
MYANMAR

Union of Myanmar

Population: 48.9 million (18.7 million under 18)

Government armed forces: 380,000 (estimate)

Compulsory recruitment age: no conscription in law

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC

Thousands of children, possibly tens of thousands, remained in the Myanmar armed forces and forcible recruitment continued to be reported. Child soldiers, mostly aged between 12 and 18, were forced to take part in combat and subjected to harsh living conditions and beatings. Nearly all armed political groups recruited and used child soldiers and several thousand were estimated to remain in the ranks of such groups.

Context

The military government, the State Peace and Development Council (SPDC), had continued to rule by decree since the constitution was abrogated in 1988. In August 2003 the Prime Minister, General Khin Nyunt, announced a “roadmap” for transition from military rule to democracy.¹ Ceasefire agreements between 16 or 17 armed opposition groups and the government remained in force. Under the agreements, the groups retained their combat forces and carried out some administrative functions within their territories. As in previous years, the armed forces were involved in skirmishes with the Karen National Union (KNU), the Karenni National Progressive Party (KNPP), the Shan State Army-South (SSA-South) and a number of small armed groups in Mon State.² From December 2003 the KNU engaged in ceasefire discussions with the SPDC but no agreement had been reached by March 2004 and skirmishes continued.³

Government

National recruitment legislation

Under the 1993 Child Law, a law aimed at the protection and care of children, a “child” is anyone under the age of 16 and a “youth” is anyone aged over 16 and below 18. The Law defines penalties for offences including the abuse and torture of children, and states that

“employing or permitting a child to perform work which is hazardous to the life of the child or which may cause disease to the child or which is harmful to the child’s moral character” is punishable by imprisonment of up to six months or a fine, or both (Section 65).⁴

In a letter to the UN Security Council in January 2004 the government stated that “The Myanmar Armed Forces is an all volunteer force and those entering military service do so of their own free will ... There is neither a draft system nor forced conscription by the Government of Myanmar. Forced conscription in any form is strictly prohibited throughout the country”. The letter went on to state that the recruitment of child soldiers is prohibited by the Myanmar Defence Services Act of 1947 and that War Office Council instruction 13/73 of 3 January 1974 stipulates that a person cannot enlist with the armed forces until the age of 18. The letter listed official circulars issued between 1993 and 2002 aimed at enforcing respect for the laws prohibiting underage and forced recruitment, and said that action had been taken under military law against those found guilty of forced conscription.⁵

Child recruitment and deployment

The forcible recruitment of children for military service continued to be documented by the UN, governments and international human rights organizations.⁶ A Human Rights Watch investigation in 2002 found that 20 per cent or more of active duty soldiers may have been children under the age of 18. Children as young as 11 were forcibly recruited, brutally treated during training, and made to take part in combat. They were reportedly forced to commit human rights abuses against civilians and other child recruits.⁷

In early 2004 homeless children were reported to be at increased risk of recruitment, and some child soldiers who escaped were subsequently re-recruited into military units.⁸ In October 2002 a parliamentarian reportedly located a missing 15-year-old boy at a military camp and saw three sets of parents searching for their children there. In June 2003 children were reportedly conscripted by force when adults were not available in sufficient numbers. In rural areas, if the father in a family was away or had been killed, then a child had to be sent in his place in response to a government order for forced labour.⁹

Soldiers reportedly kidnapped children on their way to and from school or at ports, bus terminals and train stations.¹⁰ In January 2003 several former soldiers recruited as children were interviewed in an investigation along the Thai-Burma border.¹¹ In April 2003 a 14-year-old boy recounted being abducted when he was 13 on his way to school in August 2002 in Yangon (Rangoon, the capital). He said soldiers forced

him into a military vehicle and threatened to shoot him if he tried to escape. He said that at a military camp “other trainees, if they were caught trying to run away, had their hands and feet beaten with a bamboo stick, and were then put in shackles and beaten and poked again and again, and then they were taken to the lock-up.”¹² In March 2004 a 16 year old related how he had been forcibly recruited at the age of 13 in Yesagu township, Magwe division, by two men who were paid a bag of rice and 10,000 Kyat (about US\$11) for him. When he refused to stay in the recruitment centre, he was shackled for a day and forced to sign a form saying he was 18.¹³

New recruits were typically sent to one of two large recruitment holding centres near Yangon and Mandalay, according to findings in 2002. Reports by former soldiers at the centres in the previous four years indicated that approximately 35 to 45 per cent of new recruits were under the age of 18, 15 to 20 per cent were under 15, and some were as young as 11. They were generally not allowed to contact their families, and reported harsh treatment during training, including frequent beatings and brutal punishments for attempted escapes. Children had to fight on the front line, round up villagers for forced labour, burn homes and carry out extrajudicial executions.¹⁴

Testimonies from other former child soldiers revealed that they received insufficient food and often had money taken away from them by military teachers. They said that children suspected of desertion were beaten, given long prison terms, forcibly re-recruited, or in some cases summarily executed.¹⁵

Military training and military schools

There was little information about formal military training institutions, although a Defence Services Academy existed for officer training in Yangon. The *Ye Nyunt* or “new leaf” system, referred to as a youth organization by the government, reportedly functioned as a network of camps for orphans and street children run by the army. Children were held at the camps and trained until big enough to be enlisted.

In March 2004 the government told the Child Soldiers Coalition that the *Ye Nyunt* movement was discontinued in 2000, and that children in the program were given the option to join the Nationalities Youth Development Training School, which provided free education to “children from regions of different national races” but no military training.¹⁶ It was not possible to verify these assertions independently.

Armed political groups

Nearly all armed groups in Myanmar reportedly recruited and used child soldiers, estimated at up

to 7,000 in total. Ceasefire agreements with 16 or 17 armed groups were in force in March 2004.

The Karen National Liberation Army (KNLA) is the armed wing of the Karen National Union (KNU), which has been in conflict with the authorities for more than 50 years. The KNLA set 18 as the minimum age of recruitment, but reportedly accepted children who actively sought to enlist and allowed them to participate in combat, and was estimated to have up to 500 child soldiers in its ranks.¹⁷ In March 2004 the KNU Secretary General, Pado Mham Sha, told the Child Soldiers Coalition that since 2000 the KNU had given clear instructions not to recruit anyone under the age of 18, and that minors still in the KNU, most of them displaced from their homes, were all assigned administrative duties. The KNU saw “no need to engage children in battle”.¹⁸

It was unclear whether the Democratic Karen Buddhist Army, a group supported by the military government, had any minimum age of recruitment. One former combatant estimated that up to 50 per cent of new recruits were under 18. The United Wa State Army, which agreed a ceasefire with the authorities in 1989, was estimated to have 2,000 child soldiers, often conscripted by force. The Kachin Independence Army, another group operating under a ceasefire, said it had no child soldiers. However, it was reported to have forcibly recruited children, including girls, for support work and labour on roads and farms. The Mon National Liberation Army, the armed wing of the New Mon State Party, which agreed a ceasefire in 1995, was also reported to use child soldiers.¹⁹

The Karenni Army (KnA), the armed wing of the Karenni National Progressive Party, said in 2002 that it had 1,200 armed and active combatants. Other estimates put the total at 1,500, including 500 members of a militia force. Although there was a minimum recruitment age of 18, several sources, including a senior officer, estimated that 20 per cent of the force was under 18.²⁰

Disarmament, demobilization and reintegration (DDR)

According to available information, there were no official DDR programs for child soldiers in Myanmar or neighbouring countries.

In March 2004 the government informed the Child Soldiers Coalition that, as a result of efforts to establish the age of recruits and to ensure that recruitment was voluntary, 473 military personnel were demobilized in 2002 and a further 237 in 2003. No names or ages were provided. The government said it was willing to cooperate with UNICEF, and to draw up a plan for identifying and reintegrating underage soldiers and for developing a program to encourage birth registration. It said that in March a UNICEF

representative had accompanied government officials on a tour of military recruitment and training facilities in Yangon.²¹

Other developments

In April 2003 the UN Commission on Human Rights adopted by consensus a resolution deploring “the systematic use of child soldiers” and other continuing human rights violations in Myanmar, and calling for immediate government action to end the use of forced labour, including by the armed forces.²²

In January 2004 the government informed the UN Security Council that it had established a new Committee for the Prevention of the Recruitment of Child Soldiers, headed by SPDC Secretary-2, a senior member of the military ruling council and Adjutant General of the armed forces. Its members included the Ministers for Foreign and Home Affairs, the Labour and Social Welfare Ministers, the Judge Advocate-General and high-ranking Defence Ministry officials. The Committee met on 16 January to discuss enforcement of rules. The government said that some procedures already existed to prevent underage recruitment. These involved monitoring recruitment at three different levels: a) during recruitment, b) during training and c) at the point of entry into active service. The government said it was committed to child protection and had invited the Special Representative of the UN Secretary-General for children and armed conflict to visit Myanmar.²³ A visit planned for 2003 had been postponed following the deterioration of the human rights situation and mass arrest of pro-democracy activists in May 2003.

The International Labour Organization (ILO) opened a liaison office in Yangon in May 2002. In May 2003 the ILO said that agreement had been reached on a joint Plan of Action on forced labour which would, among other things, allow an independent facilitator to receive complaints from victims of forced labour. Such a mechanism would include allegations on the forced recruitment of children into the armed forces, which is a violation of the ILO forced labour convention. The ILO postponed signing the agreement because of the human rights crisis at the end of May which resulted in a climate of fear and repression, calling into question the possibility of credibly implementing such a complaint mechanism.²⁴ These concerns were heightened when it was discovered that nine people had been convicted of treason and sentenced to death in November 2003. The convictions of three of the prisoners related to contacts and communications with the ILO, and the ILO called for their release pending a review of the case.²⁵ The government agreed to review the death sentences of the three in March. By March 2004 the Plan of Action had yet to be implemented and the facilitator had not

been appointed.²⁶ An ILO interim liaison officer reported receiving a number of complaints of forcible recruitment of children.²⁷

* see glossary for information about internet sources

- 1 BBC News, “Timeline – Burma”, 12 February 2004, <http://news.bbc.co.uk>.
- 2 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.
- 3 Information from Amnesty International (AI), June 2004.
- 4 Second periodic report of Myanmar to UN Committee on the Rights of the Child, UN Doc. CRC/C/70/Add.21, 5 November 2003, <http://www.ohchr.org>.
- 5 Permanent Mission of Myanmar to the UN, letter to UN Security Council, 19 January 2004, Ref. 25/03/10 01, in relation to January 2004 Security Council debate on children and armed conflict.
- 6 Including UNICEF, *Adult wars, child soldiers: Voices of children involved in armed conflict in the East Asia and Pacific Region*, October 2002, <http://www.unicef.org> (Publications); Report of the UN Secretary-General on children and armed conflict, UN Doc. A/58/546-S/2003/1053, 10 November 2003, <http://www.un.org/documents>; US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 7 Human Rights Watch (HRW), “My gun was as tall as me”: *Child soldiers in Burma*, October 2002, <http://www.hrw.org>.
- 8 Confidential source, Thailand, March 2004.
- 9 US Department of State, op. cit.
- 10 Ray Wilkinson, “Growing pains”, *Bangkok Post*, 19 June 2003; *Asia Child Rights Weekly Newsletter*, “Burma: Child Soldiers Flee to Freedom”, Vol. 2 No. 22, 28 May 2003, <http://acr.hrschool.org/index.php>.
- 11 Ellen Nakashima, “Burma’s Child Soldiers Tell of Army Atrocities”, *Washington Post*, 10 February 2003.
- 12 Confidential source, August 2003.
- 13 Confidential source, Thai-Burma border, March 2004.
- 14 Information from HRW, July 2002.
- 15 Confidential sources, April 2003.
- 16 Letter from Myanmar embassy, United Kingdom (UK), to Child Soldiers Coalition, 9 March 2004.
- 17 HRW, “My gun was as tall as me”, op. cit.
- 18 Child Soldiers Coalition interview, Thai-Burma border, March 2004.
- 19 HRW, “My gun was as tall as me”, op. cit.
- 20 Information from HRW, July 2002.
- 21 Letter from Myanmar embassy, op. cit.
- 22 UN Commission on Human Rights, 59th session, Resolution 2003/12, Situation of human rights in Myanmar, adopted 16 April 2003, <http://www.ohchr.org>.
- 23 Permanent Mission of Myanmar to the UN, op. cit.

- 24 AI, *Myanmar: Justice on trial*, 30 July 2003.
- 25 International Labour Office, Governing Body, International Labour Organization (ILO), Developments concerning the question of the observance by the government of Myanmar of the Forced Labour Convention, 1930 (No. 29), March 2004, GB.289/8/2.
- 26 ILO, International Labour Conference, Special sitting to examine developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29), Committee on the Application of Standards, 92nd Session, Geneva, June 2004, ILC2004-capp-d5.doc.
- 27 ILO, International Labour Conference, *op. cit.*