

Physicians for Human Rights



# **Bitter Wounds and Lost Dreams: Human Rights Under Assault in Karen State, Burma**

August 2012

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## ABOUT PHYSICIANS FOR HUMAN RIGHTS

Physicians for Human Rights (PHR) uses medicine and science to investigate and expose human rights violations. We work to prevent rights abuses by seeking justice and holding offenders accountable.

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PHR shared  
the 1997  
Nobel Peace Prize

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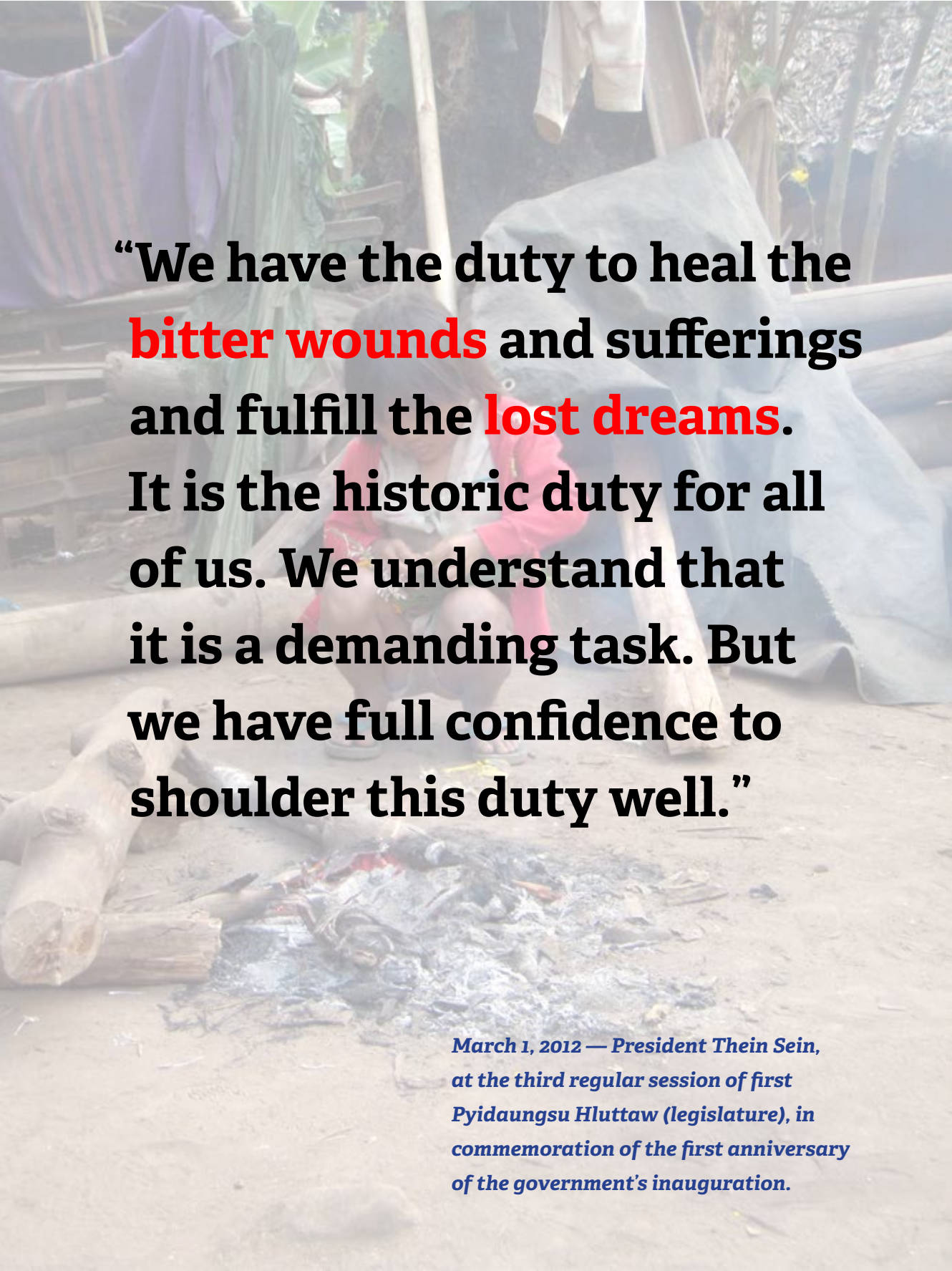
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Cover Photo: A Karen woman weaves a new roof out of palm fronds. Her house in the background, starting to be rebuilt, was burned down by the Burma Army in 2010. Photo: William Davis, PHR.

Facing: A child makes a bouquet of wildflowers in front of her home in eastern Karen State. Photo: William Davis, PHR.

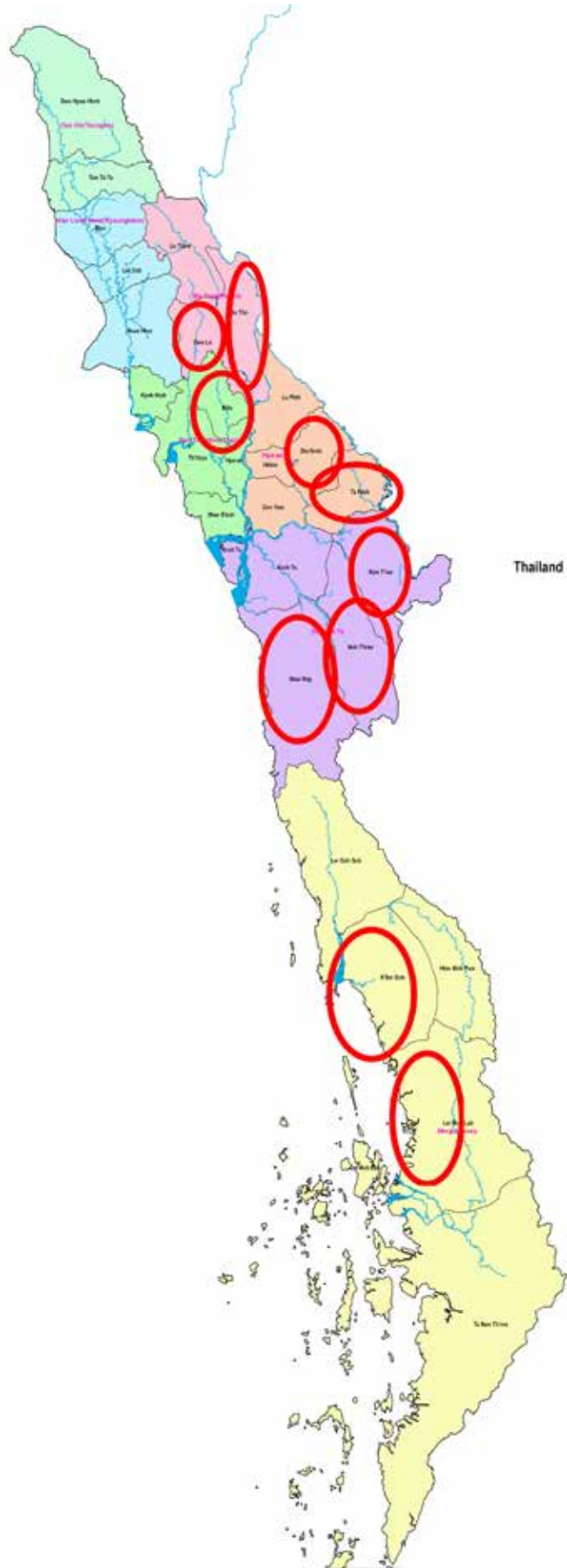
A woman in a red shirt is crouching in a makeshift shelter made of wooden poles and fabric. In the foreground, there is a fire burning on the ground, surrounded by logs and debris. The background shows more of the shelter and some trees.

**“We have the duty to heal the **bitter wounds** and sufferings and fulfill the **lost dreams**. It is the historic duty for all of us. We understand that it is a demanding task. But we have full confidence to shoulder this duty well.”**

*March 1, 2012 — President Thein Sein, at the third regular session of first Pyidaungsu Hluttaw (legislature), in commemoration of the first anniversary of the government's inauguration.*



## Karen State, showing townships sampled by surveyors



## **Acknowledgments**

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## Foreword

As I write these words, Central America is celebrating the 25th anniversary of the Peace Accords that ended years of violence and unrest in our countries and ushered in a new era of progress. However, as we take stock of the road we have traveled in our own region, our gaze turns outward, toward the many corners of the globe where conflict and repression continue to hold sway. We hope that the light of negotiation, democracy, and human development that made a difference for our part of the world will illuminate those places that remain in darkness.

Until very recently, Burma was certainly one such place. That is why I, along with millions of others around the globe, have rejoiced so deeply upon seeing signs of change from the Government of Burma during the past few years. Political prisoners who languished behind bars are now released. Civil society can now operate with fewer restrictions. Countries around the world have responded to these changes with eager praise and the lifting of sanctions. This excitement is understandable, given that Burma was long recognized as a pariah state and is now inching toward greater openness. But other urgent steps must be taken by the government if a lasting peace is to be secured.

One of the lessons of Central America's experience is that no lasting peace exists without the democratization of our countries. That was the leitmotiv of our Peace Accords, and it must be for Burma as well. After so many years of military dictatorship, real freedom cannot be secured through one group's decision to lessen restrictions. It can only be obtained through the painstaking work of establishing and strengthening democratic institutions. That must be the priority in Burma, and of all those nations that seek to help the country progress.

This report includes the kind of scrutiny and monitoring that will be essential to this process, particularly regarding those who have not reaped the benefits of the positive changes Burma has experienced – and who, in fact, have been marginalized by the central government for decades. Ethnic minority groups in rural Burma have long faced violence from Burma's military. In Karen State, where local insurgents have fought the Burmese military in what is considered the world's longest running civil war, communities have been routinely devastated by violence. Local human rights investigators have documented numerous cases of forced labor, displacement, killings, extortion, and acts of sexual violence perpetrated against Karen communities.

As groups in Karen State move closer to a ceasefire agreement with the Burmese military, the need for accurate information about human rights violations remains important. Physicians for Human Rights (PHR) and partner groups conducted a household survey in areas where Burma's military has had a significant presence over the last few decades of conflict in Karen State, and where health care is often difficult or impossible to access. The quantitative data collected through this survey casts a light on stories from Karen communities – voices that are too often left out of political decisions.



The investigation of human rights violations and humanitarian concerns in Karen State or in the rest of Burma should not end with this report. In order to prevent human rights violations in the future, the country of Burma needs to investigate current abuses, hold perpetrators accountable, and, above all, address crimes of the past in a manner that will lead to a peaceful future. As the international community shifts its policies toward Burma, we must not forget the voices and experiences of Karen communities and other ethnic minority groups. Rather, we should hold up the stories of those groups as a guidepost to evaluate the true measure of reform in Burma. After all, the collection and exchange of information, the real assessment of problems and progress, and the inclusion of viewpoints that have not been heard are all hallmarks of the democratic process. Carrying out such efforts is one of the most important ways that the global community can support countries taking their first steps toward democratic stability.

In the end, profound change must come from Burma itself. International support for Burma and investment in its growth will be essential in the coming years if the country is to make real progress. However, as we have seen time and time again throughout history, respect for human rights, human security, and the rule of law cannot be imposed from outside. Only by choosing these values for themselves can leaders in Burma effect real change. And only by creating the democratic structure that protects these fundamental rights can Burma create the climate of trust and confidence needed for investment and economic growth. In Central America, achieving that kind of stability was up to us, and in the case of Burma the same will be true. It is not an easy road, but it can lead the extraordinary people of Burma toward the country they deserve: a country that prioritizes human rights protection and political participation, and gives a voice to all.

***Óscar Arias Sánchez, PhD***

***Nobel Peace Prize Laureate, 1987***

***President of Costa Rica (1986-1990 and 2006-2010)***

***Founder, Arias Foundation for Peace and Human Progress***

## Abbreviations

AAAQ	Accessibility, Affordability, Availability, Quality
ASEAN	Association of Southeast Asian Nations
AFPFL	Anti-Fascist People's Freedom League
BPHWT	Backpack Health Worker Team
BGF	Border Guard Force
BIA	Burmese Independence Army
BNA	Burmese National Army
CIDKP	Committee for Internally Displaced Karen People
COI	Commission of Inquiry
CPB	Communist Party of Burma
DKBA	Democratic Karen Buddhist Army
EITI	Extractive Industries Transparency Initiative
ESCR	Economic, Social, and Cultural Rights
FANTA-2	Food and Nutrition Technical Assistance
HHS	Household Hunger Scale
HRV	Human Rights Violation
ILO	International Labor Organization
KCO	Karen Central Organization
KNA	Karen National Association
KNU	Karen National Union
KDHW	Karen Department of Health and Welfare
KHRG	Karen Human Rights Group
KNDO	Karen National Defense Organization
KNLA	Karen National Liberation Army
KYO	Karen Youth Organization
MOH	Ministry of Health
MUAC	Middle Upper Arm Circumference
NLD	National League for Democracy
NSAG	Non-State Armed Group
PHR	Physicians for Human Rights
PRP	People's Revolutionary Party
SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
TBBC	Thailand Burma Border Consortium
USDP	Union Solidarity Development Party

# Executive summary

## **On Burma/Myanmar nomenclature:**

*In the wake of the violence of the 1988 student uprising in Burma, the military regime that seized power in a coup changed the country's name to Myanmar and the name of the then-capital from Rangoon to Yangon. Pro-democracy groups such as the National League for Democracy and ethnic minority groups did not recognize the name changes. In support of these groups, the US, UK, Australian, Canadian, and other governments continue to recognize the country as Burma. In this report, PHR uses the names "Burma" and "Rangoon" for the same reason.*

Over the last two years the Burmese government made several changes to bring the country closer to a democracy, including holding elections, releasing political prisoners, and negotiating ceasefires with ethnic armies. The effects of these initiatives, however, have yet to reach people in Karen State in eastern Burma or other minority ethnic groups in the country's border areas. PHR documented abuses that occurred between January 2011 and January 2012 in eight townships in Karen State and in two townships in Tenasserim Division that were populated mostly by Karen people. PHR's research shows that during 2011, as citizens in Rangoon experienced new freedoms, nearly one third of the families we surveyed in Karen State reported human rights violations. Notably, some violations were up to eight times higher in areas occupied by the Burmese army than in areas contested by the Burmese army and insurgent groups. The data suggest that ceasefires do not in themselves end human rights violations for some ethnic minorities, and that the Burmese government must do more to guarantee their human rights.

Human rights abuses in Burma can occur in wartime and peacetime alike. The Burmese army fought Karen insurgents for over 60 years, and their counterinsurgency policies included shelling villages, extrajudicial killings, forced relocations, and other direct assaults on civilians. Similar violations are ongoing in Kachin and northern Shan States, where the Burmese army has been aggressively fighting the Kachin Independence Army since June 2011. Today, the situation in Karen State is different. Though the Burmese army fought skirmishes through 2011 and 2012, they did not engage in major offensives in that state. They did, however, maintain a heavy troop presence in Karen State — an estimated 38 infantry battalions stationed at 200 outposts across the state. Civilians also suffer in these occupied and militarized areas; though there is no fighting, the Burmese army restricts their movements and forces them to provide troops with food and labor.

Economic development projects, such as hydroelectric dams, mines, pipelines and industrial areas, are also linked to human rights abuses. Ethnic minority people tend to live in mountainous regions at the periphery of the country that are also rich in natural resources. Scores of development projects have begun in these areas in the last decade. Development projects are implemented by Burmese and foreign companies in partnership with the military, which provides security. Rights groups accuse the Burmese army of subjecting civilians to forced relocations, forced labor, and intimidation as a result of these projects. PHR questioned people living near one such project, the Dawei deep sea port and special economic zone. Civilians living there reported experiencing forced labor, blocked access to their land, and restrictions on their movement at rates two to eight times higher than in other areas surveyed. The Burmese government is promoting economic development projects as part of ceasefire deals in ethnic minority areas. These projects have the potential to provide jobs and create infrastructure, but they should be implemented with protections for civilians' rights.

The people of Karen State have endured systemic violence at the hands of the military for decades. The US State Department Country Human Rights Reports and documentation from local

human rights groups from the past several years show a high incidence of grave human rights violations including forced labor, forced displacement, arbitrary arrest, torture, acts of sexual violence, killings, and other crimes. This report does not describe the whole history of violence and abuse in Karen State; rather, the information included in this report represents a snapshot of one recent period on Karen State's multidecade trajectory of violence. Some basic conclusions can be drawn from the following report:

- Human rights violations remain serious problems in Karen State despite political reforms initiated by the central government.
- Given the prevalence of human rights violations in areas where there is no active armed conflict, a ceasefire agreement between fighting parties will not necessarily lead to an end of abuses against civilians.
- Economic development and related investment are linked with increased human rights violations, and policies and regulations should be carefully crafted by all parties involved to ensure that development projects harm neither individuals nor communities.
- Systemic reforms that include accountability for perpetrators of human rights violations, full political participation by ethnic minorities, and access to basic services including health care are necessary to support a successful transition to a peaceful democracy.

Reports of ongoing human rights violations, despite some reforms from the central government, make research in Karen State especially timely. Voices of civilians from Karen State are too often muffled by the international community's praise for the government's recent changes. Information about the ongoing abuses in Karen State, especially in areas where there is no active armed conflict, and about the urgent humanitarian needs should inform any policy shifts on the part of international actors. Sanctions are key tools through which the international community can press for further change in Burma, and decisions about easing or reinstating sanctions or about altering general policies regarding Burma should reflect the country's human rights and humanitarian situations.

## **Methods**

The Institutional Review Board at Johns Hopkins University, the Ethical Review Board of Physicians for Human Rights, and a Karen community advisory team approved this study. Our research team trained 22 surveyors from five partner organizations to perform a multistage, 90-cluster sample household survey in areas of Karen State in January 2012. The survey instrument comprised a 93-question standardized form that was translated into two local languages. The survey questions covered human rights abuses, health indicators, food security, and access to health care from January 2011 to January 2012.

PHR surveyors approached 90 villages in Karen State; because of security reasons (i.e., the presence of Burmese army or Border Guard Force troops) they were not able to access 10 of the villages. Surveyors compensated for eight of these by surveying the next closest village, and they skipped two villages altogether. Out of 686 heads of households approached by the surveyors, 665 agreed to participate in the survey.

## **Findings**

Out of all 665 households surveyed, 30% reported a human rights violation. Forced labor was the most common human rights violation reported; 25% of households reported experiencing some form of forced labor in the past year, including being porters for the military, growing crops, and sweeping for landmines. Physical attacks were less common; about 1.3% of households reported kidnapping, torture, or sexual assault.

Human rights violations were significantly worse in the area surveyed in Tavoy, Tenasserim Division, which is completely controlled by the Burmese government and is also the site of the Dawei port and economic development project. Our research shows that more people who lived in Tavoy experienced human rights violations than people who lived elsewhere in our sampling area. Specifically, the odds of having a family member forced to be a porter were 4.4 times higher than for families living elsewhere. The same odds for having to do other forms of forced labor, including building roads and bridges, were 7.9 times higher; for being blocked from accessing land, 6.2 times higher; and for restricted movement, 7.4 times higher for families in Tavoy than for families living elsewhere. The research indicates a correlation between development projects and human rights violations, especially those relating to land and displacement.

PHR's research indicated that 17.4% of households in Karen State reported moderate or severe household hunger, according to the FANTA-2 Household Hunger Scale, a measure of food insecurity. We found that 3.7% of children under 5 were moderately or severely malnourished, and 9.8% were mildly malnourished, as determined by measurements of middle-upper arm circumference. PHR conducted the survey immediately following the rice harvest in Karen State, and the results may therefore reflect the lowest malnutrition rates of the year.

## Recommendations

### To the Government of Burma:

The Burmese government is currently in negotiations with the Karen National Union (KNU) to end hostilities in Karen State. Previous ceasefire agreements in the region have disintegrated, and any agreement that lacks a foundation in political participation or proper accountability mechanisms may fail in the future. Human rights violations persist in areas of economic development and of concentrated military presence, even without active armed conflict. Human rights abuses will not end with a ceasefire agreement, and continued documentation as well as the establishment of accountability for violators are necessary for reconciliation. Strong accountability mechanisms that operate in a transparent manner and have the support of local communities will chip away at the culture of impunity that reigns in Burma today. Comprehensive institutional reform, including reform of the judiciary and establishment of the rule of law, is necessary to move Karen State and other regions of Burma from conflict to a peaceful future. The Government of Burma should:

- Ensure that any ceasefire agreement with the Karen National Union involves political reforms and efforts at reconciliation in addition to an end to outright hostilities.
- Create robust accountability mechanisms to hold all parties responsible for the terms of the ceasefire.
- Thoroughly investigate allegations of human rights abuse and establish broad accountability mechanisms to hold human rights violators accountable whether or not ceasefire agreements are made.
- Restructure the National Human Rights Commission so that it is capable of conducting impartial investigations of alleged human rights violations.
- Remove provisions in the Constitution that provide amnesty for government and military officials responsible for human rights violations.
- Grant international humanitarian and human rights groups full access to Karen State to facilitate delivery of essential services and documentation of human rights violations.
- Invite the UN office of the High Commissioner for Human Rights to establish a field office in Burma.

### **To the Karen National Union:**

- Ensure that any ceasefire agreement with the Burmese government involves political reforms and efforts at reconciliation in addition to an end to outright hostilities.
- Create robust accountability mechanisms to hold all parties responsible for the terms of the ceasefire.
- Ensure that protections for civilians from human rights abuses are an integral part of ceasefire negotiations.

### **To the international donor community:**

The recent reforms in Burma have created greater opportunities for international donors to fund civil society organizations within Burma. Because of limited resources, some donors have shifted their focus from Burma's border regions to the interior of the country, leaving those organizations on Burma's borders with little funding for their work. Groups along the Thai/Burma border, such as the Mae Tao Clinic, the Backpack Community Health Worker Team, and the Karen Department of Health and Welfare provide essential health care services to people in Karen State and those who cross into Thailand — people who have little or no other access to medical treatment. International donors should continue to support the essential work of local health professionals. The increase in international agencies operating within Burma can benefit communities, but those agencies should recognize the importance of the civil society organizations that are already conducting activities in various areas in Burma. In Karen State, for example, community-based organizations are providing health care despite problems with funding and accessibility. Incoming international groups should work alongside these local partners instead of supplanting them. The international donor community should:

- Continue to fund community-based groups, especially those that provide direct health services to people inside Karen State who have little other access to care.
- Collaborate with community-based organizations operating in Karen State when designing humanitarian, human rights, or health-focused programs.

### **To the international business community:**

PHR's survey found a strong correlation between development projects and incidence of human rights abuse: Abuses were as much as eight times higher around a development project than anywhere else in the survey. Because the United States recently lifted its prohibition on American investment in Burma, the number of development projects in Burma likely will increase in the coming years. Without active steps by the international community or the businesses themselves, the number of human rights violations stands to increase as more projects are started. Companies operating in Burma should ensure that their members and partners take all necessary steps to ensure that their activities are not contributing to human rights violations or environmental degradation. The international business community should:

- Conduct thorough and impartial impact evaluations of investment projects on human rights, particularly land rights, and environmental conditions. Make the results of these evaluations public.
- Consult with civil society groups, including members of ethnic minority communities, before implementing investment projects.
- Develop internal guidelines to keep companies from contributing to human rights abuses.
- Commit to following UN guiding principles on business and human rights.<sup>1</sup>

1. The UN Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises to the Human Rights Council on the Guiding Principles

- Extractive industries should commit to the Extractive Industries Transparency Initiative (EITI) transparency standards.<sup>2</sup>
- Commit to following voluntary principles on security and human rights.<sup>3</sup>

### To the United States:

After decades of a strong US policy stance on Burma, including a detailed sanctions regime that targeted particular industries, the Obama Administration started relaxing its sanctions against the Burmese government. On July 11, 2012, the Administration announced an easing of the bans on US investment in and financial services to Burma, ushering US businesses into the country. As of the writing of this report, the United States has not yet promulgated regulations that prohibit US companies from participating in or benefiting from human rights violations. The policy shift is a response to recent political changes in Burma, including the election of Aung San Suu Kyi to parliament and the easing of media restrictions. Given the ongoing human rights violations in Karen State, however, the US should continue to press for key improvements in the region, including open access to health care and the establishment of accountability for human rights violators. Of particular concern is the impact US investment will have on the civilian population and the environment in Karen State. Our survey documented a higher prevalence of abuses near a development project; this supports similar findings around development projects in other parts of the country. Investment should not be synonymous with forced labor, displacement and other abuse. The US should take the following precautions to prevent further human rights abuses in Karen State:

- Revise current US policy on investment in Burma to promulgate strict regulations for investment that will keep US companies out of sectors such as oil and gas that are closely linked with human rights abuses and out of conflict areas, where development projects would exacerbate precarious human rights situations.
- Develop strict accountability measures to hold US companies to account if they are complicit in human rights violations or violate other US regulations on investment in Burma.
- Promulgate and effectively enforce regulations that will keep US companies from doing business with individuals implicated in human rights violations, including actively monitoring human rights abuses in Burma and regularly updating the Specially Designated Nationals list<sup>4</sup> and revoking the licenses of companies found to be working with individuals on the list.
- Gather feedback from civil society groups in Burma, including those from ethnic minority groups, regarding US regulations on investment in the country.
- Increase support for civil society groups in Burma, along the Burmese border, and internationally to investigate alleged human rights violations, strengthen national institutions, and provide humanitarian services, including health care.
- Hold Congressional hearings about the impact of US investment on the human rights situation in Burma and develop appropriate legislation to protect human rights.

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on Business and Human Rights: Implementing the United Nations "Protect, Respect, and Remedy" Framework, UN Doc A/HRC/17/31 (21 Mar. 2011), <http://www.ohchr.org/documents/issues/business/A.HRC.17.31.pdf> (hereinafter UN Report of the Special Representative).

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3. Voluntary Principles on Security and Human Rights, [http://www.voluntaryprinciples.org/files/voluntary\\_principles\\_english.pdf](http://www.voluntaryprinciples.org/files/voluntary_principles_english.pdf).
4. US Department of Treasury, Specially Designated Nationals (SDN) List (24 Jul. 2012), <http://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx> (hereinafter SDN List).

### **To the Association of Southeast Asian Nations:**

The 10-member Association of Southeast Asian Nations (ASEAN) has not taken a critical approach to Burma's human rights record, citing its policy of non-interference in member countries' internal affairs. The ASEAN Charter, however, calls on member states to respect human rights and adhere to the rule of law. The ASEAN Intergovernmental Commission on Human Rights is drafting a declaration of human rights principles, but has not collaborated with civil society groups during this process and, as of the writing of this report, has not distributed this document to the public. ASEAN should:

- Shift the tenor of engagement with Burma to ensure that human rights protection becomes a regional priority, especially in an era of increased international investment.
- Call on the Government of Burma to adhere to its obligations under the ASEAN Charter.
- Carefully monitor the human rights situation in Burma, especially in minority communities and areas of economic development.
- Encourage the Government of Burma to develop fair laws based on internationally recognized legal standards for the protection of human rights.
- Publicly release the anticipated declaration on human rights, and collaborate with civil society groups to ensure that the declaration accurately reflects regional priorities and international norms.
- Foster collaboration between civil society groups in Burma with those elsewhere in the region.

### **To the International Labor Organization (ILO):**

The ILO operates in Burma and collects reports of labor abuses, including acts of forced labor. The survey detailed in this report indicated that over 90% of individuals in Karen communities had no knowledge of the ILO or its reporting mechanism, and only one of 186 households that experienced forced labor reported it to the ILO. The Government of Burma only recently granted the ILO access to areas in Karen State, which offers the Organization an opportunity to reach out to Karen communities who wish to report forced labor. The ILO should:

- Broaden its activities and reach beyond Rangoon into ethnic minority communities, including rural areas of Karen State, to ensure that victims of forced labor can report violations.
- Continue to protect those who report labor violations to prevent acts of retribution.

### **To the United Nations High Commissioner for Refugees (UNHCR):**

The United Nations High Commissioner for Refugees (UNHCR) manages refugee camps in Thailand for over 100,000 Karen who fled violence in Burma. Some international organizations are considering repatriation of Karen from the camps, given the recent political reforms in Burma. Repatriation is supported by some governments, thereby increasing pressure on international organizations to send refugees back to Burma. Repatriation should only occur, however, when refugees would not face persecution or violence in their home country. The UNHCR should:

- Assure non-refoulement and continue supporting refugee camps in Thailand until such time as refugees would not face persecution or violence upon returning to Burma.



Tensions between the central government of Burma and ethnic minority groups have been high since before the country gained independence from Great Britain in 1948. Contributing to this tension were policies that limited ethnic minority representation in government and that promoted Burman culture in ethnic minority areas and development projects such as logging, extractive industries, and hydroelectric dams operated in partnership with the Burmese army (the Tatmadaw) in ethnic minority areas. The result has been ongoing low-level conflict in ethnic minority areas. In Burma, conflict is associated with human rights violations by armed groups. The Burmese military employs counterinsurgency strategies that target the civilian population in attempts to demobilize support for insurgent groups; human rights groups have characterized these strategies as war crimes and crimes against humanity.<sup>5</sup> Ethnic armies and the Burmese army have been accused of using child soldiers and landmines.<sup>6</sup>

Fighting in Karen State between the Burmese army and insurgent groups is now in its sixth decade. Peace talks that started in late 2011 have made some progress, and during 2011 fighting and assaults on civilians were less frequent than in previous years. Concerns remain, however, about human rights abuses associated with economic development projects that the Burmese are promoting in ceasefire talks and also about protecting the health of Karen people as international donor money is shifting away from community-based organizations that have traditionally been key players in delivering health care.

### Burma's multiethnic population

Burma's population is diverse, composed of more than 100 ethnic groups with different religions, languages, and cultural identities. Ethnolinguists have identified at least 100 different dialects and languages in Burma.<sup>7</sup> Although census data in Burma are unreliable,<sup>8</sup> the majority Burman people make up nearly 70% of the population; they live mostly in the central plains of the country, often called "Lower Burma," including the cities of Rangoon and Mandalay. Ethnic minorities make up over 30% of the population, most of whom live in the mountainous areas along the borders with Bangladesh, India, China, Laos, and Thailand.<sup>9</sup>

Karen people trace their ancestry to tribes from central Asia that settled in eastern Burma about 3,000 years ago.<sup>10</sup> They settled in the mountainous jungles and high plateaus of modern-

5. Physicians for Human Rights, *Life Under the Junta: Evidence of Crimes Against Humanity in Burma's Chin State* (2011) <http://physiciansforhumanrights.org/library/reports/burma-chin-report-2011.html>; Amnesty International, *Crimes against humanity in eastern Myanmar* (2008), <http://www.amnesty.org/en/library/asset/ASA16/011/2008/en/72d2e8c2-b9ce-4afb-91c6-ba3391ed41e5/asa160112008en.pdf>; Irish Centre for Human Rights, *Crimes Against Humanity in Western Burma: The Situation of the Rohingya* (2010), [http://www.nuigalway.ie/human\\_rights/documents/ichr\\_rohingya\\_report\\_2010.pdf](http://www.nuigalway.ie/human_rights/documents/ichr_rohingya_report_2010.pdf); Human Rights Watch, *Burma: Q & A on an International Commission of Inquiry* (24 Mar., 2011), <http://www.hrw.org/news/2011/03/24/burma-q-international-commission-inquiry>; *Applying the Responsibility to Protect to Burma/Myanmar*, Global Centre for the Responsibility to Protect (4 Mar., 2010), [http://globalr2p.org/media/pdf/Applying\\_the\\_Responsibility\\_to\\_Protect\\_to\\_Burma\\_Myanmar.pdf](http://globalr2p.org/media/pdf/Applying_the_Responsibility_to_Protect_to_Burma_Myanmar.pdf).
6. Human Rights Watch, "My Gun Was as Tall as Me" Child Soldiers in Burma (2002), <http://www.hrw.org/reports/2002/burma/Burma0902.pdf>; Geneva Call, *Humanitarian Impact of Landmines in Burma/Myanmar* (2011), [http://www.genevacall.org/resources/research/f-research/2001-2010/2011\\_GC\\_BURMA\\_Landmine\\_RPT\\_CD-Rom\\_ENG](http://www.genevacall.org/resources/research/f-research/2001-2010/2011_GC_BURMA_Landmine_RPT_CD-Rom_ENG); Human Rights Watch, *Untold Mysteries: Wartime Abuses and Forced Displacement in Kachin State* (2012), [http://www.hrw.org/sites/default/files/reports/burma0312ForUpload\\_1\\_0.pdf](http://www.hrw.org/sites/default/files/reports/burma0312ForUpload_1_0.pdf).
7. Martin Smith, Anti-Slavery International, *Ethnic Groups in Burma: Development, Democracy, and Human Rights* 17 (1994), [http://www.zomilibrary.com/main/archive/files/ethnic-groups-in-burma-by-martin-smith\\_f37300a30d.pdf](http://www.zomilibrary.com/main/archive/files/ethnic-groups-in-burma-by-martin-smith_f37300a30d.pdf).
8. The last census in Burma was done by the British in 1931, although the Burmese government published data from a partial census done in 1983. The difficult terrain and tensions between the central Burmese government and ethnic governments has hampered attempts to estimate populations.
9. Paul Keenan, *The Ethnic National Studies Council-Union of Burma, Discrimination, Conflict, and Corruption: The Ethnic States of Burma* (2011).
10. David Tharckabaw, *The Karen People of Burma and the Karen National Union*, Nov. 2003, <http://www.dictatorwatch.org/articles/karenintro.html>.

day Karen State, which borders Thailand, areas of the Irrawaddy River delta south of Rangoon, and other parts of lower Burma. As a group, the Karen people speak at least 12 dialects and practice at least four religions. Population estimates of Karen people vary widely, from 5 to 10 million in all and about 1 million inside Karen State.<sup>11</sup>

The Burmese government set the boundaries of modern-day Karen State in 1952, although much of the Karen population lives outside these borders. The Karen National Union (KNU) defines the Karen free state, or Kawthoolei, as a much larger area than does the Burmese government; Kawthoolei includes areas in Bago and Tenasserim Divisions and Mon State. The PHR survey sampled areas inside the Burmese government-defined “Karen State” and also the Mergui/Tavoy area, which is in Tenasserim Division but has a large population of Karen people.<sup>12</sup>

### A history of persecution of ethnic minorities

A succession of kingdoms ruled Burma until the British annexed it as a province of India in 1886, and it remained a colony until independence following World War II. The Karen wanted their own independent state after World War II, and in 1946 founded the KNU to advocate for independence. Throughout 1948 Karen people in lower Burma staged protests for independence, some of which were met with violence. Tensions between Karen people and the government rose through the year and on 31 January 1949, Karen militia fought an all-out battle with Burmese troops outside Rangoon. The KNU then went underground and launched an insurgency that continues to this day. Several other Karen opposition groups have operated in Karen State, although today the armed wing of the KNU (the Karen National Liberation Army-KNLA) and the Democratic Karen Buddhist Army (DKBA) are the two major players. The DKBA was formed in the early 1990s when a group of Buddhists broke off from the predominantly Christian leadership of the KNU.

In 1962, Burmese General Ne Win took control of the government in a coup and implemented several policies aimed at preventing the country from splitting apart. He launched his vision of “the Burmese Way to Socialism,” which included promotion of Burmese language and culture as the national identity. A new constitution enacted under Ne Win in 1974 gave little autonomy to ethnic minorities, further marginalizing them.<sup>13</sup>

The Burmese began counterinsurgency campaigns against the Karen in the 1960s. In the late 1960s, Ne Win implemented the “four cuts” policy against the Karen, aimed at cutting food,

11. *Id.*; Ashley South, Transnational Institute (TNI) and Burma Center Netherlands (BCN), *Burma’s Longest Running War: Anatomy of the Karen Conflict* (2011), <http://www.tni.org/sites/www.tni.org/files/download/Burma%27s%20Longest%20War.pdf>.

12. South, *supra* note 11.

13. Martin Smith, *Rights of Ethnic Minorities, Burma (Myanmar): Time for Change*, May 2002, <http://www.ibiblio.org/obl/docs/yearbooks/8.%20Rights%20of%20Ethnic%20Minorities.htm>.

1852

Second Anglo-Burmese war results in Britain annexing “Lower Burma” - Irrawaddy delta and entire coast of Burma. Mindon Min (depicted) becomes King.



1881

Karen National Associations (KNA) founded by western-educated Christian Karens to represent Karen interests to the British.

1885

Third Anglo-Burmese war breaks out. The British conquer the remainder of the country, resulting in the total annexation of Burma.

funds, information, and recruits from insurgent groups.<sup>14</sup> The result included violence directed at civilians, forced displacement, and other human rights violations.<sup>15</sup>

Ne Win's regime brutally crushed student protests in Rangoon in 1988, but in the wake of the violence, the government announced that it would change its name to the State Law and Order Council (SLORC) hold democratic elections, change its name from Burma to Myanmar, and draft a new constitution.

The military government held multiparty elections in 1990, and lost in a landslide to the National League for Democracy (NLD), headed by Aung San Suu Kyi. The military government refused to acknowledge the election results, and put NLD leaders under house arrest while continuing to write a new constitution. In 1992, General Than Shwe became the new head of state and in 1997 SLORC renamed itself the State Peace and Development Council (SPDC). The SPDC continued to conduct military operations against minority ethnic groups.

By the mid 1990s, reports of severe human rights violations led the US government to introduce sanctions against the Burmese government.<sup>16</sup> Other western governments followed, and by the early 2000s, China, India, Thailand, and a few oil companies were some of the only entities engaged in business inside Burma. Burma, especially its ethnic minority areas, is rich in natural resources. Extractive industries, including foreign enterprises, have worked in these areas for decades, frequently partnering with the Burmese army, which provides security for the projects.

### Economic development projects in Burma are associated with human rights abuses

The Burmese army allegedly commits human rights violations around extractive industries and economic development projects.<sup>17</sup> In response to reports of widespread human rights violations, in 1996 the International Labor Organization launched a Commission of Inquiry (COI) into forced labor in Burma.<sup>18</sup> It estimated that the Burmese government and especially the military forced

14. Karen Department of Health and Welfare, About KDHW, <http://kdhw.org/department>; Karen Human Rights Group, Myanmar: Submission UN Universal Periodic Review, 5 Jul.2010, [http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MM/KHRG\\_KarenHumanRightsGroup\\_eng.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MM/KHRG_KarenHumanRightsGroup_eng.pdf).
15. HRDU. Forced Relocation and Internally Displaced Persons (1998); Karen Human Rights Group, Self-Protection Under Strain: Targeting of civilians and local responses in northern Karen (2010), <http://www.khrg.org/khrg2010/khrg1004.pdf>.
16. Michael F. Martin, Cong. Research Serv., R41336, U.S. Sanctions on Burma, (2012).
17. Arakan Rivers Network, *Militarization & Human Rights Violations*, [http://www.arakanrivers.net/?page\\_id=159](http://www.arakanrivers.net/?page_id=159); Salween Watch, *War, Money, Politics, Energy, Refugees*, [http://www.salweenwatch.org/index.php?option=com\\_content&view=article&id=52&Itemid=61](http://www.salweenwatch.org/index.php?option=com_content&view=article&id=52&Itemid=61); Shwe Gas Movement, *Human Rights Abuses*, <http://www.shwe.org/human-rights-abuses>; EarthRights International, *Where the Change Has Yet to Reach: Exposing Ongoing Earth Rights Abuses in Burma* (2012), <http://www.earthrights.org/publication/where-change-has-yet-reach>; EarthRights International, *The Burma-China Pipelines: Human Rights Violations, Applicable Law, and Revenue Secrecy* (2011), <http://www.earthrights.org/publication/burma-china-pipelines>.
18. International Labour Organization (ILO), Report of the Commission of Inquiry to examine the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29), 2 July 1998, <http://www.ilo.org/public/english/standards/relm/gb/docs/gb273/myanmar.htm> (hereinafter ILO COI Report).



1928  
The Karen leader, Dr. Sir San C. Po (depicted), argues for an autonomous Karen state within a federation.

1937  
Britain separates Burma from India and makes it a crown colony.

1939  
Buddhist Karens form a Buddhist Karen National Association (KNA).

1940  
Burmese Independence Army (BIA) is organized by Japanese government. BIA serves as Burma's National Army (BNA) during World War II.

800,000 Burmese citizens, including prisoners, to labor for government projects, including transporting goods, minesweeping, and providing sexual services.<sup>19</sup>

The ILO commission also found that the Burmese government used forced labor for private enterprises, including to “promote joint venture developments, including the country’s oil and natural gas reserves; encourage private investment in infrastructure development, public works, and tourism projects; and benefit the private commercial interests of members of the Myanmar military.”<sup>20</sup>

A few Burmese sought compensation from international companies linked to human rights violations. In 1997, a group of Burmese villagers sued Unocal, an American oil company grandfathered into Burma despite US sanctions, in US federal district court for abuses they suffered at the hands of the Burmese army during construction of a pipeline for Chevron, which was bought by Unocal.<sup>21</sup> The allegations included forced labor, rape, murder, and torture by the Burmese army. The suit was settled, and is considered by some to be a hallmark of accountability in a country that cultivates impunity.<sup>22</sup>

Despite the Unocal ruling, the Burmese government continues to violate human rights in pursuit of economic development and infrastructure projects. In 2005, the junta decided that jatropha oil, a biofuel produced from the jatropha shrub, should become a major export. They forced citizens to grow jatropha instead of edible crops, and cleared national parks to start plantations.<sup>23</sup> The government has also given foreign companies logging, hydroelectric, mining, and pipeline concessions. Civilians report that the army has engaged in land confiscation, forced labor, and extortion around these development projects.<sup>24</sup>

Similar projects are underway in Karen State. The government signed an \$8.6 billion deal with Burmese and Thai construction companies to build a deepwater port and special economic zone in Dawei, in Tenasserim Division, in 2010.<sup>25</sup> They planned to develop about 100 square

19. International Centre for Trade and Sustainable Development, *Labour Update: ILO, Burma to meet on Forced Labour*, 30 May 2000, <http://ictsd.org/i/news/bridgesweekly/88864/>; *Burma’s Military Threatens to Quit ILO Over Critical Reports of Forced Labor*, Voice of America, 30 Oct. 2009, <http://www.voanews.com/content/a-13-burmese-military-threatens-to-quit-ilo-over-critical-reports-of-forced-labor/301026.html>; Arakan Rivers Network, *supra* note 17; Salween Watch, *supra* note 17; Shwe Gas Movement, *supra* note 17; EarthRights International (2012), *supra* note 17; ILO COI Report, *supra* note 18.

20. ILO COI Report, *supra* note 18.

21. Business & Human Rights Resource Centre, Case profile: Unocal lawsuit (re Burma), <http://www.business-humanrights.org/Categories/Law/Lawsuits/Lawsuitsregulatoryaction/LawsuitsSelectedcases/UnocallawsuitreBurma>.

22. Rachel Chambers, *The Unocal Settlement: Implications for the Developing Law on Corporate Complicity in Human Rights Abuses*, 13 Hum. Rts. Brief 14 (2005), <http://www.wcl.american.edu/hrbrief/13/unocal.pdf>.

23. Biofuel Gone Bad: Burma’s Atrophying Jatropha, Time, 13 Mar. 2009, <http://www.time.com/time/world/article/0,8599,1885050,00.html>; World’s Largest Tiger Reserve Clearcut for Plantations, Environment News Service, 27 Sept. 2010, <http://www.ens-newswire.com/ens/sep2010/2010-09-27-01.html>.

24. Arakan Rivers Network, *supra* note 17; Salween Watch, *supra* note 17; Shwe Gas Movement, *supra* note 17; Earth Rights International (2012), *supra* note 17; Karen Human Rights Group, *Safeguarding Human Rights in Post-Ceasefire Eastern Burma*, 26 Jan. 2012, <http://www.khrg.org/khrg2012/khrg12c1>.

25. Dawei Port, <http://www.daweiport.com/cms>; *Multi-billion Dawei Deep Sea Port Project Underway*, Myanmar Business Network, 20 Apr. 2011, <http://www.myanmar-business.org/2011/04/multi-billion-dawei-deep-sea-port.html>.

1940



Japan works with Burmese resistance groups to establish the Burmese Independence Army (BIA), Aung San (depicted) is one of the resistance leaders.

1939-1945 (WWII)

During WWII, fighting between the Karens, loyal to the British, and the Burmans, who are (sometimes) loyal to the Japanese, increases tension between the Karens and the Burmans.

1945

Japan is defeated, and the Anti-Fascist People’s Freedom League (AFPFL), led by Aung San, becomes the main political party in Burma.

miles of farmland into a manufacturing and shipping complex.<sup>26</sup> The development project is expected to displace about 30,000 people in 21 villages. Local groups reported human rights violations in the area shortly after work began on the project in 2011.<sup>27</sup> The Burmese army, which is guarding the construction project, has allegedly engaged in attacks on civilians, forced labor, and land confiscation.<sup>28</sup>

### Shifting policies of international aid will harm ethnic minorities

Until 2011, international aid to Burma was much less than aid to nearby countries. In 2007 Burma received \$243 million in development aid (about \$4 per person) while Laos received \$68 per person and Cambodia \$46 per person.<sup>29</sup> Historically, the government of Burma limited aid organizations' access to certain parts of the country, especially ethnic minority areas.<sup>30</sup> The limits on access and concerns that the Burmese government was unfairly benefitting from aid money prompted the Global Fund to Fight AIDS, TB and Malaria to terminate a \$100 million aid program in 2005.<sup>31</sup> Proponents of aid argue, however, that the Global Fund's reporting requirements were not flexible enough for the environment in Burma, and that the funding cut would have a negative impact on Burmese citizens.<sup>32</sup> The funding gap left by Global Fund was filled by the Three Diseases Fund; Global Fund later restarted its Burma programs, but suspended them in 2011 due to a drop in donor funding.<sup>33</sup>

Though limiting aid to the Burmese government, international donors support community-based organizations (CBOs) that provide health and education services in ethnic minority areas and particularly in Karen State.<sup>34</sup> These CBOs train health workers and teachers from the local populations who live and work with their communities inside Burma. These CBOs, however, are often mislabeled "cross-border" groups because they received funds and supplies from across Burma's international borders—the term "cross border" incorrectly implies that a majority of their operations are outside Burma.

26. Dawei Project Watch, *The collective voices of local people from the Dawei Special Economic Zone*, <http://rehmonnya.org/upload/DaWei%20Protect%28Eng%29.pdf>.
27. Karen Human Rights Group, Militarization, Development and Displacement: Conditions for villagers in southern Tenasserim Division, 22 Mar. 2011, <http://www.khrg.org/khrg2011/khrg11f3.pdf>; Dawei Project Watch, *supra* note 26.
28. Karen Human Rights Group, Militarization, Development and Displacement, *supra* note 27; Dawei Project Watch, *supra* note 26.
29. U.S. Department of State, Burma, 3 Aug. 2011, <http://www.state.gov/r/pa/ei/bgn/35910.htm>.
30. Shah Paung, *Another International Aid Group Pulls Out*, The Irrawaddy, 20 Dec. 2005, [http://www2.irrawaddy.org/article.php?art\\_id=5316](http://www2.irrawaddy.org/article.php?art_id=5316).
31. *Aids organization to leave Burma*, BBC News, 19 Aug. 2005, <http://news.bbc.co.uk/2/hi/asia-pacific/4166418.stm>; Jane Parry, World Health Organization, *Global Fund Withdraws Grants to Myanmar*, <http://www.who.int/bulletin/volumes/83/10/news11005/en/index.html>.
32. Marwaan Macan-Markar, *Health-Burma: Global Fund Back With New Hope*, Inter Press Service News Agency, 26 Feb. 2011, <http://www.ipsnews.net/2011/02/health-burma-global-fund-back-with-new-hope>.
33. Three Diseases Fund, <http://3dfund.org>; Marwaan Macan-Markar, *supra* note 32; Donald G. McNeil, Jr. *Global Fund will Pause Grants and Seek New Manager*, New York Times, 23 Nov. 2011.
34. USAID, *Success Story: Thailand Clinic Addresses Health-Services Gap along Thai-Burmese Border*, Apr. 2005, [http://transition.usaid.gov/our\\_work/global\\_health/aids/News/successpdfs/thailandstory.pdf](http://transition.usaid.gov/our_work/global_health/aids/News/successpdfs/thailandstory.pdf).

1946

Karen people call for an independent state, send Saw Tha Din and Saw Ba U Gyi (depicted) to London to lobby the British.



1947

February – The Karen National Union (KNU) is formed and calls for an independent state.  
19 July – Aung San is assassinated; U Nu (depicted, 1955) assumes leadership of the AFPFL.



1948

Burma wins independence from Great Britain.

1949

Violence breaks out between pro-Burmese militias and Karens. The Karen "revolution" begins on 31 January 1949.

In May 2008, international donors' perception of Burma began to shift. Cyclone Nargis struck the Irrawaddy delta that year, killing an estimated 140,000 people and leaving 1 million homeless.<sup>35</sup> The international community responded by offering humanitarian assistance, which was initially rejected by the junta — a decision that drew heavy criticism from the international community.<sup>36</sup> In addition to blocking aid, the junta arrested and imprisoned Burmese citizens for helping with relief efforts.<sup>37</sup> Despite the junta's initial blockade of relief and imprisonment of Burmese aid workers, some people in the international community viewed the Nargis response as a positive shift in the junta's policy toward international aid, as it eventually allowed relief agencies to work in the disaster area.<sup>38</sup> The junta's policy shift in 2008 to grant aid agencies access, along with democratic changes that began in 2011, led to a major increase in the flow of international development money.<sup>39</sup>

Some of this funding increase has come at a cost for CBOs, as donors have diverted funds from groups operating in rural border areas to groups working in the central part of the country.<sup>40</sup> The sudden shift in international policy is meant to reward reformists in the Burmese government—which includes hard liners pushing to go back to the old style of rule — and to encourage more reform, but one indirect effect is to marginalize ethnic minority groups. It is not yet clear if the money sent to organizations in central Burma will trickle out to ethnic minority areas. In 2012, human rights groups accused the Burmese government of blocking and later hampering humanitarian aid to conflict areas in Kachin State, suggesting that either government will or mechanisms for delivering aid to ethnic minority areas from central Burma are not yet in place.<sup>41</sup>

35. United Nations Environment Programme, Learning From Cyclone Nargis: Investing in the environment for livelihoods and disaster risk reduction, Jun. 2009, [http://postconflict.unep.ch/publications/nargis\\_case\\_study.pdf](http://postconflict.unep.ch/publications/nargis_case_study.pdf).
36. ALTSEAN-Burma, SPDC Turns Disaster into Catastrophe, 23 May 2008, <http://www.altsean.org/Docs/PDF%20Format/Thematic%20Briefers/SPDC%20turns%20disaster%20into%20catastrophe.pdf>; Michael F. Martin & Rhoda Margesson, Cong. Research Serv., RL 34481, Cyclone Nargis and Burma's Constitutional Referendum (2009), <http://fpc.state.gov/documents/organization/105169.pdf>.
37. Press Release, Amnesty International, Cyclone Nargis: One year on, 21 people imprisoned for helping the victims (4 May 2009).
38. United Nations Environment Programme, *supra* note 35; Kerry Sun, After the Storm: Working with an Authoritarian Regime, Center for Global Prosperity, 21 May 2012, <http://globalprosperity.wordpress.com/2012/05/21/after-the-storm-working-with-an-authoritarian-regime>.
39. Saw Yan Naing, International Donors Pledge Massive Funding for Burma, The Irrawaddy, 13 Jun. 2012, <http://www.irrawaddy.org/archives/6691>; Adam McCarthy, Managing the donor invasion, The Myanmar Times, 13 Feb. 2012, <http://www.mmtimes.com/2012/news/614/news61407.html>.
40. Saw Yan Naing, As Donors Go into Burma, Cross-border Aid Dries Up, The Irrawaddy, 15 May 2012, <http://www.irrawaddy.org/archives/4232>; Bangkok Post, As Myanmar opens, donor exit at border puts dreams in peril, Asia Pacific News Network, 20 May 2012, <http://asiapacificnewsnetwork.com/as-myanmar-opens-donor-exit-at-border-puts-dreams-in-peril.html>; Mae Tao clinic issues emergency funding appeal, Mizzima News, 24 Jul. 2012, <http://www.mizzima.com/news/regional/7585-mae-tao-clinic-issues-emergency-funding-appeal.html>.
41. ALTSEAN-Burma, The War in Kachin State: A Year Of More Displacement and Human Rights Abuses, 8 Jun. 2012, <http://www.altsean.org/Reports/Kachin1year.php>; Human Rights Watch, Burma: Reforms Yet to Reach Kachin State, 20 Mar. 2012, <http://www.hrw.org/news/2012/03/20/burma-reforms-yet-reach-kachin-state>.

1950

The KNU is pushed into the border areas of Thailand.

1952

Present-day borders of Karen state are drawn by the Burmese government.



1958-1960

Burmese General Ne Win (depicted) forms caretaker government, the first run by the military, as AFPL party splits.

1960s

Burmese army implements its "Four Cuts" policy, targeting civilians who support guerrillas. The operations destroy the Karen movement in central Burma, but not along the Thai-Burma border.

## The “new” Burma

About a month after Nargis struck, the junta held a referendum on adoption of a new constitution. The referendum passed, though the vote was widely criticized.<sup>42</sup> The constitution set the stage for a new government — although several articles in the constitution ensured that the military would retain control of the nominally civilian government. The constitution guaranteed seats in parliament to members of the military, and most of the civilian seats eventually went to retired military commanders. It did not guarantee ethnic minorities’ rights and several of their parties were banned from participation in the election.<sup>43</sup> The constitution also solidified impunity for government officials, even those suspected of committing serious human rights violations.<sup>44</sup>

In 2008, the SPDC invited all ethnic armies to become part of the Burmese army in a newly established Border Guard Force (BGF). The armed wing of the KNU, the Karen National Liberation Army, refused, but most DKBA units joined. During the period of this study, DKBA units were deserting from BGF and operating on their own.

In 2010, the junta held elections in accordance with the 2008 constitution. The junta allegedly banned international observers, harassed opposition groups, intimidated voters, and used “advance voting” schemes to alter results.<sup>45</sup> In response, the UN, the US and the EU criticized the elections as unfair, and the UK said that the elections would “further entrench military rule.”<sup>46</sup> Five election laws enacted by the SPDC in 2010 excluded anyone who had been in prison, placed travel restrictions on political parties, and ensured that the SPDC would control the election process.<sup>47</sup> The KNU issued a statement protesting the laws and the NLD and several other groups boycotted the election.<sup>48</sup> Although numerous political parties from ethnic states were forbidden to contest the election, candidates from three Karen parties contested and won seats in the parliament and in Karen State government.<sup>49</sup>

42. ALTSEAN-Burma, *Burma Bulletin: A month-in-review of events in Burma*, 9 May 2008, <http://www.altsean.org/Docs/PDF%20Format/Burma%20Bulletin/May%202008%20Burma%20Bulletin.pdf>.

43. ATSEAN-Burma, *Burma’s 2008 Constitution Perpetuates Root Causes of Instability*, 21 Jun. 2010, <http://www.altsean.org/Docs/PDF%20Format/Thematic%20Briefers/June%202010%20ASEAN%20briefing%20packet.pdf>.

44. Constitution of the Union of Myanmar (2008), art. 445.

45. The Burma Campaign UK, *UK Government - Burma’s 2010 Election Will Entrench Military Rule*, 30 Jan. 2009, <http://www.burmacampaign.org.uk/index.php/news-and-reports/news-stories/uk-government-burmas-2010-election-will-entrench-military-rule>; Laura Laden, European Partnership for Democracy, *International response to the Burmese 2010 elections*, 11 Sept. 2012, <http://www.epd.eu/homepage/international-response-to-the-burmese-2010-elections>.

46. The Burma Campaign UK, *supra* note 45.

47. ALTSEAN-Burma, *The 2010 Generals’ Election*, Jan. 2011, <http://www.altsean.org/Docs/PDF%20Format/Issues%20and%20Concerns/Issues%20and%20Concerns%20Vol%206.pdf>.

48. David Calleja, *Burma’s Largest Opposition Party to Boycott 2010 Election*, *Foreign Policy Journal*, 2 Apr. 2010, <http://www.foreignpolicyjournal.com/2010/04/02/burma%E2%80%99s-largest-opposition-party-to-boycott-2010-election>.

49. The Burma Campaign UK, *Last Month in Burma: News from and about Burma*, Jan. 2009, [http://www.burmacampaign.org.uk/images/uploads/Last\\_Month\\_Jan\\_09.pdf](http://www.burmacampaign.org.uk/images/uploads/Last_Month_Jan_09.pdf); South, *supra* note 11.

1960

U Nu’s party faction wins decisive victory in elections, but his promotion of Buddhism as the state religion and his tolerance of separatism anger the military.

1962

General Ne Win stages a coup, begins “the Burmese Way to Socialism,” banning foreign imports and handing private businesses to senior military officers. Economic collapse results.

1974

A new constitution transfers power from the armed forces to a People’s Assembly headed by Ne Win and other former military leaders.

1975

Government troops launch a major offensive against the Karen rebels.

As specified in the 2008 constitution, the military was allotted 25% of the seats in parliament.<sup>50</sup> The Union Solidarity and Development Party (USDP), comprising former military officers and cronies of the former regime, won a majority of the seats in parliament and in all of the state governments except for one.

In 2011, the new government in Burma enacted several reforms to promote democracy. It released democracy leader Aung San Suu Kyi from house arrest, released hundreds of other political prisoners, eased censorship of local news media, lifted the ban on international media, allowed Suu Kyi's photo to be displayed in public, and began ceasefire negotiations with armed ethnic groups.

The regime held by-elections in 2012; the NLD contested and won 42 of the 43 open seats, with Aung San Suu Kyi taking one of them. The US hailed this election as a major step toward democracy, although the NLD only won about 6% of the seats in parliament and no real change in power occurred.<sup>51</sup>

Human rights activists met Burma's reforms with skepticism, but the international community was quick to embrace them. Western countries sent high-level diplomats to visit Burma and began lifting economic sanctions and increasing development aid.

The international community is also pressuring the Burmese government to make peace with ethnic minority groups.<sup>52</sup> But ceasefires between ethnic minorities and the Burmese govern-

50. Constitution of the Union of Myanmar, *supra* note 44, arts. 109, 141. Article 109 of the Constitution states that the Pyithu Hluttaw (lower house of the legislature) will have 440 representatives and that 110 of these individuals will be defense services personnel nominated by the Commander in Chief. Article 141 of the Constitution states that the Amyotha Hluttaw (upper house of the legislature) will have 224 representatives and that 56 of them will be defense services personnel nominated by the Commander in Chief.

51. U.S. Hails Myanmar Election as Step for Democratic Change, Reuters, 2 Apr. 2012, <http://www.reuters.com/article/2012/04/02/us-myanmar-idUSBRE83109120120402>.

52. "We remain concerned about Burma's closed political system, its treatment of minorities and holding of political prisoners, and its relationship with North Korea... Again, there's more that needs to be done to pursue the future that the Burmese people deserve—a future of reconciliation and renewal." The White House Office of the Press Secretary, Statement by President Obama on Burma, 18 Nov. 2011, <http://www.whitehouse.gov/the-press-office/2011/11/18/statement-president-obama-burma>; "I urge the government in Nay Pyi Taw to build on its positive initial release of political prisoners and unconditionally release all remaining prisoners of conscience. These individuals have had liberty and justice denied to them, some for more than twenty years. No process of democratic reform can be complete until these men and women enjoy their freedom... It is also important for the government of Burma to cease attacks against ethnic minorities and work to advance a peaceful process of dialogue and reconciliation. Finally, serious concerns remain about the military relationship between the governments of Burma and North Korea and whether it is in compliance with existing U.N. Security Council Resolutions." John McCain, US Senator Arizona, Statement by Senator John McCain on Secretary of State Hillary Clinton Visiting Burma, 18 Nov. 2011, [http://www.mccain.senate.gov/public/index.cfm?FuseAction=PressOffice.PressReleases&ContentRecord\\_id=b87df470-c565-2aaa-18d7-529dc6d6b892&Region\\_id=&Issue\\_id=](http://www.mccain.senate.gov/public/index.cfm?FuseAction=PressOffice.PressReleases&ContentRecord_id=b87df470-c565-2aaa-18d7-529dc6d6b892&Region_id=&Issue_id=); "We will continue to seek improvements in human rights, including the unconditional release of all remaining political prisoners and the lifting of conditions on all those who have been released. We will continue our support for the development of a vibrant civil society, which we think will greatly add to the reform of the economy and society. We will continue to urge progress in national reconciliation, specifically with ethnic minority groups. And we will continue to press for the verifiable termination of the military relationship with North Korea." Hillary Clinton, Secretary of State, *Recognizing and Supporting Burma's Democratic Reforms*, 4 Apr. 2012, <http://www.state.gov/secretary/rm/2012/04/187439.htm>.

1981

Ne Win relinquishes the presidency to San Yu (depicted), a retired general, but stays on as Socialist Program Party chairman.



1982

Draconian "citizenship laws" are passed that discriminate against ethnic minorities. These remain in place today.

1984

KNU loses more territory to Burmese troops, resulting in loss of income used for weapons and ammunition from the black market.

1987

Currency devaluation wipes out many people's savings and causes anti-government riots.



ment have a history of failure. Past ceasefire agreements have focused on regulating fighting and have not addressed representation in government, human rights, or the needs of the people.<sup>53</sup> These ceasefires have allowed Burma's army to resupply its troops and fortify its bases to prepare for future assaults. Such agreements that do not address the root causes of conflict invite future hostilities.

In late 2011, the Burmese government engaged in several rounds of ceasefire talks with the KNU. The KNU submitted an 11-point proposal of their goals for the talks,<sup>54</sup> which included guaranteeing the safety and human rights of all civilians, specifically involving forced labor and extortion. Ceasefire talks are ongoing but the two sides have yet to agree on all of the points.

A ceasefire itself will not solve the problems of systemic violence in Karen State. A brief review of ceasefire agreements in Karen State and elsewhere in Burma indicates that *ad hoc* agreements will be unsustainable if they do not have concrete accountability mechanisms to hold each side to its terms or if the agreement itself does not target the underlying political issues that lead to violence. Since the preliminary ceasefire agreement between the Burmese government and the Karen National Liberation Army in January 2012 – months since the survey period detailed in this report – several organizations have documented ongoing abuses including arbitrary arrest and physical attacks on civilians by the military.<sup>55</sup> A ceasefire alone does not indicate an end of human rights violations. In the wake of any agreement, the international community and human rights investigators must remain vigilant about monitoring violence, humanitarian needs, and impunity in Karen State.<sup>56</sup>

53. United Nations Human Rights Office of the High Commissioner for Human Rights, *Human Rights Council establishes new mandates on promoting an equitable international order and on truth, justice and reparation*, 29 Sept. 2011, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11449&LangID=E>; Ethnic National Studies Council-Union of Burma, *Discrimination, Conflict, and Corruption: The Ethnic States of Burma* (2011).

54. Karen National Union, Office of the Supreme Headquarters Karen National Union Kawthoolei, *Statement on Initial Agreement between KNU and Burmese Government*, 14 Jan. 2012.

55. Karen Human Rights Group, *Abuses Since the DKBA and KNLA Ceasefires: Forced Labour and Arbitrary Detention in Doooplaya* (2012), <http://www.khrg.org/khrg2012/khrg12f2.html>; Burma Centre for Ethnic Studies, *The Karen National Union Negotiations 1949-2012* (2012), <http://www.burmaethnicstudies.net/pdf/BCES-WP-2.pdf>; Free Burma Rangers, *Forced Labor, Torture and Military Activity Still Present in Karen State*, 5 Mar. 2012, [http://www.freeburmarangers.org/2012/03/05/forced-labor-torture-and-military-activity-still-present-in-karen-state-2/?iframe\\_content=1](http://www.freeburmarangers.org/2012/03/05/forced-labor-torture-and-military-activity-still-present-in-karen-state-2/?iframe_content=1).

56. United Nations, *Guidance Note of the Secretary General: United Nations Approach to Transnational Justice*, Mar. 2010, [http://www.unrol.org/files/TJ\\_Guidance\\_Note\\_March\\_2010FINAL.pdf](http://www.unrol.org/files/TJ_Guidance_Note_March_2010FINAL.pdf).

1988

Student democracy uprising is violently put down by government troops. KNU border headquarters becomes home to pro-democracy groups and the target of violent Army offensives. The State Law and Order Restoration Council (SLORC) is formed by the government.

1989

SLORC declares martial law; arrests thousands. Burma renamed Myanmar; capital Rangoon is renamed Yangon. Aung San Suu Kyi (depicted in 1991), National League for Democracy (NLD) leader, is put under house arrest.



1991

Aung San Suu Kyi is awarded the Nobel Peace Prize for her commitment to peaceful change, but is prevented by Burma's government from traveling to accept the award.

## Karen State

### Armed groups control different areas of Karen State

Since conflict began in the 1940s, different groups controlled different areas of Karen State.<sup>57</sup> The mountainous terrain of much of Karen State and the lack of infrastructure such as roads or bridges impede rapid movements of large numbers of troops. Burmese troops tend to be stationed along transportation arteries such as roads or rivers and launch patrols from their bases, and it is possible for several rival armed groups to be operating in the same area. Thus boundaries or front lines between armed groups are difficult to delineate.

People who work in Karen State divide administrative areas into three categories: black zones, where the KNU has a strong presence and the Burmese army historically implemented shoot-on-sight policies;<sup>58</sup> brown zones, or areas of mixed control; and white zones, where the Burmese army or its allies have nearly complete control.<sup>59</sup> The PHR survey was performed in black or brown areas except around Tavoy, which was a white area.

The Burmese government created Border Guard Forces in 2008 from ethnic armies that were willing to cooperate with the Burmese army. BGF operate under Burmese military command and are an extension of the Burmese army. For this study we categorized the remainder of the ethnic armies in Karen State into ceasefire and non-ceasefire non-state armed groups (NSAGs), depending on whether they had a ceasefire agreement with the Burmese army. During the time of the survey, ceasefire groups included the KNLA and one breakaway faction of the DKBA, "Kloh Htoo Baw." Ceasefire groups included Thandaung Peace Group, Pd'oh Aung San Group, and KNU/KNLA Peace Group.<sup>60</sup>

### Tavoy development project is criticized by citizens

The deep sea port and development projects around Tavoy are currently underway, and the Burmese government has proposed industrial development projects in other parts of Karen State.<sup>61</sup> Some of these projects have been proposed to promote ceasefire deals because they could provide jobs for displaced people and also enrich local leaders. Local groups, however, have criticized them as they are associated with human rights abuses and local people rarely benefit.<sup>62</sup>

57. South, *supra* note 11.

58. Shoot-on-sight policies may be suspended during the current ceasefire negotiations.

59. Digital Mapping and Database Program, Life in Burma's Relocation Sites, Jan. 2010, [http://www.burmalibrary.org/docs09/Life\\_in\\_Burma's\\_Relocation\\_Sites.pdf](http://www.burmalibrary.org/docs09/Life_in_Burma's_Relocation_Sites.pdf).

60. South, *supra* note 11.

61. Thailand Burma Border Consortium, Map: Development Projects in South East Burma/Myanmar, <http://www.tbcc.org/idps/map-library/11-10-south-east-myanmar-development-projects-2011-high.pdf>.

62. Karen Human Rights Group, *supra* note 24; Saw Khar Su Nyar, Karen people's forum demands all mega development projects be stopped, Karen News, 14. Jun. 2011, <http://karennews.org/2012/06/karen-peoples-forum-demands-all-mega-development-projects-be-stopped.html>; Karen Human Rights Group, Development By Decree: The politics of poverty and control in Karen State, Apr. 2007, <http://www.khrg.org/khrg2007/khrg0701.html>; South,

1992

Than Shwe (depicted) becomes SLORC chairman, prime minister, and defense minister. He rules until officially resigning in 2011.



1994

The Democratic Karen Buddhist Army (DKBA) is formed in opposition to KNU leadership, dominated by Christians.

1995

DKBA allies with Burmese government troops and fights the Karen National Liberation Army (KNLA).

1996

Aung San Suu Kyi, released from house arrest in 1995, attends the first NLD congress since her release.

## Landmines

Armed groups and civilians use landmines in Karen State.<sup>63</sup> In addition to causing direct physical injury to civilians, mines also prevent people from accessing their land or returning to their village if they flee from an armed group.<sup>64</sup> Displacement and inability to access fields can contribute to food insecurity and malnutrition. The Burmese army uses civilians to sweep or remove landmines, and civilians forced to be porters or otherwise work in close contact with the military are exposed to landmine risk.<sup>65</sup> The Karen Department of Health and Welfare runs a landmine risk reduction program and some international NGOs are planning demining programs in Karen State.<sup>66</sup>

## Displaced persons

The Thai-Burma Border Consortium (TBBC) completed a food security and poverty assessment in eastern Burma in 2010 and reported that over two-thirds of households in southeast Burma were not able to meet their basic needs.<sup>67</sup> They also reported that in eastern Burma over 100,000 people were displaced in 2010, and that the total number of displaced people in the region numbered 450,000;<sup>68</sup> an additional 140,000 live in refugee camps in Thailand.<sup>69</sup> Displacement has been linked to poverty and poor health outcomes, including increased malaria prevalence, child malnutrition and child mortality.<sup>70</sup> Efforts to resettle refugees and displaced people to their original villages have been discussed in ceasefire talks, but several barriers to this, including landmines, civilians' fear of the Burmese army, and the lack of infrastructure in Karen State, must first be overcome.

## Health

Civilians' health in eastern Burma is affected by conflict. The consequences of fighting in eastern Burma include forced displacement, pillaged food stores, injury from violence, and forced

*supra* note 11; Govt's business linked 'peace talk' advisors, Burma News International, 10 May 2012, <http://bnionline.net/index.php/news/kic/13058-knu-questions-role-of-govts-business-linked-peace-talk-advisors.html>.

63. Karen Human Rights Group, Uncertain Ground: Landmines in Eastern Burma (2012), <http://www.khrg.org/khrg2012/khrg1201.pdf>.
64. *Id.*
65. *Id.*
66. Karen Department of Health and Welfare, Annual Report, 2010, <http://kdhw.org/department/annual-reports>; Saw Yan Naing, Burma Follows Cambodia on Landmine Issue, *The Irrawaddy*, 12 Jun. 2012, <http://www.irrawaddy.org/archives/6518>.
67. Thailand Burma Border Consortium, Displacement and Poverty in Southeast Burma/Myanmar (2011).
68. *Id.*
69. Thailand Burma Border Consortium, *Burmese Border Displaced Persons: June 2012*, <http://www.tbtc.org/camps/2012-06-jun-map-tbbc-unhcr.pdf>.
70. Thailand Burma Border Consortium, *supra* note 67; The Human Rights Center and The Center for Public Health and Human Rights, *The Gathering Storm: Infectious Diseases and Human Rights in Burma* (2007), [http://www.soros.org/sites/default/files/storm\\_20070709.pdf](http://www.soros.org/sites/default/files/storm_20070709.pdf); Back Packer Health Worker Team, *Chronic Emergency: Health and Human Rights in Eastern Burma* (2006), <http://www.burmacampaign.org.uk/images/uploads/ChronicEmergency.pdf>.

1997

Burma is admitted to the Association of Southeast Asian Nations (ASEAN). The Karen Peace Force is established. 16,000 Karens flee continuing fighting, moving to Thailand.

1998

Government troops attack Karen refugee camps near Mae Sot, Thailand. The international community provides aid to about 85,000 Karen refugees in Thailand.

2003

Khin Nyunt (depicted) becomes prime minister, initiates "roadmap to democracy."



2004

Some KNU-Burmese government ceasefire talks take place; Khin Nyunt is arrested under the direction of the State Peace and Development Council (SPDC) (former SLORC).

labor. Indirect effects of the prolonged war include poor transportation infrastructure, poor supply chains for clinics and little focus on civilians' health needs from the Burmese government. The conflict also determines where clinics operate. Burmese ministry of health clinics only work in areas completely controlled by the Burmese government. Community-based groups work in opposition-controlled areas and areas of mixed administration. Health workers for CBOs in these areas run great risks of harm from landmines and violence if they encounter Burmese troops. In October 2011, two medics responding to an emergency were abducted by Burmese Light Infantry Battalion 212.<sup>71</sup> The health workers were released after being detained for three months at a base in Karen State.

Nationally, the Government of Burma spends less than \$5 million on health each year, or less than 10 cents per person,<sup>72</sup> though a government report says it spends nearly a dollar per person.<sup>73</sup> By either calculation, the government's expenditure on health is extremely low. It is likely to be even lower in rural areas that are difficult to access, such as Karen State. The Ministry of Health (MoH) says that for every 100,000 people in Karen State there are seven doctors, one dentist, 12 nurses, 22 midwives, and 44 hospital beds. It also claims to have achieved 70% to 80% coverage of DPT, polio, and BCG vaccines and 45% to 70% coverage of measles and tetanus.<sup>74</sup> It claims that in Karen State the infant mortality rate is 53 per 1,000 live births, the under-5 mortality rate is 71, and the maternal mortality ratio is 2.<sup>75</sup> The MoH did not state how it collected these data or how it determined denominators. Historically, official figures from Burmese ministries have been unreliable. The MoH data are likely collected from government-controlled areas only, which have not seen the levels of abuse in conflict areas, and therefore would underestimate morbidity and mortality in Karen State. Mortality rates and ratios reported by the MoH in Karen State are less than those reported by CBOs working in conflict zones in Karen State.<sup>76</sup>

CBOs tend to work in areas fully controlled by insurgent forces or in areas of open conflict. They deliver health care and food aid to over 300,000 people in Karen State.<sup>77</sup> Using a network of stationary clinics and mobile health workers, they provide malaria treatment, trauma services, antenatal care, immunizations, and lymphatic filariasis control and community health worker services. CBOs have reported successes in malaria control and maternal health,<sup>78</sup> and have devel-

71. Nan Thoo Lei, Burma Army Arrest Health Workers, Karen News, 10 Nov. 2011, <http://karennews.org/2011/11/burma-army-arrest-health-workers.html>.

72. Burma Health Care System 'Compromised', Mizzima, 17 Apr. 2012, <http://www.mizzima.com/news/inside-burma/6954-burma-health-care-system-compromised.html>.

73. Myanmar Ministry of Health, Myanmar Health Statistics (2010), <http://www.moh.gov.mm/file/Myanmar%20Health%20Statistics%202010.pdf>.

74. *Id.*

75. *Id.*

76. Douoguih Macaya, Accessing maternal health services in eastern Burma, 5 PLoS Med. 1645 (2008).

77. Mahn Mahn et al., *Multi-level partnerships to promote health services among internally displaced in eastern Burma*, 3 Global Pub. Health 165 (2008).

78. Adam K. Richards et al., *Cross-border malaria control for internally displaced persons: observational results from a pilot programme in eastern Burma/Myanmar*, 14 Tropical Med. Int'l Health 512 (2009); Luke Mullany et al., *Impact of*

2007

Aung San Suu Kyi's house arrest is extended for another year. Sharp rise in fuel prices sparks protests led by Buddhist monks. Government responds with violence and arrests. Government declares 14 years of constitutional talks complete.

2008

Cyclone Nargis causes worst natural disaster in history of Burma, killing over 100,000, many in Karen villages in the Irrawaddy Delta. Military efforts are focused on keeping foreign media and aid out of the delta; constitutional referendum held.

2010

A general election, the first in 20 years, is held, but is widely criticized by the international community. The SPDC becomes Union Solidarity and Development Party (USDP), "wins" control of Parliament.

oped medical guidelines for treating conditions common in rural areas in Burma.<sup>79</sup> Nonetheless, health needs remain.<sup>80</sup> Because PHR partnered with CBOs to implement the survey, all of the areas surveyed except for one were in catchment areas of CBO services. Limitations on the research that are a result of this partnership are discussed in the methods section.

## Human Rights

The Karen Human Rights Group, the Karen Women's Organization, Human Rights Watch, Amnesty International, the Center for Internally Displaced Karen People, Free Burma Rangers, and other groups have produced qualitative reports on human rights abuses in Karen State. These groups have reported rape, extrajudicial killings, forced labor, use of human minesweepers, attacks on civilian buildings, and pillaging of civilian property, even after Burma transitioned to a nominally civilian government in 2010.<sup>81</sup>

The Burmese army is responsible for the majority of human rights abuses in Karen State, although armed insurgent groups have used child soldiers and landmines and have been responsible for extortion and displacement of civilians.<sup>82</sup> Most abuses by the Burmese army tend to occur during troop movements and periods of fighting, and the number of abuses can vary seasonally and also from year to year.<sup>83</sup> During the rainy season (May to September), roads and trails become impassable, restricting movements and making fighting difficult. During this time, troops tend to stay near their bases and only go out on short patrols. When the rainy season ends, troops and supplies are moved to forward bases in anticipation of fighting. The Burmese army seems reluctant to encounter any other people—who might be armed insurgents--when it moves supplies, so during these times it will use mortar fire to clear villages before moving through and also use mortars indiscriminately along roads and around bases.

The Burmese army in Karen State operates under a "self-reliance" policy under which troops receive few nonmilitary supplies from bases in central Burma and are required to supply themselves with food and building materials from the local population.<sup>84</sup> This policy has led to wide-

*Community-Based Maternal Health Workers on Coverage of Essential Maternal Health Interventions among Internally Displaced Communities in Eastern Burma: The MOM Project*, 7 PLoS Med. 1 (2010); Luke Mullany et al., *Access to essential maternal health interventions and human rights violations among vulnerable communities in eastern Burma* 5 PLoS Med. 1689 (2008); Luke Mullany et al., *Population-based survey methods to quantify associations between human rights violations and health outcomes among internally displaced persons in eastern Burma*, 61 J. Epidemiol. Community Health 908 (2007).

79. Burma Medical Association, 2009 Annual Report (2009).

80. Ibis Reproductive Health, *Separated by Borders, United In Need: An assessment of reproductive health on the Thailand-Burma border* (2012).

81. Karen Women Organization, *State of Terror* (2007); Human Rights Watch, *Dead Men Walking* (2011); Statement, Karen National Union, Office of the Supreme Headquarters Karen National Union Kawthoolei, *Situation in KNU Karen Areas after Formation of New Government* (14 Jan. 2012).

82. Human Rights Watch, *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma* (2007).

83. Karen Human Rights Group, *supra* note 15.

84. Karen Human Rights Group, *Civilian and Military order documents: March 2008 to July 2011*, <http://www.khrg.org/khrg2011/khrg1103.pdf>; Internal Displacement Monitoring Centre, *Displacement continues in context of armed conflicts*, 19 July. 2011, [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountrySummaries\)/2B4C2F](http://www.internal-displacement.org/8025708F004CE90B/(httpCountrySummaries)/2B4C2F)

2010

A week after the election, Aung San Suu Kyi - who had been prevented from taking part - is released from house arrest.

2011

Former General Thein Sein (depicted) is sworn in as new president of a nominally civilian government. NLD rejoins political process, leader Suu Kyi stands for election to parliament. Authorities agree to truce with Shan ethnic group and orders military operations against ethnic Kachin rebels ended.



2012

Government allegedly signs ceasefire with Karen rebels. European Union suspends all non-military sanctions against Burma; US government also eases some sanctions in spite of human rights groups' opposition.

spread human rights abuses, including forced labor and pillaging, which can be war crimes and crimes against humanity. The self-reliance policy is of special concern in ceasefire situations, as it is an effect of militarization and a heavy troop presence but not necessarily open conflict; this is currently the case in Karen State.<sup>85</sup>

In 2011, during the time of this survey, the Burmese army was not as active in Karen State as in previous years.<sup>86</sup> At this time, heavy fighting was ongoing in Kachin and Shan states, and the Burmese military was perhaps concentrating its logistics and troop strength in these areas.

In areas where the Burmese army has complete control of the population -- that is, where there is very little resistance -- abuses tend to be more in the form of extorting food and labor. In areas where the Burmese army has a weaker presence, such as in areas where resistance movements are strong or in remote areas far from roads, human rights abuses tend to take the form of direct assaults on civilians.<sup>87</sup> Other research suggests that in these areas, more force is necessary to control the population.<sup>88</sup>

Civilians in Karen State have experienced human rights abuses for so long that they have evolved strategies to reduce the effects of violations.<sup>89</sup> Village leaders have negotiated with army units to reduce demands for forced labor or food from a village. Villages have also developed early warning systems so they can evacuate when troops are coming, and hidden food storage areas to reduce the impact of pillaging.<sup>90</sup>

## Methods

This research employed a multi-stage cluster survey to measure the prevalence of human rights violations, barriers to health care and food security among civilians in Karen State. Security concerns and restrictions on movement make it difficult to operate in this area, and minimizing risk to surveyors necessitates that the surveyors possess in-depth knowledge of local terrain, politics and troop movements of the areas assigned to them. To maximize the safety of the surveyors PHR identified and partnered with community-based organizations that were already working in the area.

PHR partnered with the Backpack Health Worker Team (BPHWT), Karen Department of Health and Welfare (KDHW), Karen Youth Organization (KYO), the Committee for Internally Displaced Karen People (CIDKP), and one additional group that wishes to remain anonymous. BPHWT and KDHW operate stationary and mobile clinics in Karen State, CIDKP provides food and cash aid for displaced persons and KYO works in community development, youth leadership and other civil society activities. The partner organizations committed 22 surveyors to the project who worked in 14 different clinic catchment areas; this gave a sampling frame of about 80,000 people in 250 villages across Karen State.<sup>91</sup>

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[511DC47BD9C12578CD004E1BB0?OpenDocument&count=10000](http://www.tbtc.org/idps/report-2010-idp-en.zip); Thailand Burma Border Consortium, Protracted Displacement And Chronic Poverty In Eastern Burma/Myanmar (2010), <http://www.tbtc.org/idps/report-2010-idp-en.zip>.

85. Thailand Burma Border Consortium, *supra* note 84; Karen Human Rights Group, *supra* note 24.

86. Interview with Staff of the Karen Human Rights Group, in Mae Sot, Thailand (Mar. 2011).

87. Karen Human Rights Group, *supra* note 15; Ashley South, Conflict and Survival: self-protection in south-east Burma (Chatham House Programme Paper, 2010).

88. Karen Human Rights Group, *supra* note 15.

89. *Id.*; South, *supra* note 87.

90. Karen Human Rights Group, *supra* note 15; South, *supra* note 87.

91. A map of townships where we sampled is included in the front of this report.

## Sampling method

Simple random sampling is a type of probability sampling widely used because it is easy to implement and easy to analyze. It requires that every sampling unit (individuals, in this case) be enumerated prior to sampling to ensure that each unit has an equal probability of being selected. When this level of population data is not available, or when time and costs associated with simple random sampling are prohibitive, cluster sampling is used as an alternative sampling method. Cluster sampling has become the preferred method in complex emergencies. Humanitarian aid organizations use cluster surveys for needs assessments and to document violations of human rights for advocacy purposes.<sup>92</sup>

Cluster sampling involves sampling from listings of clusters of a population, such as villages, and then sampling units within the cluster, such as houses. It is often the only way to do sampling when the exact population of an area is not known or when it is not feasible to sample evenly throughout an entire geographical region.<sup>93</sup> We chose to use cluster sampling to measure human rights violations in Karen State because logistical constraints and lack of household-level population data precluded simple random sampling. PHR previously used cluster sampling to measure human rights violations in Chin State, western Burma.<sup>94</sup>

We calculated the required sample size to be able to detect a prevalence of any human rights violations of 12% (estimated from previous surveys in Karen State), a survey return rate of 85%, with accuracy of 5% and a design effect of 3.0.<sup>95</sup> In order to fulfill these requirements, we needed to approach 720 households to ensure that at least 612 households responded to the survey.

In the next step we determined the cluster design. Although the World Health Organization recommends a 30 (villages) x 30 (households) design,<sup>96</sup> due to circumstances unique to Karen State we used a 90 x 8 design. There was considerable risk of losing data from clusters due to insecurity, and the data lost per cluster in a 90 x 8 design is less than the data lost in a 30 x 30 design.<sup>97</sup> Furthermore, a survey with a greater number of clusters and fewer households per cluster decreases the influence of clustering of outcomes and exposures.<sup>98</sup> PHR also used a 90 x 8 design for the Chin survey.<sup>99</sup>

For the first stage of sampling we selected villages. The partner organizations provided lists of villages and populations in the areas that they had access. If village populations were not available, the partner organizations estimated population size based on the number of houses in the village. Using these lists, we randomly selected villages by assigning probabilities of selection proportional to village population sizes. In the second stage of sampling, which happened in the field, surveyors selected eight houses in each village using a modified spin-the-pen technique.<sup>100</sup>

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92. Francesco Checchi & Les Roberts, Documenting mortality in crises: what keeps us from doing better, 5 *PLoS Med.* 1025 (2008).
  93. R.J. Hayes & L.H. Moulton, *Cluster Randomized Trials* (2009); Paul Levy & Stanley Lemeshow, *Sampling of Populations: Methods and Application* (2008).
  94. Richard Sollom et al., Health and human rights in Chin State, Western Burma: a population-based assessment using multistaged household cluster sampling, 8 *PLoS Med.* 1 (2011).
  95. Design effect accounts for statistical similarities of samples within clusters.
  96. United Nations, Administrative Committee on Coordination, Subcommittee on Nutrition et al., Report of a workshop on the improvement of the nutrition of refugees and displaced people in Africa (1995); Ville de Goyet et al., *The Management of Nutritional Emergencies in Large Populations* (1978).
  97. Sollom et al., *supra* note 94.
  98. International Rescue Committee, *Mortality in the Democratic Republic of Congo: Results from a Nationwide Survey* (2003).
  99. Sollom et al., *supra* note 94.
  100. Sollom et al., *supra* note 94; World Health Organization, *Immunization Coverage Cluster Survey – Reference Manual* (2005), <http://www.who.int/vaccines-documents/DocsPDF05/www767.pdf>; World Health Organization, *The World Health Survey: Sampling Guidelines for Participating Countries*, <http://www.who.int/healthinfo/survey/whssamplingguidelines.pdf>; World Health Organization, *The World Health Survey: Sampling Guidelines for*

## Survey Questionnaire

We based the survey questionnaire on the questionnaire PHR used in Chin state, which was designed to assess common human rights violations, access to health care and food security.<sup>101</sup> The questionnaire covered common human rights violations in Burma, including reported exposure to perpetrators and the location of alleged abuses. It incorporated the six-question FANTA-2 household hunger survey, a tool that can compare food security across cultures.<sup>102</sup> PHR surveyors measured middle-upper arm circumference (MUAC) in children under five years of age<sup>103</sup> and asked about diarrhea and night blindness in all household members; lastly, the questionnaire asked about accessibility, affordability, availability, and quality (AAAQ) of health care in Karen State. The AAAQ framework to the right to health is described in General Comment 14 of the Economic and Social Council, the review committee for the International Covenant on Economic, Social, and Cultural Rights (ESCR).<sup>104</sup> AAAQ is used to assess health services and also underlying determinants of health. The questions on access to health care will be able to measure use of health services and barriers to accessing those services.

PHR consulted the Karen Human Rights Group (KHRG) about the content and the wording of the questions to ensure that we were capturing important data and that the survey participants would understand the meanings of the questions. We further refined the questionnaire with the surveyors themselves during the two-week training. It was translated into Sgaw Karen and Burmese and then back-translated to English with a different translator to ensure accuracy of the translation.

Surveyors conducted the study during January 2012. The time period covered by the questionnaire was one year prior to the interview, with the exception of the household hunger section, which covered only the month prior to the interview.

## Surveyors

The local partner organizations identified personnel who were willing to work as surveyors for a three-month period. Seven of the surveyors worked with youth groups, and the remainder were community health workers. The surveyors lived and worked inside Karen State, were fluent in either Burmese or Sgaw Karen; had knowledge of the terrain, political climate, and local leaders in the area where they surveyed; were able to do mathematical calculations; and were able to travel by local means or by foot through remote areas of the State. PHR's survey team comprised twenty-two men and six women aged 20 to 38 from the 14 clinical areas in the sampling frame

## Surveyor Training

The training team designed and facilitated a two-week course that was translated into Sgaw Karen and Burmese. The training included lectures and practical sessions on all topics cru-

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Participating Countries, <http://www.who.int/healthinfo/survey/whssamplingguidelines.pdf>; Rebecca Grais, Angela MC Rose, & Jean-Paul Guthmann, *Don't spin the pen: two alternative methods for second-stage sampling in urban cluster surveys*, 4 Emerging Themes Epidemiol. 8 (2007).

101. Sollom et al., *supra* note 94.

102. Megan Deitcher et al., USAID, *Introducing a Simple Method of Household Hunger for Cross-Cultural Use* (2011).

103. World Health Organization & UNICEF, WHO Child Growth Standards and the Identification of Severe Acute Malnutrition in Infants and Children (2009), [http://www.who.int/nutrition/publications/severemalnutrition/9789241598163\\_eng.pdf](http://www.who.int/nutrition/publications/severemalnutrition/9789241598163_eng.pdf); United Nations Standing Committee on Nutrition, Fact Sheets on Nutrition and Food Security Indicators/Measures, [http://unscn.org/files/Task\\_Forces/Assessment\\_Monitoring\\_and\\_Evaluation/template\\_fact\\_sheets.pdf](http://unscn.org/files/Task_Forces/Assessment_Monitoring_and_Evaluation/template_fact_sheets.pdf).

104. U.N. Committee on Economic Social and Cultural Rights, General Comment No. 14: The Right to the Highest Attainable Standard of Health, U.N. Doc. E/C.12/2000/4 (11 Aug. 2000).



cial to implementation of the survey. It began with an overview of international human rights, and a discussion on health and human rights in Karen State. Surveyors were trained to further explore answers in the quantitative questionnaire with open-ended follow-up questions. Mathematics practice, MUAC training, the importance of informed consent and a technique for selecting households to survey were also taught.

A substantial portion of the time covered the content of the survey and the intent of the questions. We designed these sessions to ensure that the surveyors understood the questions and that the translations were accurate. Questions were modified and re-translated during these sessions to ensure that they were as clear and unambiguous as possible. Each surveyor practiced the entire survey protocol, from household selection through completing the questionnaire at least four times each during a one-day practicum in Mae La refugee camp and several more times during training sessions and for homework. Surveyors were required to pass a final check-out test before they went to the field.

### **Security Considerations**

PHR surveyors were responsible for assessing the security situation in a village before approaching it, and then consulting with the village leader on the safety of conducting the survey. If the surveyor determined that the village was not safe to enter, he or she would proceed to the next closest village and implement the survey. If there was no one available to interview in a household, the surveyor would return twice, and if still no one was there, the surveyor would select the next closest house and do the interview there. This minimized time spent in the village and thus minimized risk of meeting hostile armed groups.

### **Surveyor Debriefing**

Surveyors returned to Thailand after collecting the data and met with the project director. No security incidents occurred, but surveyors skipped ten villages out of 90 because of the presence of Burmese army or BGF troops. Surveyors reported that respondents had no problems understanding the questions.

### **Data Entry**

Two people entered the survey data separately into two identical Microsoft Access databases. The databases were designed to minimize errors: they only accepted answers to each question that were in the numerical range expected for that question. We compared the databases with Dataweigher® software and resolved discrepancies by referring the original survey forms.

### **Quality Assurance**

Security concerns precluded several quality assurance steps that are normally taken in the field. PHR surveyors were not able to visit villages a second time to repeat the survey, we did not have field supervisors to check data as it was being collected and to oversee the sampling process, and surveyors had no communications devices to call with questions or problems with the questionnaire or protocol. We addressed some of these potential problems by holding a two-week long training that included extensive practical experience under close supervision of instructors. We also set high standards for the final check-out, and did not pass trainees who were not able to select households or conduct the interview properly. Surveyors reported no technical problems or confusion about the survey questions at the debriefings.

## Ethical Approval

The PHR Ethical Review Board, the Institutional Review Board at the Johns Hopkins Bloomberg School of Public Health, and a Karen community advisory team reviewed and approved the research plan.

## Limitations

As discussed above, the security situation in Karen State is varied, but attacks on civilians and health workers were very possible in the survey areas. Security concerns and restrictions on movement make it difficult to operate in this area, and minimizing risk to surveyors necessitates that the people conducting the survey possess in-depth knowledge of local terrain, politics and troop movements of the areas assigned to them. To maximize the safety of the surveyors PHR identified and partnered with community-based organizations that were already working in the area. Because we sampled in areas that have access to CBO health clinics, we cannot conclude anything about health outcomes or access to health care for Karen people living in other areas in the state.

Logistical constraints limited the sample frame. KDHW and BPHWT report that their clinic catchment areas include over 300,000 people, and CIDKP and KYO have access to even more than that. These organizations, however, were unable to commit staff --due to programmatic needs --from every clinic for the three months required for training, travel, and implementing the survey.

Because we did not include the whole of Karen State in the sample frame, we cannot generalize the results to the entire state—only to the areas where we sampled. Our CBO partners were working in these areas, and thus the people living there had access to services provided by these CBOs, including medical care and food relief. PHR surveyors spoke Burmese or Sgaw Karen, which are two of the common languages in Karen State. It is possible we excluded some of the population (notably Po Karen) because they would not be able to understand the surveyors. At debriefings, however, surveyors did not report this was a problem.

## Results

PHR surveyors approached 90 villages in Karen State; because of security reasons (i.e., the presence of Burmese army or Border Guard Force troops) they were not able to access 10 of the villages. Surveyors substituted eight of these by surveying the next closest village and they skipped two villages altogether. Out of 686 heads of households approached by the surveyors, 665 (96.9%) agreed to participate in the survey. The sample size calculations indicated that we needed at least 612 households to ensure statistical precision and power. Since 665 households agreed to participate, we fulfilled the sampling requirements. This sample of households included a total of 3,532 people, representing about 80,000 people in our sample frame. We questioned heads of household about food security, access to health care, their health status and human rights violations. The human rights questions in the survey focused on violations that were likely ongoing in Karen State based on data collected previously in Karen State and also PHR surveys that were done in Chin and Shan states.<sup>105</sup>

105. Sollom et al., *supra* note 94; Mullany et al., *Population-based survey methods*, *supra* note 78; Davis, interview *supra* note 86. Karen Human Rights Group, *Attacks on Health and Education: Trends and Incidence in Burma, 2010-2011* (2011); Karen Human Rights Group, *supra* note 15.

## Human Rights

One-third of households we surveyed reported experiencing some kind of human rights abuse in 2011. Forced labor was the most common abuse; 26% of households reported some kind of forced labor in 2011. Four percent of households reported that they were blocked from accessing their land, another four percent reported having any movements restricted, and over one percent reported an assault, including kidnapping, hurt by gunshot or explosion, attacked by military, torture or sexual assault.

Human Rights Violations	Number responding	Cases in 1 year	Percent
any forced labor	663	186	25.95%
forced to be porters	650	89	14.89%
sweeping for mines	651	4	0.38%
forced to grow crops	626	25	2.90%
working for military	550	49	9.30%
other forced labor	563	88	14.17%
blocked from accessing land	623	19	4.21%
food stolen or destroyed	626	23	4.15%
restricted movements	622	26	5.77%
religious discrimination	636	6	0.98%
kidnapped	664	1	0.00%
wounded	664	1	0.20%
tortured	664	7	0.98%
sexually assaulted	664	5	0.50%
any human rights violation	664	209	29.62%
any assault	664	9	1.34%

*Note that the percentages reported are not always the ratio of cases per number responding. This is due to the statistical software used to analyze cluster-sampled data; it accounts for nuances of the sampling method that are different from simple random sampling, and thus the results may be slightly different from a direct calculation.*

Several human rights violations were significantly higher in the Tavoy region than in the other areas we surveyed. The odds of a family reporting having their movement restricted by the authorities were 7.4 times higher for families living in the Tavoy areas than for the rest of the families that we surveyed. Similarly, for families living in Tavoy, the odds of being forced to do other kinds of labor, including building roads and bridges, were 7.9 times higher than for families living elsewhere. The areas around Tavoy where we surveyed were controlled by the Burmese army and saw no conflict in 2011,<sup>106</sup> yet some human rights abuses were higher in these areas than in areas where conflict was ongoing. The data show that human rights abuses can happen in the absence of conflict in Burma. If the KNU and Burmese government sign a ceasefire, human rights abuses, especially forced labor and abuses related to land access, could still occur. These parties should include language in their ceasefire agreements to ensure that all abuses stop.

106. There was some fighting in other parts of Tenasserim Division in 2011.

The Burmese army committed the majority of the human rights abuses. They were responsible for 80% of cases of forced hauling of goods, 85% of cases of blocking access to land and 95% of cases of restricting people's movement. BGF and non-state armed groups were responsible for 10% of the cases of forced labor for the military.

### Forced Labor

The most common human rights violation households experienced was forced labor. In total, 26% of households reported some kind of forced labor violation. Fifteen percent of households reported being forced to be porters, 10% reported being forced to work for the military, and 14% reported being forced to do some other kind of labor, including building roads and bridges or being forced to use a personal vehicle for a government authority.

Forced labor has compounded effects on communities; not only is the individual forced to labor impacted by the crime, but families may be harmed by increased work burden on other family members in that individual's absence. Individuals who are subjected to forced labor may also be more vulnerable to other crimes when they are away from their families and support structures.

The Burmese army was the chief perpetrator of forced labor violations. It was responsible for 80% of forced transport of goods, 56% of minesweeping and 97% of cases of forcing households to grow crops. Other perpetrators were non-state armed groups and local proxies for the Burmese government (formerly VPDC — Village Peace and Development Council of the SPDC, which is now called the local USDP). Several households replied that they did not know who was responsible for the violation. Villagers noted that forced labor violations are usually done via letters and implied threats, and it is likely that the people forced to labor never see the perpetrators. Acts of forced labor violate Burma's obligations under the International Labor Organization Convention Concerning Forced or Compulsory Labor as well as its obligations under customary international law.<sup>107</sup>

*"As my husband was a headman at that time, he did not want his villagers to suffer, so he himself went as a porter" — 56-year-old female farmer, Pa An District*

*"For portering, they [Tatmadaw] command us to do it through our village leader. We have to do it".  
— 25-year-old male farmer, Papun District*

*"They [Tatmadaw] ask pig [sic] for food .We don't have pig so we have to give chicken." — 48-year-old male farmer, Papun District*

*"Sometimes we had to do labor under the sun without having break when we were forced to labor. [The Tatmadaw] did not let us have break time and we were so hungry." — 48-year-old male farmer, Doolaya District*

The International Labor Organization (ILO) is active in Burma and is charged with eliminating forced labor in the country. The work of the ILO is hampered, however, by its inaccessibility to many victims of forced labor. Very few households that responded to our survey knew about or reported forced labor to the ILO. Out of everyone surveyed, four percent had heard of the ILO, and out of 186 families that reported forced labor, nine knew about the ILO and only one reported forced labor. Debriefings with our surveyors suggested that the "no response" in the tables below indicates that the respondent did not know about the ILO and thus never reported acts of forced labor.

107. ILO Convention Concerning Forced or Compulsory Labour (No. 29), 1 May 1932, 39 U.N.T.S. 55 (ratified 4 Mar. 1955).

<b>Do you know about the International Labor Organization (ILO) where you can report forced labor?</b>	<b>Number responding</b>	<b>Cases in 1 year</b>	<b>Percent</b>
no	664	628	93.27
yes	664	23	4.11
no response	664	13	2.62

*Note that the percentages reported are not always the ratio of cases per number responding. This is due to the statistical software used to analyze cluster-sampled data; it accounts for nuances of the sampling method that are different from simple random sampling, and thus the results may be slightly different from a direct calculation.*

<b>Have you ever reported forced labor to the International Labor Organization (ILO)?</b>	<b>Number responding</b>	<b>Cases in 1 year</b>	<b>Percent</b>
no	664	189	35.93
yes	664	4	0.71
no response	664	471	63.6

*Note that the percentages reported are not always the ratio of cases per number responding. This is due to the statistical software used to analyze cluster-sampled data; it accounts for nuances of the sampling method that are different from simple random sampling, and thus the results may be slightly different from a direct calculation.*

Our research shows that forced labor is not reported to the ILO in parts of Karen State where we surveyed, and the ILO may be severely underestimating the extent of forced labor there. The ILO admits that it has had limited access to ethnic areas in Burma,<sup>108</sup> but it recently lifted restrictions on Burma, citing progress on labor issues.<sup>109</sup> Given the ILO's limited access, the claim of improvement should not be generalized to the entire country.

The ILO has great potential to contribute to a mechanism of accountability for forced labor in Burma, and the Burmese government recently granted the ILO access to ethnic conflict zones.<sup>110</sup> Challenges, including inaccessibility and a lack of understanding about the reporting mechanism, remain for the ILO to document forced labor in all areas of the country.

### **Theft of Civilian Property**

The Burmese military has a policy of self-reliance – that is, it fuels itself with resources extracted from the civilian population.<sup>111</sup> Families that give livestock, food, supplies, or other items to the military are not reimbursed for these resources. Such pillaging has serious effects on villagers, especially during times of food scarcity. .

108. Thea Forbes, The ILO and forced labour in Burma, Mizzima News, 7 Mar. 2011, <http://www.mizzima.com/edop/interview/4973-the-ilo-and-forced-labour-in-burma>.

109. Stephanie Nebehay, *ILO Brings Myanmar out of cold ahead of Suu Kyi visit*, Reuters, 13 Jun. 2012.

110. Francis Wade, *ILO to Begin Work in Conflict Zones*, *Democratic Voice of Burma*, 10 Aug. 2012, <http://www.dvb.no/news/ilo-to-begin-work-in-ethnic-conflict-zones/21386>.

111. Karen Human Rights Group, *supra* note 84; Internal Displacement Monitoring Centre, *supra* note 84; Thailand Burma Border Consortium, *supra* note 84.

*"I do not have enough food for my family for coming year because in September and October in 2011, Burmese soldiers came to our village and they did not allow me to work in my field."— 57-year-old male farmer, Papun District*

*"The village has to send rations to the Burmese army. The villagers have to go by boats and it is too difficult to travel. The boats from some villages were damaged. However, the villagers do not receive any compensation for the damage." — 47-year-old male, Tavoy Area*

## Forced Displacement

The 12-month period surveyed for this report was a time of relative calm for most Karen communities, and only 3 respondents reported forced displacement over the one-year period. The survey also inquired about displacement over the previous ten years, which saw conflict across Karen State. Over 30% of respondents reported being forcibly displaced from 2001-2011.

Respondents indicated that other land-related violations, such as being blocked from accessing their land or facing movement restrictions, occurred with greater prevalence during the 12-month time period captured by the survey. During that one year, 5.6% reported movement restrictions and over 4% reported being blocked from accessing their land. Again, the main perpetrator of these crimes was the Burmese army. It was named in 85% of the cases of blocking access to people's land and 95% of cases of restricted movement. Other perpetrators included police, non-state armed groups, other government entities, and civilians.

*"DKBA asked us to move back to [name deleted] village. If not, they threatened that they would burn the village down." — 75-year-old male farmer, Pa An District*

*"The SPDC asked us to move to another village and they forbid to communicate with the rebellion group." — 50-year-old farmer, Papun District*

*"Ten years ago, we had to run from our village because of SPDC. The SPDC tortured my uncle when he tried to run." — 53-year-old male farmer, Dooplaya District*

## Assaults on Civilians

The survey asked about assaults, which include being wounded by a violent act, sexual assault, kidnapping, or torture. Out of all of the households responding, 1.3% reported having experienced an assault. Again, the Burmese army was responsible for the majority of the abuses.

*"[Tatmadaw] Battalion (355) burnt down [a nearby] village and tied the villagers and beat them." — 36-year-old female farmer Dooplaya District*

<b>Table 3. Exposure to armed groups</b>	
<b>Which armed group(s) have you seen in the last year?</b>	
Burma army	34.5%
NSAG ceasefire	9.4%
NSAG nonceasefire	58.4%
BGF	14.5%
NSAG nonceasefire = KNLA or DKBA breakaway group; NSAG ceasefire = Thandaung Peace Group, Pd'oh Aung San Group, or KNU/KNLA Peace Group.	

**Table 4. Perpetrators of human rights violations**

HRV	Perpetrators										
	Burma army	Police	NSAG non-ceasefire	BGF	Local gov't - USDP (VPDC)	NA	other	civilians	DK	NR	total
forced to be porters	80.0%			3.4%	1.8%	2.3%	2.5%		9.9%		100%
sweeping for mines	56.2%				11.0%				32.9%		100%
forced to grow crops	97.0%	2.8%							0.2%		100%
working for military	78.0%		9.1%	11.2%			1.4%				100%
other forced labor	55.7%		4.1%	4.4%	5.2%	4.4%	14.0%		12.0%		100%
blocked from accessing land	85.0%				12.7%			2.4%			100%
food stolen or destroyed	49.3%							50.6%			100%
restricted movement	94.9%	2.8%	2.4%								100%
kidnapped	100.0%										100%
wounded										100%	100%
tortured	71.0%							29.0%			100%
sexually assaulted	100.0%										100%

*Note that the percentages reported are not always the ratio of cases per number responding. This is due to the statistical software used to analyze cluster-sampled data; it accounts for nuances of the sampling method that are different from simple random sampling, and thus the results may be slightly different from a direct calculation. NSAG nonceasefire =KNLA or DKBA breakaway group; NSAG ceasefire= Thandaung Peace Group, Pd'oh Aung San Group or KNU/KNLA Peace Group.*

**Human rights violations areas are more common in non-conflict areas occupied by the Burmese army.**

The Tavoy area where PHR surveyed was occupied by the Burmese army, and the site of an economic development project. The rest of the survey areas were under mixed or contested administration between different armed groups (including the Burmese army).

Burmese and foreign companies in Tavoy are constructing a deep -sea port and economic development zone. Human rights violations, especially forced labor and forced relocation, have been reported around Tavoy and around other economic development projects elsewhere in the country.<sup>112</sup>

In order to investigate associations between exposures (human rights violations, for example) and outcomes (poor health, for example), statisticians use an *odds ratio*. In this case, the odds ratio means the odds of experiencing a human rights violation for families living in Tavoy compared to the same odds in families living in other areas. If the odds ratio is equal to one, there is no difference in the prevalence of human rights violations in the two groups of families. If the odds ratio is greater than one, then there is some association between human rights violations and living in Tavoy; the greater the odds ratio, the stronger the association.

112. Arakan Rivers Network, *supra* note 17; Salween Watch, *supra* note 17; Shwe Gas Movement, *supra* note 17; Earth Rights International (2012), *supra* note 17.

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Using the following formula, the survey data can indicate the odds of experiencing human rights violations for people who live in Tavoy compared to the odds of experiencing human rights violations for people who live elsewhere in the sampling area.

$$OR = \frac{\text{Odds that a person in Tavoy experienced an HRV}}{\text{Odds that a person elsewhere experienced an HRV}}$$

Our analysis indicates that people who lived in Tavoy experienced more human rights violations than people who lived elsewhere in our sampling area. Specifically, the odds of having someone forced to do labor were 2.4 times higher for families in Tavoy than for families elsewhere. The same odds for being forced to be porters were 4.4 times higher, for other forced labor were 7.9 times higher, for being blocked from accessing land were 6.2 times higher, and for restricted movement were 7.4 times higher for families in Tavoy than for families living elsewhere. Our analysis suggests that forced labor and restrictions on movements do occur in the absence of fighting and also around economic development projects. Other research suggests that abuses such as forced labor are common during ceasefires in Burma, because during these times ethnic armies have not been able to protect their people.<sup>113</sup>

A ceasefire in Karen State could result in more areas of the state coming under Burmese control and the expansion of development projects. If human rights violations are higher in these situations, ceasefire agreements should have mechanisms to monitor the specific violations that could occur in areas of economic development. Companies involved in development projects should ensure that they are not contributing to human rights violations.

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The prevalence of assaults was lower in Tavoy than elsewhere, and in some cases such as minesweeping, torture and rape, no violations were reported in Tavoy. Thus we could not calculate odds ratios for these rights violations. The table below notes correlations between human rights violations and geographic area. Results are presented below, and statistically significant associations are in bold.

### **Statistical Significance**

Because the study sampled some people in the population and not the entire population, the results are estimates of results from a potential sampling of every single household in the population. There may be differences between the results from a particular sample and the results from an entire population. The difference depends roughly on the size of the whole population and the number of households that were sampled.

Because there could be a difference between our measured value and the true value, we must show how confident we are in our estimate. For these odds ratios, we do this by calculating a 95% confidence interval. This is expressed as a range of numbers. We say that we are 95% sure that the true value of what we measured falls somewhere within this range. As long as the 95% confidence interval does not overlap the number 1, we can say that we are 95% sure that there is some association between the outcome and exposure (human rights violations and some health outcome, for instance). If the confidence interval overlaps the number 1, then it is possible that the real odds ratio is equal to one and therefore there is no association.

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113. Tom Kramer, Transnational Institute, *Neither War nor Peace: The future of ceasefire agreements in Burma*, (2009); Amnesty International, *supra* note 5.



<b>HRV</b>	<b>odds ratio</b>	<b>95% confidence interval</b>
any assault	2	0.35-11.3
any HRV	2.2	0.97-5.0
<b>any forced labor</b>	<b>2.42</b>	<b>1.03-5.65</b>
forced to be porters	4.4	<b>1.8-11.0</b>
sweep for mines	na	na
forced to grow crops	2.2	0.36-13.1
other forced labor	7.9	<b>3.2-19.3</b>
blocked from accessing land	6.2	<b>1.1-34.1</b>
food stolen or destroyed	1.6	0.34-7.1
restricted movement	7.4	<b>1.4-39.3</b>
religious discrimination	3.5	0.47-25.7
kidnapped	na	na
hurt	na	na
torture	na	na
rape	na	na

## Humanitarian needs

### **Nutrition**

The survey instrument used the FANTA-2 household hunger scale (HHS) to measure family food security in Karen State. The HHS transcends cultural differences and measures the extent to which a household is able to access sufficient quantities of food and therefore the family's ability to provide food for itself. Results of the HHS questions are analyzed and categorized for each family as having none or low, moderate, or severe household hunger. The recall period for the HHS is one month prior to administration of the survey, and because the Karen survey was done in January, immediately following the rice harvest, we anticipated that the results would reflect household hunger at its lowest point during the year. Our research found that 17.4% of households in Karen State reported moderate or severe household hunger. Household hunger has not been measured before in Karen State. PHR measured household hunger in Chin State, western Burma in 2010, following a famine and found that 43% of households reported moderate or severe hunger.<sup>114</sup>

We found that 3.7% of children under 5 were moderately or severely malnourished, and 9.8% were mildly malnourished, as determined by MUAC. These figures are similar to those reported previously in Karen State.<sup>115</sup> This low prevalence is likely due to the timing of the survey, which was immediately after the harvest, when food insecurity is at its lowest point during the year. In most of the survey areas, families had access to food or cash aid from CBOs, and this may be another reason why child malnutrition was low. Several heads-of-household commented that their children's MUAC had been measured before, suggesting that some monitoring of child malnutrition was occurring in the survey area.

114. Sollom et al., *supra* note 94.

115. Thailand Burma Border Consortium, *supra* note 67; Back Packer Health Worker Team, *supra* note 70.

## Health

Victims of human rights abuses may also suffer indirect effects on their health. In order to identify associations between human rights abuses and poor health outcomes, we identified several health indicators that the surveyors could easily measure in the field and included them in the survey.

The survey asked if any family member was sick and not able to get medical care. In Karen State there the nearest clinic could be several days travel from a village, and the few roads that are in the state are controlled by the military. Of the households surveyed, 13.2% said that in the past year someone was sick and was not able to get treatment. Heads of household reported that the high cost of travel and the long distance between the village and the clinic were the chief barriers to accessing health care. Eleven percent of households said that they left Karen State to get treatment at least once during the year.

Poor water quality can promote disease transmission and negatively affect health. We asked heads of household where they obtained their drinking water. Twenty-three percent said their drinking water came from an unprotected source, such as a river or stream, 22.3% boiled it, and 22% had wells.

Night blindness is a condition in which someone can see normally in daylight but cannot see in low-light conditions such as early morning or late evening even though healthy people are able to see during these times. Night blindness is a symptom of vitamin A deficiency, which, in addition to complete blindness, can cause inability to fight disease and increased maternal child and mortality. Our survey found that overall 4.4% of individuals, and 5.4% of women of reproductive age reported night blindness.

<b>Table 6. Health Outcomes</b>			
<b>Health</b>	<b>Number responding</b>	<b>Cases in 1 year</b>	<b>Percent</b>
night blindness in everyone	3370	155	4.40%
night blindness in children	476	3	0.06%
night blindness in women of reproductive age (15-49)	779	51	5.40%
MUAC < 125 mm (severe or moderate malnutrition)	353	13	3.70%
MUAC 125-135 mm (mild malnutrition)	353	30	9.00%
MUAC ≥ 135 mm (no malnutrition)	353	310	87.30%
diarrhea in everyone	3354	209	6.60%
diarrhea in children	479	65	14.54%
drinks untreated water from an unprotected source	544	192	30.74%
sick and cannot get treatment	575	74	13.20%
left Karen State for treatment	660	62	11.00%
No household hunger	665	99	86.00%
moderate household hunger	665	83	14.53%
severe household hunger	665	16	2.82%
moderate or severe household hunger	665	99	17.35%

*Note that the percentages reported are not always the ratio of cases per number responding. This is due to the statistical software used to analyze cluster-sampled data; it accounts for nuances of the sampling method that are different from simple random sampling, and thus the results may be slightly different from a direct calculation.*

Type of water used for drinking	Number responding	Responding "Yes"	Percent
chlorinated	544	18	2.14%
well	544	164	31.99%
river	544	192	30.74%
boiled	544	146	31.96%
filtered	544	22	2.95%
don't know	544	2	0.23%

### **Associations between Human Rights Violations and Poor Health Outcomes**

Statistical analysis can determine if there are associations between human rights violations and poor health outcomes. Previous studies in Karen State have shown associations between human rights violations and several poor health outcomes, including malaria, child malnutrition and child mortality.<sup>116</sup> If human rights violations have led to poor health of civilians, any reconciliation or reparative justice efforts should also include strengthening community health.

*"My wife was sick seriously. So I go to clinic for help, but on the way I was caught by Burmese army and I have to stay there for 20 days [in September-October] 2011. While I was being caught by Burmese army, there was no one to take care of my wife. So she died."*  
 — 30-year-old male farmer, Papun District

*"We discuss with the authorities, not to have problem concerning religious [ceremonies]"*  
 — 45-year-old Christian male farmer, Papun District

*"Ten years ago, battalion [44] came to the village and questioned about (KNU) soldiers. They stabbed my son. Like these ways, SPDC always made villagers to be [sick]. On the other hand, the sick villagers could not work and they have problem to cure their disease because there is no clinic in the village"* — 57-year-old male farmer, Dooplaya District

We use an odds ratio to investigate relationships between human rights violations and health outcomes. In this case, the odds ratio means the odds of having a poor health outcome in families that have experienced human rights violations compared to the same odds in families that have not experienced human rights violations. If the odds ratio is equal to one, there is no difference in poor health outcomes in the two groups of families, If the odds ratio is greater than one, then there is some association between human rights violations and poor health outcomes; the greater the odds ratio, the stronger the association.

$$OR = \frac{\text{Odds that a person with the health outcome was exposed to an HRV}}{\text{Odds that a person without the health outcome was exposed to an HRV}}$$

Table 8 on the next page, notes correlations between human rights violations and negative health outcomes. The survey compared households that experienced human rights violations with households that did not experience any violations, and compared health outcomes between the two. Statistically significant associations are in bold.

116. Mullany et al., Population-based survey methods, *supra* note 78.

<b>Table 8. Association between health outcomes and human rights violations</b>						
<b>HRV</b>	<b>Moderate or Severe Household Hunger</b>					
	<b>Night Blindness</b>		<b>Diarrhea</b>			
	<b>odds ratio</b>	<b>95% confidence interval</b>	<b>odds ratio</b>	<b>95% confidence interval</b>	<b>odds ratio</b>	<b>95% confidence interval</b>
any forced labor	1.63	0.85-3.09	<b>1.53</b>	<b>1.10-2.12</b>	<b>2.98</b>	<b>2.09-4.24</b>
any assault	<b>9.87</b>	<b>1.94-50.24</b>	<b>1.3</b>	<b>1.01-1.68</b>	2.49	0.63-9.89
any HRV	1.56	0.82-2.97	<b>1.58</b>	<b>1.11-2.24</b>	<b>2.92</b>	<b>2.02-4.22</b>
be a porter	1.86	0.88-3.92	1.27	0.99-1.61	<b>2.86</b>	<b>1.78-4.57</b>
sweep for mines	--	--	<b>1.76</b>	<b>1.31-2.36</b>	1.73	0.40-7.42
forced to work for the military	--	--	1	0.76-1.31	<b>3.89</b>	<b>2.31-6.54</b>
other forced labor	1.99	0.94-4.23	1.09	0.92-1.30	1.35	0.71-2.57
blocked from accessing land	<b>2.49</b>	<b>0.76-8.18</b>	1.08	.75-1.49	2.5	0.77-8.15
food stolen or destroyed	<b>4.64</b>	<b>1.71-12.55</b>	<b>1.51</b>	<b>1.18-1.95</b>	2.67	0.91-7.79

Household hunger was associated with several human rights violations. The odds of reporting moderate or severe household hunger were 9.87 times higher for families that had experienced an assault than for families that had not. Similarly, the odds of having moderate or severe household hunger were 4.64 times higher for families whose food was stolen or destroyed and 2.49 times higher for families that were blocked from accessing their land.

Diarrhea is a predictor of morbidity and mortality and it is a major cause of child mortality in developing countries. The survey revealed several associations between human rights violations and children; families that experienced forced labor, being porters, and working for the military all had greater odds of having a household member with diarrhea than families that were not exposed to these violations.

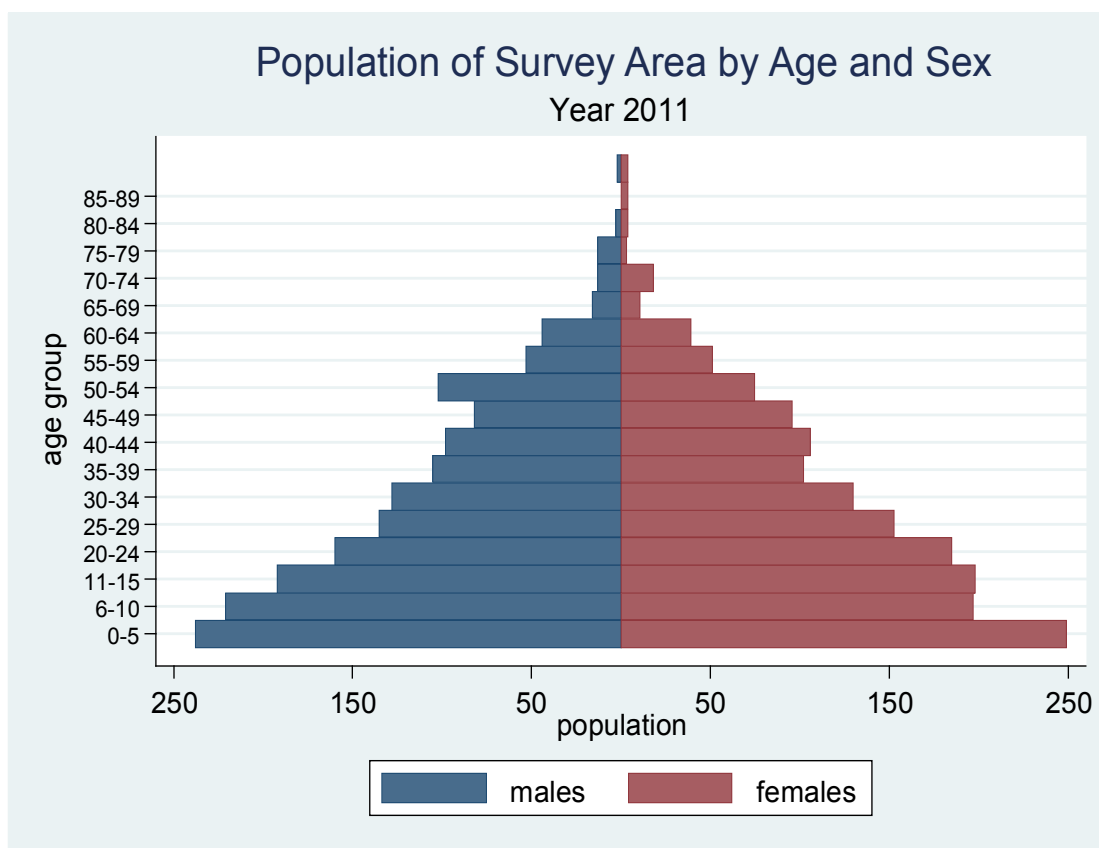
We found that night blindness was associated with forced labor, any assault, being forced to sweep for mines, and theft or destruction of food.

The associations between poor health outcomes and human rights violations identified by this analysis contribute to a growing body of evidence that human rights violations can have negative consequences on victims' health. The Karen civilians have not only suffered the trauma associated with direct violence, but they also suffer from being forced to do work for authorities, being blocked from accessing their fields, and being forbidden to travel freely through the state. These activities consume time and energy that otherwise might have been spent working in the fields or caring for family members or doing other activities that would promote the health of the family. If human rights violations have disrupted these essential activities and contributed to bad health, then victims should be compensated. Reconciliation efforts in Karen State should include programs to improve health care delivery and access.

## Demographics

Religion	Percentage
Atheist	0.70%
Christian	21.00%
Buddhist	71.00%
Animist	5.00%
Other	3.00%

Ethnicity	Percentage
Sgaw Karen	91.00%
Po Karen	7.90%
Mon	0.80%
Shan	1.20%



Though census data from Karen State is scarce, other studies have reported that the overall Karen population is about 15-30% Christian<sup>117</sup> and that about 70% of refugees in camps in Thailand speak Sgaw.<sup>118</sup>

117. Paul Keenan, Faith at a Crossroads: Religions and Beliefs of the Karen People of Burma, 1 Karen Heritage 1 (2006), <http://burmalibrary.org/docskaren/Karen%20Heritage%20Web/pdf/Faith.pdf>; Centers for Disease Control and Prevention, Promoting Cultural Sensitivity: A Practical Guide for Tuberculosis Programs Providing Services to Karen Persons from Burma (2010), <http://www.cdc.gov/tb/publications/guidestoolkits/EthnographicGuides/Burma/>; South, *supra* note 11.

118. Sandy Barron et al., *Refugees from Burma: Their backgrounds and refugee experiences* (2007).

## Survey Definitions

If a respondent reported experiencing a human rights violation, follow-up questions asked about the perpetrator and when and how the violations took place. Surveyors were also instructed to ask if there was anything else the respondent wanted to tell about the incident, which was written down on the back of the survey form. These follow up questions will help to direct advocacy efforts.

### ***On the concept of “being forced” to do something:***

The concept of being forced to do something was covered extensively in training. In Karen state, armed groups have long used civilian labor, although recently the mechanism of coercion has become complex. A decade ago, an armed group might march into a village, hold the leader or everyone at gunpoint, and demand a certain number of workers for a certain amount of time. In times of conflict, Burmese commanders who wanted to avoid an ambush in the field would send letters to village leaders demanding laborers and including threats for noncompliance, such as “we’ll come and burn down your village if you don’t send workers.” As these letters were obtained and publicized by human rights groups, the threats became implied, or more subtle, such as writing the request in red ink. In order to capture all incidents of being forced to do something, we included more than obvious threats in the definition.

### ***Forced labor***

Someone asked you to do something that you did not want to do but you did it because you were afraid of what would happen if you did not.

### ***Forced to be porters***

Porters carry supplies, including but not limited to weapons and ammunition, for armed groups or the Burmese or local government.

### ***Forced to grow crops***

In 2005 the Burmese government began a biofuel project from oil obtained from the *Jatropha (J. curcas)* plant, a broad-leafed shrub found in tropical areas. The government forced civilians to grow these plants, and sometimes teak, as cash crops.

### ***Did household get paid for the labor?***

Civilians are rarely compensated for forced labor. Although providing compensation does not mean that the labor is not forced, not providing compensation makes a stronger case that the labor was forced.

### ***Do you know about ILO or reporting mechanism?***

The International Labor Organization has been working with the Burmese government to establish a complaint mechanism for forced labor. This question is designed to test if the ILO has a sufficient presence in Karen State or if it needs to expand its programs there.

***Did you see any of these groups in last 12 months?***

The influence of an armed group on a population may be related to how often that group is physically present in the village. This question is designed to measure the physical exposure to armed groups. Border Guard Forces (BGF) were created in 2008 and are made of ethnic armies that signed allegiance to the Burmese army. They operate under Burmese military command and are an extension of the Burmese army. The remainder of the ethnic armies in Karen State were divided into ceasefire and non-ceasefire non-state armed groups (NSAGs), depending on whether they had a ceasefire agreement with the Burmese army or not. During the time of the survey, the Karen National Liberation Army (KNLA) did not have a ceasefire agreement, and most factions of the Democratic Karen Buddhist Army (DKBA) were BGF, although some breakaway factions, did not have a ceasefire agreement.

***Blocked from accessing lands***

Land rights are frequently violated in Karen State, sometimes as a result of security perimeters and sometimes as direct attacks on the civilian population. Use of land mines is common, but Burma army troops also use artillery to clear villages near bases and to clear areas along roads when they are moving supplies. Free fire zones are sometimes set up near bases; troops could fire rifles or mortars if they see anyone from the base. These actions displace civilians and can prevent them from returning or using fields or living in villages that are within range of roads or bases.

***Food or crops stolen or destroyed***

This includes any food that had been purchased by the family (oil, salt, etc), any food in storage (commonly rice in storage barns), rice in the fields, fruit trees, and domestic animals (chickens, pigs goats). As part of the four cuts policy, the Burmese army destroyed civilians food. Part of the “self-reliance” policy of the Burmese army and other armed groups required that troop supply their food from the civilian population.

***Restrict movement***

This question is similar to “blocked from accessing lands” but is expanded to include any kinds of restriction on movement. Restrictions may include curfews, forced to buy travel permits, checkpoints, threat of harm for traveling, use of land mines, mortaring areas, and establishment of free-fire zones.

***Religious or ethnic persecution***

This question asks the respondent if they thought they were treated differently or targeted for abuse by an armed group because of their religion or ethnicity.

***Kidnapped or disappeared***

This question means that a person or group in authority took a person without arresting them on charges.

***Sexual assault***

This question means any kind of unwanted sexual contact against either gender.

## Conclusion

PHR's survey of human rights violations and humanitarian indicators in Karen State shows that human rights violations persist in Karen State, despite recent reforms on the part of President Thein Sein. Of particular concern is the prevalence of human rights violations even in areas where there is no active armed conflict, as well as the correlation between economic development projects and human rights violations. Our research found that human rights violations were up to 10 times higher around an economic development project than in other areas surveyed. Systemic reforms that establish accountability for perpetrators of human rights violations, full political participation by Karen people and other ethnic minorities, and access to essential services are necessary to support a successful transition to a fully functioning democracy.

*"We want to live peacefully and we don't want fighting and war."*

*— 30-year-old male farmer, Papun District*

*"In the past, we [village and SPDC] had religion problem. But now we negotiate with each other and now no more problem."* — 30-year-old Christian farmer, Papun District

## Recommendations

### To the Government of Burma:

The Burmese government is currently in negotiations with the Karen National Union (KNU) to end hostilities in Karen State. Previous ceasefire agreements in the region have disintegrated, and any agreement that lacks a foundation in political participation or proper accountability mechanisms may fail in the future. Human rights violations persist in areas of economic development and of concentrated military presence, even without active armed conflict. Human rights abuses will not end with a ceasefire agreement, and continued documentation as well as the establishment of accountability for violators are necessary for reconciliation. Strong accountability mechanisms that operate in a transparent manner and have the support of local communities will chip away at the culture of impunity that reigns in Burma today. Comprehensive institutional reform, including reform of the judiciary and establishment of the rule of law, is necessary to move Karen State and other regions of Burma from conflict to a peaceful future. The Government of Burma should:

- Ensure that any ceasefire agreement with the Karen National Union involves political reforms and efforts at reconciliation in addition to an end to outright hostilities.
- Create robust accountability mechanisms to hold all parties responsible for the terms of the ceasefire.
- Thoroughly investigate allegations of human rights abuse and establish broad accountability mechanisms to hold human rights violators accountable whether or not ceasefire agreements are made.
- Restructure the National Human Rights Commission so that it is capable of conducting impartial investigations of alleged human rights violations.
- Remove provisions in the Constitution that provide amnesty for government and military officials responsible for human rights violations.
- Grant international humanitarian and human rights groups full access to Karen State to facilitate delivery of essential services and documentation of human rights violations.



- Invite the UN office of the High Commissioner for Human Rights to establish a field office in Burma.

### **To the Karen National Union:**

- Ensure that any ceasefire agreement with the Burmese government involves political reforms and efforts at reconciliation in addition to an end to outright hostilities.
- Create robust accountability mechanisms to hold all parties responsible for the terms of the ceasefire.
- Ensure that protections for civilians from human rights abuses are an integral part of ceasefire negotiations.

### **To the international donor community:**

The recent reforms have created greater opportunities for international donors to fund civil society organizations within Burma. Because of limited resources, some donors have shifted their focus from Burma's border regions to the interior of the country, leaving those organizations on Burma's borders with little funding for their work. Groups along the Thai/Burma border, such as the Mae Tao Clinic, the Backpack Community Health Worker Team, and the Karen Department of Health and Welfare, provide essential health care services to people in Karen State and those who cross into Thailand — people who have little or no other access to medical treatment. International donors should continue to support the essential work of local health professionals. The increase in international agencies operating within Burma can benefit communities, but those agencies should recognize the importance of civil society organizations that are already conducting activities in various areas in Burma. In Karen State, for example, community-based organizations are providing health care despite problems with funding and accessibility. Incoming international groups should work alongside these local partners instead of supplanting them. The international donor community should:

- Continue to fund community-based groups, especially those that provide direct health services to people inside Karen State who have little other access to care.
- Collaborate with community-based organizations operating in Karen State when designing humanitarian, human rights, or health-focused programs.

### **To the international business community:**

PHR's survey found a strong correlation between development projects and incidence of human rights abuse: Abuses were as much as eight times higher around a development project than elsewhere. Because the United States recently lifted its prohibition on American investment in Burma, the number of development projects in Burma likely will increase in the coming years. Without active steps by the international community or the businesses themselves, the number of human rights violations stands to increase as more projects are started. Companies operating in Burma should verify that their members and partners take all necessary steps to ensure that their activities are not contributing to human rights violations or environmental degradation. The international business community should:

- Conduct thorough and impartial impact evaluations of investment projects on human rights, particularly land rights, and environmental conditions. Make the results of these evaluations public.
- Consult with civil society groups, including members of ethnic minority communities, before implementing investment projects.
- Develop internal guidelines to keep companies from contributing to human rights abuses.

- Commit to following UN guiding principles on business and human rights.<sup>119</sup>
- Extractive industries should commit to the Extractive Industries Transparency Initiative (EITI) transparency standards.<sup>120</sup>
- Commit to following voluntary principles on security and human rights.<sup>121</sup>

### To the United States:

After decades of a strong US policy stance on Burma, including a detailed sanctions regime that targeted particular industries, the Obama Administration started relaxing its sanctions against the Burmese government. On July 11, 2012, the Administration announced an easing of the ban on US investment in and financial services to Burma, ushering US businesses into the country. As of the writing of this report, the United States has not yet promulgated regulations that prohibit US companies from participating in or benefiting from human rights violations. The policy shift is a response to recent political changes in Burma, including the election of Aung San Suu Kyi to parliament and the easing of media restrictions. Given the ongoing human rights violations in Karen State, however, the US should continue to press for key improvements in the region, including open access to health care and the establishment of accountability for human rights violators. Of particular concern is the impact US investment will have on the civilian population and the environment in Karen State. Our survey documented a higher prevalence of abuses near a development project; this supports similar findings around development projects in other parts of the country. Investment should not be synonymous with forced labor, displacement and other abuse. The US should take the following precautions to prevent further human rights abuses in Karen State:

- Revise current US policy on investment in Burma to promulgate strict regulations for investment that will keep US companies out of sectors such as oil and gas that are closely linked with human rights abuse and out of conflict areas, where development projects would exacerbate precarious human rights situations.
- Develop strict accountability measures to hold US companies to account if they are complicit in human rights violations or violate other US regulations on investment in Burma.
- Promulgate and effectively enforce regulations that will keep US companies from doing business with individuals implicated in human rights violations, including actively monitoring human rights abuses in Burma and regularly updating the Specially Designated Nationals list<sup>122</sup> and revoking the licenses of companies found to be working with individuals on the list.
- Gather feedback from civil society groups in Burma, including those from ethnic minority groups, regarding US regulations on investment in the country.
- Increase support for civil society groups in Burma, along the Burmese border, and internationally to investigate alleged human rights violations, strengthen national institutions, and provide humanitarian services, including health care.
- Hold Congressional hearings about the impact of US investment on the human rights situation in Burma and develop appropriate legislation to protect human rights.

119. U.N. Report of the Special Representative, *supra* note 1.

120. Extractive Industries Transparency Institute, *supra* note 2.

121. Voluntary Principles On Security and Human Rights, *supra* note 3.

122. SDN List, *supra* note 4.

### **To the Association of Southeast Asian Nations:**

The 10-member Association of Southeast Asian Nations (ASEAN) has not taken a critical approach to Burma's human rights record, citing its policy of non-interference in member countries' internal affairs. The ASEAN Charter, however, calls on member states to respect human rights and adhere to the rule of law. The ASEAN Intergovernmental Commission on Human Rights is drafting a declaration of human rights principles, but has not collaborated with civil society groups during this process and, as of the writing of this report, has not distributed this document to the public. ASEAN should:

- Shift the tenor of engagement with Burma to ensure that human rights protection becomes a regional priority, especially in an era of increased international investment.
- Call on the Government of Burma to adhere to its obligations under the ASEAN Charter.
- Carefully monitor the human rights situation in Burma, especially in minority communities and areas of economic development.
- Encourage the Government of Burma to develop fair laws based on internationally-recognized legal standards for the protection of human rights.
- Publicly release the anticipated declaration on human rights, and collaborate with civil society groups to ensure that the declaration accurately reflects regional priorities and international norms.
- Foster collaboration between civil society groups in Burma with those elsewhere in the region.

### **To the International Labor Organization (ILO):**

The ILO operates in Burma and collects reports of labor abuses, including acts of forced labor. The survey detailed in this report indicated that over 90% of individuals in Karen communities had no knowledge of the ILO or its reporting mechanism, and only one of 186 households that experienced forced labor reported it to the ILO. The Government of Burma only recently granted the ILO access to areas in Karen State, which offers the Organization an opportunity to reach out to Karen communities who wish to report forced labor. The ILO should:

- Broaden its activities and reach beyond Rangoon into ethnic minority communities, including rural areas of Karen State, to ensure that victims of forced labor can report violations.
- Continue to protect those who report labor violations to prevent acts of retribution.

### **To the United Nations High Commissioner for Refugees (UNHCR):**

The United Nations High Commissioner for Refugees (UNHCR) manages refugee camps in Thailand for over 100,000 Karen who fled violence in Burma. Some international organizations are considering repatriation of Karen from the camps, given the recent political reforms in Burma. Repatriation is supported by some governments, thereby increasing pressure on international organizations to send refugees back to Burma. Repatriation should only occur, however, when refugees would not face persecution or violence in their home country. The UNHCR should:

- Assure non-refoulement and continue supporting refugee camps in Thailand until such time as refugees would not face persecution or violence upon returning to Burma.



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