Executive summary
In this submission, the Karen Human Rights Group (KHRG) provides information under sections A, C and D as stipulated in the General Guidelines for the Preparation of Information under the Universal Periodic Review:

A. Methodology. This section details the methodology used by KHRG to gather information for this submission.

C. Promotion and protection of human rights. This section details KHRG concerns related to practices by the Government of Myanmar (GOM) in areas researched by KHRG: Forced labour; Taxation, capricious demands and looting; Targeting of civilians in conflict; Forced relocation and land confiscation; movement and trade restrictions; Arbitrary arrest, detention, torture, summary execution and unexplained violence; Landmines, remnants of war and forced demining; Forced recruitment of adults and children into the armed forces; Denial of access to humanitarian services; and Cumulative impacts on livelihoods and displacement.

D. Constraints, best practices and recommendations. This section details constraints faced by human rights monitors and defenders. It also details best practices for improving human rights as developed by local communities, and provides recommendations for actions by the government to address areas of concern highlighted in Section C.

Organizational information
The Karen Human Rights Group (KHRG) is an independent local organisation committed to improving the human rights situation in Myanmar by projecting the voices of villagers and supporting their strategies to claim human rights. We train and equip local people to document villagers’ stories and gather evidence of human rights abuses; disseminate this information worldwide; and work directly with local villagers in enhancing their strategies to resist human rights abuses. KHRG has been formally documenting abuses in eastern Myanmar since 1992. With eighteen years of experience, and twice nominated for the Nobel Peace Prize (in 2000 and 2001), KHRG is now recognised internationally as a leading authority on human rights in eastern Myanmar, particularly major issues such as internal displacement and forced labour.
A. Methodology

1. Sources. This submission draws on information published in more than 420 detailed reports published by the Karen Human Rights Group (KHRG) since its formal documentation activities began in 1992; 61 of these reports from the period 2008-2010 have been footnoted to provide examples that substantiate claims made in this submission.

2. Geographic area. Research for this submission was conducted in an area sometimes locally referred to as “Karen State.” According to designations used by the Government of Myanmar (GOM), this includes all or portions of Kayin, Kayah and Mon states and significant parts of Bago and Tanintharyi Divisions. Research was conducted in three types of areas, referred to as: “government controlled” areas, where government control has been consolidated and there is an absence of opposition Non-State Armed Groups (NSAGs) and open conflict; “mixed-administration” areas, where control by the GOM or allied NSAG is nominal, an opposition NSAG continues to exert some control and conflict occurs; and “shoot-on-sight” areas, where the GOM Army or an allied NSAG have not yet established control, opposition NSAGs exert significant control and open conflict is frequent. Shoot-on-sight areas are home to substantial numbers of civilians; calculations released in November 2009 indicate that more than 89,000 people remain in hiding and at risk of being shot in states and divisions where KHRG conducts research.

3. Research methods and verification. Research was conducted by a network of salaried and volunteer researchers trained by KHRG. KHRG reports cited in this submission draw information from photographic and film documentation, qualitative interviews with civilians of ethnic groups including but not limited to Kayin, Kayah, Mon, Shan and Burman, a formalized incident reporting system and field notes and trend monitoring by researchers. Strength and credibility of information was assessed according to corroboration by multiple sources. Where verification was not possible, information was checked against local trends, first by field researchers permanently stationed in a given area and intimately aware of local conditions. Checking was then done by KHRG’s information processing office, which compared information to reports by other researchers and trends noted in 18 years of research.

4. Independence. Though KHRG often operates in or through areas controlled by a variety of groups that carry arms, including the GOM Army and NSAGs like the Karen National Liberation Army (KNLA) and Democratic Karen Buddhist Army (DKBA), KHRG is independent and unaffiliated. KHRG has sometimes, but not always, made use of armed KNLA escorts in areas where there is a high likelihood of imminent armed conflict. GOM Army and DKBA forces have not been willing to provide similar escorts. For more on obstacles to human rights documentation, see Section D-1.

5. Selection bias. Because of the obstacles described in Section D-1, it is only possible for KHRG researchers to interview civilians that are not likely to report the interview to GOM authorities. Such interviewees are sometimes also – but not always – KNLA supporters. The result is that the views of ‘supporters’ of the GOM and, to a lesser degree, ‘opponents’ of the KNLA, are less represented in KHRG research. This limits KHRG’s ability to make conclusions about KNLA practices, though research protocol has been instituted to overcome this. This potential selection bias does not, however, call into question evidence documented regarding GOM practices. While there is a risk that individuals interviewed by KHRG might hold personal biases that cause them to provide exaggerated or inaccurate information, verification practices described above in Section A-3 are designed to prevent such inaccuracies from being reported by KHRG. Importantly, inaccuracies from potential source biases are minimized by the extremely large sample size of information gathered by KHRG over the last 18 years.

C. Promotion and protection of human rights

1. Forced labour. The most common complaints voiced by villagers in government controlled and mixed-administration areas relate to demands on their labour, money and materials. These abuses are most often related to supporting military infrastructure, and increase in direct relationship to the concentration of military forces stationed or staying in a given area. These abuses appear to be part of the GOM Army’s ‘self-reliance’ policy, by which regional commanders meet basic logistical needs locally. Civilians are frequently required to carry ammunition and other supplies for soldiers on patrol, during re-supply activities or periodic rotation of battalions or changes in the location of camps or bases. Troop movements, or the transport of supplies, also result in civilians from communities passed through by soldiers being taken as porters and guides. Convicts are also removed from prisons and used as porters and labourers. Porters are often exposed to intense dangers or killed, including from
landmines and fighting between NSAGs and the GOM Army units they are attached to. Communities near army camps and bases are forced to construct and maintain the camps, including building shelters and fortifications such as fences or earthen bunkers. Civilians are also forced to collect supplies for, and fabricate and deliver building materials such as roof thatching, timber, and bamboo activities that sometimes require travel to unfamiliar areas and expose them to new landmines risks. Villagers from these communities must also provide regular services to the camps, including standing sentry, delivering messages, carrying water and performing other chores. Villagers have also been forced to work on army projects such as agriculture and logging operations. Civilians are also sometimes required to provide labour for military and civilian government development projects such as the building of roads, schools, clinics and government buildings. Villagers report that they are not compensated for this forced labour.

2. Taxation, capricious demands and looting. In government-controlled and mixed administration areas, communities that encounter soldiers – either on patrol or in fixed positions – must frequently provide food and monetary support. In some cases, periodic quotas are demanded for set amounts of cash or supplies such as paddy or other food; in other contexts, ad hoc demands are made for cash or food such as livestock or liquor. Livestock and personal possessions are also frequently looted or commandeered by soldiers, both by individual or small groups of soldiers and larger groups or units acting under orders. Cash payments are also demanded. In some cases, these payments are attached to a promise for provision of services, such as the building of a road, though these services are not always provided. In other cases, payments are demanded in lieu of labour; communities are sometimes able to, or required to, make payments rather than provide GOM Army or People’s Militia recruits or porters. In other cases, demands are simply made without an explanation.

3. Targeting of civilians in conflict. Civilians, including men, women, children and the elderly, are shot when encountered by GOM Army soldiers in shoot-on-sight areas, who do not always announce themselves or take steps to distinguish between civilians and fighters. Villages hiding sites, farm field huts, and villagers working in fields are also fired upon indiscriminately, including shelling from remote locations. Importantly, remote shelling is frequently not triggered by prior fire from NSAG forces and checks to determine whether settlements are military or civilian are not made. Civilian settlements and hiding sites, including schools and hospitals, also continue to be deliberately destroyed, often by being set fire to, though civilians employ a variety of effective strategies that often enable them to escape during the initial stages of such attacks. Destruction of villages is not an isolated occurrence; rather groups of battalions launch coordinated offensives against identified areas, deliberately moving from village to village. Civilian food supplies are also particularly sought out and destroyed, including agriculture projects and food storage barns. The cumulative impacts of these practices are severe food shortages for large numbers of civilians currently residing in shoot-on-sight areas, in some places so severe that civilian populations have told KHRG they did not think they could survive the rest of the year. These practices appear identical to the scorched earth and formal ‘four cuts,’ strategy used by the GOM Army to establish control of much of the country beginning in the 1950s. Though official references to the four cuts strategy have ceased, overwhelming evidence indicates these tactics targeting civilians continue to be systematically employed.

4. Forced relocation and land confiscation. Forced relocation has been extensively used to move civilian populations to areas where they can be controlled both to prevent them from supporting NSAGs and so they can be utilized to support the GOM Army. Forced relocation and land confiscation have also been used to take land for development projects, such as dams, new roads and business ventures. In many cases, communities have been forcibly relocated to designated relocation sites, usually in government-controlled lowland areas. Communities have sometimes, but not always, been given advance warning of relocation orders, permitting them time to collect materials and dismantle homes. In other cases, relocation orders have been abrupt, allowing just a few days, hours or minutes for communities to make preparations and depart. Villagers have also been forced to leave behind livestock, building materials and other essential possessions. Following forced relocation, abandoned homes, villages and farm fields have been destroyed (see Section C-3) and sometimes mined (see Section C-7). Civilians returned to abandoned homes or to tend to agricultural land have also been accused of contacting the KNLA, including being detained, beaten or summarily executed (see Section C-6) or shot on sight (see Section C-3).
5. Movement and trade restrictions. Movement and trade restrictions are also used extensively in areas where government forces or civilian authorities feel vulnerable to attack or unrest or where civilian support bases may attempt to escape. Movement restrictions are used to prevent access to areas that are not under control, for instance by blocking roads linking relocation sites or villages in lowland areas with upland areas where KNLAs units are active. Movement restrictions have included curfews, prohibitions or restrictions on travel to certain areas and blanket bans on all movements outside a given village. Restrictions have also included the prohibition of sleeping at farm fields and the destruction of temporary huts used to sleep near fields to protect them from animals and extend workdays during crucial periods in the agricultural cycle. These restrictions are devastating for IDPs in upland areas, because they prevent civilians from selling agricultural products and purchasing necessary supplies such as food and medicine (see Section C-9). 

6. Arbitrary arrest, detention, torture, summary execution and unexplained violence. Civilians accused of making contact with or supporting the KNLAs are detained and interrogated. Detention is sometimes for extended periods of time, without charge or permission to contact family. Arbitrary arrest and detention is particularly targeted, and civilians have been searched and punished for travelling with medicine in some cases resulting in the death of family members, including children, that could not access necessary supplies. Movement restrictions are also devastating for agricultural communities in mixed-administration areas, because they shorten workdays or prevent farmers from accessing fields. These restrictions rarely take into account seasonal needs related to the agricultural cycle, sometimes forcing farmers to miss key planting or harvest periods and undermining or destroying crop yields. Movement and trade restrictions are backed with severe penalties: civilians violating them are sometimes shot on sight, accused of supporting the KNLAs and subjected to prolonged detention or torture (see Section C-6), killed or made to pay large fines.

7. Landmines, remnants of war and forced demining. Landmines are used extensively by all parties to conflict in eastern Myanmar, including government forces. GOM Army soldiers use landmines to construct defensive perimeters around camps and bases in shoot-on-sight areas, as well as some mixed-administration areas, though they do not always remove these mines when camps are vacated. GOM Army soldiers have also used landmines to control movements by the civilian population, particularly between mixed-administration and shoot-on-sight areas. In areas where government forces are attempting to expand control or drive populations into lowland relocation sites, landmines have been placed in abandoned villages to prevent return by villagers in hiding. Landmines have also been used to prevent access to agricultural land for villagers in hiding and to prevent villagers from leaving forced relocation sites or returning to abandoned villages and agricultural land. Landmines are not always clearly marked, nor are communities always warned of new dangerous landmine areas. Government forces also appear to have shared landmines with the DKBA, which has placed these landmines in civilian areas without providing warnings to local communities. GOM Army soldiers also use civilians to clear landmines. The GOM Army has also forced civilians to walk in front of patrols to trigger mines, booby-traps or ambushes. Civilians have also been forced to clear brush and debris from roadsides known to be mined by all parties to the conflict, activities which amount to de facto dangerous and involuntary mine-clearance. Unexploded remnants of war are also a significant threat to civilian populations, particularly children.

8. Forced recruitment of adults and children into the armed forces. The GOM Army continues to forcibly recruit civilians into the army and pyithusit People’s Militia. KHRG continues to interview adult deserters from the GOM Army who indicate that large numbers of child soldiers remain under arms. Adult Army deserters have also described being forced or allowed to join even though they were clearly not of the appropriate age at the time of enlistment. Child Army deserters have also been interviewed by KHRG, and have noted that other children their age or younger remained within their battalions. During 2009, the DKBA significantly increased forced recruitment, including of children, in areas under its control. This forced recruitment of children is directly connected to GOM policy, as increased recruitment was the result of the DKBA attempts to expand its force as part of its decision to become a government-controlled “Border Guard Force.”
9. Denial of access to humanitarian services. Villagers in shoot-on-sight areas are denied access to humanitarian services, including those provided by international humanitarian actors; community organisations operating from bases inside the country or in Thailand; and humanitarian materials such as medicine or food collected for their own communities. Humanitarian actors that are able to access these populations are an exception, and must operate under risk of being killed or arrested. Villagers in mixed-administration and government controlled areas also face restrictions on access to humanitarian services. While local and some international humanitarian and community development actors are able to access some of these areas, their access is constrained by civilian and military authorities. This is particularly true in the area of humanitarian protection, and these actors are rarely able to conduct activities that prevent authorities from committing the abuses described above.

10. Cumulative impacts on livelihoods and displacement. It is important to note the cumulative impacts of abuses that constrain or undermine livelihoods activities in government-controlled and mixed administration areas. Forced labour (Section C-1) drains significant time that civilians would otherwise spend farming or earning other income. Taxation and capricious demands (Section C-2) drain income, which is particularly destructive for subsistence farming communities that survive by eating the products of their labour; taxation saps marginal extra income that would otherwise be spent on crucial agricultural inputs, forcing households to sell off key possessions or resort to high interest loans. Movement and trade restrictions (Section C-5) limit or prevent access to fields and markets, resulting in shortened workdays, missed planting periods and crops spoiled by delayed harvest or inability to take them to market. The cumulative impact is severely undermined livelihoods activities, food shortages and intense poverty. The consequence, for many communities, is displacement as civilian populations seek protection elsewhere, often by working in Thailand or going into hiding in shoot-on-sight areas.

D. Constraints, best practices and recommendations

1. Constraints. The state is the chief threat to human rights; the concerns described above are the direct result of actions by civilian and military authorities, not the absence of an action by such authorities. Moreover, GOM authorities continue to act as an obstacle to groups that attempt to promote human rights. Groups are not able to openly conduct human rights education activities. Human rights workshops conducted by KHRG, for instance, have been disrupted or cancelled due to security threats posed by GOM authorities.

Groups are also not able to effectively monitor human rights conditions inside the country. UN agencies and other registered entities face severely limited access. This includes the International Labour Organisation and the Country Task Force on Monitoring and Reporting (CTFMR), established to report on grave violations of child rights in line with United Nations Security Council Resolution 1612, which are not able to access the whole country or guarantee the safety of individuals that make reports. Information gathered through these channels should be understood to represent significant underestimates of the actual severity of problems inside the country; KHRG frequently explains to civilians that they can make formal reports about forced labour or violations of children’s rights and have these registered by the ILO or CTFMR. Fear of reprisals, however, has a significant chilling effect and the overwhelming majority of civilians interviewed by KHRG do not feel safe to lodge such complaints. Human rights monitoring through non-official channels is also constrained, chiefly through threats to the life and freedom of groups or individuals conducting such activities. KHRG staff, for instance, conduct research in spite of risks to their lives and freedom. Researchers operating in shoot-on-sight areas risk being killed, like all civilians in such areas, should they encounter the GOM Army. Researchers in government-controlled and mixed administration, meanwhile, operate with the understanding that they risk arrest or execution; in 2009, GOM Army soldiers shot and killed a retired KHRG researcher, and the Army has publicly placed bounties on the heads of researchers in areas where KHRG activities have been detected.

2. Best practices. Strategies employed by local communities to protect themselves from abuse are currently the most effective ways to improve human rights conditions. Such strategies have included: attempts to mitigate abuse, for instance through false or partial compliance and negotiating with authorities – often at risk of violent reprisal; and efforts to evade abuse, for instance through false or partial compliance and temporary or permanent displacement into hiding. Outside actors considering policy towards Myanmar should seek to craft recommendations that are in line with these strategies, such as supporting civilians hiding in upland areas or pushing for the publicisation of new orders and laws or...
prosecution of individual officers, as such activities may empower village leaders during negotiations to reduce abuse.

3. Recommendations.
3a. The Government of Myanmar should issue written orders explicitly directing military and civilian authorities to:
   (i) Halt the use of all involuntary and uncompensated labour, including for: military or militia service; military support such as porters, messengers, mine sweepers; constructing or maintaining military infrastructure or development projects.
   (ii) Halt the voluntary or involuntary recruitment of children into the state armed forces, militia or paramilitary organisations and demobilise children currently serving.
   (iii) Halt the practice of meeting logistical needs through uncompensated and involuntary local procurement, including of food, equipment, building materials and cash.
   (iv) Halt the levying of taxes and fees without legislated mandate.
   (v) Halt the targeting of civilians, including through indiscriminate shelling, shooting on sight, forced relocation and the destruction of civilian settlements, agricultural land and food supplies.
   (vi) Halt the arbitrary arrest, detention, torture and summary execution of civilians.
   (vii) Halt the use of curfews and movement restrictions, including restrictions on access to humanitarian materials, such as food and medicine, and humanitarian actors, both local and international.
   (viii) Halt harassment, arrest, detention, threats or violence to human rights defenders, educators and other civilians that make formal or informal complaints about abusive state practices.
   (ix) Halt the use of landmines. Short of this, commanders should be ordered to use landmines only to create defensive perimeters around camps, map and mark them clearly, warn area communities of potential dangers and remove them after they are no longer necessary or if soldiers leave the area.

3b. The Government of Myanmar should make the above orders publicly available, including in ethnic languages, and should not restrict their distribution or related press coverage.
3c. The Government of Myanmar should remove from posts and then prosecute violators of the above orders as well as existing prohibitions against activities described in Section C. Penalties should involve criminal, in addition to administrative, charges and punishments.
3d. The Government of Myanmar should publicise information about prosecution and punishment of violators, including allowing verification by outside monitors and the media, and should not restrict or modify press coverage of prosecutions and punishment.
3e. The Government of Myanmar should allow unrestricted monitoring of human rights conditions in all parts of the country by international bodies like the ILO and CTFMR, as well as local and international non-governmental organisations. The ILO, CTFMR and other relevant parties should also be allowed to engage with and monitor human rights practices by all NSAGs regardless of whether they have entered into a ceasefire agreement.
3f. The Government of Myanmar should allow local and international humanitarian and community development organisations to conduct humanitarian activities in all parts of the country, including in areas controlled by NSAGs, regardless of whether they have entered into a ceasefire agreement. This should include quick granting of visas for foreign staff and relaxing of the requirement that organisations agree to Memoranda of Understanding.
3g. The Government of Myanmar should demobilise children currently serving in the state armed forces, provide amnesty for military deserters that were recruited as children and allow for unconstrained verification of these activities by the ILO.
Endnotes


ii The KNLA is the armed wing of the Karen National Union (KNU), formed in 1947. The KNU/KNLA remain in open conflict with the GOM.

iii The DKBA split from the KNLA in 1994 and agreed to a ceasefire with the GOM soon after.


v This practice, also known as the ‘live off the land’ policy, was made explicit in 1997, when the GOM’s War Office issued an order instructing the country’s 12 Regional Commanders that troops “were to meet their basic logistical needs locally, rather than rely on the central supply system.” See, Andrew Selth, *Burma’s Armed Forces: Power Without Glory*, Norwalk: Eastbridge, 2002 p. 136. See also, Mary Callahan. “Of kyay-zu and kyet-zu: the military in 2006,” pp. 36-53 in Monique Skidmore and Trevor Wilson (eds.), *Myanmar: The State, Community and the Environment*, Canberra: Asia Pacific Press, 2007 p. 46.

vi “Starving them out: Food shortages and exploitative abuse in Papun District,” KHRG, October 2009.


xi “SPDC and DKBA road construction, forced labour and looting in Papun District,” KHRG, March 2009.

xii “Whatever happened to the 2007 protesters?: Interviews with convict porters,” KHRG, April 2009.

xiii “Mortar attacks, landmines and the destruction of schools in Papun District,” KHRG, August 2008.


xxi “Starving them out: Food shortages and exploitative abuse in Papun District,” KHRG, October 2009.


xxiv “SPDC spies and the campaign to control Toungoo District,” KHRG, March 2008.


xxxii For photos and video of villagers conducting forced labour, see “KHRG Photo Gallery 2008: Militarisation and abuse under SPDC control,” KHRG, February 2009.


‘Living conditions for displaced villagers and ongoing abuses in Tenasserim Division,” KHRG, October 2009.


“ Starving them out: Food shortages and exploitative abuse in Papun District,” KHRG, October 2009.


“SPDC and DKBA road construction, forced labour and looting in Papun District,” KHRG, March 2009.


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“ Mortar attacks, landmines and the destruction of schools in Papun District,” KHRG, August 2008.

“SPDC mortar attack on school in Papun District,” KHRG, February 2010.


For photos, see “KHRG Photo Gallery 2008: Attacks and killings,” KHRG, February 2009.

“Living conditions for displaced villagers and ongoing abuses in Tenasserim Division,” KHRG, October 2009.


“ Mortar attacks, landmines and the destruction of schools in Papun District,” KHRG, August 2008.


“ Update on SPDC/DKBA attacks at Ler Per Her and new refugees in Thailand,” KHRG, June 2009.

“SPDC mortar attack on school in Papun District,” KHRG, February 2010.


“SPDC mortar attack on school in Papun District,” KHRG, February 2010.


“ Starving them out: Food shortages and exploitative abuse in Papun District,” KHRG, October 2009.


“IDPs, land confiscation and forced recruitment in Papun District,” KHRG, July 2009.


“Living conditions for displaced villagers and ongoing abuses in Tenasserim Division,” KHRG, October 2009.


“Starving them out: Food shortages and exploitative abuse in Papun District,” KHRG, October 2009.


Growing up under militarisation: Abuse and agency of children in Karen State, KHRG, April 2008.


“Starving them out: Food shortages and exploitative abuse in Papun District,” KHRG, October 2009.

“Insecurity amidst the DKBA - KNLA conflict in Dooplaya and Pa'an districts,” KHRG, February 2009.


“IDP responses to food shortages in Nyaunglebin District,” KHRG, April 2009.


“IDP responses to food shortages in Nyaunglebin District,” KHRG, April 2009


“Human minesweeping and forced relocation as SPDC and DKBA step up joint operations in Pa’an District,” KHRG, October 2008.


For photos of unexploded shells recovered after being fired by the GOM Army, see “KHRG Photo Gallery 2008: Landmines, mortars, army camps and soldiers,” February 2009.

“Functionally Refoulement: Camps in Tha Song Yang District abandoned as refugees bow to pressure,” KHRG, April 2010.


“IDPs, land confiscation and forced recruitment in Papun District,” KHRG, July 2009.


“SPDC spies and the campaign to control Toungoo District,” March 2008.


*Abuse, Poverty and Migration: Investigating migrants’ motivations to leave home in Burma*, KHRG, June 2009.
