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# MYANMAR LEAVING HOME

*“Every time the army comes they say Myanmar is on the road to democracy and we will have democracy soon – but they continue to order people to work for them and don’t mention the fact that forced labour is now against the law”, a 25-year-old Mon rice paddy farmer from southern Ye township, Mon State.*

## I. INTRODUCTION

Amnesty International is concerned about a variety of human rights which are systematically denied to civilians by the Myanmar government, particularly those belonging to ethnic minorities. The routine military interference with the exercise of human rights includes forced labour; forcible relocation; extortion of food, money and other personal possessions; house destruction; and the denial of freedom of movement.

During May and June 2004, Amnesty International interviewed 115 migrant workers in seven locations in Thailand who were either working or searching for work. They were members of the Mon, Kayin, Kayah, Shan, Rawang, Tavoyan and *Bama* ethnic groups, and followed the Buddhist, Muslim, or Christian faiths. They were employed mostly in the fishing, manufacturing, agricultural, construction, and domestic service industries. The interviews were conducted confidentially with the assistance of an independent *Bama* – English interpreter. Both the men and women who were interviewed were predominantly from rural areas, although some were from urban centres, including small towns, State and Division capitals, and Yangon.

In the last decade hundreds of thousands of workers from Myanmar have migrated to neighbouring Thailand in search of jobs and other economic opportunities. Migrants interviewed by Amnesty International had left their homes in Myanmar for a variety of reasons, including the inability to find a job; confiscation of their houses and land by the military; and fear that if they remained they would be subjected to human rights violations, including forced labour. Many of the young people who were interviewed had come to work in Thailand in order to send money back to their families. However some of them could not save enough to send any money home, but were working in Thailand so as not to be a burden to their parents. Those who had fled from militarized areas in Myanmar were much more likely to have had direct experience of human rights violations at the hands of the Myanmar military.

In some areas the vast majority of young people have left their villages in order to work in Thailand. One Mon man from Hpa’an township, Kayin State, told Amnesty International about the situation in his village: *“Many people have been in Thailand for the last 15 years,*

*and many more are leaving now. Prices are going up, the population is growing, people are having a hard time feeding themselves and have decided to leave.”*

## **Recent Developments**

During the ASEAN<sup>1</sup> Ministerial meeting in Vientiane, Laos in July 2005, the SPDC Foreign Minister announced that Myanmar would postpone chairing ASEAN, which the country was due to assume in July 2006, amid reports that the SPDC had delayed the move to avoid further EU and US Government censure and potential conflict within ASEAN itself. The SPDC stated that they were deferring their chairmanship in order to deal with urgent domestic issues, including the implementation of the seven point “roadmap to democracy”, beginning with the completion of the National Convention, convened in order to draw up a constitution. The National Convention, originally convened in 1993, adjourned in 1996, and reconvened in 2004, comprises various groups, but does not include the National League for Democracy (NLD, the main opposition party, led by Daw Aung San Suu Kyi).

At the same time widespread and reliable reports emerged of increasing SPDC restrictions on the UN Development Program (UNDP), the UN High Commission for Refugees (UNICEF), the World Food Program (WFP), other UN agencies, and international aid organizations working in the country. Moreover the activities of the International Labour Organization’s (ILO) Liaison Office have also been constrained by a lack of cooperation from the SPDC, which severely curtails the ILO’s efforts to combat forced labour of civilians by the military. Restrictions include those on the ability of UN and other agencies to travel to rural areas, particularly in the ethnic minority border regions, in order to assist the local population. Such prohibitions had already been in place with regard to access to Internally Displaced Persons (IDPs) who are concentrated mainly in ethnic minority counter-insurgency areas and thought to number in the hundreds of thousands.

In August 2005 the Executive Director of the World Food Program visited Myanmar, reporting that 15% of the population face “food insecurity”<sup>2</sup> and that “About a third of the children...are chronically malnourished, eight percent are acutely malnourished...”.<sup>3</sup> The top WFP official commented further: “I’m suggesting that the government would be well-advised to make it easier for people to move about, to buy and sell agricultural commodities, without so many check-points, without economic interference from the government.”<sup>4</sup> Other UN officials, including the Special Rapporteur on Myanmar and the Secretary General’s Special Envoy, have been denied access to the country for over one year.

These increased restrictions and further repression are believed to relate to the overthrow of General Khin Nyunt, who was removed as Prime Minister by Senior General Than Shwe, SPDC Chairman, and put under house arrest in October 2004. General Khin Nyunt was

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<sup>1</sup> The Association of Southeast Asian Nations groups 10 countries: Indonesia, Thailand, the Philippines, Singapore, Brunei, Malaysia, Laos, Viet Nam, Cambodia, and Myanmar.

<sup>2</sup> *The Irrawaddy*, an online newspaper on Southeast Asia, 5 August 2005.

<sup>3</sup> *Agence France Press*, Bangkok, 5 August 2005.

<sup>4</sup> *British Broadcasting Corporation news*, Bangkok, 5 August 2005.

generally viewed as pragmatic and relatively willing to engage with the international community. At the time of his arrest, Military Intelligence, the security apparatus he headed, was largely dismantled. In this environment, political arrests have continued throughout the country, and Daw Aung San Suu Kyi remains under house arrest. Although some political prisoners have been released, at least 1,100 remain behind bars.

## **Background**

Burmese migrants in Thailand generally come from four ethnic minority states in eastern Myanmar, including the Kayin, Kayah, Mon, and Shan states; and from Bago and Tanintharyi Divisions. Some of them live in areas of internal armed conflict, where the remnants of ethnic minority based armed opposition groups have been fighting against the central Myanmar Government for decades. Although such conflicts have greatly decreased in the last 16 years, there remain pockets of resistance in southeastern Shan State, and in small areas of Kayin, Kayah and Mon States and in the Tanintharyi Division. Migrants from these regions have often been victims of or witnesses to the Myanmar Army's counter-insurgency activities, which include forced labour and forced relocation. Others from conflict-free areas have left their homes because there were no jobs or other economic opportunities.

Since 1987 Amnesty International has extensively documented violations of ethnic minorities' physical integrity rights, including torture and ill-treatment, and extrajudicial executions by the Myanmar army in counter-insurgency areas where armed groups operate. Civilians living in these areas continue to be vulnerable to a wide variety of human rights violations, including ill-treatment or even killings by the army. Civilians who have been required to perform forced labour for the *tatmadaw* are especially at risk.<sup>5</sup> Civilians forced to contribute labour, particularly those seized for portering, are sometimes injured or even killed by the army if they fail to perform their duties to the satisfaction of the *tatmadaw*.

Amnesty International has also documented human rights abuses in Myanmar by ethnic minority-based armed opposition groups, including arbitrary detention, torture, and unlawful killings. The organization has reported abuses against civilians by the Karen National Union (KNU) and an unidentified Mon armed opposition group, as well as other armed opposition groups.<sup>6</sup> One more recent case directly relates to the deprivation of economic and physical integrity rights of civilians by armed opposition groups. Armed opposition groups are almost entirely dependent on local villagers for rice and other supplies, which civilians routinely provide to them, reportedly because of their shared ethnicity. This can result in civilians being deprived of sufficient food, or being punished by the *tatmadaw* if they believe villagers are voluntarily giving rice to members of armed groups.

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<sup>5</sup> Amnesty International has been reporting on the practice of unpaid forced labour in Myanmar since 1987. There are generally two types of forced labour: forced portering of military supplies for the army and work on roads and other infrastructure projects.

<sup>6</sup> See for example *MYANMAR: Lack of Security in Counter-Insurgency Areas*, July 2002, AI Index 16/007/2002, pages 30 – 34.

In May 2004 a Karen village headman from Kyaw-ein-seikyí township, Kayin State told Amnesty International about the killing of the village secretary by the Karen National Union (KNU) in August 2003. Aung Kyaw Oo was killed by the KNU for failing to send them the village rice quota because the monsoon had flooded roads and there was no way to transport it. His family had witnessed his abduction the previous night by uniformed Karen-speaking KNU soldiers; the headman found his body the next day after he had been stabbed to death in the abdomen. The KNU had come to the headman to explain that they viewed Aung Kyaw Oo as pro-SPDC, because his job was to deal with SPDC demands, while the headman dealt with KNU requests. The headman reported that at least three times per month the KNU sent him a “shopping list” consisting of chicken, rice and other goods, which he was compelled to purchase for them. He routinely collected money from the villagers, many of whom had left to work in Thailand because of frequent conflicting demands from both the *tatmadaw* and the KNU.

### ***Burmese migrant workers in Thailand***

None of those interviewed by Amnesty International had been trafficked, that is, duped and/or taken against their will by traffickers into Thailand. However most of these migrants whose cases are discussed in this report had voluntarily paid large sums to “agents” who smuggled them through checkpoints, often by bribing immigration officials. In general, the vast majority of Burmese nationals do not possess passports, which can cost thousands of dollars to obtain. However returning to Myanmar unofficially by avoiding immigration checkpoints is illegal under Article 13 (1) of the Immigration (Emergency Provisions) Act of 1947, which provides for one year imprisonment and a fine for doing so.<sup>7</sup> Most migrants possess a Myanmar ID card, which grants them citizenship, but which does not permit them to leave or return to Myanmar legally. Myanmar citizens are routinely denied the right to leave and return to their country, in contravention of customary international law.

Burmese migrant workers make up approximately 80% of migrant workers in Thailand; Lao and Cambodian workers are the other two largest groups of migrant workers there. In addition there are over 145,000 Burmese refugees in Thai camps near the border, mostly from the Kayin and Kayah ethnic minorities. Tens of thousands of Shan refugees are also in Thailand, but they are not permitted by the government to live in refugee camps. Most of the Shan refugees are migrant workers, but many of them have well-founded fears of persecution were they to be returned to Myanmar.

In order to protect witnesses and victims from any reprisals either in Myanmar or in Thailand, in the following testimonies Amnesty International has omitted biographical details which could identify those who spoke confidentially to the organization. Their names and sometimes the names of their villages have therefore been deleted from the following material for security reasons.

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2. At least three prisoners of conscience in Myanmar have been sentenced under this provision for returning “illegally” to Myanmar.

## ***Economic developments***

The vast majority of Myanmar's population of some 50 million people live in rural areas and are small-scale farmers and fisher folk. During the Burma Socialist Program Party (BSPP) period, from 1962 to 1988, the economy was centrally planned, based on a modified socialist model, and very little foreign trade or investment was officially permitted. After the military re-asserted power in September 1988 and formed the State Law and Order Restoration Council (SLORC), the ruling generals began to shift its policies towards a more market-driven economy, and opened the country up to trade and investment from abroad. Although there has been some investment and trade from both western and Asian countries in the last 17 years, it has been extremely limited in scope. Moreover much of the investment has been in the extractive industries, including timber, petroleum, natural gas, gems, and mining concerns. This has resulted in much of Myanmar's natural resources leaving the country, providing no significant employment or other opportunities for the general populace. Many joint ventures between foreign investors and military-owned companies have included large signature bonuses with the then SLORC.<sup>8</sup>

In response to the military's violent suppression of the 1988 pro-democracy movement, the US and EU instituted a series of punitive measures which have blocked major international aid, trade, and investment. At the same time, the scope of UN projects has also been limited by member states' human rights concerns. Nevertheless the SLORC began trading with China, including by borrowing money to purchase arms; and also permitting other investments from Asian countries. In 1997 Myanmar admitted to the Association of Southeast Asian Nations (ASEAN). Beginning in the mid 1990s India changed its policy towards Myanmar, from supporting the pro-democracy movement to one which favoured engagement and trade with the SPDC.

Myanmar has received little or no assistance from the International Monetary Fund (IMF), the World Bank, or the Asian Development Bank (ADB), reportedly because of poor fiscal governance by the military authorities and the lack of political reform. After the military reasserted control in 1988, the IMF, World Bank, and ADB no longer provided loans to the government, who in previous years had not repaid their debts. The official rate of exchange for the kyat, Myanmar's currency, is approximately six kyat to the US dollar; the unofficial rate is between 800 to 1,000 kyat to the US dollar. The SPDC has to date refused to adjust the official rate, presumably because they know that such a move would destabilize the country. However, international financial institutions have stated that they will only consider providing assistance when substantial reforms are made by the Myanmar government.

The United Nations country team has a limited presence in Myanmar, including the UN Development Program (UNDP), which reportedly reaches only 3% of the population<sup>9</sup>; the United Nations Children's Fund (UNICEF); and the UN High Commissioner for Refugees

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<sup>8</sup> The SLORC changed its name to SPDC in November 1997.

<sup>9</sup> Commission on Human Rights, Sixty-first session, Item 9 of the provisional agenda, I/CN.4/2005/36, Question of the violations of human rights and fundamental freedoms in any part of the world, situation of human rights in Myanmar, Report of the Special Rapporteur, Paulo Sergio Pinheiro, page 16.

(UNHCR). In addition, the International Labour Office (ILO) has a liaison office in Yangon, although its efforts to ensure that the SPDC eradicates the practice of forced labour by the military has been extremely limited by the lack of cooperation from government. There is also a relatively small presence of international aid agencies, as official Memoranda of Understanding (MOU) are reportedly extremely difficult to negotiate with the SPDC. There are very few indigenous non-governmental organizations providing assistance to the population, although there are some notable exceptions. The International Committee for the Red Cross (ICRC) has a large presence in Yangon, and in Kayin, Shan, and Mon States. The ICRC visits prisons on a regular basis and strives to improve the security and living conditions for civilians in conflict-prone border areas.

Regardless of the SPDC's failed macro-economic policies, much of the rural population of Myanmar have been systematically deprived of their economic rights since the military's re-assertion of state control in September 1988.<sup>10</sup> Although the then SLORC and later the SPDC attempted to shift the country from a centrally planned economy to a market-driven economy, the majority of the rural population continued to suffer. As the military increased its presence throughout the country from 1989 until the present, particularly in "ceasefire areas",<sup>11</sup> and almost doubled its troop numbers, it implemented policies which resulted in widespread deprivation of economic rights for rural people.

The soil and climate in many parts of Myanmar are ideal for growing both paddy and hill rice. Two types of rice are grown there: paddy rice is cultivated in flat areas and is generally more productive than hill rice, which is farmed by many highlanders who are members of Myanmar's ethnic minorities. Most of the people interviewed by Amnesty International in May-June 2004 were rice farmers, keeping some for their own consumption and selling the rest to rice traders. However before April 2003 the government required rice farmers to either sell a certain amount of their crop at a much cheaper price to government rice traders or to give a certain amount to the government in lieu of cash.

This so-called "rice tax" or "quota" has reportedly been a continuing burden on rice farmers throughout the country. Under this system farmers were required to sell a portion of their harvest at fixed prices to the state Myanmar Agricultural Products Trade (MAPT). These prices were well below the market rate, varying from one half to one eighth of the market price. The amount of rice tax people had to pay was based on the size of cultivated land area instead of on the actual yield of the rice harvest. Under a new policy of the Myanmar government, the rice tax was abolished in April 2003.<sup>12</sup> The abolishment of the rice tax by the SPDC has been welcomed by many farmers; however, the military continues to confiscate rice, and other food and possessions from farmers and other rural people.

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<sup>10</sup> Having said that, the centrally planned economic policies of the BSPP also routinely deprived the population of their economic rights.

<sup>11</sup> Beginning in 1989 the then SLORC began to agree cease-fires with ethnic minority armed opposition groups; 17 such agreements are believed to have been agreed. The army then began expanding rapidly both in terms of troops under arms and in terms of its presence throughout the country.

<sup>12</sup> *New Light of Myanmar*, the SPDC official newspaper, 24 April 2003.

### ***Myanmar's obligations under international law***

As a member of the United Nations, Myanmar has the duty to uphold the principles of the Universal Declaration of Human Rights (UDHR). The UDHR enshrines internationally recognized human rights, and many of its provisions are considered to be reflective of customary international law binding on all states. Among the rights provided for in the UDHR are the right to life, liberty, and security; the right to equality before the law and guarantees of non-discrimination; freedom from torture and other cruel, inhuman or degrading treatment or punishment; freedom from arbitrary arrest, detention or exile and the right to a standard of living adequate for the health and well-being of her/himself and of her/his family.

Myanmar is not a state party to most international human rights instruments, including the International Covenant on Economic, Social, and Cultural Rights (ICESCR) nor to the Convention on the Elimination of all forms of Racial Discrimination (CERD). However Myanmar is a state party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and to the Convention on the Rights of the Child (CRC). Myanmar is also a state party to the four 1949 Geneva Conventions, but not to the 1977 Protocols.

The government ratified the International Labour Organization (ILO) Convention No. 29 concerning Forced or Compulsory Labour (No. 29) in 1955. In 1998 the International Labour Council (ILC) adopted the ILO Declaration of Fundamental Principles and Rights at Work, which commits Member States to respect and promote principles and rights in four categories, whether or not they have ratified the relevant convention or not. These include: freedom of association and collective bargaining; elimination of forced or compulsory labour; abolition of child labour; and elimination of discrimination.

### ***Economic and social inequality in Myanmar***

*“What they say and what they do are totally opposite, like the earth and the sky”,* a 58-year old Mon village headman from southern Ye township.

*“There are two big classes in Burma – the rich and the poor – the rich are getting richer and poor getting poorer”,* a 26-year-old Bama woman from Tanintharyi Division

Unpaid forced labour, forced relocation, house destruction or eviction, confiscation of land, food and other personal possessions by the army deprives civilians of their right to an adequate standard of living. The practice of unpaid forced labour, including participation in public works under threat or penalty by the military, for prolonged periods of time, or without any remuneration, is a direct violation of the right to earn a living, as civilians often spend so much time working without payment for the SPDC that they cannot work to provide for themselves and their families. Forced labour also arbitrarily deprives them of their liberty through *de facto* detention by the military, and sometimes violates their physical integrity rights, taking the form of ill-treatment or extrajudicial executions.

For several decades the military has taken tens of thousands of ethnic minority civilians for forced labour duties; confiscated arable land, crops, livestock and other possessions; and prevented many ethnic minority civilians from farming in an effort to break imputed support

for ethnic minority armed opposition groups. The army stepped up these practices beginning in 1996 to 1997, when they were told by the central authorities to become more self-sufficient. At the same time the army was still expected by the central command to build infrastructure projects, including roads, but any additional funds which may have been directed to regional commanders did not appear to have reached troops in the field.

As a consequence local troops took greatly increased numbers of civilians for compulsory labour duties on roads and other infrastructure projects. Soldiers extorted money from those civilians who could not or would not perform forced labour duties. The military also confiscated more land from civilians, and began forcing them to grow crops on what had previously been their own fields. Moreover the military took all the harvested crops for themselves, leaving very little or no food for the civilians. Troops also lived off the civilian populace in other ways, including by stealing their livestock, possessions and money. The central government's policy of self-sufficiency for troops in the field has meant that soldiers have had to steal what they can from villagers.

Professor Paulo Sergio Pinheiro, the UN Special Rapporteur for Myanmar, has regarded economic, social, and cultural rights a central part of his mandate. In a recent report, he stated: "*With respect to economic and social rights, there are areas of concern which could be addressed by the Government, economists, political parties and other players, with assistance and advice from the United Nations, international agencies and neighbouring States, thereby paving the way for the integration of Myanmar into international financial and economic structures.*"<sup>13</sup> In the same report he expressed concern that "...*Civilians in those areas have reportedly witnessed widespread violations of economic, social and cultural rights, including the deprivation of means of livelihood through land and crop confiscation, the destruction of houses, excessive taxation and extortion.*"<sup>14</sup>

Much but not all of these violations of the rural population's human rights, particularly unpaid forced labour, have taken place in the context of counter-insurgency activities by the *tatmadaw*, or the Myanmar armed forces. After independence from Great Britain in 1948, many armed opposition groups, comprised primarily of ethnic minorities, took up arms against the central *Bama*-dominated government. Some of these groups, most notably the Karen National Union (KNU)<sup>15</sup> in some parts of the Kayin State and Tanintharyi Division, and the Shan State Army-South (SSA-South) in the Shan State continue to engage the *tatmadaw* militarily. Shan and Karen civilians living in areas where the SSA-South and the KNU continue to operate are at risk of reprisals and collective punishment by the military if they cannot or will not perform forced labour duties. Such retaliation includes extortion of

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<sup>13</sup> Commission on Human Rights, Sixty-first session, Item 9 of the provisional agenda, E/CN.4/2005/36, Question of the violations of human rights and fundamental freedoms in any part of the world, Situation of human rights in Myanmar, Report of the Special Rapporteur, Paulo Sergio Pinheiro.

<sup>14</sup> *Ibid*, page 13.

<sup>15</sup> Since December 2003 the KNU and the SPDC have participated in sporadic cease-fire talks; however to date no formal agreement has been reached amid widespread reports of continued human rights violations.

food and other possessions and threats of physical violence. Civilians taken for forced portering, the most arduous form of forced labour in Myanmar, are often beaten or even shot dead if they cannot keep up with the military column. In addition porters are not provided with adequate food, water, or rest and so often become weak and can no longer carry their loads.

In Southern Ye township, southern Mon State, civilians are also vulnerable to such violations at the hands of the *tatmadaw* in the context of their counter-insurgency campaign against a small but disruptive Mon armed opposition group. In June 1995 the New Mon State Party (NMSP) agreed a cease-fire with the then SLORC, the provisions of which allowed NMSP troops to retain their arms in small “cease-fire” areas. Shortly before this cease-fire was agreed, thousands of Mon refugees in Thai camps near the border were forcibly returned to Myanmar by the Ninth Infantry Division of the Royal Thai Army, in the absence of international monitoring. Many of these returnees continue to live in cease-fire areas, with no land or means to earn a living. Some disaffected NMSP members subsequently broke away from the NMSP, forming the Hongsawatoi Restoration Party (HRP) in November 2001, led by former NMSP Colonel Nai Pan Nyunt. Its armed wing, the Monland Restoration Army (MRA) fields very few troops and engages in skirmishes with the *tatmadaw* in some townships of southern Ye township and in small areas of Tanintharyi Division further south.

In the material which follows, Amnesty International outlines its concerns with regards to violations of economic and social rights by the SPDC, including forced labour and forcible relocation, confiscation of food and other personal possessions, restrictions on freedom of movement, land confiscation and house destruction. Many of these widespread violations are the result of the large increase in militarization of rural areas since 1989, caused by the *tatmadaw*'s rapid expansion both numerically and geographically. The information below is primarily based on interviews with migrant workers but also reflects patterns which have become established since the then SLORC reasserted military control of the country in September 1988. It is followed by a series of recommendations which Amnesty International provides to the SPDC which could, if implemented, go some way in improving the human rights situation in Myanmar.

## II. FORCED LABOUR

### ***Introduction and background***

*“Are you kidding? Not even a cup of water is provided!”*, a 58-year old Mon village headman from southern Ye township, when asked by Amnesty International if villagers were ever paid by the military for forced labour

Amnesty International considers forced labour by the Myanmar army to constitute a grave violation of human rights, involving work extracted under threat of penalty (ILO Convention No. 29, Article 2(1)). As noted above, if civilians cannot or will not perform forced labour, they run the risk of reprisals and collective punishment at the hands of the military. The

economic and social impact of the deprivation of the right not to be taken for forced labour duties includes separation from their families and often results in the inability to earn a living. These factors have caused hundreds of thousands of ethnic minority civilians to leave their homes for work in Thailand, or to live in one of Thailand's refugee camps.

At the same time, Amnesty International believes that forced labour in Myanmar constitutes the arbitrary detention of civilians. Civilians generally have no choice in the matter, although if they have enough money they can sometimes pay bribes in order to evade having to perform forced labour duties. In addition if they refuse to comply with the military's demands for forced labour, particularly forced portering, it is highly likely that they will be punished, which often takes the form of severe beatings.

As has been reported by Amnesty International and many other organizations, the security forces continue to take thousands of civilians for forced labour duties in Myanmar, especially in ethnic minority states. Forced labour, whether paid or unpaid, is in contravention of International Labour Organization (ILO) Convention concerning Forced or Compulsory Labour (No. 29) to which the Myanmar Government acceded in 1955. It also contravenes the right, enshrined in the UDHR, to work, to free choice of employment, and to just and favourable conditions of work.<sup>16</sup> For many years the ILO has raised its concerns with the Myanmar Government about this practice. In 1999 and 2000 the SPDC issued two orders which outlawed the practice of forced labour of civilians by both civilian and military authorities, making it a punishable offence. However, in spite of these prohibitions, the security forces continue to take ethnic minority civilians for forced labour duties on a regular basis.

From 21 to 23 February 2005 in accordance with the ILO Governing Body's recommendations, the ILO dispatched a very High Level Team (vHLT) to Myanmar in order to examine the SPDC's compliance with ILO Convention No 29 and with its own regulations against forced labour. The vHLT reported its findings to the March 2005 Governing Body about its trip to Myanmar, during which the SPDC Chairman Senior General Than Shwe was not available.<sup>17</sup> They had sought this meeting as a matter of urgent priority with the Senior General, as only he is believed to have the authority to ensure that the *tatmadaw* chain of command functions properly. In the vast majority of cases, civilians are seized for forced labour by the army in spite of its prohibition under both international and domestic law. In its report to the Governing Body the vHLT recommended *inter alia* that the SPDC issue direct orders to all its commanders forbidding the practice of forced labour by the military.

In its March 2005 meeting the ILO Governing Body invoked the resolution adopted in 2000 by the International Labour Conference (ILC), which called on all ILO members, including governments, employers, workers, and all international organizations to review their relations

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<sup>16</sup> Article 23 (3).

<sup>17</sup> International Labour Office Governing Body, 292<sup>nd</sup> Session, Geneva March 2005, GB.292/7/3. The vHLT cut their visit short by two days and left on 23 February rather than 25 February 2005.

with the SPDC to ensure that the SPDC “could not perpetuate or extend the system of forced or compulsory labour...” in Myanmar.<sup>18</sup> On 21 April 2005 the ILO Director General wrote to all these parties asking them to ensure that their relations with the SPDC does not foster the use of forced labour in Myanmar.<sup>19</sup> On 4 June 2005 in Geneva the ILC considered Myanmar and concluded that “the extent of forced labour had not significantly changed in most areas including ethnic areas, and its worst forms – including forced labour for the army and forced recruitment of child soldiers continued”.<sup>20</sup> Moreover, Order 1/99 and Order Supplementing Order 1/99, which provides for judicial punishment for civilian and military officials found responsible for forced labour, is “not effectively implemented”, according to the ILO.

### **Forced portering**

Ethnic minority civilians living in counter-insurgency areas continue to be taken as porters for the army, although the practice has decreased since ceasefires were agreed. The most difficult and egregious form of forced labour in Myanmar is forced portering, when the *tatmadaw*, or Myanmar army, forces civilians to carry heavy loads for several days or weeks at a time. Since ceasefires with armed opposition groups have been agreed, the use of forced portering has significantly decreased. It should be noted at the outset however, that forced labour on infrastructure construction projects has dramatically increased since the rapid expansion of the *tatmadaw* to all areas of Myanmar. As the army began to occupy most of the country, its troops forced ethnic minority civilians into forced labour duties on motor and railroads; building barracks and other military installations and working on military farms, which had been confiscated from the very civilians who once farmed that land. Forced labour still occurs on a regular basis in counter-insurgency areas, which include the southeastern Shan State; and areas of the Mon and Kayin States; and parts of Tanintharyi Division. Remnants of armed opposition groups operate in all these regions, which have subsequently become counter-insurgency areas with an increased *tatmadaw* presence.

A 24 year old *Bama* Buddhist man who worked six days per week in a rock quarry in Kya-ein-sei-kyi township, Kayin State, and one day per week in forced labour duties making charcoal for the military to sell, told Amnesty International that he was required to perform forced portering in March 2004. He was taken by *tatmadaw* Division 45, and forced to carry rice and other supplies weighing 35 kilos. He was with 13 other village men, who were all forced to walk to Kyeikdone, near Three Pagodas Pass on the Thai-Myanmar border with no rest during the day or night. After three days he managed to escape with some others to Thailand, and although he was not beaten, he found it extremely difficult to carry such a heavy load with no rest and very little food. A 25-year-old Karen woman from Myawaddy township, Kayin State, told Amnesty International that her husband had to porter for the military in April 2004. He also escaped after a few days and fled to Thailand. Neither of

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<sup>18</sup> International Labour Office, Governing Body, GB.292/7/1, 292<sup>nd</sup> session, Geneva March 2005.

<sup>19</sup> International Labour Office, 93<sup>rd</sup> Session, Geneva, June 2005, Committee on the Application of Standards, C. App./D.6.

<sup>20</sup> footnote conclusion which should be on ILO website by 20 June 2005.

these townships in the Kayin State are areas of intense counter-insurgency activities by the *tatmadaw*.

A 35-year-old Shan rice farmer who had been relocated from Kunhing township to Nam Kham relocation site, told Amnesty International that he had been taken as a porter in January 2004. He was camping at his old village in order to grow rice when the *tatmadaw* seized him, forcing him to carry food and equipment to another village. He was tied with his hands behind his back and pulled by a rope, and when he could not move quickly enough soldiers hit and kicked him around the waist. In addition to portering, he also had to perform on a regular basis other forced labour tasks, including clearing the road and breaking rocks every five to 10 days, for two to five days at a time. He was never paid for any of this work, but he and his fellow villagers were told by their community leader in June 2003 that the practice was illegal in Myanmar.

### ***Forced labour involving women and children***

Both women and children are routinely subjected to forced labour at the hands of the *tatmadaw*. Parents normally spend most of their time earning a living for their families, which often means that only children are available for such duties. The impact of forced labour on women and children is especially acute. CEDAW, to which Myanmar is a state party, provides for the health and safety of women, and the CRC, to which Myanmar is also a state party, provides for the protection of children, including girls. Several young Mon girls living in counter-insurgency areas told Amnesty International that good-looking young women and girls were regularly harassed by SPDC troops. A 13-year-old Mon girl from southern Ye township reported that SPDC soldiers “harm” young girls, and that they seize them and force them to provide massage and other services at their barracks. She said that her parents were so worried about her that they sent her to relatives on the Thai-Myanmar border for security reasons. A 17-year-old Mon girl from Yebyu township, Tanintharyi Division told Amnesty International that “*soldiers intentionally select young single women*” for forced labour duties, and that she herself had been forced to do so since she was 13 years old. She said further that Myanmar soldiers sometimes use festivals as opportunities to “*abuse women, sometimes rape but I don’t want to say more*”.

A 17-year-old Mon girl from a counter-insurgency area in Yebyu township, Tanintharyi Division told Amnesty International that she was forced to help build a road since she was five years old. She had to perform these duties three to four times per month, for two to three days each time. She described the situation in her village: “*Forced labour has increased in my village. How can I say it’s decreased when even a little girl like me has to go? The soldiers intentionally select young single women. Every villager has to do military training for militias. If they do something wrong they beat the men and touch the women.*” She also reported that the militia fees charged by the *tatmadaw* were very high and as a result most of the able-bodied men in her village had left for Thailand to find employment.

A 58 year-old Mon headman from Southern Ye township, an area of counter-insurgency, described an unusual type of forced labour by the military in southern Ye township, which

was echoed by several other men from the area.<sup>21</sup> He explained that each village headman, including himself, was forced to purchase one bottle of Johnny Walker red label whiskey for the military for their “parties”. Like his fellow headmen he was forced to procure good-looking single young women to sing and to serve senior military leaders. He was forced to procure alcohol and young women on a weekly basis until he fled from his home in January 2004. He reported that the village headmen were sent back from these parties at 2am but the girls were forced to remain with the officers. The young women returned home later, but did not report what had happened to them.

Another Mon farmer who was a 28-year-old village secretary also from Kha Za village tract, southern Ye township, was similarly forced to organize and participate in “forced partying” by SPDC Southeast Military Command, Unit 3. He explained to Amnesty International that he was ordered by SPDC troops to dance and clown in front of them. He was also made to collect money from fellow villagers to buy foreign whiskey for the *tatmadaw*; to build them a house on the beach; and to provide young women to serve and entertain them. Moreover he was ordered by SPDC troops to gather one person per household from his village to repair a local motor road every 10 days. Finally, he said that he had to reserve five people per day on a standby basis to guard the village and the military camp.

According to widespread and reliable reports, these human rights violations committed by the *tatmadaw* against Mon women and children continue. Amnesty International is concerned by the army’s ongoing violations of the rights of women and children in counter-insurgency areas, particularly those which amount to violence against them at the hands of troops in the field.

### ***Forced labour on infrastructure projects***

Ethnic minority civilians are forced to work on a variety of infrastructure projects, including roads, bridges, and railways. Construction and maintenance of roads is by far the most common form of forced labour. Civilians often must maintain these roads on a regular basis after their completion, which can include rebuilding the entire road which is often destroyed during the rainy season. Civilians are also required to build military barracks and cultivate land which the military has confiscated from them for its own use. However forced labour on infrastructure projects is generally less arduous than forced portering, as it does not entail travel or *de facto* detention by the *tatmadaw*. Ethnic minority civilians are usually able to return home after a day’s forced labour, although they in fact receive no pay, food, or water, and must normally bring their own tools. Sometimes however if the job takes longer than one day, the villagers must stay by the side of the road until the work is finished.

Forced labour was particularly prevalent in areas of heightened counter-insurgency activity, such as southern Ye township, as described above. In southeastern Shan State the SSA-South reportedly commands hundreds of troops, resulting in the *tatmadaw*’s frequent patrols in the area. A 35 year old Shan rice farmer from Nam Kham relocation site, Kunhing township, had

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<sup>21</sup> Village headmen and women are typically responsible for collecting villagers for routine unpaid forced labour duties.

to perform forced labour duties until he left in June 2004. He had to go to clear the road once every two to 10 days, depending on how many villagers the *tatmadaw* could find. He was forced to work for a period from two to five days at a time, clearing the road and splitting rocks on the Kunhing to Kengtung. In all he was forced to perform labour duties for over 10 days per month.

A Shan farmer from Puan Pang village tract, Kunhing township, had to perform forced labour duties “*many times*” for the army, the last time in early April 2004. He had to clear a military compound, a common forced labour task, and perform other duties, at least eight times per month. He explained what he had to do: “*This is a hardship – sometimes I had to tend my rice fields and the order came and I had to go. Also I had to clear the side of the road, and grow flowers for them...I can remember it increasing beginning three years ago. I know it is illegal – I know this from the headman, who called a meeting and told us. But only two months after that it all started again. This was about three years ago.*”

Another Shan farmer from Laikha township was forced to drive his small tractor several times for the *tatmadaw*. In January 2004 when he was driving his tractor for the army, it broke down, and soldiers accused him of not wanting to work for them. He told Amnesty International what happened: “*They kicked me off of my tractor. I fell down – my arm was outstretched on the ground – and a soldier jumped on my arm and broke it. Then they just left me lying there...it took about two months to heal – I used traditional herbal medicine but it still hurts when I use my arm a lot.*” When interviewed he was picking onions and chilis for 100 baht per day in Thailand in order to support his wife and 10 day old daughter.

A 58 year-old Mon headman from Southern Ye township, an area of counter-insurgency, was forced by the military to organize repair of the motor road from Kha Za to Kyaungkangyi. He reported that this responsibility meant that he had to obtain one labourer per household for five days at a time every month until he fled from his village in January 2004. He was aware that the SPDC had abolished forced labour in law, but stated that the army continued to use it. He also stated that it had been increasing since December 2003. He explained further that because of the self-reliance policy imposed by the central SPDC authorities on troops in the field, they found ways to “make money off the people” by forcing them to cut firewood and make roof thatch for them.

A 32 year old Mon headman from Kha Za village tract, southern Ye township, was forced by Light Infantry Battalions (LIB) 273 and 282<sup>22</sup> to obtain labourers to construct the motor road from Ye town to Dawei town, Tanintharyi Division. As is the case with most village heads, he himself did not have to perform labour, but was forced to procure one worker per household. He was forced to organize this work on the Ye – Dawei road every day on a continual basis from October 2003 until March 2004, when he fled from his village with his family. Another headman from Khaw Za village tract, southern Ye township, also was forced

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<sup>22</sup> Battalions 282 and 273 were reportedly established to guard the Yadana natural gas pipeline in Tanintharyi Division, operated by Petronas and Total Oil companies. When troops from these battalions are rotated out of the pipeline area, they often commit human rights violations with impunity, including forced labour.

by the *tatmadaw* to provide workers for the Kha Za to Kyaungkangyi road every five days. He told Amnesty International that since December 2003 forced labour had increased in his area because of extensive bridge and road building and maintenance. He claimed that 60% of the men in Southern Ye township had left to seek economic opportunities in Thailand, further increasing the pressure on women, children, and the elderly.

Forced labour also occurs, although to a much lesser degree, in areas which are now peaceful. A 42-year-old Christian Karen woman from The Yi Bu village tract, Hlaingbwe township, Kayin State, explained that her son was required to perform forced labour duties six times per month until his departure to Thailand in March 2004. He was forced to renovate the road between Hpa'an, capital of Kayin State, and Myainggying. An 18-year-old Karen Muslim woman who worked with her husband as a day labourer in the Kayin State was forced to upgrade a motor road in April 2004 for seven days in a row; she reported that she had to do forced labour at least three times per month, sometimes working in a military plantation.

A 25 year old Buddhist Karen woman from Myawaddy, Hpa'an township, explained that there was frequent forced labour by both the Democratic Kayin Buddhist Army (DKBA, an armed group who split from the KNU in 1994 and allied themselves with the SPDC) and the SPDC. Her husband was forced to porter for the *tatmadaw* in April 2004 and escaped to Thailand because he was afraid of stepping on a landmine. His wife said that she was forced to work seven days continually for no pay carrying sand and wood to build a military barracks in another village.

### ***The impact of forced labour on the civilian population***

The continuing practice of forced labour in Myanmar has several impacts on the civilian population, including the deprivation of the right to work, the right to free choice of employment, and the right to an adequate standard of living. Moreover, the practice has had extremely detrimental effects on women and children who are forced to perform forced labour. As seen above, girls as young as five years old have been made to perform forced labour duties, and women have been forced to serve and otherwise entertain troops against their will.

Amnesty International is concerned that forced labour, including forced portering, continues in many parts of Myanmar and calls on the SPDC to ensure that the military do not take people for forced labour duties. To this end, the SPDC should enforce Order No 1/99 and Order Supplementing 1/99, which makes the practice illegal and provides for punishments for both military and civilian officials found responsible. Although several people have made complaints against the military about forced labour, they often face reprisals from the authorities, including by being arrested and sentenced to terms of imprisonment. According to reports, some civilian SPDC officials have been sentenced under the provisions of Order No 1/99 and Order Supplementing 1/99, but it is not known if any members of the military found responsible for forced labour have been brought to justice.

### III. REQUISITIONING OF FOOD, MONEY AND OTHER POSSESSIONS

*“The army are like robbers, or a gang. They do what they like to the civilians”*, a 22-year-old rice farmer from Kya-in-seik-gyi township, Kayin State.

In the field the *tatmadaw* effectively lives off villagers by stealing their rice, livestock, other crops, household possessions, money, and jewellery. This pattern of abuse decreased for several years since the 16 cease-fires were agreed between ethnic minority armed opposition groups and the then SLORC. During 1996 the practice again increased significantly after the SLORC/SPDC instituted the self-sufficiency policy for troops in the field, which led to them taking more food, money and other property from farmers and fisher folk, both in relatively peaceful areas and in areas of counter-insurgency. As the army has more than doubled its size since 1988<sup>23</sup> and extended its reach to cover most of the countryside in Myanmar, the rural population continues to have their rights to an adequate standard of living denied by the *tatmadaw*, through extortion, land confiscation, forced labour, and house destruction.

A relatively recent example of such practices is the case of a 38-year-old Muslim widow with three young children from Hpa'an township, Hpa'an village tract, Kayin State, who left her village because she had no money. A day labourer who only earned 200 – 300 kyat per day, her husband died six years ago of typhoid. She told Amnesty International that the *tatmadaw* came to her village twice per month, demanding money from all the villagers. She explained that just before she left for Thailand in June 2004 she was beaten up because she could not give 5,000 kyat to SPDC troops. She said to them, *“You can kill me, do whatever you like – I have no money.”* A soldier told her she talked too much and slapped her on the face five times and kicked her in the kidneys twice.

A 24 year old Karen day labourer from Nawbone village tract, Kyaukinseikyi township, Kayin State, also left his village because he could not earn enough money to survive. He said that *tatmadaw* troops came to his village regularly, demanding chickens or a pig, and that the headman then collected money to buy these items for them. He reported that the Karen Nation Union (KNU) also demanded rice, fish paste and whatever else they wanted, which villagers had to supply to them. The DKBA asked for food as well, but if the villagers could not help them, neither the KNU nor the DKBA punished them.

A 17-year-old *Bama* Muslim day labourer told Amnesty International that he left Mudon township, Mon State, in the Spring of 2004 because an unidentified *tatmadaw* unit stole his 10 cattle, leaving him deeply in debt. His cattle were being transported from Mudon and Thanbuzyat to Three Pagodas Pass, on the Thai-Myanmar border when the SPDC confiscated his cows, which were in a group of some 100 cattle, owned by seven people. After this theft he moved to Thailand to work and live with his parents.

A 37-year-old Karen farmer from Hpa'an township, Kayin State told Amnesty International that she left her home village with her family to seek work in Thailand because of difficulties

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<sup>23</sup> Page 165, *Burma's Armed Forces, Power Without Glory*, Andrew Selth, Eastbridge press, 2002.

in paying fees which both the SPDC and the DKBA demanded. She explained that they were forced to sell 20% of their rice harvest well below market rate to the local SPDC. In addition the DKBA collected 500,000 kyat<sup>24</sup> per month from her village of over 1,000 households. Fellow villagers were either selling off their land or using it for collateral. She said that these fees were a big hardship for them, resulting in them not having enough cash to purchase food.

Amnesty International is concerned by the adverse effects that confiscation of food and other possessions has had on the civilian population, particularly in counter-insurgency areas, and urges the SPDC to ensure that the *tatmadaw* does not arbitrarily confiscate possessions from them. These violations of economic rights deprive civilians of a means to make a living and feed their families.

#### IV. LAND CONFISCATION, FORCED EVICTION AND HOUSE DESTRUCTION

*“At one time we had cattle, pigs, lots of livestock. We had a lot of land. After the SPDC drove us away we lost everything and became poorer and poorer until we couldn’t stand living there anymore, so we had to leave”*, a 55-year-old Shan farmer from Laikha township describing the effects of the 1996 mass forcible relocation by the Myanmar army.

Forcible eviction<sup>25</sup> and relocation of ethnic minority civilians by the *tatmadaw*, or Myanmar army, took place on a massive scale in 1996 when hundreds of thousands of them were forced off their land and their houses in the Shan, Kayah, and Kayin States. The effects of the loss of their homes, land, and livelihoods continues to be felt and has caused tens of thousands of ethnic minority civilians to flee to Thailand. Without land to grow crops and graze livestock, villagers have no other means to produce food or earn money. The destruction of their houses meant that they also lost most of their personal possessions, including money.

Those who had fled from militarized areas in Myanmar were much more likely to have had their land confiscated by the Myanmar military. For example a 37 year-old Mon woman had left her home in Pa Nga village, Pa Nga village tract, Thanbuzat township, Mon State, because the Myanmar military destroyed all of her 1,000 mature rubber trees in order to construct a barracks. She was currently working in a coconut oil factory in Thailand for 175 baht per day. In tears, she told Amnesty International:

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<sup>24</sup> The official rate of the kyat is 6 kyats to the US dollar; the unofficial market rate ranges from approximately 800 – 1,000 kyat to the dollar.

<sup>25</sup> In Myanmar forced eviction routinely occurs without notice, due process, and/or provision of alternative accommodation. In order for forced eviction to be legal under international law, the authorities must give adequate notice, follow due process and ensure alternative accommodation. Those forcibly evicted have the right to remedies, including restitution, rehabilitation, compensation, satisfaction, and guarantees of non-repetition. (Final report of the UN Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights. E/CN.4.2000/62, Annex, Principle VII.)

*“The military cut all my rubber plants. I felt so sad to see this. They said they would give compensation, but they didn’t...I really want to tell you, to spread the news...Not only my land, many acres were confiscated, some people are worse off than I am...”*

A 30 year old Mon man who had been living in Mawlaymine, capital of the Mon State, told Amnesty International that the SPDC confiscated all 15 acres of his land in 2003 because he could not meet the rice quota. He explained that he had only failed to pay the quota once because there had been floods on his land near Mottama, a peaceful area near Mawlaymine. The local police came to his house, confiscated his ownership papers, and then took him to the police station. He was held there without charge or trial for two months and forced to clean the police compound. He said that five other people were detained with him and that the SPDC had confiscated their farm land from all of them. He received no compensation for his land, and after his release he worked as a coolie at the docks in Mawlaymine.

House destruction by the Myanmar military occurs more frequently in counter-insurgency areas than in peaceful ones. A Mon headman from southern Ye township, Mon State, explained that five houses in his village were destroyed by *tatmadaw* Light Infantry Battalion 31 in early 2004 because of the owners’ connections to the Hongsawatoi Party. The headman said further that the military took all their possessions from the houses. They received no compensation, and were ordered out of their houses without written eviction orders. A 32 year old headman also from southern Ye township said his house was destroyed and his boat confiscated in February 2003 by Light Infantry Battalion 273 because of his alleged connections to the Hongsawatoi Party. His family was ordered out of the house, which was then burnt. He said that villagers were forced to give rice and cash to both the Myanmar military and the Hongsawatoi Party.

A 27-year-old Tavoyan woman from Thayetchaung township, Tanintharyi Division, said that farmland in nine villages, including hers, in her township were confiscated by *tatmadaw* Battalion 405 in May 2001. The land was reclassified as “cultivation land” and declared army property. The villagers received no compensation, and the aftermath of their losses continued to be felt in January 2004. She explained the plight of her aunt and uncle, whose betelnut and coconut farm was taken by the military. She said: *“My uncle and aunt were born and raised there – everything is upside down. People’s properties and livelihoods are destroyed. They are so stressed, they have become like homeless beggars on the road. I am so angry about what the military is doing to our village.”* She said the loss of land was compounded by the fact that civilians from all nine villages in Thayetchaung township were forced to work on the confiscated land, including herself. These villagers have been deprived of the right to housing; right to work; right to a decent standard of living; and in addition were subjected to forced labour.

An 18-year-old Muslim Karen woman from Hpa’an township Kayin State, said that 20 houses near the mosque in her village, including hers, were destroyed in April 2004. The Muslim community there built a new mosque, and local Muslim leaders asked the local SPDC if they could invite other Muslim leaders to visit the mosque, but were denied permission. The mosque was also destroyed after soldiers destroyed everything in it. She and her family lost everything, which was part of the reason they came to Thailand to find work.

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Amnesty International is concerned that land confiscation, forcible eviction, and house destruction adversely impacts on the civilian population, particularly in counter-insurgency areas. As is the case with requisitioning of personal possessions, these human rights violations compromise the right of civilians to earn a living for themselves and their families.

## V. RESTRICTIONS ON FREEDOM OF MOVEMENT

Freedom of movement is a fundamental human right, upon which other human rights are contingent. Article 13 of the Universal Declaration of Human Rights (UDHR) states: “Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including their own, and to return to their country.” Restrictions on the right to freedom of movement and the right to work may only be imposed if they are based on law, pursue a legitimate objective, such as protecting public order, and are strictly necessary.

The Rohingya minority in particular have been denied the right to freedom of movement. In May 2004 Amnesty International published a report detailing these human rights violations, which also include denial of citizenship, forced labour, extortion, land confiscation, forced eviction and house destruction. The Rohingyas are often not allowed to travel from their home village to another one without official permission, which greatly restricts their ability to make a living and obtain adequate health care.<sup>26</sup>

Amnesty International is also concerned by the official restrictions on freedom of movement for other ethnic minority civilians, particularly of the Mon in southern Ye township, Mon State, and the Shan in southeastern Shan State. As is the case with the Rohingyas in Northern Rakhine State, these restrictions have an extremely adverse impact on their ability to earn a living by farming and fishing. Moreover fees which the *tatmadaw* frequently charges to Mon and Shan civilians living in counter-insurgency areas further depleted their already meagre resources.

Farmers in Myanmar typically live in their home villages and travel outside them to tend their fields or to fish in local streams, which are often some distance from their villages. Sometimes they are completely forbidden from going to their land at all. For several decades in counter-insurgency areas, the Myanmar army has prevented ethnic minority civilians from leaving their villages, in the belief that they will meet members of armed opposition groups and provide them with intelligence about *tatmadaw* troop movements, and give them food and other supplies. Indeed, for many years villagers have expressed frustration at being caught between two armies and being forced to give food and information to both parties to the armed conflict.

Mon civilians who continued to be permitted by the *tatmadaw* to remain in their villages in southern Ye township were routinely required to obtain passes in order to fish or to farm their land. The army charged different rates for various passes, with the stipulation that the

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<sup>26</sup> See *Myanmar: The Rohingya Minority: Fundamental Rights Denied*, May 2004, AI Index ASA 16/005/2004.

civilians return to their homes by dusk, around 1800 hours. One Mon headman in the area said that his fellow villagers must obtain passes before leaving their village. If they did not return by 1800 hours, they were required to provide three kilos of chicken or hand over part of their catch of fish to local troops. He told Amnesty International that 40 villages in Kha Za, Hanan Kawhlaing and Ka Lok village tracts were affected by this policy.

Beginning in 1996 the *tatmadaw* began to evict Shan civilians from counter-insurgency areas of the Southeastern Shan State in an effort to break imputed links with the Shan State Army – South (SSA-South).<sup>27</sup> Over 300,000 civilians were subsequently forcibly relocated: some were herded into relocation sites; others hid in the jungle; and still others fled to Thailand. Since that time some of them have returned to their original villages with or without *tatmadaw* permission; some have remained in hiding; and civilians from both these categories continue to arrive in Thailand. Some Shan refugees interviewed by Amnesty International in June 2004 had either clandestinely returned to their original villages or had received permission to return to live or to farm their land by local Myanmar army troops. Those in the latter category were often required to obtain verbal or written permission to leave their houses in order to work on their farms.

A 35-year-old Shan rice farmer from Puan Pang village tract, Kunhing township, an area of SSA-South activity, said that although they do not need passes, it is very difficult to farm because he and fellow villagers can only leave their houses at 0700 hours and must return by 1500 hours. Before he left for Thailand, he was working on his farm and grazing his buffalo on a nearby field. Because he could not find his buffalo, he was two hours late returning home, when *tatmadaw* guards from Unit 246 confronted him, and proceeded to beat and kick him for being two hours late. In addition he had to perform forced labour duties eight times per month for two days at a time. This pattern of violations is typical of Shan and Mon villagers in counter-insurgency areas who cannot make a living, due to a combination of factors, including crop confiscation, forced labour, and inability to move freely to their farms.

Amnesty International is concerned that arbitrary restrictions on freedom of movement of the civilian population, often accompanied by fees charged by the *tatmadaw*, compromise their ability to earn a living and provide for their families. The deprivation of the right to freedom of movement results in the loss of other human rights, including the right to an adequate standard of living and the right to adequate health care.

## VI. CONCLUSION AND RECOMMENDATIONS

Amnesty International is concerned that civilians, particularly ethnic minorities living in counter-insurgency areas, are routinely deprived of their economic and social rights by the Myanmar authorities. Such policies as the “self-reliance” program for the *tatmadaw* means in practice that troops in the field effectively live off the villagers, by taking them for forced

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<sup>27</sup> The SSA-South was formed in 1996 from remnants of the Mong Tai Army (MTA) after its leader Khun Sa, surrendered to the SPDC.

labour, depriving them of their land, crops, and personal possessions. Restrictions on freedom of movement further compromise their ability to earn a living.

Amnesty International makes the following recommendations to the State Peace and Development Council (SPDC), which, if implemented would improve the human rights situation in Myanmar:

1. Ratify the International Covenant on Economic, Social and Cultural Rights.
2. Instruct troops not to requisition personal property from civilians without taking into account their needs.
3. Properly enforce Order 1/99 and Order Supplementing 1/99, which makes the practice of forced labour of civilians by both civilian and military officials illegal.
4. Take urgent steps to prevent girls, women and children from violence in accordance with its obligations under the Convention on the Elimination of All forms of Discrimination against Women and Convention on the Rights of the Child.
5. Do not evict civilians from their homes or property without due process, warning, restitution, and provision of alternative accommodation.