

***“Their children as young as 16 and younger have to look for charcoal every day in the forest so that their families will survive. Some are still young and they pick tea. Sometimes if some businessmen have something to do they call them to work.”***<sup>238</sup>

Some villagers report that some children work for other people without earning a salary because their father already took their earnings.

***“When his children work for other people he has already took the money from the boss.”***<sup>239</sup>

## **Domestic Work**

Although some children don’t have to work in the farm they have to work in their house when their mother goes to work in the farm.

They have to look after their brothers and sisters, washing, cleaning and cooking. Sometimes they have to care for their brothers and sisters without their parents when their parents go to work in another place. Someone has to care for the other children and support them if they are orphans.

***“One of my sister stays with other people to look after their children. I am staying with my cousin and sister to look after their children.”***<sup>240</sup>

## **Migrant Work**

Palaung children are told that they have to work in other places as servants to support their family. Even if a child leaves their house because of their father and goes elsewhere to work their father will find them at their new work and demand their salary.



*Palaung children going home from the tea plantation; the young girl has to take care of her little brother and work.  
(Photo by Lway Poe Taung).*

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<sup>238</sup> Interview 21.

<sup>239</sup> Interview 19.

<sup>240</sup> Interview 9.

***"I am working in China. Sometimes I come back in my village to see my sister and I have to pay money to my father and his debt to other people too."***<sup>241</sup>

## **Cattle Farming**

Some villagers report that many Palaung children become cowboys; they have to look after the cattle to get income for their family because of their father's drug use. Their father stops supporting them and mother also cannot support them so the children have to survive by themselves. Someone has to look after the cattle and someone has to work another kind of job.

***"I am picking tea; one of my brothers has to look my grandparents' cow; two of my sisters are still young and my mother looks after them and my mother has a new baby."***<sup>242</sup>

## **Selling Children**

Some children were sold by their fathers to be the wives of Chinese men in China and servants in other places. When fathers become drug addicts their earning are not enough for them to buy drugs so they will do anything to get drugs. They sell all of their property and possessions. When they have no property and possessions left to sell they sell their own children to get money to buy drugs.

***"My father sold two my oldest sister to marry a Chinese before my mother died. After my mother died my sisters came and called my youngest sister to stay with them."***<sup>243</sup>

According to the Poison Flower Report interview 53, "One of the drug addicts is using drugs for 8 years. Before he used drugs he used to be a rich man and he is a tea trader. After that he lost his business and become a poor. He sold all his tea farms and everything from his house. When he didn't have things to sell he sold two of his own daughters to a female trafficker. The trafficker call his daughters aged 25 and 23 to Ruili City on the China border and sold them to the Chinese man to be their wives. Even the girls don't want to be their wife but they don't have choice because their father already took money from the trafficker."<sup>244</sup>

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<sup>241</sup> Interview 18.

<sup>242</sup> Interview 2.

<sup>243</sup> Interview 9?

<sup>244</sup> 'Poisoned Flowers', page 53.

## Economic & Social Impacts of Addiction

Palaung people are getting poorer and poorer because drug addiction is increasing. According to the International Convention on Economic, Social and Cultural Rights (ICESCR) Article 9, “Everyone has the right to social security and social insurance.” Palaung people are facing economic and social problems such as negative health impacts, a lack of food and no access to education. Although some children study they are forced to drop out of school by their parents.

***“His children not only cannot go to school but they also have not enough food and no health care so they cannot be big. They just look small like they have a disease.”<sup>245</sup>***

### Impacts on Health

The Universal Declaration of Human Rights (UDHR) Article 25 states everyone has right to a living standard for health care. The Convention on the Rights of the Child (CRC) Article 24 states that every child has the right to access health care. Even though the Burmese government signed the CRC and the UDHR, most Palaung children still don’t get health care when they get sick because of the lack of medical care and money to buy medicine. Villages are far from towns and medicine is expensive.

Because the Burmese government does not stop the drug production many people become drug users and it negatively affects children’s health. Drug users’ families are poor and cannot afford medicine. In the past although parents had no money to buy medicine to care their children they could go and collect traditional medicines in the forest. Now traditional medicines have disappeared because of drug cultivation. When they grow the poppy field they have to log the trees. Furthermore, drug users log forest so that they can sell wood and charcoal to support their habits. This all makes it harder for children to survive and be healthy.

### Food Insecurity & Children

Many Palaung children live in poor families because their fathers are drug addicts. They do not have enough food for eating because only their mother works to support them and their father. Their father doesn’t care whether or not they

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<sup>245</sup> Interview 22.

have food to eat. Their father just cares how to get money in order to buy drugs. Sometimes all of the family members are hunger.

***"Sometimes their food is not enough for them and they have to share"***<sup>246</sup>

## Education

According to the UDHR, Article 26 and CRC Article 28, primary education should be free to all and compulsory. Everyone has the right to education. Some villagers reveal that children cannot study because their father is a drug addict; they cannot pay school fees and there is no free education in Northern Shan State, Burma. Although some can study they cannot finish their school because they have to leave the school when their parents cannot support them. The causes of the educational problems for children are related to their father's use of drugs. Children have to look after their young sisters and brothers, someone has to help their mother to work, school fees are expensive, there is no high school in the rural areas where Palaung children live, there are not enough teachers and transportation is not good.



*She cannot go to school because she must look after her young sister. (Photo by Lway Poe Taung).*

***"We are 8 people Just two of my sisters can go, nobody finished school although they studied they have to leave when they arrived to high school standard. Some of us can not go to school because my parents can not support us to attend the school because we are poor."***<sup>247</sup>

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<sup>246</sup> Interview 21.

<sup>247</sup> Interview 11.

Children cannot go to school because their parents are poor. Their father doesn't support the family because of addiction. Their mother cannot support the children to go to school alone and children have to help their mother to support the family survive. Even if they have no sisters and brothers to look after they have to keep their house when their parents go to work because there are many thieves in their communities. Their father also works but not for their family anymore, rather only for drugs. Some children don't want to attend the school because they are ashamed their fathers are drug addicts. In some places the school is far from their house.

***"U Aik Kyaw has 6 children. All of his children cannot go to school because he drinks alcohol and he doesn't do anything."***<sup>248</sup>

-Villager

### **Children Taken from School**

In many cases children were forced to drop out of school by their parents when their father became a drug user. Their father stopped supporting their family so their mother has to work to support their family and they need people to look after their children who are still young. They force their children to drop out of the school to help them to look after their young sisters and brothers and work with mother to support family. Sometimes their parents cannot pay their school fee so they forced their children to leave the school. One of the interviewee said,

***"Lway Aye Aye is oldest daughter in her family. Her father started to use drugs when she attended two standards that why after she passes the exam from two standards to attend three standards they have no money to support her. She looks after her sister and work in their house. She really want to attend the school because she has no friend to play in their house so she takes her sister and to visit near the school stay there wait her friends to play with them who can attend the school if her friend take a break she come to join they play together. When her friends finished the school she also goes back with her friends and goes to her home to cook."***<sup>249</sup>

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<sup>248</sup> Interview 22.

<sup>249</sup> Interview 24.

## Impacts of Addiction on Communities

The impacts of drug use on Palaung communities are changes in the children's behavior; children getting married early, young people getting married in other places far from their hometown, hopelessness, isolation and an increase in crimes and death.

### Behavioral Changes in Children

Before drugs were popular in Shan State, Palaung children were very useful for the community. Some children could attend the school in town and become educated. After they finished the school they helped their parents to support their family. Now most of Palaung children become drug users as their father. Not only do they leave school but they are also dishonest. Children steal money from their parents and steal other things.

***"All of my children cannot study because their father uses drugs and all my sons also became drug users Now nobody stays with me. One of my daughters also does not want to stay in the house because her brothers often come to eat in the house sometimes they steal her things such as her earring or ring."***<sup>250</sup>

### Death

Although Burma signed the CRC they don't follow the rule because in CRC article 6 and in UDHR article 3, everyone has rights to life including children. Some children die because of the fact that the SPDC allows local people grow poppy. Most of these people become drug addicts and they don't care about their children who get sick and die.

In the case that the father uses drugs they become poorer and the parents cannot send children to school. When the children get sick parents have no money to care for the children and cannot send the children to the hospital so some children should not die but they do die because of drugs. Some children can go to the orphanages to attend the school but when they get sick they have to go to the clinic without paying money to the doctor so doctors don't care for them like they do for people who can pay money. Some children get HIV/AIDS from injections and some overdose on drugs and die.

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<sup>250</sup> Interview 8.



***“One of their sons can attend but he went to other place to live in an orphanage to attend the school there. When he got sick there he went to the hospital and he needed blood but the doctor didn’t check the blood he put in him. After that he left the school he came back to help his mother to work in the village. After one year he got sick again they sent him to hospital. His father didn’t look after him. Only his mother looked after him until he died.”<sup>251</sup>***

## **Leaving the Village**

In many cases the girls go to get married in other places because they don’t find men who are not drug users in the Palaung community. Most Palaung men are drug users and so are some children, youth and old men. Some women’s mothers send them to get married with a Chinese man in China and in towns because they don’t want their daughter suffer from their husband like they have. Some women don’t want to stay in their family because their father used drugs and if they marry a men in the village husband will also be like their father. Many Palaung women know this and they go to marry in another place, especially in China.

## **Isolation**

Some children don’t want to stay in the community because they are shy and ashamed because they are the children of drugs addicts. They become isolated in the community so they go to work in another place and some get married there.

***“Because of my father we are looked down on by the community. That why I don’t want to stay at home”<sup>252</sup>***

According to the Poison Flower Report one of the local people said that “one of drugs user have 9 children just only one person stay at home most of his children don’t want to stay at home because they shy they are the children of drugs addicts.”<sup>253</sup>

## **Early Marriage**

Most of Palaung women get married early at 15 or 16 years old. Many of them are from poor families and are the children of drug users. Their fathers use drugs and

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<sup>251</sup> Interview 19.

<sup>252</sup> Interview 25.

<sup>253</sup> ‘Poisoned Flowers’, page 65.

cannot send them to study. Not only can't they study they also have to work all the time to support their family. They are staying in the community for a long time and they have no time to go outside, therefore they get married early. They can feel happy when they start to marry but after that they have to work harder than before they were married.

***"I married with my husband when I was 18 years old I have to work harder now than when I was in my family. They are poor and all of my husband's siblings are men so I have to support them. I have 6 children, my two daughters already died but my husband's brothers have three sons and one daughter. My husband already died because he used drugs when our children were young. Now all of my sons use drugs as their father did. The oldest already has 4 children, his oldest daughter already got married when she was 16 years old she also has one child now"***<sup>254</sup>

## **Increased Crime**

In the past there were fewer crimes in Palaung areas. At the time there were few drugs users but now because of the increased drug use, crime such as theft has been increasing. Drug users steal dried tea, cattle, wood and other things which they can sell and exchange for drugs. Sometimes they also steal cattle in the forest. Some are sentenced by the headman but he also does not care because the headman also releases them when their family members come and give him money. There are many robbers in Palaung areas, the robbers wait in the market road and if someone goes to the market without friends they will be robbed by robbers who are drugs users. Some drugs addicts work for their drugs but what they earn is not enough so they become stealers and robbers. Sometimes they fight each other because of the drugs. For these reasons there are more crimes now in Palaung area Special Region 7.

***"He steals things in their village. If the militia arrests him his mother has to pay money to the militia to release him. Sometimes his mother cannot give money to the militia or to the headman of their village. They arrest him and sentence him and tie him by rope in the house but they often release him because they can not feed him."***<sup>255</sup>

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<sup>254</sup> Interview 8.

<sup>255</sup> Interview 22.



## Hopelessness

Children become hopeless because they cannot attend school, they just work everyday in Palaung areas. Some have to stay in the house without parents because their parents use or have died from drugs. If both parents are drug users they will ignore their children and they have to look after each other. According to the Shwe Pyi Oo Journal there are four children staying in one old house and surviving by themselves without parents. Their father used drugs for 10 years and died; their mother married with another person and moved in to her husband's village.

"Aung Yin's husband used drugs for four years. He doesn't support his children when he starts to use drugs until now only his wife support their family. Sometimes he demanded money from his wife when his wife doesn't have money to give to him he hit his wife so they divorced. After that he got married again with another woman who was a drugs user like him. They have one child they gave their child to stay with his wife's parents."<sup>256</sup>

## Conclusion

There are many drugs users in Palaung areas because the SPDC allowed people to grow opium in the past and continues to do so unofficially now. Even though the SPDC said they will try to stop drug production in Burma, they still collect taxes from poppy growers and drug traffickers. The SPDC is using drugs as a weapon to control the Palaung people and it is having negative impact on Palaung children because local people work in poppy fields in Palaung areas and most of the men then become drug users.

Drug addiction has many negative impacts on children such as that children cannot study, have no parents, no hope, no health care, become orphans, work to help their family survive and become the victims of child trafficking. Some children become migrant workers and some have no house to stay in. Drug addiction not only impacts children but also impacts women and the community. Because of drugs there is no security for the people in the community and women suffer from husbands who are drug users.

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<sup>256</sup> Interview 19.

Not only Palaung people suffer from drug addiction but people in other regions face many problems as well. The SPDC allows local people to grow poppies because they get taxes from poppies and drug production. They also have controlled the tea industries in Palaung areas after the civil war, the tea price is low and people are vulnerable.

Palaung people are poor. The people work for family income and become drugs addicts. Some get depressed and use drugs and some people peer pressure each other into it. Wives and children have to work hard to support their family. Children are forced to work in the farm, as house keepers, migrant workers, cattle watchers and some children are sold by their own fathers. Most Palaung people face economic and social problems such as a lack of health care, little or no access to education and crime. Similar problems face people all over Burma.

The SPDC became a member of (UNODC) United Nation Office on Drugs and Crimes and signed the 1961 Single Convention on Narcotic Drugs in July 1963 and the amended 1972 Protocol in 1991. According to this convention, Article 38, state parties must give special attention to the abuse of drugs for prevention. There is serious drug abuse in Palaung areas and some people die because of drugs. The SPDC does not care-they just care about collecting money from poppy growers and drug producers. The more that the SPDC collects taxes without destroying the opium farms, the more people will grow opium and drug addiction will increase in Burma. Through this policy, the SPDC will grow richer and grow more powerful.

## **Recommendations**

### **To the State Peace and Development Council:**

- To take action to stop drug addiction nationally
- To protect children from the illicit use of narcotic drugs
- To take action against the drug producers
- To stop collecting taxes from drug traffickers and poppy field owners
- To rehabilitate drug addicts
- To respect the UDHR and CRC and take responsibility for providing free primary school education for all children in Burma.
- To create and meaningfully implement strong laws against drug production in Burma.
- To obey international law including the Convention on Narcotic Drugs.

**To Ceasefire and Militia Groups:**

- To stop drug production in Palaung areas.

**To the International Community:**

- To encourage SPDC to reduce drug production in Burma
- To pressure SPDC to stop taking taxes from poppies field owner without destroy
- To pressure SPDC to follow the international law

**To Opium Field Owners and Drug Producers:**

- To stop doing poppies field in Palaung areas.
- To stop produce drugs in Burma

**To Parents:**

- To stop children who are dealing in drugs
- To encourage the education for children and care children health
- To respect the children future

**To Local People:**

- To stop using drugs
- People who are drugs addict should thinking about generation
- To stop giving bribes to the SPDC for growing opium
- To promote knowledge of children

**To the UNODC:**

- To pressure the SPDC on drug production issues in Burma and to collect taxes from poppy field and drugs producers.
- To pressure the SPDC to promote awareness trainings drug abusers in Burma.

# **The Price is Getting Very High: The Reasons Behind the Lack of Education for Children in Kutkai Township, Northern Shan State, Burma**

By William Wallace

## **Introduction**

The quality of Burma's education has declined over the last three decades due to the SPDC's failed policies. The military regime uses 70 percent of the country's budget for itself. The SPDC does not focus on education and health care programs. The SPDC only provides 1.4 percent of the whole country's budget for education, crippling the system.<sup>257</sup>

According to a UNICEF report, 39 percent of the children in Burma are lacking education. The dropout rate is very high, especially in the rural areas. Although the government has announced 84 percent of the population is educated in Burma, in reality many people are illiterate. The literacy rate in remote areas is less than 10 percent. According to a 2004 United Nations Office on Drug and Crime (UNODC) report on the 'Wa' area of Shan State, 96 per cent of the population cannot read and write.<sup>258</sup>

Children under the age of 18 make up approximately 40% of the population. The military junta claims that it provides free public education for students up until the age of 16,<sup>259</sup> but there are many education problems in Burma. There are not enough teachers and schools, there is limited access to education, and the cost of school supplies is rising. These problems are happening everywhere in Burma.

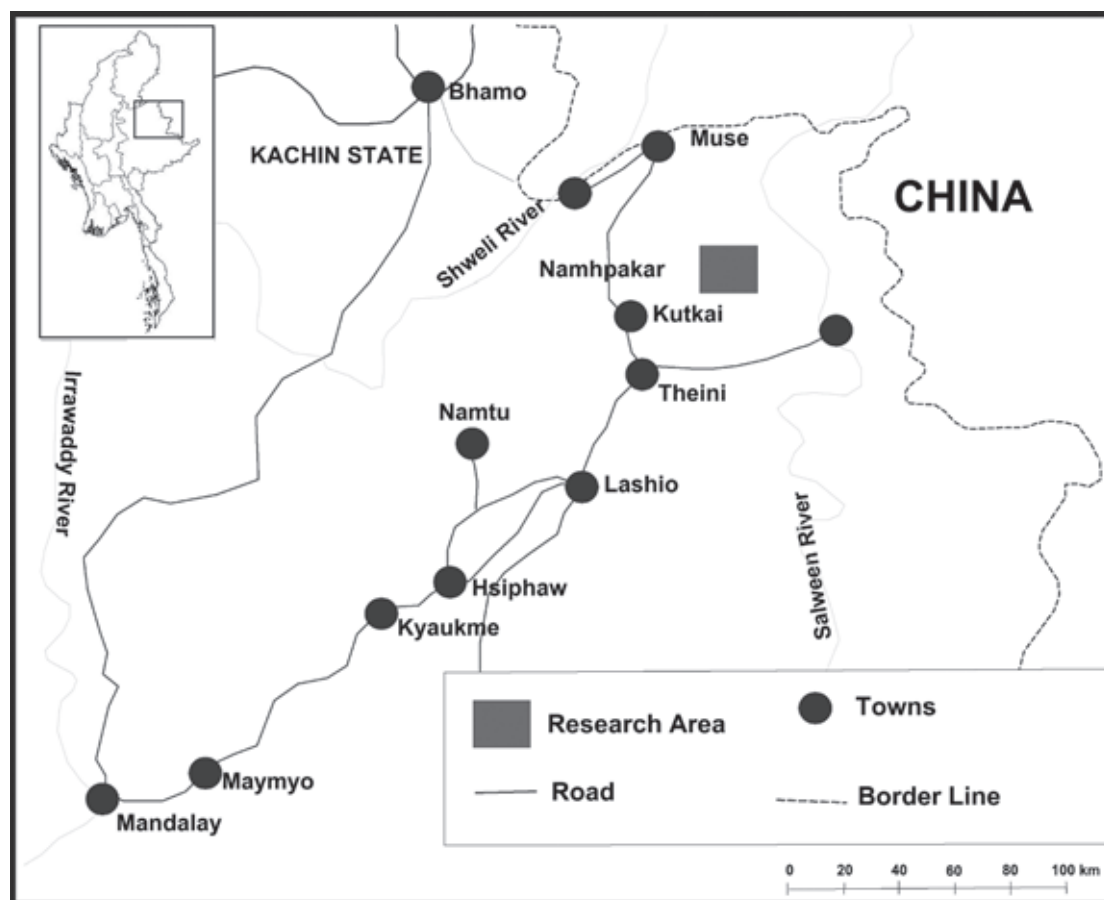
This research focuses on a small region of the northern Shan State called Kutkai Township. The deteriorating education system in Burma is affecting the children from this area. They are increasingly uneducated. The United Nations Convention on the Rights of the Child explains that children should get a free primary education but many children in the region cannot access primary education. Instead, they are forced to suffer from the effects of a political and economic crisis.

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<sup>257</sup> [www.nhecburma.org/report.htm](http://www.nhecburma.org/report.htm), School Education Research Journal (2005) Vol. 1, p. 1.

<sup>258</sup> Ibid., page 2.

<sup>259</sup> [www.aseanmp.org](http://www.aseanmp.org); Situation Update, Child Rights in Burma.



This report puts forward the claim that the education situation in made worse by human rights abuses committed by both SPDC and ceasefire groups and specifically the recruitment of child soldiers.

This research examines the current education situation in three villages. This report includes information obtained from fieldwork at these sites. Data was collected by interviews with teachers, students, students' parents, a headmistress of a school, a village head, child soldiers, religious people and youth leaders.

There are five parts of this report. In part (1), I will provide some basic background information about the focus area including its political, economic, and educational history. In Part (2) I will describe the current education, political and economic situation there. In part (3) I will present the reasons for the lack of education for local children. In part (4) I will draw conclusions and explain why this problem is critical. Finally, in part (5), I will put recommendations forward to the government, armed groups, teachers, students, parents, and the international communities as for how to change the situation for the better.

## Background Information

This area has only a Satellite Middle School. The fact that it is a satellite middle school means that it is not a permanent middle school and that there is a main middle school in a bigger village or town that it is officially connected to. There is a significant student population and accordingly it should have at least one permanent middle school.

The political situation is very complicated. The Kachin Independence Army (KIA) has been fighting for independence since 1962. The KIA reached a ceasefire with the SPDC in 1993. The KIA and the SPDC both have military camps in one of these villages. Not only are these two armed-groups in the area, but the Kachin Defense Army (KDA) and Thar Moe Nge militia camps are also there. The Kachin Defense Army seceded from Kachin Independence Army in 1992 and then signed a ceasefire with the SPDC. Each of these four armed-groups control what they can and the situation is uneasy.

The economic situation is also precarious. There are no regional products and there is not enough farmland. Before 2001, the people from this region planted poppies. The military and ceasefire group's partnership banned poppy growing in this region in 2001. Armed-groups control all drug distribution and production. Only the people who are a relative of someone in an armed group can sell drugs; these people distribute drugs throughout the region to make money. Given this arrangement, the number of drug users continues to increase at the same time that other products to grow and/or sell are lacking.

Schools in are built by the K.I.A and the SPDC sends teachers for them. The K.I.A sends one or two teachers and not more than this number each year. Sometimes the SPDC will call back the teachers that they have sent to be transfers to new locations. Under these conditions children's education suffers. Widespread fear and human rights abuses are evident. Little is known about these



*Satellite Middle School. (Photo by Wallace).*

human rights abuses because the location of this region is isolated and far from the urban areas. There is little communication and transportation to other villages. As a result, the education system is in decline.

## **The Current Education Situation**

According to a recent report of the UN special rapporteur for Burma on the situation of human rights in Burma, 968,000 children do not attend primary school in Burma. While this figure includes children in a number of areas, it presumably also includes displaced children. In contrast, the Burmese government statistics report that 97.58 percent of primary school aged children are enrolled in school.<sup>260</sup>

There are three schools in my research area, the Satellite Middle School, and two primary schools. One of the three villages is small; it has 519 households and the population is 3,976 people. One-third of the population is children (about 1,290 people), but only 620 children can access education. About 670 children are left without access to education in that village. Last year 53 students dropped out of school for many reasons including recruitment to be a child soldier or work as forced labor, prohibitive school costs, child labor, forced taxes, parental attitudes and drug abuse. The status of an additional 12 students is unsure for the coming school year. The primary school class of this school had more than 551 students last year. However, there are only 119 students attending middle school classes, meaning that many students drop out rather than continuing their studies.

One primary school had 43 students last year. This school provides grade one to five with two permanent teachers and one part-time teacher. There are 16 children in the community who lack education. Last year 11 children could not continue to go school after they finished grade five from this school.

There is one more village. This village has a primary school with 18 students in this school. There are 10 students in grade one, 3 students in grade two and 5 students in grade three in this school. This school has only a single room and one teacher. In this village there are 4 children who cannot access education.

About 690 children hunger for education in the entire region. The amount of students attending school has been increasing since the World Food Program (WFP) began providing food for primary students. There were fewer children who

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<sup>260</sup> 'Human rights situations that require the Council's attention', Report of the Special Rapporteur on the Situation of Human Rights in Myanmar.





*Primary School. (Photo by Wallace).*

could access education before the World Food Program provided food for students. Now, parents are trying to send their young children to school to get them food from the WFP. At the schools there are not enough facilities and classrooms due to an increase in enrolled students. It is difficult for the teachers to control so many students of such different ages. Most students are over five years old and some are over ten years old in primary classes. After primary school a lot of students cannot continue to middle school education.

## **Reasons Students Cannot Continue Education**

### **Recruitment of Child Soldiers**

Burma has one of the largest numbers of child soldiers of any country in the world. Although the minimum age for conscription is 18, Human Rights Watch has estimated that children may account for 35 to 40 percent of new recruits into the Burmese national army – making children 70,000 or more Burma's estimated 350,000 soldiers.

Children under the age of 18 are also present in armed opposition groups. According to some estimates the combined non-state armies including the Kachin Independence Army and other ceasefires groups contain between 6,000 and 7,000



*KIA soldiers, children. (Photo by Wallace).*

soldiers under the age of eighteen. This includes groups that forcibly recruit, but are not currently fighting in Kachin and Shan State.<sup>261</sup>

The KIA and the KDA are also continuing voluntary and forced recruitment of both girls and boys younger than 18. Both groups take children from schools and force them into recruitment centers. The children have a few others choices for employment and there is no national social welfare program to secure their family's survival in their homeland.

There are two ceasefire group education centers close to this region, one belongs to the KDA and the other to the KIA. Many poor children join these two education centers to access education.

The armed groups recruit children by exploiting their educational needs and age. If a child is recruited by an armed-group the child will drop out school and join the army. The child's psychology will change very easily at that vulnerable age. Recruitment into an armed group is the worst possible scenario for a child's future, the child will be badly affected. Both KIA and KDA receive children for schooling from their parents. Most parents are very poor and it is difficult for them to support their children to go school and therefore they send their children to these education centers to access education. In reality, the KIA and KDA put the children into recruitment training if the children failed the examination. And if the children are old and tall enough to take recruitment they put the children into recruitment training to be a soldier.

The Kachin Independence Army and the Kachin Defense Army collect people twice a year in the region to give training by force. They collect children who are big and tall enough to take recruitment, such as those who are 9 or 10 years old. If they do not get enough people they forced to call even the younger children from the school.

<sup>261</sup> 'Child soldiers: CRC Country Briefs', Pre sectionals Working Group, 36th session, 2004.

***"During last October holiday, a K.I.A commander and his colleague asked me to collect some students for their recruitment. But I told him I did not allow this. I don't want my students to be a soldier. I complained to them and begged them not to arrest the students to put in the recruitment training. I told them that you can collect the people who are not my student or some one else."***<sup>262</sup>

- A school teacher

One parent reported that her daughter was arrested by KIA to be put in the recruitment center last month. Her daughter is 17 years old and recently finished 11<sup>th</sup> grade:

***"My daughter is taking recruitment in the KIA training camp now. KIA arrested her as soon as she arrived from the school two weeks ago after her ten standard examinations."***<sup>263</sup>

One child who was forcibly recruited said: ***"While I slept next to my grandmother KIA soldiers arrested me and took me to the training camp. At that time I was only 9 years old and was attending grade five in the primary School."***<sup>264</sup>

Every ceasefire group collects people during the holidays because some parents send their children to town to go school. They want their children to get an education and to have a good life. If they do not send their children to town they know armed groups will arrest their children to be soldier. Many children are living away from their family to evade being taken as a soldier. Students come back to their family during summer holiday. Both KIA and KDA collect the students while they visit their parents during holiday.

## **Forced Labor**

The government of Burma has acceded to a number of international labor organization (ILO) conventions, including the forced labor convention of 1930. Forced labor is defined by the international labor organization in forced labor convention No. 29: "For purpose of this convention the term forced or compulsory labor shall mean all work or service which is exacted from any person under the menace of nay penalty and for which the said person has not offered himself voluntarily."

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<sup>262</sup> Interview 1.

<sup>263</sup> Interview 7.

<sup>264</sup> Interview with youth.

The Universal Declaration of Human Rights Article 4 says that, “No one shall be held in slavery or servitude; slavery and the slavery trade shall be prohibited in all their forms.”<sup>265</sup>

The Burmese government’s own law states that “The ministry of home affairs of the Burma government of the Union of Myanmar, under the direction of the State Peace and Development Council, hereby directs that the following amendment shall be made to Order No.1/99 dated 14<sup>th</sup> May 1999 as requisition of forced labor is illegal and is an offence under the existing laws of the Union of Myanmar. Local authorities, members of the armed forces, police and other public service personnel shall not requisition work as a service except emergency arises due to fire, flood, storm, earthquake, epidemic disease, war, famine and epizootic disease that pose an imminent danger to the general public and community.”<sup>266</sup>

Burma ratified the International labor organization (ILO) convention prohibiting forced labor in 1995, and is currently being investigated by the ILO commission of inquiry under Article 26.<sup>267</sup>

The Burmese government’s and the other armed-groups’ use of forced labor is continuing on a widespread scale in Burma and is accompanied by massive violations of other human rights. Men and women of all ages are forced to work against their will, including children and elderly people. The SPDC calls such as labor as donated (*loh ah pay*) with the full consent of civilians for good of the nation. Forced labor is when a person is forced to work for the military or another armed group. Donated labor is when people are requested and choose to work for a religious leader or village head. Sometimes religious people, local authorities and local people argue that forced labor is a traditional practice using civilian labor in constructing temples or palaces in Burmese society. Yet, in the rural areas people are forced to grow food, build infrastructure and carry equipment for the military.<sup>268</sup>

Forced labor and donated labor (*loh ah pay*) are quite different. Forced labor is demanded by the military armed-groups and if the villagers do not attend the military will punish them. Villagers are put in jail and fined about 2500 kyat a day.

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<sup>265</sup> ‘Slave Labor in Burma: An Examination of the SLORC’s Forced Labor Policies’ (1996) No. 9, page 3.

<sup>266</sup> Union of Myanmar Ministry of Home Affairs, prohibiting requisition of forced labor, p. 11.

<sup>267</sup> ‘All Quiet on the Western Front’, page 13.

<sup>268</sup> [www.apheda.org.au/campaigns/burmacampaign/resources/1067568160\\_29942.html](http://www.apheda.org.au/campaigns/burmacampaign/resources/1067568160_29942.html)



Loh ah pay is requested by a religious leader or village head to build a temple, church, orphanage or widow's house. Both forced labor and donated labor are unpaid but when someone chooses to do donated labor they are provided food, drink and tools.

Most people from this research area are subjected to forced labor and other human rights abuses or live under the constant threat of being subjected to them because Battalion 312 and K.I.A have bases in the center of one of the villages. Both SPDC and KIA demand forced labor everyday. Villagers have to build the military camp buildings and three layers of fence around the camp once a year with their own bamboo and equipment. They often have to clean up the military camp and ceasefire groups' camp too. Both the SPDC and the ceasefire groups do not pay for forcibly using the villagers' labor.

The military and ceasefire groups also use forced labor by setting up a duty list for each day. Each household has to perform duty for the military and armed-groups. Both the SPDC and ceasefire groups make pieces of wood to pass around to almost every household as a sign that it is their turn to take duty for a day. There are about 519 households in the village, but not every household needs to take on the duty. If someone gets a high position in an armed-group or works for the government, their family is free of performing forced labor unlike other families. The poor families, uneducated and powerless families suffer most in this system.

A person who is performing forced labor must go to the military camp at 8 am in the morning and they need to spend the whole day there no matter what until 4pm. The laborer has to bring his or her own tools and food. The SPDC, KIA or KDA never pays money to villager for using their labor. The SPDC orders forced



*KIA forced labor: road repairs. (Photo by Wallace).*

laborers to grow vegetables in the camp compound and also to deliver letters from one village to another village. Other forced labor duties include cleaning the camp compound, carrying firewood, and carrying water both for showering and cooking.

In 2006 the military began construction on a Buddhist pagoda in the village. Local people were used as forced labors for this pagoda's construction. The villagers were not able to object to their order, though all the villagers are not Buddhist. Every household and each person has to carry rock, water, sand and other equipment for pagoda building. Each household has to go 2 days and has to pay 700 kyat.

***"Although we are not Buddhist we have to pay money to build pagoda starting in 2006. This pagoda building project is by order of the military. We have to carry water because the building site is on the mountain. We have to carry block, sand and equipment for building. Whether we are Buddhist or not, we must pay money and labor to build this pagoda."***<sup>269</sup>

It is very difficult for the villages to earn money for their family in this situation. The military and armed groups are sucking the property of the villagers by many ways. This is a big problem for the villagers. So their economic situation will not get raised up to get comfortable life. How can they support their children to go school, if they can not earn money? If the villagers have their own transportation; Such as a motorbike, bull cart, and car they are assigned daily work transporting goods for the Military. If the parents cannot earn money and cannot get enough food they cannot send their children to school. If the parents do not have enough time to work in their field or earn money, then the children must help instead of going to school. Also if the parents are busy, then the children must go for forced labor and not go to school.

## **Child Labor**

The Convention on the Rights of the Child provides that "children under eighteen have a right to be protected from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development."

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<sup>269</sup> Interview 1.

Although there are a lot of laws to protect children, according to the International Labor Organization (ILO) it is estimated that 218 million children between the ages of five and seven work in developing countries including Burma. Despite that the military government signed the child rights convention, they continue using child labor directly or indirectly consistently. Given that the government has failed their responsibilities to their people, many children have been child laborers in this region. A lot of children have left school to work for food for their families. Many children take compulsory duty for their family such as public work and forced labor. Forced labor is demanded by the SPDC and ceasefire groups. Public work is demanded by village heads for the village. As for single parents, they face more difficulties than other families. These parents cannot earn enough themselves to support their children going to school. Once children are old enough to work in the field, their parent takes them out of the school so that they can help with the cattle and farming.

One parent said that she was very upset about living there because of numerous taxes and forced labor. She and her husband are not in good health to work hard. Given this situation, they can only send their eldest son to perform forced labor and public work. Their son is only 17 years old. The family is depending only on this son to get food and to fulfill compulsory work such as forced labor and public work for the village.

***“Our family is depending on our older son who feeds our family and helps his father in farm since he drops out the school when he was attending grade (4) last a few years ago. So he doesn’t know how to write or read. But he can support our family even though he is teenaged. He can go for public work and forced labor for our family. Neither his father nor me can go for forced labor.”<sup>270</sup>***

A lot of children have left school to work for food or to take compulsory duty for their family. Most children have to work in the fields with their parents instead of going school. The children have to look after their younger sisters or younger brothers while their parents go to farm. The children have to do house work instead of homework such as cooking, carrying water and carrying firewood for their family. The children do not have extra time to study their lessons outside to school. For these reasons, although the children go to school, they cannot write and read well.

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<sup>270</sup> Interview 2.



## Prohibitive School Costs

The Convention of the Rights of the Child's Article 28 says that "State parties should recognize the rights of the child to education with a view towards achieving this right progressively and on the basis of equal opportunity, they shall, in particular; set up primary education that is compulsory and available free to all and encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child and take appropriate measures such as the introduction of free education and offering financial assistance in case of need and so on."<sup>271</sup>

There are many laws to promote children's education and to protect children's rights in the Convention of the Rights on the Child. Burma signed The Convention on the Rights of the Child on July 15, 1991. Yet, the Burmese government is still ignoring the rights of children. Burma should follow and take responsibilities for the international conventions to which they have agreed, and the Burmese government is obligated to provide free education for primary school students. Burma's government is not interested in investing in the country's children. In Burma most remote areas lack investment in education for primary school age children and there is widespread poverty. Despite a compulsory education law, almost 40 percent of children never enroll in school, and only 25 to 35 percent complete the 5-year primary school course. Many families cannot afford to pay the numerous fees for even a primary school education.<sup>272</sup>

The SPDC announces every year that it is illegal to collect money from students while they are enrolling in school. Although primary education is supposed to be free for every child the government does not provide enough salary for the teachers or for school facilities. The SPDC provides each teacher 27000 kyat a month for their salary. If the number of students increases, then the school committee collects additional money from the students at the beginning of the school year. The estimated cost per student is 3,500 kyat per month in this region. Students must pay for expenses such as compound cleaning, text books, uniforms, school construction, stationery and enrollment. The enrollment fee is 3000 kyat per primary student – it is quite expensive and it makes the students' parents quite upset.

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<sup>271</sup> Convention on the Rights of the Child, Article 28.

<sup>272</sup> 'Report on labor practices in Burma'. US Department of Labor / Bureau of International Labor Affairs, page 88.

***"The teachers and school committee say every year that they will not collect from money student enroll. But after that they start to collect money for numerous fees for the school in reality. So that we feel up set to enroll the children school."***<sup>273</sup>

Burma is in an economic crisis and even stationery prices are every expensive. A textbook costs about 6000 kyat for a middle school student. A uniform costs at least 5000 kyat. One writing book costs 250 kyat. For textbooks and uniforms, parents have to spend more than 12,000 kyat per one student. The cost is terribly high for parents who have four or five children. If parents do not have enough income to pay, some of their children have to drop out for a year or longer. Some parents have more than five school age children. Most families are self-employed subsistence farmers and must sell their subsistence products, such as rice or chicken, to raise the income to buy these items. For the above reasons a lot of school age children are lacking education in the region. The drop-out rate is unbelievably high, increasing year by year. Most middle students have started to find jobs instead of going to school in the city. School fees sometimes make it impossible for a student to go school.

***"I just worry for the future of my five children and our ability to send them school. The price is getting very high. I cannot make that much money for my children. I have five children. Their brains are good enough to get an education but I cannot afford to send all of them to school. Our family is very poor, too poor to send all of them to school. I can only send them to school until they get to grade 4 in this school."***<sup>274</sup>

## **Economic & Extortion Taxes**

Before the military and Kachin Independence Army agreed on a ceasefire, at the end of 1992, the military forcibly relocated the people from nine villages to one of these three villages. The following year the military and Kachin Independence Army also signed a ceasefire. After these developments, both the military and Kachin Defense Army (KDA) based their camp in the middle of the village. Many people left their plantation lands and properties due to the military's relocation to there in 1992.

Then Kachin Independence Army (KIA), Kachin Defense Army (KDA) and Pyi Thu Sit (militia) also based their camps in this village with the SPDC military

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<sup>273</sup> Interview 2.

<sup>274</sup> Interview 8.

camp. They all collect money and food from the villagers as their rations. But the military does demand money and food since they agreed to a ceasefire with the opposition armed group. Now the other three groups – the KIA, KDA and militia armed groups are collecting money, salt and rice as a tax.

At this time the political and economic situation is very complicated and it is difficult for the villages to make money and have food. The villagers could grow poppy until 2001. After 2001 the villager cannot grow and sell poppy for their income. Most people had made money from working on poppy plantations.

The military and ceasefire groups banned growing the poppy plant without providing a substitution crop. This is a problem for the people because the poppy plantation is the main livelihood. The people faced a sudden change in their livelihood. They cannot make money from other jobs. The people from this region have faced big problems getting food and money to send their children to school. The villagers' economic security and livelihood was broken down immediately. In this economic situation some people have faced starvation for many years. They still don't have another job substitute for growing poppy to get food and to make money for their survival.

***"We are facing economic crises more and more than before. Not only are there the expensive food prices but also have to pay numerous high taxes to each armed group. We are facing problems getting food everyday; we have to do forced labor and public work two or three times per month. Although we do not want to live in this village anymore we do not have any idea where to move to evade such abuses as taxes and forced labors."***<sup>275</sup>

The majority of people are deeper in poverty but a few people who deal with the armed-groups and military are more comfortable than before because they trade heroin and smuggle everything such as cattle and timber from this region. Smugglers do not need to pay taxes to the military and other groups. Ordinary people, however, the people who do not deal with the military or armed-groups and trade cattle need to pay high taxes. Sometimes the groups seize their cattle fine them a large amount of money for trading cattle. Meanwhile, the armed groups' partners are distributing drugs in the village openly.

Each household pays two baskets of rice to the armed groups. One basket of rice is equal to 48,000 kyat and 5 viss of salt is equal to 6000 kyat in payment of tax. Local

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<sup>275</sup> Interview 2.