MYANMAR

Union of Myanmar (Burma)

SUMMARY

<table>
<thead>
<tr>
<th>CRC-OP-CAC: Declaration:</th>
<th>Not ratified</th>
</tr>
</thead>
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<td>Other treaties ratified:</td>
<td>GC; CRC</td>
</tr>
<tr>
<td>Legal minimum recruitment:</td>
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<tr>
<td>Conscripts:</td>
<td>18</td>
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<td>Volunteers:</td>
<td>18</td>
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<tr>
<td>Government Armed Forces:</td>
<td>350,000 active, 85,000 paramilitary</td>
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RECRUITMENT AND USE OF CHILD SOLDIERS:
Myanmar is estimated to have one of the largest numbers of child soldiers of any country in the world, with the overwhelming majority serving in the national army, the Tatmadaw. Although the minimum age for conscripts is 18, Human Rights Watch has estimated that children may account for 35 to 45 per cent of new recruits into the national army, or 70,000 or more of Myanmar’s estimated 350,000 soldiers.

The government has not ratified the OP-CRC-CAC.

Child soldiers, including those under the age of 15, are also present in armed opposition groups.

GOVERNMENT

National Recruitment Legislation

Articles 170 and 171 of the 1974 Constitution provided for compulsory military service, but in 1988 the constitution was suspended by the State Law and Order Restoration Council (SLORC), now known as the State Peace and Development Council (SPDC) after November 1997. A new constitution has not yet been agreed. Under the National Service Law and People’s Militia Act of 1959, there are various provisions for full or part time service in the armed forces although little is known about the operation of the national service scheme.

In 2002 the SPDC claimed that in practice the army was comprised entirely of volunteers aged eighteen and older. In May 2002, the Permanent Mission of the Union of Myanmar to the UN stated that “the Government prohibits the enlisting of recruits under the lawful age [of 18 years]. The under age are not allowed to apply for recruitment. Action is taken on any infringement of the Regulation under the Defence Services Act.”

Child Recruitment and Deployment

Human Rights Watch has estimated that children may account for 35 to 45 per cent of new recruits into the national army, and as many as 70,000 or more of Myanmar’s estimated 350,000 soldiers. Children, some as young as eleven, are forcibly recruited, brutally treated during training, and forced to participate in armed conflict.
Children are also used to commit human rights abuses against civilians and other child recruits.\(^4\)

In January 2003 *The Washington Post* conducted an investigation along the Thai-Burma border and interviewed several former soldiers who were recruited as children.\(^5\) Reports emerged of children being kidnapped by soldiers while on their way home from school, at ports, bus terminals, and train stations.\(^6\) In June 2003, the International Confederation of Free Trade Unions (ICFTU) reported recruitment of children as young as eleven or twelve, based on eyewitness accounts from refugees in Northern Thailand.\(^7\)

Similar findings were reported by Human Rights Watch in 2002.\(^8\) They found that new recruits were typically sent to one of two large recruitment holding centres near Rangoon and Mandalay. Reports from former soldiers sent to the centres over the past four years indicated that approximately 35 to 45 per cent of new recruits were under the age of eighteen and 15 to 20 per cent were under the age of fifteen. The youngest recruits were between eleven and thirteen.

New recruits were generally not allowed to contact their families, and children reported harsh treatment during training, including frequent beatings and brutal punishments for attempted escapes. Duties performed reportedly included preparing meals to fighting in front line areas and committing human rights abuses, including rounding up villagers for forced labour, burning homes and villages and carrying out extra-judicial executions.\(^9\)

### Military Training and Military Schools

Children in Myanmar have been subjected to other forms of militarization via the Ye Nyunt Youth (Brave Sprouts) program, a network of training programs based at army camps where children receive both schooling and military training. After graduating these children are likely to join the armed forces.\(^10\) Human Rights Watch received reports of Ye Nyunt camps in at least five locations in Shan State, as well as additional camps in Kayah and Chin States, and Rangoon and Tenasserim divisions. Witnesses reported that boys from the age of four were placed in the training centres located within army camps, where they received schooling as well as military training. They were eventually forced to serve in the army. Most of these children were street children, orphans, or children who were rounded up for recruitment considered too small for regular training.\(^11\)

In July 2002, the government claimed that the Ye Nyunt program “is definitely not a military training program for training child soldiers” but an educational training program “for children who are poor and are without one or both parents.” The government claims the program was discontinued in 2000, but the Coalition has not been able to verify this claim.\(^12\)

Government-allied Paramilitary and Pro-integration forces

The Democratic Karen Buddhist Army (DKBA) works with the support of the Burma Army and SPDC authorities and regularly engages in skirmishes with the Karen National Liberation Army (KNLA).\(^13\) It is unclear whether the DKBA has a specific policy on the minimum age for recruitment to the army. One former DKBA soldier interviewed by Human Rights Watch believed that 40 to 50 percent of new recruits to the DKBA were under eighteen.

### NON-STATE ARMED GROUPS
Human Rights Watch has found that nearly all armed groups in Myanmar recruit and use child soldiers, although the number of child soldiers has reportedly decreased in recent years. According to some estimates the combined non-state armies contain between six and seven thousand soldiers under the age of eighteen.\(^\text{14}\)

The United Wa State Army (UWSA), which agreed a ceasefire with the authorities in 1989, is estimated to have 1,000 child soldiers, often conscripted by force. The Kachin Independence Army (KIA), another ceasefire group, also forcibly recruits children, including girls, who are used for labouring on roads and farms, since there is currently no fighting in Kachin State. Although it claims not to have any child soldiers, witnesses report that some children have served in support roles.\(^\text{15}\) The Mon National Liberation Army, the armed wing of the New Mon State Party, which agreed a ceasefire with the authorities in 1995, is also reported to use child soldiers.\(^\text{16}\) The Karen National Liberation Army (KNLA), the armed wing of the Karen National Union which has been fighting the authorities for over 50 years, has policies setting eighteen as the minimum age of recruitment, but is also known to accept children who actively seek to join and allows them to participate in combat. The KNLA is estimated to have up to 500 child soldiers.\(^\text{17}\)

Representatives of the Karenni Army (KnA), the armed wing of the Karenni National Progressive Party, told HRW in 2002 that it had had over 3,000 names on its enlistment rolls but due to a lack of resources there are only 1,200 armed and active soldiers. Other estimates placed KnA strength at approximately 1,000 soldiers, with possibly an additional 500 trained militiamen.\(^\text{18}\) While KnA policy specifies the minimum recruitment age as eighteen, KnA officials openly admit that the policy is often broken. In March 2002, a KnA general told HRW that an estimated 20 per cent of the soldiers in his army were under 18 years old, suggesting a total figure of about 250 child soldiers; and other sources provided similar estimates.\(^\text{19}\) All the KnA soldiers interviewed by Human Rights Watch in 2002 testified that they had volunteered for service, with several under 16s saying they volunteered because their houses had been burned down.\(^\text{20}\)

**DEVELOPMENTS**

In April 2003 the UN Commission on Human Rights adopted by consensus resolution 2003/12 which deplored continuing human rights violations in Myanmar, including the “systematic use of child soldiers”, and called on the government to take immediate action to end the use of forced labour, including by the armed forces.\(^\text{21}\)

The ILO opened a liaison office in Yangon in June 2002 and in September appointed a Permanent Liaison Officer. In May 2003 the ILO said that an agreement had been reached between the ILO and the SPDC to appoint an independent ILO facilitator with a mandate to receive complaints on forced labour. However, the ILO postponed signing the agreement following the deterioration of the human rights situation and the mass arrests of political activists at the end of May. Concern was widely expressed that the facilitator’s capacity to receive complaints would be seriously impaired by the prevailing climate of fear and intimidation.\(^\text{22}\)

**Prevention and Demobilization Programs**

There are currently no DDR programmes available for child soldiers in Myanmar or neighbouring countries. Children suspected of desertion are subject to beatings, long prison terms, forced re-recruitment, or in some cases, summary execution.
International Standards

The prohibition on the recruitment of children under the age of 15 into armed forces and non-state armed groups has now acquired the status of customary international law. It is therefore binding on government forces and other armed groups in Myanmar.

URGENT ACTIONS RECOMMENDED

- The government should, as a matter of urgency, take steps to end the forced and voluntary recruitment of children into the armed forces.
- The government should begin a dialogue with UNICEF and other appropriate UN agencies to establish demilitarisation, demobilization and reintegration programmes for child soldiers from both government and opposition forces.
- DDR programmes should take into account the specific needs of girls, former child soldiers who have attained the age of majority, and other vulnerable youth who may be marginalized from the established programs.
- The government should establish dialogue with all ceasefire groups aimed at the demobilization of child soldiers and an end to their recruitment and use.
- The government should permit independent human rights monitors to visit Myanmar and observe recruitment practices within the armed forces.
- The government should ratify the OP-CRC-AC and declare a commitment to a “straight-18” standard for recruitment.

QUESTIONS TO STATE REPRESENTATIVES

⇒ Does the Government intend to ratify the OP-CRC-CAC?
⇒ Given numerous reports of forcible recruitment of children into government armed forces, what concrete steps will the government take to ensure this practice is brought to a halt?
⇒ What plans does the government have for the demobilization and reintegration of child soldiers?
⇒ What measures have been taken, or what plans exist, to engage in dialogue with ceasefire groups in order to reach agreement on the demobilization of child soldiers among their forces and to stop their recruitment and use?
⇒ What measures will the government take to ensure that individuals may submit complaints to the ILO facilitator on forced labour issues without fear of reprisals.
www.globalmarch.org quoting Brett and MacCallin, *Children-The Invisible Soldiers*, Save the Children-Sweden, 1998; MTA/UWSA, based on minimum figure of 10% quoted for other opposition groups known to use child soldiers; information provided by HRW in July 2002.


2 Letter to HRW from the Permanent Mission of the Union of Myanmar to the UN, May 8, 2002.


6 International Confederation of Free Trade Unions, Trade Union World Briefing, June 2003, p. 5.

7 Information provided by HRW, July 2002.

8 Information provided by HRW, July 2002

9 Images Asia, No Childhood At All: a Report About Child Soldiers In Burma, Bangkok, 6/97.

10 Information provided by HRW, July 2002.


13 Human Rights Watch, *My Gun was as Tall as Me: Child Soldiers in Burma* (New York, Human Rights Watch, October 2002).

14 Human Rights Watch, *My Gun was as Tall as Me: Child Soldiers in Burma* (New York, Human Rights Watch, October 2002).

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18 Information provided by HRW, July 2002.

19 Information provided by HRW, July 2002

20 Information provided by HRW, July 2002

21 Resolution 2003/12 on the Situation of Human Rights in Myanmar, 59th Session of the UN Commission on Human Rights, 17 March-25 April 2003