

18 MARS 1996

"When Children's Rights are Jeopardized,
so is the Future of the Nation."

The Children's Rights situation in Burma

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January, 1996

Preface

Not much has been written about the situation of children in Burma. Reporting of human rights abuses tends to focus on adults rather than children. Even international human rights activists are not particularly sensitized to age-related issues or to the special needs and vulnerabilities of children.

Are children particularly important? More important than adults? The UN Child Rights Convention expresses it this way: *Respect for human rights begins with the way society treats its children. Signing the Child Rights Convention means a commitment to the future.*¹

This paper is an attempt to investigate how Burma is treating its children. This has been done through collating already existing material on the situation of children in Burma. No new interviews or recordings have been done. The material consists of different reports, papers and books (see bibliography). Because of limited time and language skills this paper is just an attempt to show the differences between the Child Right's Convention and reality, between what is said by the State Law and Restoration Council (Slorc) and what they are actually doing.

Introduction

"In general Myanmar society places an extremely high value on children and on their care and nurture. But the prevailing economic and political conditions of the past four decades in particular have eroded civilian organisation, undermined support structures and threatened traditional values, exposing children to danger. Parents and members of the extended family are usually the first line of defense for children. If the resources of adults are drained, however, they become incapable of fulfilling this function.

The social fabric of Myanmar is under threat because of both political and economic forces and it is children who stand to pay the highest price. As a result of the conscious policy of the past 40 years of political and economic isolation internationally and strict internal censorship, the monitoring of human rights abuses and social distress in Myanmar has been extremely piecemeal and anecdotal.

The humanitarian and pragmatic consequences of failing to address the needs of children are grave. Because children are more vulnerable physically and emotionally than adults, their normal development is jeopardised in exploitative or abusive circumstances. A child physically or mentally disabled in this way grows up to be a disabled adult, whose economic productivity and social integration are impaired."²

(The UN has employed an expert, Graca Machel, former Minister of Education of Mozambique, to undertake a study on the impact of armed conflict on children. This report will be finished during 1996.³)

Definition of a child.

A child is defined in the Child Rights Convention as a person under the age of 18, unless national laws fix an earlier age of majority.⁴

Political and historical context.

Conflicts between the Burman population - 68 % of the population of about 42 million people⁵ - in the central areas and the many non-Burman ethnic nationalities in the mountains has been a central theme of Burma's history for a very long time. The Burmans have dominated the country politically and culturally since the 11th century. This means that the conflicts in Burma today are not something that started with Sloc or Ne Win.

"Ethnicity is an extremely important and complex issue in Myanmar and the diversity of ethnic groups is remarkable. Over 100 different languages and ethnic sub-groupings are still evident today. - - - In many minority-dominated areas a clear hierarchy of ethnic groupings exists, often with one group exacting feudal control over others. Ethnic identity is clearly demarcated, even in villages where more than one ethnic group coexists and each group maintains its own language, manner of dress, religious beliefs and customs. - - - Ethnicity and armed conflict are intrinsically linked in Myanmar and virtually all the ethnic minorities have at some time or another been in conflict with the central government, questioning its legitimacy and its right to rule over minority-held territories."⁶

Burma was colonised by Great Britain between 1885 and 1948. In 1947 an "independence constitution" was written and it was lead and advocated by Aung San. He pleaded for "unity in diversity" for the new Union of Burma, giving the different minority nationalities a number of levels of local autonomy. He was also convinced that military and politics must be separated. However, the 1947 constitution was quickly recognised by the non-Burman nationalities as highly unsatisfactory, and became a key reason for the out-break of civil war.

Aung San was murdered by enemies in 1947, and the following 15 years Burma was ruled by different democratic leaders who had little control over the country. In 1962 General Ne Win staged a coup, and seized power. He did this "on the basis of its fear that the elected government was embarking on a course which, in response to non-Burman demands for a 'genuine federal union', would lead to the disintegration of the nation and the state."⁷

Ne Win ruled from 1962 until 1988. He isolated the country from the rest of the world, both politically and economically, and the standard of living in Burma fell dramatically during his rule.

In August 1988 a pro-democratic uprising spread over the entire country. This marked a watershed in the civil-war, for the bloody crackdown on pro-democracy forces drove them into the arms of the military's civil war enemies, the armed ethnic minority rebels.

The State Law and Order Restoration Council (SLORC) was formed by the former military junta during September 1988, aiming to restore order in the country. SLORC was to be temporary, ruling Burma until the democratic elections in 1990. Aung San Suu Kyi, daughter to Aung San, led the National League for Democracy (NLD). Though Aung San Suu Kyi had been detained in July 1989, the NLD won a landslide victory in the election. When NLD demanded to take power over the country, SLORC decided that it was necessary that they (SLORC) stay in power until a constitution was finished.

The conflict grew and several thousands of political activists were detained.

In 1991 Aung San Suu Kyi received the Nobel Peace Prize for her struggle for peace and democracy in Burma. She was released from house arrest in July 1995.

The Convention on the Rights of the Child

The Convention on the Rights of the Child was adopted by the United Nations General Assembly on 20 November 1989.⁸

"The Convention projects a vision for children with a clear recognition of their rights for survival, protection, development and participation; presents a set of 54 long-term goals and standards to the present and future generations; and challenges them to measure the existing situation of children against those standards with a greater emphasis on the adult generations' and governments' responsibility and accountability to children."⁹

"One reason why the convention is important is that it represents a commitment to the future.

Respect for human rights begins with the way society treats its children. A caring society will give freedom and dignity to young people, creating the conditions in which they can develop their full potential and so look forward to a full and satisfying adult life.

The Convention is farsighted because it recognises that the children of today - half the world's population - will have to carry on into the future the work of creating a just and humane social order."¹⁰

In July 1991, Myanmar acceded to the Convention of the Rights of the Child. (To "accede" to the Convention means combining signature and ratification in one act.)

"When a country has ratified or acceded to the Convention on the Rights of the Child, it must review national law to make sure it is in line with the provisions of the Convention. It declares itself bound to observe these provisions, and becomes answerable to the international community if it fails to comply with them."¹¹

Following these commitments, Myanmar/Burma:

- Completed and published, in 1993, its National Programme of Action (NPA) for the Survival, Protection and Development of Myanmar's Children in the 1990's, and
- Enacted The Child Law in 1993 and established a National Child Rights Committee in 1994.¹²

The National Programme of Action (NPA) For the Survival, Protection and Development of Myanmar's Children in the 1990's. (Sept. 1993)

"The countries that have signed the Declaration have made a commitment to prepare the national Programmes of Actions for Children; to incorporate them into their national development plans; to plan, implement and monitor social and economic development programmes in the 1990s and to monitor the goals as the decade unfolds."¹³

The National Programme of Action for Myanmar/Burma (NPA) was written and finished by Unicef Myanmar in 1993. It "is based on studies conducted by national and international organizations; governmental programmes in health, education, water supply and sanitation, and social welfare; joint programmes with agencies of the United Nations; and detailed sectoral NPA's. It relates specific national goals to the global goals set out in the Declaration."¹⁴

The NPA for Myanmar/Burma discusses the following subjects:

- Health and Nutrition,
- Water Supply and Sanitation,
- Education and Early Childhood Development and
- Children in Especially Difficult Circumstances. (CEDC)

It also discusses strategies how to reach and finance the goals.

In "Children and Women in Myanmar. A situation analysis 1995," Unicef Myanmar states that "the NPA has not yet been translated into sectoral policies, plans and programmes at national and sub-national levels, with adequate budgetary allocations to achieve the goals."¹⁵

According to Unicef Myanmar's Annual Report 1994 the NPA "is not yet 'owned' by the

government". Unicef is still working to promote the NPA to the government.¹⁶

The Constitution of Burma/Myanmar

(Appendix with some of the constitution principles? P. 3. Unicef 1995)

In January 1993, a National Convention of 698 (702 according to HR Year Book Burma.) delegates held its first meeting to prepare a Constitution for Myanmar/Burma. Since then, it has adjourned and reconvened a number of times. Official statements indicate that adjournments were necessary to provide delegates more time to study various proposals for the content of the Constitution.

The delegates are organized into eight groups, including a selection of National Assembly candidates elected in 1990 (99 of the 485 representatives elected in the 1990 elections¹⁷), representatives of political parties, and various ethnic minority and occupational groups, such as state employees, "peasants" and "intelligentsia". With exception of the elected candidates and party representatives, the delegates of all groups were appointed by SLORC.

SLORC has proposed 104 constitutional principles to the delegates. These principles include a leading role in politics for the military and reservation of the position of president to a person with a military background.

The following recommendations of the Committee have special relevance to the situation of children.

"The State shall care for mothers and children, orphans, fallen Tatmadaw [military] servicemen's children, the old and the infirm, and the disabled."

"The State shall implement free compulsory primary education system."

"The State shall implement a modern education system that will promote allround correct thoughts and good morals and contribute towards building of the nation."

"The State shall earnestly strive to improve education and health of the people."

"The State shall enact necessary law to enable the national people to participate in matters of education and health of the people."¹⁸

As the work of the National Constitutional Convention is still incomplete, its impact on Myanmar's/Burma's political future is not yet clear. (Dec. 1995)

The 2nd Regional Consultation of the CRC in East Asia and the Pacific

At the 2nd Regional Consultation of the CRC in East Asia and the Pacific in August 1992, Mr U Ba Han, Director of the Myanmar Criminal Department, Office Supreme Court, stated:

"The government is making every effort to implement the Convention. It is appealing to the international community to strive for a deeper understanding of the situation in Myanmar, at a time of transition and adjustment."

"With regard to the Convention's provisions on civil rights and freedom, protection for most of these rights and freedoms already exist in current Myanmar legislation."

Mr U Ba Han also comments on the Convention and discusses the governments' plans and efforts made within Education, "Family environment and Alternative Care" and "Basic Health Welfare".

The National Coalition Government of the Union of Burma (NCGUB)

"The SLORC regime directly and indirectly denies all children of Burma their inherent rights as both children and people. The only children who are exempt from unfair treatment are those belonging to the military clique, who receive privilege after privilege, at the expense of the country.

Other children face economic and sexual exploitation, loss of their families, institutionalisation, and some are even jailed. Indeed, children are the most vulnerable segment of society, being affected by a number of factors, from violent childhood experiences to the destruction of Burma's natural resources, because these things directly affect the future of children as adults. When children's rights are jeopardized, so is the future of the nation.

Consider this evidence as violations against the rights of the child:

Children are forbidden to receive education in their own language. Schools run by ethnic minorities are routinely shut down by SLORC, as were universities and higher institutions of learning.

SLORC is restricting schools in Rangoon in an effort to keep students separated. Attempts to control students can also be seen in the recent push by SLORC to have regional schools, making sure students do not collect together in one place. The Burmese military has always been antagonistic to students, because the uprisings in 1962 and 1988 were started by students, who were quickly joined by others in the society.

In the third week of December 1994, Dr XX and another individual went down to Rangoon to attend the SLORC's national convention and learned about the Chin children. They went to the authorities and asked permission to see the children, and the two of them were granted permission. When they met the children at K'Ba Aye monastery, they found that the boys had had their heads shaved in order to become novice Buddhist monks, while the girls had refused. All of the children cried and begged to be taken home when the 2 representatives met them. However, the children are still being held at the monastery."

Abuse against the CRC Article No 2, 17, 28

Article No 24

The child is entitled to the highest attainable standard of health. States shall ensure that health care is provided to all children, placing emphasis on preventive measures, health education and reduction of infant mortality.

A KNLA officer.

(Interviewed by the KHRG. Report No 24, 1995.)

Each family in all the villages near the car road has to give 1 pyi [about 1.5 kg] of rice and 1/4 kilo of chillies per month [these are large villages of several hundred houses each]. SLORC soldiers gather all this rice and chillies and stock it in P'Nwe Kla village [Burmese name Pein Neh Daw, a SLORC stronghold position 1 hour's drive from Thaton]. Then the monk sends his men to gather it in P'Nwe Kla and take it back to Khaw Taw. Then he gives it out, but only to the families of soldiers - nobody else gets anything. As for the people from Paw Hta, To Nyo, Meh Bpa and other hill villages who have gone down to Khaw Taw [these are the hill villagers from near the Salween River who have been forced or terrorized into moving there, like the villagers interviewed in this report], they've made a different compound for them and put them in there, and they get different food. This past summer [March-June 1995] there have been so many children and others at Khaw Taw who have died of cholera and other diseases, because of the change of place and change of water, and because there is no medicine there.

Abuse against the CRC Article No 2, 24

(KHRG No 24, 1995.)

"A human rights monitor who recently returned from Papun District reported: 'The situation of the villagers in my interviewing area is very critical and serious. Most of them are without rice and they don't have adequate shelter. Children are malnourished and have no medical care.'"

Abuse against the CRC Article No 6, 24, 38

Daw BBBB. 49 year old woman from Kyank Kyi township, Nyaunglebin District. (HR YB 1994: Burma. P. 410. Interview no 111.)

'Many children are malnourished, and people don't even have blankets or a change of clothing.

Many children die; some women have 10 children but all of them died. I've had seven children, but when we had to run to the jungle two of them got sick and died because we had no medicine. Now I've only got four children left. Just two weeks ago, a child in the village was suffering cerebral malaria, so we gave him a quinine drip. But we only had one, so we borrowed a second one from another village for him. After that, the child seemed much better, but we had no more medicine to give him so he died.

There were also a father and son in the village, and the father was an invalid, so his son went out to earn whatever he could to support him. Whenever he got anything, he sent rice to his father, even though he often couldn't get enough. The father felt so bad for his son that last rainy season, about the time when we weed the rice fields, he hanged himself. Many people kill themselves now.

Papun (Mudraw) District.

(KHRG Report No 19, 1995.)

"In late January, a group of at least 20 women porters and 5 men porters were taken by SLORC in Ka Law Hta village, Papun District. Among them were 5 girls only 14 years old, some who were 15 or 16, and the oldest women were over 30. At least one woman had to carry her baby along with her load. They were forced to carry SLORC supplies to the Kyauk Nyat area, where SLORC has been mounting a major offensive since January to capture the upper Salween River area. The women and girls were porters for about a month before finally being released in Kyauk Nyat, along the Salween River not far south of the Kayah State border. They were left to find their own way home, several days' walk to the southwest through the forest and mountains. They set out as a group to make their way home. Along the way on February 20th Naw Sah Mu, a 15-year-old girl stepped on a landmine. It blew her right leg off from just below the knee. Zaw Zaw Oo, a 16-year-old girl, was hit in the face by the shrapnel. She has been completely blinded and suffered scars all over her face. The others carried them to a nearby village, where they were treated by an anti-SLORC medical team which was visiting. The mine had completely blown off Naw Sah Mu's leg so they did not have to amputate. After the medics provided basic treatment, the villagers sent them to Papun Hospital. No further word has been received on their condition."

Abuse against the CRC Article No 6, 24, 32, 38

Article No 19 and 34

States shall protect children from physical or mental harm and neglect, including sexual abuse or exploitation.

Saw Htoo Wah, 13 year old boy from Pa-an Township, Thaton District, Karen State.

(HR YB 1994: Burma. P. 291. Interview 30.)

"At Nadaw Full Moon [on 28 December 1993] I was guarding the road. --- Later it was time

Drug usage is also said to be encouraged by SLORC, making cheap opium and even heroin available to youths, a thinly disguised plan to distract and incapacitate those whom the regime sees as a clear threat in any future uprising.

Forced labour projects also take children, regardless of age

Children are often the first to suffer in poor economic conditions, and malnutrition is recorded as affecting 10 per cent of Burma's children.

Children face horrific experiences as refugees and running from SLORC; children must hide when SLORC soldiers come to villages. The mental shock they undergo will last them a lifetime of pain. Also because communities are ripped apart and traumatically forced to relocate or flee, the basic right that every child has to a stable upbringing is destroyed for a lifetime. These events will continue to disrupt and affect their entire lives.¹⁹

Some comparisons between different sources

The UN Convention on the Rights of the Child (CRC) includes both very general items, such as right to life and health, and more specific ones, such as right to primary education. The human rights situation in Burma is very complex, and interviews with refugees from Burma made by the Karen Human Rights Group shows that the refugees are subject to several human rights abuses at any one time. This means that it is impossible to isolate one human rights abuse from another. Still, it is interesting to see what different sources are saying on the same subject. A few specific subjects are chosen here to illustrate this.

Right to Education CRC Art. no 24, 28, 29 and 32

Primary education shall be free and compulsory; discipline in schools should respect the child's dignity. Education should prepare the child for life in a spirit of understanding, peace and tolerance.

SLORC

"While Myanmar is strongly committed to Education for All by the year 2000, and efforts are underway to make primary education easily accessible to every child, it acknowledges that the achievement of universal primary education is still beyond reach. The Government is presently considering the introduction of other education delivery systems, such as non-formal education, both for illiterate adults as well as for out-of-school youth and school dropouts.

As far as Special Protection Measures are concerned, the Myanmar Government is carrying out the Border Areas and National Races Development Plan in areas along the periphery of the

SLORC is restricting schools in Rangoon in an effort to keep students separated. Attempts to control students can also be seen in the recent push by SLORC to have regional schools, making sure students do not collect together in one place. The Burmese military has always been antagonistic to students, because the uprisings in 1962 and 1988 were started by students, who were quickly joined by others in the society. - - -

'If you want to pass the matriculation exam in Burma you need only pay Ks 10,000 for a subject/major. Moreover, if you want to get a high mark or distinction you will have to pay an extra Ks 20,000 per subject. With these marks you can go to medical or engineering school.'

Many poverty-stricken people have complained about Burma's corrupt education system. 'It is the worst thing that has happened since SLORC seized power,' an inside source said. [BBC]

During the first week of January 1995, the local SLORC military commander issued an ultimatum to close down over 90 Mon language schools in 63 Mon villages in Kawkaeik Township, Karen State, and Kyaikmaraw Township, Mon State. That have deprived more than 3,000 Mon children of an education." *Human Rights Year Book 1994, Burma.*²²

Burma Issues

"The Border Development Program has been much proclaimed by Slorc as a great development plan to bring the border regions into peaceful and prosperous union with the rest of Burma. As such, Slorc has managed to get financial support for the program from the United Nations Development Program. Yet for the Wa, who were one of the first recipients of the program, there has been little if any improvement. According to their report [The Agony of the Wa People, 1993], 'Roads and other improvements reported (by the Slorc) in the Burmese press were constructed only in the mass media. The vast majority of the Wa have no formal education. There are only a few informal primary schools taught by teachers who themselves have been only to primary school.'" *Burma Issues, November 1993.*²³

Right to Life, Right to Health and standard of Living CRC

Article no 6, 24 and 27.

The child is entitled to the highest attainable standard of health.

SLORC

"On Basic Health Welfare, Universal Child Immunization (UCI) was achieved in 1990 in the 209 townships where immunization programmes were operational. UCI provides a formidable context for other, more comprehensive interventions, such as the Child Survival Programme, a package of 17 interventions which will enable Myanmar to reduce its Infant Mortality Rate

from the present 94 per thousand live births to less than 50. [This infant mortality rate is more than double what had been reported for two decades.]"

*Mr U Ba Han, Director, Criminal Department, Office of Supreme Court 1992.*²⁴

United Nations

"About 15 per cent of Myanmar children born alive do not survive to reach their fifth year. Respiratory infections, malaria and diarrhoeal diseases are the main causes of death in this age group. Myanmar's infant and under-five mortality rates fall in the same range as those of Bangladesh and India. They are slightly higher than those of Indonesia, and considerably higher than those of the Philippines, Vietnam and Thailand. Vaccine preventable childhood diseases continue to cause a large proportion of child mortality and morbidity. - - -

"The extension of immunization services has been constrained by security problems, unreliable or no electricity for maintaining the cold chain, transportation difficulties, and the shortage of health staff, particularly in remote ethnic minority communities of the border areas."

"Nearly half of all primary-school-aged children in Myanmar are malnourished. The estimated prevalence of stunting at the age of school entry, which indicates past or chronic malnutrition, has increased from 29.1 per cent in 1990 to 40.5 per cent in 1991."

*Children and Women in Myanmar. Unicef 1995.*²⁵

"Children's environment and experiences in the first years of life have a profound impact on their future, setting lifelong patterns for physical, cognitive, emotional and social development. Moreover, these aspects of development are closely interrelated. If a child is chronically ill or malnourished, for example, his or her cognitive and motor development may be impaired. Or, if the emotional needs of infants are not met through adequate physical contact, their growth can falter. During the first years of life, children therefore require not only protection, a nutritious diet, and health care; but also affection, a sense of security, interaction with others, and intellectual stimulation through exploration and play."

*Children and Women in Myanmar. Unicef 1995.*²⁶

Right to protection from sexual exploitation. Art No 34.

Sale, trafficking and abduction. Art no 35.

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.

SLORC

"Sexual exploitation is almost non-existent in the Myanmar context, but steps have been taken

to establish legal provisions for the protection of children from such exploitation."

Mr U Ba Han on the 2nd Regional Consultation of the CRC in East Asia and the Pacific.

United Nations

"With technical support from WHO, the Ministry of Health formulated its first two-year National AIDS Control and Prevention Plan in 1992. However, no comprehensive national education and communication programme yet exists."

Children and Women in Myanmar. Unicef 1995.²⁷

"Interviews with Commercial Sex Workers (CSW) in Yangon and Mandalay revealed that children may enter the trade as early as age 12, sometimes after taking up a life on the streets. Others were forced into prostitution by their parents, or entered the commercial sex trade to provide financial support to their families. - - - Women and girls in the commercial sex trade are increasingly threatened by the AIDS epidemic in Myanmar. Ninety-eight per cent of former CSW in a vocational training school [78 girls] had no knowledge of the disease and how it can be prevented.

With the growth of sex tourism and the commercial sex trade in neighbouring countries of the region, child abuse and exploitation has assumed a new form: sexual trafficking of children across international borders. - - -

WHO has estimated that the number of HIV-positive persons could range anywhere from 400,000 to 500,000 at the end of 1994."

Children and Women in Myanmar. Unicef 1995.²⁸

"The sex industry in this part of South East Asia is extremely complex and widespread, with significant variations in terms and conditions of employment. - - - The evidence on sexual trafficking both within Myanmar and in Thailand concerns girls and young women rather than boys. - - - Some female prostitutes interviewed in Yangon had entered the trade at age twelve, but research elsewhere in the region indicates that pre-pubescent children ten and even eight years old are involved. Certainly the majority of Myanmar girls involved in the trade are between 15 and 25 years."

Unicef 1992.²⁹

The National Coalition Government of the Union of Burma (NCGUB)

"Muslim girls are forced into "educational" courses on military bases. Not only is this against the wishes of the girls' parents and insensitive to their religious beliefs, but girls experience sexual harassment and worse by soldiers.

The sex industry, meanwhile, both inside Burma and in neighbouring countries to grow. As men fear receiving AIDS more and more, younger and younger girls are sought to be sure of their "purity". Many children are unsuspectingly sold into prostitution by families who need money due to the economic situation and extortion by SLORC troops."

*Human Rights Year Book 1994, Burma.*³⁰

The Centre for the Protection of Childrens Rights (CPCR)

"For the past few years, tourism has been Thailand's number one source of income. In 1990, 5.3 million tourists came to Thailand, the majority of them 'unaccompanied males'. As demand for sex services grows, the procurers of prostitutes look further afield, recruiting younger and younger children. The demand for exotic sexual experiences, fuelled at least in part by the desires of tourists, leads prostitution agents to recruit hill-tribe, Burmese, Laotian and Chinese children as well."

*CPCR 1992.*³¹

Voices of the people

Article No 2.

States shall ensure that each child enjoys full rights without discrimination of distinctions.

KHRG Report No 09, 1995

On 30 May, 1994 copies of a letter from the Tan Ta Lan Township LORC were distributed in both Burmese and Chin languages throughout Tan Ta Lan town and to all villages in Tan Ta Lan Township. The letter announced "*provision of higher education to children*", asking parents in Tan Ta Lan Township in Chin state to send their children below 14 years old to Rangoon or to Tan Ta Lan town "*in order that they may be educated. Bearing in mind the well-being of their children, they should announce the giving of higher education to the villages.*" The children "*are to be provided with food and clothing, provided education, and trained to be refined individuals without any racial or religious discrimination.*"

The KHRG writes in their report:

"Some of the Christian Chin in the township believed the announcement, and at least 9 children were entrusted into the care of SLORC. They were taken first to Tan Ta Lan town, then to Rangoon. Since the end of July 1994 there has been no communication whatsoever from or about them. They have been completely cut off from their parents. When the parents investigated, they learned that all of the children were living at K'Ba Aye Buddhist monastery in Rangoon. This was communicated to the Chin Christian community in Rangoon. In the first week of December 1994, they went to the abbot of the monastery and asked permission to see these children, but permission was refused.

for me to go back home to eat. It was going to get dark. The lance corporal stopped me on the way and asked me to go with him to catch birds in the forest. I refused because I was hungry. Then he said I had to go with him, so I started following him. When we got in the forest he stopped and asked me, 'How many brothers and sisters do you have?' and I said, 'Just two.' He said, 'Are any of your brothers Karen soldiers?' I said no, and he said 'Don't lie', so I said 'If you don't believe me, go and ask the village headman. He will tell you'.

Then the lance corporal told me to lie down face down. I thought he was going to shoot and kill me and I was going to die. But he started to rape me. He did it, and it hurt very much. After that, he let me go but told me not to say anything to the major or the headman about what he had done to me. He said, 'If you tell anyone, I'll shoot you dead right away.'

Abuse against the CRC Article No 19, 32, 34

Daw BBBB. 49 year old woman from Kyauk Kyi Township, Nyaunglebin District.

(HR YB 1994: Burma. P. 410. Interview no 111.)

"Everyone in our area knows about this Sgt Ba Kyi. He has raped so many women that he has become notorious. The worst time was in 1991 in Mit Ta Yah Kweh Quarter of Kyauk Kyi town. A 7-year-old girl child went around selling vegetables, and in the evening she didn't come home. Her parents went around everywhere asking and looking for her, and eventually they found her where she'd been raped by Ba Kyi, then just thrown into a swamp full of lilies. When they found her she was still alive but couldn't even walk. They took her to the hospital and she survived for a while, but later she died."

ALSO HRV Article no 6, 24, 34

Naw CCCC. 37 year old woman from Mone Township, Nyaunglebin District.

(HR YB 1994: Burma. P 413. Interview no 112.)

"Then the commander and his troops went into Ko Nee Village to capture all the KNU and KWO people there, but they had all got away. So they went into the village tract elder's house. His name is Pa Ghe Thay. They captured his wife and two daughters, beat and hit them and slapped their faces. His youngest daughter is about 8 years old, her name is Naw Kyi Paw. One of the soldiers ordered her to grab his penis, and then when she went over [to him] he just kicked her away very hard. She collapsed and was hurt very badly. After kicking her they left, went back to their camp and let the elder they'd tortured go back to the village."

Nai Win Tun, 25 year old man (soldier) from Waw Township, Pegu Division.

(HR YB 1994: Burma. P 443. Interview No 141.)

Even the elderly people were forced into portorage. When they could no longer carry the heavy loads, they were beaten and tortured. The girls who could no longer carry were reprovred and taken behind the bushes and raped. Even 11-12 years old girls, the age of wearing a gown, were not spared.

Article No 28 and 29.

Primary education shall be free and compulsory; discipline in schools should respect the child's dignity. Education should prepare the child for life in a spirit of understanding, peace and tolerance.

Nai H. 17-year old boy from Yebyu Township, Tenasserim Division. Mon. Interviewed in late March 1994. (P. 293 HR YB 1994: Burma. Interview 31.)

"I never went to school. When I was a child I went to school once. But then all the schools closed because of the 1988 uprising. The schools were never open regularly. The teachers are from our village, and they just teach the children whenever they are free." [Other villagers present at the interview explained that given the difficulty of the struggle to survive, the comings and goings of SLORC troops, forced labour, etc., it is impossible to keep a school running properly in the village. Before SLORC, teachers were on occasion sent from Burma, but many villagers (usually with the influence of the NMSP) refuse to send their children to these teachers because they teach a nationalist Burman, anti-Mon curriculum where students are forbidden to speak anything but Burmese and learn the Burmese Army's version of history and other subjects.]

"Naw Thalay Paw", a 37 year old woman from Bee T'Ka Village, Kawkareik Township. (KHRG Report No 23 1995.)

"The village has a Burmese government school, but before there were also two Christian Karen who were supported by the village to teach in a small school at the other end of the village. These teachers taught Karen to the small children. SLORC forced this Karen school to close and ordered all children to attend the Burmese school. They also collected money from the villagers to make a new roof for their school."

Abuse against the CRC Article No 28, 29, 2, 17d.

"Naw Wah Wah", a 45 year old woman from Kawkareik Township.

(Interviewed 95.06.02 by the KHRG. Report No 23, 1995.)

"There used to be two schools in Bee T'Ka, a primary school run by SLORC and a middle school by the KNU. The Ko Per Baw closed the KNU school, the headmaster had to flee to Thailand and the teachers also fled to other places."

Abuse against the CRC Article No 28, 29, 2, 17d.

Article No 32.

States shall protect the child from economic exploitation and work that may interfere with education or be harmful to health and well-being.

"Thein Lwin", a 24 year old man from Kyaikkaw, Thaton Township. Now living in Noh Pa Doh village, Thailand.

(KHRG Report No 2 1995.)

I am from Kyaikkaw. It used to be a village, but now it has become a small town. When I was 14, the soldiers came into the cinema at 9 o'clock at night and took me to be a porter. [The Burmese Army often surrounds local cinemas and takes everyone inside as porters.] That same night, they took us to Pa'an, then in the morning they sent us to Pain Kyone, where we got off the car and they gave us loads. I had to carry 2 shells and we had to climb up Non Da Ya mountain. I got tired and thirsty and I told them "I can't carry anymore", so I sat down to rest and the soldier kicked me in the chest with his big boots. I went unconscious for a little while. It took us 2 days to reach the mountaintop, then they sent me to the Strategic Command camp near Maw Po Kay and Mae La. I had to stay there for over 5 months, carrying food and water, cutting wood, and building their bunkers. Then they made me carry rations to Mae La. On the way I said to my friend, "I can't carry anymore. Live or die, I'm going to escape", and I dropped my load and ran away. I finally got to Lo Baw and stayed with a Karen medic soldier for the rainy season.

Abuse against the CRC Article No

Nai Kror, 29 year old man from Ye Pyu Township, Tenasserim Division. Interviewed 5-7 August 1994. (Page 267 HR Year Book 1994: Burma.)

"There are also children working on this railway - some are 10 or 15 years old. They have to work the same as a man but they couldn't. Some children got very serious sickness. One nearly died. His village was too far away so he couldn't go home. Some of his relatives tried to treat him right there. Sometimes the children didn't bring enough rice, and the soldiers wouldn't give them any."

Nai H. 17-year old boy from Yebyu Township, Tenasserim Division. Mon. Interviewed in late March 1994. (P. 293 HR YB 1994: Burma Interview 31.)

"I had to go work at the railway line after harvest time in December because the soldiers ordered it. I only went once, then I ran away. It took one day's walk to get there, and I was there for 10 days. I worked with a group of 15 other young people, cutting down and carrying bamboo and vines and building shelters for the soldiers. The youngest person was 10 years old. We worked every morning until 11 am, then we rested and ate, then we worked from 12 noon until 4 pm. - - - We had to bring tools from our house, and our food as well."

Maung I. 42 year old man from Hlaing Bwe Township, Karen State. Burman. Interviewed on March 16 1994. (Page 298 HR YB 1994: Burma. Interview nr 34.)

Some villages are quite big, so the villages collect money and build a school for their children, but then SLORC doesn't allow it. They come to the village and give the villagers big problems. So the villagers have to teach their children secretly. SLORC has a school close to the town, and they say that any villager who wants their children to go to school must send them to this school and no other. But the villagers can't because it's too far. To get there takes a 7-hour

walk, from early morning till noon.

[With all SLORC's looting and porter fees, the parents could never afford to pay boarding fees in town for their children, and they also need them at home at least part of the day to work for the family's survival]. Now SLORC has called all the heads of villages to a meeting to pay donations for education. Each village must pay 1,000 kyats, and SLORC says this money is to pay for education everywhere, including Rangoon. But I think they're just taking the money for themselves.

Pi Thu Meh, 60 year old woman, Pa-an Township, Karen State. Karen. (P. 353. HR YB 1994: Burma. Interview no 67.)

"One time, my youngest son was tending the goats right in front of my house. He is so young that I don't let him go far away, but even so he has been taken as a porter before, so the SLORC soldiers knew him. They grabbed him, tied him up and beat him up. He was crying. Then they took him away to the military outpost and demanded four big bowls of rice and two chickens to release him. After I gave it to them, they made him carry their supplies for three days and then released him. His name is RR."

ALSO HRV Article no 6, 19, 34, 38.

**"Naw Eh Po", Karen woman, interviewed by a KHRG monitor.
(KHRG. Report No 24, 1995.)**

I had to be a porter when the soldiers left to go back. They made me carry their bags. There were 5 of us women altogether. We were all muh k'naw [unmarried teenagers]. The loads were very heavy, and we had to carry them back to their Papun base camp. When we arrived there some Karen who live in Papun went to see the SLORC officers and got us released.

Abuse against the CRC Article No 32, 38

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Abuse against the CRC Article No 32, 38

**"Win Tin", a 26 year old man from Pa'an Town, Karen State.
(KHRG Report No 11, 1995)**

In mid-February, I was taken to be a porter. I was taken by car from Pa'an to Thingan Nyi Naung, where I was held for five days along with other porters. Then I was taken by truck to Myawaddy and then to somewhere around Palu. I then had to carry food and 75 mm shells for the 44th Light Infantry Division, 2nd Infantry Battalion, as they moved to attack the KNLA. I

escaped on the 13th of March while the soldiers were moving through the jungle. I was only given food two times a day and it was not enough. I was not beaten but I saw many people beaten around me as we were moving through the jungle, about three or four people were beaten within a few hours. Some people were very old, about 60, and others were very young, between 15 and 16.

Abuse against the CRC Article No 6, 32, 38

Article No 37.

Capital punishment or life imprisonment shall not be imposed for crimes committed before the age of 18.

Children in detention should be separated from adults; they must not be tortured or suffer cruel and degrading treatment.

G. - 14 year old Burmese Indian, Muslim, from Pa-an Town, Karen State. Interviewed in September 1994. (P. 287 HR YB 1994 Burma. Interview 28)

[Thailand's Immigration Detention Centres (IDC) have become internationally notorious for squalid conditions and robbery, rape and beatings by Thai police guards. They are built like high-security prisons: concrete cells, heavy bars, and armed guards. Any refugee at any age who is caught outside of a refugee camp can end up here. P. 287 HR YB 1994 Burma]

"In Bangkok I stayed in my sister's house. My sister had a small stand selling fruits, and I had to take care of the children in her house. --- A bit more than a year ago [July 1993] I was arrested for the first time. I was arrested together with a boy from my family. He was 8 years old. They put us in jail [IDC], and I was in jail for two or three months. In the evenings, a policeman came to the cell to ask some women to go with him. The women didn't want to go, but the policeman said, 'You have to go. We will give you some money and we will feed you.' After that, although the women didn't want to go he forced them. He grabbed their hands and took them with him. The police took five or six girls each time. Then in the morning, they sent the girls back to the cell. We asked the girls what the police did. They said the police told them to sit down near them. The men fed the girl with his spoon, the same one that he used, and then he made the girl feed him. Afterwards, they asked the girls to drink with them and after that, they told them to dance for them."

"[HR YB 1994: Burma Notes: It is quite clear that the girls she talks about were raped before being sent back in the morning, but G is very young and clearly did not want to talk about that.] ALSO HRV Article no 19, 34,

Article No 38:2.

No child under 15 should take any part in hostilities; children exposed to armed conflict shall

receive special protection.

Maung O. 28 year old man from Yebyu Township, Tenasserim Division. Interviewed in late March 1994. (P. 318 HR YB 1994: Burma. Interview no 44.)

"Then the soldiers came to my house and poked my wife in the side with a rifle butt. They kicked her hard in the stomach and she vomited blood. Then they kicked my baby son down into the fire, and all the hair on his head was burned. They slapped my 7-year old son in the face and he cried out. They beat them because I had escaped. Along the way here I stopped to wait for my wife and children. Then I brought them with me. My wife is still sick because of beating, and my baby son is still sick. If you touch his head it is still painful. [Maung O's son still has a bad burn scar and no hair on the crown of his head.]

ALSO HRV Article no 19, 34,

"Pi Eh Wah", 54 year old woman from T. village, Kawkaeik Yownship. (KHRG Report in May 1995.)

I was hit by one bullet near my breast which came out in my back. "Naw Paw Htoo" had 6 wounds in her right leg, and a bullet also passed right through her left leg. She also had a bullet in her stomach, and later they had to operate on her stomach to get it out. My grandchild was sleeping with us and his blanket was torn by a bullet but luckily he wasn't hurt. The blanket of Aye Myint's baby was also torn by a bullet but she wasn't hurt either. (Aye Myint was Pi Eh Wah's daughter who was shot dead the previous night) My son, "Saw Htoo Klih", laid down over me while they were shooting, and he pretended that he was dead. When it was silent again, "Naw Paw Htoo" called him and asked "Are you hurt?" He said "No." She said "If you aren't hurt, please go!" After he left, he could hear us moaning from the other side of the river, but he couldn't come back [to warn us] because he had to run. [His sister told him to run because being a young man, the soldiers would accuse him of being a Karen soldier, use this as an excuse for the shooting and probably execute him as well.]

Abuse against the CRC Article No 6, 19, 38, 17.

Moe Kyaw. 14 year old boy from Yaw Thit, Rangoon Division. (HR YB 1994: Burma. P 440. Interview no 136.)

"I joined the military service at the age of 14 because of maltreatment by my father-in-law. I attended the military training in Taungoo and was ill-treated as others.

When I was sick and could not climb up the mountain, I was beaten till blood flowed out of my mouth. While I was at Nay Pu Khan outpost, I was blamed and kicked from the back as I was not able to climb up to the mountain.

At that time, I was about to commit suicide. But I failed to do so, as other soldiers prevented me. I joined the military because of the maltreatment of my father-in-law. Later on, I found that the military is worse than him."

ALSO HRV Article No 6, 19, 32, 38.

Ye Win Htike, 17 year old man from Pabedan Township, Rangoon Division.
(HR YB 1994: Burma. P 441. Interview no 138.)

"I joined the military service in June 1990. (In place of his older brother, who was about to finish school.) At that time, I was in 7th Standard. - - - After attending training at No. 3 training Corps in Yamethin, I forced the local people into portering. I forced even unhealthy persons, elderly and women. Most of the women were forced to stay near the officials. I saw with my own eyes what the officials pressed them to do.

Chit Ko Ko, a 12-year-old boy from Theinzayat, was also along with us. Whenever he could not walk along with the troops, he was beaten and kicked. The company quartermaster beat him all the time. At last the child became depressed. He was beaten with a bottle on the head and was in coma for a week.

--- We were threatened by the officials that we would be killed by the KNU. We did not care about our deaths compared to continuing to stay with the SLORC troops, receiving ill-treatment all the time, insulting elderly people and doing unjust things to the villagers everyday."

San Lwin, 18 year old man from Rangoon Division.
(HR YB 1994: Burma. P 443. Interview no 140.)

"I was in my 8th Standard in Htu Par Yon High School No. 1. On my way home from school, I was abducted by municipal police in front of the market in No. 1 Quarter. I was forced to get onto the truck. They forced me to go along with them even though they could identify me as a student by my school bag and uniform. Another 3-4 students were also abducted like me.

I attended military training at No.2 Division Training Corps in Pyinmana, Mandalay Division. I also knew very well about the story of Chit Ko Ko."

"Naw K'Paw Muh", a 35 year old woman from Bee T'Ka village, Kawkareik Township.
She is the wife of a KNLA officer and is now a refugee in Thailand.
(Interviewed 95.06.03. KHRG Report No 23, 1995.)

Along our way to Thailand, every time we heard that SLORC were coming we ran into the bushes. At night we slept in the bushes covered with plastic sheets. There were lots of rainstorms and mosquitos and leeches, and my son cried to me 'Mother, I don't want to sleep here, let's go back. Go back now', and he asked to drink my breast milk, but I was dry for a long time and I couldn't do anything for him because we were in the jungle at night.

Abuse against the CRC Article No 2, 6, 19, 38

"Naw Lah", Karen woman, interviewed by a KHRG monitor.

(KHRG. Report No 24, 1995.)

I have a small brother. I can't escape by myself, because my brother can't run. Even if I escape, I'll have no food in the jungle and no waterproof from the rain. Now the SLORC troops came and destroyed everything. I have nothing left. I don't know what I'm going to do. I have no choice but to go stay with relatives in Klaw Hta and obey the SLORC. Whatever they ask, I will have to do.

Abuse against the CRC Article No 2, 6, 19, 24, 38.

Karen girl, about 10 years old, interviewed in the film "Life on the line", made by Bare Face Productions, Channel Four in United Kingdom. June 1995.

"What I know is that I heard shooting and my mother tried to get out of the house. When she reached the door, the soldiers shot her."

"Was anyone near her when she died?"

"No, she was alone."

"Where were you?"

"I was in the room. We were hiding."

"Were you shot?"

"Yes, I was shot. I was shot when I was hugging my mother."

"What about your cousin?"

"She was sitting in the room. She was shot in the stomach and arms."

"After the soldiers finished shooting. What did they do when they came in?"

"They came in and searched the house."

"Have you ever seen anything like this before?"

"No, never."

Discussion

So what has Burma done to reach the goal of protecting the rights of children? Concretely, Burma has done three things: it ratified the Convention on the Rights of the Child (CRC) in 1991, made a national plan of action (NPA) in 1993, and wrote the Child Law in 1993. Unfortunately, it seems as if the work has not come further than that. The interviews made by the Karen Human Rights Group (KHRG) show that the reality is very different from the rhetoric.

First of all, how are we to define Children in Especially Difficult Circumstances (CEDC) which comes up in one special part of the Child Rights Convention? According to Unicef, CEDC refers to groups of children who are not only disadvantaged materially, but also socially -- children who are victims of violence, exploitation, abuse and neglect. CEDC includes the following categories of children: working children, street children, abused or neglected children, disabled children, refugee and displaced children, abandoned children, war-affected children, exploited children, orphans, and ethnic minority children. Unicef Myanmar has its own definition of CEDC which excludes refugee and displaced children, war-affected children, exploited children, and ethnic minority children.

A second problem is the related issue of how the children's rights are expressed. Article 6 of the CRC guarantees every child's right to life: "Every child has the inherent right to life, and states shall ensure to the maximum child survival and development." Article 2 is about the right to care and health "The child is entitled to the highest attainable standard of health." This kind of vague formulation means that Slorc can live up to the letter of the CRC without trying to improve conditions for children. Slorc could claim that it already ensures "to the maximum child survival and development". In that case, the fact that Burma has ratified the Child Rights Convention does not benefit its children at all. Each country can interpret the CRC in any way it likes.

Another problem is what rights of children should be guaranteed. The NPA is mainly concerned with health and education, but other aspects of children's rights are missing. The CRC articles about children in detention or children exposed to armed conflicts are not even mentioned in the NPA.

A final issue is whether Burma's laws can rectify violations of the children's rights that Burma recognizes. As for the Child Law, it is not yet a consolidated law, which means that it has yet to be recognized by Slorc. If the National Assembly of Burma ever ratifies a new constitution, it will be interesting to see if Burma can create a society which follow its own laws, especially if the military remains as the leading political body. The current situation in Burma indicates that Slorc is breaking both its commitments in the CRC and in its other proposed laws.

In this paper I had hoped to place the personal interviews in the "Voices of the People" alongside the articles of the CRC for easy comparison and contrast. That has been difficult as each interview dealt with a variety of abuses. It is clear that the CRC holds the state responsible for protecting the child against exploitation and other things that might hurt the child. States are also expected to support the child's parents to take good care of the child and to provide education and health care as well. Yet the people interviewed by the KHRG do not even have the most basic essentials: food, shelter, and safety. And the one who takes these basic rights away from the children and adults in Burma is Siorc, the state itself.

As mentioned above, the CRC is a vision not yet realised. The CRC is a set of articles written to apply to all countries in the world. In the light of the KHRG interviews, however, the CRC articles seem very subtle, while reality for the ordinary citizens of Burma is coloured by a desperate struggle merely for survival. According to the CRC, children have the right to express opinions, be treated with respect, and have time for play and recreation. This might be possible for children in other countries, but for children in Burma it is still a dream.

Furthermore, children's own voices are seldom heard. Most of the people interviewed in the "Voices of the People" are adults, not children, and we have to rely on what adults see and experience to find out what the children of Burma experience. What we know for sure through these interviews is that for every child mentioned, countless others are undergoing similar experiences every day. These stories are only the tip of the iceberg.

Several of the sources used in this paper argue that a mentally or physically abused child grows up to be a disabled adult. With forty years of oppression, what kind of adults does Burma have now? Burma is a badly hurt country, and even if peace came tomorrow, it would take generations to heal the wounds.

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