

No More Denial:

Children Affected by
Armed Conflict in Myanmar (Burma)



WATCH LIST ON CHILDREN AND ARMED CONFLICT

May 2009

Watchlist Mission Statement

The Watchlist on Children and Armed Conflict strives to end violations against children in armed conflicts and to guarantee their rights. As a global network, Watchlist builds partnerships among local, national and international nongovernmental organizations, enhancing mutual capacities and strengths. Working together, we strategically collect and disseminate information on violations against children in conflicts in order to influence key decision-makers to create and implement programs and policies that effectively protect children.

Watchlist works within the framework of the provisions adopted in Security Council Resolutions 1261, 1314, 1379, 1460, 1539 and 1612, the principles of the Convention on the Rights of the Child and its protocols and other internationally adopted human rights and humanitarian standards.

General supervision of Watchlist is provided by a Steering Committee of international nongovernmental organizations known for their work with children and human rights. The views presented in this report do not represent the views of any one organization in the network or the Steering Committee.

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Please Note: The people represented in the photos in this report are not necessarily themselves victims or survivors of human rights violations or other abuses.



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Notes on Methodology

- Information contained in this report is current through January 1, 2009.
- This report primarily reflects information drawn from secondary sources available in the public domain. Information is collected through an extensive network of organizations that work with children around the world. Analysis is provided by a multidisciplinary team of people with expertise and/or experience in the particular context. Some sources are confidential and are not listed to protect their safety. When citing this report, information should be attributed to the original source to the extent possible.
- Due to access restrictions imposed by the State Peace and Development Council (SPDC), the ruling authority in Myanmar, there is limited United Nations (UN)-verified data available on the conflict-affected areas, including ceasefire zones. However, local and international NGOs have extensively documented the human rights and humanitarian situation in Myanmar, working from inside Myanmar and across borders from neighboring countries.
- To the extent possible, this report includes information on violations by non-state armed groups that are involved in active conflict (also known as resistance groups) with the SPDC. Availability of this information is often extremely limited. This partly reflects the fact that the vast majority of violations are committed by the Myanmar Armed Forces or NSAGs acting as proxy forces.
- This report focuses on the impact of armed conflict on children in Myanmar. However, Watchlist acknowledges that many human rights violations described in this report are also occurring in areas outside the conflict zones. This report is not intended to downplay the situation of other ethnic communities who face oppression, restrictions, exploitation and neglect as a result of exclusion and discrimination by the SPDC on the basis of their ethnicity and religion. For example, the Rohingya, an ethnic community in Rakhine (Arakan) State, western Myanmar, live under appalling circumstances as the Myanmar authorities deny them citizenship in their own country.

Notes on Terminology

- Watchlist uses the term “Myanmar” to refer to the state formerly known as Burma. Similarly, we use the official Burmese spellings of geographic locations to reflect UN usage. Please note that names that reflect common usage by ethnic groups are included in parenthesis throughout the report. This terminology should not be understood as a political position or statement.
- The Myanmar kyat is the official currency of Myanmar. As of January 1, 2009, the official exchange rate is around 6.6 kyat to US\$1. However, the black market rate varies around 1,200 kyat to US\$1.
- The report uses the term “non-state armed group” (NSAG) to refer to all non-state armed groups in Myanmar that are not fully integrated into the Myanmar Armed
- Forces, including opposition groups, groups with ceasefire agreements (“ceasefire groups”) and groups acting as proxy armies to the SPDC. The term “Myanmar Armed Forces” refers to the state army or Tatmadaw Kyi in Burmese.
- Geographic areas referred to in this report as “conflict-affected areas” are areas with ongoing armed conflict and those where ceasefire agreements are in place. Ceasefire agreements in Myanmar are considered conflict-affected areas because they have not resulted in a political resolution to the armed conflict or an end to the widespread human rights abuses in these areas. Furthermore, some NSAGs with ceasefire agreements have retained their arms and are still active.

Important Updates

- Since early December 2008, hundreds of Rohingya from Myanmar, including women and children, were reportedly cast adrift by the Thai army without supplies. The Thai army admitted to towing the Rohingya out to sea before abandoning them but claimed that they had food and water and denied that the boats' engines had been sabotaged. While many Rohingya were later rescued off the coasts of India and Indonesia, hundreds more are still believed missing or dead.
- This report notes that the western borders remain largely underreported, in part due to restrictions imposed by the SPDC and the inaccessibility of the region. The recent HRW report *We Are Like Forgotten People: The Chin People of Burma: Unsafe in Burma, Unprotected in India* (January 27, 2009) documents ongoing human rights abuses and repression in Myanmar western Chin State, which borders India.
- Watchlist received updated information that in early 2009, members of the UN-led Task Force on Monitoring and Reporting in Myanmar conducted meetings with three ceasefire groups, the Wa Authority, the Karen National Union/Karen National Liberation Army (KNU/KNLA) Peace Corps and the Democratic Karen Buddhist Army (DKBA). It has been agreed that these introductory meetings would be followed up with meetings to work on formal recruitment policy declarations and the establishment of monitoring procedures.
- In March 2009, the Chin National Front (CNF) and its military wing, the Chin National Army (CNA), have signed a Deed of Commitment in which they pledge not to recruit or use any person under 18. The Human Rights Education Institute for Burma (HREIB), a local human rights NGO working along the Thai-Myanmar border, facilitated the Deed of Commitment (HREIB, press release "HREIB Welcomes the Straight-18 Policy by Chin Armed Group," March 14, 2009).

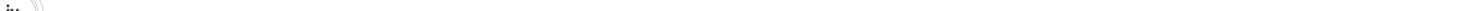


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List of Acronyms

AI	Amnesty International
ARV	Antiretroviral Treatment
ASEAN	Association of Southeast Asian Nations
BPHWT	Back Pack Health Worker Team
CAC	Children and Armed Conflict
CEDAW	UN Committee on the Elimination of Discrimination against Women
CNF/CNA	Chin National Front/Chin National Army
COHRE	Centre on Housing Rights and Evictions
DKBA	Democratic Karin Buddhist Army
DVB	Democratic Voice of Burma
ERW	Explosive Remnants of War
FBR	Free Burma Rangers
GBV	Gender-Based Violence
HREIB	Human Rights Education Institute for Burma
HRW	Human Rights Watch
ICBL	International Campaign to Ban Landmines
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDMC	Internal Displacement Monitoring Centre
IDPs	Internally Displaced Persons
ILO	International Labour Organization
INGO	International Nongovernmental Organization
KHRG	Karen Human Rights Group
KIO/KIA	Kachin Independence Organization/Kachin Independence Army
KNU/KNLA	Karen National Union/Karen National Liberation Army
KWO	Karen Women's Organisation
LM	Landmine Monitor
MIMU	Myanmar Information Management Unit
MRM	Monitoring and Reporting Mechanism
MSF	Médecins Sans Frontières (Doctors Without Borders)
NGO	Nongovernmental Organization
NLD	National League for Democracy
NSAG	Non-State Armed Groups
OCHA	UN Office for the Coordination of Humanitarian Affairs
OMCT	World Committee against Torture
PAB	Provincial Admissions Boards
RI	Refugees International
SCR	Security Council Resolution
SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
SSA-S	Shan State Army South
STI	Sexually Transmitted Infection
TBBC	Thailand Burma Border Consortium
TCG	Tripartite Core Group
UN	United Nations
UNAIDS	Joint UN Program on HIV/AIDS
UNDP	UN Development Programme
UNHCR	UN High Commissioner for Refugees
UNICEF	UN Children's Fund
UNSC	UN Security Council
USCRI	U.S. Committee for Refugees and Immigrants
USDA	Union Solidarity and Development Association
USDOS	U.S. Department of State
WHO	World Health Organization
WLB	Women's League of Burma

Indicators

Note: The UN statistical data primarily relies on the SPDC's statistics because the SPDC has generally barred the UN and other international organizations from conducting or publishing independent surveys and assessments. The UN and other credible sources have repeatedly questioned the validity of SPDC data in describing the true situation in all regions of Myanmar, including the conflict-affected ethnic regions.¹ This indicator table juxtaposes UN statistical data, if available, with statistics generated by nongovernmental organizations (NGOs) working directly with affected communities.

INDICATORS	Myanmar (Burma)
Population	Estimated 48.4 million people, of which approximately one-third are children, as of 2006 (WHO, 2008)
Gross National Income (GNI) per Capita	US\$281 in 2006 (UN Statistics Division, 2008)
Refugees and Internally Displaced Persons (IDPs)	At least 451,000 IDPs in rural areas of eastern Myanmar excluding IDPs in urban areas or in other parts of the country, but numbers likely to be higher (TBBC 2008); proportionally there are more children in Myanmar's displaced population than in its general population (IDMC 2004). Approximately 191,256 refugees from Myanmar as of end 2007 (UNHCR 2008). More than 1 million refugees from Myanmar in the neighboring countries of Thailand, China, Bangladesh, Malaysia and India (RI, 2007).
Infant Mortality	74/1,000 in 2006 mainly based on data from central Myanmar (World Health Statistics 2008, WHO) 91/1,000 in 2006 among eastern Myanmar's displaced population (BPHWT, 2006)
HIV/AIDS	0.7 percent estimated national adult HIV (15–49) prevalence rates as of 2007 (UNAIDS, WHO and UNICEF, 2008) 3.4 percent estimated national HIV prevalence rates as of 2000 (Johns Hopkins Bloomberg School of Public Health, 2006)
Education	Estimated 90 percent national net enrollment rate in primary school and 37 percent in secondary school; near gender parity in primary and secondary school (UNICEF, 2008). Fewer than 55 percent of enrolled children complete the primary cycle (UNICEF, 2008). In conflict or ceasefire areas of Kayin (Karen), Kayah (Karenni), Shan, and Rakhine (Arakan) States, only one out of 10 children are able to attend primary school (All Burma Federation of Student Unions, <i>Year 2004 Education Report</i> , February 2005).
Gender-Based Violence (GBV)	Rape and gang rape are reportedly committed by Myanmar Armed Forces in Chin, Shan, Kayin (Karen), Kayah (Karenni), Mon, Kachin and Rakhine (Arakan) States, according to women's groups operating in Myanmar. Other conflict-related GBV includes trafficking, sexual exploitation, early marriages and sexual harassment (WLB, 2008).
Trafficking	Children from Myanmar's border areas are regularly trafficked to Thailand, China, India, Bangladesh, India, Pakistan, Malaysia, South Korea and Macau for commercial sexual exploitation, domestic servitude and forced or bonded labor (USDOS 2008).
Landmines and Explosive Remnants of War (ERW)	Extensive use of landmines by Myanmar Armed Forces and non-state armed groups (NSAGs); continuing and ongoing landmine and ERW contamination, particularly in the eastern states on the Thai border (LM 2008)
Small Arms	No reliable estimates are available.
Child Soldiers	Thousands of children recruited by Myanmar Armed Forces; recruitment and use of children by most NSAGs, albeit on a much lower scale than the Myanmar Armed Forces (The Coalition, 2008)
Abductions and Disappearances	Myanmar Armed Forces and proxies have abducted children to subject them to a range of violations, including forced recruitment, forced labor, rape and trafficking (HREIB, 2008).
Attacks on Humanitarian and Human Rights Workers	No comprehensive data available; frequent reports of attacks by the Myanmar Armed Forces or of mines injuring or killing local aid workers in conflict-affected areas; imprisonment of local aid workers involved in cyclone relief efforts and human rights workers (BPHWT 2006; FBR 2007; HRW 2008)

International Standards²

International Treaties Signed (S)/ Ratified (R)/ Acceded (A) (Year)	International Treaties Not Signed
<ul style="list-style-type: none"> • Convention on the Rights of the Child (A, 1991) • The Geneva Conventions I, II and III of 1949 (R, 1992) • Convention on the Prevention and Punishment of the Crime of Genocide (R, 1956) • Convention on the Elimination of All Forms of Discrimination against Women (A, 1997) • International Labour Organization (ILO) Convention 29 on Forced Labor (R, 1955) • ILO Convention 87 on Freedom of Association and Right to Organize (R, 1955) • Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (A, 2004) 	<ul style="list-style-type: none"> • Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict • Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography • The Geneva Convention IV of 1949 (relative to the Protection of Civilian Persons in Time of War) • The 1977 Additional Protocols • ILO Convention 182 on the Worst Forms of Child Labor • Rome Statute of the International Criminal Court • 1951 Convention relating to the Status of Refugees and its 1967 Protocol • Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (“Mine Ban Treaty”) • Convention on Cluster Munitions • Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime • Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment • Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment • International Covenant on Civil and Political Rights • International Covenant on Economic, Social and Cultural Rights
UN Security Council Actions Relating to Children and Armed Conflict in Myanmar	
UN Security Council Resolutions on Myanmar	Myanmar on Security Council’s formal agenda since September 2006; no Security Council resolutions on Myanmar to date; Security Council Presidential Statements (S/PRST/2008/13; S/PRST/2007/37)
UN Security Council Resolutions on Children and Armed Conflict (CAC)	1612 (July 2005), 1539 (April 2004), 1460 (January 2003), 1379 (November 2001), 1314 (August 2000), 1261 (August 1999)
UN Security Council Working Group Conclusions on CAC in Myanmar	S/AC.51/2008/8



Executive Summary

In the midst of Myanmar's enduring political and socioeconomic turmoil, thousands of children also experience the devastating consequences of protracted armed conflict in parts of the country. For decades Myanmar Armed Forces and associated armed groups have engaged in low-level armed conflict with opposing non-state armed groups (NSAGs) in parts of Kayin (Karen), Kayah (Karenni), Shan, Mon and Chin States. Even in so-called 'ceasefire areas,' some NSAGs have retained their arms and in some cases acting as proxy forces of the State Peace and Development Council (SPDC), wreaking havoc on children and their communities.

The high occurrence and brutality of reported human and child rights violations makes it impossible to deny that Myanmar Armed Forces and NSAGs commit grave violations against children in Myanmar's armed conflict. The SPDC must no longer deny these children access to sufficient and lifesaving humanitarian assistance. Finally, the UN Security Council and the international community must not deny the urgency of protecting children from violence, maltreatment and abuse in Myanmar's ongoing armed conflict.

No More Denial: Violations against Children in Armed Conflict

Children living in Myanmar's conflict zones are often caught in indiscriminate shelling and attacks against villages. As a result of the high demand for new recruits, children as young as nine constantly face the threat of forced or coerced recruitment by security forces and civilians, even in public places such as bus or train stations and markets. In fact, the recruitment and use of children has turned into a profitable business for soldiers, civilian brokers and the police, who receive money or food from recruiters for each new recruit. Myanmar Armed Forces have also allegedly committed grave acts of sexual violence, including rape, against women and girls from ethnic minorities. Furthermore, Myanmar Armed Forces have occupied educational facilities for military purposes,

recruited teachers and students for forced labor and planted landmines close to schools or on the paths to schools. In international fora the SPDC has presented such human rights violations and the diversion of public resources to the military sector as necessary measures to fight armed groups opposed to a unified state.

NSAGs, particularly those associated with the SPDC, have also committed violations against children and other civilians, including child recruitment, extrajudicial killings, rape and extortion. Most NSAGs have reportedly recruited and used children in their armed groups, albeit on a much lower scale than the Myanmar Armed Forces.

In addition to these violations, various other violations such as forced displacement, abductions, forced labor and trafficking continue to be committed by Myanmar Armed Forces and NSAGs against children and their families in areas of Myanmar.

Despite ample evidence, widespread impunity and non-accountability leaves perpetrators unpunished and deprives victims of their right to justice and fair remedy. Even in highly publicized rape cases, perpetrators are generally not brought to justice. On the contrary, in some cases survivors have themselves been threatened or punished for speaking out. Similarly, penalties for underage recruitment are weak. In 21 cases of recruitment verified by the UN between September 2007 and December 2008, punishments included official reprimands, monetary fines and, in one instance, loss of one year of military seniority. As a result of these weak penalties, local commanders often choose to commit the crime of child recruitment rather than fail to meet recruitment quotas imposed on them, which carry harsher penalties. In general, impunity combined with a lack of adequate medical, legal and psychosocial assistance discourages survivors and their families from reporting violations and seeking assistance or redress.

No More Denial: Humanitarian Assistance

International organizations are not allowed to access the active conflict zones and some ceasefire areas in the East due to restrictions imposed by the SPDC. As a result, children and their families living in these areas face military attacks, landmine injuries and widespread epidemics without sufficient and lifesaving humanitarian assistance. In active conflict zones children are rarely immunized against common diseases. Similar to situations in D.R. Congo and Afghanistan, approximately one in five children in the eastern conflict areas dies before reaching the age of five years primarily due to treatable diseases. Moreover, poor or nonexistent prenatal and postnatal care makes giving birth extremely risky for both mother and child in Myanmar, particularly in the conflict-affected areas.

Despite pressing humanitarian needs, many donors have refrained from providing funding to Myanmar, questioning the effectiveness of their assistance given the limited operational space for humanitarian organizations. Official Development Assistance (ODA) to Myanmar is the lowest per capita worldwide among the least developed countries, according to the Organization for Economic Cooperation and Development (OECD). Some international organizations that operate in Myanmar argue that low funding levels prevents them from taking advantage of the limited access that the SPDC grants and prevents them from pressing for greater access. While sustained and increased assistance is definitely needed for organizations operating in Myanmar and from across the neighboring borders, it is important that assistance is committed with assurances that minimum standards will be met and independent monitoring permitted.

No More Denial: Urgent Actions Needed

In accordance with UN Security Council Resolution 1612 (2005), a UN-led Task Force on Monitoring and Reporting in Myanmar was established in June 2007 to monitor and report on six grave violations against children in armed conflict using information from the UN in collaboration with NGOs. In support of these in-country efforts the Thailand-based Working Group on Children Affected by Armed Conflict, feeds information to the Task Force in Myanmar, effectively acting as its counterpart. Since that time, the Task Force in Myanmar has achieved the release of a number of children from the Myanmar Armed Forces and initiated dialogue with SPDC authorities and, with the support of the Task Force in Thailand, with two NSAGs on action plans to end the recruitment and use of children in armed forces and groups. At the same time, the 2007 Secretary-General's report on children and armed conflict

in Myanmar noted that there are also serious challenges that prevent the Monitoring and Reporting Mechanism (MRM) from fully functioning in Myanmar.

Among other issues, the Task Forces in Myanmar and Thailand are unable to fully engage with NSAGs and are constrained in their ability to monitor and verify violations in conflict areas due to restrictions imposed by the respective authorities. Moreover, the Task Forces have not collaborated effectively with NGOs, and the Task Force in Thailand has cited its inability to verify NGO information due to access restrictions. The effective protection of victims and complainants also remains a recurring challenge for the Task Force in Myanmar as persons have been harassed, sanctioned or arrested by the SPDC, in violation of agreements between the International Labour Organization (ILO) and SPDC, for filing a complaint to the ILO on child recruitment.

Moreover, actions taken by the UN Security Council demonstrate an unwillingness to fully admit to the grave situation of children affected by Myanmar's armed conflict. Instead of calling for sanctions for one of the persistent perpetrators of child recruitment named by the UN Secretary-General for over five years, the 2008 Security Council Working Group on Children and Armed Conflict conclusions on Myanmar did not even acknowledge that the Myanmar Armed Forces recruit and use children, despite ample, reliable evidence received from the UN and other sources.

Urgent Recommendations

No More Denial calls upon all armed forces and groups in Myanmar to immediately halt all violations against children, comply strictly with all international commitments and uphold international human rights and humanitarian law, with particular attention to the Convention on the Rights of the Child and the Optional Protocol on the Involvement of Children and Armed Conflict. Additionally, all actors must take immediate action to protect children in Myanmar from further abuse and to find ways to assist and support those who have suffered the consequences of decades of armed conflict.

The following are key recommendations from Watchlist's report:

1. Take effective measures to prevent violations against children in armed conflict and end impunity

- **The SPDC and NSAGs** should immediately cease all new recruitment of children, immediately release all children currently in military services and give those recruited before age 18 the option to leave. In this

process they should closely coordinate with the relevant UN Country Team in Myanmar and/or Thailand to release children to their families or interim care centers.

- **The SPDC and NSAGs** should work with the UN Country Teams in Myanmar and Thailand to devise action plans that are in line with international standards for halting the recruitment and use of children. This includes unrestricted access for humanitarian personnel to military installations to identify children and support their release, reintegration and rehabilitation.
 - **The SPDC and NSAGs** should prosecute personnel accused of child recruitment, rape, killing and other serious crimes and subject those found guilty to the full penalties prescribed by national law.
 - With support from UNICEF, **the SPDC** should immediately develop appropriate reintegration policies and programs for children released from armed forces and groups. Children currently held in detention for desertion must be immediately released and transferred either to their families, alternative caregivers or appropriate child welfare service providers.
 - **The UN Security Council** should call on the SPDC and relevant NSAGs to immediately end all recruitment of children into their armed forces, to immediately release all children from their forces; and to set a specific deadline for bringing their action plan into compliance with international standards. If tangible progress is not achieved within the specified time frame the Security Council should impose targeted measures, in line with Resolutions 1539 and 1612.
 - **The UN Security Council Working Group on Children and Armed Conflict** should review the situation in Myanmar immediately and issue strong conclusions utilizing the full capacity of its toolkit.
 - **The MRM Task Forces in Myanmar and Thailand** should use every available channel to engage in direct dialogue with parties to Myanmar's armed conflict, including NSAGs, for the purpose of developing action plans to end violations against children.
 - **The Association of Southeast Asian Nations (ASEAN)** should make the promotion and protection of the rights of the child a priority of ASEAN's policy and take effective measures to ensure that all ASEAN members protect children from the effects of armed conflict, to end the use of children in armies and armed groups and to end impunity.
 - **Governments hosting refugees from Myanmar** should allow the UN and international NGOs (INGOs) to engage in dialogue with parties to Myanmar's armed conflict, including NSAGs, for the purpose of developing action plans to end violations against children.
 - **Other governments** should apply targeted legal, political, diplomatic, financial and/or material measures against parties to conflict that consistently violate the security and rights of children in Myanmar, including the recruitment and use of children as soldiers.
- 2. Provide humanitarian access and programs to assist survivors of violence**
- **The SPDC and NSAGs** should provide humanitarian actors with unrestricted and secure access to all areas of Myanmar and guarantee all civilians safe, unimpeded and sustained access to humanitarian assistance.
 - **The SPDC** should significantly increase the proportion of the national budget allocated to the realization of children's rights, making social services to assist children in areas under government control and ceasefire areas a priority.
 - **The SPDC, ASEAN and the UN** should continue to fully support the Tripartite Core Group (TCG) mechanism as an effective model to address critical humanitarian concerns and expand it beyond areas affected by Cyclone Nargis, including conflict-affected areas.
 - **UNICEF** should increase its field presence and capacity along the Thai-Myanmar border to oversee protection programs and coordinate efforts to ensure implementation of the MRM.
 - **The humanitarian community** should increase collaborative efforts among local and international aid organizations inside Myanmar and working across the borders to address the pressing needs of children affected by armed conflict in Myanmar. Services should be provided with a view to strengthening the capacities of local communities and civil society.
 - **The humanitarian community** should ensure monitoring of aid delivery and on-the-ground presence of aid organizations when conducting campaigns to ensure that aid is delivered in line with humanitarian standards.
 - **Donors**, while maintaining prohibitions on direct budgetary support for the SPDC, should substantially increase aid to support programs in Myanmar and those operating from across the borders that protect and assist children in the conflict-affected

areas or from these areas. Any assistance given to Myanmar should strictly follow Sphere standards and take into account the ongoing armed conflict and human rights violations and the widespread concerns about government accountability, transparency and civil society participation.

- **Governments hosting refugees from Myanmar** should accede to the UN Refugee Convention and recognize the primacy of the principle of the best interests of the child in all asylum or immigration decisions, procedures, practices or legislative measures affecting children. At a minimum, all host countries should ensure that the basic needs of refugee children are met.
- **Governments hosting refugees from Myanmar** should support the UN and NGOs in developing and strengthening protection and support mechanisms for children affected by armed conflict from Myanmar, particularly former child soldiers and survivors of rape and other forms of sexual violence.

3. Strengthen monitoring and reporting on all violations committed against children affected by armed conflict

- **The SPDC and NSAGs** should support the MRM and fully cooperate with the Task Force in Myanmar or, as relevant, the Task Force in Thailand on its implementation; they should welcome international teams for fact-finding missions and dialogue for protection and promotion of child rights.
- **The UN Security Council** should request the Secretary-General to provide information on all grave acts against children, reflecting the breadth and depth of documented cases, in close collaboration with Burmese local organizations and networks.
- **The MRM Task Forces in Myanmar and Thailand** should clarify their respective roles and responsibilities in monitoring, reporting and following up on cases. This will require urgent efforts by both Task Forces to ensure full functionality with dedicated leadership from the UN Resident Coordinator.
- **The MRM Task Forces in Myanmar and Thailand** should cooperate with Burmese NGOs with years of experience in monitoring and reporting on violations of children's rights, especially in areas where the UN does not have an active presence. This would include strengthening their technical and financial capacities and working in close partnership with them to ensure that the information submitted to the UN follows UN reporting standards.
- **The ILO** should strengthen its complaints mechanism on forced labor and child recruitment to ensure the confidentiality and protection of victims, witnesses and complainants and that all reporting and complaints are handled with concrete follow-up actions. This also includes raising public awareness of the existence and workings of the mechanism, using the media and other communication channels.
- **The UN Country Teams and NGO partners** should actively engage with the MRM by facilitating complaints to the Task Force in Myanmar or, as relevant, to the Task Force in Thailand and provide relevant information to them.
- **The humanitarian community** should reinforce the child protection capacity of the UN Country Teams in Myanmar and Thailand with additional personnel focused on monitoring, reporting and advocacy.
- **Donors** should provide adequate funding to strengthen the efforts of the UN Country Teams, INGOs and local groups in Myanmar and Thailand to monitor, report on and respond to violations against children affected by Myanmar's armed conflict and to facilitate their increased coordination and collaboration.

The Armed Conflict

Myanmar's independence from British colonial rule in 1948 instigated an armed conflict between various ethnic groups and the central government.³ These opposition armies have accused the Burman-dominated government of discriminating against the non-Burman ethnic population, which makes up at least one-third of the total population.⁴ While many ethnic groups originally fought for independence from Myanmar, almost all have accepted the Union of Myanmar as a fact and are seeking increased autonomy within a federal structure.

Fighting between Myanmar Armed Forces and associated groups and opposing non-state armed groups (NSAGs) has largely concentrated in Myanmar's states bordering Bangladesh, India, China, Laos and Thailand, where most of Myanmar's ethnic minorities live. By the late 1980s, several NSAGs had formed "quasi-states" in territories under their command with their own administration, schools, hospitals and foreign relations.

In the 1990s, the Myanmar government—the State Law and Order Restoration Council (SLORC) or, since 1997, State Peace Development Council (SPDC)—entered into uneasy cease-fires with most of the NSAGs (see Appendix 1). However, these cease-fires have not resulted in a political resolution of the conflict as part of a peace agreement or put an end to the widespread human rights abuses in these areas. The military wing of many of the ceasefire groups, notably the Kachin Independence Organization/ Kachin Independence Army (KIO/KIA), the United Wa State Party/ United Wa State Army (UWSP/UWSA) and splinter groups of the ceasefire groups, have retained their arms and continue to operate along the eastern and western borders. In some cases, ceasefire groups such as the Democratic Karen Buddhist Army (DKBA) have been accused of aligning themselves with the army forces against the remaining armed opposition groups or against the civilian population.

In addition, the Karen National Union/Karen National Liberation Army (KNU/KNLA), the Karenni National Progressive Party/Karenni Army (KNPP/KA), the Shan State Army South (SSA-S) and the Chin National Front/Chin National Army (CNF/CNA) remain in low-level armed conflict with the SPDC in parts of Kayin (Karen), Kayah (Karenni), Shan and Chin States. The KNU/KNLA, the KNPP/KA and the SSA-S operate in territories bordering Thailand and China in the East, and the CNF/CNA in areas bordering India in the West.⁵

International engagement in Myanmar's armed conflict between the SPDC and ethnic minorities has been limited. Thus far, there has not been an international peace initiative to resolve the armed conflict between the SPDC and ethnic minorities in Myanmar. In particular, Asian countries have opposed any political involvement in the armed conflict, which they consider Myanmar's internal affair.

Pro-Democracy Movements

After the military seized power in 1962, the new leadership took the form of a one-party 'socialist' dictatorship under Prime Minister Ne Win and sought to solidify its power by force. After violently crushing nationwide pro-democracy demonstrations in 1988, it regrouped as a military government. The government's tight military rule gave rise to pro-democracy movements calling for its replacement by a freely elected government. In 1990, the SLORC leadership agreed to hold a national election under the belief that it could win the election and legitimize its power. When the main opposition party, the National League for Democracy (NLD), won the election, the SPDC refused to recognize the results. The party's leader, Aung San Suu Kyi, has been in prison or under house arrest from 1989 until 1995, from 2000 until 2002 and from 2003 to the present.

In 2003, the then-Prime Minister Khint Nyunt announced plans for national reconciliation, the "seven-step road map to democracy," which envisioned the drafting of a new constitution and eventually elections. The National

Convention, which first convened in 1993, was reassembled to formulate basic guidelines to draft the country's constitution. However, outside observers have accused the SPDC of using the "road map" to consolidate its rule without allowing for more democratic governing structures. The NLD has refused to attend the National Convention, arguing that the Convention does not allow for meaningful participation by delegates. Although some ethnic political parties associated with ceasefire groups have been involved in the National Convention, the SPDC has—to date—refused to negotiate any political issues with these groups or consider any of their alternative proposals or amendments put forward during the drafting process, according to various sources. This includes any requests for more autonomy of the minority groups under a federal system.

As the SPDC considers public criticism a threat to its leadership, it has reacted with excessive force to peaceful demonstrations. Most recently, in September 2007, the SPDC brutally cracked down on demonstrators, including monks, women and students, who had peacefully protested against the SPDC's unannounced removal of fuel subsidies and violations of their rights. The security forces arrested between 3,000 and 4,000 in September and October and killed at least 15 people, according to the Report of the Special Rapporteur on the situation of human rights in Myanmar, December 7, 2007 (A/HRC/6/14). The Rapporteur recorded in his report 74 forced disappearances, incidents of torture, and numerous other human rights violations connected to the crackdown.⁶

Following strong criticism by the UN Security Council, the UN Human Rights Council, the Association of Southeast Asian Nations (ASEAN) and several individual governments, the SPDC agreed to allow the UN Secretary-General's Special Representative, Mr. Ibrahim Gambari, to visit the country to pursue the UN's good offices mandate. During his visits, Mr. Gambari demanded from the SPDC the release of all political prisoners, including Aung San Suu Kyi, and the inclusion of opposition and ethnic groups in the constitution-drafting process on Myanmar, as demanded by UN General Assembly resolutions and Security Council statements. The former UN Special Rapporteur on the situation of human rights in Myanmar, Mr. Paulo Sérgio Pinheiro, for his part, denounced the human rights violations committed during the SPDC's crackdown after his visit to Myanmar in November 2007, and demanded punitive action against those responsible.

In order to keep the focus of the international community on Myanmar following the September 2007 protests, a Group of Friends of the Secretary-General on Myanmar has been formed at the UN, involving the permanent

five members of the UN Security Council, Singapore as ASEAN chair, Indonesia, Vietnam, Thailand, India, Japan, Australia, Norway and the EU presidency. The UN Secretary-General regularly convenes the Group to review the situation in Myanmar in informal discussions and to urge the SPDC to comply with UN Security Council resolutions by releasing public statements.

In spite of this international pressure, initial prison sentences of political activists have ranged between two and 65 years for their involvement in the protests in September 2007. As of December 2, 2008, more than three-quarters of the 1,072 people arrested for political activities since August 2007, when the protests first started, had yet to go before a judge or complete their trials, according to the Assistance Association for Political Prisoners (AAPP), a Thailand-based group that monitors the situation of political prisoners. Several UN Special Rapporteurs focusing on issues related to human rights openly criticized the trials of the political activists for their lack of independence and impartiality, according to *Reuters*, "UN Rights Experts Condemn Myanmar Activist Trials," November 19, 2008.

Human Rights Violations

The SPDC has presented human rights violations and the diversion of public resources to the military sector as necessary measures to fight armed groups opposed to a unified state. Myanmar Armed Forces and related security forces have perpetrated extrajudicial killings, summary executions, torture, rape, arbitrary arrest, forced displacement, forced labor, extortion and child recruitment, as documented by the UN and numerous human rights organizations.⁷ The 2008 report of the UN's Special Rapporteur on the situation of human rights in Myanmar condemned the excessive use of force and fire arms and severe abuses against unarmed civilians by the SPDC to counter opposition groups (A/HRC/7/24).

The SPDC and allied NSAGs have directly targeted civilians in areas of armed conflict in the East regardless of their actual links with other NSAGs that are fighting against the SPDC. Many of these attacks are linked to the SPDC's 'four-cuts policy,' which specifically aims to prevent NSAGs from receiving food, funding, information and recruits from communities, according to the Internal Displacement Monitoring Centre (IDMC), "Myanmar (Burma): No End in Sight for Internal Displacement Crisis," February 14, 2008. Myanmar Armed Forces reserve the right to shoot on sight, indiscriminately and without prior warning, any person found in these "black zones."⁸ The Thailand Burma Border Consortium (TBBC), an NGO network providing assistance to displaced people from Myanmar, has documented the destruction, relocation or desertion of at least 3,000 villages

in the East between 1996 and 2006. Satellite pictures verify the presence of burnt-out villages, increased military presence and growing populations of displaced people in these areas, according to the American Association for the Advancement of Science (AAAS), *High-Resolution Satellite Imagery and the Conflict in Eastern Burma, Summary Report*, September 28, 2007.

NSAGs have also committed human rights violations against civilians such as child recruitment, extrajudicial killings and extortion regardless of whether they have agreed to cease-fires with the SPDC. Some NSAGs who had ceasefire agreements with the SPDC have been accused of acting as proxies to the SPDC in committing human rights violations.⁹ Yet, reports of Human Rights Watch (HRW), Amnesty International (AI) and numerous local organizations indicate that the vast majority of human rights violations are committed by Myanmar's security forces, which include Myanmar Armed Forces and the police.

On December 23, 2008, the United Nations General Assembly adopted a resolution on human rights in Myanmar expressing concern about the grave violations of international humanitarian law, the continuing discrimination and violations against ethnic minorities and attacks by military forces and NSAGs on villages in Kayin (Karen) State and other ethnic minority states in Myanmar (A/63/430/Add.3). Based on these and other human rights violations, the resolution specifically called on the SPDC to put a halt to these major violations of international human rights and humanitarian law.

Military Control, Corruption and Impunity

These human rights violations are often linked to the SPDC's ever-increasing control of all aspects of civilian life and the militarization of society in Myanmar. According to official SPDC data, more than 24 million citizens joined the Union Solidarity and Development Association (USDA), a state-supported mass organization, through its aggressive and coercive recruitment campaign.¹⁰ The USDA has at times cooperated with the security forces to squelch public protests.

Massive investment in military equipment and recruitment has taken resources away from public services. Current intelligence data suggest that the SPDC spends an estimated 40 percent of its total budget on the military, according to the Council on Foreign Relations, *Understanding Myanmar*, October 4, 2007. To supplement its military budget, the SPDC has confiscated land, used forced labor, extorted money and other contributions from communities in ethnic states for major energy development projects.¹¹ China is the biggest supplier of military equipment to the SPDC, followed by Russia, Serbia and

Ukraine, according to the Stockholm International Peace Research Institute (SIPRI)'s Arms Transfers Database of major conventional weapons between 1988 and 2006.

A weak judicial system and rampant corruption have undermined the rule of law in Myanmar, making way for abuse of power by SPDC officials, the police and the military. Moreover, widespread impunity and nonaccountability leaves perpetrators unpunished and deprives victims of their right to justice and fair remedy. Together with Iraq, Myanmar was ranked the second most corrupt country in the world in Transparency International's 2008 Perceived Corruption Index. Corruption permeates every level of the SPDC's administration due to very low public service salaries and a general sense of impunity. Criminal markets, including drug trade and smuggling, have been thriving under these conditions, particularly in the ethnic areas bordering neighboring countries.

Cyclone Nargis

On May 2 and 3, 2008, Cyclone Nargis struck Myanmar, affecting some 2.4 million people living in the Ayeyarwady (Irrawaddy) and Yangon (Rangoon) Division, with almost 140,000 people killed or missing, according to the UN Office for Humanitarian Affairs (OCHA), *Myanmar: Cyclone Nargis, OCHA Situation Report No. 50*, October 9, 2008.¹² Despite the extent of the humanitarian crisis resulting from Nargis, the SPDC initially restricted international assistance and limited the access of foreign aid workers, saying that it had the capacity to respond itself. At the same time, the SPDC also decided to proceed with its plans of holding a constitutional referendum on May 10, 2008, just days after the cyclone hit. Two months after the cyclone, HRW noted that only 1.3 million out of the 2.4 million people severely affected by the cyclone had received any form of international humanitarian assistance, "Letter to Donors on Reconstruction after Cyclone Nargis," July 22, 2007.

The international community, led by the UN Secretary-General, responded by voicing strong criticism against the SPDC's slow response and reluctance to allow the delivery of supplies by international humanitarian groups. Simultaneously, governments sought to engage the SPDC leadership in the relief efforts by creating the Tripartite Core Group (TCG), consisting of ASEAN, the UN and the SPDC, which served as an important mechanism to address critical humanitarian concerns and coordinate relief efforts in response to Cyclone Nargis.¹³ By late July 2008, the SPDC had eased restrictions on international relief workers visiting affected areas and for conducting their aid operations, according to reports by the International Crisis Group (ICG) and Refugees International (RI). Most international aid organizations in Myanmar have reported more

humanitarian access to the cyclone-affected areas than in other parts of the country, according to OCHA representatives in the region as of December 2008.

On the other hand, low international funding levels and the SPDC's constant interference in aid efforts have continued to undermine relief and reconstruction efforts, according to *The Irrawaddy*, an independent news agency focusing on Myanmar, "Regime Still Impeding Relief Efforts," October 20, 2008. As of November 2, 2008, only 53.3 percent of the Revised Flash Appeal of US\$484 million were raised for Cyclone Nargis, according to the TCG. At the same time, AI recorded 40 accounts of Burmese soldiers or local officials diverting, confiscating or misusing aid intended in the context of assistance to cyclone victims two months after the cyclone, "Myanmar Government Puts Cyclone Survivors at Increased Risk," June 5 2008. In addition, Burmese civilians, including business people, artists and writers, have been detained and sentenced to long prison terms for attempting to deliver aid directly to cyclone victims, according to reports by various human rights organizations.¹⁴

Humanitarian Access

Operational Space for International Humanitarian Organizations

Humanitarian organizations in Myanmar have regularly struggled with the bureaucratic and at times intrusive administrative procedures imposed by the SPDC. After the dismissal of General Khin Nyunt as Prime Minister in October 2004, the new SPDC leadership assumed a more hard-lined approach in the political sphere and towards internationals operating in Myanmar. Its ensuing policies tightened restrictions on the humanitarian and development operations of UN agencies, INGOs and local groups.

In February 2006, the SPDC issued a set of bureaucratic guidelines for UN agencies, international organizations and INGOs/NGOs intended to constrict operational space and activities. These guidelines rendered all new employment, travel, visa, imports and workshops subject to prior approval by several ministries and local aid committees. The English and Burmese texts varied initially but were harmonized in favor of the less restrictive English version at the beginning of 2008. While the presence of the guidelines has stirred much concern and even resentment by aid organizations, they were never implemented or strictly enforced with the exception of travel restrictions on expatriate staff, according to some aid organizations operating inside Myanmar cited by RI.

The September 2007 military crackdown on civilian protesters caused the SPDC to view any in-country international pronouncements or statements with a very critical eye. On the occasion of UN Day (October 24, 2007), the UN Country Team drew attention to the plight of the people of Myanmar by issuing a joint statement along with NGOs, highlighting the urgent socioeconomic needs facing large parts of the population. UN Resident Coordinator Charles Petrie was asked to leave the country shortly after the release of that statement. Subsequently, the SPDC temporarily limited the provision of visas for “western” international staff, instead favoring Asian internationals.

After the first tense weeks following Cyclone Nargis, when the SPDC restricted access to an appropriate number of international aid experts, the UN Secretary-General reached an agreement with the SPDC that permitted visas be granted to aid workers irrespective of their nationalities. Since then, international aid organizations in Myanmar have reported increased levels of access to the cyclone-affected areas. Yet, this has not necessarily translated to progress in areas outside the Nargis-impacted Delta, including the conflict-affected areas, or fundamentally changed the generally difficult operational environment for humanitarians.¹⁵

International humanitarian organizations in Myanmar continue to struggle with high transaction costs, procurement delays and restrictions in accessing vulnerable population and collecting relevant data. For example, some aid organizations must plan eight months in advance to import medicine, wait three months for obtaining visas for entering the country and pay 300 percent taxes to purchase a vehicle. Furthermore, international staff are required to obtain SPDC approval and to have SPDC officials accompany them, which makes it almost impossible for them to conduct independent, confidential assessments. INGOs must also negotiate memorandums of understanding (MoUs) with the SPDC, including detailed descriptions of their planned projects, every year. Meanwhile, they are faced with highly unpredictable and constantly changing SPDC policies and regulations affecting their operations. The government’s move from Yangon (Rangoon) to Naypyidaw has also made communication with the SPDC officials more difficult for aid organizations.

In spite of this adverse environment in 2008, some humanitarian and development organizations in Myanmar noted substantial progress in their ability to work openly, with permission, on certain issues, including education, health, HIV/AIDS and human trafficking, often depending on the counterpart SPDC official and ministries. International aid organizations were able to provide some

assistance in 300 of Myanmar's 325 townships, including in Northern Rakhine (Arakan), Kayin (Karen), Kayah (Karenni), Kachin and Mon States, as of March 2008, according to RI, "Key Facts on the Working Environment for International Agencies," March 26, 2008. However, this does not include conflict zones and some ceasefire areas, which continue to be off-limits to them.

Denial of Humanitarian Assistance

Citing security concerns, the SPDC has denied international organizations access to the active conflict zones and some ceasefire areas in the East, according to the Internal Displacement Monitoring Centre (IDMC), "No End in Sight for Internal Displacement Crisis," February 2008. The International Committee of the Red Cross (ICRC), the only remaining international organization with access to ongoing conflict zones, closed three of its five field offices, one in Mon State and the other two in Shan State in May 2007, citing constant interference by SPDC officials in its prison visits and its monitoring and protection activities in the sensitive border areas. In the same year, the ICRC also reduced the number of its expatriate staff from 56 to 16. Similarly, the French section of Médecins Sans Frontières (MSF) decided to end its operations in Myanmar in 2006, stating that it was no longer possible to carry out its malaria programming in Kayin (Karen) and Mon States due to restrictions on travel and interactions with beneficiaries and local health authorities. However, MSF Holland and MSF Switzerland are still operating in the country.

The consequences of these humanitarian restrictions for children and their families living there are far-reaching and severe. Many face military attacks, landmine injuries and widespread epidemics without sufficient and lifesaving humanitarian assistance. Moreover, in the absence of in-country aid organizations in active conflict zones, help is often delivered by cross-border groups operating from Thailand. While the legal aspects of such activities are hotly debated, the efforts—though small-scale—address some vulnerability and gaps. Nevertheless, an overall, detailed picture of the humanitarian circumstances facing civilians in these areas remains elusive and the access challenges prevent an adequate national and international response.

Increasing humanitarian access with SPDC permission to areas where civilians are evading Myanmar Armed Forces is a contentious issue. Most aid organizations in Myanmar are not able to work openly on protection concerns, according to information shared with Watchlist. Some human rights organizations thus contend that increased humanitarian access could actually harm civilians, as this could entrench displacement and extend SPDC authority over civilians in the absence of international human rights monitoring.

At the same time, much depends on the access conditions and the ability of aid organizations to gain access that allows them to conduct independent human rights impact assessments of their projects.

Risks for Local Groups

As international aid organizations are unable to access most conflict-affected areas, they often work with community-based and local organizations to provide aid to vulnerable groups in conflict-affected areas that are off-limits to them. Some of these local organizations operate from Myanmar mainly assisting communities in the government-controlled and ceasefire areas, according to the IDMC, "No End in Sight for Internal Displacement Crisis," February 2008.

A UN official in Myanmar explained to Watchlist that local groups face severe risks when carrying out humanitarian work unless they are directly affiliated with the SPDC. Once the SPDC perceives local groups as politically motivated, it may put them under Government surveillance and is reported to have at times harassed, interrogated, detained and even convicted and sentenced them to prison on unrelated and questionable charges. Other groups that are seen as politically neutral have to beware of sharing information on their work and the humanitarian situation with the international media, according to the same source. Local groups have faced some pressure by the SPDC to work with USDA, a government-affiliated mass organization that has become known for its close association with Myanmar's security forces, according to ICG. In order to operate freely and evade the government's restrictions, some local organizations working from inside Myanmar are forced to conduct their activities in secrecy and minimize their communications to their international partners.

The humanitarian activities in the areas of ongoing armed conflict are generally organized as cross-border operations in Thailand. Local aid workers report taking great risks during efforts to deliver humanitarian aid in areas where opposition groups are still operating against the SPDC. Between 1998 and 2006, attacks by the Myanmar Armed Forces or mines killed seven medics and one traditional birth attendant from the Back Pack Health Worker Team (BPHWT), a local aid organization based in Thailand, according to their report *Chronic Emergency: Health and Human Rights in Eastern Burma*, May 2006. More recently, Free Burma Rangers (FBR), a local aid NGO working on the Thai-Myanmar border, reported that a member of their relief team was interrogated, tortured and killed by the Myanmar army on April 10, 2007, according to its report, *Burma Army Executes Captured Relief Team Member*, April 27, 2007.

This highly dangerous working environment has led some cross-border aid organizations to cooperate with NSAGs active in the area, which provides them with intelligence, transportation, logistical support and, in some cases, physical protection. Some international organizations argue that this direct cooperation between local aid organizations and NSAGs conflicts with humanitarian principles and may undermine their credibility for reporting violations against children and other civilians. However, the SPDC's access restrictions for the UN and INGOs often makes it impossible for them to deliver aid to these areas without such support.

Some villagers have refrained from accepting much-needed assistance from cross-border groups, fearing potential sanctions under the Unlawful Association Act, according to the Human Rights Education Institute for Burma (HREIB), a Thailand-based Burmese human rights organization, *Forgotten Future: Children Affected by Armed Conflict in Burma*, November 2008. The act stipulates that anyone supporting political dissident groups is to be considered an enemy of the state and to be punished accordingly.

Lack of Data and Surveys on the Humanitarian Situation

There is a severe lack of basic data on the humanitarian needs and priority responses required in Myanmar. The SPDC has been apprehensive of data collection or surveys being conducted in Myanmar. The 2007 report of the U.S. Government Accountability Office (GAO)¹⁶ describes SPDC guidelines explicitly banning any surveys that have not been previously approved in the original project documentation. For example, the SPDC refused an external assessment team to review Myanmar's response to HIV/AIDS in conflict zones or mining areas where HIV prevalence rates are high, according to a landmark health study on Myanmar by the Human Rights Center, University of California, Berkeley and Johns Hopkins Bloomberg School of Public Health (JHSPH), *The Gathering Storm: Infectious Disease and Human Rights in Burma*, July 2007. Health professionals usually are not able to openly speak about or publish the SPDC's health policies, according to the same study. As a result, some UN agencies and NGOs do not publicly share data gathered from their service provision programs due to concerns for a potentially negative reaction by the SPDC.

This adverse environment has made it difficult for aid organizations to devise adequate responses to the needs of children and their communities in Myanmar. However, in an effort to address this gap, the UN established the Myanmar Information Management Unit (MIMU) in Yangon (Rangoon) in June 2007 to service the Interagency

Standing Committee (IASC) Country Team, comprised of the UN and NGOs. MIMU's aim is to establish a common, comprehensive and objective overview of the country's humanitarian priorities.

Funding Implications

Many donors have refrained from providing funding to Myanmar, questioning the effectiveness of their assistance given the limited operational space. Moreover, the question on the provision of humanitarian aid has become extremely politicized as many donor states want to avoid providing assistance to a country to whose leadership they are opposed. Official Development Assistance (ODA) to Myanmar is the lowest per capita worldwide among the least developed countries, according to the Organization for Economic Cooperation and Development (OECD).¹⁷ Myanmar only receives US\$2.88 per person in overseas development assistance, whereas other countries with similarly repressive governments such as Sudan and Zimbabwe have received US\$55 per person and US\$21 per person, respectively. Some international organizations that operate in Myanmar argue that low funding levels prevents them from taking advantage of the limited access that the SPDC grants and prevents them from pressing for greater access.

Following SPDC-imposed limitations on monitoring and implementation of programming in 2005, several donors withdrew funding support for Myanmar. The Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria, which was supposed to start at the end of 2006, cancelled its activities in Myanmar, citing excessive and other restrictions.¹⁸ Other major donors such as the World Bank, the Asian Development Bank and the International Monetary Fund have not approved new loans to Myanmar in more than twenty years, according to GAO, *International Organizations: Assistance Programs Constrained in Burma*, April 2007.

New funding initiatives for cyclone victims have allowed aid agencies to gain more humanitarian access in the cyclone-affected Ayeyarwady (Irrawaddy) Delta, according to Refugees International, "Burma: Building upon Success," September 4, 2008. Sustained and unimpeded assistance will be needed to address the urgent needs of civilians suffering from the effects of the cyclone and other vulnerable populations.

Killing and Maiming

Military Attacks

The boundaries between civilians and combatants have become extremely blurred in Myanmar's armed conflict. Within an environment of increasing militarization, Myanmar Armed Forces and NSAGs regularly commit human rights violations. The Myanmar Armed Forces have shelled villages to encourage forced relocation or to depopulate areas, according to AI, "Crimes against Humanity in Eastern Myanmar," June 5, 2008. Human rights organizations have also frequently documented children caught in indiscriminate attacks and shelling against villages in conflict zones. The 2007 Secretary-General's report on children and armed conflict in Myanmar was not able to verify credible reports of attacks by Myanmar Armed Forces against villagers committed between 2006 and 2007 in Kayin (Karen) State due to access constraints. According to these unverified reports, children had been killed or seriously injured in the attacks (S/2007/666).

In one case, a 3-year-old child and a young man were killed in artillery shelling on Sit Hmudan Haung Asu village near the border town of Myawaddy in Kayin (Karen) State during fighting between the Democratic Karen Buddhist Army and the KNU/KNLA, according to Democratic Voice of Burma (DVB), a Norway-based nonprofit media organization, "Two People Killed during Karen Rebel Clash," June 11, 2007. In another incident, on September 12, 2008, a 15-year-old boy was killed when Myanmar Armed Forces shelled Klay Soe Kee village in northern Kayin (Karen) State, according to a report by FBR, *Killing of Villagers, Deadly Landmines, and Women Forced to Work for the Burma Army*, September 2008. On the same day, the troops also shelled a nearby plantation, seriously injuring a 14-year-old boy, according to FBR.

The SPDC's shoot-on-sight policy sanctions the direct targeting of anybody who breaks movement restrictions by remaining in designated "black zones" or by leaving SPDC-controlled villages and relocation sites.¹⁹ As a result, Myanmar Armed Forces have at times even killed or injured

babies or small children as enemies of the state regardless of their age. For example, Myanmar Armed Forces killed villagers, including a mother and her 2-month-old baby and 7-year old child in Toungoo District in northern Kayin (Karen) State in April and May 2007, according to the Karen Human Rights Group (KHRG), an independent group documenting the human rights situation of people in rural Myanmar, "Landmines, Killings and Food Destruction: Civilian Life in Toungoo District," August 9, 2007. The SPDC's indiscriminate attacks against civilians suspected of links with NSAGs have even caused some villagers to seek the protection of NSAGs, according to reports of local organizations serving this population.

Some children from ethnic minorities have also been arrested and tortured by Myanmar Armed Forces who accuse them of complicity with NSAGs belonging to the same ethnicity. In November 2005, a 17-year-old Chin boy was arrested and tortured by Myanmar Armed Forces for speaking with a member of Chin National Army (CNA), according to Christian Solidarity Worldwide Hong Kong, *Fact-Finding Report*, March 2006. While pressing the boy for more information, the soldiers beat him to the point of unconsciousness and cut him with a knife into his back.

Following such attacks, victims and witnesses may suffer from trauma and psychosocial dysfunction, according to HREIB, *Forgotten Future*, November 2008. However, others have shown remarkable resilience in the face of such attacks and abuses by the military and developed resistance strategies, including the monitoring of troop movements and employing advanced warning systems to alert villagers of approaching army patrols, according to KHRG, *Village Agency, Rural Rights and Resistance in a Militarized Karen State*, November 2008.

Landmine Explosions

At least five boys and three girls were either injured or killed by landmine explosions in 2007, according to the International Campaign to Ban Landmines (ICBL), *Landmine Monitor (LM) 2008* (see below: Landmines and ERW). In one

case, the landmine blew off the lower portion of a girl's right leg. A 13-year-old boy was blinded and had his face and upper torso wounded by a landmine placed by Myanmar Armed Forces in Lay Kee village in northern Kayin (Karen) State, according to FBR, "13-year-old Boy Blinded by Burma Army Landmine," December 5, 2007. The boy's 8-year-old sister was nearby and was also injured by the explosion. In a more recent case, in March 2008, a 16-year-old girl stepped on a landmine planted by Myanmar Armed Forces in Htee Baw Kee village, Kayin (Karen) State, according to KHRG, "Burma Army Attacks and Civilian Displacement in Northern Papun District," June 12, 2008.

Other Violence

Children in Myanmar also face other brutal violations that may lead to injury or death. On July 27, 2008, some SPDC soldiers allegedly brutally raped and killed a 15-year-old girl in northern Myanmar, near the border with China, according to Asian Human Rights Commission (AHRC), "Urgent Appeal Case: AHRC-UAC-224-2008," October 9, 2008. Similarly, on December 28, 2008, a 7-year-old girl was allegedly abducted, raped and killed by a soldier of the Myanmar Armed Forces in a village in Nyaunglebin District, Kayin (Karen) State, according to Karen Women's Organisation (KWO), "Urgent Statement by the Karen Women's Organisation," January 2, 2009 and FBR, "Burma Army Threatens and Attempts to Bribe Parents of Raped and Murdered 7-year-old Girl in Karen State," January 25, 2009. In both cases, no action has been taken to bring the perpetrators of these incidents to justice despite strong evidence and eyewitness accounts. Rather, some members of the security forces tried to force the families into accepting an extrajudicial settlement. In the case of the 15-year-old girl, this was allegedly done with the assistance of local officials. In some of these cases, it is difficult to distinguish when these incidents are conflict-related or are due to pervasive impunity enjoyed by armed forces and groups.

Refugees and IDPs

Internally Displaced Persons

General Situation

The SPDC does not recognize the existence of IDPs or armed conflict in Myanmar but views IDPs as illegal economic migrants or members of resistance groups, according to the 2008 Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/7/18. para. 42f). No survey has been conducted to date to assess the full scope and nature of current conflict-induced displacement in Myanmar. However, at least 451,000 people were estimated to be displaced in the rural areas of eastern Myanmar as of October 2008, according to TBBC, *Internal Displacement and International Law in Eastern Burma*, October 2008.²⁰ These statistics gathered by TBBC and its partners are based on surveys from rural areas of 38 townships in the East that were most affected by forced displacement. TBBC researchers were not able to survey urban areas or mixed administration areas. In addition, large numbers of IDPs are displaced in other parts of the country, especially in Kachin and Shan States, western Myanmar, and some parts of Kayin (Karen) State, according to the Centre on Housing Rights and Evictions (COHRE), *Burma Country Report: Displacement and Dispossession: Forced Migration and Land Rights*, November 22, 2007. The estimated number of IDPs in Myanmar at present is therefore likely to be over 1 million, according to COHRE. Many of these IDPs have been forced to flee multiple times inside Myanmar and, after exhausting all further options and coping mechanisms, have been forced to cross the border into neighboring countries in search for human security.

Armed conflict and related human rights violations are fuelling displacement mainly in Kayin (Karen) State, in eastern Tanintharyi (Tenasserim) Division, southern Mon State, southern and eastern Kayah (Karenni) State, southern Shan State and parts of Chin State and Sagaing Division, according to COHRE. In these areas, many civilians have directly fled military attacks or were no longer able to sustain their human and food security. In addition, military

predation and land confiscation has caused displacement in many other parts of the country, particularly in Rakhine (Arakan) and Kachin States, according to the same source. SPDC exploitative policies and mismanagement have also undermined the ability of people in remote and underdeveloped regions in Myanmar to sustain a livelihood and has forced many civilians to flee for economic survival.

Many IDPs in eastern Myanmar face serious protection concerns in ceasefire areas and SPDC-run relocation sites or when hiding in the contested areas. Based on TBBC's estimates, most IDPs, an estimated 224,000, live in areas administered by the political wings of NSAGs that have a ceasefire agreement with the SPDC as of October 2008. The SPDC has allied with some of these ceasefire groups, such as the DKBA, using them as proxies to fight NSAGs and to expand control over the population, according to KHRG.

An estimated 126,000 IDPs have been forced into SPDC-run relocation sites where they are often exploited to provide forced labor, food, money and other supplies, and exposed to violence and abuse by Myanmar Armed Forces, according to TBBC. While the SPDC coerces them into the relocation sites, civilians are expected to provide for their own housing, food, health and education facilities, safe water supplies and other needs, according to KHRG.²¹ Movement restrictions also prevent villagers from earning a living and accessing schools, health care and other public services outside the designated areas. In addition, the proximity to the military in relocation sites exposes IDPs to exploitation and abuse by Myanmar Armed Forces. However, living conditions at relocation sites and villages vary, according to HRW, "They Came and Destroyed Our Village Again": The Plight of Internally Displaced Persons in Karen State," June 9, 2005. Some sites, particularly those that have been established for longer periods of time, have schools and offer some paid work. Some residents prefer to stay in these sites even when they have the option of leaving, according to HRW.

An estimated 101,000 IDPs have remained in contested areas outside relocation sites against SPDC orders, according to TBBC. These villagers live in constant fear of being discovered by Myanmar Armed Forces, who are instructed to shoot—on sight—any person remaining in the designated “black zones.” As a result, villagers often resist the abuse and maintain a life in hiding in the jungle despite the difficult circumstances they face there. Remaining within their home areas means being constantly prepared to move to escape human rights violations by Myanmar Armed Forces and armed groups associated with them.

Most relocation sites are also blocked from external assistance, according to COHRE.²² As a result of SPDC’s restrictive policies, assistance to IDPs is limited and few international organizations in Myanmar are able to focus on their specific concerns, according to the Department for International Development, UK (DFID), “DFID Assistance to Burmese IDPs and Refugees on Thai-Burma Border,” July 25, 2007.

Specific Issues Relating to IDP Children

In many cases, families try to protect their children from abuses by the Myanmar Armed Forces by choosing to flee into hiding. Once in hiding, villagers often set up schools to ensure continued education for their children. These are commonly under trees, using rock faces as blackboards or blackboards salvaged when fleeing from the village. In more stable hiding sites, local organizations may provide educational material and teacher training (see below: Education).

IDP children in hiding are also affected by malnutrition, inadequate water and sanitation facilities, and exposure to mosquitoes and malaria when sleeping outside or in makeshift shelters.²³ The instable conditions also explain the high death rates of displaced children due to preventable diseases (see below: Health). Some local organizations have deployed mobile health units to serve the people’s immediate needs. While these mobile assistance programs are currently only able to reach limited numbers of people and at irregular intervals, they are often the only medical assistance programs available in these areas, according to Canadian International Development Agency (CIDA), *Children Caught in Conflicts: The Impact of Armed Conflict on Children in Southeast Asia*, March 2007.

In some relocation sites, the health and educational situation for IDPs appears even more precarious. The IDPs, including children, usually have to construct the sites themselves, and must comply with other SPDC demands for labor and resources. Even though medical and educational opportunities in the sites are limited, children are not allowed to go to neighboring villages to access

these services, according to KHRG, *Growing Up Under Militarization: Abuse and Agency of Children in Karen State*, April 30, 2008.

In the rush of fleeing their homes, families often scatter and children are left behind or lost in the process, according to the same source. Other children lose their parents during attacks and fighting among armed forces and groups, according to the same source. Many separated and orphaned children manage to link up with other villagers who may help them locate their family or who informally or temporarily adopt them, according to anecdotal information shared with Watchlist.

Besides the forced separation of children, some families from ethnic minority groups also actively decide to send their children to live with relatives in more stable areas, or in refugee camps where they can evade state control and can more easily access educational and other services (see below: Refugees in Thailand).

Refugees

More than one million people have fled discrimination, violence and fighting in Myanmar to claim refuge in the neighboring countries of Thailand, China, Bangladesh, Malaysia and India, according to RI, “Military Offensive Displacing Thousands of Civilians,” May 16, 2007. Of these host countries, only China has signed and ratified the UN Refugee Convention. Thailand, Bangladesh, Malaysia and India are thus not legally obliged to provide protection for those people fleeing from Myanmar and may not recognize refugees despite their legitimate claims. While governments still have an obligation under international customary law not to send refugees back (principle of non-refoulement), the lack of recognition of a person’s refugee status has resulted in protection concerns for many refugees from Myanmar.

In some cases, host governments have also used the presence of a cease-fire to justify the forced repatriation of refugees to Myanmar despite continuing insecurity in their states of origin. For instance, Thai authorities forcibly repatriated approximately 12,000 Mon refugees by 1996 after the New Mon State Party signed a cease-fire with the SPDC. Most of these refugees did not return to their areas of origin but became IDPs inside Myanmar, according to MSF, “Supporting Ethnic Minorities’ Efforts against Malaria in Mon State Ceasefire Zone: Myanmar,” March 28, 2008.

Refugees in Thailand

Reflecting the extent of abuse, attacks and armed conflict in the bordering Kayin (Karen), Kayah (Karenni), Shan and Mon States, and Tanintharyi (Tenasserim) Division, Thailand has received the largest number of recognized refugees

from Myanmar. As of February 2008, the camp population stood at approximately 116,997 persons comprising 111,104 registered refugees, 3,236 persons with pending refugee status before the Provincial Admissions Boards (PAB)²⁴, the government-owned screening mechanism for Myanmar asylum seekers, and 2,657 students, according to UNHCR. Those admitted by the PAB are not officially recognized as refugees by Thailand, but receive legal permission to reside in the refugee camps.

Most asylum seekers from Myanmar who arrived since the beginning of 2004 have not been able to receive any form of protection in Thailand, according to "Burmese Asylum Seekers in Thailand: Still Nowhere to Turn," in *Forced Migration Review 30*, "Burma's Displaced People," April 2008. The PABs have significantly slowed down their processing of cases in recent years due to the large increase of asylum seekers who entered into the camps along the border without undergoing prescreening at the border, according to UNHCR.²⁵ However, the Thai government is expected to implement a prescreening pilot project for the unregistered persons in four camps in four provinces in early 2009, according to UNHCR.

Many asylum seekers from Myanmar who would qualify for refugee status currently live as unregistered migrants in Thailand with no access to services, legal protection or opportunities for resettlement. The lack of legal protection also renders them vulnerable to discrimination, exploitation and other forms of abuse.²⁶ However, few of the estimated 1.5 million migrants from Myanmar in Thailand are expected to apply for legal status due to the cumbersome administrative procedure, according to *Migration News*, Southeast Asia, Vol. 14, No. 4, October 2008. Since September 11, 2008, Thai authorities have also required illegal migrants from Myanmar in Thailand to submit an application for legalization that is shared with the Burmese authorities for selection of workers to be legalized in Thailand. The selected candidates then have to return to Myanmar to obtain temporary passports from the SPDC and work permits from Thai service centers along the Thai-Myanmar border. By making themselves known to Burmese and Thai authorities, migrants, asylum seekers and refugees risk being fined, detained and punished, according to *Migration News*.

Most registered refugees in Thailand live in one of the nine official refugee camps close to the border to Myanmar, according to UNHCR. The management and infrastructure of camps are usually well developed but the camp population is extremely isolated from the resident population of Thailand. The Thai government rejects local integration of refugees and does not permit refugees to move freely or work outside the camp. Despite these restrictions, some

refugees still work illegally outside the camps in agriculture, factories and domestic work, often at the risk of being arrested, deported and losing their right to resettle, according to the findings of the Women's Refugee Commission's²⁷ field mission to Thailand, *Living in Limbo*, May 2008.

As most refugees cannot return to Myanmar or start a new life in Thailand, resettlement seems the only viable option for many after years and sometimes decades in the camps. In 2005, the United States agreed to a massive resettlement program, pledging to resettle approximately 60,000 refugees in Thailand in the United States by 2010. The program is limited to those who currently reside in the camps and can claim fear of persecution by SPDC or its proxies.

This U.S. resettlement program has caused some concern among aid organizations working on the Thai-Myanmar border as operations in refugee camps in Thailand are largely run by the affected communities. The massive movement has drained camps in Thailand of some of the most educated and skilled people involved in camp management, including teachers, health workers and camp management staff, according to TBBC, *Programme Report: January to June 2008*.

Due to the situation of protracted displacement, some of the refugee children from Myanmar have never known a life outside the camp. Despite the longevity of displacement, the Thai government does not accept local integration into Thai society as an option for the refugees it hosts. Refugee camps have reported that some older children might become frustrated, and at times violent, as they face a bleak outlook on a life without hope for leaving the camps, according to CIDA, *Children Caught in Conflicts: The Impact of Armed Conflict on Children in Southeast Asia*, March 2007. In one case, reported by a senior Kayin (Karen) leader, this frustration caused some boys to leave the camp to volunteer to fight with an NSAG in Myanmar, according to CIDA (see below: Child Soldiers). Other youth have reportedly turned to alcohol, drugs and gang violence, according to anecdotal reports shared with Watchlist.

The outlook is even dimmer for those refugee children who have been denied refugee status in Thailand due to ethnicity or arrival after November 2005. These children are subject to arrest and deportation as illegal immigrants and, depending on their ethnicity, may face difficulties entering the mainly ethno-specific refugee camps. In contrast to refugee children, the majority of school-age migrant children miss out on school and other social services. Of the 93,000 registered migrant children in Thailand under the age of 15, only 14 percent were enrolled in school as of 2003, even though national laws specify a right to schooling and prohibit employment for migrant children,

according to the International Organization for Migration (IOM), *International Migration in Thailand*, 2005. Physicians for Human Rights, an INGO, noted that illegal migrants, particularly children, have become an easy target for smugglers and traffickers in Thailand, *No Status: Migration, Trafficking and Exploitation for Women in Thailand: Health and HIV Risks for Burmese and Hill Tribe Women and Girls*, June 2004.

As an important step towards protecting children who are in Thailand, including those of migrants, asylum-seekers and refugees, Thailand passed a Civil Registration Act on February 25, 2008, allowing children to register and obtain a birth certificate regardless of their status. This birth registration allows migrants to pay into the health insurance scheme for their children and more easily access health and education services. In addition, some schools for migrant children on the Thai-Myanmar border operate unofficially.

Children separated from their families, either forcibly or intentionally as a protection strategy against violence in Myanmar, usually stay with relatives or foster families, or in boarding houses in Thailand. In some cases, children being sent to refugee camps for schooling move in and out of camps for regular visits during school breaks, according to UNICEF, *Situation Analysis Report: Strengthening Alternative Care Options for Refugee Children, A Report for UNICEF Thailand*, December 2006. In practice, it is difficult for children to maintain such close ties due to the cost of travel, the fear of abduction on their way to or from their families, the constant displacement of families due to the conflict, and other obstacles, according to UNICEF. In some cases, young children may forget where they had come from, posing problems for their eventual reunification, according to CIDA, *Children Caught in Conflicts: The Impact of Armed Conflict on Children in Southeast Asia*, March 2007.²⁸

Refugees in India

An estimated 60,000–80,000 Chin people have fled to India, mainly to the northeastern state of Mizoram, in order to escape persecution and armed conflict in Myanmar, according to *Forced Migration Review 30*, “Burma’s Displaced People,” April 2008. The lack of protection has exposed many of these refugees to discrimination and forced return to their countries of origin, according to RI, “Burmese Refugees in New Delhi: Self-Sufficiency Goals Not Being Met,” June 6, 2006.

The Indian government has also not permitted UNHCR to operate in the northeastern border region where most refugees from Myanmar live. In order to apply for refugee or asylum status or assistance, the refugees must therefore undertake a costly journey to the UNHCR office in New

Delhi, where long waiting times expose them to severe risk, according to the U.S. Committee for Refugees and Immigrants (USCRI), *World Refugee Survey 2008 – India*, June 19, 2008. Delays in registering and processing Chin asylum seekers by UNHCR have caused problems among mothers and children in particular who are in need of food and shelter and education for children, according to a Chin Human Rights Organization (CHRO) press release, “Asylum Seeking Mother and Children at Risk,” March 6, 2008.

Refugees in Bangladesh

Ethnic discrimination and religious persecution has caused 250,000 Muslim Rohingya to flee to Bangladesh since the early 1990s. Since 1982, the ruling authorities in Myanmar have refused to accept the Rohingya as Burmese citizens, turning them into stateless people in their own country, according to RI, “Rohingya: Discrimination in Burma and Denial of Rights in Bangladesh,” July 21, 2006.²⁹ Many are denied basic rights to freely move, work or marry without an official permission. At the same time, SPDC officials have exploited refugees for forced labor during the day and forced sentry duty at night without any form of compensation, according to RI.

While most of the Rohingya refugees in Bangladesh have been forcibly repatriated to Myanmar, many returned to Bangladesh because the situation in Myanmar was not safe for them. Approximately 26,300 Rohingyas still live in two camps in the southern Cox’s Bazar area, according to the USCRI, *World Refugee Survey 2008 – Bangladesh*, June 19, 2008. An additional 100,000 to 200,000 live as unregistered refugees outside the camp areas, according to the same source. Since 2006, the Government of Bangladesh has allowed UNHCR to construct new shelters for refugees in both camps and allow other UN agencies and NGOs to run programs in the refugee camps. In addition, a very small number of Rohingya refugees have been able to resettle to a third country.

Refugees in Malaysia

Malaysia officially hosted nearly 70,000 refugees from Myanmar, including 25,000 ethnic Chin, 20,000 Mon and 12,000 Rohingya as of 2008, according to the USCRI, *World Refugee Survey 2008 – Malaysia*, June 19, 2008. The actual number of refugees from Myanmar is likely to be considerably higher, according to RI. While RI was not able to obtain confirmed numbers, recent estimates indicate that there are as many as 70,000 Rohingya alone in Malaysia, which makes up approximately half of the entire Myanmar refugee population in the country. The Government of Malaysia has not signed the Refugee Convention and has expelled refugees back to Thailand, the entry point of

many refugees, according to the University of New England Asia Center (UNEAC) Asia Papers, No. 18, 2007, "Refugees and Refugee Policy in Malaysia."

Refugees in Malaysia are frequently harassed or detained by Malaysian authorities or the People's Volunteer Corps, or RELA, a group of civilian volunteers authorized by the Malaysian government to arrest undocumented migrants, according to the USCRI, *World Refugee Survey 2008 – Malaysia*, June 19, 2008. On June 25, 2008, for example, Malaysian security forces arrested and detained 230 Chin refugees, including 30 children and 5 pregnant women, in a large-scale raid targeting a refugee center for Chin and two neighborhoods where Chin refugees lived, according to *Chinland Guardian*, "Tensions Rise as More Chin Refugees Arrested in Malaysia," June 29, 2008.

Malaysian authorities also arrested and detained eight Chin women and 13 children in October 2008, according to the USCRI. Burmese women refugees and asylum seekers have also reportedly been arrested and detained when trying to register their newborn babies with local authorities, according to RI, Malaysia: "Government Must Stop Abuse of Burmese Refugees and Asylum Seekers," May 23, 2007. The detention centers for illegal immigrants are usually overcrowded, unhygienic and unsafe, and lack sufficient access to food and health services, according to the USCRI. These raids are increasing in frequency and aggressiveness, according to RI.

Refugees in China

There is no statistical data available on the number of refugees from Myanmar in China and very little information on their situation. Most of these refugees are members of the Kachin ethnic group.

Health Care: Investment and Access to Services

In 2005 Myanmar was spending 2.2 percent of its GDP on the health care sector, which is less than US\$ 0.70 per person annually, according to World Health Statistics Report 2008. This investment is considerably lower than in any other country in the southeast Asia region.

Furthermore, local military units and officials have repeatedly been accused of confiscating drugs and other aid materials for their own use or to sell and to stop villagers from being able to maintain a life outside of SPDC control. In one case documented by KHRG in 2006, soldiers confiscated a child's medicine from a woman, which partially led to the death of the 3-year-old child. Some local army personnel have also closed down village-run clinics and prohibited the personal possession of medicine under the pretext of keeping NSAGs from obtaining medical supplies, according to KHRG, Submission for the UN Secretary-General's Report on Children and Armed Conflict: Incidents from September 2007—October 2008, January 2009.

Myanmar also receives extremely little external funding to improve its health care system as poor governance and constraints in the delivery of aid discourage many from investing in the country (see above: Humanitarian Access). This underfunding of the health sector inevitably puts additional strains on the people of Myanmar, who already struggle to make a living under trying circumstances.

The lack of political will and financial investment by the SPDC starkly contrast with the current needs of the health care system in Myanmar. There is a serious lack of skilled medical staff, equipment and supplies, according to the Center for Public Health, *Responding to AIDS, TB, Malaria, and Emerging Infectious Diseases in Burma: Dilemmas of Policy and Practice*, March 2006. Many physicians and health professionals have not received adequate training and are susceptible to corruption because of the low salaries paid. In some semi-urban and rural areas in Kayah (Karen) State, civilians are often forced to pay self-employed nurses who are not adequately trained

and often engage in unsafe practices, including reusing needles, according to Burma Issues, a Burmese human rights NGO, *Living Ghosts: The Spiraling Repression of the Karenni Population by the Burmese Military Junta*, March 2008. Moreover, health professionals risk being arrested if they are seen as criticizing the SPDC health policies.

The SPDC has contributed to a deterioration of the health situation in many conflict-affected areas by destroying the livelihoods of villagers, forcing them into displacement and preventing aid organizations from moving freely in all parts of Myanmar. In some areas of Kayin (Karen) State, for instance, medical support systems are often managed with extremely limited resources by communities, mostly health and social workers, with some financial and technical assistance from cross-border organizations.

Child Mortality and Prevention of Infectious Diseases

Infant and under-five child mortality remain high in Myanmar, despite some progress in recent years. The infant mortality rate stands at 74 deaths for every 1,000 live births, according to World Health Statistics 2008.

Approximately one in 10 children in Myanmar dies before reaching the age of five years, the highest child mortality rate in Asia after Afghanistan, according to World Health Statistics 2008. The under-five child mortality rate may be twice as high among children living along the eastern conflict zones, according to a household survey by BPHWT, which was conducted among 2,000 households in eight regions of Kayin (Karen), Karenni (Kayah), Shan and Mon State, and Tanintharyi (Tenasserim) Division in 2004.³⁰ The child mortality rate for under-five IDPs from these ethnicities was reported as 22.1 percent, compared with Myanmar's average of 10.6 percent, according to the report.

Infectious diseases pose the biggest threat to the survival of children in Myanmar. Malaria is the leading cause of death for children under five in Myanmar, and tuberculosis rates among children are among the highest in the world,

according to World Health Statistics 2008.³¹ A 2006 survey of the BPHWT found that almost half of the child-related deaths among IDP communities were attributable to malaria. UNICEF vaccination campaigns for children resulted in moderately high levels of national immunization rates for common diseases as of 2005, according to the World Health Organization (WHO).

In spite of this, the nationally reported progress in preventing the spread of infectious diseases does not necessarily reflect the situation in the conflict-affected areas. Most children and mothers in ethnic minority states along the Thai-Myanmar border continue to die of infectious diseases that could be both prevented and cured, according to the report of the Human Rights Center, University of California, Berkeley and Johns Hopkins Bloomberg School of Public Health (JHSPH), *The Gathering Storm: Infectious Disease and Human Rights in Burma*, July 2007.

Measles remains one of the main causes of death for children under five in Myanmar despite the existence of effective vaccinations, according to the World Health Statistics Report 2008. Following a major outbreak in several districts of Kayin (Karen) State, 512 people were infected by measles and four died, according to *The Irrawaddy*, "Myanmar: Measles Outbreaks Highlight Regime's Irresponsibility," November 6, 2008. A cross-border immunization campaign reaching over 7,700 children prevented the further spread of the virus, according to *The Irrawaddy*.

Particularly in active conflict zones, children are rarely immunized against common diseases since aid organizations face difficulties in administering vaccinations in Myanmar's eastern border areas due to displacement and restrictions on movement of aid workers, especially if multiple vaccinations are required. Yet, monitoring and on-the-ground presence of aid organizations is critical when conducting campaigns to ensure that populations benefit from the assistance. In some cases in Kayin (Karen) State where SPDC health staff conducted vaccination campaigns, the SPDC required villagers to pay fees to join the parastatal Myanmar Women's Affairs Federation before they could receive vaccinations, according to KHRG.

Widespread malnutrition in Myanmar also weakens the ability of the children's immune system to resist potentially lethal diseases. One child in three under the age of five suffers from malnutrition, according to United Nations agencies present in the country cited in the 2008 Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/7/18). The 2004 BPHWT's health and human rights survey in eight regions of Kayah (Karenni) State, Kayin (Karen) State, Mon State, and Tanintharyi (Tenasserim) Division revealed that 15 percent of displaced

children suffered from malnutrition, *Chronic Emergency: Health and Human Rights in Eastern Burma*, September 2006. Food shortages and restrictions on the movement of food have aggravated the threat of hunger and malnutrition in Myanmar. Moreover, the abuses of civilians by the SPDC troops have forced villagers in Karen State to abandon their farms and fields and has seriously disrupted regular planting cycles of residents, thereby contributing to a food crisis in the region, according to KHRG, "Attacks, Killings and the Food Crisis in Toungoo District," August 2008.

Maternal Death and Reproductive Health

Poor or nonexistent prenatal and postnatal care makes giving birth to a child a risky and at times lethal endeavor for both mother and child in Myanmar, particularly in the conflict-affected areas. Maternal mortality rates in Myanmar stand at 380 deaths for every 100,000 live births, according to World Health Statistics 2008. In the eastern ethnic states, approximately 27 percent of adult female deaths are pregnancy-related, according to DFID, "DFID Assistance to Burmese IDPs and Refugees on Thai-Burma Border," July 25, 2007. Many mothers suffer from malnutrition and vitamin deficiency and have insufficient time to recover following the birth of the child. Some have to hide in the jungle giving birth under unsafe unsanitary conditions and without the most basic assistance, according to KHRG. In Myanmar, only 57 percent of children are born with a skilled medical practitioner present, according to the World Health Statistics 2008. This statistic does not account for the situation in conflict-affected areas.

Trends

Myanmar has one of the worst HIV/AIDS epidemics in Asia, with an estimated national HIV prevalence rate of 0.7 percent among people between the ages of 15 and 49, according to the *2008 Epidemiological Fact Sheet on HIV and AIDS*, produced by the Joint UN Program on HIV/AIDS (UNAIDS), WHO and UNICEF.³² HIV has lowered life expectancy by 1.7 years in Myanmar, according to UNAIDS, *2008 Report on the Global AIDS Epidemic*. Substantial national efforts to curb the spread of the epidemic through education and prevention activities have led to a significant reduction of prevalence rates between 2001 and 2007, according to the *2008 Epidemiological Fact Sheet on HIV and AIDS*.

Myanmar remains, nonetheless, at the core of the HIV/AIDS crisis in southeast Asia. Rates of HIV infections tend to be highest in China, India and Thailand in the areas bordering Myanmar, according to a report of the universities of Berkeley and Johns Hopkins, *The Gathering Storm: Infectious Disease and Human Rights in Burma*, July 2007. These high prevalence rates can be attributed to the high number of at-risk groups, including drug users and sex workers, due to illegal drug trade and human trafficking.³³ The researchers further revealed genetic analysis that shows that certain strains of AIDS prevalent in India and China originated in Myanmar. All of this indicates that the HIV/AIDS crisis in Myanmar might be far more severe than reflected in official data, according to Berkeley and Johns Hopkins universities.

National HIV statistics may not reflect the situation of people living in the ethnic border areas, which are most at risk due to migration, human and sex trafficking and drug trade. When reviewing Myanmar's national AIDS programs in 2006, the assessment teams of the National AIDS program did not include Mon, Kachin and Kayin (Karen) States when collecting data, according to WHO, *2006 Review of Myanmar National AIDS Program*. HIV/AIDS prevalence rates are likely to be considerably higher in the eastern border areas, according to according to *The Gathering Storm*, July 2007. While there are 'pockets' of very high infection rates across

the country, local organizations have recorded infection rates in some areas of Shan or Kayin (Karen) States that are three or four times as high as national rates, according to the same study. In many remote areas, however, HIV and AIDS are not diagnosed as such due to the limited health services available and the general lack of awareness among communities.

Prevention and Assistance

After years of denial, the SPDC has more recently yielded to increasing pressure from Asian neighboring governments and donors to acknowledge the HIV/AIDS crisis and made HIV one of its priority health concerns, next to tuberculosis and malaria. A multisectoral National Strategic Plan 2006–2010 guides the work of the SPDC with UN agencies and some selected NGOs. This commitment has translated into more support and access for UN and INGOs in carrying out their HIV/AIDS-related activities, such as public awareness-raising programs, condom distribution and HIV-testing, according to ICG, "Myanmar, New Threats to Humanitarian Aid," Asia Briefing No. 58, December 8, 2006. The Three Diseases Fund (3DF), replacing the Global Fund to Fight AIDS, tuberculosis and malaria, provides critical funding to support HIV programs in Myanmar.³⁴

Despite the expansion of an antiretroviral (ARV) treatment program in recent years, only an estimated 15 percent of an estimated 242,000 people, including 1,495 children living with HIV, received life-prolonging ARV therapy, according to the recently released report by Population Services International Myanmar, Save the Children and the UN Joint Team on AIDS in Myanmar, "HIV Programming in Myanmar," HPN, *Humanitarian Exchange*, No. 41, December 2008. An estimated 28 percent of pregnant women living with HIV receive ARV to prevent mother-to-child transmission as of 2008, according to WHO and UNAIDS. INGOs reportedly contribute 85 percent of the treatment as of 2008, according to the UN Special Rapporteur on the situation of human rights in Myanmar (A/HRC/7/18 para. 26). Only a small percentage of those living with HIV and AIDS

can afford to pay for ARV treatments themselves. The lives of an estimated 240,000 people who are currently living with HIV and AIDS thus depend on sustained funding for the programs in 2009, according to MSF, "A Preventable Fate: The Failure of ART Scale-Up in Myanmar," November 25, 2008.

In addition, organizations working on HIV programs in Myanmar have noted a lack of HIV programs for SPDC security forces and in closed settings such as prisons, as well as insufficient use of mass media for educational purposes, according to the 2008 report by Population Services International Myanmar, Save the Children and the UN Joint Team on AIDS in Myanmar. Importantly, the study notes that current funding levels for HIV in Myanmar fall short of the resources needed to provide more services for people living with HIV and the development of HIV policies.

While some progress in tackling the HIV crisis has been achieved, national efforts have largely neglected the conflict-affected border areas. At the same time, international teams are prohibited from accessing these areas. Many IDPs in some of the remote areas have never even heard of HIV/AIDS, according to DFID, "DFID Assistance to Burmese IDPs and Refugees on Thai-Burma Border," July 25, 2007. The lack of access has resulted in ad hoc interventions by local cross-border organizations such as BPHWT. Currently, the organization provides HIV/AIDS training once every two years, which only reaches "the tip of the iceberg," according to BPHWT. The lack of adequate educational and health services in their areas prevents civilians from learning about HIV and accessing testing and care centers. In this situation some people have reportedly relied on the costly services of untrained nurses who often reuse hypodermic needles, which increases the patient's risk of acquiring infectious diseases and HIV/AIDS, according to Burma Issues.

Specific Needs of Children Living with HIV

Improved prevention and care of people living with HIV and AIDS would directly benefit children who are affected. In addition, UN agencies and INGOs working on HIV in Myanmar have identified a need to increase efforts that address the specific needs of children living with HIV and orphans due to HIV deaths in Myanmar, according to the 2008 report by Population Services International Myanmar, Save the Children and the UN Joint Team on AIDS in Myanmar. Furthermore, families living with HIV in Myanmar are regularly stigmatized or ostracized in nurseries, schools, communities and even their extended families, according to WHO's *2006 Review of Myanmar National AIDS Program*. Some public institutions such as the Department of Social

Welfare have reportedly rejected orphans and other vulnerable children linked to HIV in their institutional care programs.

As an important first step, HIV/AIDS awareness-raising programs have been integrated into the national student curriculum for children from 7 to 16 years since January 2006, according to WHO, *2006 Review of Myanmar National AIDS Program*. Considering Myanmar's high school dropout rates, WHO recommends complementing these initiatives with adequate programs to serve out-of-school children and youth.

School Enrollment and Attendance

Myanmar is credited with making some strides in increasing its net enrollment rates to 90 percent for primary school and 37 percent for secondary school in 2005 with near gender parity³⁵, according to UNICEF, *State of the World's Children 2008*. However, organizations working on education in Myanmar would estimate enrollment rates to be significantly lower than these official statistics indicate. Furthermore, many children who enroll in primary school never complete their studies. Many are forced to drop out as their parents cannot afford to pay for their education and also due to poor learning conditions, according to UNICEF. Less than half of children are able to complete their primary education, according to the 2008 Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/7/18, para. 24).

As a result of the adverse conditions, only 7 percent of students in conflict-ridden Thaton District, northern Mon State, completed primary school, of which only 14 percent continued to high school, according to KHRG, "Surviving In Shadow: Widespread Militarization and the Systematic Use of Forced Labour in the Campaign for Control of Thaton District," January 17, 2006. In all conflict or ceasefire areas of Kayin (Karen), Kayah (Karenni), Shan, and Rakhine (Arakan) States, only one out of 10 children are able to attend primary school, according to All Burma Federation of Student Unions, *Year 2004 Education Report*, February 2005. Local organizations consistently document the struggles, sacrifices and personal risks families and communities have to endure to ensure that their children can go to school.

Attacks on Schools and Other Security Threats

The fear for their personal security has forced thousands of children in conflict areas to interrupt or drop out of school. The SPDC has burned villages, including schools, to prevent villagers from returning to these areas as part of its relocation policy, according to TBBC, *Internal Displacement in Eastern Burma - 2006 Survey*, November, 2006. In one

reported case, a school was destroyed in a shelling by the Myanmar Armed Forces in an attack against a SSA-S position, according to CIDA, *Children Caught in Conflicts*, March 2007. In addition, Myanmar Armed Forces have occupied educational facilities for military purposes, recruited teachers and students for forced labor and planted landmines close to schools or on the paths to schools. In defiance of these life-threatening conditions, some displaced village communities are continuing education in the midst of the jungle by resorting to makeshift classrooms, volunteer teachers and rudimentary materials.

Indoctrination in Schools

Besides physical attacks, some parties to conflict have tried to indoctrinate children with their propaganda in schools, according to the National Endowment for Democracy (NED), *Education and Democracy in Burma: Decentralization and Classroom-Level Educational Reform*, July 10, 2007. Public school teachers are accordingly obliged to attend trainings of the SPDC-supported USDA to align them with the SPDC's doctrines, according to KHRG, *Growing Up Under Militarization*, April 30, 2008. Social science teachings in public schools tend to highlight the dominance of Burman ethnicity over ethnic minority groups, according to Burma Issues. Similarly, the KNPP/KA and KNU/KNLA have at times transmitted their political and nationalist ideas in schools in the areas they control in Kayah (Karenni) and Kayin (Karen) States and the corresponding cross-border refugee camps, according to NED, *Education and Democracy in Burma*, July 10, 2007. In Kayah (Karenni) State, for instance, community school teachers have reportedly emphasized the Kayah (Karenni) armed resistance movement and the oppression of people of Kayah (Karenni) State by Myanmar Armed Forces in their classes, according to Burma Issues, *Living Ghosts, The Spiraling Repression of the Karenni Population under the Burmese Military Junta*, March 2008.

Poor Conditions in Schools

Despite existing and growing needs, the SPDC has allocated few resources to the educational sector. With a total of 0.6 percent of public expenditure spent in the educational sector or less than US\$1 per person per year, Myanmar spends less in the educational sector than any other country in the southeast Asian region and most countries in the world, according to the U.S. Department of State (USDOS), *Burma: Country Report on Human Rights Practices 2007*, March 11, 2008. Due to the SPDC's neglect and access restrictions, there is a shortage of public schools in ethnic minority areas. On average, two villages share one public primary school in Burman-dominated areas while 25 villages share one public primary school in ethnic minority areas, according to the Women's League of Burma (WLB), an umbrella organization comprising women's organizations of different ethnic backgrounds from Burma, *In the Shadow of the Junta: CEDAW Shadow Report 2008*.

Since 2007, the SPDC has officially guaranteed free schooling for children through primary school without having made the financial adjustments to meet this guarantee. School officials reportedly still demand fees from students and require them to pay for their school books and other material as widely documented by local human rights organizations. Burmese women's groups reported that it costs parents around 10,000 to 40,000 kyat or US\$8 to US\$33 per year to send a child to primary school, according to the same source. The SPDC regularly fails to pay teachers an adequate salary, provide school materials and cover the school's running costs, according to UNICEF, *State of the World's Children*, 2008. An average monthly salary of a public school teacher amounts to 20,000 to 30,000 kyat at primary level, or US\$16 to US\$17, which is insufficient to sustain a family in Myanmar, according to Rehmonnya, "The Plight of Migrant Worker: Suffering Across the Borders," August 30, 2008. The 2007 UNICEF Situation Review of Children in ASEAN estimated that less than 80 percent of the teachers in Myanmar had received adequate training.

The government's minimal investment in education puts considerable pressure on parents and communities to pay for and organize their own educational services even in the face of widespread poverty. This means that many conflict-affected communities that are controlled by the SPDC or ceasefire groups are forced to contribute their own labor, money, food or other supplies to build schools or ensure their continued operation, according to KHRG, *Growing Up Under Militarization: Abuse and Agency of Children in Karen State*, April 30, 2008. These communities often depend on humanitarian organizations to train teachers, cover educational costs and provide school materials. In self-organized village schools in Kayin (Karen) State, the more

educated adults are generally asked to volunteer for a small compensation. In many cases, the SPDC has falsely taken credit for public schools constructed and run by communities without any governmental assistance, according to KHRG, *Growing Up Under Militarization*, April 30, 2008.

As families struggle for their economic survival, older children in particular have to contribute increasingly to household and family income at the cost of their educational progress. For example, in one of the ethnic states, only one in 30 school-age children in the border and conflict areas, advance to high school, according to RI, *Ending the Waiting Game: Strategies for Responding to Internally Displaced People in Burma*, June 2006. Parents usually cannot meet the dual expenses of sparing their child as a potential source of economic support and paying for high schools, which are more expensive and further away than primary schools, according to KHRG. Some families have to make the difficult choice of sending only one child to school while the others stay with the family to produce food and income. In this situation, many families in Myanmar tend to send their sons rather than their daughters to school following traditional cultural and social norms, according to WLB, *In the Shadow of the Junta: CEDAW Shadow Report Burma 2008*. These gender factors are not reflected in official statistics on education.

Challenges with Languages of Instruction

Parents belonging to ethnic minorities are often reluctant to send their children to public schools, which follow a uniform centralized curriculum and use Burmese as the language of instruction, according to RI, *Ending the Waiting Game*, June 2006. The SPDC usually hires teachers from central Burma rather than hiring locally. Children are also prohibited from studying non-Burmese ethnic languages in public schools, even as a subject, according to WLB, *In the Shadow of the Junta: CEDAW Shadow Report Burma 2008*. Those teachers who are caught giving lessons in ethnic languages, even outside school and after school hours, face repercussions, according to the same source.

Many parents from minority areas are thus concerned that their children will not be taught their ethnic languages, history and culture, and have accused the SPDC of pursuing a policy of 'Burmanization,' according to NED, *Education and Democracy in Burma*, July 10, 2007. Some parents in Myanmar have employed their own teachers in their communities, according to NED. Others have sent their children to schools in refugee camps in Thailand, which are run by camp residents from their particular ethnic communities. This practice is likely to reduce the children's chances of entering the public school system again later on, since Myanmar's standard tests are based on the nationwide curriculum and only offered in Burmese.

Abduction

Abductions usually happen in public places like markets in urban areas and on the child's way to or from their homes or schools in rural areas, according to HREIB, *Forgotten Future*, November 2008. Once abducted, armed forces and proxies also subject these children to forced recruitment, forced labor, rape and trafficking, according to the same source. Cases of abduction for forced child recruitment have been reported across the country where there are military bases and recruitment centers, according to HRW, *Sold to Be Soldiers*, October 2007. In part this may be due to pressure throughout Myanmar on members of the armed forces to meet recruitment targets and also incentives to recruit children and other civilians (see below: Child Soldiers). Some human rights groups maintain that the forced relocation of villagers, including children, by SPDC soldiers from contested areas into SPDC-controlled areas could qualify as abduction.³⁶

The Myanmar Armed Forces have also arbitrarily arrested villagers in the non-Burman states, accusing them of collaboration with NSAGs. In one case reported by KHRG, a 16-year-old girl from Toungoo District, Kayin (Karen) State, was arrested with another villager by SPDC soldiers, who accused them of sending rations to the KNU/KNLA. As of June 2008, both had already been imprisoned for one year, according to the latest information received by KHRG.

Gender-Based Violence

Rape and Other Grave Acts of Sexual Violence³⁷

Numerous reports document the widespread use of sexual violence against women and girls in the ethnic border states of Myanmar, including ceasefire areas. In its 2008 concluding observations, the UN Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern that Myanmar Armed Forces committed acts of sexual violence, including rape, against women from ethnic minorities mainly in rural areas, including the Shan, Mon, Kayin (Karen), Palaung (living in Shan State), and Chin groups (CEDAW/C/MMR/CO/3, para. 24). Burmese women's groups operating from Thailand and elsewhere have collected more than 1,800 reported cases of rape by Myanmar Armed Forces in Chin, Shan, Kayin (Karen), Kayah (Karenni), Mon, Rakhine (Arakan) and Kachin States between 1995 and 2008, according to the Women's International Perspective (WIP), "Rape in Burma: A Weapon of War," June 2, 2008. The actual numbers of rapes committed is likely to be substantially higher as many survivors are too afraid to speak out, fearing stigmatization or reprisals and due to the lack of reporting channels. Pervasive impunity and the lack of protection for survivors and witnesses also dissuade parents and children from reporting.

Children as young as seven years old have reportedly been victims of rape and other forms of sexual violence, including gang rape, sexual acts involving abduction, ill-treatment and torture by Myanmar Armed Forces and NSAGs, according to Burmese women's organizations.³⁸ Girls have been raped while collecting firewood, complying with forced labor demands or helping their parents in fields, according to WIP, "Rape in Burma: A Weapon of War," June 2, 2008. They have also been attacked in schools or their homes, according to the same source. As a result of these incidents, some girls have suffered severe injuries or been killed (see reported rape cases above: Killing and Maiming).

There have also been a few reported incidents of boys being raped by Myanmar Armed Forces. For example, in November 2006, a soldier allegedly raped a 7-year-old boy in Hpay Chah village in Ler Muh Lah township of Tanintharyi (Tenasserim) Division in Kayin (Karen) State, according to HREIB, *Forgotten Future*, November 2008. Although the village head reported the rape to the soldier's commander of the nearby battalion, villagers told HREIB that the soldier was not put to trial for this crime but only received a beating. The family received a small compensation of 10,000 to 20,000 kyat or US\$8 to US\$9, according to HREIB (see below: Impunity).

The socioeconomic vulnerability and marginalization of many ethnic minority groups in Myanmar has also allowed the Myanmar Armed Forces to subject these civilians to other grave forms of sexual abuses, according to CEDAW, 2008 (CEDAW/C/MMR/CO/3, para. 25). Burmese women's groups have provided extensive documentation of forced marriages, sexual slavery and other forms of gender-based violence (GBV) (see below: Other Violations and Vulnerabilities). The fact that Myanmar law does not have a minimum age for boys and allows girls as young as 14 years old to marry if parents consent to the marriage contributes to these practices, according to the UN Committee on the Rights of the Child, Thirty-sixth session, Consideration of Reports submitted by State Parties under Article 33 of the Convention, Concluding Observations: Myanmar (CRC/C/15/Add.237).

Impunity

The high rate of recurrence and impunity for crimes of sexual violence has led many women's and human rights organizations to accuse the Myanmar Armed Forces of employing rape on a systematic level to humiliate the civilian population and discourage them from assisting armed resistance groups.³⁹ Soldiers have also allegedly used rape as a constant threat to exert pressure on communities to comply with their demands for forced labor.

Gang rapes and the presence or participation of soldiers, including high-ranking officers, when raping women and children reveals a sense of impunity in Myanmar Armed Forces. For example, a soldier raped a 17-year-old girl in Southern Shan State on March 21, 2008, according to local sources cited by Shan Herald News Agency, "Daughter Raped, Mother Beaten, Villagers Robbed," March 2008. First, the girl's mother tried to intervene to stop the soldier but was brutally beaten on her head with a stick. When villagers then tried to intervene, soldiers fired gun shots in the air to disperse the crowd and subsequently started robbing the villagers' houses.

Even in highly publicized cases, perpetrators of sexual violence have not been brought to justice. Instead, the survivors have in some cases been threatened or punished for speaking out on these violations. For example, in early February 2007, four Kachin girls, aged between 14 and 16 years, were allegedly gang-raped by three officers and four soldiers from a local SPDC unit and four soldiers from an infantry in Putao District, Kachin State, according to the World Committee against Torture (OMCT) Press Release, August 3, 2007. The army allegedly tried to threaten and bribe the family and the girls to deter them from reporting the incident. When the report was published by the Burmese media, the girls were arrested and jailed, allegedly for prostitution, according to OMCT.

In Chin State, the SPDC has allegedly condoned the rape of Chin women and girls by soldiers of the Myanmar Armed Forces and promised them 100,000 kyat or US\$83 if they married educated Chin women, according to Women's League of Chinland, *Hidden Crimes against Chin Women: A Preliminary Report*, 2007. Once a Chin girl or women is raped, marriage to the perpetrator often appears to be the only option because they generally lose any support by their family due to the stigma attached to rape and the lack of legal protection. The Women's League of Chinland views the forced marriage practice as part of the SPDC's efforts to assimilate ethnic minority groups into Burman culture, according to the 2007 Women's League of Chinland report.

Services for GBV Survivors

Despite this high prevalence of GBV among girls, boys and women in conflict zones, there are virtually no programs for prevention and response to GBV in these areas, according to BPHWT cited in the Women's Refugee Commission, *Thai-Burma Border Reproductive Health Assessment*, April 2006. BPHWT estimates that only 5 percent of rape survivors have access to services within two hours, according to the Women's Refugee Commission's report.

In refugee camps in Thailand, several Burmese women's groups offer medical, protection and psychosocial services to survivors of sexual violence and some education and awareness programs, often working with INGOs, according to aid organizations working in the camps. For example, in Mae La camp, the largest refugee camp for Burmese refugees in Thailand, the Sexual and Gender Based Violence Committee (SGBV) acts as a first responder to acts of abuse to ensure proper case management and referral of survivors. Some of these women's groups along the Thai-Myanmar border also provide some assistance to women inside Myanmar but their ability is very limited due to access and funding constraints, according to the findings of HREIB.

Child Soldiers

Recruitment of Children

Myanmar Armed Forces

Myanmar Armed Forces have recruited and used children as soldiers consistently for more than 20 years. The UN Secretary-General has listed the Myanmar Armed Forces as a party that recruits and uses children in four consecutive reports on children and armed conflict to the UN Security Council (S/2003/1053, S/2005/72, S/2006/826, S/2007/757). The 2008 Global Child Soldier report estimated that thousands of children were recruited by the Myanmar Armed Forces. While the estimates on child recruitment in Myanmar are disputed, international and local NGOs have collected detailed cases that confirm that child recruitment by Myanmar Armed Forces is ongoing. The SPDC has repeatedly denied these accusations, claiming that the armed forces are an all-volunteer force consisting only of adults.

SPDC's orders and military regulations, which have been widely promulgated, state that the recruitment of persons under 18 years is illegal. However, the SPDC's legal framework and high-level declarations starkly contrast with the well-documented ongoing recruitment of children into armed forces. While senior-level commanders give official instructions not to recruit children, they order battalion commanders to meet ambitious recruitment quotas notwithstanding high desertion rates and low volunteer rates. If battalion commanders fail to meet the quotas, they risk losing their command position or face other disciplinary actions. In contrast, penalties for underage recruitment are weak. In 21 cases of recruitment verified by the UN between September 2007 and December 2008, punishments included official reprimands, monetary fines and, in one instance, loss of one year of military seniority. These penalties seem particularly insufficient, given that some cases involved brutal forced recruitment and recruitment of young children. As a result of these weak penalties, local commanders often choose to commit the crime of child recruitment rather than fail to meet recruitment quotas imposed on them, which carry harsher penalties.

The recruitment of children has turned into a profitable business for soldiers, civilian brokers and the police who receive money or food from recruiters for each new recruit (S/2007/666). In 2005, recruiters reportedly 'bought' recruits for 25,000 to 50,000 kyat, which was equivalent to about one-and-a-half to over three times the monthly salary of an army private, according to HRW, *Sold to Be Soldiers*, October 2007. Security forces might be rewarded with a leave from service or promotions for new recruits or, if they provide four new recruits, a service discharge, according to HRW. In particular, unaccompanied and poor children are more easily lured into armed forces with the promise of compensation, food and shelter.

Such inducements are usually combined with threats by the recruiters if the child refuses to join the armed forces 'voluntarily,' according to HRW, *Sold to Be Soldiers*, October 2007. For example, some police officers have reportedly made some children believe that it is illegal not to have a national identification and threatened to arrest them unless they joined armed forces (S/2007/666, para. 9). Military recruiters and security forces have also threatened to arrest children for minor offenses if they refuse to join them "voluntarily," according to reports of HREIB, *Forgotten Future*, November 2008, and KHRG, *Growing Up under Militarization*, April 2008.

Some children from vulnerable families carry out noncombatant functions at army bases to become enlisted upon reaching the age of 18 years ('pre-recruitment').⁴⁰ For example, a corporal of the armed forces recruited a 13-year-old boy from a village by promising him a job, according to the 2007 Secretary-General's report on children and armed conflict in Myanmar (S/2007/666, para. 13). The boy was released after the parents wrote a letter with documentation of the boy's age to the Myanmar Defense Ministry. There are no safeguards in place for children who do not have proper age documentation.

While Myanmar law requires new recruits to be at least 18 years old, recruitment officers rarely ask new recruits to produce age documentation. In some instances, when

boys volunteer documentation to show that they are under age, the document is destroyed or thrown away, according to HRW, *Sold to Be Soldiers*, October 2007. In many cases, recruitment officers have registered children as 18 against the child's claims, according to HRW. In defiance of its laws against underage recruitment, the SPDC army has also required boys and men to take part in "civilian army" or "people's militia" trainings, according to HREIB, *Forgotten Future*, November 2008. HREIB published a letter sent by a major of the Myanmar Armed Forces to a village chairman, demanding all men between 16 and 40 years old to attend military trainings on January 2 and 3, 2005.

As a result of the high demand for new recruits, children as young as nine constantly face the threat of forced or coerced recruitment by security forces and civilians, even in public places such as bus or train stations and markets, according to HRW, *Sold to Be Soldiers*, October 2007. The recruitment is often committed in the most brutal manner involving extended periods in detention cells, beating and other maltreatment, according to HRW.

Moreover, the prevailing social and economic conditions in Myanmar contribute to the increasing vulnerability of children to being recruited into armed forces and groups, according to HREIB, *Forgotten Future*, November 2008. Some families consider the recruitment of their child in the army as their only viable option to ensure the child's survival and alleviate the family's financial burden. If forced to send family or community members, villages and families often decide to send children to the armed forces or groups to avoid losing their breadwinners. On their part, recruiters also specifically target children who are poor, out of school and potentially looking for an income. Although the army pays a meager salary, some former child soldiers reported the monthly salaries as a reason for joining the army, according to HREIB.

NSAGs

Most NSAGs have reportedly recruited and used children in their armed groups, albeit on a much lower scale than the Myanmar Armed Forces. The 2007 Secretary-General's report on children and armed conflict in Myanmar lists nine NSAGs, including armed opposition, ceasefire and break-away factions, as parties accused of recruiting or using children, (S/2007/666) (see Appendix 2). The UN has only recently started to engage with these armed actors regarding the release of child soldiers.

Recruitment practices among NSAGs vary considerably and depend to some degree on whether the NSAG is fighting against or alongside the Myanmar Armed Forces, according to HREIB, *Forgotten Future*, November 2008. Many children have joined the NSAGs opposed to the SPDC voluntarily to

earn a living, to join in the armed struggle against the Myanmar authorities or to defend themselves and their families against human rights violations committed by the SPDC, according to HRW, *Sold to Be Soldiers*, October 2007. However, there are also occasional cases of forced recruitment by these armed groups, such as the KNU/KNLA and the SSA-S. Overall, official policies of the KNU/KNLA and KNPP/KA against child recruitment have significantly decreased the scale of recruitment and use of child soldiers, according to KHRG and HRW.

The NSAGs acting as proxies to the SPDC tend to emulate the recruitment practices of the Myanmar Armed Forces in seeking to fill quotas, according to HREIB. Several of these armed groups have also imposed recruitment quotas on families or households, which have resulted in the recruitment of children. For instance, in 2007, the DKBA, a ceasefire group that allegedly collaborates with the SPDC, demanded from villages in Thaton District in Mon State, two to six recruits per village depending on its size, according to KHRG, *Growing Up under Militarization*, April 2008. If the villages did not meet the quota, the DKBA threatened to take the demanded number of new recruits by force and impose a fine on the village of 600,000 kyat (or US\$500) for each forced recruit. Faced with this predicament, children are often recruited as there are relatively insufficient numbers of available adult men in the villages and families depend on the remaining men to secure livelihoods, according to KHRG.⁴¹

Similarly, the Kachin Independence Army (KIA), the military wing of the Kachin Independence Organization (KIO) ceasefire group in Kachin State, has reportedly employed a one-child-per-family quota system of recruitment, according to the 2007 Secretary-General's report on children and armed conflict in Myanmar (S/2007/666). Families who only have children under 18 or depend on their older children for family survival often send their underage children to fill the quota. The United Wa State Army, a ceasefire group in Shan State and the largest NSAG, also reportedly requires each family to contribute one son to the war efforts (S/2007/666). The United Wa State Army has also allegedly accepted boys as young as 12 years into its armed group in non-combatant functions and boys from the age of 15 years in combatant functions.

The UN Country Teams in Myanmar and Thailand have thus far not been able to monitor and verify the presence of children in these and other NSAGs due to access restrictions imposed by the SPDC in conflict areas and some ceasefire areas, including the Wa Special Region, according to the 2007 Secretary-General's report on children and armed conflict in Myanmar. Several international and local human rights organizations reporting on child soldiers in

Myanmar have strongly criticized the UN Country Teams in Myanmar and Thailand for their lack of research and monitoring on NSAGs, *Sold to Be Soldiers*, October 2007. Although several local NGOs operating on the border areas have documented the recruitment and use of child soldiers by NSAGs, as well as a cease of recruitment by some groups, their findings are not yet adequately reflected in the Secretary-General's reports or led the UN Country Teams in Myanmar and Thailand to engage with some of these actors on action plans (see below: UN Security Council Actions).

Recruitment of Girls

In general, the Myanmar Armed Forces do not recruit or use women and girls for military service. However, anecdotal reports indicate that some battalions have reportedly provided basic training and weapons to the soldiers' family members in army camps to enable them to guard the camps when the soldiers are gone, according to anecdotal information received by Watchlist. This seems to be related to current severe staffing shortages in armed forces and does not amount to a general SPDC policy.

Most NSAGs do not recruit girls, with the exception of the KIO/KIA in Kachin State, according to HRW, *My Gun Was as Tall as Me*, October 2002. The KIO/KIA has infrequently recruited girls as part of a family quota system. In early 2007, for example, the KIO/KIA recruited a 15-year-old-girl on her way home from school in Myitkyina in Kachin State as her family had not yet met its quota, according to the 2007 Secretary-General's report on children and armed conflict in Myanmar (S/2007/666, para. 21). These girl soldiers seem to be used in supporting functions rather than in combat roles. While the KIO/KIA's training for girls focuses on teaching, nursery, midwifery or administrative office functions, boys receive military training, according to HRW, *My Gun Was as Tall as Me*, October 2002.

Life as a Child Soldier

Myanmar Armed Forces

Child recruits are usually held in detention conditions before passing through an 18-week basic military training. Myanmar Armed Forces use child soldiers in combat and non-combat functions. Numerous children recount traumatic experiences of seeing civilians being injured and killed and having committed grave human rights violations themselves, according to HRW, *Sold to Be Soldiers*, October 2007. If the recruits fail to carry out the physical work required in the training or other assignments, they face severe punishments, including corporal punishments, according to HRW.

Just like adults, children usually cannot leave the army unless they provide several new recruits as replacement. Those children who are caught escaping may be arrested as deserters and sentenced to imprisonment for up to five years, or in lieu of imprisonment, they are forced to rejoin the army, even if they are still under age 18. The inability to leave the army has reportedly even led some child soldiers to commit suicide, according to HRW, *Sold to Be Soldiers*, October 2007.

NSAGs

Once recruited into armed groups, child recruits usually receive some military training before being deployed in combat or in administrative duties.⁴² HRW has received fewer reports of abuses committed against child soldiers in NSAGs than in armed forces, according to its report *Sold to Be Soldiers*, October 2007.

The ILO Complaint Mechanism

The International Labour Organization (ILO) is responsible for monitoring and reporting on the recruitment and use of children in the UN-led MRM Task Force under SCR 1612 (2005) in Myanmar, working through its complaint mechanism on forced labor established in February 2007 (see below: MRM Taskforce in Myanmar).⁴³ In this role, ILO acts as a type of 'ombudsman' regarding Myanmar's law on child soldiers, investigating and addressing complaints reported by individual citizens. Its offices in Myanmar actively collect and follow up on complaints by working with a network of countrywide facilitators, including social and informal groups of monks, churches, women's organizations and others. However, only the child, the child's parent or guardian or a relative can submit a formal complaint to ILO offices in person or in writing due to regulations imposed by SPDC. If the complaint is deemed legitimate, ILO works towards the child's release in line with Myanmar's national law and international commitments.

As of the end of December 2008, the ILO had received 42 under-age recruitment complaints. At the time of writing, 31 of these children had been discharged and released to the care of their families, and ILO remains in discussion with the SPDC on the remaining cases. Despite this notable achievement, the number of complaints remains low, considering the levels of child recruitment reported in Myanmar.

The low complaints rate can be explained by a number of factors. Most people are likely still unaware of the mechanism as there has not been a nationwide education campaign on the workings of the ILO complaint mechanism to date. Apart from some limited outreach to external media, the ILO has refrained from making the MRM known to the

general public in Myanmar until the SPDC agrees to an action plan that would guarantee the necessary access to conduct an effective awareness-raising campaign. Furthermore, the mechanism only allows the child victim, a guardian or a relative to lodge a formal complaint. Another challenge is that access to ILO office in Yangon (Rangoon) for delivery of the complaint is difficult. Those lodging complaints, or their relatives, might also be afraid that they might face potential repercussions. In one case, the mother of a child soldier was reportedly threatened by persons identifying themselves as health department officials while the ILO was negotiating her child's release from Myanmar Armed Forces, according to Radio Free Asia, "Child Soldier Returned Home," November 21, 2008. The mother had provided supporting evidence to the ILO. In another case, a former child soldier was re-arrested while trying to compile facts for his case to submit to the ILO, according to DVB, "Former Child Soldier Re-arrested for Desertion," August 15, 2008. The former child soldier had been recruited at the age of 11 and was arrested for desertion at the age of 18.⁴⁴

In addition, the capacity of the ILO Liaison Office in Myanmar is limited. For a range of reasons, including SPDC reluctance to permit expansion of the ILO activities, the ILO Liaison Office in Myanmar is comprised of only two international staff operating under a mandate restricted to the elimination of forced labor, of which child recruitment is an element.

Demobilization and Reintegration

Myanmar Armed Forces

The SPDC has taken some limited action to demonstrate its commitment to international standards that prohibit the recruitment and use of children into armed forces and groups. While the SPDC has yet to sign the Optional Protocol to the Conventions on the Rights of the Child (CRC) on the Involvement of Children in Armed Conflict, Myanmar national laws, specifically the Myanmar Defense Council directives, prohibit the use of any person under the age of 18 years into armed forces. The SPDC's Task Force on children affected by armed conflict has developed an action plan to prevent the recruitment of children, release children from armed forces and take action against perpetrators, which has been in effect since October 2004. However, this action plan does not yet meet international standards and needs to be revised (S/2007/666, para. 46). Since late September 2007, an operational SPDC's Working Group on the prevention of underage recruitment for the MRM on the prevention of military recruitment communicates monthly reports of largely unverified information on its actions in releasing underage recruits, punishing

perpetrators and running training programs. Notwithstanding regular requests for meetings, no joint meeting between this Working Group and the UN-led Task Force in Myanmar have been held, according to the ILO (see below: UN Security Council Actions).

In spite of these commitments and committees, there is no systematic effort to ensure that children are systematically and independently identified at recruitment centres and in the military ranks, and that oversees their release and reintegration. On the contrary, SPDC officials have reportedly refused to accept claims of child recruitment or used bribes to discourage parents from filing official complaints, according to HRW, *Sold to Be Soldiers*, October 2007.⁴⁵ The SPDC also fails to share the information on released children that would allow the UN to follow up and provide them with reintegration assistance if needed. Most importantly, widespread impunity of those recruiting children encourages further recruitment. SPDC has provided no specific evidence of sanctions against child recruiters, according to HRW.

Most successful releases of child soldiers result from the direct intervention of the ILO with the approval by SPDC based on a complaint by parents or guardians.⁴⁶ Since January 2006, the ICRC also no longer conducts prison visits, which had previously enabled the organization to act on behalf of child soldiers who had been imprisoned for deserting the armed forces. Increased interference by SPDC officials had made it impossible for ICRC to conduct independent prison visits in line with humanitarian standards.

NSAGs

The KNU/KNLA and the KNPP/KA have signed a Deed of Commitments to stop child recruitment and use within their ranks and stated that they are willing to work on action plans with the UN to ensure compliance with this commitment. The Secretary-General's report on Myanmar confirmed that no recruitment by these groups has been reported in 2007 (S/2007/666). Several other NSAGs have also indicated a willingness to sign similar commitments and to engage in dialogue with the UN.

Despite these positive indications, UN agencies have only had limited interaction with NSAGs on child recruitment concerns due to limited access to these areas granted by the SPDC but also in large part because of pressure from both the Thai and Myanmar governments. Although there have been no recent reports of child recruitment in the KNPP/KA, the Secretary-General has not removed them from the list of parties to armed conflict that are recruiting and using children stating a lack of access to verify these claims. In addition, numerous other NSAGs continue to recruit and use child soldiers in their ranks (see Appendix 2).

The failure to engage with NSAGs might dissuade them from accepting or maintaining a commitment to avoid the recruitment and use of child soldiers.

Other Initiatives

Some international organizations such as UNICEF, the ILO, the UNHCR and some NGOs have tried to prevent the recruitment of children through various initiatives. Some organizations seek to improve birth registration procedures, conduct awareness-raising campaigns or provide training to Myanmar Armed Forces and some NSAGs on child rights. Others provide catch-up education for adolescent children who have missed out on school, or for former child soldiers, to give them an incentive to stay in school rather than to join armed forces or groups. These and other initiatives have made noticeable changes in the refugee camps by decreasing the number of children volunteering to NSAGs and making officers in some NSAGs reject child volunteers, particularly KNU/KNLA and KNPP/KA. In addition, some NGOs such as HREIB have engaged in direct negotiations with NSAGs to provide training for them and acted as an intermediary for the release of children.

Reintegration and Protection in Countries Hosting Refugees from Myanmar

There are currently no systematic reintegration and protection programs for children who have escaped armed forces or groups and fled to Myanmar's neighboring countries. Due to tight immigration laws in Thailand, India, Bangladesh, Malaysia and China, former child soldiers from Myanmar face arrest and deportation there as illegal migrant workers. Refugee communities from Myanmar's ethnic areas have also reportedly ostracized children in Thai refugee camps after finding out that the children were formerly associated with Myanmar Armed Forces.

The strict policies of Thai authorities regarding illegal migrants make it very difficult for international organizations to provide protection or assistance to former child soldiers outside the camps, according to HRW, *Sold to Be Soldiers*, October 2007. While many former child soldiers within camps can access basic education and psychosocial services through the camps, assistance to former child soldiers living outside the camps is restricted to some initiatives run by local groups. Yet, one aid organization that had registered several new cases of boys who were formerly recruited and living outside the camps in 2007 explained to Watchlist that there is currently no organization or program to systematically refer these cases to for social-type services.

Cyclone-Related Child Recruitment

Following the cyclone, several organizations and news agencies warned of a potential increased risk of recruitment of children who had lost their parents during the cyclone by the Myanmar Armed Forces. According to one eyewitness account of a former child soldier, some orphaned children over 13 years of age had been transferred from government gathering centers into military camps and the younger ones to SPDC-run orphanages, Emergency Assistance Team, EAT-Burma Phase Two Mid-Term Report, September 17, 2008. Myanmar Armed Forces have also allegedly recruited more than 300 children who were orphaned or separated due to the cyclone into armed forces in the area of Labutta, a town in southwest Myanmar, according to *Mizzima News*, an independent news agency covering Myanmar, "Cyclone Orphans Could Be Trafficked: Human Right Group," May 22, 2008. However, the UN has not verified this alleged incident and some child protection agencies in Myanmar reported to UNICEF that the number of children recruited in Labutta may be much lower.

Small Arms

Effects of Small Arms on Children

Statistical data on the number of small arms in circulation are largely nonexistent, unverified or dubious. However, the widespread availability and use of small arms by the Myanmar Armed Forces and its proxies have imperiled the lives of children in Myanmar. Children regularly describe being forced at gunpoint to succumb to sexual violence, labor, relocation and other human rights violations. In areas cleared of NSAGs opposing the SPDC, or contested areas, a so-called 'shoot-on-sight policy' renders any civilians remaining in these areas a 'legitimate' target for Myanmar Armed Forces, whether these civilians carry a gun or not.

National and Regional Response

The SPDC has done little to curb the proliferation of small arms by paramilitary groups in areas under its control. Ceasefire agreements usually do not contain provisions for the disarmament of the paramilitary groups. The groups have allegedly used these guns to fight against other armed groups or to control civilians. To date, the SPDC has not submitted a single national report under the UN Program of Action (PoA), the UN's agreement on controlling the proliferation of small arms. This makes it impossible to assess whether progress has been achieved in reducing the illegitimate use of small arms or ensuring that standards for the use of small arms are adhered to, according to the Southeast Asia Forum on Armed Violence, *East Asia: Inaction on Arms, Assessing Regional Compliance to the UNPOA on Small Arms and Light Weapons*, May 2005.

In the meantime, Myanmar's thriving arms trade, often coupled with other criminal activities such as drug trade, human trafficking and smuggling, has contributed to regional instability. Security experts have called for ASEAN to take a lead role in regional efforts to curb the spread of small arms, according to the same source.

International Response: Arms Embargos

The EU, the US and several other countries have imposed arms embargos on Myanmar in response to the grave human rights violations committed by the SPDC.⁴⁷ Since 1988, the EU has solidified further its Common Position by requiring all EU member states to implement and enforce provisions that cut all direct and indirect transfers of military equipment and components to Myanmar. Realizing the limited impact of these arms embargos, the EU Council and Parliament and Members of U.S. Congress have been advocating for an international arms embargo against Myanmar, according to AI. China, India and Russia and other principal sources of arms supplies to the Myanmar security forces have opposed the imposition of an international arms embargo to Myanmar security forces.

Landmines and ERW

Myanmar Armed Forces and at least 17 NSAGs have manufactured and used antipersonnel mines extensively throughout the armed conflict, according to the International Campaign to Ban Landmines (ICBL), *Landmine Monitor Report (LM) on Myanmar/Burma*, November 2008. The LM also documented the continuing use of landmines by the armed forces and several NSAGs, including the KNU/KNLA, the KNPP/KA Army, the DKBA, the SSA-S, the Monland Restoration Party and the United Wa State Army in 2007 and 2008. Explosive remnants of war (ERW) such as rifle grenades and mortars left over from conflict between combatants also have caused injuries and deaths.

Myanmar's armed forces have also allegedly used villagers for clearing landmines as 'human mine sweepers' and for dangerous work on fences around minefields, according to LM 2008. In defiance of the SPDC's forced relocation policy and to protect themselves from attacks by armed forces, some IDPs in hiding have reportedly requested the KNU/KNLA to place landmines around their sites or planted the mines themselves, according to KHRG. This has not prevented the IDPs from being injured by these very landmines.

There has been no comprehensive mapping to indicate the extent of contamination by landmines, according to LM 2008. However, regular reports of landmine incidents indicate that landmines have been laid extensively in the eastern part of the country. Mined areas also exist in areas bordering Thailand, India and Bangladesh. Ten of Myanmar's 14 states and divisions are affected by mine contamination with the highest levels of mine contamination in Kayin (Karen), Kayah (Karenni) and Shan State, and Tanintharyi (Tenasserim) Division, according to LM 2008.

Myanmar is not a party to the Mine Ban Treaty and is the only country to use antipersonnel mines on a widespread basis in 2007. Some NSAGs within the country have renounced mine use through the Deed of Commitments administered by the NGO Geneva Call. LM 2008 documents domestic production of antipersonnel mines for the SPDC by a state enterprise in Pegu (Bago) Division. Similarly, many NSAGs, including the KNU/KNLA, the DKBA, the

United Wa State Army and the KNPP/KA, largely produce their own mines with basic materials. Chinese, Indian, Italian, Soviet and U.S. manufactured mines indicate past importation practices, according to LM 2008.

Effects on Civilians

Landmines are laid near military camps in areas of conflict, around infrastructure and near inhabited areas. In some areas landmines pose a danger to the lives of civilians, including children, in Myanmar. Some of the mine accidents occurred less than half a kilometer away from the village center, according to LM 2008. The SPDC has placed landmines inside villages, along paths and farm fields, around villages where civilians were forced to relocate, allegedly in order to prevent the return of IDPs to these contested areas, as documented by KHRG and FBR. Landmines have also not been clearly marked and verbal adequate warning is rarely given to civilians, according to recent research by the ICBL cited in LM 2007.

In 2007, at least 47 people were reportedly killed and 338 people injured, according to LM 2008. Among the 409 casualties with known details, there were five boys and three girls. Nearly 60 percent of the landmines incidents involved casualties in Taungoo District in Bago (Pegu) Division. These figures do not necessarily indicate an increase in mine casualties from 2006 to 2007 but reflect better data collection. However, most known casualties are civilian, and the number of military casualties among the military or NSAGs is not public. The true number of casualties is certainly higher, according to LM 2008.

Survivors of landmine incidents may be disabled or have other injuries that require continued medical care and rehabilitation to function in society. Due to a lack of awareness, people with disabilities are at times viewed as abnormal and neglected by their families and communities, according to the Human Rights Foundation of Monland (HURFOM), "The Plights of Burma's Disabled Population," June 1, 2008. In some instances, children with disabilities were abandoned because families felt that they

could no longer endure the social stigma and economic strains, according to HURFOM. While such cases have occurred, most families and communities accept and support people with disabilities.

Demining and Services for Survivors

There are no humanitarian demining programs in Myanmar, according to LM 2008. However, the KNU/KNLA has engaged in some demining efforts in areas under their control, according to KHRG.

Despite the large and increasing number of mine incidents, there has been hardly any mine risk education in mine-affected areas to reduce the risk of injury from mines and ERW by raising awareness and encouraging behavioral changes. To date, only a few local NGOs and groups have engaged in some ad hoc initiatives. The UN, the ICRC or other international organizations have not undertaken any mine risk education activities within the country.

Moreover, services to assist survivors of landmines and ERW injuries are inadequate and have decreased from 2006 and 2007, according to LM 2008. This lack of assistance is partly due to the severe access restrictions and other obstacles imposed by the SPDC on international organizations working in the conflict-affected areas (see above: Humanitarian Access). The ICRC was led to suspend its support for government rehabilitation centers in 2008, which had assisted 6,945 persons with disabilities due to mine incidents in 2007. Without ICRC's support, many survivors are likely to struggle to cover the costs of transport, food and treatment at the centers, according to LM 2008. The ICRC currently only covers the medical costs of war-injured people from Myanmar if they are treated in Thailand, where ICRC can monitor the activity.

As a result of the lack of international assistance, many survivors have to rely on some local aid organizations with limited resources and technical expertise that can often only provide ad hoc assistance. Some survivors also attempt to cross the border to receive assistance in refugee camps and public district hospitals in Thailand. In many cases, survivors are left to their own devices and resources. For example, in Mon State, landmine victims and their families had to build their own equipment and prosthesis, according to HURFOM, "The Plights of Burma's Disabled Population," June 1, 2008.

Other Violations and Vulnerabilities

Forced Labor

Local authorities, SPDC officials and army officials impose forced labor on a widespread and systematic basis for military and infrastructure-related purposes in Myanmar, particularly in border areas, according to the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/7/18, para. 33). In Papun District, Kayin (Karen) State, community members told AI that the SPDC required at least one person, and sometimes two people, from each household to work, including children, in “Crimes against Humanity in Eastern Myanmar,” June 5, 2008. As parents usually have to work to ensure the family’s survival, they often have no other choice but to send their children away to fill the military’s demands for labor, according to IDMC.

Myanmar Armed Forces have reportedly abused their power and control in civilian work projects to subject civilians, including children, to beatings, rape and torture, according to KWO, *State of Terror*, February 2007. In addition, workers are sent into dangerous areas that are suspected of being contaminated by landmines without any security precautions, according to KWO. Especially child workers suffer, as the armed forces frequently deny workers water, food, shelter and medical care, and force them to continue their work in spite of exhaustion and sickness. Even pregnant and breastfeeding women are recruited into forced labor, which has inflicted serious harm on the mothers and their children. In Kayin (Karen) State, some women have reportedly miscarried after being forced to carry out hard work, according to KWO.

The Special Rapporteur on the situation of human rights in Myanmar attributes the failure to address the widespread use of forced labor to a lack of political will to seriously address the problem and punish those responsible for the crime (A/HRC/7/18, para. 33). The SPDC has not implemented its Order 1/99 and other subsequent orders, which render forced labor illegal and oblige the government to punish civilian and military officials responsible for this crime.

Under the ILO complaints mechanism, the ILO received 128 complaints of forced labor, including underage recruitment, between February 26, 2007, and December 2008.

This low number of complaints reflects the low levels of awareness of the complaints mechanism, the physical difficulties in lodging complaints and the fear of repercussions for complaining. When complaints are lodged, military officials generally face a minimal military ‘reprimand’ or a temporary loss of salary rather than arrest or prison, according to the Report of the ILO Liaison Officer before the ILO Governing Body during its 303rd Session, November 2008 (GB.303/8/2). In the past, the SPDC had similarly used a small number of cases to show that it is punishing civilian officials rather than addressing the wider issue of forced labor among military officials, according to KHRG.

Trafficking

Children from Myanmar’s border areas are regularly trafficked to Thailand, China, India, Bangladesh, India, Pakistan, Malaysia, South Korea and Macau for commercial sexual exploitation, domestic servitude and forced or bonded labor, according to the USDOS, *Trafficking in Persons Report*, June 2008. Faced with poverty and widespread human rights violations in Myanmar, children frequently respond to traffickers’ promise of jobs and better salaries in neighboring countries, according to Plan International, *Because I Am a Girl: The State of the World’s Girls 2008, Special Focus: In the Shadow of War*. Some NGOs have condemned extensive corruption among individual local SPDC police officers, who prevent the enforcement of laws against trafficking, according to the 2007 U.S. Department of State report on Human Rights Practices in Myanmar.

In Thailand, economic despair and a constant fear of deportation make the children of migrants and refugee children extremely vulnerable to smugglers and small-scale trafficking operators who promise them work, food and transport into Bangkok and other cities, according to Physicians for Human Rights, *No Status: Migration, Trafficking and Exploitation of Women in Thailand*, June 2004. While most reports deal with women and girls, there are also many reports of trafficking men and boys for labor and in some cases for sexual exploitation, according to the 2007 DOS report.

UN Security Council Actions

UNSC Actions on Myanmar

In September 2006, the UN Security Council (UNSC) agreed to consider the situation in Myanmar on its regular agenda as a matter of international peace and security. Since 2007, the UNSC has issued two Presidential Statements on Myanmar and received regular briefings by the UN Secretary-General's Special Advisor, Ibrahim Gambari, on the current situation in Myanmar. However, the UNSC has not passed a single resolution on Myanmar to date.⁴⁸

The first Presidential Statement followed the crackdown of antigovernment protests in September 2007. It also denounced the violence employed against peaceful demonstrations and called on the SPDC to engage in dialogue with the pro-democracy and ethnic groups to achieve national reconciliation with support of the UN (S/PRST/2007/37). In the second Presidential Statement of May 2008, the UNSC reminded the SPDC of its commitment to ensure that the referendum process on a draft constitution in May 2008 would be free and fair (S/PRST/2008/13).

UNSC Resolutions on Children and Armed Conflict

Since 2003, the UNSC has adopted two resolutions on children and armed conflict (CAC), adding to its four previous CAC resolutions. These resolutions set out important and practical steps to be taken by various members of the UN system, donors, NGOs and others to expand child protection in conflict-affected areas. The following highlights how the two latest CAC resolutions address issues relevant to Myanmar.

Resolution 1539 (2004)

- Strongly condemns the recruitment and use of child soldiers by parties to conflict and other CAC violations
- Requests that the UN Secretary-General regularly review compliance by parties to conflict to halt the recruitment and use of child soldiers

- Calls upon parties to conflict to prepare action plans for halting the recruitment and use of child soldiers, which will be coordinated by focal points identified by the Secretary-General
- Expresses its intention to consider imposing targeted and graduated measures such as, inter alia, a ban on the export or supply of small arms and light weapons and other military equipment and assistance
- Reiterates its request to all concerned to include children in all DDR programs and to monitor demobilized children in order to prevent re-recruitment
- Requests the Secretary-General to propose effective measures to control the illicit trade and trafficking of small arms
- Encourages support for the development and strengthening of capacities to ensure the sustainability of local initiatives for CAC

Resolution 1612 (2005)

- Strongly condemns the recruitment and use of child soldiers by parties to conflict and other CAC violations
- Expresses serious concern regarding the lack of progress in developing and implementing action plans to halt the recruitment and use of child soldiers
- Reiterates its intention to consider imposing targeted and graduated measures such as, inter alia, a ban on the export or supply of small arms and light weapons and other military equipment and assistance
- Requests that the Secretary-General implement a monitoring and reporting mechanism (MRM) on violations against children in five armed conflict situations, including Myanmar
- Decides to establish a working group of the UN Security Council on CAC consisting of SC member states

- Urges member states and other parties concerned to take appropriate measures to control the illicit trade of small arms to parties to armed conflict
- Calls upon all concerned parties to ensure that the concerns of the CAC are specifically integrated into all peace processes and post-conflict reconstruction
- Calls upon all concerned parties to abide by their international obligations and commitments relating to the protection of CAC
- Urges all parties concerned to support the development and strengthening of the capacities of national institutions and local civil society networks for CAC
- Requests that the Secretary-General direct all relevant UN entities to take specific measures, within existing resources, to ensure systematic mainstreaming of CAC issues within their respective institutions

Implementation of UNSC Resolutions on Children and Armed Conflict in Myanmar

The MRM Task Force in Myanmar

In accordance with UNSC Resolution 1612 (2005), a UN-led Task Force in Myanmar was established in June 2007 to monitor and report on six grave violations⁴⁹ against children in armed conflict using information from the UN in collaboration with NGOs. The MRM Task Force consists of ILO, UNICEF, UNDP, the UN Resident Humanitarian Coordinator, Save the Children and World Vision and is co-chaired by the office of the UN Resident Coordinator and UNICEF. While the ILO takes the lead on monitoring and reporting the recruitment and use of children with support from ICRC and UNICEF, UNICEF is responsible for the reintegration of released child soldiers and for the monitoring and reporting on the five other grave violations identified by the UNSC. Since that time, the Task Force in Myanmar has achieved the release of a number of children from the Myanmar Armed Forces and initiated dialogue with SPDC authorities and, with the help of the Task Force in Thailand, two NSAGs on action plans to end the recruitment and use of children in armed forces and groups. At the same time, the 2007 Secretary-General's report on children and armed conflict in Myanmar noted that there are also serious challenges that prevent the MRM from fully functioning in Myanmar.

The Secretary-General's report notes that five international staff and two international interpreters would be needed for the MRM to function (S/2007/666). The access restrictions imposed by the SPDC have also kept the Task Force from effectively monitoring and verifying alleged violations in conflict-affected and ceasefire areas. While child

recruitment and use mainly occurs in Central Myanmar and thus in more immediate proximity to the UN, most of the grave violations in Myanmar tend to occur in areas where UN agencies have much more limited access. To date, the Task Force has not reported any cases of grave sexual violence, attacks on schools and hospitals and abductions. In contrast, local and international NGOs have gathered numerous cases documenting child rights violations in all six categories identified in UN Security Council Resolution (SCR) 1612. The UN-led Task Force does not include the information generated by NGOs in its reports citing its inability to verify this information with UN sources due to access restrictions. In contrast, some Task Forces in other contexts have closely worked with NGOs to obtain relevant information from areas that UN agencies are unable to access themselves due to restrictions or security concerns.

Another challenge for the Task Force in Myanmar is to ensure the effective protection of victims and complainants. While the ILO Supplementary Understanding between the SPDC and the ILO contains a formal agreement on the protection of both complainants and facilitators of complaints, there have been some cases where persons have been harassed, sanctioned or arrested by the SPDC with the apparent objective of their withdrawal of the complaint (see above: The ILO Complaint Mechanism). If a direct link between ILO-related activity and the SPDC's action can be proven, the ILO has generally been able to ensure that the person concerned is released and/or left alone. However, the SPDC at times cloaks the arrests of complainants in seemingly unrelated legal charges such as insult to Buddhism and others, making it more difficult for the ILO to justify its intervention. For example, in September 2008, a Myanmar labor activist who helped to lodge complaints to the ILO on behalf of victims of forced labor, including child recruitment, was sentenced to two years of imprisonment with hard labor for a minor charge, specifically obstructing an official in his duty, by the Panbedan Township Court, according to ILO, Press Release, ILO/08/39, September 19, 2008.⁵⁰ The ILO continues to negotiate with the SPDC towards his release, as the severity of the sentence is disproportionate to the alleged offence.⁵¹

None of the existing SPDC's mechanisms has enabled the Task Force to fully verify actions taken by the SPDC to address the issue of child recruitment and use by Myanmar Armed Forces, according to HRW, *Sold to Be Soldiers*, October 2007. The periodic reports of the SPDC's high-level Committee do not include any relevant information that would enable the Task Force to verify reports of children released from Myanmar Armed Forces, sanctions against officers for recruiting and using children and awareness-raising activities regarding child recruitment and use, according to HRW. Furthermore, as of the time of writing,

the Task Force has not yet met with the SPDC's Working Group on Children and Armed Conflict regarding alleged violations under SCR 1612 and on adequate responses to reported violations. In particular, the lack of information on children released from Myanmar Armed Forces poses a serious obstacle in assisting the child's reintegration (S/2007/666, para. 44). Following a thorough assessment, HRW found that the SPDC's Committee had made little progress in achieving its stated objectives and in addressing the systematic recruitment of children into the Myanmar Armed Forces, according to *Sold to Be Soldiers*, October 2008. Instead, the Committee had primarily served to divert international criticism against the SPDC's ongoing child recruitment practices, according to HRW.

The Task Force in Myanmar has so far not fully engaged with NSAGs to redress violations against children in armed conflict as envisioned by SCR 1539 (2004) and 1612 (2005). This lack of engagement with NSAGs is partly due to access restrictions imposed by the SPDC. In addition, some Task Force members are concerned that such engagement with NSAGs that are opposed to the SPDC could jeopardize their relations with the SPDC and ultimately their operations on the ground, according to information shared with Watchlist. The SPDC has long opposed any engagement of UN agencies with NSAGs, which it views as granting legitimacy to these actors. During the visit of the Special Representative on Children and Armed Conflict to Myanmar in April 2007, the SPDC finally acknowledged the necessity of allowing for interaction between NSAGs and the UN mission in the context of the MRM. The SPDC has even agreed to facilitate contact with the NSAGs that it has cease-fires with (S/2007/666).

The "Counterpart" MRM Task Force in Thailand

The MRM was introduced in Thailand in 2008. The role of the Working Group on Children Affected by Armed Conflict in Thailand is to feed information on the six grave violations to the Task Force in Myanmar, effectively acting as its counterpart. The Thailand counterpart Task Force members, UNICEF, UNHCR, TBBC and a Thai NGO, meet on a bimonthly basis. The UN Resident Coordinator in Myanmar generally attends these meetings to ensure coordination between the two Task Forces.

UNICEF and UNHCR have trained NGOs, community-based organizations (CBOs) and other actors in the nine refugee camps along the Thai-Myanmar border on the new reporting system. These camp-based NGOs and CBOs are responsible for monitoring and reporting such violations and sharing the information with UNICEF and UNHCR for verification. UNICEF and UNHCR are also responsible for

awareness-raising on child soldier concerns and conducting training on the MRM in the camps. In 2008, UNHCR verified five cases related to the MRM.

The UN-led counterpart Task Force has faced some challenges. This is partly due to its unique structure requiring close collaboration with the Task Force in Myanmar. To date, the Task Force members have not had significant engagement with NSAGs regarding the MRM, as Thai authorities have indicated opposition to such interaction. In addition, UNICEF, which chairs the Task Force in Thailand, does not have a field office along the Thai-Myanmar border, which limits its capacity to access and verify reports of violations. Another limitation is that most of the members operate primarily inside the refugee camps, thereby limiting access to information from inside Myanmar, which organizations working across the borders could provide.

UN Secretary-General's Reports on CAC in Myanmar

In November 2007, the UN Secretary-General presented his first report on children and armed conflict (CAC) in Myanmar to the UN Security Council (S/2007/666), covering the period between July 2005 and September 2007. The report mainly focuses on the recruitment and use of children and includes some information on denial of humanitarian access and killing and maiming. The report contains no information on grave sexual violence, attacks on schools and hospitals and abductions. It explains that the UN has not been able to verify reports on these violations due to the very limited access to conflict-affected areas. In addition to access constraints, the report also identifies the lack of protection for victims, witnesses and monitors, and the absence of procedure for engagement with the SPDC on grave violations, as major obstacles in gathering information for the report. The report states that the conditions for the effective functioning of the MRM are not yet in place in Myanmar.

Despite these remaining challenges, the report notes some progress in engaging with the SPDC and the KNU/KNLA and KNPP/KA on CAC, particularly on child recruitment and use. Among others, the report mentions the SPDC's high-level commitment to halt the recruitment and use of children and the establishment of a high-level Committee for the Prevention of Military Recruitment of Underage Children and a Working Group for Monitoring and Reporting.⁵² It also acknowledges the existence of SPDC policies and directives prohibiting underage recruitment while noting that the SPDC has not yet acceded to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000). The report further welcomes that the SPDC agreed

to bring its current action plan to prevent child recruitment in line with international standards and to facilitate action plans with NSAGs, including the United Wa State Army.

The report also confirms the SPDC's agreement to the need for the Task Force to interact with the KNU/KNLA and the KNPP/KA to create action plans and monitor their compliance (S/2007/666). In this context, the report acknowledges that the KNU/KNLA and KNPP/KA signed Deeds of Commitment to halt the recruitment and use of children in armed conflict and committed themselves to following through with these commitments.

The report makes a range of recommendations to the SPDC, the UN Country Team in Myanmar, child protection and protection partners and the United State Wa Army, mainly focusing on child recruitment and use but also covering humanitarian access and mine risk education. For example, the report urges the SPDC to grant to the UN access to all NSAGs and conflict areas and to MRM staff access to the SPDC's own recruitment centers and military bases. The report strongly advises the SPDC to ensure that the Task Force has access to all ceasefire groups and, if these groups are found to recruit or use children in military service, that they enter into action plans under the auspices of the SPDC's Committee for the Prevention of Military Recruitment of Underage Children. The report expressly urges the United State Wa Army to enter into dialogue with the Task Force in Myanmar and child protection partners to devise an action plan to end the recruitment of children and to ensure their immediate release. The report highlights the necessity of the UN Country Team and protection partners to expand existing programs and capacity to address the release and reintegration of former child soldiers, including family tracing, reintegration and systematic follow-up for all cases.

UN Secretary-General's Annual Reports on CAC

In addition to this country-specific report, the Secretary-General included sections on developments in Myanmar in its annual reports on children and armed conflict (CAC) from 2003 to 2007 (S/2003/1053, S/2005/72, S/2006/826, S/2007/757). These reports mainly focus on the recruitment and use of children by armed forces and groups in Myanmar but also refer consistently to the denial in humanitarian access by the SPDC allegedly for security reasons (S/2006). The Secretary-General named Myanmar Armed Forces and certain NSAGs as parties that recruit or use children in armed conflict in Annex 2 in its reports of 2003 and 2005 and on Annex I in its reports of 2006 and 2007 (see Appendix 2). In its 2007 report, the Secretary-General also named Myanmar Armed Forces as a party responsible for killing and maiming and denial of humanitarian access to children in the reporting period.

The UN Security Council Working Group on CAC

At its 11th meeting, on December 6, 2007, the UN Security Council Working Group on Children and Armed Conflict ("Working Group") considered the first report of the Secretary-General on CAC in Myanmar. The Working Group struggled to finalize its conclusions as members disagreed on substantive and procedural issues relating to the conclusions, according to *Security Council Report*, "Update Report No. 2, Children and Armed Conflict," July 14, 2008.⁵³ After a considerable delay, the Working Group released conclusions on CAC in Myanmar on July 25, 2008 (S/AC.51/2008/8).

The conclusions welcome the close cooperation between the SPDC and the Task Force in Myanmar, while highlighting the need for improved access to CAC in accordance with SCR 1612. The conclusions also note that the Permanent Representative of Myanmar had criticized the Secretary-General's report for providing some inaccurate and unverified information and for contacting two NSAGs, which it viewed as a violation of provisions of SCR 1612 (2005).⁵⁴ The conclusions do not acknowledge that the armed forces recruit and use children in Myanmar, reliable evidence received from the UN and other sources.

According to its conclusions, the Working Group plans to take the following actions in response to the violations committed against CAC in Myanmar:

- The Chairman of the Working Group would issue a public message to the NSAGs mentioned in the Secretary-General's report, urging them to stop the recruitment and use of child soldiers and release all children associated with their forces. The message would further urge the NSAGs to allow free access for the Task Force and encourage them to work with the Task Force on devising time-bound action plans.⁵⁵
- The Chairman of the Working Group would also address letters transmitted by the President of the UN Security Council to the Government in Myanmar with the following recommendations, urging the SPDC to:
 - Allow the UN Task Force in Myanmar access to areas under the control of the SPDC or ceasefire groups
 - Support protection of victims and individuals reporting cases of child recruitment and use
 - Release all children with the armed forces and carry out the action plan to prevent further recruitment or use of children

- Encourage all ceasefire groups that recruit and use children to cooperate with the Task Force on developing action plans
- Institutionalize disciplinary measures against those involved in recruiting children
- Cease arresting children for desertion
- Finally, the Chairman of the Working Group would issue a letter to donors to consider funding for the SPDC and humanitarian actors for the reintegration and rehabilitation of children affected by armed conflict and a credible age verification mechanism as important elements of preventing underage recruitment.

HRW criticized the UN Security Council Working Group's conclusions on Myanmar in an op-ed published by the *International Herald Tribune*, "Child Soldiers and the China Factor," September 12, 2008. Instead of calling for sanctions for one of the persistent perpetrators of child recruitment, the Working Group did not even acknowledge that the Myanmar Armed Forces have recruited children. Furthermore, the Working Group congratulated the SPDC for cooperating with the UN. In contrast, the UN Security Council Working Group had been tough on governments and non-state armed groups in other conflict contexts leading to effective actions to release child soldiers and end child recruitment, according to HRW.

Moreover, there has been a lack of regular and systematic interaction between the Task Force in Myanmar and the SPDC. Joint activities have been limited to the provision of a number of joint training programs on international and national laws for recruitment officers. In fact, the SPDC and they have not yet held an official meeting, according a member of the Task Force. While the Task Force has offered to support the SPDC on development of action plans and other practical areas, it has not received any formal response from the SPDC, according to the same source.

Recommendations

No More Denial calls upon all armed forces and groups in Myanmar to immediately halt all violations against children, comply strictly with all international commitments and uphold international human rights and humanitarian law, with particular attention to the Convention on the Rights of the Child and the Optional Protocol on the Involvement of Children and Armed Conflict. Additionally, all actors must take immediate action to protect children in Myanmar from further abuse and to find ways to assist and support those who have suffered the consequences of decades of armed conflict.

Based on the report's findings, *No More Denial* urges decision-makers to concentrate efforts on achieving significant progress towards the following goals:

1. Take effective action to prevent violations against children in armed conflict and end impunity;
2. Provide humanitarian access and programs to assist survivors of violence; and
3. Strengthen monitoring and reporting on all violations committed against children affected by armed conflict.

In the following, Watchlist presents practical recommendations in support of achieving these goals.

1. Take effective measures to prevent violations against children in armed conflict and end impunity

- **The SPDC and NSAGs** should immediately cease all new recruitment of children, immediately release all children currently in military services and give those recruited before age 18 the option to leave. In this process they should closely coordinate with the relevant UN Country Team in Myanmar and/or Thailand to release children to their families or interim care centers.
- **The SPDC and NSAGs** should work with the UN Country Teams in Myanmar and Thailand to devise action plans that are in line with international standards for halting the recruitment and use of children. This includes unrestricted access for

humanitarian personnel to military installations to identify children and support their release, reintegration and rehabilitation.

- **The SPDC and NSAGs** should ensure that all recruits provide documentary proof that they are 18 years of age or over, enact a system for independently monitoring that such documents have been received and verified and provide birth certificates to all children regardless of their ethnicity to prove their age.
- **The SPDC and NSAGs** should prosecute personnel accused of child recruitment, rape, killing and other serious crimes, and subject those found guilty to the full penalties prescribed by national law.
- With support from UNICEF, **the SPDC** should immediately develop appropriate reintegration policies and programs for children released from armed forces and groups. Children currently held in detention for desertion must be immediately released and transferred either to their families, alternative caregivers or appropriate child welfare service providers.
- **The SPDC** should allow the UN Special Rapporteur on the situation of human rights in Myanmar to conduct a thorough investigation into grave human rights violations committed in the context of armed conflict, with a focus on children.
- **The UN Security Council** should call on the SPDC and relevant NSAGs to immediately end all recruitment of children into its armed forces, to immediately release all children from its forces and to set a specific deadline for bringing its action plan into compliance with international standards. If tangible progress is not achieved within the specified time frame, the Security Council should impose targeted measures, in line with Resolutions 1539 and 1612.

- **The UN Security Council Working Group on Children and Armed Conflict** should review the situation in Myanmar immediately and issue strong conclusions utilizing the full capacity of its toolkit.
 - **The UN Security Council** should support removing NSAGs from the Secretary-General's list of armed groups using child soldiers if there continue to be no reports of child soldiers in their groups, and encourage the Secretary-General to include NSAGs with a recent record of using child soldiers.
 - **The MRM Task Forces in Myanmar and Thailand** should use every available channel to engage in direct dialogue with parties to Myanmar's armed conflict, including NSAGs, for the purpose of developing action plans to end violations against children.
 - **The humanitarian community** should work with armed forces and groups in Myanmar to train them on humanitarian law and human rights law with special attention to the rights of the child to ensure that all armed group personnel understand and follow these standards.
 - **The humanitarian community** should increase collaborative efforts among local and international aid organizations inside Myanmar and working across the borders to support community-based child protection strategies.
 - **ASEAN** should make the promotion and protection of the rights of the child a priority of ASEAN's policy, and take effective measures to ensure that all ASEAN members protect children from the effects of armed conflict, to end the use of children in armies and armed groups and to end impunity. They should consider prohibiting child recruitment and use in ASEAN member states, including Myanmar, with the aim of making ASEAN a "child-soldier-free zone."
 - **ASEAN** should create an effective ASEAN human rights body to protect and promote human rights and fundamental freedoms as called for by Article 14 of the ASEAN Charter, and include children and armed conflict in its mandate.
 - **ASEAN** should take visible and effective steps to address transnational threats affecting children in Myanmar and the region, including human trafficking, HIV/AIDS and arms trade, including small arms and landmines.
 - **Governments hosting refugees from Myanmar** should allow the UN and INGOs to engage in dialogue with parties to Myanmar's armed conflict, including NSAGs, for the purpose of developing action plans to end violations against children.
 - **Other governments** should apply targeted legal, political, diplomatic, financial and/or material measures against parties to conflict that consistently violate the security and rights of children in Myanmar, including the recruitment and use of children as soldiers.
- 2. Provide humanitarian access and programs to assist survivors of violence**
- **The SPDC and NSAGs** should provide humanitarian actors with unrestricted and secure access to all areas of Myanmar, and guarantee all civilians safe, unimpeded and sustained access to humanitarian assistance.
 - **The SPDC** should significantly increase the proportion of the national budget allocated to the realization of children's rights, making social services to assist children in areas under government control and ceasefire areas a priority.
 - **The SPDC** should ensure that children affected by the conflict have access to adequate primary and secondary education, including through nonformal education programs and by the restoration of school buildings and facilities and the provision of water, sanitation and electricity in conflict-affected areas. All activities to achieve this objective must allow for independent monitoring for forced labor and other potential abuses.
 - **The SPDC** should, through consultations with representatives of all major ethnic minority groups, review the national curriculum and standard tests to reflect the country's ethnic diversity and avoid discrimination against ethnic minority groups. National education standards should be harmonized and implemented in line with the INEE (Interagency Network for Education in Emergencies) Minimum Standards on Education in Emergencies.
 - **The SPDC** should train and deploy more non-Burman teachers to their home areas and ensure that all teachers are afforded opportunities to enhance their professional skills and appropriately compensated.
 - **The SPDC, ASEAN and the UN** should continue to fully support the Tripartite Core Group (TCG) mechanism as an effective model to address critical humanitarian concerns and expand it beyond areas affected by Cyclone Nargis, including conflict-affected areas.

- **UNICEF** should increase its field presence and capacity along the Thai-Myanmar border to oversee protection programs and coordinate efforts to ensure implementation of the MRM.
- **The humanitarian community** should increase collaborative efforts among local and international aid organizations inside Myanmar and working across the borders to address the pressing needs of children affected by armed conflict in Myanmar. Services should be provided with a view to strengthening the capacities of local communities and civil society, building on their resilience and survival strategies.
- **The humanitarian community** should ensure monitoring of aid delivery and on-the-ground presence of aid organizations when conducting campaigns to ensure that aid is delivered in line with humanitarian standards.
- **The humanitarian community** should expand mobile assistance in health and education to ensure continued service provision to IDPs and other vulnerable populations in difficult-to-access areas.
- **The humanitarian community** should strengthen health delivery services by public health providers and NGOs in high-prevalence areas in prevention, treatment and care of HIV and AIDS. This includes conducting public awareness-raising and education campaigns among older children and youth who might have a higher risk of HIV infection and providing them with condoms, youth-friendly STI treatment and voluntary HIV testing and counseling.
- **The humanitarian community** should work to improve access of survivors of GBV to relevant health services administered by trained and compassionate health workers in line with WHO standards and international best practices. Women and men and adolescent girls and boys should receive Minimum Initial Service Packages (MISP) so that have access to priority sexual and reproductive health services, including GBV-related services.
- **The humanitarian community** should utilize international standards, such as the INEE Minimum Standards for Education in Emergencies, and conduct training on such standards to improve the quality of education interventions and increase accountability of teachers and other education officials. Support Burmese communities to work with school authorities to regulate entry into the schools and to develop community strategies to end indoctrination of students by parties to conflict.
- **The humanitarian community** should provide reintegration support to former child soldiers with an emphasis on rehabilitation, psychosocial support and education, and monitor the re-recruitment of children by armed forces and groups.
- **The humanitarian community** should collect and disseminate accurate and comprehensive data on landmine and ERW incidents that involve children, ensuring that data is disaggregated by sex, age group and geographic location. Conduct mine risk education in mine-affected areas and provide services to assist survivors of landmines.
- **The humanitarian community** should ensure that unaccompanied and separated children receive adequate interim care until they are reunited with their families, placed with foster parents or other long-term arrangements for care are made, in accordance with the Inter-agency Guiding Principles on Unaccompanied and Separated Children.
- **Donors**, while maintaining prohibitions on direct budgetary support for the SPDC, should substantially increase aid to support programs in Myanmar and those operating from across the borders that protect and assist children in the conflict-affected areas or from these areas, particularly unaccompanied and separated children, out-of-school youth and others who may face higher risks of violence, exploitation, abuse and neglect. Funding initiatives and concessions in restrictions on aid workers in cyclone-affected areas should also benefit vulnerable populations in the conflict-affected areas. To reach the maximum number of children, increased funding is required for agencies both working in Myanmar and from neighboring countries.
- **Donors** should ensure that any assistance given to Myanmar strictly follows Sphere standards and takes into account the ongoing armed conflict and human rights violations and the widespread concerns about government accountability, transparency and civil society participation.
- **Donors** should support the efforts of local and international organizations to strengthen capacities of communities in the conflict-affected areas in providing basic educational, health and other social services.
- **Governments hosting refugees from Myanmar** should accede to the UN Refugee Convention and recognize the primacy of the principle of the best interests of the child in all asylum or immigration decisions, procedures, practices or legislative

measures affecting children. At a minimum, all refugee host countries should ensure that the basic needs of refugee children are met.

- **Governments hosting refugees from Myanmar** should develop and ensure the effective implementation of legislation to protect migrant children from exploitation and abuse and allow them to more easily access health and education services.
- **Governments hosting refugees from Myanmar** should notify UNHCR and relevant NGOs when former child soldiers are taken into custody, to allow access and determination of their status. They should ensure that such children and individuals receive special protection.
- **Governments hosting refugees from Myanmar** should support the UN and NGOs in developing and strengthening protection and support mechanisms for children affected by armed conflict from Myanmar, particularly former child soldiers and survivors of rape and other forms of sexual violence.
- **Other governments** should influence the Myanmar authorities to lift blockages and allow aid, expertise and materials to reach all civilians in need of humanitarian aid in Myanmar.

3. Strengthen monitoring and reporting on all violations committed against children affected by armed conflict

- **The SPDC and NSAGs** should support the MRM and fully cooperate with the MRM Task Force in Myanmar or, as relevant, the Task Force in Thailand on its implementation; they should welcome international teams for fact-finding missions and dialogue for protection and promotion of child rights. This includes ensuring that human rights defenders are protected and their efforts to bring public attention to human rights are supported.
- **The SPDC's Working Group** on the prevention of underage recruitment for the MRM should be strongly encouraged to meet with the Task Force in Myanmar to exchange information on the Working Group's actions in releasing underage recruits, punishing perpetrators and other initiatives.
- **The UN Security Council** should request the Secretary-General to include in his reports information on all grave acts against children, reflecting the breadth and depth of documented cases in close collaboration with Burmese local organizations and networks.
- **The UN Security Council** should call on the SPDC to issue visas immediately for the additional international staff required by the MRM on children and armed conflict, and guarantee their immediate access to areas necessary to effectively carry out their mandate.
- **The UN Security Council** should call on the SPDC to consider the specific concerns of needs of children in all ceasefire agreements and any forthcoming peace processes.
- **The MRM Task Forces in Myanmar and Thailand** should clarify their respective roles and responsibilities in monitoring, reporting and following up on cases. This will require urgent efforts by both Task Forces to ensure full functionality with dedicated leadership from the UN Resident Coordinator
- **The MRM Task Forces in Myanmar and Thailand** should cooperate with Burmese NGOs with years of experience in monitoring and reporting on violations of children's rights, especially in areas where the UN does not have an active presence. This would include strengthening their technical and financial capacities and working in close partnership with them to ensure that the information submitted to the UN follows UN reporting standards.
- **The ILO** should strengthen its complaints mechanism on forced labor and child recruitment to ensure the confidentiality and protection of victims, witnesses and complainants, and that all reporting and complaints are handled with concrete follow-up actions. This also includes raising public awareness of the existence and workings of the mechanism using the media and other communication channels.
- **The UN Country Teams and NGO partners** should actively engage with the MRM by facilitating complaints to the Task Force in Myanmar or, as relevant, to the Task Force in Thailand and provide relevant information to them.
- **The humanitarian community** should reinforce the child protection capacity of the UN Country Teams in Myanmar and Thailand with additional personnel focused on monitoring, reporting and advocacy.
- **The humanitarian community** should carry out child protection assessments in areas under government control or in 'ceasefire' areas to collect comprehensive data on children, to better understand the situation of children and to guide successful child protection interventions.

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- **Donors** should provide adequate funding to strengthen the efforts of the UN Country Teams, INGOs and local groups in Myanmar and Thailand to monitor, report on and respond to violations against children affected by Myanmar's armed conflict, and to facilitate their increased coordination and collaboration.
 - **Donors** should strengthen the capacities of local groups and INGOs working on children and armed conflict in Myanmar inside the country and neighboring countries to fully participate in the MRM.
 - **Donors** should support the capacities of civil society organizations working on human rights issues along the Thai-Myanmar border for improving information sharing and networking. This includes sharing information on human rights-related initiatives, networking events and funding opportunities; translating relevant documents into local languages; and organizing joint trainings on human rights issues, skills training and other areas.

Appendix 1: Table of NSAGs in Myanmar

The following table provides an overview of the conflict-affected states and the NSAGs active in the areas. This table does not include all NSAGs, but rather focuses on some groups as examples, particularly the larger groups. It should be noted that in many cases, only small areas of the states are currently affected by armed conflict.

State	Main NSAGs	Effective Ceasefire Agreement with SPDC	Area of Operation
Chin	CNF/CNA	None	Chin State
Kachin	Kachin Democratic Army or New Democratic Army–Kachin (NDA-K)	1989	North-East Kachin State
	KIO/KIA	1994	Parts of Kachin State
	Rebellion Resistance Force	Cooperates with SPDC	Northern Kachin State
Kayin (Karen)	DKBA	1995	Central Kayin (Karen) State
	KNU/KNLA	None	Kayin (Karen) State, Bago (Pegu) Division, Tanintharyi (Tenasserim) Division
Kayah (Karenni)	KNPP/KA	None	Eastern Kayah (Karenni) State
	Karenni National Defence Army	1996	Kayah (Karenni) State
	Karenni Nationalities People's Liberation Front (KNPLF)	1994	Northern Kayah (Karenni) State
	Karenni National Solidarity Organization (KNSO)	2000	Western Kayah (Karenni) State
	Kayan New Land Party (KNLP)	1994	Northern Kayah (Karenni) State
Mon	Mon National Liberation Army (MNLA)	1995	Mon State and northern Tanintharyi (Tenasserim) Division
	Monland Restoration Army	None	Southern Mon State and northern Tanintharyi (Tenasserim) Division
Rakhine (Arakan)	Arakan Liberation Army (ALA)	None	Along the Myanmar, Bangladesh and India border triangle
	Arakan Rohingya Islamic Front (ARIF)	None	Along the border between Myanmar and Bangladesh
	Rohingya National Army (RNA)	None	Along the border between Myanmar and Bangladesh

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State	Main NSAGs	Effective Ceasefire Agreement with SPDC	Area of Operation
Shan	Kachin Defence Army	1991	Northern Shan State
	Myanmar National Democracy Alliance Army (Kokang)	1989	Northern Shan State
	Palaung State Liberation Party/Palaung State Liberation Army (PSLP/PSLA)	1991 (revoked in 2005)	Northern Shan State
	Pa-O National Organisation (PNO)	1991	Southern Shan State
	Shan Nationalities People's Liberation Army (SNPLA)	1994 (broken in 2007)	Southern Shan State and in northern Kayah (Karenni) State
	SSA-South	2006	Southern Shan State
	Shan State Army (SSA)	1989	Shan State
	United Wa State Army	1989	Northeastern and southern Shan State

Appendix 2: Table of Parties to Conflict Recruiting Children in Myanmar

Based on the 2007 UN Secretary-General's reports on children and armed conflict in Myanmar (S/2007/666) and the Secretary-General's annual reports on children and armed conflict to the UN Security Council (S/2003/1053, S/2005/72, S/2006/826, S/2007/757)

State	Party to Conflict	Type of group	Reported Child Recruitment Practice	Commitment	Listed in UN Secretary-General, Annex 1 or 2
All states	Myanmar Armed Forces/ Tatmadaw Kyi	Government	Reported recruitment	National laws, not signed Optional Protocol	S/2003/1053, S/2005/72, S/2006/826, S/2007/757
Chin	CNA	Armed opposition group	No reported recruitment	None	
Kachin	KIA	Armed opposition group	Reported voluntary recruitment	None	S/2007/757
	Rebellion Resistance Force	Paramilitary group	Reported forced recruitment	None	
Kayin (Karen)	Democratic Karen Buddhist Army (DKBA)	Ceasefire group	Reported recruitment	None	S/2007/757
	KNU/KNLA	Armed opposition group	Reported recruitment	Deed of Commitment	S/2003/1053, S/2005/72, S/2006/826, S/2007/757
	KNU/KNLA-Peace Council	Ceasefire group	Reported recruitment	None	S/2007/757
Kayah (Karenni)	KNPP/KA	Armed opposition group	No recently reported recruitment	Deed of Commitment	S/2003/1053, S/2005/72, S/2006/826, S/2007/757
	KNPLF	Ceasefire group	Reported recruitment	None	S/2003/1053, S/2005/72, S/2006/826, S/2007/757
Mon	MNLA	Ceasefire group	Reported recruitment	None	
Shan	Kachin Defence Army	Ceasefire group	Reported recruitment	None	
	Myanmar National Democratic Alliance	Ceasefire/proxy group	No information available	None	S/2007/757
	SNPLA	Ceasefire group	No verifiable recruitment	None	
	SSA-S	Armed opposition group	Reported recruitment	A minimum age for recruitment is 18	S/2007/757
	UWSA	Ceasefire group	Reported recruitment	None	S/2006/826, S/2007/757

Endnotes

- ¹ For instance, the UN Committee on the Rights of the Child noted “the lack of a systematic and comprehensive collection of accurate disaggregated data on all groups of children for all areas covered by the Convention” in its concluding observations of Myanmar on June 30, 2004 (CRC/C/15/Add.237).
- ² The signature expresses the willingness of the signatory state to continue the treaty-making process and creates an obligation to refrain, in good faith, from acts that would defeat the object and purpose of the treaty. However, a signature is not binding on a state unless it has been endorsed by ratification. Instead of signing and then ratifying a treaty, a state may become party to it by a single act referred to as accession.
- ³ The Government also fought against a communist insurgency. However, since the collapse of the Communist Party of Burma in 1989, the only ongoing armed conflict is fought along ethnic lines.
- ⁴ This figure is based on the partial census, conducted by the Ministry of Home and Religious Affairs in 1983, which has been criticized for inflating the numbers of Burmese in Myanmar (Martin Smith, *Burma - Insurgency and the Politics of Ethnicity*, 1991). No reliable nationwide census has been conducted since then.
- ⁵ In contrast to the frequent reports of the situation of civilians affected by armed conflict along the eastern border areas, there are fewer reports documenting the situation of civilians affected by armed conflict along the western border. Among other reasons, this is attributed to the generally lower levels of armed conflict in western Myanmar, the access restrictions imposed by the SPDC and the lack of NGO infrastructure in Bangladesh and India compared to Thailand.
- ⁶ Other sources such as Freedom House and HRW put the number of those killed slightly higher than the Rapporteur.
- ⁷ Compare: HRW, *World Report 2008: Burma*, January 2008; AI Report 2008: *State of the World's Human Rights: Myanmar*.
- ⁸ The SPDC has divided the country into three zones: white zones refer to areas under the SPDC's total control; brown zones to contested areas, and black zones to areas over which SPDC has no control.
- ⁹ In exchange for controlling civilians in their respective operational area, the leaders of these NSAGs often receive special privileges from the SPDC, including the ability to extort money, food, labor and other supplies from civilians. For example, after the ceasefire agreement between the SPDC and the Palaung State Liberation Army, local pro-SPDC 'ceasefire groups' received special privileges from the SPDC to grow and trade opium in exchange for controlling the local Palaung communities in northern Shan state and sharing profits with the SPDC, according to the Palaung Women's Organization, *Poisoned Flowers: The Impact of Spiralling Drug Addiction to Palaung Women in Burma*, 2006. The PWO documented how this policy has led to an increase in drug addiction, food insecurity and other socioeconomic problems among the Palaung.
- ¹⁰ The Myanmar Maternal and Child Welfare Association (MMCWA) and the Myanmar Women's Affairs Federation (MWWAF) are both parastatal organizations that have regularly forced their members to join and pay fees.
- ¹¹ For further information, see TBBC's *Internal Displacement in Eastern Burma - 2006 Survey*; Refugees International (RI), *Ending the Waiting Game: Strategies for Responding to Internally Displaced People in Burma*, June, 2 2006; ICG: *Burma/Myanmar: After the Crackdown*, Asia Report N°144, January 31, 2008; KHRG: *Development by Decree: The Politics of Poverty and Control in Karen State*, April 24, 2007.
- ¹² More than 200 orphans, 914 separated children, 302 unaccompanied children and 454 extremely vulnerable children have been identified, and 743 children been reported missing, due to Cyclone Nargis according to UNICEF cited in *IRIN*, “Myanmar: Cyclone orphans forced to work,” October 31, 2008.
- ¹³ In their review of Cyclone Nargis, OCHA representatives working in Myanmar believed TCG to have been more effective in dealing with bureaucratic concerns than with sensitive and policy-related concerns. (See Julie Belanger and Richard Horsey, “Negotiating Humanitarian Access to Cyclone-Affected Areas of Myanmar: A Review,” HPN, *Humanitarian Exchange* No. 41, December 2008.) They also noted that INGOs are only indirectly participating in the TCG through the Humanitarian Coordinator.
- ¹⁴ For further information, see HRW, Burma: “Free Celebrity Activist Critical of Aid Response,” June 12, 2008; Asian Human Rights Commission (AHRG) Burma: “At Least Three More Rights Defenders Arrested over Cyclone Relief Work,” August 12, 2008; Mizzima News, “Cyclone Nargis Leaves Millions in Misery Six Months Later,” November 5, 2008.
- ¹⁵ In contrast, local voluntary organizations and privately funded groups are still harassed and questioned by authorities, according to information shared with Watchlist. Watchlist received anecdotal information that local groups also face movement and access limitation if operating outside their home states. Furthermore, some volunteer organizations have reported the confiscation of their materials.
- ¹⁶ International organizations operating in Myanmar have criticized the GAO report for failing to adequately recognize the positive developments in increasing humanitarian space in the country.
- ¹⁷ Some donors, mainly European countries and Australia, have recently decided to increase funding for humanitarian operations while strengthening their safeguards against corruption and misuse of these funds by the SPDC, according to ICG, *Myanmar: New Threats to Humanitarian Aid*, Asia Briefing No. 58, December 8, 2006.
- ¹⁸ Some NGOs claim that political pressure from U.S. Congress played a role in Global Fund's decision to withdraw, according to ICG, *Myanmar: New Threats to Humanitarian Aid*, Asia Briefing No. 58, December 8, 2006.
- ¹⁹ For further information, see AI, *Crimes against Humanity in Eastern Myanmar*, June 5, 2008; FBR: *Villager Shot and Killed as Burma Army Completes Rotation of Troops*, February 9, 2008.
- ²⁰ The majority of these IDPs in rural areas are displaced in Shan State with 135,000 IDPs, Kayin (Karen) State with 104,900 IDPs and Tanintharyi (Tenasserim) Division with 65,600 IDPs. There are also large numbers of IDPs in Kayah (Karenni) State with 53,300 IDPs, Mon State with 47,700 IDPs, and Bago (Pegu) Division with 44,500 IDPs, according to TBBC, *Internal Displacement and International Law in Eastern Burma*, October 2008. These TBBC statistics only include IDPs found in known hiding sites in areas accessible from the border. Other persons who are scattered or displaced to other villages or towns are not included.

- ²¹ IDPs in Myanmar also do not receive any compensation for land or supplies in the areas that they lost during their displacement.
- ²² The provision of aid to these relocation sites can undermine villagers' attempts to negotiate with officers to be allowed to leave relocation sites—temporarily or permanently—on humanitarian grounds, according to KHRG.
- ²³ For further information, see: BPHWT, *Chronic Emergency: Health and Human Rights in Eastern Burma*, 2006; KHRG, *Growing Up Under Militarization: Abuse and Agency of Children in Karen State*, April 30, 2008; and *FMR 30*, "Burma's Displaced People," April 2008.
- ²⁴ The PAB operates in only the four border provinces of Mae Hongson, Tak, Kanchanaburi and Rajburi, and does not cover Chiengrai or Chiangmai provinces, where most of the Shan have crossed into Thailand. As a positive development, in early 2009, the entire group of persons with pending refugee status before the PAB has been finally reviewed, according to UNHCR.
- ²⁵ UNHCR had previously determined the refugee status for asylum seekers until it was asked to end this activity by the Thai authorities in January 2004, according to *Migration News*, Southeast Asia, Vol. 14, No. 4, October 2008. However, UNHCR was still able to register the asylum seekers and provide them with a slip for documentation that was intended to protect them from arrest or deportation by Thai authorities. Since November 2005, UNHCR, at the request of the Thai authorities, stopped registering any asylum seekers from Myanmar and has only recently reopened registration in Thailand for a limited number of asylum seekers whose arrival in Thailand related to the September 2007 protests in Myanmar, according to *Migration News*, Southeast Asia, Vol. 14, No. 4, October 2008.
- ²⁶ In July 2004, the Thai government conducted a nationwide migration registration campaign, allowing illegal migrant workers in Thailand to register and thereby making them more accessible to protection, according to *Migration News*, "Thailand: 1.3 Million Registered," Vol. 10, No. 4, October 2004. Even though authorities required the workers to pay a fee of 3,800 Thai baat, more than a worker's average monthly salary, for registration, an estimated 1.3 million migrant workers participated in the registration drive, according to the same source.
- ²⁷ Formerly the Women's Commission for Refugee Women and Children.
- ²⁸ While recognizing the positive aspects of boarding houses for separated children, UNICEF's report also raises some serious protection and other concerns regarding boarding houses that merit further investigation, including reports of sexual abuse, the lack of selection criteria for caregivers and common standards of operation and the lack of qualified staff and facilitation of contact with families.
- ²⁹ The 1982 Myanmar Citizenship Law has had the effect of rendering the Rohingya stateless. Their status as citizens had already been downgraded under the 1974 Constitution.
- ³⁰ The targeted areas included those that have been under operative ceasefires for 10 years or more, regions of active armed conflict and areas of sporadic armed conflict. Within each of 100 selected clusters, 20 households per community were selected randomly. Only the nutrition survey was selected from a subsample of the community members who had presented themselves to the BPHWT medics.
- ³¹ An estimated 9 percent of children under five died of malaria in 2000 according to World Health Statistics 2008. Almost 100,000 new cases of tuberculosis are detected every year according to the Universities of Berkeley and Johns Hopkins, *The Gathering Storm: Infectious Diseases and Human Rights in Burma*, July 2007.
- ³² The 2008 Epidemiological Fact Sheet on HIV and AIDS does not provide statistics on the number of children living with HIV or on orphans due to HIV deaths.
- ³³ Major human trafficking routes run between Thailand and neighboring countries, including Myanmar, which contribute to the spread of HIV in southeast Asia region, according to the UNDP HIV/AIDS regional coordinator for Asia and the Pacific as cited in *Reuters*, "Human Trafficking Helps Spread HIV/AIDS in Asia: UN," August 22, 2007.
- ³⁴ The 3DF has provided funding for Tuberculosis (TB), Malaria, and HIV and AIDS in Myanmar since the beginning of 2008. The fund is supported by Australia, the European Commission (EC), the Netherlands, Norway, Sweden and the United Kingdom (UK). For more information, see www.3dfund.org/.
- ³⁵ According to UNICEF State of the World Children 2008, net enrolment rate for primary school is 89 percent for boys and 91 percent for girls in Myanmar; and net enrolment rate for secondary school is 38 percent for boys and 37 percent for girls.
- ³⁶ For further information on these and other definitions of abductions, see KHRG, *Submission for the UN Secretary-General's Report on Children and Armed Conflict: Incidents from September 2007–October 2008*, January 2009; HREIB, *Forgotten Future*, November 2008.
- ³⁷ In addition to these cases of sexual violence committed by armed forces and groups, women's groups and aid workers have also reported cases of sexual violence and domestic abuse in refugee camps along the Thai-Myanmar border. For background, see Women's Refugee Commission, *Thai-Burma Border Reproductive Health Assessment*, April 2006.
- ³⁸ For further information, see SWAN, *License to Rape: The Burmese Military Regime*, May 2002; KWO: *Shattering Silences*, April 2004; HURFOM, *Catwalk to the Barracks*, July 2005, and Women's International Perspective (WIP), *Rape in Burma: A Weapon of War*, June 2, 2008.
- ³⁹ See note above.
- ⁴⁰ Extensively documented in HRW, *My Gun Was as Tall as Me*, October 2002.
- ⁴¹ From June to September 2008, the DKBA recruited villagers, including children as young as 13 years, from village tracts in Pa'an District, Karen State, to support a joint SPDC-DKBA offensive against the KNLA, according to KHRG, *Forced Recruitment by DKBA Forces in Pa'an District*, September 24, 2008. As part of this campaign, the DKBA used a lottery system to arbitrarily select a predetermined number of civilians to serve as soldiers from each village, according to KHRG.
- ⁴² The KNLA often sent children who 'volunteered' for military service to school until they were 18, according to KHRG, *Growing up under Militarization*, April 2008. While not taking part in combat, some children attended military training or participated in camp and village security operations, according to KHRG.
- ⁴³ In February 2007, the ILO and the SPDC reached a supplementary understanding to establish a mechanism for victims of forced labor to seek redress. On February 26, 2008, the agreement was extended for a further 12-month trial period subject to its submission to the ILO Governing Body.
- ⁴⁴ In this latter case, the ILO confirmed that the child was released and reunited with his family on December 27, 2008, following ILO intervention, with all charges dropped and formal discharge papers issued.
- ⁴⁵ Families are denied access to new recruits until after they have finished training, and recruits must submit any outgoing letters to commanding officers for scrutiny. SPDC has also refused to provide recruitment statistics to HRW, such as the number of recruits of each age category in a given year, claiming that this information would violate national security.
- ⁴⁶ The approach excludes orphans and children without guardians.
- ⁴⁷ Official Journal of the European Union, Council Regulations (EC) No 194/2008 of 25 February 2008, Renewing and Strengthening the Restrictive Measures in Respect of Burma/Myanmar and Repealing Regulation (EC) No 817/2006; U.S. Department of Treasury, Burma Sanctions, retrieved December 31, 2008; Australian Government Department of Foreign Affairs and Trade, Australian Autonomous Sanctions: Burma, December 31, 2008; EU Business, "Switzerland tightens sanctions on Myanmar," September 26, 2008.
- ⁴⁸ In January 2007, the US and the UK sponsored a UNSC draft Resolution that called on Myanmar to release all political prisoners, begin widespread dialogue among the various parties to conflict and end its military attacks and human rights violations against ethnic minorities. The Resolution did not pass due to vetoes by China and Russia in January 2007.
- ⁴⁹ These six grave violations are killing or maiming of children; recruitment or use of child soldiers; attacks against schools or hospitals; rape or other grave sexual violence against children; abduction of children; and denial of humanitarian access for children and also to enforce the compliance of armed forces and groups with international standards.

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- ⁵⁰ The Myanmar labor activist was released in the general amnesty declaration of February 22, 2009.
- ⁵¹ In addition, two further charges with direct links to the ILO were withdrawn before final sentencing, according to the ILO press release.
- ⁵² The Committee's work has been strongly criticized by human rights organizations. HRW stated in its 2007 report that this Committee had whitewashed the issue, obstructed the work of international organizations and done little or nothing to remedy the problem. KHRG similarly asserts that the Committee has mainly focused on denying the existence of child soldiers in its armed forces instead of taking actions to stop their recruitment, *Growing Up under Militarization*, April 2008.
- ⁵³ For more information, see *IHT*, "Child Soldiers and the China Factor," September 12, 2008.
- ⁵⁴ The SPDC's statement stands in contrast to the SPDC's reported agreement on the necessity for the MRMTask Force in Myanmar to interact with the KNU and the KNPP regarding action plans (see above: UN Secretary-General's Reports on CAC in Myanmar).
- ⁵⁵ Several NSAGs had already agreed to communicate with the Task Forces in Myanmar and Thailand at the time the Working Group reached these conclusions. However, the Task Forces have not yet made formal contact with them.

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