

Briefing on the situation of underage recruitment and use by armed forces and groups in Myanmar

15 May 2013

Nearly a decade since international engagement on the issue first began and despite the signing of a Joint Action Plan to end the recruitment and use of children between the Myanmar government and the UN in June 2012, children continue to be present in the ranks of the *Tatmadaw Kyi* (Myanmar army) and the Border Guard Forces (BGFs), as well as armed opposition groups. Some children have been released from the *Tatmadaw Kyi* but no programs are currently in place to verify the presence of children in the BGFs which function under the command of *Tatmadaw Kyi*.

Research conducted by Child Soldiers International shows that a persistent emphasis on increasing troop numbers - accompanied by corruption, weak oversight and impunity - has historically led to high rates of child recruitment in the *Tatmadaw Kyi*. An absence of effective, national monitoring mechanisms coupled with significant legal and practical obstacles to hold military personnel criminally accountable for underage recruitment are other factors which contribute to the practice. A system of an incentive-based quota system in the Myanmar military continues to drive the demand for fresh recruits and contributes to underage recruitment which is often coerced.¹

Restrictions imposed by the Myanmar military on the Country Task Force's access to the 1000 or so military sites has stymied the effective implementation of the Joint Action Plan in terms of monitoring the process of verification and release of children from the *Tatmadaw Kyi*'s ranks. The number of children identified and released so far under the Joint Action Plan remains very low, given reported high levels of recruitment of children by the Myanmar military in the recent past. Some steps have been taken to strengthen recruitment procedures into the *Tatmadaw Kyi* and thereby prevent the future recruitment of children, but these require stronger, universal implementation across the four principal recruitment units and various smaller, recruitment units across the country. Implementation of these measures needs to be routinely monitored and verified by members of the UN Country Task Force, for which access remains a crucial requirement.

Child Soldiers International also remains concerned that children who escape from the *Tatmadaw Kyi* continue to be detained and treated as adult deserters. Despite interventions by the International Labour Organisation (ILO), relevant legislation has not been amended and no regulations or specific orders have been issued to authorities that the arrest, detention and conviction of children for "desertion" are unlawful.

So far, the BGFs, which were listed in the last two UN Secretary-General's annexes to his report on children and armed conflict (together with the *Tatmadaw Kyi*) as parties that recruit and use children in armed conflict, have felt no pressure to initiate steps to verify, demobilise or rehabilitate children in their ranks. The UN Country Task Force has had no access to BGF units to assess the number of child soldiers present in their ranks. Similarly, no steps have been initiated to ensure that preventative mechanisms are instituted in the BGFs by implementing documentation and screening procedures for

¹ Child Soldiers International, *Chance for change: Ending the recruitment and use of child soldiers in Myanmar*, January 2013.

entry into their ranks. Some battalions of the BGF have therefore been able to continue recruitment practices which lack basic safeguards to exclude children.²

Armed opposition groups active in various regions of Myanmar have been known to recruit children and use them in hostilities. Some of these groups are considered persistent perpetrators, having been listed for at least five years in the annexes of the UN Secretary-General annual reports on children and armed conflict. Child Soldiers International's recent research focused on two groups: the Karen National Union/Karen National Liberation Army (KNU/KNLA) and the Democratic Karen Benevolent Army (DKBA). Although in both cases instructions not to recruit children were issued (and in the case of the KNU/KNLA, the leadership has made attempts to work with the UN and other actors towards eradicating child recruitment), the continued practice of informal association of children with these groups coupled with the absence of effective age verification procedures places children at considerable risk of participating in hostilities. The Myanmar government's refusal to grant access to certain areas of the country on grounds of national security has prevented UN engagement with these groups to conclude action plans, as well as independent monitoring and the safe release of children from their ranks.

Political reforms currently underway in Myanmar offer an opportunity to eradicate the recruitment and use of children. Strengthening the army and the BGFs' recruitment procedures, introducing effective age verification mechanisms to remedy practices of age falsification, and more broadly, addressing the incentives that lead to underage recruitment require profound reforms to Myanmar's armed forces and need to be mainstreamed in the broader efforts to reform and professionalise Myanmar's military. Similarly, child soldiers' issues need to be fully incorporated throughout peace agreements being negotiated with non-state armed groups and in the mechanisms aimed at monitoring their implementation so that the recruitment and use of children is considered a violation of the ceasefire agreement.

Key Recommendations

International pressure and assistance are required to ensure the armed forces and armed groups urgently address child soldier recruitment and use in their ranks. Prevention of recruitment of children and their use in hostilities should be mainstreamed in the international assistance provided to Myanmar, including though technical assistance to professionalise the armed forces, strengthen its recruitment procedures, and establish effective monitoring and accountability mechanisms.

After nearly four years, the issue of child soldiers in Myanmar is again before the Security Council Working Group on children and armed conflict (SCWG.) This represents a significant opportunity for political engagement with the Myanmar government and to exercise pressure to ensure the strengthening of measures to protect children from unlawful recruitment and prevent further violations.

Based on its research and analysis, Child Soldiers International encourages the SCWG to incorporate the following key recommendations in its conclusions on the situation of children and armed conflict in Myanmar.

² See for instance, *Karen News*, "Government's militia forcing civilians into uniforms," 9 November 2012, <http://karennews.org>.

To the Myanmar government:

- Implement the Joint Action Plan fully, identify, register and discharge all children present in the ranks of the *Tatmadaw Kyi* and the BGFs, and take all necessary measures to prevent recruitment of children into the *Tatmadaw Kyi* and the BGFs;
- Provide unimpeded access to its military sites and other areas where children may be present to enable the UN Country Task Force to assist in identifying, registering and discharging all children present in the ranks of the *Tatmadaw Kyi* and the BGFs;
- Strengthen its efforts towards preventing future underage recruitment through strengthening recruitment procedures and oversight across all recruitment sites in the country, establishing a central database with personal information of individual *Tatmadaw Kyi* and BGF recruits; and reforming the civil registration system to ensure that all children are registered at birth free of charge and without discrimination;
- Immediately end the practice of harassing, detaining and imprisoning children on the grounds of desertion from the armed forces, and ensure their swift and unconditional release;
- Effectively and independently investigate all credible allegations of child recruitment or use by the *Tatmadaw Kyi* and the BGFs, and bring to justice suspected perpetrators in proceedings that meet international standards for fair trial;
- Suspend from duty military personnel reasonably suspected of these offences pending completion of investigations, and take appropriate disciplinary actions against them;
- Allow and facilitate access by the UN Country Task Force and other independent humanitarian organisations to non-state armed groups in order to enable the negotiation of action plans and other measures, and to monitor and verify reports of child recruitment and use, and to ensure the safe release and reintegration of children associated with these groups;
- Support provisions aimed at the release, recovery and reintegration of children associated with armed groups in all peace or ceasefire negotiations and agreements with armed groups, in line with the UN operational guidelines on addressing children's issues in peace agreements, and demand the verifiable release of children by armed groups as a prerequisite for incorporation into state security forces;
- Ratify, without delay, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

To armed opposition groups:

- Issue, publish and widely disseminate orders to all members of armed groups to refrain from recruiting or using children in hostilities;
- Ensure that children do not take part in military operations and are not present in military camps or in the vicinity of military targets;
- Facilitate access to UN and other independent humanitarian organisations for the purpose of monitoring, releasing and reintegrating any children associated with the armed groups and concluding action plans.

To the UN Secretary-General:

- Ensure that the UN Country Task Force is provided with the necessary resources to support the Myanmar government to take all necessary measures to implement the Joint Action Plan and to monitor violations against children comprehensively;
- Report within 12 months on the implementation of the Joint Action Plan and other measures taken to protect children from underage recruitment and use in hostilities.

To donors and the international community:

- Ensure that international assistance to support security sector reform in Myanmar contributes to tangible change through the prevention of child soldier recruitment and use, including by strengthening recruitment procedures and age verification mechanisms and independent monitoring and oversight in the armed forces and the BGFs.