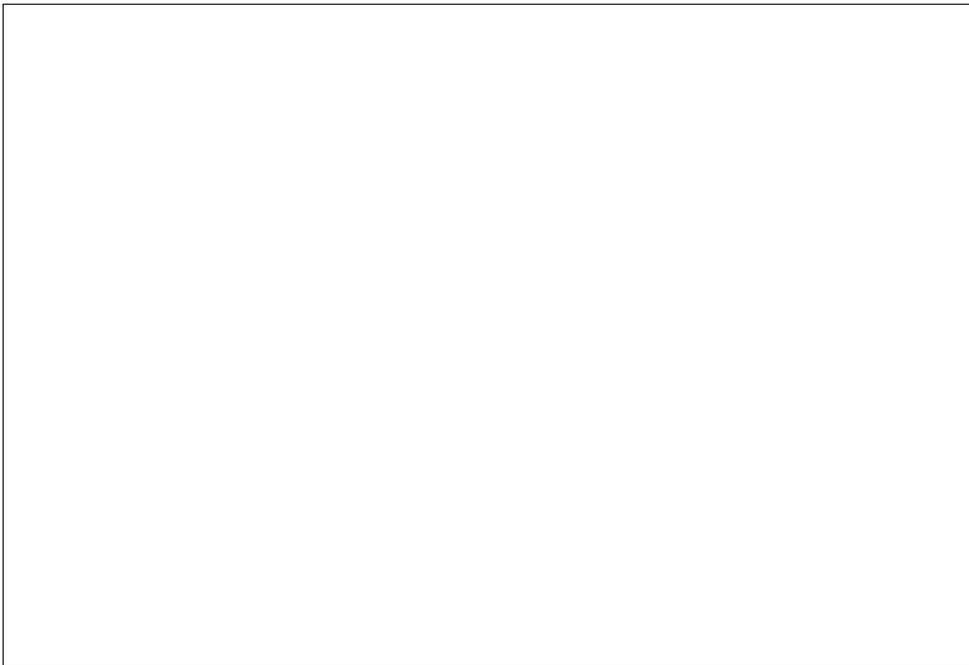
In the network of supplying women to the sex trade, young virgins are targeted because they are most profitable. Gangsters who work as organized beggars and solicitors also target children under 13, as well as the handicapped and the elderly. In other business, children are being used together with the adult labor force rather than separately. Because of the inherent vulnerability of undocumented migrants, trafficked children- and especially very young children - are at an even higher risk of being subjected to intolerable and inhumane conditions.



(1) Refugee mother and child collecting wood in a displaced site on the Thai-Burma border. Most of the surrounding area is land-mined and they are in great danger. (Photo: Aung Myo Min- HRDU)



(2) A child having a meal in a hide-out inside Burma. The children are hiding in the jungle with their family in order to avoid the SPDC attacks. These children are suffering severe one word.



(3) A refugee child in a temporary site for displaced persons inside Burma. Some refugees do not cross into Thailand but decide to remain inside Burma. These people are known as internally displaced person. (Photo: Aung Myo Min -HRDU)