
MYANMAR

Union of Myanmar

Population: 50.5 million (18 million under 18)

Government armed forces: 375,000

Compulsory recruitment age: no conscription in law

Voluntary recruitment age: 18

Voting age: 18¹

Optional Protocol: not signed

Other treaties ratified (see glossary):
CRC

Thousands of children continued to be recruited and used in the Tatmadaw Kyi (army) and in armed political groups, as the army continued its expansion drive and internal armed conflict persisted in some areas of the country. Although the government took some steps to address the issue, a formal disarmament, demobilization and reintegration (DDR) program was not in place.

Context

The State Peace and Development Council (SPDC, the military government, headed by Senior General Than Shwe) continued to rule by decree in the absence of a constitution. The SPDC-controlled National Convention ended in September 2007, after drawing up principles for a new constitution² which were to be put to a referendum at an unspecified date.

In August 2007 prominent activists were arrested during demonstrations that broke out in Yangon and other towns in protest at the large increase in the price of fuel imposed by the SPDC. In September Buddhist monks led mass protests in Yangon, Mandalay and other towns, during which tens of thousands of people peacefully demonstrated in the streets and temples. The demonstrations were violently suppressed by the security forces, who beat and shot at demonstrators. An unknown number of people, including monks and children, were killed or injured. Almost 3,000 people were arrested; although many were released, hundreds of others remained in detention.³

In response to the crisis, the UN Secretary-General dispatched his Special Advisor, Ibrahim Gambari, to Myanmar for talks with the SPDC and opposition leaders. On 11 October the UN Security Council issued a presidential statement calling for the release of all political prisoners and for SPDC dialogue with “all concerned parties”, and deploring the SPDC’s use of violence.⁴ On 2 October a similar resolution adopted by the

UN Human Rights Council had urged the SPDC to co-operate fully with humanitarian organizations, and requested Paulo Sergio Pinheiro, the Special Rapporteur on the situation of human rights in Myanmar, to seek a visit to the country.⁵ The visit was scheduled for November 2007.

Ceasefire agreements between the SPDC and a number of ethnic-minority-based armed groups remained in force. The ceasefire groups were not formally demobilized and continued to exert partial control over limited territory and to engage in business activities. However, the Tatmadaw Kyi and several ethnic-minority armed groups, notably the Shan State Army-South (SSA-South), the Karen National Union (KNU) and the Karenni National Progressive Party (KNPP) continued to fight sporadically in the eastern part of the country. Fighting between the Karen National Liberation Army (KNLA, the KNU’s armed wing) and the military escalated during 2006 in northern Kayin state and Bago division, amid widespread Tatmadaw abuses against civilians, including extrajudicial executions, forced labour, torture, destruction of crops and houses, internal displacement and collective punishments during counter-insurgency operations.⁶ The Tatmadaw continued to attack villages in northern Kayin state and in eastern Shan state in mid-2007.⁷

Four parties in Myanmar were identified as using child soldiers in the 26 October 2006 UN Secretary-General’s Report to the Security Council on children and armed conflict: the Tatmadaw, the KNLA, the Karenni Army (KA, the KNPP’s armed wing) and the United Wa State Army (UWSA, a ceasefire group).⁸ Ten parties were identified as recruiting or using child soldiers in the Secretary-General’s December 2007 Report to the Security Council on children and armed conflict.⁹

Government

National recruitment legislation and practice

Under the provisions of Directive No 13/73 (1974) of the Myanmar Defence Services and War Office Council, under-18s were not permitted to be recruited into the armed forces.¹⁰

Under the 1993 Child Law, a child was anyone under the age of 16 and a youth was anyone over 16 and below 18. The law defined penalties for offences including the abuse and torture of children, and stated 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” was punishable by imprisonment of up to six months or a fine, or both (Section 65).¹¹

A 21 September 2007 letter to the Child Soldiers Coalition from the Permanent Mission of Myanmar in Geneva stated that the Myanmar

Defence Services Act and the War Office Council Directive did not allow a person under 18 to be enlisted. The letter further stated that forced conscription or compulsory recruitment was prohibited, and that determining the minimum age requirement for compulsory recruitment was therefore unnecessary.¹² However, in practice the Tatmadaw forcibly recruited both adults and children through intimidation, coercion and violence.¹³

Military training and military schools

Information about military training and military schools was limited. The Defence Services (Army) Officers' Training School in Bahtoo and the tri-services Defence Services Academy (DSA) in Maymyo were the two main officer training schools, the latter accepting high-school leavers between 16 and 19 years of age for a four-year course.¹⁴

Basic training for recruits, including under-18s, reportedly lasted for 18 weeks and took place at over 20 training camps. Recruits underwent physical and combat training, which reportedly proved particularly difficult for the younger children. They also had to work on farms or at other business ventures of officers.¹⁵ A September 2006 report found that conditions in military training centres were harsh for under-18s, characterized by overcrowding and poor nutrition and medical care.¹⁶

Child recruitment and deployment

Although the SPDC stated repeatedly that it was against their policy to recruit under-18s,¹⁷ boys continued to be forcibly recruited in large numbers into the army in order to increase troop levels. From 1988 the army expanded rapidly; at the same time desertions reportedly increased and volunteers decreased.¹⁸ Both military and civilian recruiters seized or coerced street children and children at bus and train stations and other public places. A system of incentives and punishments was in place to encourage recruiters to fill their quotas.¹⁹ Some local authorities were reportedly pressured by the military to produce a certain number of recruits per village, some of them children. Some children were threatened with jail if they did not agree to join the army.²⁰ Once in the army, their ages were recorded as at least 18.²¹ Anecdotal reports indicate that some children from vulnerable families were taken to army bases, but not officially recruited. They were reportedly used in non-combat activities and were enlisted when they reached 18 years of age.²²

After training, children were used as guards at checkpoints, porters, cleaners and spies, and in active combat. Once deployed, they were at risk of attack, malnutrition and disease.²³ The younger boys were sometimes kept at the base and acted as officers' servants, sentries or

clerks. Child soldiers witnessed or participated in counter-insurgency activities such as the destruction of villages and crops.²⁴

An unknown number of children who attempted to escape from the Tatmadaw were sentenced to one to two years' imprisonment, possibly longer, for "desertion".²⁵ They were reportedly held in Insein, Mawlamyine and Bassein prisons.²⁶ Other under-18s who were recaptured after attempting to escape were detained at their battalion camp and then forced to resume their duties as soldiers. Some child soldiers who escaped in conflict areas surrendered to armed groups.²⁷

Armed groups

Several armed groups, some still fighting against the Tatmadaw, and some in alliance with them, recruited and used child soldiers, but the numbers were much lower than those child soldiers recruited and used by the Tatmadaw.

Ceasefire groups and armed groups allied to the SPDC

Several ceasefire groups and armed groups allied to the SPDC were reported to recruit and use child soldiers, including the Karen National Union-Karen National Liberation Army – Peace Council (KNU-KNLA PC), the UWSA, the Democratic Karen Buddhist Army (DKBA), the Kachin Independence Army (KIA), and the Karenni Nationalities People's Liberation Front (KNPLF). The former KNU 7th Brigade commander, who had been dismissed from the KNU, formed the KNU-KNLA PC in January 2007 and signed a peace agreement with the SPDC in February 2007. Subsequently several boys from the Mae La refugee camp in Thailand and other areas in Thailand and Myanmar were reportedly forcibly recruited by the KNU-KNLA PC.²⁸ Previously, under the same commander, the KNU 7th Brigade had recruited and used child soldiers on a regular basis.²⁹

The recruitment and use of boys as young as 12 by the UWSA had been reported in 2002, and some witness accounts suggested that these practices continued, although no further information was available. The KIA, another ceasefire group, stated that they did not recruit under-18s, but if under-18s asked to join they were housed in the army compound, attended school or worked around the camp. One KIA soldier estimated that there were approximately 300 under-18-year-olds in the KIA. The KNPLF, a ceasefire group in northern Kayah state, also recruited and used child soldiers, some as young as 12, although they denied this to Human Rights Watch.³⁰

The DKBA, a KNLA breakaway group which became allied to the SPDC in late 1994, recruited and used child soldiers. The DKBA reportedly

operated a quota system for recruitment in village tracts under its control and also relied on voluntary recruitment. Under-18s were accepted, and reportedly received the same treatment as adult soldiers.³¹

Armed opposition groups

The SSA-South stated that it was against their policy to use child soldiers, and that they provided care at their bases for hundreds of under-18s who had been internally displaced or orphaned.³² However, restrictions on access made it very difficult to obtain independent information.

The KA and KNLA engaged in initial discussions with UN agencies on action plans to stop the recruitment and use of children. In March and April 2007 respectively the KNLA and KA signed Deeds of Commitment, committing themselves not to recruit or use child soldiers and to facilitate the disarmament, demobilization and reintegration (DDR) of children released from their ranks.³³ During the June 2007 visit to Myanmar by the Special Representative for the Secretary-General for Children and Armed Conflict (SRSG), the government agreed to further discussions to finalize arrangements for the UN country team to engage the KNU and KNPP on action plans.³⁴

The KA stated that it had demobilized under-18s in its ranks. The KNLA continued to use child soldiers, but their numbers had reportedly declined since 2002. Its official policy was not to recruit or use anyone under 18; however, witnesses reported the presence of child soldiers in KNLA camps, at checkpoints and in operations.³⁵

Disarmament, demobilization and reintegration (DDR)

At a UN Security Council meeting on 24 July 2006 the Myanmar government delegation stated that the government had drawn up “an action plan that included protection of children’s rights, prevention measures, promoting public awareness and coordinating with UNICEF”.³⁶ The plan reportedly outlined procedures for discharging soldiers found to be under 18; vocational training, other educational options and income support for them; public-awareness raising; punishment of recruiters; and co-operation with international agencies.³⁷

In September 2007 the SPDC stated that the Committee for the Prevention of Military Recruitment of Under-age Children, established in 2004 to prevent the forced recruitment of children, undertook extensive field trips and “launched a campaign to promote awareness and stricter enforcement of laws and regulations on recruitments among the military establishments and training institutions”.³⁸ The number of

children who were released from the armed forces was not known and was not possible to verify. The SPDC provided very few details about punishments for recruiters.³⁹ There was no formal DDR program.⁴⁰

Developments

In June 2004 the UN Committee on the Rights of the Child expressed deep concern about the direct and indirect impact of armed conflicts and forced labour on children in Myanmar. The Committee recommended that all combatants under 18 be demobilized and reintegrated, that the army ensure that recruits were 18, and that the SPDC ratify the Optional Protocol and ILO Conventions 138 and 182.⁴¹

In October 2006 the SPDC gave the International Committee of the Red Cross (ICRC) a list of 17 complaints of child recruitment that it said had been resolved.⁴² In June 2007 the ICRC “strongly denounced violations of international humanitarian law committed against civilians and detainees” and expressed grave concern at “the persistent use of detainees as porters” by the SPDC. The ICRC’s operations to deliver aid to conflict-affected areas were hampered by severely increased restrictions imposed by the SPDC. From late 2005 onwards, the SPDC prevented the ICRC from conducting private interviews with detainees, leading to the ICRC’s withdrawal from prison visits.⁴³ The SPDC denied access to conflict areas to UN agencies and international non-governmental aid organizations.

In March 2007 the UN General Assembly adopted a resolution on Myanmar, expressing grave concern at “the continuing recruitment and use of child soldiers” and strongly urging the SPDC to put an immediate end to the practice, in co-operation with the UN, particularly UNICEF.⁴⁴

In February 2007 a Supplementary Understanding was signed by the SPDC and the International Labour Organization (ILO). It provided for a complaints mechanism under which individuals could bring cases of forced labour under ILO Convention 29 Concerning Forced Labour, which included forced and under-age recruitment, to the ILO liaison officer in Yangon. The Supplementary Understanding was effective immediately and was to be implemented on a trial basis for 12 months.⁴⁵ The ILO reported in March 2007 that one complaint concerned the recruitment of a child into the Tatmadaw. The case was forwarded to the SPDC Working Group, and the child was subsequently released and returned safely to his family, and action was taken against those responsible.⁴⁶ The UN Secretary-General reported in late 2007 that seven cases of the recruitment of boys between the ages of 12 and 16 were brought to the ILO after the Supplementary Understanding became

operational. He noted that the number did not reflect the scale of the problem.⁴⁷

In April 2007 the Security Council working group on children and armed conflict placed the situation of children affected by armed conflict in Myanmar on its agenda. The SRSG visited Myanmar in June 2007 and met high-ranking government officials, the Government Committee for the Prevention of Military Recruitment of Under-age Children and the UWSA. The purpose of the visit was to establish a UN task force on children and armed conflict and to discuss modalities of the monitoring and reporting mechanism, established under UN Security Council Resolution 1612, undertaken by the UN country team in co-operation with the SPDC. The SRSG recommended *inter alia* that the SPDC establish a transparent complaints procedure for under-age recruitment, disciplinary action for those responsible and full co-operation with the UN country team. The Committee for the Prevention of Military Recruitment of Under-age Children agreed in principle to establish a subcommittee to deal with reintegration of former child soldiers.⁴⁸ The UN Security Council working group on children and armed conflict was expected to examine the Secretary-General's report on children and armed conflict in Myanmar in late 2007.

In September 2007 the SPDC established a Working Group for the Prevention of Military Recruitment of Underage Children, which engaged at a working level with the Country Task Force on Monitoring and Reporting (established by the UN country team). In addition, two government task forces were set up to address monitoring and reporting and the rehabilitation and reintegration of children released from the armed forces.⁴⁹

An unknown number of former child soldiers continued to flee to Thailand after escaping from the Tatmadaw. Some were in refugee camps and some joined the Burmese migrant worker community (see Thailand entry).⁵⁰

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- 3 "2,459 released on pledge up to date", *New Light of Myanmar*, 16 October 2007.
- 4 UN Security Council, "Security Council calls for 'genuine' dialogue in Myanmar to achieve reconciliation", press document, 11 October 2007, UN Doc. SC/9139.
- 5 UN Human Rights Council, "Situation of Human Rights in Myanmar", 2 October 2007, UN Doc. A/HRC/S-5/L.1/Rev.1.
- 6 *Amnesty International Report 2007*, Myanmar entry.

- 7 Human Rights Watch, "Burma: army attacks displace hundreds of thousands, grave abuses in ethnic minority areas fuel growing humanitarian crisis", 25 October 2007.
- 8 Children and Armed Conflict, Report of the Secretary-General, UN Doc. A/61/529 S2006/826.
- 9 Report of the Secretary-General on Children and armed conflict to the UN Security Council, 21 December 2007, UN Doc. A/62/609-S/2007/757.
- 10 Myanmar Digest, "Secretary-1 briefs foreign diplomats on activities of Committee for Prevention of Recruiting Child Soldiers, All Myanmar armed forces including army are formed with those who join them of their own volition", 7 February 2007, www.myanmardigest.com/eng_md/Febo8.html.
- 11 UN Committee on the Rights of the Child, Consideration of reports submitted by states parties under Article 44 of the Convention, Second periodic reports of states parties due in 1998, Myanmar, 11 June 2002, UN Doc. CRC/C/70/Add.21, 5 November 2003.
- 12 Letter to the Child Soldiers Coalition from the Permanent Mission of the Union of Myanmar to the United Nations Office and Other International Organizations, Geneva, 21 September 2007.
- 13 "Sold to be soldiers: the recruitment and use of child soldiers in Burma", *Human Rights Watch*, Vol. 19, No. 15(C), October 2007.
- 14 Andrew Selth, *Burma's Armed Forces: Power without Glory*, Eastbridge Signature Books, Norwalk, CT, 2002.
- 15 "Sold to be soldiers", above note 13.
- 16 *Despite Promises: Child Soldiers in Burma's SPDC Armed Forces*, Human Rights Education Institute of Burma (HREIB), September 2006, www.child-soldiers.org.
- 17 Associated Press, "Myanmar junta says Western allegations of child soldiers are untrue", 2 February 2007.
- 18 "Sold to be soldiers", above note 13.
- 19 Confidential source, Bangkok, February 2007.
- 20 *Despite Promises*, above note 16.
- 21 Confidential source, July 2007.
- 22 Confidential source, November 2007.
- 23 *Despite Promises*, above note 16.
- 24 "Sold to be soldiers", above note 13.
- 25 Confidential source, May 2007.
- 26 Confidential source, July 2007.
- 27 "Sold to be soldiers", above note 13.
- 28 Karen Human Rights Group, "Child soldiers recruited to support expansion of the KNU-KNLA Peace Council", May 2007, www.khrg.org; "Sold to be soldiers", above note 13.
- 29 Confidential source, May 2007.
- 30 "Sold to be soldiers", above note 13.
- 31 *Ibid.*
- 32 SSA-South correspondence with the Coalition, 1 September 2007, by email.

- 33 “Sold to be soldiers”, above note 13.
- 34 Office of the Special Representative for the Secretary-General for Children and Armed conflict (SRSG), Report: Visit of the Special Representative for the Secretary-General for Children and Armed conflict to Myanmar, 25–29 June 2007, UN Doc. OSRSG/CAAC, July 2007.
- 35 “Sold to be soldiers”, above note 13.
- 36 UN Security Council, “Security Council reiterates commitment to address impact of armed conflict on children, determination to implement Landmark 2005 Resolution 1612”, 24 July 2006, UN Doc. SC/8784.
- 37 “Sold to be soldiers”, above note 13.
- 38 Letter to the Coalition from the Myanmar Permanent Mission in Geneva, 21 September 2007.
- 39 “Sold to be soldiers”, above note 13.
- 40 Confidential source, November 2007.
- 41 UN Convention on the Rights of the Child, Committee on the Rights of the Child, Thirty-sixth session, Consideration of reports submitted by states parties under Article 44 of the Convention, Concluding observations, Myanmar, UN Doc. CRC/C/15/Add.237, 30 June 2004.
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- 46 Ibid.
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- 48 SRSG Report, above note 34.
- 49 Confidential source, November 2007.
- 50 Confidential source, July 2007.