



LIST ON CHILDREN AND ARMED CONFLICT



Karen Human Rights Group
Documenting the voices of villagers in rural Burma



COALITION TO STOP THE USE OF CHILD SOLDIERS

Briefing Note to the UN Security Council Working Group on Children and Armed Conflict on the Situation of Child Soldiers in Myanmar

23 June 2009

The ruling State Peace and Development Council (SPDC) is one of the few remaining governments whose army (*Tatmadaw*) continues to systematically recruit and use children in armed conflict. To date, the preliminary steps taken by the SPDC have had little direct impact on the situation and much greater efforts are needed if real progress on ending child recruitment and use is to be achieved. Some non-state armed groups in Myanmar have also failed to effectively halt recruitment and use of children as soldiers. However, children are recruited and used by the SPDC's armed forces in far greater numbers; the Child Soldiers Global Report 2008 estimated that thousands of children were recruited by the *Tatmadaw*.¹

Due to access restrictions imposed on UN agencies by the SPDC, including in ceasefire areas, it is challenging for the UN to gather comprehensive information about violations against children. However, many reliable local and international NGOs with access to affected populations continue to document highly credible information on child recruitment and use, imprisonment of child soldiers and many other violations. There are no formal disarmament, demobilization and reintegration programs that would ensure that all children currently in the ranks of the *Tatmadaw* are released and returned to their families and communities and there appears to be no genuine commitment to initiate or support such programs.

The conclusions issued by the United Nations Security Council Working Group on Children and Armed Conflict in July 2008 failed to condemn the SPDC for continuing to recruit and use child soldiers. As the Working Group prepares to consider Myanmar's second periodic report under Security Council resolution 1612, we submit this briefing paper which provides supplementary information on child recruitment and offers recommendations for specific measures that must be taken now to end children's involvement in armed conflict in Myanmar. We note with deep concern that the Secretary-General has found it difficult to 'assess or verify the practical implementation' of the SPDC's commitments to follow up on the conclusions of the Working Group.² In the absence of demonstrable progress in ending the recruitment and use of child soldiers by the SPDC and some non-state armed groups, the need for concrete action is urgent.

Continuing recruitment of children by the SPDC: Although the SPDC has repeatedly stated that it is against its policy to recruit under-18s, boys, some as young as 11 years old, continue to be forcibly recruited in large numbers into the army. The SPDC is in fact one of only some five or six governments whose armed forces are currently thought to be deploying children into armed combat; and according to the Coalition to Stop the Use of Child Soldiers,

¹ *Child Soldiers Global Report*, Coalition to Stop the Use of Child Soldiers, 2008.

² Report of the Secretary-General on children and armed conflict in Myanmar June 2009. UN Doc: S/2009/278, 1 June 2009.

the SPDC is in this regard the ‘most notable offender.’³ Patterns of recruitment by SPDC forces remain unchanged from those reported previously, including recruitment directly by military officers and by informal recruiting agents. A system of incentives to reward recruiters still exists and the use of tricks, bribery, threats and force are widely reported. Vulnerable groups such as street children are commonly targeted, but others including rural schoolchildren and novice monks have also been recruited. Hundreds of cases of recruitment and use of children by government military units have been reported to organizations including the Human Rights Education Institute of Burma (HREIB)⁴, the Karen Human Rights Group (KHRG)⁵ and Human Rights Watch⁶. Cases of recruitment continue to be received by these groups, indicating the true figures are much higher than those documented.

As of March 2009, forty cases of child recruitment have been received by the International Labor Organization (ILO) under the mechanism established by the Supplementary Understanding (SU) in February 2007. This has resulted in the release of 28 children and some administrative penalties against individuals responsible for recruiting under-18s including reprimands, fines and loss of seniority. However, there have been no criminal prosecutions, thus perpetuating a culture of impunity.

The number of cases reported to the ILO does not reflect the true extent of the problem. The right to bring a complaint under the SU is not widely known and individuals who have provided information about child recruitment have been arrested, which has increased fear of reprisal. A labor activist, U (Mr.) Thet Way, was convicted on 16 September 2008 of “obstructing an official in the course of his duty” and sentenced to two years hard labor, the maximum penalty for this offence. It is believed that the real motivation for his prosecution was the role he had played in facilitating the lodging of complaints to the ILO on behalf of victims of forced labor including underage recruitment to the army. He was reportedly among 24 political prisoners released in February 2009.

Detention of under-18s within the Tatmadaw: According to credible information received by sources inside the country, children who attempted to escape from the army have been sentenced to one to two years imprisonment, possibly longer, for “desertion”. Some were held in prison under harsh conditions while others, reportedly detained at their battalion camp, were forced to resume their duties as soldiers.

Involvement of children in government-backed militias: Evidence collected by HREIB during an interview with a former village headman in Chin State reveals that children have been forced to participate in unofficial government-backed militias. These small local armed groups assist the military in conducting border patrols and are mobilized during confrontations with non-state armed groups. KHRG and other organizations have also documented cases of children being forced to join organizations used as paramilitary forces (often along with their entire village or school), such as the Auxiliary Fire Brigade, the Union Solidarity and Development Association (USDA), the *pyitthu sit* (People's Militia) and the Myanmar Red

³ *Child Soldiers Global Report*, Coalition to Stop the Use of Child Soldiers, 2008.

⁴ *Forgotten future: children and armed conflict in Burma*, HREIB, November 2008.

⁵ *Growing up under militarisation: abuse and agency of children in Karen State*, KHRG, April 2008.

⁶ *Sold to be soldiers*, Human Rights Watch, October 2007.

Cross⁷ – all of which are organizations which give basic military training, often compulsory, and can be mobilized during fighting or to quell public protests. On the China/Burma border, civilian militias reportedly receive material support including food rations, clothes and weapons from the government. In exchange, local authorities are said to provide them with business opportunities and increased border trade.⁸

Recruitment of children by non-state armed groups: Non-state armed groups, some still fighting against the *Tatmadaw* and some in alliance with them, continue to recruit and use child soldiers, although in significantly lower numbers than the *Tatmadaw*. The UN Secretary-General's June 2009 report on children and armed conflict in Myanmar notes that in many groups children are 'assumed to be present,' but confirmation remains a challenge because of access restrictions.

The Karen National Union/Karen National Liberation Army (KNU/KNLA) and the Karenni National Peoples Party/Karenni Army (KNPP/KA) signed deeds of commitment in 2007 not to recruit or use children. However, the UN has so far been unable to support the implementation of these commitments because of the resistance of the SPDC to UN engagement with armed opposition groups. Thailand has also opposed UN engagement with armed groups on its territory.

Ongoing engagement between HREIB and the Chin National Front/Chin National Army (CNF/CNA) on the promotion and protection of child rights has resulted in the CNF/CNA signing a unilateral deed of commitment on 10 March 2009 in which they agreed not to recruit or use children.⁹ Representatives of the Kachin Independence Organization/Kachin Independence Army (KIO/KIA) have also indicated their willingness to sign a deed of commitment not to use or recruit child soldiers.

Disarmament, demobilization and reintegration: There are no formal processes in Myanmar to support the release and reintegration of children associated with the armed forces or armed groups. In neighboring countries former child soldiers who have escaped from the *Tatmadaw* or who were previously involved with non-state armed groups end up in refugee camps or illegally in the wider community where their situation remains precarious. Countries that have ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict are obliged to provide all appropriate assistance for the physical and psychological recovery and social reintegration of former child soldiers.

If the Security Council is to fulfil its pledge to hold violators to account for recruiting and using child soldiers, it is vital the Working Group on Children and Armed Conflict address the following as a matter of priority. We urge that in its conclusions on children and armed conflict in Myanmar the UN Security Council Working Group:

⁷ *Growing up under militarisation: abuse and agency of children in Karen State*, KHRG, April 2008.

⁸ Network Media News, <http://www.nmg-news.com/nmg/news030309.html> (English language translation available from HREIB)

⁹ A copy of the Deed of Commitment was transmitted by the CNF/CNA to the UN in March 2009 together with a request for assistance in its implementation.

- strongly condemns the continuing recruitment and use of child soldiers by the *Tatmadaw*, and calls for the immediate release of all children present in its ranks, and for those responsible for their recruitment to be criminally prosecuted. The Security Council Working Group should convey its serious concern at the very high numbers of children recruited by the government armed forces and the illegal and involuntary nature of such recruitment and should accurately convey the differing scale of abuse by different perpetrators;
- reiterates its call for an end to the practice of detaining and imprisoning children on grounds of desertion from the armed forces, and demand the immediate release of any child held on such charges. Independent verification of compliance should be carried out by UN representatives or other independent monitors, including through regular, unannounced visits to detention centers and prisons;
- calls for Myanmar to ratify without delay the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
- calls for the full implementation of the monitoring and reporting mechanism without further delay and for the full cooperation by the SPDC with it, including by permitting UN representatives secure and unimpeded access to all areas of the country including conflict-affected areas. The UN Country Task Force should be encouraged to consider and reflect in its reporting credible data received from reliable sources, such as NGOs, both local and international, which document the human rights situation in areas to which the UN does not currently have access. The Task Force should also cooperate with such NGOs in designing effective strategies for carrying out monitoring and reporting in Myanmar within the framework of Security Council resolution 1612;
- calls upon non-state armed groups that recruit and use children to end the practice and to cooperate with the UN in the development and implementation of time-bound action plans;
- welcomes the unilateral Deeds of Commitments signed by the KNU/KNLA, KNPP/KA and CNF/CNA and calls upon the SPDC to allow UN representatives to engage with non-state armed groups in the process of signing and implementing these deeds; and urges that the UN country team makes every effort to engage non-state armed groups in dialogue on action plans, pending agreement by the SPDC to allow access;
- calls on the governments of neighboring countries to which child soldiers from Myanmar have fled to provide all appropriate assistance for their physical and psychological recovery and social reintegration.
- In accordance with its commitment to the Secretary-General's Special Representative for Children and Armed Conflict in July 2007, calls on the SPDC to cooperate with the UN Country Team to finalize and implement without further delay a revised time-bound action plan in line with international standards to halt the recruitment and use of children and to demobilize all under-18s in the ranks of the *Tatmadaw*;

- strongly supports the strengthening of the ILO complaints mechanism and consider supporting extending its application from a complaints-based mechanism to one in which the ILO can proactively investigate cases of forced labor, including recruitment and use of children, without the need for a formal complaint. The Security Council Working Group should also insist that individuals are able to access the mechanism without fear of harassment or reprisals.

- In light of the limited and largely unverifiable progress made by the Government of Myanmar since 2003, when Myanmar first featured in the Annex to the Annual Report of the Secretary-General on children and armed conflict, the Security Council Working Group should now set concrete benchmarks for progress which are reviewed on a continual basis. In the absence of measurable progress within the coming months on these benchmarks to end the use of child soldiers, targeted measures must be considered. Benchmarks should include:
 - finalization of the revised action plan within three months;
 - access to the UN Country Team to all military facilities in order to identify and bring about the release and reintegration of all children in the ranks of the *Tatmadaw*;
 - the verified release of all child soldiers detained or imprisoned on charges of desertion or other alleged military crimes;
 - full cooperation with the UN in accessing non-state armed groups (cease-fire and non-cease-fire) to engage in dialogue on the design and implementation of action plans.