



APRIL 2010

HUMAN RIGHTS &

INTERNATIONAL CRIMES

AGAINST BURMA'S INTERNALLY

DISPLACED CHILDREN

# DISPLACED CHILDHOODS



# DISPLACED CHILDHOODS

# MISSION

## Partners Relief & Development

Partners Relief & Development (Partners) is a Christian international relief and development agency founded in 1995. We provide humanitarian relief to refugee and internally displaced communities impacted by the war in Burma. The provisions we supply include food, shelter tarps, clothing, medicine, mosquito nets, and other essential survival supplies. Partners also provides education and medical care and training to the people of Burma. Our support and collaboration with other organizations has enabled us to provide over 66,000 children with school in the war zones and sponsor eight conflict-area medical clinics.

Partners works with people of all faiths and ethnicities in Burma. We strive to empower local communities to be self-sufficient. To further assist them with that goal, Partners staff and volunteers advocate across the globe to inform leaders and everyday people about the situation of Burma's ethnic citizens.

Partners is a registered charity in the United States (2001), Canada (2001), Norway (2002), Australia (2005), United Kingdom (2007) and New Zealand (2008). Partners has field offices in Chiang Mai and Mae Sot, Thailand. Funding for Partners comes from donations provided by individuals, churches, and not-for-profit organizations. For further information about Partners, our programs and publications, or to find out how you can be a part of bringing free, full lives to Burma's children, please contact:

[info@partnersworld.org](mailto:info@partnersworld.org)

[www.partnersworld.org](http://www.partnersworld.org)

## Free Burma Rangers

The Free Burma Rangers (FBR) is a multi-ethnic, humanitarian service organization. Our mission is to bring help, hope, and love to people of all faiths and ethnicities in the conflict zones of Burma. We are committed to shining a light on the actions of the military regime, to stand with the oppressed, and support leaders and organizations committed to liberty, justice and service.

FBR has trained over 130 multi-ethnic relief teams, including 52 full-time teams, which provide humanitarian assistance to communities affected by conflict and oppression at the hands of Burma's military regime. Since 1997, FBR relief teams have conducted over 400 humanitarian missions of one to two months duration into Burma's conflict zones. On average, each mission provides medical treatment for 1,000 people and humanitarian assistance to an additional 1,000 people. The teams also operate a communication and information network inside Burma that provides real time information from areas under attack. Together with other groups, the teams work to serve people in need. Through this work, FBR helps the oppressed and equips the people of Burma to bring positive change through acts of love and service.

For further information about FBR, our programs and publications, please contact:

[info@freeburmarangers.org](mailto:info@freeburmarangers.org)

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# A message from PARTNERS RELIEF & DEVELOPMENT

On 27 December 2008, a Burma Army soldier abducted and killed a seven-year-old, M.N.M. of Ma Oo Bin village in the area close to Kyauk Kyi Town, Nyaunglebin District, Karen State, Burma. According to a report from relief teams in the area, a soldier from Light Infantry Battalion (LIB) 350 entered the village around 6 pm, took the young girl outside the village and raped her. When she began to cry loudly, the soldier shot and killed her.

In January 2009, I visited the region with eight Free Burma Ranger relief teams where M.N.M. was murdered. We interviewed, prayed with, and assisted survivors who have long endured the abuse of the Burma Army. Today, more than one million people are living in Burma's jungles, hiding from soldiers while they struggle to provide for themselves and their families. We saw first-hand the devastating impact of Burma Army patrol lines and roads. Soldiers deliberately construct these roads and line them with landmines to divide and control ethnic communities. This widely-used method of control effectively cuts villagers off from their loved ones and rice fields, their primary supply of food.

One striking quality of the people I met on our journey was that they did not ask for pity. Nor did they request more attempts to negotiate with Burma's leader, General Than Swe. Instead they asked for someone to stop the Burma Army attacks against their welfare and lives, and for simple things like security, food, shelter, and school for their children. The people of Burma need us to act on their behalf, doing for them simply what we would want done for ourselves. Imagine for a moment if this were your story. What response would you want from the world community? How would you feel if seven year old M.N.M. was your daughter?

Burma has the highest concentration of child soldiers in the world. Human Rights Watch asserts that up to 20% of the SPDC Army are children as young as twelve years old. While the issue of child soldiers is not treated in this report, it is reported on and advocated by the Coalition to Stop Child Soldiers, Human Rights Watch, and many other reputable organizations.

I urge you to take seriously the testimony and recommendations in this report. I hope you see people who deserve a just and immediate response to their prolonged suffering and abuse. I envision a Burma where children enjoy free full lives and communities are reconciled and living in peace. To that end, we have invested our time, hearts, and resources into this report. Please join our effort to bring a new era of freedom and fullness to Burma's children.



STEVE GUMAER  
CEO, Partners Relief & Development

# A message from FREE BURMA RANGERS

Dear friends,

Thank you for your stand with the children of Burma. I am writing this from the Karen State of Burma where together with my wife and children, we are on relief missions with our teams in an ethnic area under attack by the Burma Army. All relief in the ethnic conflict areas is only possible because of the pro-democracy ethnic resistance. Humanitarian relief is crucial, saves lives and it is the mission of FBR, Partners and others, but it treats symptoms and not the main problem. The problem is the dictators of Burma and how they oppress their own people with impunity. Who will stand with the people of Burma, who will stop the dictators?

While on a relief mission in a village south of where we are now, the Burma Army raped and then killed M.N.M., a 7-year-old girl. No one there could protect her. H.K.T.S. is a 13-year-old boy who was blinded by a landmine planted in his village by the Burma Army. We helped to evacuate him but could not restore his sight. Our role is to serve those in need, to comfort them, and to bear witness to what is happening. When they cannot run we stand with them and face the attack together. Some of our team members have died. But we cannot stop the dictator's army.

The people of Burma need more help regardless of the objections of the dictators. I met Aung San Suu Kyi in 1996 and it was her request for prayer and unity that inspired us to call people to pray and act on behalf of the people of Burma. The dictators have committed their lives, fortune, and honor to keeping power. If we want to be a part of freedom in Burma by resisting the power of hate with love, we can do no less. When under pressure it is easy to ask the question, "What will become of me?" The more important question is "What should I do?" We go compelled by love in heart, mind, and soul. We love the people of Burma and stand with them, this is our heart. We believe that oppression is morally wrong, this is our mind. We go because the people of Burma count and it is right to help them. This is our soul. We pray for the dictators knowing that we are also fallible and that the line separating good and evil passes not between the dictators and the people, but through every human heart.

As you read this report please think about your role in helping the children of Burma.

May God bless you,



DAVID EUBANK, FAMILY AND TEAMS  
Free Burma Rangers  
Karen State, Burma



# DISPLACED CHILDHOODS

HUMAN RIGHTS & INTERNATIONAL CRIMES AGAINST BURMA'S INTERNALLY DISPLACED CHILDREN

# NOTES ON TERMINOLOGY

At the time of gaining independence from Britain in 1948, the official name Burma was the “Union of Burma.” In 1989, as part of a broader exercise to rename geographical place names, the ruling military regime changed the name of the country to the “Union of Myanmar.” Similarly, “Rangoon” became “Yangon,” “Pegu” became “Bago,” etc. The name changes are not accepted by most opposition groups, who reject the legitimacy of the military regime to unilaterally change the name of the country and view the name changes as part of an effort to “Burmanize” the national culture. While the United Nations recognizes the name change and refers to the country as Myanmar, countries such as the United States, the United Kingdom, Australia, and Canada use the name Burma. Partners and FBR refer to the country as Burma.

The term “Burmese” refers to the language or the people of Burma as a whole, including all the ethnic nationalities, whereas the term “Burman” refers to the dominant ethnic group in the country.

A series of military regimes have dominated control of Burma since 1962 when General Ne Win overthrew the democratically elected government. In September 1988, the military ruled under the name State Law and Order Restoration Council (SLORC). In November 1997, the regime changed the name of SLORC to the State Peace and Development Council (SPDC). The terms SPDC, military regime, and military government are used interchangeably in this report.

The currency in Burma is the Kyat. The official exchange rate of the Kyat is set by the military regime and, as of January 2010, 6.3177 Kyat equaled 1 U.S. dollar. Most transactions in Burma occur according to the black market rate where 1 U.S. dollar is worth 975 Kyat.

In line with Article 1 of the International Convention on the Rights of the Child, the term “child” refers to a person below the age of 18.

“Partners Relief and Development” and the “Free Burma Rangers” are generally referred to throughout this report as “Partners” and “FBR,” respectively.

# ACRONYMS

ABFSU	All Burma Federation of Student Unions	KNG	Kachin News Group
BPHWT	Back Pack Health Worker Team	KNLA	Karen National Liberation Army
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women	KNLAPC	Karen National Liberation Army Peace Council
CHRO	Chin Human Rights Organization	KNPLF	Karenni National People's Liberation Front
CNPC	China National Petroleum Corporation	KNPP	Karenni National Progressive Party
CRC	Convention on the Rights of the Child	KNSA	Karenni Solidarity Army
DKBA	Democratic Karen Buddhist Army	KNU	Karen National Union
DVB	Democratic Voice of Burma	LIB	Light Infantry Battalion
EAT	Emergency Assistance Team	MOGE	Myanmar Oil and Gas Enterprise
ERI	EarthRights International	MRM	Monitoring and Reporting Mechanism
FBR	Free Burma Rangers	MSF	Medecins Sans Frontiere (Doctors Without Borders)
GDP	Gross Domestic Product	MYPO	Mon Youth Progressive Organization
HRDU	Human Rights Documentation Unit	NCGUB	National Coalition Government of the Union of Burma
HRW	Human Rights Watch	NLD	National League for Democracy
ICBL	International Campaign to Ban Landmines	NMSP	New Mon State Party
ICC	International Criminal Court	PNO	Pao National Organization
ICCPR	International Covenant on Civil and Political Rights	RI	Refugees International
ICESCR	International Covenant on Economic, Social and Cultural Rights	SGM	Shwe Gas Movement
ICFTU	International Confederation of Trade Unions	SHAN	Shan Herald Agency for News
ICRC	International Committee of the Red Cross	SLORC	State Law and Order Restoration Council
IDMC	Internal Displacement Monitoring Center	SPDC	State Peace and Development Council
IDPs	Internally Displaced Persons	SSA-S	Shan State Army-South
ILO	International Labor Organization	TBBC	Thailand Burma Border Consortium
IMNA	Independent Mon News Agency	UDHR	Universal Declaration of Human Rights
JHUCPHHR	John Hopkins University Center for Public Health and Human Rights	UN	United Nations
KHRG	Karen Human Rights Group	UNDP	United Nations Development Program
KIO	Kachin Independence Organization	UN OCHA	United Nations Office for the Coordination of Humanitarian Affairs
		UWSA	United Wa State Army

# PREFACE

On 17 January 2010, Burma Army Light Infantry Battalion (LIB) number 367 initiated a fresh round of attacks on several villages in Karen State's Nyaunglebin District in eastern Burma, killing three villagers, burning down houses, and committing atrocities against civilians. Over a two-day period, the attacks forcibly displaced over 1,000 villagers, including hundreds of children. These children are now living in uncertain conditions, hiding from further military attacks with little more than the clothes on their backs.<sup>1</sup> They are at extreme risk of continued human rights violations, malnourishment, and serious health problems.

Such attacks are common in military-ruled Burma. A generation of the country's children have been scarred by death, destruction, loss, and neglect at the hands of Burma's military. For over four decades, Burma's military government has forced children from their homes and villages, subjected them to extreme human rights violations, and largely left them to fend for their survival in displacement settings without access to basic provisions or humanitarian services. Since 2002, Free Burma Rangers (FBR) has independently documented over 180 incidents of displacement, and for the last 14 years both Partners and FBR have provided lifesaving humanitarian service to thousands more.<sup>2</sup> From 2002 to the end of 2009, more than 580,000 civilians, including over 190,000 children, have been forcibly displaced from their homes in Eastern Burma alone.<sup>3</sup> An estimated one to three million people live as internally displaced persons (IDPs) throughout Burma. As many as 330,000 to 990,000 of the displaced are children.<sup>4</sup>

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1 Free Burma Rangers (FBR), "Update of Burma Army Attacks, Murders, Displacement and Forced Labor in Karen State, Burma," online report, 21 January 2010.

2 Please see, Appendix: Incidents of Displacement Documented by FBR. Although FBR and Partners have documented many more incidents of displacement occurring before 2002, this report is focused only on incidents that may be considered under the jurisdiction of the International Criminal Court (ICC), which is limited to events occurring on or after 1 July 2002. Please see the methodology section for more information on the temporal scope of this report.

3 Figures of displacement based on surveys conducted by the Thailand Burma Border Consortium (TBBC) since 2002. See, TBBC website at [www.tbbc.org](http://www.tbbc.org). The approximation of the number of displaced children is based on general statistics indicating that children in Burma comprise 33 percent of the population.

4 Comprehensive data on internal displacement in much of the country is not available. However, the estimates of internal displacement in all areas of Burma tend to range from one to three million. See, TBBC, "Internal Displacement and International Law in Eastern Burma," 22 October 2008, <http://www.tbbc.org/idps/report-2008-idp-english.pdf> (accessed 20 January 2010); Center on Housing Rights and Evictions, "Displacement and Dispossession: Forced Migration and Land Rights in Burma," 8 November 2007, <http://www.cohre.org/store/attachments/COHRE%20Burma%20Country%20Report.pdf> (accessed 20 January 2010); Refugees International, "Military Offensive Displacing Thousands of Civilians," 16 May 2007, <http://www.refintl.org/content/article/detail/9997/>, accessed 30 January 2008 (accessed 20 January 2010); Karen Human Rights Group, "Sovereignty, Survival and Resistance: Contending Perspectives on Karen Internal Displacement in Burma," 1 March 2005, <http://www.khrg.org/papers/wp2005w1.htm> (accessed 20 January 2010).

The world has done far too little for far too long in response to this crisis. It is time that Burma's military leaders and the perpetrators of human rights violations are brought to justice and held accountable for their actions. Considering the systematic and widespread nature of displacement in Burma; the direct impact displacement has on children; and the military government's involvement in bringing about these conditions, it is time for an international response.

We are taking a stand for the children of Burma to prevent another generation from being killed, exploited, abused, displaced, and neglected. Children are the key to the world's future, and it is our responsibility to ensure all children are able to enjoy full, free lives. Burma's children are no exception. For this reason, we endorse the findings and recommendations in this report, and we call for a formal investigation through a UN Commission of Inquiry to evaluate allegations of international crimes committed against the civilian population in Burma, including crimes against humanity and war crimes. The time for international intervention on Burma is now, before another child's life is senselessly lost in this long and brutal conflict.



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# A message from VÁCLAV HAVEL

Dear friends,

I am grateful for the report on the fate of children in the ethnic areas of Burma under attack by the SPDC army. I know that the authors put themselves under considerable risk to collect this data, and I thank them for their admirable mission of truth and love. I am appalled by the brutality with which Burmese authorities treat their own citizens with impunity, and I am truly afraid that the situation might get even worse and these attacks escalate later this year when the junta prepares for the elections, the results of which are to be determined by them, not by the people. The international community should immediately take steps to stop the dictators' army, including international arms embargo, and substantially increase humanitarian assistance in the war zones.

Recently, we celebrated the 20th anniversary of the fall of the Iron Curtain and the victory of freedom and democracy in Central and Eastern Europe. The people of Burma still suffer today, and it is our duty to stand by the oppressed. I hope that democracy in Burma will be restored, that the ethnic people will have a stake in the political future of Burma, and that children can lead free, full lives. Let Burma be free!

A handwritten signature in cursive script that reads "Václav Havel". The signature is written in dark ink and includes a small heart symbol at the end of the line.

VÁCLAV HAVEL

*Former President of the Czech Republic*

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Czech Republic





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# EXECUTIVE SUMMARY

Burma's military government, the State Peace and Development Council (SPDC), has displaced hundreds of thousands of people with impunity, particularly in the country's ethnic territories. This report is based on a culmination of data collected in Burma and on its borderlands for the last 14 years by Partners Relief & Development (Partners) and Free Burma Rangers (FBR). It is the first comprehensive report documenting the experiences of internally displaced children in Burma against the backdrop of Burma's obligations under domestic and international law. It documents firsthand testimonies of the abuses faced by internally displaced children in SPDC-relocation sites, in ceasefire areas, and in hiding.

As many as 330,000 to 990,000 children live in internal displacement in Burma.<sup>5</sup> Generations of children in Burma have grown up surrounded by tragedy, violence, poverty, and destruction, only to witness their own children endure the same experiences. Despite the scale and protracted nature of this crisis, information on the plight of internally displaced children in Burma rarely reaches the outside world. Restrictions on travel and movement imposed by the regime, general inaccessibility of areas of the country where internally displaced persons (IDPs) live, particularly in the conflict zones of eastern Burma, and the constant movements of IDPs obstruct the availability of information on IDPs. The struggles and hardships of internally displaced children in Burma often occur in silence.

Partners and FBR have documented in this report the lack of protection and impact of internal displacement on children to bring attention to this particularly marginalized population and call for a meaningful international response. This report examines the ongoing internal displacement of children in Burma, including the causes and patterns of internal displacement; the impact internal displacement has on Burma's children; and Burma's legal obligations under domestic law as well as international human rights, humanitarian law, and criminal law to protect and provide for internally displaced children. It documents and represents hundreds of firsthand testimonies of mothers, fathers, and children from Burma who are currently living as IDPs or have lived in displacement settings. A set of recommendations are provided to the military government of Burma, the agencies and officials of the United Nations (UN), and the international community.

As a member of the UN and a party to the UN Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Geneva Conventions I, II, and

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<sup>5</sup> The approximation of the number of displaced children is based on general statistics indicating that children in Burma comprise 33 percent of the population.

III of 1949, Burma is bound by international human rights and humanitarian law. Under international law, forced displacement of civilian populations is prohibited.<sup>6</sup> According to the UN Guiding Principles on Internal Displacement (which define international standards relating to internally displaced persons (IDPs) on the basis of international humanitarian, human rights, and refugee law) national authorities are responsible to “prevent and avoid conditions that might lead to displacement of persons.”<sup>7</sup>

Far from fulfilling its obligations under international law, Burma’s military regime is largely responsible for much of the displacement that occurs in Burma. Callous actions and deliberate policies of the regime have led to violent attacks on civilians, irresponsible development projects, widespread human rights abuses, unspeakable poverty, and general insecurity, which have resulted in new instances of displacement throughout the country. In 2009 alone, the military regime was responsible, directly or indirectly, for the

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6 The right not to be arbitrarily displaced is implicit in the expression of basic human rights, such as the freedom of movement and choice of one’s residence, freedom from arbitrary interference with one’s home, and the right to housing. The main international instruments protecting these derivative rights includes, Universal Declaration of Human Rights (UDHR), adopted 10 December 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948), arts. 12, 13, and 25; International Covenant on Civil and Political Rights (ICCPR), adopted 16 December 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force 23 March 1976, arts. 12 and 17; International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted 16 December 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 1993 U.N.T.S. 3, entered into force 3 January 1976, art. 11; Convention on the Rights of the Child (CRC), adopted 20 November 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force 2 September 1990, art. 27; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted 18 December 1979, G.A. Res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force 3 September 1981, art. 14(2)(h); International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted 21 December 1965, G.A. Res. 2106 (XX), annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, entered into force 4 January 1969, art. 5(e)(iii); Geneva Convention relative to the Protection of Civilian Persons in Time of War, adopted 12 August 1949, 75 U.N.T.S. 287, entered into force 21 October 1950, arts. 33 and 49; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1125 U.N.T.S. 609, entered into force 7 December 1978, art. 17; International Labor Organization Convention concerning Indigenous and Tribal Peoples in Independent Countries (C169), adopted 27 June 1989, entered into force 5 September 1991, art. 16. Recognizing from the survey of international human rights law, international humanitarian law and customary international law that the right to be protected against arbitrary displacement is a fundamental human right, the UN Commission on Human Rights adopted the Guiding Principles on Internal Displacement in 1998, which provide an authoritative restatement of international agreements and norms.

7 UN High Commissioner for Refugees, Guiding Principles on Internal Displacement (Guiding Principles), 22 July 1998, E/CN.4/1998/53/Add.2, Principle 5.

displacement of some 112,000 villagers in eastern Burma.<sup>8</sup> Of those displaced, children are particularly at risk.

The CRC, which Burma acceded to in 1991, not only protects a child's inherent right to life, but also requires States Parties to "ensure to the maximum extent possible the survival and development of the child."<sup>9</sup> Article 16 of the CRC further prohibits arbitrary or unlawful interference with a child's home and extends the right of protection against such interference.<sup>10</sup> Further protections ensure children have access to "the highest attainable standard of health," an adequate standard of living, an education, and numerous other basic rights and freedoms.<sup>11</sup>

Despite such provisions, children in Burma are not immune to government-sanctioned abuse. This report documents how childhood is often disrupted by violence, insecurity, and poverty. Children are witnesses of and subject to arbitrary and extrajudicial killings, torture and mistreatment, arbitrary arrest and detention, rape and sexual violence, forced labor and portering, recruitment as child soldiers, and restrictions on basic and fundamental freedoms. They are inordinately affected by the rampant poverty, inadequate schools, and poor healthcare that exists in Burma.

While nearly all children in Burma are affected to some extent by insecurity, poverty, and lack of adequate social services, internally displaced children face particularly extreme and appalling conditions in displacement settings. This report documents how IDPs are typically forced to leave their villages, homes, farms, and livelihoods with very little advanced warning. Often they are only able to take with them what they can carry and sometimes not even that. They find themselves in precariously unstable circumstances, lacking protection from human rights violations committed by the Burma Army and in danger of further displacement with little access to the most basic necessities, including adequate and sustainable food sources, clean drinking water, stable shelters, schools, and healthcare facilities. For internally displaced children in Burma, childhood is full of uncertainty and insecurity.

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8 TBBC, "Protracted Displacement and Militarization in Eastern Burma," November 2009, <http://www.tbtc.org/resources/resources.htm#idps> (accessed 20 January 2010), p. 42 (includes 37,000 IDPs who fled from the Kokang ceasefire area in northern Shan State in August 2009).

9 CRC, arts. 6(1), (2).

10 CRC, arts. 16(1), (2).

11 CRC, art. 24.

Based on the incidents documented in this report, it is clear that the SPDC is in contravention of its legal obligations under international humanitarian and human rights law. Considering the nature and scale of displacement in Burma, the SPDC's actions may also amount to more extreme violations, including crimes against humanity and war crimes. While the wounds inflicted by the SPDC will take many generations to heal, before the healing process can begin those responsible must be brought to justice and held accountable for their actions. Partners and FBR jointly make the following recommendations:<sup>12</sup>

BELOW Boy in the rain  
fleeing from the Burma Army.  
27 April 2006 | FBR

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<sup>12</sup> A comprehensive set of recommendations are included in the final chapter of this report.



## To the SPDC:

- Acknowledge and prevent the forced displacement of civilians, particularly families and children, in Burma. Develop a legal framework to investigate, prosecute, and address allegations of forced displacement.
- Enforce current domestic laws and policies that provide for and protect children.
- Ensure IDPs, particularly internally displaced children, have access to basic necessities and social services.
- Allow UN and humanitarian agencies unfettered access to internally displaced communities.

## To the United Nations and International Community:

- Pressure the SPDC to stop the forced displacement of civilians and protect and provide for the needs of internally displaced communities, particularly children.
- Encourage the UN Security Council to initiate a Commission of Inquiry to investigate extreme crimes committed in Burma, including crimes against humanity and war crimes.
- Support the strengthening of monitoring and reporting mechanisms designed to ensure that violations, particularly grave violations, committed against children in Burma are documented and addressed.
- Support Burma-based and border-based humanitarian agencies working with displaced communities and urge the SPDC to increase access to internally displaced populations.



# METHODOLOGY

This report is based on a culmination of data collected by Partners and FBR from more than 14 years of service with the people of Burma. In preparing for this report, Partners collected information from at least 200 people affected by displacement in Burma through community-based surveys and border interviews.

Partners conducted 82 in-depth interviews with IDPs and former IDPs living along the Thai-Burma border between June and December 2009. Sixty-five of those interviewed for the report spent time displaced during the last seven years and were able to provide detailed information on recent incidents and conditions of displacement in Burma. Interviewees included parents and grandparents as well as children from Arakan State, Chin State, Kachin State, Karen State, Karenni State, Mon State, and Shan State with experience living in SPDC-designated relocation sites, in ceasefire areas, and in hiding.

Partners conducted interviews with over 30 representatives of community-based organizations with years of knowledge and experience working with IDP communities in Burma. Partners also interviewed members of the armed opposition groups who often provide protection and logistical support to IDP populations and relief workers assisting IDP populations in Burma. For security reasons, it was not possible to interview active officers of the Burma Army.

In preparation of this report, 52 FBR relief teams that are on-the-ground year-round surveyed internally displaced communities inside Burma. Between July 2009 and January 2010, the teams surveyed more than 93 people from the ethnic Karen and Shan communities, including 38 women and 46 children.

All interviews were conducted in English or, when possible, in the native language of the interviewee. Interviews with children were conducted with their consent and in the presence of their parents. Partners and FBR have withheld the names and identifying information of the interviewees to protect them from potential reprisals by the SPDC. All interviewees were informed of the purpose of the interview and how the information would be used. All interviewees participated in the interview process voluntarily and provided oral consent to be interviewed in advance. No interviewee received any compensation for their information.

In addition to interviews and desk research, Partners and FBR also carried out a legal review of provisions in place in Burma to protect children in general, and displaced children in particular.

LEFT Relief team member carries IDP child to safety. 2006 | FBR

## Assessing IDP Population Numbers

A quantitative assessment of the complete scale of displacement in Burma is challenging. The numbers contained in this report are reliable estimates based on available data. There are a number of factors contributing to the difficulty of obtaining precise IDP population figures, including restrictions on travel and movement imposed by the military regime, the general inaccessibility of many areas where IDPs live, and the cyclical nature of displacement in Burma.

Restrictions on travel and movement imposed by the military regime pose a particular challenge in obtaining accurate population figures in Burma. International agencies and humanitarian organizations are largely restricted from areas of the country that host a considerable number of IDPs. Border-based organizations, such as Partners and FBR, tend to have more access to IDP populations through cross-border operations, but the hostile environment in which most IDPs currently live in Burma prevents systematic and comprehensive data collection.

In addition to military restrictions on travel and movement, many areas of the country are difficult to access due to active armed conflict, rugged terrain, and underdeveloped transportation infrastructure. In eastern Burma, where large numbers of IDPs exist, armed conflict hinders data collection. In central Burma, which is largely under full military control, information is generally contained. In many areas of western Burma, primitive communication and transportation systems in addition to military occupation obstruct information flows on IDP populations. Data collection in such environments can be extremely dangerous and physically challenging.

The fact that IDPs are often actively “on the move” further complicates accurate population assessments. Displaced people in Burma are continuously uprooted, temporarily resettled, and re-uprooted. As a result, Burma’s IDP population is not stagnant and is difficult to categorize.



**ABOVE** Families fleeing Ler Per Her after Burma Army attacks. June 2009 | PARTNERS

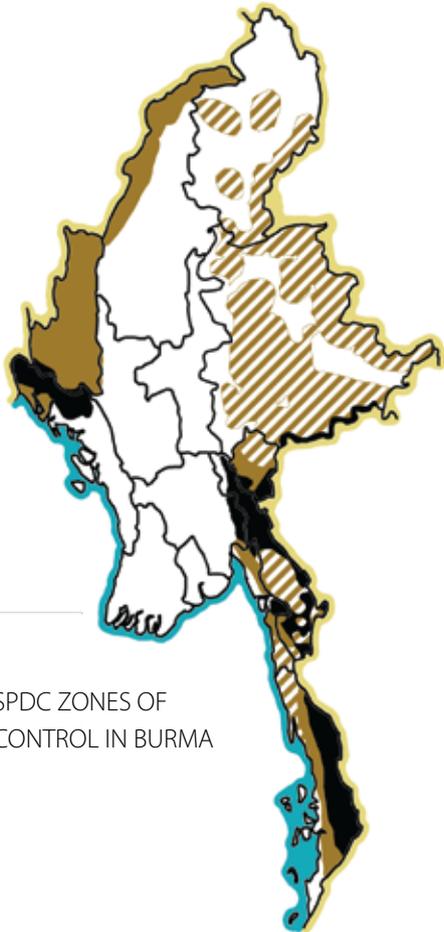
**RIGHT** SPDC Zones of Control in Burma, note these zones of control are approximations only. | FBR

# Scope

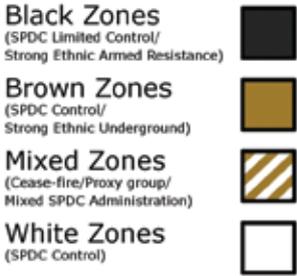
The geographical scope of this report focuses primarily on eastern Burma. While the situation of internally displaced communities living in central and western Burma is not comprehensively addressed in this report, the geographical areas that are covered provide a sample of some of the trends and impacts associated with displacement affecting children in Burma. The areas most thoroughly documented in this report include those where a significant amount of displacement has occurred over the years and where the majority of IDPs are currently located.

The scope of this report focuses on the causes and impact of displacement on children. Several related topics are not addressed in this report, including the situations of children living in urban internal displacement, the problems of trafficking, or the conditions of refugees and migrants living in exile. These topics merit further investigation and attention, particularly with regards to their impact on children.

This report focuses on events occurring since 2002. The primary reason for this time-frame is the limited temporal jurisdiction of the International Criminal Court (ICC). The ICC is only able to consider events that occurred after 1 July 2002, the date of enactment of the Rome Statute. As one of the key recommendations of this report is an investigation into potential crimes against humanity and war crimes committed by the SPDC under the jurisdiction of the ICC is relevant, the period since 2002 is an appropriate temporal focus. However, displacement in Burma is a long-standing problem with incidents dating back to the formation of an independent Burma in 1948.



SPDC ZONES OF CONTROL IN BURMA





# HISTORICAL OVERVIEW

British colonial rule in the nineteenth century greatly influenced the geographic design and politics of modern-day Burma. After assuming control over Burman-dominated central Burma in 1852, the British slowly incorporated previously independent and self-governed ethnic territories into its empire, including areas occupied by ethnic Arakan, Chin, Kachin, Karen, Karenni, Mon, and Shan.<sup>13</sup> The map artificially forged by the British inextricably intertwined the destinies of many people previously living in separate and distinct territories.

As the campaign for independence intensified in the mid-1940s, largely through the efforts of Burman nationalists led by General Aung San, the British conditioned independence on the creation of a federal union with ethnic participation and representation.<sup>14</sup> Following outreach by General Aung San, some ethnic nationalities were invited to formalize their commitment to a federal union in the Panglong Agreement of 1947.<sup>15</sup> Fundamental provisions of this agreement included a “principle of equality” between the Burmans and the ethnic nationalities, and guarantees of political autonomy in the ethnic territories.<sup>16</sup> However, not only were many ethnic nationalities unrepresented in the Panglong Conference, but the rights guaranteed by the Panglong Agreement were not consistently applicable to all the ethnic groups, creating an atmosphere ripe for civil war.<sup>17</sup>

On 19 July 1947, General Aung San and several other leaders of Burma’s independence movement were assassinated, resulting in weakened support for the union by the ethnic nationalities who had placed great trust in the leadership General Aung San.<sup>18</sup> Discontentment grew as the new constitution, which went into effect on 2 September 1947, failed to address particular demands of the ethnic nationalities.<sup>19</sup> Within months of gaining independence from Britain on 4 January 1948, the country broke into civil conflict as various political and ethnic groups, disillusioned by unmet promises, took up arms

LEFT Mother flees the Burma Army’s attacking troops. April 2006 | FBR

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13 Lian H. Sakhong, “Federalism, Constitution-Making, and State Building in Burma,” in David C. Williams and Lian H. Sakhong, eds., *Designing Federalism in Burma* (Chiang Mai: UNLD Press, 2005), p. 11; Christina Fink, *Living Silence: Burma Under Military Rule*, (London: Zed Books Ltd., 2005), p. 17.

14 Fink, *Living Silence*, p. 22.

15 Only the Chin, Kachin, and Shan participated in the Panglong conference and became signatories to the agreement. Sakhong, “Federalism, Constitution-Making, and State Building in Burma,” p. 12; Fink, *Living Silence*, p. 22.

16 Lian H. Sakhong, “The Basic Principles for Future Federal Union of Burma,” in David C. Williams and Lian H. Sakhong, eds., *Designing Federalism in Burma* (Chiang Mai: UNLD Press, 2005), pp.37-46.

17 Thomas Kramer, Transnational Institute, *Neither War Nor Peace: The Future of the Cease-Fire Agreements in Burma*, (Amsterdam: Drukkerij Primavera Quint, 2009), <http://www.tni.org/archives/reports/drugs/ceasefire.pdf> (accessed 25 January 2010), p. 7.

18 Fink, *Living Silence*, pp. 23-24; Sakhong, “Federalism, Constitution-Making, and State Building in Burma,” p. 12.

19 Sakhong, “Federalism, Constitution-Making, and State Building in Burma,” pp. 17-20.

to protect themselves from the newly empowered central government.<sup>20</sup> When General Ne Win seized power in a military coup on 2 March 1962, overthrowing the democratically-elected government, the prospects for peace in Burma crumbled.<sup>21</sup> Since then, Burma and its people have been held within the iron grip of successive military regimes.

Two decades after General Ne Win seized power, discontentment with military rule and sustained economic decline led to a breaking point on 8 August 1988, as massive peaceful protests swept across the country. In response to the call for democratically-held elections, the military suspended the 1974 Constitution and declared martial law. In the weeks that followed the protests, the military violently attacked unarmed civilians, killing at least 3,000 and imprisoning many more.

In response to international pressure and hoping to feign some legitimacy, the ruling military regime, then named the State Law and Order Restoration Council (SLORC), announced that elections would be held in May 1990. The National League for Democracy (NLD) led by Aung San Suu Kyi emerged as the leading opposition party. Threatened by Suu Kyi's growing popularity, SLORC placed her under house arrest in July 1989, where she has remained for 14 of the past 20 years. Despite such tactics, the NLD won 392 out of the 485 parliamentary seats. Before the elected candidates could be seated, the SLORC refused to implement the election results and called for a new constitution.

It would be two more years before the SLORC announced the convening of a National Convention, the mechanism governing the constitutional-drafting process, in April 1992. The National Convention took place sporadically between 9 January 1993 and 31 March 1996, resuming again from May 2004 until September 2007. These sessions were fully controlled by the military regime, with hand-picked delegates, open discussions restricted, alternative proposals overridden, opponents intimidated, and previously elected members of parliament excluded.<sup>22</sup>

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<sup>20</sup> The Karen were one of the first ethnic nationalities to oppose the central government, establishing an armed opposition group less than a year after Burma's independence. Other groups joined in the struggle throughout the 1950s. Fink, *Living Silence*, pp. 23-24, 29.

<sup>21</sup> *Ibid.*

<sup>22</sup> Human Rights Watch (HRW), "Crackdown: Repression of the 2007 Popular Protests in Burma," vol. 19, no. 18(c), December 2007, <http://hrw.org/reports/2007/burma1207/> (accessed 20 January 2010), p. 17.



In September 2007, amid spreading nationwide protests, the military regime, renamed the State Peace and Development Council (SPDC) in 1997, announced the closing of the final session of the National Convention. Soon after, the SPDC formed a 54-member Commission for Drafting the State Constitution. The Commission once again excluded political and ethnic opposition leaders. On 19 February 2008, the Generals of the SPDC announced that they would hold a referendum on its draft constitution on 10 May 2008 followed by elections in 2010.<sup>26</sup>

Eight days before the scheduled referendum vote, Cyclone Nargis struck southwestern Burma, leaving in its wake a path of death and destruction. Despite the massive loss of life and devastation in the Irrawaddy Delta region, the Generals pushed forward with the scheduled vote on May 10, allowing a two-week delay in only 47 affected townships, where millions remained without food, shelter, or medicine.<sup>27</sup> On May 27, the regime announced a 92.8 percent popular approval of the constitution with a 99 percent voter turnout. In response, the international community, including UN officials, denounced the drafting process, referendum, and resulting constitution as a “sham” that lacked legitimacy and genuine participation.<sup>28</sup>

In 2009, the military government continued to push forward its agenda of entrenching military rule through an eminently flawed election process. On 14 May 2009, 13 days before Aung San Suu Kyi’s house arrest was scheduled to end, the SPDC re-arrested her and charged her under the country’s “Law to Safeguard the State from the Dangers of Subversive Elements”- a law widely employed by the regime to suppress political dissidents and opposition groups. The arrest came after an American man, John Yettaw, entered Suu Kyi’s home and spent two days as her uninvited guest. On 11 August 2009, after a six-week trial, a criminal court in Rangoon found Suu Kyi in violation of the terms of her house arrest and sentenced her to three years in prison- a sentence that was later commuted to an additional 18 months under her existing house arrest.<sup>29</sup>

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26 HRW, “Vote to Nowhere: The May 2008 Constitutional Referendum in Burma,” April 2008, [http://www.hrw.org/sites/default/files/reports/burma0508\\_1.pdf](http://www.hrw.org/sites/default/files/reports/burma0508_1.pdf) (accessed 20 January 2010), p. 6.

27 Emergency Assistance Team (EAT) and John Hopkins University Center for Public Health and Human Rights (JHU CPHHR), “After the Storm: Voices from the Delta,” March 2009, [http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/ASAZ-7PRKLM-full\\_report.pdf/\\$File/full\\_report.pdf](http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/ASAZ-7PRKLM-full_report.pdf/$File/full_report.pdf) (accessed 20 January 2010), p. 53.

28 Ibid.

29 “Western Outcry Over Suu Kyi Case,” British Broadcasting Corp., 14 May 2009, <http://news.bbc.co.uk/2/hi/asia-pacific/8050545.stm> (accessed 20 January 2010).

The military government faced harsh criticism from the international community for the procedural flaws in Suu Kyi's trial and the obvious attempt to silence the leadership of Burma's main political opposition group, the NLD. Despite condemnation by the international community, at the time of writing, the regime has maintained its plans to proceed with national elections sometime in 2010.

BELOW Karenni IDP fleeing from her hiding place as the Burma Army approaches. July 2004 | FBR





# DISPLACEMENT IN BURMA

According to the UN Guiding Principles on Internal Displacement, IDPs are defined as:

*persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.*<sup>30</sup>

It is clear that the scale of displacement in Burma is massive; at least 470,000 IDPs live in internal displacement in the eastern areas of the country alone.<sup>31</sup> When considering internal displacement in the rest of the country, the number of IDPs could be as high as one to three million.<sup>32</sup> Of Burma's internally displaced population, as many as 30 percent or up to 990,000 may be children.<sup>33</sup>

## Current Estimates of Displacement in Burma<sup>34</sup>

1–3 million = approx. no. of IDPs in Burma

580,000 = approx. no. of civilians displaced between 2002 and 2009 in eastern Burma

470,000 = approx. no. of IDPs in eastern Burma as of 20 July 2009

IDPs in Burma are displaced as a result of direct or indirect actions, policies, or threats carried out by Burma's military government. Attempts by the regime to reinforce and expand its grip over the country has created a difficult living environment for many within Burma. When conditions become unbearable

30 UN High Commissioner for Refugees, Guiding Principles on Internal Displacement (Guiding Principles), 22 July 1998, E/CN.4/1998/53/Add.2.

31 Thailand Burma Border Consortium (TBBC), "Protracted Displacement and Militarization in Eastern Burma," November 2009, <http://www.tbtc.org/resources/resources.htm#idps> (accessed 20 January 2010), p. 3.

32 Comprehensive data on internal displacement in much of the country is not available. However, the estimates of internal displacement in all areas of Burma tend to range from one to three million. See, TBBC, "Internal Displacement and International Law in Eastern Burma," 22 October 2008, <http://www.tbtc.org/idps/report-2008-idp-english.pdf> (accessed 20 January 2010); Center on Housing Rights and Evictions, "Displacement and Dispossession: Forced Migration and Land Rights in Burma," 8 November 2007, <http://www.cohre.org/store/attachments/COHRE%20Burma%20Country%20Report.pdf> (accessed 20 January 2010); Refugees International (RI), "Military Offensive Displacing Thousands of Civilians," 16 May 2007, <http://www.refintl.org/content/article/detail/9997/>, accessed 30 January 2008 (accessed 20 January 2010); Karen Human Rights Group (KHRG), "Sovereignty, Survival and Resistance: Contending Perspectives on Karen Internal Displacement in Burma, 1 March 2005, <http://www.khrg.org/papers/wp2005w1.htm> (accessed 20 January 2010).

33 This figure is based on the estimated percentage of children in the general population of Burma.

34 These numbers are largely based on annual surveys conducted on internal displacement in Eastern Burma by the TBBC, available at [www.tbtc.org](http://www.tbtc.org).

and people's basic survival is threatened, displacement generally follows. Continued armed conflict, irresponsible development projects, repressive economic policies, and widespread human rights violations has forced millions of civilians in Burma to flee their homes.

In general, the displacement that occurs in Burma can be categorized into three main types of displacement, all of which can be traced to the military regime.<sup>35</sup> The three types of displacement in Burma include:

- conflict-induced displacement;
- development-induced displacement; and
- displacement due to economic repression and human rights violations.<sup>36</sup>

## Conflict-Induced Displacement

Turmoil between the Burman-dominated central government and ethnic nationality groups has divided the country since the time of Burma's independence from Britain in 1948.<sup>37</sup> The war waged today by the military regime largely targets ethnic civilian populations; less the opposition fighters. Military attacks against ethnic civilians stem primarily from General Ne Win's "Four Cuts" policy, a strategy devised in the 1960s to undermine the ethnic opposition forces by severing the support structures that exist within the ethnic community—namely food, funds, recruits, and information.<sup>38</sup> In practical terms, the "Four-Cuts" policy is implemented by attacking villages, forcing ethnic villagers to move into heavily controlled relocation sites, destroying their homes and crops, and planting landmines in their former villages and farms to prevent their return. The attacks are typically unprovoked; the villages often

<sup>35</sup> While the UN Guiding Principles of Internal Displacement envisions several forms of illegitimate displacement in addition to the three mentioned, this report focuses on three types of displacement that commonly occur in Burma. Other forms of illegitimate displacement do also exist in Burma; however, these three categories adequately represent the nature and scale of displacement that occurs in Burma.

<sup>36</sup> Ashley South, "Towards a Typology of Forced Migration in Burma," *Forced Migration Review*, Burma's Displaced People, April 2008, <http://www.fmreview.org/FMRpdfs/FMR30/16.pdf> (accessed 1 February 2010), p. 16.

<sup>37</sup> Christina Fink, *Living Silence: Burma Under Military Rule*, (London: Zed Books Ltd., 2005), pp. 23-24, 29.

<sup>38</sup> Martin Smith, Anti-Slavery International, *Ethnic Groups in Burma: Development, Democracy, and Human Rights*, (London: Anti-Slavery International, 1994), p. 46.



The prohibition of arbitrary displacement includes displacement:

...

(b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand...

— UN Guiding Principles on Internal Displacement, Principle 6(2)(a) and (b)

undefended; and the villagers usually unarmed. As a result, many armed ethnic opposition groups are completely engaged in protecting and defending ethnic civilians from attack.

## Development-Induced Displacement

The largest source of displacement worldwide results from development-induced displacement. According to the World Bank, an estimated 200 million people worldwide have been displaced by development projects during the last two decades alone.<sup>39</sup> In Burma, government-directed development projects have resulted in massive relocations and displacement of villagers. People are forced to leave their homes to make way for large-scale projects, such as pipelines, dams, and mining projects as well as small-scale projects, such as the construction of military bases, road networks, and agricultural plantations.

EarthRights International (ERI) has documented human rights abuses and related displacement around the Yadana Gas Pipeline- a pipeline that runs from an off-shore gas field across 60 kilometers (40 miles) of land in southeast Burma en route to the Thai border.<sup>40</sup> Human rights abuses against local villagers in the pipeline area in Burma have been committed by the Burma Army providing security for the oil companies and the pipeline; ongoing abuses continue to destabilize villages within the pipeline region.<sup>41</sup> Documented impacts from 1996 to 2009 include forced displacement, widespread and systematic forced labor on project-related infrastructure,

39 Michael M. Cernea, "Development-Induced and Conflict-Induced IDPs: Bridging the Research Divide," *Forced Migration Review*, Special Issue, December 2006, p. 26.

40 EarthRights International (ERI) and Southeast Asia Information Network, "Total Denial: A Report on the Yadana Pipeline Project in Burma," June 1996, <http://www.earthrights.org/files/Reports/TotalDenial96.pdf> (accessed 7 January 2010); ERI, "Total Denial Continues: Earth Rights Abuses Along the Yadana and Yetagun Pipelines in Burma," first edition 2001; second edition 2003, <http://www.earthrights.org/files/Reports/TotalDenialContinues.pdf> (accessed 7 January 2010).

41 ERI, "Total Impact: The Human Rights, Environmental, and Financial Impacts of Total and Chevron's Yadana Gas Project in Military-Ruled Burma (Myanmar)," 10 September 2009, <http://www.earthrights.org/publication/total-impact-human-rights-environmental-and-financial-impacts-total-andchevron-s-yadana> (accessed 7 January 2010).

The prohibition of arbitrary displacement includes displacement:

...

(c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests...

— UN Guiding Principles on Internal Displacement, Principle 6(2)(c)



TOP Companies working in cooperation with the Burma Army, dumping silt into the river. | FBR

ABOVE Bulldozer being used to clear new roads in Nyangebin and Papun districts. April 2007 | FBR

LEFT Children help to lead their grandmother into the hide site. Jan 2010 | PARTNERS

rape, torture, and killings.<sup>42</sup> As the military continues to provide security for the companies and the project along the pipeline route, human rights abuses are expected to cause additional displacement from the area.<sup>43</sup>

The Shwe Gas Movement (SGM), ERI, and others have raised additional concerns over SPDC plans to construct another 1,000 kilometer (621.5 miles) pipeline running from natural gas deposits off the coast of Arakan State in western Burma to the Chinese border.<sup>44</sup> The proposed pipeline route would pass through four States and Divisions in Burma, covering an estimated 20-times the distance of the Yadana gas pipeline.<sup>45</sup> If construction proceeds as planned, thousands of villagers could be adversely affected.<sup>46</sup>

## Dams and Displacement

According to a 2007 article in the industry magazine *Hydropower and Dams*, at least 29 dam projects are “currently under implementation of planning in Myanmar.”<sup>47</sup> The actual number of projects underway or in the planning process is likely much higher. Large-scale dam projects have forced villagers living within future flood-plains to forcibly relocate. Dam projects typically proceed without prior community consultation and villagers are displaced from their land into SPDC-designated relocation sites without adequate compensation or provisions. In some cases, villagers are not notified until it is too late to salvage more than what they can carry from their homes.<sup>48</sup> As

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42 Ibid.

43 Ibid.

44 ERI and SGM et al., “Complaint to the South Korean National Contact Point Under the Specific Instance Procedure of the OECD Guidelines for Multinational Enterprises: Regarding Natural Gas Development by Daewoo International and KOGAS in Burma (Myanmar),” 29 October 2008, <http://www.earthrights.org/files/Burma%20Project/Shwe/OECDComplaint10.29-ENGLISH.pdf> (accessed 7 January 2010); SGM, “Corridor of Power.”; On pipeline length, see “World-Class Commercial Scale Gas Deposit Found at Offshore Rakhine Coast,” U.S. Embassy of Burma, news bulletin, February, 2004, [http://www.mewashingtoncd/ISSUE\\_No\\_2\\_FEB2004\\_TEXT.htm](http://www.mewashingtoncd/ISSUE_No_2_FEB2004_TEXT.htm) (accessed 20 January 2010).

45 Coordinates of the pipeline have not been released by the SPDC or the oil companies involved and news reports are conflicting. ERI estimates the pipeline will traverse approximately 1,200 kilometers (745 miles) in Burmese onshore territory. Partners interview with Matthew Smith and Naing Htoo, ERI, Chiang Mai, Thailand, 7 January 2010. The Shwe Gas Movement (SGM) reports the entire pipeline, from western Burma to Nanning, China will be approximately 2,800 kilometers (1740 miles). SGM, “Corridor of Power: China’s Trans-Burma Oil and Gas Pipelines,” 2009, <http://www.shwe.org/Attachments/CorridorofPower.pdf> (accessed 20 January 2010), p. 8.

46 SGM, “Corridor of Power.”

47 “Legal Aspects of Hydropower Projects in Myanmar,” *Hydropower and Dams*, 2007.

48 Mon Youth Progressive Organization (MYPO), “In the Balance: Salween Dam Threaten Downstream Communities in Burma,” 2007, <http://www.salweenwatch.org/images/stories/downloads/publications/inthebalance.pdf> (accessed 20 January 2010); Karen Rivers Watch, “Damming at Gunpoint: Burma Army Atrocities Pave the Way for Salween Dams in Karen State,” November 2004, <http://www.burmariversnetwork.org/images/stories/publications/english/dammingatgunpointenglish.pdf> (accessed 20 January 2010), p. 1; Kayan

dams redefine the landscape, they also jeopardize livelihoods and divert water supplies, resulting in further displacement.<sup>49</sup>

Thousands of Karen and Shan villagers have already been forcibly displaced by the military in advance of the construction of four large-scale hydroelectric dams planned along the Salween River, which threaten to displace more than 533,000 civilians.<sup>50</sup> In Kachin State, the Myitsone hydroelectric project, the largest of seven dams in Kachin State, threatens to destroy 47 villages and displace more than 10,000 Kachin civilians living within the expected flood-plain.<sup>51</sup> The location of the Myitsone dam near a major fault line has raised concerns of potential problems with the dam in the event of an earthquake, putting at risk the Kachin capital of Myitkyina and its 140,000 inhabitants.<sup>52</sup> Other Kachin villagers in the Chibwe area have been displaced to make way for the construction of a hydropower station on the N'mai Hka River.<sup>53</sup>

## Plantations and Displacement

Since the end of 2005, the military regime began to focus efforts on developing potentially lucrative cash-crop plantations throughout the country. In Chin State alone, the SPDC has designated some 15,000 acres of land for tea plantations and more than 60,000 acres for jatropha plantations.<sup>54</sup> The SPDC further decreed that 500,000 acres of land in Burma's nine military divisions would be for the development of jatropha plantations.<sup>55</sup> Land for these plantations is largely acquired by displacing villagers off their land. In 2008, land confiscations for developing government plantations were reported in

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Women's Union, "Drowning the Green Ghosts of Kayanland," 18 June 2008, <http://www.burmariversnetwork.org/images/stories/publications/english/drowninggreenghostsenglish.pdf> (accessed 20 January 2010).

49 MYPO, "In the Balance."

50 Ibid.

51 Kachin Development Networking Group, "Damming the Irrawaddy," undated, <http://www.burmariversnetwork.org/images/stories/publications/english/dammingtheirrawaddy.pdf> (accessed 20 January 2010), p. 23.

52 "Earthquake Hits Ruili," The Irrawaddy, news release, 26 December 2008, [http://www.irrawaddy.org/article.php?art\\_id=14851](http://www.irrawaddy.org/article.php?art_id=14851) (accessed 20 January 2010); "Kachin Hydropower Projects to Spell Doom," Kachin News Group (KNG), news release, 31 January 2008, <http://www.kachinnews.com/Commentary/Kachin-hydropower-projects-to-spell-doom.html> (accessed 20 January 2010).

53 "Kachin Hydropower Projects to Spell Doom," KNG.

54 Chin Human Rights Organization (CHRO), "On the Edge of Survival: The Continuing Rat Infestation and Food Crisis in Chin State, Burma," September 2009, p. 11.

55 Jatropha is a small, tree-like plant commonly used in bio-fuel production. In Burma, the jatropha plant is also referred to as castor, physic nut, or jet-suu. Ethnic Community Development Forum, "Biofuel by Decree: Unmasking Burma's Bio-Energy Fiasco," May 2008, p. 3, [http://www.terrafer.org/file\\_upload/BiofuelbyDecree.pdf](http://www.terrafer.org/file_upload/BiofuelbyDecree.pdf) (accessed 20 January 2010). "Castor Beans to be Grown for Biofuel," Myanmar Times, 9-15 January 2006.

Arakan State, Chin State, and Karen State.<sup>56</sup> Farmers forced to plant cash-crops in lieu of subsistence crops are similarly displaced when they find it impossible to feed and support their families. One Karenni farmer told Partners:

*We used to always have enough food in [my native village] until the SPDC ordered that we stop growing food and instead grow Jet Suu [the Burmese name for jatropha]. They made it so difficult for us to live there that in 2005, my family moved to a relocation site.<sup>57</sup>*

## Displacement Due to Economic Repression and Human Rights Violations

While it is impossible to determine the scale of displacement as a result of human rights violations and economic-related causes, this source of displacement is likely one of the most widespread and persistent causes of displacement in Burma. Burma's ethnic groups are subject to a range of serious human rights violations, including: arbitrary and extrajudicial killings; torture and mistreatment; arbitrary arrest and detention; rape and sexual violence; forced labor and portering; recruitment of child soldiers; restrictions on freedom of speech, movement, and association; religious persecution; deprivation and confiscation of property; extortion; and excessive and arbitrary taxation.<sup>58</sup> Through repeated and severe human rights violations, the SPDC and its agents have created an extremely hostile environment for ethnic villagers. Finding their lives at risk, many ethnic civilians are forced to flee from their homes and villages so as to avoid further attacks by the SPDC.

<sup>56</sup> Human Rights Documentation Unit (HRDU), National Coalition Government of the Union of Burma (NCGUB), "Burma Human Rights Yearbook- 2008," November 2009, <http://www.ncgub.net/NCGUB/mediagallery/downloadc516.pdf?mid=20091123192152709> (accessed 20 January 2010), p. 459-460.

<sup>57</sup> Partners interview with S.R. from Pruso Township, Karenni State, 27 October 2009.

<sup>58</sup> Partners interview with A. from Maungdaw District and N.N. from Sittwe District, Arakan State, 5 November 2009; Partners interview with S.B. from Dooplaya District, Karen State and L.L. from Tavoy Township, Tenasserim Division, 10 November 2009; Partners interview with K.K. from Pa'an District, Karen State, 15 November 2009.

The prohibition of arbitrary displacement includes displacement:

(a) When it is based on policies of apartheid, "ethnic cleansing" or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population...

— UN Guiding Principles on Internal Displacement, Principle 6(2)(a) and (b)

In addition to violent attacks against ethnic civilians, the military is also waging a war of attrition against the civilian population in Burma. In a country once considered the rice-bowl of Asia, one-third of the country lives below the poverty line.<sup>59</sup> In some particularly underdeveloped areas, such as Chin State, up to 70 percent of the population lives below the poverty line and 40 percent are without adequate food sources.<sup>60</sup> According to the European Commission Humanitarian Office, 34 percent of civilians living in Burma's rural areas lack access to clean water and 43 percent lack access to sanitation facilities.<sup>61</sup> Government spending on health and education is the lowest in the region, accounting for only 1.6 percent of Burma's Gross Domestic Product (GDP).<sup>62</sup> Many areas of the country lack basic infrastructure, including roads, electricity, and communication systems. Through repressive policies and practices, the regime has destabilized large areas of the country and forced thousands into displacement.

According to a statement made by Paulo Sergio Pinheiro, the former UN Special Rapporteur on Human Rights in Burma from 2000 to 2008, internal displacement has resulted from "a combination of coercive measures, such as forced labor, extortion and land confiscation, which drive down incomes to the point that the household incomes collapse and people have no choice but to leave their homes."<sup>63</sup> Civilians in most parts of Burma, particularly rural areas, are routinely ordered to participate in forced labor on government projects without proper provisions or compensation; called to serve as porters for patrolling Burma Army soldiers and forced to carry heavy loads and walk considerable distances over difficult terrain. Villagers are required to provide rice, livestock, building

59 Office of the UN Humanitarian Coordinator for Myanmar, "Humanitarian Situation Update: April 2007," 2007.

60 Ibid.

61 European Commission Humanitarian Office, "Burma/Myanmar: A Silent Crisis," 22 November 2005, <http://ocha-gwapps1.unog.ch/rw/rwb.nsf/db900sid/THOU-7A453L?OpenDocument> (accessed 20 January 2010).

62 TBBC, "Protracted Displacement and Militarization in Eastern Burma," p. 7.

63 Special Rapporteur on the Situation of Human Rights in Burma, Sergio Pinheiro, "Report of the Special Rapporteur on the Situation of Human Rights in Burma," A/HRC/7/18, 7 March 2008, para. 75.



ABOVE Karen child in the burned ruins of her home. Her uncle was burned alive inside. January 2007 | FBR

TOP Refugees fleeing Ler Per Her Camp. June 2009 | FBR

supplies, and any other material demanded by Burma Army soldiers; they are deprived of valuable land and farm fields to make way for SPDC projects; and they are forced to pay excessive amounts of money to SPDC soldiers and officials at village gates, roadway check-points, administrative offices and whatever else is demanded by the authorities.<sup>64</sup> Such abuses have led to widespread poverty and food insecurity in much of the ethnic territories.

BELOW Karen children  
in IDP hiding place.  
17 Jan 2005 | FBR

<sup>64</sup> Partners interview with B.O. from Shan State, 14 October 2009; Partners interview with N.N.L. from Maungdaw Township, Arakan State, 19 October 2009; Partners interview with S.D.M. from Demawso Township and L.R. from Shardaw Township, Karenni State, 27 October 2009; Partners interview with S.P.D. from Toungoo District, Karen State, 19 November 2009.



# Natural Disasters and Displacement in Burma

The prohibition of arbitrary displacement includes displacement:

(d) In cases of disasters, unless the safety and health of those affected requires their evacuation.

— UN Guiding Principles, Principle 6(2)

## Food Shortages in Western Burma

Since late 2007, large areas of western Burma have been struggling with critical food shortages.<sup>65</sup> Problems began in 2006 when the bamboo that covers vast regions of northern Arakan State and southern Chin State began to flower and die, a naturally occurring phenomenon that takes place cyclically every 50 years. When the bamboo flowers, it produces a fruit. Rats are attracted to the fruit and feed on its seeds. When the fruit supply is exhausted, the rats then turn on villager's food stores and farm fields, causing widespread food shortages in affected areas.<sup>66</sup> Food shortages have spread northward from Arakan State, across Chin State, and into Kachin State as new bamboo forests are similarly affected.<sup>67</sup>

Although the military government had 50 years to prepare for this impending humanitarian disaster, the SPDC implemented no precautionary measures and provided no relief assistance to affected villagers. In Chin State, villagers have accused SPDC authorities of confiscating food aid donated by church groups and humanitarian organizations. SPDC officials have also allegedly prohibited villagers from receiving foreign assistance under threat of penalty.<sup>68</sup> As a result, more than 100,000 people, or approximately 20 percent of the total Chin population, have struggled with food shortages and thousands have fled their homes.<sup>69</sup>

65 CHRO, "Critical Point: Food Scarcity and Hunger in Burma's Chin State," July 2008.

66 *Ibid.*, p. 5.

67 "Kachin Hills Worried About Second Famine Caused by Rats," KNG, news release, 26 August 2009, [http://www.kachinnews.com/Photo-News/Kachin-hills-worried-about-second-famine-caused-by-rats.html?change\\_css=blue](http://www.kachinnews.com/Photo-News/Kachin-hills-worried-about-second-famine-caused-by-rats.html?change_css=blue) (accessed 30 January 2010); "Second Rat-Caused Famine Hits Kachin Hills," KNG, news release, 17 October 2009, <http://www.kachinnews.com/Photo-News/Second-rat-caused-famine-hits-Kachin-hills.html> (accessed 30 January 2010).

68 CHRO, "On the Edge of Survival," p. 15.

69 CHRO, "Critical Point," p. 4.



# THE IMPACT OF INTERNAL DISPLACEMENT ON CHILDREN

Internal displacement seriously impacts the security and general well-being of people who are forced out of their homes and into a future of uncertainty. The effects of displacement are heightened for children. Partners and FBR found that while many children in Burma's general population struggle with insecurity, violence, extreme poverty, and inadequate access to healthcare or education, displaced children face particularly unique challenges in displacement settings and require additional protections. Once displaced, children are at increased risk of human rights abuses, recurring instability, detachment from familiar structures and routines, chronic health and emotional problems, and an interrupted education. In eastern Burma, approximately 128,000 civilians live in relocation sites, 231,000 in ceasefire areas, and another 111,000 are in hiding from the SPDC and their allied ceasefire armies.<sup>78</sup>

The following section examines the impact internal displacement has on children in Burma by reporting the experiences of internally displaced children in SPDC-designated relocation sites, ceasefire areas, and in hiding. Testimonies were provided by internally displaced and former internally displaced children and parents who have first-hand experience in a range of displacement settings in Burma. The testimonies herein are generally representative and reflective of displaced communities throughout Burma.

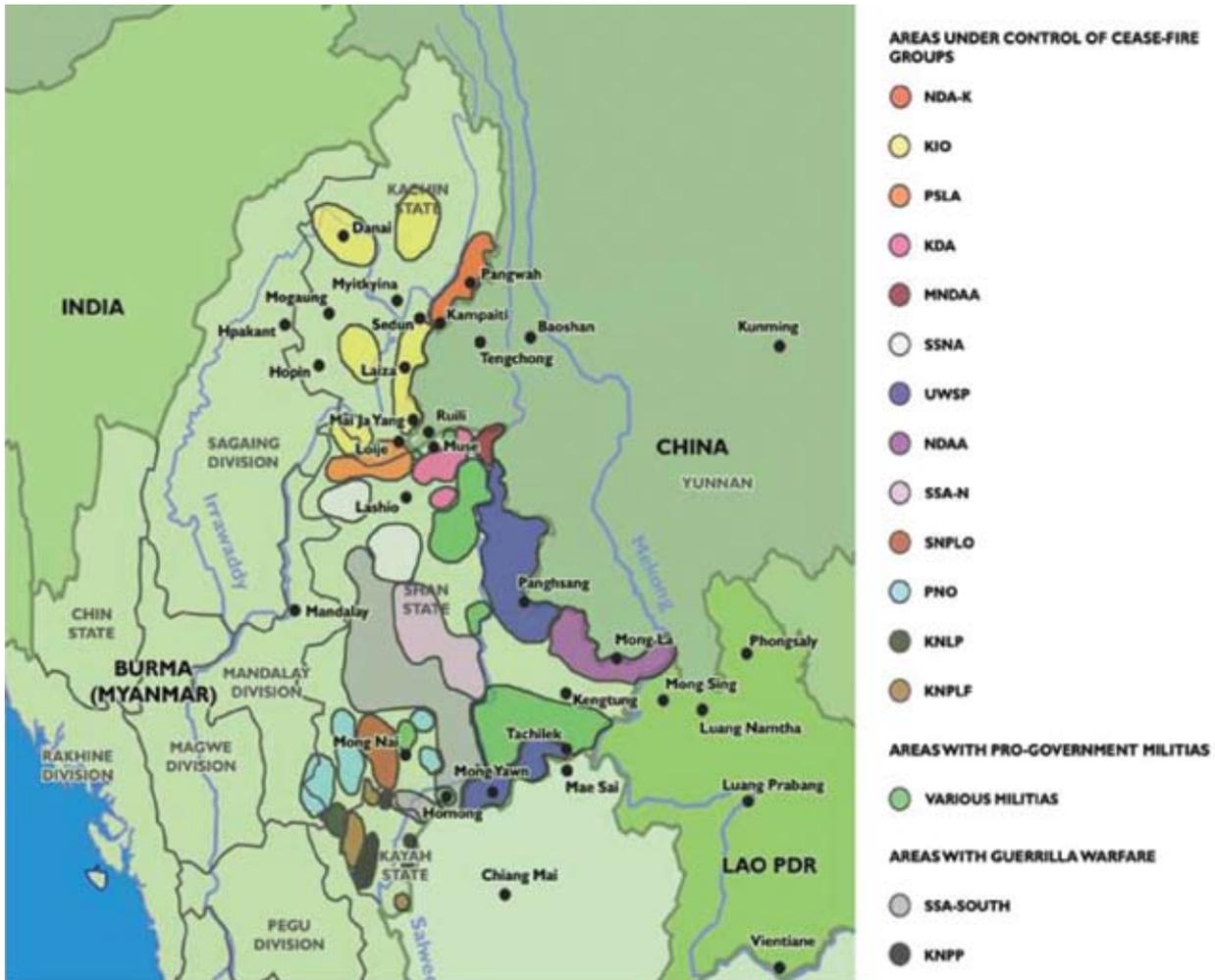
<sup>78</sup> Thailand Burma Border Consortium (TBBC), "Protracted Displacement and Militarization in Eastern Burma," November 2009, <http://www.tbcc.org/resources/resources.htm#idps> (accessed 20 January 2010).

*Certain internally displaced persons, such as children, ... shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.*

— UN Guiding Principles on Internal Displacement, Principle 4(2)



ABOVE Man runs with child away from Burma Army, Karen State. 2007 | FBR



ABOVE Main armed groups in northern Burma. Areas are approximate; status of some groups are changed. TNI "Neither War Nor Peace" [www.tni.org/drugs](http://www.tni.org/drugs).

## Children in SPDC Relocation Sites

During a review of Burma's implementation of CEDAW in August 2001 at the 22<sup>nd</sup> session of the Committee on the Elimination of Discrimination against Women, SPDC representatives denied reports of forced relocation of women and children. Rather, the regime alleged that women and children were "resettled in safer areas to protect them from insurgent atrocities."<sup>79</sup> In describing the SPDC-designated relocation sites, the SPDC claimed that the "transit camps facilitated the repatriation of returnees by meeting their basic needs before they were sent home."<sup>80</sup>

Most children and families are forced into relocation camps after SPDC-targeted attacks on their villages, not due to "insurgent atrocities." A former Karen resident of an SPDC-relocation site described the brutality of the SPDC's relocation campaign to Partners. He said:

*[In 2006], troops came to our village and told us that we had to leave. They called all the villagers out of their homes and shouted at us. They beat the women and collected the men for portering duty. Everyone in the village was forced to leave immediately for [the relocation site]. We left by foot and bullock cart.<sup>81</sup>*

During relocation campaigns, soldiers typically issue orders of relocation, allowing villagers only a short amount of time to gather their belongings and move to a designated relocation site. Even very young children must carry family belongings to facilitate flight from their homes to relocation sites. In some cases, villagers are told that they will be allowed to return to collect their belongings, but such promises are then rarely fulfilled. When promises of return are denied or relocation orders are rushed, villagers are often forced into displacement without any of their possessions.<sup>82</sup> Villagers are told that they will be killed if they fail to comply with relocation orders.<sup>83</sup> As relocated villages are often destroyed or embedded with landmines during relocation campaigns, villagers are prevented from ever returning to their villages.<sup>84</sup>

Most relocation sites are tightly controlled by the military, making it difficult to determine the exact population of IDPs living in SPDC-designated relocation sites. In eastern Burma, the Thailand Burma Border Consortium

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79 Committee on the Elimination of Discrimination against Women, Consideration of Reports Submitted by States Parties Under Article 18 of the Convention, CEDAW/C/SR.457, 2 August 2001, p. 7, para. 7.

80 Ibid.

81 Partners interview with T.S. from Karen State, 15 November 2009.

82 Partners interview with T.R. from Loi Kaw Township and A. and D.R. from Shardaw Township, Karenni State, 27 October 2009.

83 Partners interview with T.S. from Karen State, 15 November 2009.

84 Ibid.; Partners interview with L.D. from Khun Hing Township, Shan State, 14 October 2009; Partners interview with D.R. and K.L.R. from Shardaw Township, Karenni State, 27 October 2009.

estimates that some 128,000 IDPs live in relocation sites.<sup>85</sup> Of the total IDP population in relocation sites, it is estimated that some 42,000 are children.<sup>86</sup>

## Security in Relocation Sites

The SPDC typically relies on relocation sites to control the movements and activities of the ethnic civilian population. Relocation sites are generally located close to Burma Army camps and in areas fully controlled by the SPDC and heavily monitored by Burma Army soldiers.<sup>87</sup> As a result, nearly every aspect of daily life is controlled by the military and the security of IDPs in relocation sites is particularly tenuous. The constant presence of SPDC soldiers in and around relocation sites escalates the risk of human rights abuses for IDPs.

IDPs in relocation sites are reportedly subject to regular forced labor and portering, extortion, confiscations of money and property, and violent retaliation for failing to abide by the demands of SPDC soldiers.<sup>88</sup> One Karenni man said when he first arrived at the relocation site, “the SPDC continuously called villagers to porter so most of the villagers would run to hide in the forest every time they came.”<sup>89</sup> Another Karenni man who lived in a relocation camp for four years said:

*In the relocation site, I had to work for the [Burma Army soldiers] about three times per month for a day at a time, sometimes carrying water or doing building work. This made it impossible for me to work for my livelihood on those days so I couldn't get enough food for my family.<sup>90</sup>*

In some instances, relocated villagers are forced to serve as human landmine sweepers and made to walk through potentially mined fields in front of Burma Army vehicles and troops.<sup>91</sup> Abuses are committed by soldiers against site residents with impunity.<sup>92</sup>

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85 TBBC, “Protracted Displacement and Militarization in Eastern Burma.”

86 This figure is based on the estimated percentage of children in the general population of Burma.

87 Partners interview with A. and L.R. from Shardaw Township, B.R. and M.R. from Loi Kaw Township, and S.R. from Pruso Township, Karenni State, 27 October 2009.

88 Burma Issues, “Shoot on Sight: The Ongoing SPDC Offensive Against Villagers in Northern Karen State,” <http://www.nd-burma.org/burma/videos/165-shoot-on-sight-the-ongoing-spdc-offensive-against-villagers-in-northern-karen-state.html> (accessed 20 January 2010); TBBC, “Protracted Displacement and Militarization in Eastern Burma,” p. 26; Karen Human Rights Group (KHRG), “Forced Relocation, Restrictions and Abuses in Nyaunglebin District, 10 July 2006,” <http://www.khrg.org/khrg2006/khrg06f6.pdf> (accessed 20 January 2010).

89 Partners interview with M.R. from Loi Kaw Township, Karenni State, 27 October 2009.

90 Partners interview with S.R. from Pruso Township, Karenni State, 27 October 2009.

91 FBR, “The Shadow of the Oppressor,” online report, 20 January 2009, [www.freeburmarangers.org/Reports/20090120.html](http://www.freeburmarangers.org/Reports/20090120.html) (accessed 20 January 2010).

92 FBR, “Burma Army Troops Kill Villagers and IDPs as They Mass Troops with Over 90 Battalions Now in

The lack of security can be particularly destabilizing for displaced children. According to one Karenni parent with four children who spent seven years in a relocation site:

*In the relocation site, SPDC soldiers often beat and kicked the villagers. There isn't the normal kind of stability you need for your family to be safe. We often heard gunshots near the relocation camp as there was a lot of fighting between the SPDC and rebel groups.<sup>93</sup>*

## General Childhood Environment in Relocation Sites

During relocation campaigns, children are quickly removed from recognizable childhood environments, deprived of familiar material possessions, and moved to relocation sites where social structures and routines are irreparably altered. Travel outside the relocation compound in many cases is not allowed or requires costly travel permits, resulting in residents being effectively confined and cut off from outside friends and larger family circles.<sup>94</sup> For children, these sudden and severe changes are disruptive to their childhood development.

Although living conditions in SPDC-designated relocation sites vary, the childhood environment is deplorable. Recently displaced villagers often arrive with few, if any, possessions and are typically provided with nothing but a small assigned plot of land.<sup>95</sup> In some cases, relocation sites are constructed on land confiscated from local communities, and relocated families are required to pay inflated prices for the land.<sup>96</sup> Housing at assigned sites is typically substandard

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Northern Karen State, Burma," online report, 10 January 2008, [www.freeburmarangers.org/Reports/20080110.html](http://www.freeburmarangers.org/Reports/20080110.html) (accessed 20 January 2010); FBR, "Relief Efforts Continue for People in Hiding: Update from Mergui-Tavoy District (Tenasserim Division), Southern Karen State," online report, 20 August 2008, [www.freeburmarangers.org/Reports/20080820.html](http://www.freeburmarangers.org/Reports/20080820.html) (accessed 20 January 2010).

<sup>93</sup> Partners interview with K.L.R. from Loi Kaw Township, Karenni State, 27 October 2009.

<sup>94</sup> Partners interview with B.R. from Loi Kaw Township, Karenni State, 27 October 2009.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid.



ABOVE W.H., killed by the Burma Army. 25 Dec 2007 | FBR

TOP Displaced child inside Karen State. Jan 2009 | PARTNERS

or non-existent, which means recently relocated families must set up adequate accommodation using scarce materials and with limited tools.<sup>97</sup> Relocation sites typically lack access to proper sanitation facilities or potable water supplies.<sup>98</sup> According to one former resident of an SPDC relocation site:

*When we arrived at [the relocation site], there were no houses, huts, or tents. We just slept on the ground. We brought materials from our village to build a new house. We built a one room house to accommodate 12 of us.*<sup>99</sup>

Relocated villagers tend to struggle for their daily subsistence and livelihoods. Relocation compounds are often overcrowded with little land available for farming.<sup>100</sup> The land that is available is often of poor quality and difficult to farm.<sup>101</sup> According to one Karenni man, "no one owns any land in the relocation sites."<sup>102</sup> Travel restrictions prevent IDPs from seeking alternative farmlands or outside markets.<sup>103</sup> One Shan IDP, who spent his early childhood from 1999 to 2004 in an SPDC relocation site, said:

*We were trapped in this area and not allowed to go more than three kilometers outside or we would be shot. We had very little food there because there was no land that we could use for our own farming and the soldiers would often take whatever food we managed to find.*<sup>104</sup>

The SPDC does nothing to ensure the needs of the site residents are met, but continue to extort arbitrary and excessive "taxes" from residents. When residents are able to produce crops on SPDC-allotted land, the SPDC typically demands a portion of the crop as a tax. One former Karenni IDP living in an SPDC-relocation site in Shan State described to Partners the hardships families faced in trying to farm in relocation sites. He said:

*The land that the SPDC allows villagers to farm is limited and very far away. Parents have to go for long periods of time to tend their farms and leave their*

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97 Partners interview with T.S. from Karen State, 15 November 2009.

98 TBBC, "Internal Displacement in Eastern Burma: 2007 Survey," October 2007, <http://www.tbtc.org/resources/resources.htm#idps> (accessed 20 January 2010), p. 25; Watchlist on Children and Armed Conflict, "No More Denial: Children Affected by Armed Conflict in Myanmar (Burma)," May 2009, [http://www.watchlist.org/reports/pdf/myanmar/myanmar\\_english\\_full.pdf](http://www.watchlist.org/reports/pdf/myanmar/myanmar_english_full.pdf) (accessed 20 January 2010), p. 18.

99 Partners interview with T.S. from Karen State, 15 November 2009.

100 Partners interview with T.R. from Loi Kaw Township and D.R. from Shardaw Township, Karenni State, 27 October 2009.

101 Partners interview with B.R. from Loi Kaw Township, Karenni State, 27 October 2009; Partners interview with T.S. from Karen State, 15 November, 2009.

102 Partners interview with T.R. from Keng Lom Township, Shan State, 13 October 2009.

103 Partners interview with S.P. from Keng Lom Township, Shan State, 13 October 2009; Partners interview with K.L.R. from Shardaw Township, Karenni State, 27 October 2009.

104 Partners interview with S.P. from Keng Lom Township, Shan State, 13 October 2009.

*children behind to attend school. While they are at their farms, they have no way to care for their children. Sometimes the children die without their parents knowing. Also, villagers are not allowed to eat all the food that they grow because the SPDC soldiers confiscate about 40 percent of the crops.*<sup>105</sup>

Soldiers also regularly confiscate personal property and valuable livestock, including chickens, pigs, and cattle.<sup>106</sup> As a result, relocated villages have few means to provide for their families.

## Health and Welfare in Relocation Sites

Due to limited arable land, restricted travel to outside markets, and the exploitative practices of the SPDC, IDPs in relocation sites lack sustainable and adequate food sources. As a result, chronic malnutrition is common in relocation sites.<sup>107</sup> According to one former Karen resident of an SPDC-relocation site:

*We would walk to our farms, three hours each way, to get food for the family, but we never had enough. The children ate rice but we usually didn't have any vegetables or meat.*<sup>108</sup>

Children suffering from malnutrition are at higher risk of acquiring serious illnesses and diseases. Poor or nonexistent water and sanitation facilities at relocation sites further increase the health risk for children.<sup>109</sup> Consequently, children in relocation sites are particularly prone to illness and disease. Malaria, acute respiratory infections, anemia, and dysentery are especially common among children living in relocation sites.<sup>110</sup> These ailments are among the top five causes of death among children in Burma.<sup>111</sup>

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105 Partners interview with B.R. from Loi Kaw Township, Karenni State, 27 October 2009.

106 Partners interview with S.P. from Keng Lom Township, Shan State, 13 October 2009; Partners interview with E.T. from Mawk Mai Township and L.L. from Murng Nawng Township, Shan State, 22 October 2009.

107 Refugees International (RI), "Ending the Waiting Game: Strategies for Responding to Internally Displaced People in Burma," June 2006, <http://www.refugeesinternational.org/sites/default/files/EndingtheWaitingGame.pdf> (accessed 20 January 2010), p. 29.

108 Partners interview with T.S. from Karen State, 15 November 2009.

109 Partners interview with A. from Shadaw Township and B.R. from Loi Kaw Township, Karenni State, 27 October 2009.

110 FBR, "Relief Mission Report: Dooplaya District, Southern Karen State, April 14-June 2, 2005," online report, 1 August 2005, [www.freeburmarangers.org/Reports](http://www.freeburmarangers.org/Reports) (accessed 20 January 2010); FBR, "Killing of Villagers, Deadly Landmines, and Women Forced to Work for the Burma Army," online report, 2 October 2008, [www.freeburmarangers.org/Reports](http://www.freeburmarangers.org/Reports) (accessed 20 January 2010).

111 National Coalition Government of the Union of Burma (NCGUB), "Burma: The Impact of Armed Conflict on

Access to proper medicines and health facilities at relocation sites is extremely limited. SPDC prohibits residents from storing medicines and most relocation sites are not equipped with health facilities.<sup>112</sup> In some cases, relocation sites have health clinics, which are largely built through the forced labor and extortion of site residents. Once built, these clinics are inadequately staffed and lack medicines.<sup>113</sup> According to a Karen man who spent time in an SPDC-relocation site:

*There was a clinic at the relocation site but the treatment was expensive and they didn't always have medicine. The nearest hospital was two days away by car.*<sup>114</sup>

Where health facilities are not available, residents must request and pay for permission to travel to facilities located outside the relocation site. In many cases, the nearest health facility is located a considerable distance from the relocation site, requiring sick residents to travel long distances and pay ample fees at numerous SPDC checkpoints along the way.<sup>115</sup> Once arriving at a health facility, there is no guarantee that a doctor or qualified medical professional will be available.<sup>116</sup> As one Karenni man, who spent five years in a Karenni relocation camp, said:

*If someone got sick, they had to travel by foot to the clinic, which was nine miles away. When they got there, there were no real doctors, only medics.*<sup>117</sup>

According to the World Health Organization, there are only three doctors for every 10,000 people in Burma.<sup>118</sup> Medicines are also frequently unavailable in health facilities.<sup>119</sup> In general, accessing medical treatment can be a difficult and expensive process in Burma particularly for villagers living in SPDC-designated relocation sites.

Owing to the inaccessibility and exorbitant costs of obtaining proper medical treatment, many villagers in relocation sites are reticent in seeking medical assistance. Lack of adequate and accessible healthcare services, overcrowding in poorly-established relocation settlements, and poor hygiene,

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the Children of Burma," August 2002, p. 13.

112 FBR, "Relief Efforts Continue for People in Hiding."

113 Ibid.

114 Partners interview with T.S. from Karen State, 15 November 2009.

115 FBR interview with N.B. from Nyaunglebin District, Karen State, 6 July 2009; Partners interview with M.R. from Loi Kaw Township and S.R. from Pruso Township, Karenni State, 27 October 2009.

116 Partners interview with M.R. from Loi Kaw Township, Karenni State, 27 October 2009.

117 Ibid.

118 World Health Organization, "WHO Statistical Information System," online information, <http://www.who.int/whosis/en/> (accessed 30 January 2010).

119 Partners interview with S.R. from Pruso Township, Karenni State, 27 October 2009.

sanitation and nutrition are major threats to infants and young children who have not acquired the immunities necessary to overcome infection. For the very young in particular, high mortality is often linked to the deplorable environment and hardships of displacement. As a result, many die from easily preventable and treatable diseases, such as diarrhea. One former resident indicated that in the year he spent in the relocation site, more than half the children died.<sup>120</sup> Another Karenni man who lived for four years at a different relocation site said “at least one child died every week.”<sup>121</sup> One Kayan Padaung man said:

*Everyone in my family got sick within a year of being forcibly relocated. My three-year-old and six-year-old got sick so quickly. They couldn't eat and got terrible fever and diarrhea. Within a week they were both dead... Most of the children from my community died in that year.<sup>122</sup>*

BELOW Mother and children sleeping in the jungle after fleeing from the Burma Army. Jan 2010 | PARTNERS

120 Partners interview with T.S. from Karen State, 15 November 2009.

121 Partners interview with S.R. from Pruso Township, Karenni State, 27 October 2009.

122 Partners interview with N.R. from Shardaw Township, Karenni State, 27 October 2009.



## Education in Relocation Sites

One Karenni man, who was forced into a relocation camp along with his family in 2005, described to Partners the problems of education in the relocation camps. He said:

*Primary school for our eldest child cost over 10,000 Kyat (US\$10.25) per month for just tuition. The classes were all taught in the Burmese language, which made it difficult for him to learn. The teachers were also really inexperienced and not very good. However, we had no choice because there were no other schools in the area. Most children in the village stopped school after Grade Four because the nearest middle school was very far away.<sup>123</sup>*

According to available statistics, the SPDC allocates only 1.3 percent of its Gross Domestic Product (GDP) for education in Burma.<sup>124</sup> Although Article 20(a) of Burma's 1993 Child Law states that "every child shall have the right to acquire free basic education," children in relocation sites are often unable to obtain a proper education.<sup>125</sup> Most relocation sites lack schools and relocated residents are forced to contribute their own labor, money, and supplies to build schools and ensure their continued operations.<sup>126</sup> In some areas, the SPDC has prohibited villagers from constructing schools in relocation sites even with their own labor and resources.<sup>127</sup>

Where schools do not exist within the relocation site, children must travel to neighboring villages. However, obtaining an education outside the relocation site is complicated by travel restrictions and security concerns.<sup>128</sup> In some instances, displaced children must cross heavily militarized zones, potentially land-mined areas, and military checkpoints to access school facilities in neighboring villages. As a result, drop-out rates are high. This is particularly so for girls, who are at high risk of sexual assault in militarized areas of Burma and are twice as likely as boys to drop-out of school.<sup>129</sup>

The exorbitant cost of education also inhibits displaced children from obtaining an education and contributes to high drop-out rates. An education

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123 Partners interview with S.R. from Pruso Township, Karenni State, 27 October 2009.

124 Women of Burma, "In the Shadow of the Junta: CEDAW Shadow Report," 2008, <http://www.womenofburma.org/Report/IntheShadowJunta-CEDAW2008.pdf> (accessed 25 January 2010), p. 8.

125 The Child Law, The State Law and Order Restoration Council, No. 9/93, 1993, Art. 20(a).

126 KHRG, "Growing Up Under Militarization: Agency and Abuse of Children in Karen State, Burma," April 2008, <http://www.karenhumanrightsgroup.org/khrg2008/khrg0801.pdf> (accessed 25 January 2010).

127 FBR, "Families Killed, Girls Raped: Burma Army Brutality in Karen State," online report, 13 July 2007, [www.freeburmarangers.org/Reports/20070713.html](http://www.freeburmarangers.org/Reports/20070713.html) (accessed 30 January 2010).

128 KHRG, "Growing Up Under Militarization," p. 23.

129 Human Rights Documentation Unit (HRDU), NCGUB, "Burma Human Rights Yearbook- 2007," 2008, <http://www.ncgub.net/NCGUB/BHRY/2007/pdf/YB2007.pdf> (accessed 20 January 2010), p. 867.

in Burma can cost as much as 400,000 Kyat (US\$410.25) per year.<sup>130</sup> In addition to admission fees and tuition, parents must pay for uniforms, textbooks, basic school supplies, student events, and an annual contribution to the Parent Teacher Association Fund.<sup>131</sup> These are costs that IDP families, having lost their usual source of income, tend to have great difficulty covering. Displaced children are often forced to drop-out of school in order to work for their families' general economic survival. In the general population, less than 55 percent of school-aged children who are enrolled in primary schools in Burma are actually able to complete the primary cycle and less than three percent are able to complete higher levels of education.<sup>132</sup> The rates of enrollment and completed matriculation are even lower for displaced children living in relocation sites.

The education received by children who are able to access government schools is undermined by fundamental shortcomings. Schools are underfunded; teachers are poorly trained; and the curriculum is tightly controlled by the SPDC. Only 46 percent of government schools in Burma have sanitation facilities and 17 percent have running water.<sup>133</sup> According to UNICEF, less than 20 percent of the teachers in Burma have received adequate training.<sup>134</sup> Moreover, the SPDC articulates the purpose of education as to "nurture children to develop their mind, vision, and living styles in accord with the wishes of the State."<sup>135</sup> In keeping with this mandate and in furtherance of the regime's Burmanization goals, the curriculum is devised by the SPDC and centered on Burman history and culture, ignoring the diverse histories and cultures of Burma's other ethnic groups.<sup>136</sup> Teachers are also restricted from teaching in any language other than Burmese, posing serious learning obstacles for ethnic children who are unfamiliar with the Burmese language. For example, in Karenni State, only seven to eight percent of the population can read Burmese; in other ethnic areas, this percentage may be even

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130 Women of Burma, "In the Shadow of the Junta," p. 32.

131 Ibid.

132 UNICEF, "At a Glance: Myanmar," [http://www.unicef.org/infobycountry/myanmar\\_2062.html](http://www.unicef.org/infobycountry/myanmar_2062.html) (accessed 3 November 2009); All Burma Federation of Student Unions (ABFSU), "Burma's Child in Education," August 2003, p. 4.

133 International Confederation of Free Trade Unions (ICFTU), *Growing Up Under the Burmese Dictatorship: The Situation Facing Children After 41 Years of Military Rule in Burma*, August 2003, [http://www.icftu.org/www/PDF/report\\_burmachildren\\_2003.pdf](http://www.icftu.org/www/PDF/report_burmachildren_2003.pdf) (accessed 25 January 2010), p. 8; Burma Issues, "A Dangerous Journey to Get to School," July 2005.

134 UNICEF, "Situation Review of Children in ASEAN," December 2007, [http://www.unicef.org/eapro/Asean\\_book.pdf](http://www.unicef.org/eapro/Asean_book.pdf) (accessed 25 January 2010), p. 17.

135 "The Junta's Educational Mandate," *The Irrawaddy*, news release, 8 September 2006, [http://www.irrawaddy.org/opinion\\_story.php?art\\_id=6148](http://www.irrawaddy.org/opinion_story.php?art_id=6148) (accessed 25 January 2010).

136 KHRG, "Growing Up Under Militarization," p. 31.

lower.<sup>137</sup> This policy is in direct contravention of the UN Guiding Principles of Internal Displacement, Principle 23 that affirms the right of IDPs to receive an education respectful of their culture, language and identity.<sup>138</sup>

## Children in Ceasefire Areas

Increased attacks by the Burma Army in the 1990s led several ethnic opposition groups to sign ceasefire agreements with the regime, starting with the Shan State Army (now called the Shan State Army-North).<sup>139</sup> Today, the SPDC official recognizes 17 ceasefire groups.<sup>140</sup> Under the ceasefire agreements, the regime promised ethnic opposition groups an end to targeted attacks, economic concessions, and the right to retain soldiers and weaponry.<sup>141</sup> As part of the concessions offered in ceasefire pacts, SPDC granted limited autonomy to ceasefire groups over a defined territory.<sup>142</sup> Ceasefire areas exist in Kachin, Karen, Karenni, Mon, and Shan States. As of July 2009, some 231,000 IDPs reside in areas controlled by ethnic ceasefire armies in eastern Burma.<sup>143</sup>

Despite the relative benefits enjoyed by ceasefire groups, many of the ceasefire agreements are fundamentally flawed. The ceasefire agreements do not contain political concessions and often include a restrictive set of conditions.<sup>144</sup> Under the ceasefire arrangements, ceasefire groups are required to remain within a defined territory; to refrain from traveling into government-controlled areas without prior permission; to withdraw from multilateral resistance organizations; and to abstain from having contact with active opposition groups.<sup>145</sup>

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137 FBR, "Karenni Relief Mission Report: April-June 2005," online report, 6 September 2005, <http://www.freeburmarangers.org/Reports/2005/20050906.html> (accessed 30 January 2010).

138 UN High Commissioner for Refugees, *Guiding Principles on Internal Displacement (Guiding Principles)*, 22 July 1998, E/CN.4/1998/53/Add.2, Principle 23.

139 Kramer, *Neither War Nor Peace*, p. 9.

140 *Ibid.*, p. 14. This is the number officially reported by the SPDC and includes the Karenni National Progressive Party (KNPP) whose ceasefire broke down after three months.

141 *Ibid.*, pp. 13-14.

142 Altsean-Burma, "Burma Briefing: Issues and Concerns," vol. 1, November 2004, <http://www.altsean.org/Docs/PDF%20Format/Issues%20and%20Concerns/Issues%20and%20Concerns%20Vol%201.pdf> (accessed 20 January 2010), p. 25.

143 TBBC, "Protracted Displacement and Militarization in Eastern Burma."

144 *Ibid.*, p. 23.

145 Altsean-Burma, "Burma Briefing: Issues and Concerns," vol. 1, November 2004, <http://www.altsean.org/Docs/PDF%20Format/Issues%20and%20Concerns/Issues%20and%20Concerns%20Vol%201.pdf> (accessed 20 January 2010), p. 25.



## Security in Ceasefire Areas

While some ceasefire groups act responsibly towards the people living within their area, others do not. Some ceasefire groups have aligned themselves with the SPDC and act in unison with the Burma Army to fight other ethnic resistance forces. Among the ceasefire groups, the United Wa State Army (UWSA), Democratic Karen Buddhist Army (DKBA), Pao National Organization (PNO), and the Karenni National People's Liberation Front (KNPLF) are, in some cases, considered closely aligned to the regime and have been responsible for forced relocations and abuse of civilians. In many ways, some of the areas under the control of these groups are governed similarly to government-occupied areas and conditions are similarly dire for displaced children.

In other instances, ceasefire groups operate independently from the SPDC. While these ceasefire groups have administrative authority over their territory, the pacts that created the ceasefire areas failed to provide any guarantees of protections to the ethnic civilian population.<sup>150</sup> Although human rights abuses have largely declined in ceasefire areas, particularly in NMSP- and KIO- controlled areas, ceasefire groups are generally unable to prevent SPDC-perpetrated abuses from occurring within their territory. The Burma Army has significantly increased its presence in the areas surrounding ceasefire-designated territories, resulting in greater human rights violations and displacement in these areas.<sup>151</sup> From this vantage point, the Burma Army has also engaged in attacks civilians, including IDPs, living within ceasefire-designated territories.<sup>152</sup>

Human rights violations and other abuses are common, including forced labor and portering, extortion, confiscation of land and property, as well as violent abuses. One man living in the Mon ceasefire zone said, "A lot is controlled by the SPDC. I used to work as a trader, but when I'd make a big trade, the SPDC would just take everything."<sup>153</sup>

Such abuses contribute to continued insecurity in ceasefire areas and

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*mongla-follows-wa-to-reject-border-force-proposal-&catid=85;politics&Itemid=266* (accessed 20 January 2009); "KIO Meet to Discuss Call to Form Border Security Force," *The Irrawaddy*, news release, 16 May 2009, [http://www.irrawaddy.org/article.php?art\\_id=15653](http://www.irrawaddy.org/article.php?art_id=15653) (accessed 20 January 2010); "Ethnic Groups in Myanmar Hope for Peace, but Gird for Fight," *New York Times*, 10 May 2009, <http://www.nytimes.com/2009/05/11/world/asia/11iht-myanmar.html> (accessed 20 January 2010).

150 Thomas Kramer, Transnational Institute, *Neither War Nor Peace: The Future of the Cease-Fire Agreements in Burma*, (Amsterdam: Drukkerij Primavera Quint, 2009), <http://www.tni.org/archives/reports/drugs/ceasefire.pdf> (accessed 25 January 2010), p. 23.

151 Kramer, *Neither War Nor Peace*, p. 23.

152 For example, in 1995, the Karenni National Progressive Party (KNPP) ceasefire agreement with the regime broke down after the regime initiated attacks against Karenni villagers living within KNPP's defined territory.

153 Partners interview with J.J.N. from Yebyu Township, Mon State, 10 November 2009.

can lead to further displacement. Civilians may be at greater risk of abuse and potential displacement as ceasefire groups have rejected recent calls in 2008 and 2009 by the SPDC for disarmament or conversion into Border Guard Forces of ceasefire groups in advance of the 2010 elections.<sup>154</sup> An SPDC ultimatum may eventually lead to a disintegration of the ceasefire pacts and recommencement of armed conflict within current ceasefire zones.

## General Childhood Environment in Ceasefire Areas

Living conditions for IDPs in ceasefire areas vary greatly. In places administered by the SPDC-aligned ceasefire groups, IDPs enjoy relatively few freedoms and are often forced into SPDC-designated relocation sites or remain in hiding. In other ceasefire zones, such as in Mon and Kachin State, IDPs enjoy greater rights and freedoms as ethnic civilians. However, many ceasefire groups are unable to adequately provide for the needs of displaced communities living within their territories.<sup>155</sup>

Although some social support structures are provided through ceasefire organizations, conditions remain difficult, particularly for displaced children living in ceasefire zones. Movement is typically restricted in accordance with the terms of ceasefire agreements that limit travel outside the ceasefire area.<sup>156</sup> This restriction can impede access to family and friends living outside the ceasefire area. IDPs also face challenges in earning a sustainable livelihood within ceasefire territories, as arable farmland is limited and travel restrictions prevent access to outside markets.<sup>157</sup>

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154 "Junta Commander: Wa has Hobson's Choice," Shan Herald Agency for News (SHAN), news release, 17 February, 2009, [http://www.shanland.org/index.php?option=com\\_content&view=article&id=2462:junta-commander&Itemid=301](http://www.shanland.org/index.php?option=com_content&view=article&id=2462:junta-commander&Itemid=301) (accessed 20 January 2010).

155 TBBC, "Internal Displacement and International Law in Eastern Burma," p. 23.

156 FBR, "Kachin told to surrender control over their army and become a border police force under the Burma Army," online report, 8 May 2009, [www.freeburmarangers.org/Reports](http://www.freeburmarangers.org/Reports) (accessed 30 January 2010).

157 Partners interview with L.L. and S.S. from Tavoy Township, Tenasserim Division, 10 November 2009; Partners interview with S.G. from Mudon Township, Mon State, 12 November 2009.

## Health and Welfare in Ceasefire Areas

Community structures in ceasefire areas are largely dependent on the resources of the ceasefire groups. For some ceasefire groups, resources are limited and, as a consequence, the social support systems suffer.<sup>158</sup> For example, one Mon man told Partners, “When we first came [to the ceasefire area], we received rice support from the camp, but it was not enough for the whole family.”<sup>159</sup>

Most people interviewed by Partners who were living in ceasefire areas identified lack of food as the main problem for IDPs.<sup>160</sup> Humanitarian aid provided by ceasefire groups to “at risk” populations, including internally displaced communities, is often in short supply, and international humanitarian organizations are generally restricted from reaching displaced communities due to SPDC restrictions on access to ceasefire areas and security concerns.<sup>161</sup> As many displaced communities cannot afford the cost of basic rice rations, malnutrition, particularly among children, is common. Some displaced families living in ceasefire areas are relegated to foraging for food in the jungles and forests.<sup>162</sup>

In addition to malnutrition, displaced children in ceasefire areas suffer from other serious health problems, including malaria, measles, anemia, and diarrhea.<sup>163</sup> Access to proper health treatment is limited. Few hospitals and health centers exist in ceasefire areas.<sup>164</sup> Patients often must travel long distances over primitive and often land-mined or insecure paths and roads to reach health centers. For example, in areas administered by the New Mon State Party (NMSP) in Mon State, IDPs often live in areas where there are no vehicle-accessible roads connecting them to NMSP clinics.<sup>165</sup> Many health centers in ceasefire areas are understaffed and ill-equipped to provide proper treatment.<sup>166</sup>

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158 Partners interview with S.N. from Ye Township, Mon State and K.W. from Tenasserim Division, 10 November 2009.

159 Partners interview with S.M. from Ye Township, Mon State, 10 November 2009.

160 Ibid.; Partners interview with K.N.A. from Kyain Seigyi Township, Karen State, 10 November 2009.

161 Ibid.; Partners interview with S.S. from Tavoy Township, Tenasserim Division, 10 November 2009; Partners interview with N.D. from Dooplaya District, Karen State, 12 November 2009.

162 “Report: Child Development in Mon IDPs Areas,” Woman and Child Rights Projects (Southern Burma), newsletter, Issue No. 4/2007, December 2007, <http://www.burmalibrary.org/docs4/WCRP2007-12.pdf> (accessed 25 January 2010), p. 3.

163 Partners interview with S.M. from Ye Township, Mon State, K.N.A. from Kya In Seik Gyi Township, Karen State, and S.S. from Tavoy Township, Tenasserim Division, 10 November 2009; Partners interview with N.D. from Dooplaya District, Karen State, 12 November 2009.

164 Partners interview with N.D. from Wein Yaung Township, Mon State, 12 November 2009.

165 “Report: Child Development in Mon IDPs Areas,” Woman and Child Rights Projects (Southern Burma), p. 5.

166 Partners interview with D.E.T. from Tavoy Township, Tenasserim Division, 10 November 2009; Partners interview with N.D. from Dooplaya District, Karen State, S.G. from Mudon Township and P.Y. from Ye Township, Mon State, 12 November 2009;

The hardships of life in the ceasefire zones, including malnutrition, disease, and limited access to healthcare, has led to a high rate of death among children. One Mon man living in the Mon-controlled areas estimated that 10 children had died in his area between 2008 and 2009, mostly from diarrhea.<sup>167</sup> Another Mon man said seven to eight children die from diarrhea each year.<sup>168</sup> He went on to describe how his own child died while they were displaced in the ceasefire zone. He said:

*There was not enough medicine and the medic at the clinic did not know what was wrong with my child. I had no money to take him to any other clinic so he died right here in this village.<sup>169</sup>*

## Education in Ceasefire Areas

Ceasefire groups are generally able to operate their own school systems within the ceasefire territory. These schools often provide ethnic children with an opportunity to learn in their own ethnic languages. All children, including displaced children, are able to attend schools administered by ceasefire groups, and many students travel from SPDC-controlled areas to attend these schools. For example, in Mon State, approximately 70 percent of the students attending classes provided by the NMSP Education Department and Mon community-based organizations reside outside the ceasefire territory.<sup>170</sup>

While ceasefire groups have established several primary schools, higher-level education is difficult to obtain in the ceasefire areas. Children who have only attended schools run by ceasefire groups have difficulty continuing their education in Burmese-language government schools. In some instances, the SPDC Education Ministry refuses to issue graduation certificates to students completing their studies at schools run by ceasefire groups. For example, in March 2007, the SPDC announced that students studying at schools administered by the Kachin Independence Organization (KIO) would not be eligible to sit for the matriculation examinations, which is necessary in order to graduate with a certificate.<sup>171</sup> Without a graduation certificate, students have difficulty finding jobs or continuing their studies. As a result, displaced parents are discouraged by the lack of prospects that education in ceasefire areas hold.

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167 Partners interview with S.M. from Ye Township, Mon State, 10 November 2009.

168 Partners interview with N.D. from Dooplaya District, Karen State, 12 November 2009.

169 Ibid.

170 Refugees International, (RI), "Ending the Waiting Game," p. 34. Some Mon community-based schools have been set up inside SPDC-occupied territory, providing an opportunity for Mon students living outside ceasefire zones to receive an education without having to travel to ceasefire areas.

171 HRDU, "Burma Human Rights Yearbook- 2007," p. 657.

One Mon parent living in the ceasefire areas of Mon State described to Partners his frustration, saying:

*As a parent, I do not think an education here is so beneficial. It does not provide any guarantees in life. Even if my daughter finishes school, she cannot get a job.*<sup>172</sup>

The need to prioritize food also interferes with children's education in the ceasefire areas as children must abandon school to work alongside their parents. As one Karen woman living in the Mon-controlled areas explained to Partners:

*Sometimes the children eat enough, sometimes they cannot. I want my children to be educated, but sometimes there's no food, so sometimes food is more important than education.*<sup>173</sup>

## Children In Hiding

To avoid the exploitative conditions pervasive at SPDC-designated relocation sites, thousands of IDPs flee into hiding when their villages are attacked or they are ordered to relocate. One 19-year-old Karen man from Pa'an District, Karen State, who was forced into hiding by the SPDC when he was 13-years-old, described to Partners the experience of growing up in a village under attack. He said:

*Our village was attacked many times. [The Burma Army] would come and take whatever they wanted from the village. Anything they don't want, they'd burn. Everyone runs when the soldiers come. If we stop and cannot continue, we'll be shot at. They'll shoot anyone.*<sup>174</sup>

In hiding, life is particularly precarious for IDPs, who survive by establishing temporary shelters, foraging for food in the jungles and forests, and evading SPDC soldiers. Most IDPs are forced into hiding with little more than the clothes on their back and whatever provisions they can carry.<sup>175</sup>

<sup>172</sup> Partners interview with S.M. from Ye Township, Mon State, 10 November 2009.

<sup>173</sup> Partners interview with K.N.A. from Kya In Seik Gyi Township, Karen State, 10 November 2009.

<sup>174</sup> Partners interview with K.K. from Pa'an District, Karen State, 15 November 2009.

<sup>175</sup> Partners interview with H.A. from Murg Nai Township, Shan State, 22 October 2009; Partners interview with S.S.W. from Toungoo District, Karen State, 19 November



ABOVE Children trying to keep warm by the fire while hiding from the Burma Army. Jan 2010 | PARTNERS

As humanitarian organizations are unable to access conflict zones areas where IDPs in hiding live due to SPDC restrictions and security concerns, humanitarian aid and other outside relief is extremely limited.<sup>176</sup> To avoid apprehension by the SPDC and further attacks, IDPs in hiding are constantly on the move. Particularly in the conflict areas, IDPs are often uprooted over and over again as the conflict extends into IDP hiding locations. Interviewees who spent time in hiding indicated to FBR that they were forced to move on average four times over the course of a one-year period.<sup>177</sup> One 16-year-old Karen girl described to Partners her experience as an IDP in hiding in Burma. She said:

*We moved all the time. Sometimes we moved every month, other times we moved only two or three times a year. . . We were always afraid that the military would shoot us or beat us. We were never safe in the jungle. Every month of every year, the military would attack our hiding place and burn our shelters. We cannot study because we never know when the military will come.*<sup>178</sup>

For children, life in hiding can be extremely destabilizing, dangerous, and traumatic. One young Karen man who spent most of his childhood in hiding, reflected to FBR on his experience as a child. He said:

*It is hard for me to endure all of the SPDC's actions towards our people. Many have lost their lives, limbs, and eyes. . . Throughout my life, I have not been able to find happiness. I only face difficulties and sickness. Sickness has taken the lives of my brothers and sisters. Right now, there is no place for me to live my life peacefully.*<sup>179</sup>

It is difficult to ascertain the precise number of IDPs living in hiding in Burma due to the closed nature of this population of IDPs and the fact that many are constantly on the move and at risk of repeated displacement. It has been estimated that as of July 2009 approximately 111,000 IDPs are in hiding in eastern Burma.<sup>180</sup> Many of these IDPs are children.

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2009; FBR interview with T.H. from Karen State, 16 January 2010.

176 Partners interview with A. from, Arakan State, 5 November 2009; FBR, "Relief Team Brings Food to Famine Victims as the Burma Army Tries to Stop Assistance in Western Burma, July 2008," online report, 19 July 2008, [www.freeburmarangers.org/Reports](http://www.freeburmarangers.org/Reports) (accessed 30 January 2010).

177 FBR, Survey of Displaced Children and Families, unpublished document, July 2009 – February 2010, on file with FBR.

178 Partners interview with K.S.P. from Toungoo District, Karen State, 19 November 2009.

179 FBR interview with S.P.W., details not provided, January 2009.

180 TBBC, "Protracted Displacement and Militarization in Eastern Burma."

## Security in Hiding

IDPs in hiding enjoy very little security and are constantly at risk of targeted attacks by the SPDC. IDPs found by the SPDC are at risk of being immediately shot at or forcibly relocated to relocation sites. The SPDC considers IDPs in hiding to be in defiance of relocation orders and supporters of the ethnic opposition. As such, the SPDC has issued orders to Burma Army soldiers to “shoot on sight” ethnic villagers living in hiding.<sup>181</sup> Similarly, temporary shelters and food stores in hiding sites discovered by the SPDC are methodically destroyed.<sup>182</sup> To search out IDP hiding sites, Burma Army soldiers regularly conduct patrols in areas where large numbers of IDPs live. When discovered, IDPs in hiding are subject to targeted attacks.<sup>183</sup> To avoid such attacks, IDPs in hiding are constantly on the move.

For children, this constant insecurity can have seriously detrimental psychological affects. One young man described the insecurity of life on the move after he fled Burma in early 2009 to avoid being recruited into the Burma Army as a child. He said:

*We didn't have any rice or food; we only ate banana stalks and occasionally some mushrooms. The biggest problem was not having enough food. We slept on the ground without blankets. We often woke up in the night and had to run from approaching soldiers. We knew if they saw us, they would shoot us. Every morning, we awoke very early and quietly moved through the jungle.*<sup>184</sup>

In the worst situations, displaced communities live in constant insecurity, without access to basic services such as health and education. In this environment, children grow up in a continuous state of acute physical and mental exhaustion. One Shan woman with two young children aged 10 and 12 told Partners about their time in hiding in Shan State. She said, “We had to walk all day in the jungle and at night the children were scared and tired so they cried a lot and never got much sleep.”<sup>185</sup>

While the CRC emphasizes the importance of family as the core social unit for the care, nurture, socialization and emotional support of children, displacement and conflict seriously threatens the coherence of many families. When attacks are sudden or unexpected, families are often separated in the

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181 Partners interview with E.T. from Mawk Mai, Shan State, 22 October 2009; FBR interview with H.N.S. from Muthraw District, Karen State, 7 January 2010.

182 Partners interview with T.L. from Pa'an District, H.M. and W.D.H. from Toungoo District, Karen State, 19 November 2009; FBR interview with P.L.W. from Nyaunglebin District, Karen State, 16 January 2010.

183 FBR interview with N.E.M. from Nyaunglebin District, Karen State, 6 July 2009; Partners interview with K.K. from Pa'an District, Karen State, 15 November 2009.

184 Partners interview with M.L., details not provided, 14 October 2009.

185 Partners interview with N.M.A., details not provided, 9 October 2009.

rush to flee from the attack and children are left behind or lost in the chaos.<sup>186</sup> Children between the ages of three and seven are particularly at risk of being separated from their parents as they are too heavy to be carried and too small to keep up during flight. A 15-year-old Shan girl described to Partners what happened when she became separated from her family during an attack by the SPDC on her village in early 2009. She said:

*We ran when the SPDC began burning our village. They accused the villagers of supporting the SSA-South [Shan State Army-South, an ethnic opposition group]. All the villagers ran in different directions and I became separated from my family. I lived for five days in the jungle on my own before being found by SSA soldiers who brought me to [an IDP camp].<sup>187</sup>*

Children are also at high risk of losing one or both parents during attacks. In such instances, separated and orphaned children must rely on other displaced villagers to adopt or temporarily care for them.<sup>188</sup> Such children may find it difficult to adjust to new configurations of truncated and revised family relations.

With limited security guarantees, IDPs in hiding have developed various methods to ensure some level of protection for themselves and their children. To avoid discovery and coordinated attack, IDPs in hiding tend to live in smaller communities, often in groups of only two or three families, and establish discreet temporary shelters hidden deep within the jungle or forest.<sup>189</sup> They rarely stay in one location for more than one year.<sup>190</sup> For their security, IDPs necessarily rely on the assistance of ethnic opposition forces, who try to provide IDPs with safe passage across roadways and areas patrolled by SPDC soldiers and provide early warning of approaching SPDC soldiers or potential attacks to



ABOVE Families flee across a road controlled by the Burma Army. Dec 2006 | FBR

186 Partners interview with E.T. from Mawk Mai, H.A. and M.L. from Murng Nai Township, Shan State, 22 October 2009.

187 FBR interview with P.T.S., details not provided, January 2009.

188 Watchlist on Children and Armed Conflict, "No More Denial," p. 19.

189 FBR, "Relief Efforts Continue for People in Hiding."

190 FBR, "Medical Mission to IDPs: Southern Karen State March 3-April 1, 2005," online report, 28 August 2005, [www.freeburmarangers.org/Reports/20050828.html](http://www.freeburmarangers.org/Reports/20050828.html) (accessed 20 January 2010).

IDPs in hiding.<sup>191</sup> According to one Karenni woman who had been periodically displaced from her village and forced into hiding since 2003:

*We used to get messages from people in nearby villages or from the rebel groups. We would try to predict the movements of SPDC. If we heard they were coming, we would run.*<sup>192</sup>

In some instances, IDPs can find and prepare new hiding locations and escape routes, as well as conceal food stores and other basic amenities, in advance of impending attacks.<sup>193</sup> Ethnic opposition forces are also integral in facilitating humanitarian support through cross-border initiatives.<sup>194</sup>

## General Childhood Environment in Hiding

The childhood environment for displaced children in hiding is incredibly poor due to the circumstances under which IDPs in hiding survive. Most IDPs survive only with what they were able to carry from their villages when they were displaced.<sup>195</sup> In other instances, IDP hiding sites are located near their former villages and IDPs are able to return periodically to their houses and fields to salvage basic amenities and food supplies.<sup>196</sup> However, the SPDC frequently plants landmines around recently cleared villages and farmlands to prevent the return of villagers.<sup>197</sup> Consequently, basic necessities, such as shelter, clothing, blankets, food, and general household items, are in short supply or non-existent.

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191 FBR, "The Enemy on the Road – Life in Northern Karen State," online report, 29 January 2009, [www.freeburmarangers.org/Reports/20090129.html](http://www.freeburmarangers.org/Reports/20090129.html) (accessed 20 January 2010).

192 Partners interview with T.W. from Pasaung Township, Karenni State, 27 October 2009.

193 FBR, "Border Fence and Road Projects in Arakan State Set to Displace Hundreds: Arakan State, Burma," online report, 27 March 2009, [www.freeburmarangers.org/Reports/20090327.html](http://www.freeburmarangers.org/Reports/20090327.html) (accessed 20 January 2010).

194 FBR interview with D.W. from Nyaunglebin District, Karen State, 19 January 2010.

195 Partners interview with H.A. from Murg Nai Township, Shan State, 22 October 2009; Partners interview with S.S.W. from Toungoo District, Karen State, 19 November 2009; FBR interview with D.H. from Muthraw District, Karen State, December 2009.

196 Partners interview with K.S.P. from Toungoo District, Karen State, 19 November 2009.

197 Ibid.; Partners interview with E.K.M. from Toungoo District, Karen State, 19 November 2009; Partners interview with M.L. from Loi Wat Township, Shan State, 20 November 2009; FBR interview with D.R.P. from Muthraw District, Karen State, 7 January 2010.



organization that promotes primary health care in Burma through 81 community health worker teams, IDPs are four times more likely to be injured or killed by a landmine than the general population in Burma. A Karenni woman recounted to Partners how landmines have impacted her family. She said:

*My 25-year-old cousin stepped on a landmine in 2006 when he was working on a road construction project for the SPDC. My uncle had to cut off part of his leg. He still doesn't have a prosthetic for it. My brother-in-law also stepped on a landmine in 2005 when he was visiting his farm. He was killed.<sup>204</sup>*

204 Partners interview with T.W. from Pasaung Township, Karenni State, 27 October 2009.

TOP 13-year-old boy receiving medical care after being injured by a Burma Army landmine. 16 Nov 2007 | FBR

BOTTOM E.Y.P, a 9 year old Karen girl was shot while her father and grandmother were shot to death by the Burma Army. 27 March 2006 | FBR



Due to the associated dangers of being discovered by the SPDC, IDP hiding sites are necessarily small and well-imbedded into the forest. Since IDPs are frequently forced to flee with the approach of military patrols, any structures that IDPs in hiding create are impermanent and easy to disassemble.<sup>205</sup> One Karenni woman described her family's shelter in the jungle. She said, "We had very basic shelter in our hiding areas. We'd lay some bamboo down and make a small roof out of leaves but no walls."<sup>206</sup> Most IDPs in hiding, especially IDPs who are on the move, sleep on the ground in jungle clearings without any structures to provide shelter from the rain or cold.<sup>207</sup> One Karen man with two children described to Partners how his family survived in the jungle after being forced to flee their village in April 2006. He said:

*After fleeing the village, we tried to live in the jungle. We would sleep on the ground with only a pile of leaves to sleep on. We could not stay long in one place because we didn't have any security so we had to move from place to place in the jungle. We'd try to find rice but it was never enough to fill our stomachs.*<sup>208</sup>

IDPs in hiding particularly struggle with food insecurity. In some instances, IDPs in hiding may survive for some time on food stores retained from their village when they fled. In other instances, IDPs are able to prepare in advance for their eventual displacement and hide small food reserves in various locations in the forest.<sup>209</sup> However, in general, IDPs in hiding have limited access to sustainable sources of food. Farming is complicated by the temporary nature of settlements; some tend makeshift fields at night.<sup>210</sup> Access to markets and a viable income to purchase food is also limited as their freedom of movement is restricted within conflict zones due to potential detection by SPDC soldiers.<sup>211</sup> For the most part, IDPs in hiding must rely on scavenging for edible plants and food found in the forest.<sup>212</sup>

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205 FBR interview with S.L.H. from Pasaung Township, Karenni State, 19 September 2009; Partners interview with S.P.D. from Toungoo District, Karen State, 19 November 2009; FBR interview with D.H. from Muthraw District, Karen State, December 2009.

206 Partners interview with T.W. from Pasaung Township, Karenni State, 27 October 2009.

207 FBR interview with S.T.N. from Muthraw District, Karen State, 19 July 2009; Partners interview with M.L., details not provided, 14 October 2009; Partners interview with S.R. from Demawso Township, Karenni State, 27 October 2009; Partners interview with S.P. from Toungoo District, Karen State, 19 November 2009.

208 Partners interview with S.P. from Toungoo District, Karen State, 19 November 2009.

209 TBBC, "Protracted Displacement and Militarization in Eastern Burma," p. 44; Partners interview with T.W. from Pasaung Township, Karenni State, 27 October 2009.

210 TBBC, "Protracted Displacement and Militarization in Eastern Burma," p. 44.

211 Partners interview with S.P. from Keng Lom Township, Shan State, 13 October 2009; Partners interview with T.L. from Pa'an District, Karen State, 15 November 2009; Partners interview with T.W. from Pasaung Township, Karenni State, 27 October 2009.

212 Partners interview with K.G. and M.E. from Muthraw District, Karen State, 15 November 2009; FBR

One Karenni woman, who spent periods of time during her childhood in hiding starting in 2003, said, “We were sometimes starving for long periods of time. If we didn’t have enough food, we would make a watery soup with just a few grains of rice, which we would share.”<sup>213</sup> Even when IDPs in hiding are able to obtain food, they are often only able to cook at night out of fear that patrolling SPDC soldiers will spot the smoke from cooking fires during the day.<sup>214</sup> According to one Shan man who spent years in hiding in Shan State:

*The biggest problem in the jungle was having access to food. Often we just had to eat raw rice. If it was raining, we couldn’t make a fire because there would be too much smoke and the soldiers would see us.*<sup>215</sup>

## Health and Welfare in Hiding

Children in hiding are at extreme risk of severe malnutrition and serious medical problems in addition to trauma and physical injuries due to the lack of security. Many displaced children are forced to skip meals when they cannot find enough to eat. As a result of inadequate and unsustainable food sources, chronic malnutrition is particularly problematic for children in hiding. According to the non-governmental organization Back Pack Health Workers, a Thailand-based organization that promotes primary health care in Burma through 81 community health worker teams, displaced households are 3.1 times more likely to have malnourished children than households that have not been displaced.<sup>216</sup> The Back Pack Health Workers further found that an estimated 15 percent of displaced children living in eight regions of Karen, Karenni, and Mon States and Tenasserim Division suffer from malnutrition.<sup>217</sup>

Many children in hiding lack adequate shelter, blankets, or mosquito nets and are forced to sleep outdoors during the rainy season, putting them at higher risk of contracting malaria or upper respiratory infections. Malaria makes up about 20-25 percent of all the medical cases seen by FBR medics working with displaced communities in eastern Burma.<sup>218</sup> Dysentery, acute respiratory infections, parasites, and skin diseases are also common.<sup>219</sup> While some IDPs

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interview with M.H.M. and T.D.W. from Nyaunglebin District, Karen State, 12 January 2010.

213 Partners interview with T.W. from Pasaung Township, Karenni State, 27 October 2009.

214 Back Pack Health Worker Team (BPHWT), “Chronic Emergency: Health and Human Rights in Eastern Burma,” 2006, p. 51.

215 Partners interview with S.T. from Lai Kaa Township, Shan State, 9 October 2009.

216 BPHWT, “Chronic Emergency,” p. 14.

217 Ibid, p. 9.

218 FBR, “Relief Efforts Continue for People in Hiding.”

219 Ibid.

living in conflict zones in Eastern Burma are able to access health services from back pack medics and clinics based along the Thai-Burma border, most IDPs have no access to health services and rely on traditional remedies and natural medicines found in the jungle, most of which are ineffective.<sup>220</sup> One Karen man, who was forced into hiding with his two children, described to Partners how his children became ill while in hiding. He said:

*The children became yellow and had diarrhea. We didn't have any medicine or enough food, and the mosquitoes were bad in the jungle. When the children got sick, there was nothing I could do.*<sup>221</sup>

This man went on to say that his wife and one of his children died while in hiding.<sup>222</sup>

Lack of food, clean water, and access to healthcare has resulted in high death rates among IDPs in hiding. Mortality rates of displaced children in conflict areas are estimated to be three times higher than Burma's national average.<sup>223</sup> According to the Back Pack Health Workers, one out of five displaced children die before their fifth birthday.<sup>224</sup> IDPs in hiding are often at risk of dying from easily preventable and readily treatable diseases, such as diarrhea.<sup>225</sup> A 20-year-old Karen man described to Partners how his siblings died while his family was in hiding due to an inability to access proper healthcare and medicine:

*My mother gave birth in the jungle, but the baby was premature and there was no one to help my mother deliver the baby properly so the baby died. My other brother died when he was eight. His stomach became very bloated and he had a bad cough. My parents couldn't find any medicine for him and he died.*<sup>226</sup>

Another Karen couple from Muthraw District, Karen State described how their daughter died while they were on the run from the Burma Army. They said:

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220 Partners interview with K.G. and M.E. from Muthraw District, Karen State, 15 November 2009; Partners interview with E.K.M. from Toungoo District, Karen State, 19 November 2009; FBR interview with H.T.P. from Nyaunglebin District and N. from Muthraw District, Karen State, December 2009.

221 Partners interview with S.P. from Toungoo District, Karen State, 19 November 2009.

222 Ibid.

223 Internal Displacement Monitoring Center (IDMC), "Myanmar: At a Glance," [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/190A8E9FE8D498C3C12575A6005315F6/\\$file/GO\\_08\\_myanmar.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/190A8E9FE8D498C3C12575A6005315F6/$file/GO_08_myanmar.pdf) (accessed 25 January 2010).

224 BPHWT, "Chronic Emergency," p. 33.

225 Ibid.

226 Partners interview with E.K.M. from Toungoo District, Karen State, 19 November 2009

*During the attack on our village, a mortar went off near our daughter. She became traumatized by the explosion and went into shock. While we were in hiding, she got a high fever and could not eat. If we had the money, we could have gone to the hospital but we had nothing. If we had tried to go and met with the SPDC we'd also have problems. We tried to save our daughter's life but we couldn't.<sup>227</sup>*

## Education in Hiding

Children in hiding face incredible challenges to obtain an education within conflict zones. Forced from their homes and villages, children are no longer able to access the formal government education system. As basic survival is prioritized, children's education is necessarily put on hold until a less turbulent time. Consequently, education for children in hiding is often interrupted and their long-term development jeopardized.

In some instances, IDPs have constructed makeshift schools in hiding locations. Classes are held under trees with teachers using rocks and charcoal for blackboards. Lessons are often taught by older students or adults with some educational training.<sup>228</sup> One Karenni woman, who spent periods of her childhood in hiding starting in 2003, described how she continued her education while in hiding. She said:

*Each household was very spread out so we were quite far from other houses. So we used to meet with the teacher in a central area to study. We brought all the books we had and the teacher could choose what to teach us.<sup>229</sup>*

However, these efforts are often frustrated by the cyclical nature of displacement in conflict zones. According to one grandmother who spent the past two to three years living in hiding, "We tried to teach the children to read and write, but we couldn't really teach them properly because we'd have to move to another place every one or two weeks."<sup>230</sup> A 13-year-old boy similarly described to FBR the difficulties of learning while in hiding. He said:

*When we are in school studying, we still need to be ready to run if something bad happens. I pray that I can go to school without any interruptions by the SPDC, because it is hard for us to concentrate in school while having to run for our lives.<sup>231</sup>*

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227 Partners interview with K.G. and M.E. from Muthraw District, Karen State, 15 November 2009.

228 "Schools Closed as Fighting Continues in Karen State," Democratic Voice of Burma (DVB), news release, 10 July 2007, <http://english.dvb.no/news.php?id=232> (accessed 25 January 2010).

229 Partners interview with T.W. from Pasaung Township, Karenni State, 27 October 2009.

230 Partners interview with A.D. from Toungoo District, Karen State, 19 November 2009.

231 FBR with S.L.T.M., details not provided, January 2009.

Forced to repeatedly move to new hiding sites in advance of patrolling SPDC soldiers, children have very little opportunity to study in a systematic and meaningful way. In areas of Toungoo District of Karen State, IDPs in hiding indicated that children are only able to study one week per month due to ongoing hostilities in the area.<sup>232</sup> IDPs also have limited access to lesson books, supplies, and educational material to provide effective instructions. At times, makeshift schools and educational material are destroyed during SPDC military attacks on IDP hiding places.<sup>233</sup>

In some areas, particularly along the Thai-Burma border, children are able to access informal community-based schools supported by ethnic opposition groups and Thailand-based humanitarian organizations. For example, the Shan State Army-South (SSA-S) operates schools in the Loi Tai Leng area of Shan State, an area under its control, to ensure that more than 1,000 children, including 250 orphans, have access to an education.<sup>234</sup> Most older children studying in community-based schools have had little to no prior educational experience. In some instances, 17-year-olds begin school at Grade One.

BELOW Children in school while in hiding. This school was later decimated by the Burma Army. Saw Wah Der, Karen State. Jan 2007 | FBR

232 KHRG, "One Year On: Continuing Abuses in Toungoo District," 17 November 2006, <http://www.karenhumanrightsgroup.org/khrg2006/khrg0606.pdf> (accessed 25 January 2010), p. 30.

233 FBR interview with N.N.T.P., details not provided, January 2009; Partners interview with P.H.H. from Muthraw District, Karen State, 20 November 2009.

234 "Driven from Their Homes," SHAN, news release, 13 December 2007.





ABOVE Children being forced to porter as a Burma Army soldier follows. June 2007 | FBR

# BURMA'S LEGAL OBLIGATIONS

Considering the systematic and widespread nature of displacement in Burma; the direct impact of displacement on children; and the military government's involvement in bringing about these conditions, it is clear that Burma's military government is in direct contravention of provisions of their own domestic laws but also international law. This section explains Burma's legal responsibilities and its failure to uphold its obligations under domestic and international law, and includes original documentation of specific violations.

## Domestic Laws of Burma

Burma has no national law or policy on IDPs or displaced children. The main law dealing with children's rights in Burma is the 1993 Child Law, enacted on 14 July 1993, two years after Burma acceded to the International Convention on the Rights of the Child (CRC).<sup>235</sup> While this law provides a range of positive rights and protections for children, evidence of continued serious abuse and neglect of Burma's children clearly demonstrates that Burma has failed to uphold the promises codified under the Child Law.

The Child Law protects a child's inherent right to life under Art. 9(a) and affirms that "every child has the right to survival, development, protection and care, and to achieve active participation in the community." Article 19(b) (iii) further provides that the Ministry of Health shall "carry out measures to minimize the child mortality rate and to maximize the population of healthy children." Despite this, FBR has documented the Burma Army's direct involvement in causing the death of at least 31 children and three pregnant women since 2002, typically during unprovoked attacks on civilian villages or IDP hiding sites. Another 33 children have been wounded at the hands of Burma Army soldiers.<sup>236</sup> Further child deaths have stemmed from the lack of proper nutrition and access to basic healthcare. Children in Burma frequently die from easily treatable and preventable ailments.

Article 14(a) and (b) of the Child Law requires that "every child, irrespective of race, religion, status, culture, birth or sex be equal before the law [and] be given equal opportunities." In direct contravention to this provision, the military regime has long enforced a policy of "Burmanization" to subjugate the cultures, religions, and languages of Burma's ethnic groups in favor of the Burman culture, Buddhist religion, and Burmese language.<sup>237</sup> Ethnic children are not immune to the impact of Burmanization and are subject to unequal treatment, always to their detriment.

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235 The Child Law, The State Law and Order Restoration Council, No. 9/93, 1993.

236 See, FBR, "Reports," online information, <http://www.freeburmarangers.org/Reports/> (accessed 25 January 2010).

237 Ashley South, *Ethnic Politics in Burma: States of Conflict* (Routledge: 2008).

The Child Law also strongly articulates the right to education stating, “every child shall have opportunities of acquiring education; [and] have the right to free basic (primary level) education at schools opened by the state.”<sup>238</sup> In reality, few displaced children are able to attend school. Restrictions on movement, security concerns, prohibitive costs, as well as limited school facilities inhibit children from obtaining an education.

Based on well-supported evidence demonstrating the military government’s mistreatment and neglect of Burma’s children, particularly displaced children, Burma is in clear contravention of the Child Law. Having failed to make any genuine attempt to implement or uphold its own child protection laws, it is appropriate to consider Burma through the lens of international law.

## International Human Rights and Humanitarian Law

International human rights and humanitarian law provides a general framework to define and protect basic, minimal standards of treatment towards human beings, including at-risk populations such as children and internally displaced persons. A core document of the UN human rights system is the 1948 Universal Declaration of Human Rights (UDHR), which is a primary expression of fundamental and universally-recognized human rights standards. Among its many provisions, the UDHR guarantees special care and assistance to children and protects against arbitrary interference with or attacks on the family or home.<sup>239</sup>

The 1966 International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) are part of the Bill of Human Rights and elucidate the rights and protections provided by UDHR in more detail.<sup>240</sup> For example, Article 24 of the ICCPR guarantees protection to every child without discrimination.<sup>241</sup> Article 10 of the ICESCR provides “special measures of protection and assistance... on behalf of

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<sup>238</sup> The Child Law, art. 20(a).

<sup>239</sup> Universal Declaration of Human Rights (UDHR), adopted 10 December 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948), arts. 12 and 25(1), respectively.

<sup>240</sup> See, International Covenant on Civil and Political Rights (ICCPR), adopted 16 December 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force 23 March 1976, arts. 12(1) and 17(1); International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted 16 December 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force 3 January 1976, art. 11(1).

<sup>241</sup> ICCPR, art. 24(1).

all children.”<sup>242</sup> Article 11 of the ICESCR further recognizes the “right of everyone to an adequate standard of living... including adequate food, clothing, and housing.”<sup>243</sup> These initial formulations provide the basis for establishing concrete protections against displacement and a framework of rights for children and IDPs.<sup>244</sup>

The 1998 United Nations Guiding Principles on Internal Displacement (Guiding Principles) are arguably the most comprehensive and explicit formulation of the rights and protections of IDPs. Although not a legally binding document, as an authoritative articulation of international humanitarian, human rights, and refugee law relating to IDPs, the Guiding Principles are considered instructive to a state’s obligations under international law. The Guiding Principles call on national authorities to prevent arbitrary displacement and protect and assist IDPs within their jurisdiction, particularly women and children.<sup>245</sup>

The United Nations Convention on the Rights of the Child (CRC) and the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which Burma acceded to in 1991 and 1997 respectively, are also relevant in defining Burma’s international legal obligations with regard to the general rights of children, as well as internally displaced children. Pursuant to CRC and CEDAW, Burma is required to take appropriate measures to ensure women and children have access to adequate housing.<sup>246</sup> In addition, the CRC provides an international charter for the protection, survival, and well-being of children, including the right to life, development, and access to health and education.<sup>247</sup> As a party to CRC and CEDAW, Burma is not only legally obligated to ensure the enumerated rights are protected but must also periodically report to the appropriate UN oversight committees on the country’s progress in implementing the treaty provisions, an obligation the SPDC has repeatedly failed to meet.<sup>248</sup>

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242 ICESCR, art. 10(3).

243 ICESCR, art. 11(1).

244 Although the UDHR was first adopted by the UN General Assembly as a resolution with no force of law, it is now generally recognized as a codification of customary international law binding on all member states of the UN. As a member of the UN, Burma is obligated to respect the provisions elucidated by UDHR.

245 UN High Commissioner for Refugees, Guiding Principles on Internal Displacement (Guiding Principles), 22 July 1998, E/CN.4/1998/53/Add.2, , Principle 3(1), 4, and 5.

246 Convention on the Rights of the Child (CRC), adopted 20 November 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force 2 September 1990, art. 14(2)(h);

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted 18 December 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force 3 September 1981, art. 27(3).

247 See, CRC, arts. 3, 6, 23, 24, 27- 29, 31, and 32.

248 Burma’s second periodic report to the Committee on the Rights of the Child was submitted four years

In addition to these general protections, the UN Security Council has adopted special provisions with regard to children in armed conflict. Recognizing the particular risks and needs of children in armed conflict, the UN Security Council adopted resolution 1612 in July 2005. The resolution calls for the monitoring and protection of children in situations of armed conflict and focuses on six particularly egregious violations committed against children, including:

1. killing or maiming of children;
2. recruiting or using child soldiers;
3. attacks against schools or hospitals;
4. rape or other grave sexual violence against children;
5. abduction of children; and
6. denial of humanitarian access for children.<sup>249</sup>

This resolution is particularly pertinent in the context of Burma as many children in Burma's conflict areas are at risk of the enumerated abuses.<sup>250</sup>

In accordance with its legal obligations under international law, Burma's military government has a duty to:

- prevent the displacement of children;
- protect displaced families and children, particularly children in areas of armed conflict; and
- provide assistance to IDPs with special measures for internally displaced children.

The previous sections of this report document the SPDC's involvement in, and responsibility for, widespread and continued displacement of families and children in generally harmful conditions, violence instigated against displaced communities, including children, and denial of humanitarian aid to existing displaced communities. Based on the evidence presented, it is clear that the SPDC is in contravention of its international legal obligations.

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late in 2003. Burma's third periodic report was due in August 2008 yet, at the time of writing, the SPDC has not submitted its report.

249 "UN Security Council Establishes Monitoring and Reporting System to Protect Children Affected by Armed Conflict," United Nations Security Council press release, July 2005, <http://www.un.org/children/conflict/pr/2005-07-05118.html> (accessed 25 January 2010).

250 In accordance with the provisions of Resolution 1612, the UN established the Monitoring and Reporting Mechanism (MRM) Task Force in Myanmar in June 2007 to monitor and report on violations against children. The MRM Task Force consists of the International Labor Organization (ILO), UNICEF, United Nations Development Program (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. Information on the enumerated violations is also provided by a Thailand-based Task Force, which includes UNICEF, UNHCR, the Thailand Burma Border Consortium and a Thai NGO.

## International Treaties Ratified or Acceded to by Burma

- Convention on the Rights of the Child, adopted 20 November 1989 (entered into force 2 September 1990, acceded by Burma 15 July 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 Labor 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)

BELOW Villagers flee Burma Army attacks. 18 Apr 2006 | FBR



## Preventing Displacement of Children

Principle 5 of the Guiding Principles calls on all authorities to respect their obligations under international law, “in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.”<sup>251</sup>

Principle 6 further states, “Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.”<sup>252</sup> Under the Principles, arbitrary displacement includes displacement:

- (a) When it is based on policies of apartheid, “ethnic cleansing” or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population;
- (b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;
- (c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;
- (d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and
- (e) When it is used as a collective punishment.

The displacement documented in Burma can be concluded to be arbitrary and thus prohibited by international law. A majority of the displacement that occurs in Burma is targeted against the non-Burman ethnic populations. The racially-based policy of “Burmanization” is widely employed by the regime to subjugate the rights of non-Burman ethnic nationalities and promote the Burman race, the Buddhist religion, and the Burmese language above all other nationalities, religions, and languages.<sup>253</sup> In furtherance of this Burmanization policy, Burma’s ethnic groups are deliberately targeted and subjected to a range of human rights violations, including violent abuses, restrictions on fundamental freedoms, forced labor for the State, and property violations. Through the implementation of this policy, the military regime is effectively engaged in altering the ethnic and religious composition of Burma’s population.

Displacement cannot be justified on the basis of armed conflict, unless according to Principle 6(2)(b), “the security of the civilians involved or imperative military reasons so demand.” This Principle is mirrored in Protocol II of the 1949 Geneva Conventions, which is regarded as customary international

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<sup>251</sup> Guiding Principles, Principle 5.

<sup>252</sup> Guiding Principles, Principle 6(1).

<sup>253</sup> South, *Ethnic Politics in Burma: States of Conflict*.

law and binding on all States.<sup>254</sup> The CRC, which Burma is a party to, also calls on States to respect “rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.”<sup>255</sup> In the case of Burma, civilians, including children, are deliberately targeted by the military under the “Four Cuts” policy.<sup>256</sup> A Karen couple explained to Partners how they were displaced under the “Four Cuts” policy. They said:

*In 2006, the SPDC attacked our village. They attacked because they knew that KNU [Karen National Union, one of the ethnic opposition groups] soldiers had come and visited the village. The SPDC called the villagers together and told us that they were going to burn our village because we worked for the KNU. They told the women that their husbands would be taken to the frontline to be porters, and that if the KNU soldiers attacked, then they would kill all the villagers.*<sup>257</sup>

Such attacks are intended to displace civilians without regard for their security or any “imperative military reason.”

Principle 5(c) considers displacement caused by large-scale development projects to be arbitrary, and thus prohibited under international law, unless “justified by compelling and overriding public interests.” Poorly conceived and ill-designed large-scale development projects have resulted in the displacement of thousands of villages and tens of thousands of villagers in Burma. The SPDC has failed to demonstrate a “compelling and overriding public interest” to justify these projects. In most cases, SPDC development projects benefit the military far more than local communities, and are often carried out to the detriment of local communities. While numerous large-scale energy-related projects, such as hydroelectric dams and pipelines, have uprooted communities throughout Burma, much of Burma remains without electricity as the energy produced by such projects is diverted for government use only or sold to neighboring countries. The proceeds from these projects go towards strengthening the military instead of building schools, improving healthcare, or other activities in the public’s interest.<sup>258</sup>

Even where displacement is considered justified, Principle 7 of the Guiding Principles requires national authorities to explore “all feasible

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254 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1125 U.N.T.S. 609, entered into force 7 December 1978.

255 CRC, art. 38.

256 Partners interview with K.L.R. from Loi Kaw Township and T.W. from Pasaung Township, Karenni State, 27 October 2009.

257 Partners interview with K.G. and M.E. from Muthraw District, Karen State, 15 November 2009.

258 EarthRights International (ERI), “Total Impact: The Human Rights, Environmental, and Financial Impacts of Total and Chevron’s Yadana Gas Project in Military-Ruled Burma (Myanmar),” 10 September 2009, <http://www.earthrights.org/publication/total-impact-human-rights-environmental-and-financial-impacts-total-and-chevron-s-yadana> (accessed 7 January 2010), pp. 41-42.

alternatives” to avoid or “minimize displacement and its adverse effects.” Rather than preventing and minimizing displacement, the military government has been, and continues to be, directly and indirectly responsible for displacing large populations throughout Burma, without reasonable cause. For example, the SPDC actively hunts out IDP hiding sites in the jungle to destroy the food and shelters of IDPs. One woman, who was forced into hiding by the SPDC, described the situation to Partners as follows:

*We tried to make a small rice farm in the jungle, but when the military came, they would destroy everything we planted. We had to rely on the little rice we could get to make a watery porridge.<sup>259</sup>*

Consequently, the SPDC has failed to prevent the arbitrary displacement of persons, including children, in violation of international law.

## Protecting Displaced Children

When displacement does occur, the Guiding Principles confer a primary duty on national authorities “to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.”<sup>260</sup> Principle 4 provides particular emphasis on women and children, entitling them “to protection and assistance required by their condition and to treatment which takes into account their special needs.”<sup>261</sup>

As a basic minimum, Principle 8 prohibits displacement “that violates the rights to life, dignity, liberty and security of those affected.” From a rights-based perspective, protection is not to be limited only to physical security, but includes all guarantees provided by international human rights and humanitarian law. These protections are further supported by provisions of the CRC, which calls on States to protect children “from all forms of sexual exploitation and sexual abuse” and ensure “[n]o child shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.”<sup>262</sup>



ABOVE Kids forced to porter for Burma Army, Karen State. Jan 2010 | FBR

Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against: (a) rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity.

— Principle 11(2)(a), Guiding Principles on Internal Displacement

<sup>259</sup> Partners interview with H.M. from Toungoo District, Karen State, 19 November 2009.

<sup>260</sup> Guiding Principles, Principle 3(1).

<sup>261</sup> Guiding Principles, Principle 4.

<sup>262</sup> CRC, arts. 34 and 47.

Displaced children in Burma witness and suffer different forms of human rights violations. During attacks on villages and hiding sites by SPDC soldiers, children see family members and neighbors injured or killed, their homes looted and burned, and their family's property, food stocks and animals stolen.<sup>263</sup> One Karen man who was forced into hiding at age 15 told Partners what happened when the SPDC relocated his village. He said, "They burned our house and took our pig. I saw it happen. My family fled into hiding to avoid being relocated."<sup>264</sup> In displacement settings, children continue to be exposed to human rights abuses. In SPDC-designated relocation sites and in ceasefire areas, IDPs are subject to regular forced labor and portering, extortion, confiscation of land and property, as well as violent abuses.<sup>265</sup>

Although Principle 11 specifically protects internally displaced children from forced labor, children in SPDC-designated relocation sites and ceasefire areas are often forced to work on military projects. Article 32 of the CRC also protects children from "economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or be harmful to the child's... development." In many relocation sites, residents are ordered to work as forced laborers on projects assigned by the SPDC. Tasks include hauling water for the Army camp, cutting bamboo, making repairs or constructing Army camp buildings, carrying food rations.<sup>266</sup>

Internally displaced communities in conflict zones are generally at risk of further attacks and repeated displacement, and continued abuse by the Burma Army. When discovered, IDPs in hiding are subject to targeted attacks.<sup>267</sup> These actions are in direct contravention of Principle 10(2), which prohibits "Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities."

Principle 10(2)(a) protects IDPs from "Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted." The SPDC has created such areas by issuing orders to "shoot on sight" any ethnic villagers found living in hiding outside SPDC-

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263 Partners interview with E.T. from Mawk Mai Township, H.A., K.A., and M.L. from Murg Nai Township Shan State, 22 October 2009; Partners interview with S.L.H. from Toungoo District, Karen State, 19 November 2009; Partners interview with C.M.K.K. from Yangon Division, 20 November 2009.

264 Partners interview with P.S. from Pa'an District, Karen State, 15 November 2009.

265 Partners interview with M.E. and S.B. from Dooplaya District, Karen State, 10 November 2009; Partners interview with T.S. from Karen State, 15 November 2009.

266 FBR, "The Shadow of the Oppressor," online report, 20 January 2009, [www.freeburmarangers.org/Reports](http://www.freeburmarangers.org/Reports) (accessed 20 January 2010); FBR, "Relief Continues for Hundreds of Newly Displaced as Teams Complete December Mission," online report, 30 December 2008, [www.freeburmarangers.org/Reports](http://www.freeburmarangers.org/Reports) (accessed 20 January 2010).

267 FBR interview with D.W. from Nyaunglebin District, Karen State, 19 January 2010.

designated relocation camps within conflict zones.<sup>268</sup> One Kayan Padaung man, who lived for one year in a relocation camp, said:

*I was shot at a number of times. I used to sneak back to my village to collect food. I tried to hide, but [the Burma Army soldiers] would sometimes see me and shoot at me. I would run away but when I ran they would follow me and continue shooting. I had to run so far, over mountains, usually for about an hour with them in pursuit.*<sup>269</sup>

To search out IDP hiding sites, Burma Army soldiers regularly conduct patrols in areas where large numbers of IDPs live.<sup>270</sup> When temporary settlements and camps are discovered by the military, they are subject to attack despite the prohibition against attacks of IDP camps or settlements articulated by Principle 10(2)(d).<sup>271</sup> In addition to attacks on IDP settlements, food stores of IDPs in hiding are routinely destroyed when discovered by the SPDC.<sup>272</sup> Humanitarian aid is denied to displaced communities and many, including children, are struggling with lack of food provisions and chronic malnutrition. In this way, the SPDC is using “starvation as a method of combat,” in contravention of Principle 10(2)(b). Principle 10(2)(e) also protects IDPs from “the use of anti-personnel landmines.” To prevent the return of recently displaced villagers, the military regularly destroys their villages or deploys landmines in the surrounding areas.<sup>273</sup> A Karen woman who was forced into displacement by the SPDC told Partners:

*When [the Burma Army soldiers] left, they took all of our things with them and left landmines behind. They planted landmines near our houses and rice fields.*<sup>274</sup>

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268 Partners interview with E.T. from Mawk Mai, Shan State, 22 October 2009.

269 Partners interview with N.R. from Shardaw Township, Karenni State, 27 October 2009; Partners interview with N.R. from Shardaw Township, Karenni State, 29 October 2009.

270 Partners interview with T.L. from Pa’an District, Karen State, 15 November 2009; Partners interview with K.S.P. from Toungoo District, Karen State, 19 November 2009.

271 Partners interview with K.K. from Pa’an District, Karen State, 15 November 2009.

272 Partners interview with T.L. from Pa’an District and H.M. and W.D.H. from Toungoo District, Karen State, 19 November 2009.

273 Partners interview with K.S.P. and E.K.M. from Toungoo District, Karen State, 19 November 2009; Partners interview with M.L. from Loi Wat Township, Shan State, 20 November 2009.

274 FBR interview with N.D.P., no details provided, January 2009.

## Providing Humanitarian Assistance to Displaced Children

In all internal displacement settings, the SPDC imposes restrictions on IDP movements. As part of a long-standing campaign, the SPDC has forced villagers into designated relocation sites despite Principle 14 of the Guiding Principles guaranteeing IDPs the “right to liberty of movement and freedom to choose his or her residence.”<sup>275</sup> Principle 12(2) of the Guiding Principles further prohibits governments from confining IDPs to such camps. Within these sites, IDPs are required to obtain permission and pay exorbitant fees to the SPDC in order to travel outside the designated compound.<sup>276</sup> The SPDC similarly restricts the movement of civilians, including IDPs, living within ceasefire zones, who are unable to move freely outside the designated ceasefire territory without permission from the SPDC.<sup>277</sup>

In Burma, displaced communities live in extremely insecure conditions without sustainable food supplies, basic amenities, or access to necessary humanitarian provisions or social services. The government makes little or no effort to provide for their needs. In some cases, the military is responsible for actively obstructing humanitarian access to IDP populations. In reference to the situation in eastern Burma, the UN General Secretary Ban Ki-moon stated, “Government restrictions on humanitarian access to communities in conflict affected areas continue to seriously hamper the delivery of aid to those affected, particularly children.”<sup>278</sup>

Although never fully enforced, the SPDC guidelines issued in February 2006 impose tight restrictions on the space and activities of UN and international agencies. However, humanitarian organizations with official operations in

At the minimum, regardless of the circumstances and without discrimination, competent authorities shall provide internally displaced persons with and ensure access to:

- (a) Essential food and potable water;
- (b) Basic shelter and housing;
- (c) Appropriate clothing; and
- (d) Essential medical services and sanitation.

— UN Guiding Principles on Internal Displacement, Principle 18(2)

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275 Partners interview with L.D. from Khun Hing Township, Shan State, 14 October 2009; Partners interview with T.R. from Loi Kaw Township and K.L.R. from Shardaw Township, Karenni State, 27 October 2009; Partners interview with T.S. from Karen State, 15 November 2009.

276 Partners interview with B.R. from Loi Kaw Township, Karenni State, 27 October 2009.

277 Partners interview with S.P. from Keng Lom Township, Shan State, 13 October 2009; Partners interview with T.W. from Pasaung Township, Karenni State, 27 October 2009; Partners interview with T.L. from Pa’an District, Karen State, 15 November 2009.

278 United Nations General Assembly, Report of the Secretary General, Children and Armed Conflict, A/62/609-S/2007/757, 21, December 2007, [http://www.reliefweb.int/rw/RWFiles2007.nsf/FilesByRWDocUnidFilename/EGUA-7BBTF3-full\\_report.pdf/\\$File/full\\_report.pdf](http://www.reliefweb.int/rw/RWFiles2007.nsf/FilesByRWDocUnidFilename/EGUA-7BBTF3-full_report.pdf/$File/full_report.pdf) (accessed 25 January 2010).

Burma continue to be hampered by high transaction costs, bureaucratic delays, and travel restrictions to parts of the country, including conflict areas and areas with large numbers of IDPs. Such interferences have forced several large humanitarian agencies, including Médecins Sans Frontières (MSF) and the International Committee of the Red Cross (ICRC), to withdraw from the country altogether or greatly reduce their activities.<sup>279</sup>

Those of Burma's displaced population who live in hiding survive in temporary shelters, foraging for food provisions without access to humanitarian aid of any kind. These conditions fail to comply with Principle 7 requiring "proper accommodation, . . . safety, nutrition, health and hygiene, and that members of the same family are not separated."<sup>280</sup> These safeguards are further reiterated in Protocol II of the Geneva Conventions, Article 17. Despite provisions in international human rights and humanitarian law that require special measures of protection for children, displaced children in Burma are at risk in displacement settings as most children have little or no access to basic humanitarian provisions. By failing to provide assistance to IDPs, particularly displaced children, the SPDC is in violation of international law.

RIGHT Mother giving her child rice provided by relief teams while on the run from the Burma Army.  
Jan 2010 | FBR

## Essential food and potable water

IDPs consistently identified to Partners and FBR the lack of sustainable food sources as a major problem, and many indicated that they were unable to provide food for themselves and for their children.<sup>281</sup> One 19-year-old Karen man who spent several years of his childhood in hiding said, "The biggest problem is food. When the military comes, they try to kill the people and they destroy all the rice so we will not have any food."<sup>282</sup> In SPDC-designated relocation sites and in ceasefire zones, IDPs have difficulty growing crops

279 "Myanmar: No Progress in Talks, ICRC Closes Offices," International Committee of the Red Cross, news release, index no. 07/30, 15 March 2007, <http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/myanmar-news-150307> (25 January 2010); "Myanmar: ICRC Pressed to Close Field Offices," International Committee of the Red Cross, news release, 27 November 2006, [http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/Myanmar-news-27112006?OpenDocument&style=custo\\_print](http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/Myanmar-news-27112006?OpenDocument&style=custo_print) (accessed 25 January 2010); United States Government Accountability Office, "International Organizations: Assistance Programs Constrained in Burma," Report to the Committee on Foreign Affairs, index no. GAO-07-457, 6 April 2007, <http://www.gao.gov/products/GAO-07-457> (accessed 25 January 2010), p. 22; "Voices from the Field," Medecins Sans Frontieres (MSF), news release, [www.doctorswithoutborders.org/news/voices/2006/03-2006\\_myanmar.cfm](http://www.doctorswithoutborders.org/news/voices/2006/03-2006_myanmar.cfm) (accessed 25 January 2010).

280 Guiding Principles, Principle 7(2).

281 Partners interview with S.T. from Lai Ka Township, Shan State, 9 October 2009; Partners interview with R. from Maungdaw Township, Arakan State, 5 November 2009; Partners interview with S.M. from Ye Township, Mon State, 10 November 2009; FBR interview with M.H.M. from Nyaunglebin District, Karen State, 12 January 2010.

282 Partners interview with K.S.P. from Toungoo District, Karen State, 19 November 2009.



due to the limited arable land available.<sup>283</sup> Food produced by IDPs is further subject to confiscation and taxation by the SPDC.<sup>284</sup> Having lost most if not all of their food stocks and animals in the course of being displaced from their village, IDPs in conflict areas who are in hiding are forced to survive by foraging for food and are at risk of having their food stores regularly destroyed by the Burma Army.<sup>285</sup> Children in households where food supplies had been stolen or destroyed have been found to be 4.4 times more likely to suffer from malnutrition than households where food supplies had not been compromised.<sup>286</sup>

Clean water is similarly in short-supply in displacement settings. SPDC-designated relocation sites typically lack basic facilities to supply potable drinking water. A majority of IDPs interviewed by Partners and FBR indicated that they rely on rivers and streams for their water supply.<sup>287</sup> According to a 15-year-old Tavoyan boy living in the Mon ceasefire areas, "Sometimes the water we drink is not clear. I think there is a lot of bacteria in the water because it just comes from a stream."<sup>288</sup>

## Basic shelter and housing

When villagers are forced into displacement, the SPDC often takes measures to prevent their return by destroying or planting landmines throughout the village.<sup>289</sup> Most IDPs are displaced with little more than the clothes on their back and whatever provisions they can carry.<sup>290</sup> Those who go into hiding

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283 Partners interview with T.R. from Loi Kaw Township, Karenni State, 27 October 2009; Partners interview with S.S. from Tavoy Township, Tenasserim Division, 10 November 2009; FBR, "Kachin Told to Surrender Control Over Their Army and Become a Border Police Force Under the Burma Army," online report, 8 May 2009, [www.freeburmarangers.org/Reports](http://www.freeburmarangers.org/Reports) (accessed 30 January 2010).

284 Partners interview with B.R. from Loi Kaw Township, Karenni State, 27 October 2009.

285 Partners interview with S.P. from Keng Lom Township, Shan State, 13 October 2009; Partners interview with T.W. from Pasaung Township, Karenni State, 27 October 2009; FBR interview with M.H.M., Nyaunglebin District, Karen State, 12 January 2010; FBR interview with T.D.W. from Nyaunglebin District, Karen State, 12 January 2010.

286 Back Pack Health Worker Team (BPHWT), "Chronic Emergency: Health and Human Rights in Eastern Burma," 2006, p. 10.

287 FBR, Survey of Displaced Children and Families, unpublished document, September 2009 – February 2010, on file with FBR.

288 Partners interview with S.S. from Tavoy Township, Tenasserim Division, 10 November 2009.

289 Partners interview with K.S.P. and E.K.M. from Toungoo District, Karen State, 19 November 2009; Partners interview with M.L. from Loi Wat Township, Shan State, 20 November 2009; FBR interview with D.R.P. from Muthraw District, Karen State, 7 January 2010.

290 Partners interview with A. from Shardaw Township, Karenni State, 27 October 2009; FBR interview with T.H. from Karen State, 16 January 2010.

typically lack shelter or housing.<sup>291</sup> Since IDPs are frequently forced to flee with the approach of military patrols, shelters created by IDPs in hiding are impermanent and easy to disassemble.<sup>292</sup> Most IDPs in hiding, especially IDPs who are on the move, sleep on the ground in a jungle clearing without any structures to provide shelter from the rain or cold.<sup>293</sup>

At SPDC-designated relocation sites, housing is often substandard or non-existent.<sup>294</sup> In most cases, displaced families are provided only with a plot of poor quality land.<sup>295</sup> Without any assistance from the SPDC, IDPs must establish accommodations from scarce materials and limited tools. Such conditions go against provisions defined by Principle 18(2)(b) of the Guiding Principles, article 14(2) of CRC, and article 27(3) of CEDAW.

BELOW A family in the rain  
hiding from the Burma Army.  
27 April 2006 | FBR

291 FBR interview with D.H. from Muthraw District, Karen State, December 2009.

292 Partners interview with T.W. from Pasaung Township, Karenni State, 27 October 2009; Partners interview with W.D.H. from Toungoo District, Karen State, 19 November 2009; FBR interview with P.K.K. from Muthraw District, Karen State, December 2009.

293 FBR interview with E.N.H. from Karen State, 28 July 2009; Partners interview with S.R. from Demawso Township, Karenni State, 27 October 2009; Partners interview with S.P. from Toungoo District, Karen State, 19 November 2009.

294 Partners interview with K.L.R. from Shardaw Township, Karenni State, 27 October 2009; Partners interview with T.S. from Karen State, 15 November 2009.

295 Partners interview with B.R. from Loi Kaw Township, Karenni State, 27 October 2009; Partners interview with T.S. from Karen State, 15 November 2009.



## Essential medical services and sanitation

Article 24 of CRC requires State parties to take measures to diminish infant and child mortality, ensure the provision of health care to children, combat disease and malnutrition, ensure pre-natal and post-natal care for mothers, and “strive to ensure that no child is deprived of his or her right of access to such health care services.” Internally displaced children in Burma are fundamentally at risk due to a lack of essential medical services and restrictions on access to humanitarian aid.

Without sustainable food sources or adequate shelters, illness and disease are common among internally displaced children. While children who are not displaced are similarly affected by disease in Burma, displaced children are more susceptible to disease due to a lack of adequate diet and malnutrition and less equipped to recover due to conditions in displacement settings. According to the Thailand Burma Border Consortium, a Thailand-based nongovernmental organization providing support to refugees and displaced people from Burma, “Child mortality rates amongst the internally displaced are three times higher than Burma’s baseline rate.”<sup>296</sup>

BELOW Families flee from Burma  
Army attacks. 2007 | FBR

<sup>296</sup> Refugees International (RI), “Ending the Waiting Game: Strategies for Responding to Internally Displaced People in Burma,” June 2006, <http://www.refugeesinternational.org/sites/default/files/EndingtheWaitingGame.pdf> (accessed 20 January 2010), p. 31.



## Education

In line with established international human rights law, the Guiding Principles on Internal Displacement underscore the responsibility of national authorities to ensure that internally displaced children receive free and compulsory education at the primary level. In addition, the Principles urge authorities to make educational facilities available to the internally displaced when conditions permit.<sup>297</sup> Article 28(1) of CRC further provides that “States Parties recognize the right of the child to education,” and that they shall “make primary education compulsory and available free to all.”

For many internally displaced children in Burma, school facilities do not exist and education is indefinitely interrupted. School buildings and facilities are routinely destroyed by the SPDC. The few schools that are available to displaced children are often community-run, over-crowded, and under-resourced. In general, education is limited to primary school. Facilities often lack basic equipment, such as blackboards, textbooks, and proper infrastructure. School buildings are located a considerable distance from displaced communities, requiring children to walk long distances through unsafe and highly militarized zones. As a result, displaced children in Burma grow up deprived of an education and the opportunities afforded by a proper education.

## International Criminal Law

Based on the evidence provided, the SPDC has not only failed to uphold its legal obligations under international humanitarian and human rights law, but its actions may also amount to violations of international criminal law, including crimes against humanity and war crimes. Crimes against humanity and war crimes are among the most serious crimes in international law and are generally considered to be universally applicable, meaning States and individuals can be held accountable for acts of crimes against humanity or war crimes without formally agreeing to abide by particular standards.<sup>298</sup> The Rome Statute of the International Criminal Court provides the necessary legal framework to establish crimes against humanity and war crimes.<sup>299</sup>

Considering the evidence available, the actions and involvement of the SPDC in causing extensive and prolonged displacement of civilian populations

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<sup>297</sup> UN Guiding Principles, art. 23.

<sup>298</sup> As an extremely serious offense in international law, it is generally accepted that a crime against humanity is universally applicable, meaning that it applies to States and individuals even if they have not signed onto a treaty or agreement to prevent crimes against humanity. See, M. Cherif Bassiouni, “Crimes against Humanity and Universal Jurisdiction,” in *Crimes of War, The Book*, <http://www.crimesofwar.org/thebook/crimes-against-humanity.html> (accessed 27 July 2008).

<sup>299</sup> Rome Statute of the International Criminal Court (Rome Statute), A/CONF.183/9, July 17, 1998, entered into force July 1, 2002.

BELOW IDP child and family escaping from the Burma Army.  
24 Jan 2010 | FBR

throughout Burma are likely to amount to crimes against humanity and/or war crimes. In order to investigate allegations of these grave breaches of international law and hold the SPDC responsible for their role in such crimes, the case must be brought before the International Criminal Court (ICC). The ICC is an institution created by the Rome Statute and is authorized to investigate allegations of crimes against humanity. Before investigating the allegations of a particular situation, the ICC must have jurisdiction to hear the case. The ICC has jurisdiction only if one of the following conditions is met:

- the alleged crime is committed within the territory of a State that is a party to the Rome Statute;<sup>300</sup>
- the alleged crime is committed by a national of a State Party to the Rome Statute;<sup>301</sup>
- a State agrees to ICC jurisdiction with regard to the alleged crime;<sup>302</sup> or the UN Security Council refers the situation to the ICC.<sup>303</sup>
- Burma is not a party to the Rome Statute and is unlikely to agree to ICC jurisdiction. Therefore, in order for the ICC to investigate alleged crimes against humanity committed in Burma or by SPDC authorities, the UN Security Council would have to refer Burma to the ICC. Considering the substantial and detailed evidence demonstrating the commission of crimes against humanity and/or war crimes, the UN Security Council is not only justified in referring Burma to the ICC but it is their responsibility to hold the SPDC accountable for its actions.

300 Rome Statute, art. 5(2).

301 Rome Statute, art. 12(b).

302 Rome Statute, art. 12(3).

303 Rome Statute, art. 13(b).



## Crimes Against Humanity

Pursuant to the Rome Statute, a crime against humanity is defined as the knowing perpetration of certain enumerated acts “as part of a widespread or systematic attack directed against any civilian population.”<sup>304</sup> Among the acts enumerated in the Rome Statute is the “forcible transfer of population.”

“Forcible transfer of civilians” is defined as the “forced displacement of concerned persons by expulsion or coercion from areas where they are lawfully present.”<sup>305</sup> Most displacement in Burma would meet this definition. Typically, villagers are either issued direct orders to relocate by the SPDC or are forcibly removed from their villages during violent military attacks conducted by the SPDC. Villagers are generally removed from land that they have lived on for generations. These incidents would undoubtedly meet the definition of “forcible transfer of civilians” for the purpose of establishing a crime against humanity.

In addition to demonstrating the commission of one of the enumerated acts, to qualify as a crime against humanity the Rome Statute requires demonstration of a “widespread or systematic attack directed against a civilian population.” An “attack” is defined as “a course of conduct involving the multiple commission of [prohibited acts].”<sup>306</sup> Partners and FBR have documented over 180 incidents of forced displacement since 2002, sufficiently demonstrating an “attack” under the Rome Statute.<sup>307</sup> Please see, *Appendix: Incidents of Displacement Documented by Free Burma Rangers (2002-2009)*. The attack must also be widespread or systematic. To be “widespread,” the attack must affect a large number of people, while a “systematic” attack means the attack is part of a pattern or common plan.<sup>308</sup> Partners and FBR have documented the displacement of more than 75,000 villagers and 80 villages since 2002.<sup>309</sup> Other estimates suggest that over 580,000 villagers have been displaced since 2002 in eastern Burma alone.<sup>310</sup> Taking into account all areas of Burma, the estimates increase to one to three million people.<sup>311</sup> These figures sufficiently

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304 Rome Statute, art. 7(1).

305 Rome Statute, art. 7(1) and (2).

306 Rome Statute, art. 7(2)(a).

307 See, *Appendix: Incidents of Displacement Documented by FBR (2002-2009)*.

308 See, *Prosecutor v. Tadic, International Criminal Tribunal for Yugoslavia, Case No. T-94-1-A, Judgment*, 25 January 1999, paras. 644-648; *Prosecutor v. Akayesu, International Criminal Tribunal for Rwanda, Case No. ICTR-96-4-T, Judgment*, 2 September 1998, para. 580.

309 See, *Appendix: Incidents of Displacement Documented by FBR (2002-2009)*.

310 Thailand Burma Border Consortium (TBBC), “Protracted Displacement and Militarization in Eastern Burma,” November 2009, <http://www.tbcc.org/resources/resources.htm#idps> (accessed 20 January 2010).

311 Comprehensive data on internal displacement in much of the country is not available. However, the estimates of internal displacement in all areas of Burma tend to range from one to three million. See, TBBC, “Internal Displacement and International Law in Eastern Burma,” 22 October 2008, <http://www.tbcc.org/idps/report-2008-idp-english.pdf> (accessed 20 January 2010); Center on Housing Rights and Evictions, “Displacement

demonstrate that displacement in Burma meets the definition of “widespread.” For the purposes of demonstrating a crime against humanity, the attack only needs to be either “widespread” or “systematic.” However, considering the SPDC’s reliance on the “Four Cuts” policy in implementing a campaign of displacement against ethnic villagers, it is likely that the civilian displacement in Burma qualifies not only as widespread but also as systematic. This finding is supported by the former Special Rapporteur on the Situation of Human Rights in Burma Paulo Sergio Pinheiro who served as Special Rapporteur to Burma from 2000 to 2008 and described the displacement in eastern Burma as both “widespread” and “part of a deliberate strategy.”<sup>312</sup>

Lastly, the Rome Statute requires evidence that the perpetrator “knew” about the attack. The standard of proof in demonstrating knowledge of the attack is relatively low. Under the Rome Statute, it is not necessary to prove that the perpetrator knew about every detail of the attack, only that the perpetrator intended to assist or allow the attack to proceed.<sup>313</sup> Considering that the SPDC is typically directly involved in carrying out displacements of civilians, it is possible to demonstrate that the SPDC had the requisite “knowledge” to prove a crime against humanity.

## War Crimes

A war crime is a serious breach of international humanitarian law within the context of armed conflict. The Geneva Conventions and their Additional Protocols form the core of international humanitarian law and establish the minimum codes of conduct for actors involved in armed conflict. As a party to the Geneva Conventions of 1949, Burma is legally obligated to abide by the standards elucidated in the Conventions while carrying out military operations. Breach of these minimum standards may amount to war crimes.

The Rome Statute provides the legal framework to assess crimes of war. Under the Rome Statute, a war crime arising from an internal armed conflict involves the commission of a prohibited act, such as displacement of the

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and Dispossession: Forced Migration and Land Rights in Burma,” 8 November 2007, <http://www.cohre.org/store/attachments/COHRE%20Burma%20Country%20Report.pdf> (accessed 20 January 2010); Refugees International (RI), “Military Offensive Displacing Thousands of Civilians,” 16 May 2007, <http://www.refintl.org/content/article/detail/9997/>, accessed 30 January 2008 (accessed 20 January 2010); Karen Human Rights Group (KHRG), “Sovereignty, Survival and Resistance: Contending Perspectives on Karen Internal Displacement in Burma, 1 March 2005, <http://www.khrg.org/papers/wp2005w1.htm> (accessed 20 January 2010).

312 UN Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in Burma, Human Rights Situations that Require the Council’s Attention, A/HRC/7/18, 7 March 2008, para. 72; UN Commission on Human Rights, Report of the Special Rapporteur on the Situation of Human Rights in Burma, A/61/369, 21 September 2006, para. 47.

313 Rome Statute, art. 9.

civilian population, perpetrated with awareness “of the factual circumstances that established the existence of an armed conflict.”<sup>314</sup> The Rome Statute defines a non-international (or internal) armed conflict as one that takes place “in the territory of a State when there is a protracted armed conflict between governmental authorities and organized armed groups or between such groups.”<sup>315</sup> The situation must also amount to more than “internal disturbances or tensions.”<sup>316</sup> Considering that the conflict in Burma is not international in nature and is ostensibly between SPDC government forces and ethnic armed opposition groups, the ongoing conflict in Burma would qualify as an internal armed conflict as defined by the Rome Statute, and the above legal framework would apply for evaluating potential war crimes.

“Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand” is one of the prohibited acts enumerated by the Rome Statute for the purposes of establishing a war crime.<sup>317</sup> This prohibition mirrors the definition of arbitrary displacement as provided by the UN Guiding Principles. It is also similar to the prohibition of “forcible transfer of civilians” as a crime against humanity. As analyzed in the above sections, the actions and involvement of the SPDC in causing large-scale displacement in Burma would qualify as a prohibited act as defined by the Rome Statute for the purposes of establishing a war crime. Similarly, considering that the SPDC is typically directly involved in carrying out displacements of civilians, it is possible to demonstrate that the SPDC was sufficiently aware “of the factual circumstances” when carrying out the displacements.

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314 Rome Statute, art. 8(2)(c).

315 Rome Statute, art. 8(2)(f); see also *Prosecutor v Musema*, International Criminal Tribunal for Rwanda, Case no. ICTR-96-13-T, 27 January 2000, paras. 247-8.

316 Rome Statute, art. 8(2)(d) and (f). See also, *Prosecutor v Kayishema and Ruzindana*, International Criminal Tribunal for Rwanda, Case No. ICTR-95-1-T, Judgment, 21 May 1999, para. 171.

317 Rome Statute, art. (8)(2)(e)(viii).



# RECOMMENDATIONS

Displaced children in Burma are the innocent and young survivors of a horrific and prolonged conflict. At the hands of the military government and their allied ceasefire armies, children in Burma are routinely attacked, forced from their homes and villages, and left to live in appalling conditions without access to the most basic of necessities. Meanwhile, the international community, including the United Nations, has failed to protect the children of Burma or bring those responsible for violations of international law to justice.

LEFT IDP Child.  
Nov 2009 | PARTNERS

Partners and FBR call on the SPDC to end violations against children and comply with its obligations under international human rights and humanitarian law. The SPDC must prevent further displacements from taking place and make efforts to protect and assist internally displaced communities in Burma. Partners and FBR further call on the United Nations to investigate the serious and well-documented allegations of large-scale displacements in Burma that likely amount to crimes against humanity and/or war crimes.

All children should be able to enjoy free and full lives. Now is the time to guarantee the rights accorded to children under the CRC and other international instruments that are binding on Burma are fully realized. In-line with this objective, Partners and FBR make the following recommendations:

## To the SPDC

- Promote, protect, and uphold the human rights and fundamental freedoms of all the people of Burma, with special measures taken with regard for children. End violations and abuses committed against civilians, particularly children.
- Enforce Burma's domestic laws that provide for and protect children, including but not limited to the Child Law. Respect and uphold Burma's legal obligations mandated by customary international law, the United Nations Convention on the Rights of the Child, and the United Nations Convention on Elimination of Discrimination Against Women to prevent forced displacement and protect and promote the rights of children in Burma, including displaced children.
- Acknowledge and prevent the forced displacement of civilians, particularly families and children, in Burma. Develop a legitimate and transparent legal framework to investigate, prosecute, and address allegations of forced displacement. Ensure those responsible and complicit in such abuses are held accountable and are appropriately prosecuted and punished.

- Ensure internally displaced civilians, particularly children, in Burma have access to basic necessities and social services, including sustainable food sources, clean drinking water, safe and sanitary accommodations, humanitarian support, and basic social services, including health and education.
- Promote and support the operations of international humanitarian agencies working with internally displaced communities. Allow humanitarian agencies access to internally displaced communities and allow them to carry out their operations and activities freely and without interference.
- Invite the UN Secretary General's Special Representative on the Human Rights of Internally Displaced Persons to visit Burma and allow unfettered access to all areas of the country, including conflict zones in eastern Burma, in order to assess the situation of internal displacement in Burma.
- Ratify and endorse international human rights and humanitarian treaties and protocols relating to the protection of and assistance to internally displaced communities, particularly internally displaced children. Implement the Principles elucidated by the UN Guiding Principles on Internal Displacement to prevent future displacement in Burma and protect the rights of currently displaced communities in Burma.

## To the United Nations Agencies and Officials

- Intervene to stop the SPDC from attacking and displacing civilians and ensure that internally displaced communities, particularly displaced children, are protected and have access to basic humanitarian provisions.
- Develop a common strategy to protect the human rights and provide for the humanitarian needs of the internally displaced community in Burma.
- Urge the SPDC to ratify and endorse all international human rights and humanitarian treaties and protocols relating to the protection of and assistance to internally displaced communities and provide the necessary technical assistance to implement such provisions.
- Continue advocacy with the SPDC for unhindered access to internally displaced communities, particularly displaced children, in order to assess the situation and provide humanitarian provisions and services.
- Strengthen available monitoring and reporting mechanisms to ensure violations, particularly grave violations, committed against children in Burma are documented and appropriately addressed.

## To the United Nations Security Council

- Initiate a formal investigation through a Commission of Inquiry to evaluate allegations of extreme crimes committed against the civilian population in Burma, including crimes against humanity and war crimes.
- Refer Burma to the International Criminal Court to investigate, prosecute, and punish perpetrators of crimes against humanity and war crimes.

## To the Secretary General's Representatives and Special Rapporteurs with Mandates Relevant to Burma, IDPs, and Children

- Conduct regular missions to Burma to assess the humanitarian and human rights situation of internally displaced communities, with a particular focus on displaced children.
- Pressure the SPDC for access to conflict areas and displaced communities, particularly in Eastern Burma.
- Disseminate information on the conditions of displaced communities, and particularly displaced children, in Burma during briefings to reporting offices and call for concrete action to address violations of international law.

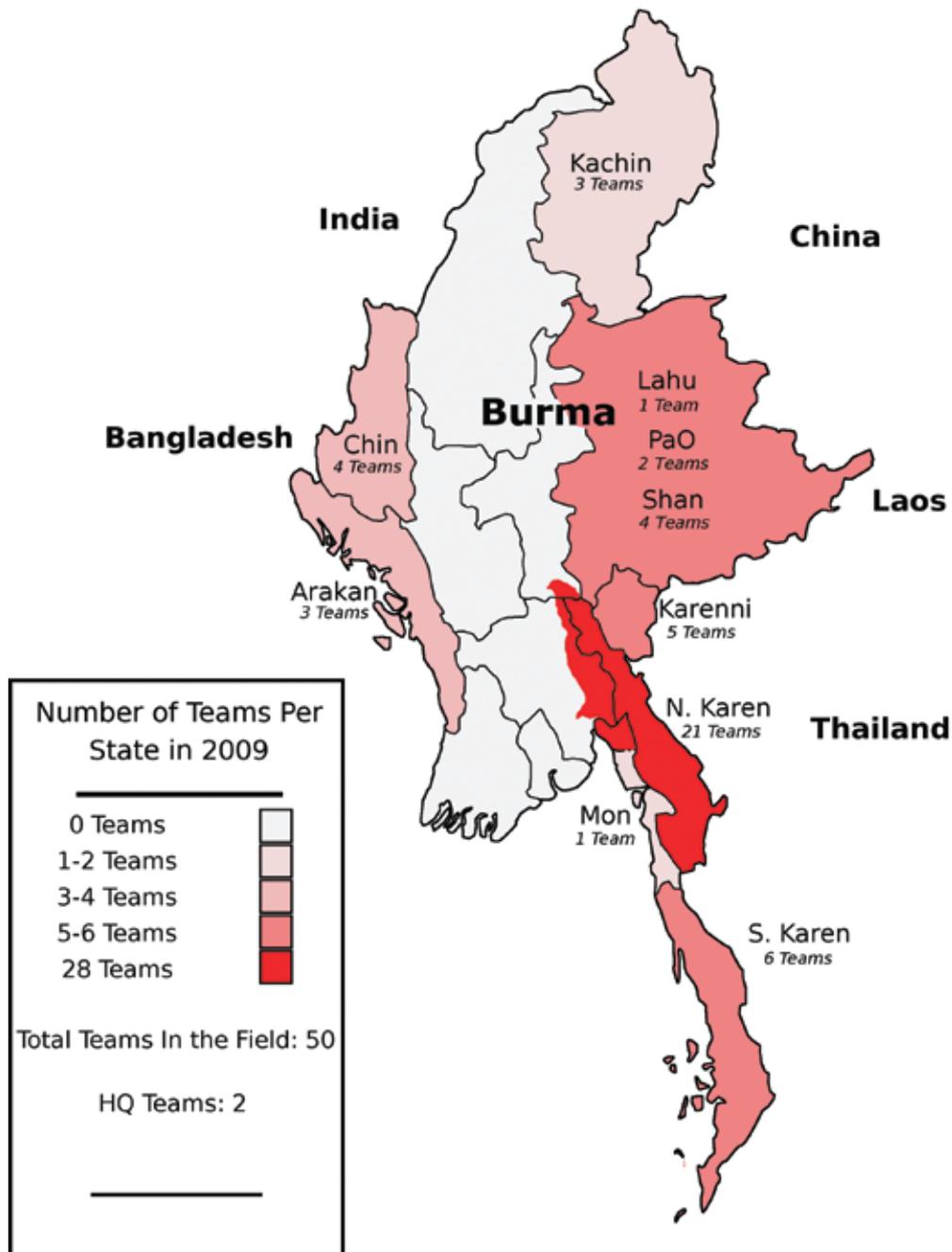
## To Humanitarian Agencies and Non-governmental Organizations

- Prioritize the humanitarian situation of Burma's internally displaced community with a particular emphasis on the rights and welfare of displaced children.
- Conduct regular humanitarian assessments in areas of displacement to determine the specific needs of the displaced community, and particularly displaced children. Ensure displaced civilians, particularly children, in Burma have access to adequate provisions of sustainable food supplies, clean drinking water, safe and sanitary accommodations, and basic social services, including health and education.
- Promote, support, and collaborate with community-based and border-based humanitarian groups that are working with internally displaced communities located in areas of the country that are remote or in conflict zones, including in government-controlled and ceasefire areas.

## To the International Community

- Intervene to stop the attacks by the SPDC on the people of Burma. Call upon the SPDC to promote, protect, and uphold the human rights and fundamental freedoms of all the people of Burma and end violations and abuses committed against civilians, particularly those against children. Pressure the SPDC to prevent the forced displacement of civilians and ensure that displaced communities, particularly displaced children, are protected and have access to basic humanitarian provisions.
- Pressure the UN Security Council to initiate a Commission of Inquiry to investigate potential crimes against humanity and war crimes committed in Burma and take appropriate action against perpetrators of such extreme crimes.
- Urge the SPDC to invite UN officials and agencies, including the Secretary General's Representatives and Special Envoys, Special Rapporteurs, and humanitarian agencies, into Burma in order to carry out their mandates.
- Encourage formal international recognition of the pro-democracy ethnic groups' political parties and organizations as legitimate and representative organizations of the people of Burma.
- Increase funding to UN agencies and humanitarian organizations, including community-based, civil society, and border-based organizations, that are implementing projects aimed at protecting and improving conditions for IDPs, particularly displaced children.
- Encourage the SPDC to ratify and endorse all international human rights and humanitarian treaties and protocols relating to the protection of and assistance to internally displaced communities.

# 52 FREE BURMA RANGER TEAMS



ABOVE The location of the Free Burma Rangers teams | FBR

# APPENDIX

## INCIDENTS OF DISPLACEMENT DOCUMENTED BY FREE BURMA RANGERS (2002-2009)

DATE	LOCATION	NO. DISPLACED	PERPETRATOR	CITE
18 Oct 2002	Si Pa Lay Kee Village, Pa'an District, Karen State	Unknown	DKBA	1
Dec 2002	Southeastern Shan State	Unknown	Burma Army	2
2003	Southern Karenni State	3,000	Burma Army	3
Feb 2003	Pa'an District, Karen State	Unknown	Burma Army & DKBA	4
30 Apr 2003	La Hu Village, Shan State	17 families	Burma Army & Wa Army	5
18 May 2003	Nakawngmu Village, Shan State	Unknown	Burma Army & UWSA	6
Jun 2003	Doolaya District, Karen State	Unknown	Burma Army	7
Jun – Aug 2003	Si Pa Day Kee, Hsi Pa Day Kee, & Htee Th'Blu Hta Villages, Pa'an District, Karen State	3 villages	Burma Army LIB 703 & DKBA 555	8
Sept 2003	Thi Wah Pu Village Tract, Ta Nay Chah Township, Pa'an District, Karen State	152	Burma Army & DKBA	9
26 Sept – 2 Oct 2003	Pa'an District, Karen State	503	Burma Army LIB 701, 702, 703, 704, 705, 706, 707, 708, & 709; IB 97 & 339; DBKA 999	10
10 Dec 2003	Townships 2 & 3, District 2, Karenni State	Unknown	Burma Army	11
17 Dec 2003	Klee Soe Kee & Kaw They Der Vilages, Toungoo District, Karen State	2 villages	Burma Army LIB 92	12
19 Dec 2003	Maw Thoo Der Village, Toungoo District, Karen State	1 village	Burma Army LIB 264	13
29 Dec 2003	Mawchi, Karenni State	1673	Burma Army	14
29 Dec 2003	Pa Hoe & Kae Lay Moo Villages, Karenni State	455	Burma Army 55 <sup>th</sup> Division	15
30 Dec 2003	Ka Lae Lo, Lay Wah, Thay Ba Htee & Mar Mee Villages, Muthraw District, Karen State	557	Burma Army LIB 568 & Kayin Solidarity Organization & Karenni National Peoples Liberation Front	16
2004	Maw Tu Der Village, Toungoo District, Karen State	1 village	Burma Army	17

Jan 2004	Kae Ko Mu Der, Htoo Ko Lae, Bler Lu, Ka Lae Lo, Thay Pa Htee/Marmee, Lay Wa, Thoo Kler, Baw Kee, & Saw Mee Plaw Villages, Muthraw District, Karen State	1750	Burma Army	18
15 Jan 2004	Nu Thoo Kee & Nu Thoo Hta Villages, Karen State	2 villages	Burma Army	19
17 Jan 2004	Ko Lay Village, Karen State	500	Burma Army LIB 512	20
20–22 Jan 2004	Dwee Der, Kya La Der & Taw Thoo Der Villages, Karen State	3 villages	Burma Army	21
26–29 Jan 2004	Karenni State	2,000	Burma Army 55 <sup>th</sup> Division	22
29 Jan 2004	Toungoo & Muthraw Districts, Karen State	3,000	Burma Army 55 <sup>th</sup> Division	23
May 2004	Mu Ki, Keh Der, Oo Keh Kee, Ta Kaw Der & Thaw Der Villages, Nyaunglebin District, Karen State	4 villages	Burma Army	24
25 Jun 2004	Pahoe Village, Karenni State	500	Burma Army LIB 135	25
30 Jun 2004	Gay Lo Village, Karenni State	100	Burma Army LIB 428	26
27 Sept 2004	Hsaw K'Daw Hta Village, Karen State	242	Burma Army	27
28 Sept 2004	Nah Ka Praw Village, Mergui-Tavoy District, Karen State	600-700	Burma Army LIB 262	28
28 Sept 2004	Nu Thu Hta Village, Karenni State	1 village	Burma Army LIB 428	29
1 Oct 2004	Mawchi, Karenni State	Unknown	Burma Army	30
14 Nov – 15 Dec 2004	Hsaw Htee Township, Nyaunglebin District, Karen State	4,781	Burma Army LIB 589, 350, 20, 264 & IB 57	31
6 Dec 2004	Yeh Tho Gyi Village, Karen State	1 village	Burma Army LIB 590 & 439	32
12 Dec 2004	Su Mu Klo Village, Karen State	1 village	Burma Army LIB 589	33
22 Dec 2004 – 27 Jan 2005	Thaw Nge Der Village, Kyauk Kyi Township, Naunglybin District, Karen State	65	Burma Army LIB 382 & 368	34
22 Dec 2004 – 27 Jan 2005	Tha Kaw Du Village, Kyauk Kyi Township, Naunglybin District, Karen State	122	Burma Army LIB 382 & 368	35
22 Dec 2004 – 27 Jan 2005	Do Kae Kee Village, Kyauk Kyi Township, Naunglybin District, Karen State	95	Burma Army LIB 382 & 368	36
22 Dec 2004 – 27 Jan 2005	Kwe Du Village, Kyauk Kyi Township, Naunglybin District, Karen State	65	Burma Army LIB 382 & 368	37
22 Dec 2004 – 27 Jan 2005	Ko Lu Village, Kyauk Kyi Township, Naunglybin District, Karen State	52	Burma Army LIB 382 & 368	38
22 Dec 2004 – 27 Jan 2005	Kaw Hta Village, Kyauk Kyi Township, Naunglybin District, Karen State	38	Burma Army LIB 382 & 368	39

22 Dec 2004 – 27 Jan 2005	Ler Taw Lu Village, Kyauk Kyi Township, Naunglybin District, Karen State	44	Burma Army LIB 382 & 368	40
22 Dec 2004 – 27 Jan 2005	Day Baw Kee Village, Kyauk Kyi Township, Naunglybin District, Karen State	64	Burma Army LIB 382 & 368	41
22 Dec 2004 – 27 Jan 2005	Mu Ki Village, Kyauk Kyi Township, Naunglybin District, Karen State	173	Burma Army LIB 382 & 368	42
22 Dec 2004 – 27 Jan 2005	Htee Thaw Lo Village, Kyauk Kyi Township, Naunglybin District, Karen State	40	Burma Army LIB 382 & 368	43
22 Dec 2004 – 27 Jan 2005	Kaw Taw Hay Ko Village, Kyauk Kyi Township, Naunglybin District, Karen State	29	Burma Army LIB 382 & 368	44
22 Dec 2004 – 27 Jan 2005	Day Baw Lu Village, Kyauk Kyi Township, Naunglybin District, Karen State	61	Burma Army LIB 382 & 368	45
22 Dec 2004 – 27 Jan 2005	Mae Lae Kee Village, Kyauk Kyi Township, Naunglybin District, Karen State	94	Burma Army LIB 382 & 368	46
26 Dec 2004	Tantabin Township, Toungoo District, Karen State	440	Burma Army IB 73 & LIB 439	47
6 Jan 2005	Mon Township, Nyaunglebin District, Karen State	Unknown	Burma Army LIB 599	48
Apr 2005	Mok Mei Township, Shan State	250 families	Burma Army	49
4 Apr 2005	Ler Kla Village Tract, Karen State	100	Burma Army	50
20 Apr 2005	Kwee Lah Village Tract, Karen State	100	Burma Army LIB 111	51
28 Apr 2005	Loi Tai Leng Village, Shan State	1,000	United State Wa Army & Burma Army	52
12 Jun 2005	Nyaunglebin District, Karen State	3 villages	Burma Army LIB 57	53
20 Jun 2005	Teh Htu Village, Nyaunglebin District, Karen State	94 families	Burma Army LIB 351	54
17 Jul 2005	Nyaunglebin District, Karen State	Unknown	Burma Army Tactical No. 2	55
21 Sept 2005	Kyauk Kyi Township, Nyaunglebin District, Karen State	400	Burma Army IB 4, 76, 42 & LIB 12	56
26–30 Nov 2005	Toungoo District, Karen State	1,900-2000	Burma Army IB 75 & Karenni National Solidarity Army (KNSA)	57
26–30 Nov 2005	Hee Daw Kaw Village, Karen State	300	Burma Army	58
29 Nov 2005	Mon Township, Nyaunglebin District, Karen State	60-80	Burma Army LIB 599	59
17 Dec 2005	Pah Poe (Papo) Village, Karenni State	255	Burma Army LIB 421, 426, 428 & 424	60

23 Dec 2005	Gee Gaw Per Village, Karenni State	610	Burma Army LIB 426 & 428	61
23 Dec 2005	Toe Ka Htoo Village, Karenni State	341	Burma Army LIB 426 & 428	62
Feb 2006	Ler Ker Der Thah Village, Toungoo District, Karen State	29 families	Burma Army	63
Feb 2006	Koh Mee Koh Village, Toungoo District, Karen State	22 families	Burma Army	64
Feb 2006	Sah Ba Law Ke Village, Toungoo District, Karen State	40 families	Burma Army	65
Feb 2006	Haw Lu Der Village, Toungoo District, Karen State	27 families	Burma Army	66
Feb 2006	Sho Ko Village, Toungoo District, Karen State	1 village	Burma Army	67
Feb 2006	Toungoo District, Karen State	640	Burma Army	68
Mar 2006	Muthraw District, Karen State	500	Burma Army Div 44	69
Mar 2006	Ker Der Gah Village, Toungoo District, Karen State	50-60 families	Burma Army	70
Mar 2006	Hpa Wae Der Kho Village, Toungoo District, Karen State	40 families	Burma Army IB 20	71
Mar 2006	Pa Wae Der Gah Village, Toungoo District, Karen State	28 families	Burma Army	72
Mar 2006	Kwey Der Village, Kyauk Kyi Township, Nyaunglebin District, Karen State	1,153	Burma Army LIB 362 & 363	73
Mar 2006	Toungoo District, Karen State	700	Burma Army MOC 16	74
4 Mar 2006	Mon Township, Nyaunglebin District, Karen State	4,000	Burma Army LIB 366, 368 & 369	75
9 Mar 2006	Klaw Kee & Haw Kee Villages, Mon Township, Nyaunglebin District, Karen State	19 families	Burma Army LIB 366, 368 & 369	76
13-18 Mar 2006	Hsaw Hti Township, Nyaunglebin District, Karen State	Unknown	Burma Army	77
20 Mar 2006	Ler Wah Village, Nyaunglebin District, Karen State	400	Burma Army Div 66 & 99	78
22 Mar 2006	The Ler Baw Hta & Kwe Doh Kaw Villages, Karen State	2 villages	Burma Army LIB 522, 567 & IB 240	79
23 Mar 2006	Tha Yae Yu Village, Toungoo District, Karen State	1 village	Burma Army Div 66	80
23 Mar 2006	Nya Moo Kee Village, Mon Township, Nyaunglebin District, Karen State	15 families	Burma Army LIB 522 & 567	81

24 Mar 2006	Maw Lee Loo Village, Mon Township, Nyaunglebin District, Karen State	4 families	Burma Army LIB 522 & 567	82
27 Mar 2006	Ka Ba Hta Village, Mon Township, Nyaunglebin District, Karen State	1 village	Burma Army	83
Apr 2006	Ta Pa Kee Village, Karen State	1 village	Burma Army LIB 168 & 522	84
Apr 2006	Da Ka La Village, Nyaunglebin District, Karen State	1 village	Burma Army	85
6 Apr 2006	Maw Tu Der, Saw Wah Der, Bu Ki, Saw Mu Der, Day Lo Klo & Yer Lo Klo Villages, Toungoo District, Karen State	6 villages	Burma Army	86
15 Apr 2006	Daw Pa Ko & Yae Yu Villages, Toungoo District, Karen State	2 villages	Burma Army	87
20 Apr 2006	Lay Gwo Loh, Baw Pa, Yer Loh, Blaw Baw Der, Ta Ba Kee & Mwee Loh Villages, Toungoo District, Karen State	6 villages	Burma Army Div 66, TOC 3	88
22 Apr 2006	Tha Yae U Village, Toungoo District, Karen State	30 families	Burma Army LIB 10	89
25 Apr 2006	Yetagon Village, Toungoo District, Karen State	110 families	Burma Army TOC 661, LIB 6	90
27–28 Apr 2006	Ta Kaw Ta Baw, Tha Da Der, & Tee Mu Der Villages, Muthraw District, Karen State	3 villages	Burma Army	91
28 Apr 2006	Kway Kee Village, Toungoo District, Karen State	1 village	Burma Army MOC 16	92
1 May 2006	Htee Ko & Nwa Chee Villages, Nyaunglebin District, Karen State	2 villages	IB 241 & 242	93
27 Apr – 2 May 2006	Hta Ko To Baw Village, Muthraw District, Karen State	100	Burma Army	94
9 May 2006	The Boe Plaw Village, Luthaw Township, Muthraw District, Karen State	1000	Burma Army LIB362, & 363 of MOC 10	95
10 May 2006	Saw Wah Der Village, Toungoo District, Karen State	1 village	Burma Army DIV 66, TOC 663, LIB 1 & 108	96
Jun 2006	Bilin River Valley, Muthraw District, Karen State	1000	Burma Army MOC 15	97
2 Jun 2006	Ger Baw Kee Village, Muthraw District, Karen State	1 village	Burma Army LIB 362	98
3 Jun 2006	Saw Thu Kee Village, Kyaikto Township, Thaton District, Karen State	101	Burma Army MOC 21	99

15 Jun 2006	Pa Na Ku Plaw, Pa Na Eh Per Ko, Ker Gwaw Ko, Htee Mu Kee & Nae Yo Hta Villages, Muthraw District, Karen State	3,000	Burma Army 362 & 363 under MOC 10	100
28 Jun 2006	Dee Htu Der Village, Muthraw District, Karen State	1 village	Burma Army LIB 368, 369 & 370	101
4 Jul 2006	Saw Wah Daw Ko Village Toungoo District, Karen State	70-80	Burma Army LIB 566 & 567	102
6 Jul 2006	Saw Wah Der Village, Toungoo District, Karen State	1 village	Burma Army LIB 568	103
11 Jul 2006	Toe Ta Dah Village, Kyauk Kyi Township, Nyaunglebin District, Karen State	1 village	Burma Army IB 57	104
15 Jul 2006	Htee Ko Village Mon Township, Nyaunglebin District, Karen State	1 village	Burma Army LIB 603	105
3 Aug 2006	Pai Taw Dai Village, Toungoo District, Karen State	1 village	Burma Army MOC 16, LIB 567	106
Sept 2006	Ga Ba Ta Village, Mon Township, Nyaunglebin District, Karen State	331	Burma Army IB 241	107
Sept 2006	Thet Baw Der Village, Mon Township, Nyaunglebin District, Karen State	781	Burma Army IB 241	108
Sept 2006	Kaw Po Lo & Per Daw Kho Villages, Toungoo District, Karen State	2 villages	Burma Army MOC 16	109
5 Sept 2006	Ler Kla Der Village, Toungoo District, Karen State	1 village	Burma Army Div 66	110
12–20 Sept 2006	Muthraw District, Karen State	2000	Burma Army	111
28 Sept 2006	Saw Ka Der, Kwi Dee Kaw & Keh To Der Villages, Mon Township, Nyaunglebin District, Karen State	3 villages	Burma Army	112
Oct 2006	Ka Baw Hta Village, Mon Township, Nyaunglebin District, Karen State	37	Burma Army IB 241	113
20 Oct 2006	Mon Township, Nyaunglebin District, Karen State	Unknown	Burma Army LIB 567, & IBs 240, 241, & 68	114
20–26 Oct 2006	Kyauk Pya, They Baw Der & Ka Baw Hta Villages, Nyaunglebin District, Karen State	1,450	Burma Army IB 242	115
24 Oct 2006	Kwee Deh Kaw, Kyauk Pya & Thet Baw Der Villages, Mon Township, Nyaunglebin District, Karen State	3 villages	Burma Army LIB 241	116
1 Nov 2006	Thay Kay Lu Village, Mon Township, Nyaunglebin District, Karen State	1 village	Burma Army LIB 567	117

1 Nov 2006	Klay Hta Village, Toungoo District, Karen State	1 village	Burma Army IB 35	118
6 Nov 2006	Mon Township, Nyaunglebin District, Karen State	260	Burma Army	119
6 Dec 2006	Par Weh Village, Toungoo District, Karen State	10 families	Burma Army LIB 1	120
29 Jun 2007	Kay Pu Village, Muthraw District, Karen State	1 village	Burma Army	121
7 Jan 2007	Kgo Pu Hsaw Mi Lu Village, Mon Township, Nyaunglebin District, Karen State	1 village	Burma Army IB 60 & LIB 351	122
8 Jan 2007	Baw Kwa Village, Muthraw District, Karen State	800	Burma Army MOC 21, MOC 10	123
16 Feb 2007	Saw Tay Der, Ker Po Der & Play Kee Villages, Mon Township, Nyaunglebin District, Karen State	201	Burma Army LIB 376	124
5 Mar 2007	Kyauk Kyi Township, Nyaunglebin District, Karen State	1,000	Burma Army LIB 350	125
8 Mar 2007	Wa Kwe Klo Village, Dooplaya District, Karen State	200	Burma Army IB 81 & DKBA	126
15 Mar 2007	Saw Ka Der Village, Mon Township, Nyaunglebin District, Karen State	600	Burma Army IB 379 & 380	127
20 Mar 2007	Tha Da Der & Hta Kaw To Baw Villages, Muthraw District, Karen State	400	Burma Army MOC 1	128
Apr 2007	Ma La Daw, Yu Lo & Ka Mu Lo Villages, Mon Township, Nyaunglebin District, Karen State	3 villages	Burma Army MOC 16	129
4 Apr 2007	Ker Der Village, Kyauk Kyi Township, Nyaunglebin District, Karen State	900	Burma Army	130
7–9 Apr 2007	Loh Di Tah, Thay Kai Yah & Tha Ka Klah Villages, Pa'an District, Karen State	180 families	Burma Army LIB 355, 356, 357 & DKBA 999	131
28 Apr 2007	Yaw Kee Village, Mon Township, Nyaunglebin District, Karen State	150	Burma Army LIB 212 & 220	132
28 Apr 2007	Kay Pu Village, Muthraw District, Karen State	4,000	Burma Army LIB 505 & 507	133
11 May 2007	Htee Nya Mu Kee Village, Nyaunglebin District, Karen State	107	Burma Army LIB 220 of LIB 11	134
13 May 2007	Yaw Yi Village, Mon Township, Nyaunglebin District, Karen State	119	Burma Army Div 88	135

17 May 2007	Htee Mu Kee Village, Muthraw District, Karen State	1 village	Burma Army	136
9 Jun 2007	Saw Ka Der Village, Mon Township, Nyaunglebin District, Karen State	223	Burma Army LIB 378 & 288	137
23 Jun 2007	Nyaunglebin District, Karen State	5 villages	Burma Army LIB 350	138
20 Jul 2007	Saw Wah Der area, Toungoo District, Karen State	Unknown	Burma Army MOC9, LIB 542 & 346	139
Aug 2007	Mwee Lo & Maw Nay Pwer Villages, Toungoo District, Karen State	Unknown	Burma Army MOC 9, LIB 375 & 539	140
13 Aug 2007	Ga Yu Der Village, Karenni State	880	Burma Army IB 83 & 77	141
15–16 Aug 2007	Lay Kee Village, Karen State	1 village	Burma Army	142
25 Aug 2007	Kler La Village, Toungoo District, Karen State	1 village	Burma Army	143
13 Oct 2007	Yaw Kee Village, Mon Township, Nyaunglebin District, Karen State	120	Burma Army LIB 217	144
24 Oct – 11 Nov 2007	Ye Mu Plaw Village, Muthraw District, Karen State	1,000	Burma Army MOC 1, Div. 88	145
Nov 2007	Ler Mu hiding site, Mergui-Tavoy District, Karen State	Unknown	Burma Army LIB 404	146
Nov 2007	Maw Dta Thoo hiding site, Mergui-Tavoy District, Karen State	Unknown	Burma Army LIB 557	147
1–15 Nov 2007	Kwi Lah & Keh Der Village Tracts, Nyaunglebin District, Karen State	12 villages	Burma Army LIB 218 & 219	148
15 Nov 2007	Nyaunglebin District, Karen State	300	Burma Army Div 11	149
1–19 Nov 2007	Kyauk Kyi Township, Nyaunglebin District, Karen State	100	Burma Army LIB 218 & 219	150
Dec 2007	Gee Ga Per Village, Karenni State	1,200	Burma Army	151
1 Dec 2007	Kwee Di Kaw Village Tract, Mon Township, Nyaunglebin District, Karen State	4 villages	Burma Army LIB 377	152
1 Dec 2007	Lo Daw Village Tract, Mon Township, Nyaunglebin District, Karen State	3 villages	Burma Army LIB 450	153
2 Dec 2007	Tha Aye Kee Village Tract, Toungoo District, Karen State	2 villages	Burma Army TOC 2 of MOC 4	154
5 Dec 2007	Tantabin Township, Toungoo District, Karen State	1 villages	Burma Army TOC 2 of MOC 4	155
20 Dec 2007	Daw Kle Tey Village, Sha Daw Township, Dooplaya District, Karen State	185	Burma Army	156

2008	Thu Ka Bee Township, Karen State	4 villages	Burma Army	157
Jan 2008	Htee Law Kee & Htee Po Lay hiding sites, Mergui-Tavoy District, Karen State	430	Burma Army LIB 557	158
4 Mar 2008	Htee Mu Kee Village, Muthraw District, Karen State	1700	Burma Army MOC 16	159
4 Mar 2008	Ga Yu Der Village, Muthraw District, Karen State	80	Burma Army MOC 4	160
4 Mar 2008	Lay Kee Village, Karen State	400	Burma Army MOC 4	161
8 Mar 2008	Pa Ka, Bpwe Myaw, and 2 Villages, Nyaunglebin District, Karen State	4 villages	Burma Army Div 101 & LIB 57	162
Apr 2008	Kyauk Kyi Township, Nyaunglebin District, Karen State	220	Burma Army	163
13 Apr 2008	Toungoo District, Karen State	6 villages	Burma Army LIB 363 of MOC 10	
10 May 2008	Mae Li Ki Village, Karen State	>80	Burma Army IB 241 of MOC 16	164
27 May 2008	Mon Township, Karen State	>500	Burma Army LIB 590	165
4 Jun 2008	Muthraw District, Karen State	>1,000	Burma Army IB 240	166
Oct 2008	Dooplaya District, Karen State	250	DKBA Battalions 907, 906 & 333	167
30 Oct – 1 Nov 2008	Mon Township, Nyaunglebin District, Karen State	1,971	Burma Army MOC 21	168
21 Dec 2008	Kyauk Kyi Township, Nyaunglebin District, Karen State	215	Burma Army LIB 501 of MOC1	169
2 Jan 2009	Dooplaya District, Karen State	300	Burma Army IB 545; DKBA Battalions 907 & 333	170
15 Feb 2009	Kyauk Kyi Township, Nyaunglebin District, Karen State	442	Burma Army	171
25 Mar 2009	Maw Thay Der area, Tantabin Township, Toungoo District, Karen State	4	Burma Army	172
May 2009	Nyaunglebin District, Karen State	6 villages	Burma Army	173
18 May 2009	Lui Kee, Kler U Nga & Nga Per Lay Koh Villages, Karen State	Unknown	DKBA 666	174
End of May 2009	Htee Per, Pa'an District, Karen State	40 families	Burma Army	175
5 Jun 2009	Ho Kee & Ha To Per Villages, Tantabin Township, Toungoo District, Karen State	>100	Burma Army	176

5–9 Jun 2009	Ler Per Her, Pa'an District, Karen State	3,521	Burma Army LIB 22; TOC 222; LIB 201, 202, 203, 205, & 205; IB 81 & DKBA Brigade 333, 555, & 999	177
7 Jun 2006	Muthraw District, Karen State	7,000	Burma Army	178
7–9 Oct 2009	Mon Township, Nyaunglebin District, Karen State	1,500	Burma Army LIB 599, IB 73 & 39	179
17 Jan 2010	Ler Doh Township, Nyaunglebin District, Karen State	>1000	Burma Army LIB 327	180
18 Jan 2010	Hsaw Hti Township, Nyaunglebin District, Karen State	200	Burma Army	181

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