



OCTOBER 2007

VOLUME 19, No. 15(C)

Sold to be Soldiers

The Recruitment and Use of Child Soldiers in Burma

Map of Burma.....	1
Terminology and Abbreviations.....	2
I. Summary.....	5
The Government of Burma's Armed Forces: The Tatmadaw	6
Government Failure to Address Child Recruitment	9
Non-state Armed Groups	11
The Local and International Response	12
II. Recommendations	14
To the State Peace and Development Council (SPDC)	14
To All Non-state Armed Groups.....	17
To the Governments of Thailand, Laos, Bangladesh, India, and China	18
To the Government of Thailand.....	18
To the United Nations High Commissioner for Refugees (UNHCR).....	18
To UNICEF	19
To the Special Representative of the Secretary-General for Children and Armed Conflict	20
To Member States of the United Nations	20
To the UN Security Council	21
To the International Labour Organization.....	21
To the United Nations Special Rapporteur on the Situation of Human Rights in Myanmar	21
III. Methodology.....	22
IV. Background.....	24

V. The Tatmadaw: The State Military	29
The Tatmadaw's Staffing Crisis.....	29
Recruitment	32
Key Factors in Child Recruitment.....	33
Children as Commodities: The Recruit Market	41
Recruitment of the Very Young	43
The <i>Su Saun Yay</i> Recruit Holding Camps.....	45
Training	50
Deployment and Active Duty	56
Combat	60
Abuses against Civilians.....	62
Desertion, Imprisonment, and Re-recruitment	63
The Future of Tatmadaw Child Recruitment	68
The Government of Burma's Response to the Recruitment and Use of Child Soldiers	68
The Committee for the Prevention of Military Recruitment of Underage Children	71
Demobilization	73
Reintegration.....	76
Measures for Raising Awareness.....	77
Enforcement of Recruitment Laws and Regulations	81
Government Cooperation with International Agencies	84
VI. Child Soldiers in Non-State Armed Groups	94
United Wa State Army	97
Karenni Army	98
Karen National Liberation Army	102
Shan State Army – South	105
Kachin Independence Army.....	107
Democratic Karen Buddhist Army	109
Kachin Defense Army	111
Mon National Liberation Army	112
Karenni Nationalities People's Liberation Front	113

Shan Nationalities People's Liberation Army	115
Rebellion Resistance Force.....	116
KNU-KNLA Peace Council.....	117
VII. The International Response.....	120
The United Nations Security Council.....	120
United Nations Country Team	122
UNICEF.....	123
ILO.....	124
Neighboring country and cross-border initiatives.....	125
VIII. Legal Standards	129
Child Recruitment as a War Crime.....	130
International Standards on Demobilization, Reintegration, and Rehabilitation	131
Acknowledgements.....	132
Appendices	133
Appendix A: SPDC Plan of Action regarding child soldiers.....	133
Appendix B: Human Rights Watch letter to the UN Mission of Myanmar, August 22, 2007.....	137
Appendix C: Reply from the UN Mission of Myanmar, September 12, 2007.....	139
Appendix D: KNPP Deed of Commitment regarding child soldiers	142
Appendix E: KNLA Deed of Commitment regarding child soldiers	146

Map of Burma



Terminology and Abbreviations

In this report “child” means any person under the age of 18 years.

In 1989 the English name of the country was changed from Burma to Myanmar by the ruling State Law and Order Restoration Council (SLORC, now called the State Peace and Development Council, SPDC). English versions of place names were changed to Burmanized versions at the same time: for example, Rangoon became Yangon. The National League for Democracy, which won elections in 1990 that were subsequently rejected by the military government, does not recognize these name changes, and ethnic groups that are not ethnic Burman regard them as part of an effort to Burmanize national culture. Human Rights Watch uses the term “Burma.” The adjective “Burmese” is used to describe anything related to the country and language, and “Burman” is used to describe the ethnicity of the country’s dominant group.

Tatmadaw translates literally as “armed forces,” and is made up of the Army (Tatmadaw Kyi), Air Force (Tatmadaw Lay), and Navy (Tatmadaw Ye). In English we have used the term “Burma army” for the Tatmadaw Kyi.

This report uses the term “non-state armed groups” to refer to all armed groups in Burma that are not under the full and direct control of the regime. These include groups that have surrendered to the government but retain soldiers and arms, groups that have ceasefire agreements with the SPDC (and which vary in the extent of their cooperation with the regime), militias that have effectively been created by the SPDC and act as proxy armies at least partially under SPDC control, and armed groups that have no ceasefire agreements (sometimes referred to as “resistance groups” or “resistance armies”).

Unless otherwise specified, “recruitment” is used in this report to encompass all forms of gaining recruits by armed forces or groups, including voluntary, coerced, and forced recruitment.

The value of the *kyat*, the Burmese currency, is officially pegged at between five and six kyat to one US dollar. However, most exchange occurs on the black market where one US dollar is presently worth over 1,300 kyat to the dollar. Day laborers in Burma commonly earn several hundred kyat per day. A Burma army private's salary is presently 15,000 kyat per month, compared to only 4,500 kyat per month prior to April 2006. This report also makes reference to the Thai baht, which presently exchanges at about 33 to the US dollar.

Some terms, acronyms, and other abbreviations that appear in this report are listed below. Please note that this list is not intended to be exhaustive.

Burma Army

SPDC	State Peace and Development Council, ruling military junta
SLORC	State Law and Order Restoration Council, former name of the SPDC until 1997
MOC	Military Operations Command
NCO	Non-commissioned officers: lance corporals, corporals, and sergeants
Pyitthu Sit	"People's Army": militia formed and controlled by the Burma army
Su Saun Yay	Recruiting center and holding camp for new recruits into the Burma army
Ye Nyunt	"Brave Sprouts": a network of camps for boys within Burma army camps, previously used as a way to channel young boys into the Burma army

Other Armed Groups

ABSDF	All-Burma Students' Democratic Front
CPB	Communist Party of Burma
DKBA	Democratic Karen Buddhist Army
KDA	Kachin Defense Army
KIO/KIA	Kachin Independence Organization/Kachin Independence Army

KNDO	Karen National Defense Organization (militia of the KNLA)
KNPLF	Karenni Nationalities People's Liberation Front
KNPP/KA	Karenni National Progressive Party/Karenni Army
KNU/KNLA	Karen National Union/Karen National Liberation Army
NDA-K	New Democratic Army–Kachinland
NMSP/MNLA	New Mon State Party/Mon National Liberation Army
RCSS	Restoration Council of Shan State (umbrella organization for SSA-S)
SSA-S	Shan State Army–South
SNPLO/SNPLA	Shan Nationalities People's Liberation Organization/Shan Nationalities People's Liberation Army
UWSA	United Wa State Army

I. Summary

By the time he was 16, Maung Zaw Oo had been forcibly recruited into Burma's national army not once, but twice. First recruited at age 14 in 2004, he escaped, only to be recruited again the following year. He learned that the corporal who recruited him had received 20,000 kyat,¹ a sack of rice, and a big tin of cooking oil in exchange for the new recruit. "The corporal sold me," he said. The battalion that "bought" him then delivered him to a recruitment center for an even higher sum—50,000 kyat.

When his aunt learned that Maung Zaw Oo had been recruited a second time, she and his grandmother made a long trip to his battalion camp to try to gain his release. The captain of the battalion company offered to let Maung Zaw Oo go, but only in exchange for five new recruits. Maung Zaw Oo said, "I told my aunt, 'Don't do this. I don't want five others to face this, it's very bad here. I'll just stay and face it myself.'"

By age 16 Maung Zaw Oo seemed resigned to his fate. When his unit went on patrol, he would volunteer for the most dangerous positions, walking either "point" at the front of the column, or last at the back. He said, "In the army, my life was worthless, so I chose it that way."²

In Burma, boys like Maung Zaw Oo have become a commodity, literally bought and sold by military recruiters who are desperate to meet recruitment quotas imposed by their superiors. Declining morale in the army, high desertion rates, and a shortage of willing volunteers have created such high demand for new recruits that many boys, some as young as ten, are targeted in massive recruitment drives and forced to become soldiers in Burma's national army, the Tatmadaw Kyi.

For over a decade, consistent reports from the United Nations (UN) and independent sources have documented widespread recruitment and use of children as soldiers in

¹ Approximately US\$15 at market exchange rate. This amount is more than the typical monthly salary for an army private.

² Human Rights Watch interview with Maung Zaw Oo (not his real name), August 2007. In this report, all children's names have been changed for security reasons.

Burma.³ At the beginning of 2004 the ruling military junta, the State Peace and Development Council (SPDC), responded to international criticism of its child recruitment practices by establishing a high-level Committee for Prevention of Military Recruitment of Underage Children. However, close scrutiny reveals that the Committee has taken no significant action to redress the issue. Instead, the Committee's primary role appears to be to denounce accounts of child recruitment as false.

Child soldiers are also present in the majority of Burma's 30 or more non-state armed groups, though in far smaller numbers. Some of these groups have taken effective measures to reduce the number of child soldiers among their forces, but other groups continue to recruit children and use them in their ranks.

The UN secretary-general has identified Burma's armed forces as a consistent violator of international standards prohibiting the recruitment and use of child soldiers, listing the Tatmadaw Kyi in four consecutive reports since 2003. Several armed opposition groups have also been listed for recruiting and using child soldiers. The UN Security Council has stated repeatedly that it will consider targeted sanctions, including embargoes of arms and other military assistance, against parties on the secretary-general's list that refuse to end their use of children as soldiers, but so far has taken no action in the case of Burma. Given the abysmal record of the SPDC and some non-state armed groups in this regard, such action is clearly warranted.

The Government of Burma's Armed Forces: The Tatmadaw

The Burmese government claims that its national armed forces, the Tatmadaw, is an all-volunteer force, and that the minimum age for recruitment is 18.⁴ However, Tatmadaw soldiers, officers, and other witnesses interviewed by Human Rights Watch consistently testified that the majority of new recruits are conscripts, and that

³ See for example, the UN Secretary-General's reports to the Security Council on children and armed conflict, S/2002/1299 (November 26, 2002), S/2003/1053 (October 30, 2003), S/2005/72 (February 9, 2005), and S/2006/826 (October 26, 2006); Rachel Brett and Margaret McCallin, *Children: The Invisible Soldiers* (Save the Children Sweden, 1998); United Nations Children's Fund (UNICEF), "Adult Wars, Child Soldiers: Voices of Children Involved in Armed Conflict in the East Asia and Pacific Region," October 2002; Human Rights Watch, *"My Gun Was as Tall as Me": Child Soldiers in Burma* (New York: Human Rights Watch, 2002), <http://hrw.org/reports/2002/burma/>; Human Rights Education Institute of Burma, "Despite Promises: Child Soldiers in Burma's Armed Forces," 2006.

⁴ Letter to Human Rights Watch from the Permanent Mission of the Union of Myanmar to the United Nations, New York, May 8, 2002.

a large proportion of them are children. Since the early 1990s the number of voluntary recruits has been far from sufficient to staff the rapidly expanding Tatmadaw. At the same time the Tatmadaw has been plagued by high rates of desertion. To offset high rates of attrition and to staff new regiments, specialized recruitment units have been established throughout the country, and regular army battalions have also been ordered to fill recruitment quotas. In mid-2006 a senior general called for the recruitment of 7,000 new soldiers a month, four times the actual recruitment rate of a year earlier. Battalion commanders failing to meet their recruiting quotas are subject to a range of disciplinary action including the loss of their command posting.

The unrelenting pressure to meet recruitment quotas has placed boys at constant risk of forced or coerced recruitment. Battalions and recruiting centers offer cash and other inducements⁵ to their own soldiers to bring in recruits, but are also willing to “buy” recruits from civilian brokers and the police. In 2005 the going rate for new recruits ranged from 25,000 to 50,000 kayt—representing one-and-a-half to over three times the monthly salary of an army private. Would-be recruiters watch train stations, bus stations, markets, and other public places, looking for “targets”—the easiest being young adolescent boys on their own. The boys are then induced with promises of money, clothing, status, a job and a free education, or threatened with arrest for loitering or not being in possession of an identity card and offered military service as the alternative, or they may be otherwise intimidated, coerced, or if necessary beaten into “volunteering” for the army. Some boys interviewed by Human Rights Watch told how they and others had been detained in cells, handcuffed, beaten, bought and sold from one recruiter or battalion to another, and eventually taken to the recruitment centers. As this report was going to press in October 2007, Human Rights Watch continued to receive eyewitness accounts of army units recruiting children and transporting them to training centers.

The government’s deployment of the army in September 2007 to attack Buddhist monks and other peaceful protesters may increase the vulnerability of children to recruitment even further. Even before the crackdown, young men were often reluctant to join the military, because of its low pay, difficult conditions, and the poor treatment

⁵ These variously include foodstuffs, leave, service discharge, and promotions.

of enlisted soldiers. The use of the army in attacks, killings, and detentions of protesters may further discourage voluntary enlistment, and prompt recruiters to seek out even greater numbers of child recruits.

At the time of enlistment, all recruits are required to provide documentary evidence that they are over 18 years old. According to the testimonies collected by Human Rights Watch, such proof is rarely requested and recruitment officers appear to consistently register underage recruits as being 18, even when the child states otherwise. Any reluctance on the part of the recruitment officers to register boys who are particularly young is usually remedied by a bribe, so that the procurer of the recruit can receive his incentive payout. One boy recruited at age 11 told Human Rights Watch that he failed his recruitment medical because he was only four feet three inches (1.3 meters) tall and weighed only 70 pounds (31 kilograms), but that his recruiter bribed the medical officer to ensure his recruitment regardless. Some soldiers interviewed noted that as the demand for new recruits grows, adherence to minimum guidelines on physical, medical, educational, and age standards has become increasingly lax.

Child recruits are held as virtual prisoners until sent for 18 weeks of basic military training, where they are forced to do heavy physical work and are punished if they fail in their training exercises. Recruits who attempt escape, including children, are punished, often severely. Human Rights Watch has received consistent reports of soldiers who desert from training being beaten with sticks by as many as 200 or more trainees; injuries sustained from such punishment sometimes leave them disabled for weeks.

After training, child soldiers are deployed to battalions, where they are subject to physical abuse by officers and are sometimes forced to participate in human rights abuses such as burning villages and using civilians for forced labor. Some battalions keep their younger children away from combat, but in others, child soldiers may be sent into combat zones within a few days to a month of their arrival; most of those interviewed for this report had seen combat and violent death. Leave is rarely granted, and discharge is usually conditioned on bringing in several new recruits.

Those who desert the army are often caught when they return home and imprisoned or re-recruited. Several of those interviewed had escaped only to be recaptured and forced to join the army a second time while still a child. Than Myint Oo, for example, was first recruited at 14, escaped the army, but was captured and sentenced to six months' imprisonment for desertion at age 15. He escaped from prison, was captured and re-recruited to the army, and eventually deserted again and reached Thailand. Now 19, he no longer dares return home.

All of the former soldiers interviewed by Human Rights Watch reported the presence of children in their training companies. Of the 20 interviewed, all but one estimated that at least 30 percent of their fellow trainees were under age 18. The prevalence of child soldiers in army battalions varies significantly. In some infantry battalions child soldiers comprise less than 5 percent of total staffing, while former child soldiers reported that in some newly created battalions, up to 50 to 60 percent of all privates were below age 18. Given these variations and the difficulty of estimating overall staffing levels within the Tatmadaw, this report makes no attempt to estimate the total number of children in Burma's army.

Government Failure to Address Child Recruitment

The SPDC has consistently denied the presence of any child soldiers in the Tatmadaw, and has failed to take substantive action to end the army's institutionalized and pervasive recruitment of children. The Committee for Prevention of Military Recruitment of Underage Children has a Plan of Action to address the issue, but in practice this body has done little to implement the steps outlined therein.

The Committee's Plan of Action calls for public awareness efforts regarding child recruitment, but Human Rights Watch found very little evidence of government-led awareness raising initiatives either within the armed forces, or among the public. None of the current or former soldiers interviewed by Human Rights Watch, including battalion commanders and a clerk in a military operations command headquarters, were aware of any military directives concerning child recruitment. Human Rights Watch found no evidence of public education efforts through various media, as outlined in the Plan of Action. To the contrary, the principal public awareness raising function of the Committee (in fact, its principal effort overall) seems to be to disavow

any child recruitment by the Tatmadaw. The state-run media has asserted that such reports are “slandorous accusations,” and as recently as September 2007 declared that the government was working with UN agencies “to reveal that accusation concerning child soldiers is totally untrue.”⁶

According to figures released by the SPDC, only 122 child soldiers have been released from the army since 2004—an annual rate that is significantly lower than the number of child soldiers reportedly released in the years immediately preceding the Committee’s creation. Some parents who have lodged protests with international organizations such as the International Committee of the Red Cross (ICRC) and the International Labour Organization (ILO) have succeeded in having their sons released from the army after these organizations petitioned the government. In other cases, however, the government has refused to accept documentation of claims, or has offered parents money or goods to dissuade them from making formal reports. Human Rights Watch also received numerous reports that military officials had demanded that parents or guardians pay them bribes to secure the release of their children. At the same time, the army continues to arrest child soldiers who desert, to prosecute them, and incarcerate them in prison facilities for adults.

The SPDC claims to have taken disciplinary action against child recruiters in at least 30 cases since 2002. However, it has not made public any information regarding the sanctions imposed, and its own reports indicate that no child recruiters were disciplined in 2005 or 2006. Impunity for child recruiters is the norm. Testimony collected for this report demonstrates that not only do Tatmadaw officials tolerate the recruitment of children, but many are complicit by falsifying age records or paying out money and goods for recruits who are clearly underage.

The SPDC has taken no positive action over the past five years that is likely to seriously affect the continued recruitment and use of child soldiers in their forces. To the contrary, unsustainable recruitment quotas, and systematic disregard for national and international laws prohibiting child recruitment suggest that the

⁶ “Myanmar still facing unjust accusations of child soldiers as only slanders and falsehood reach UN,” *The New Light of Myanmar*, February 4, 2005; “Myanmar working in cooperation with UN agencies to reveal that accusation concerning child soldiers is totally untrue,” *The New Light of Myanmar*, September 18, 2007.

practice is only likely to continue. Any promises of future action, should be taken seriously only if followed by effective action with demonstrable results, and independent verification through unrestricted monitoring.

Non-state Armed Groups

This report does not attempt to document the use of child soldiers by all non-state armed groups in Burma, but rather discusses 12 groups as examples, including most of the larger groups. Most of Burma's non-state armed groups have at least some child soldiers in their ranks, but they differ greatly in how these children are recruited and treated, and in their willingness and efforts to stop using child soldiers. These groups are much smaller in troop strength than the Tatmadaw, and as a whole have far fewer child soldiers than the Tatmadaw.

Many child recruits volunteer to serve in these groups, either because their families cannot support them or because they wish to participate in the armed struggle or to defend their families and villages against the Burma army's human rights abuses. Some armed groups impose recruit quotas requiring villages or households to supply a recruit. In such cases a family often sends a child under 18 so that it can retain the older, more productive family members for the household, or because they have no children over 18.

Many non-state groups have only recently begun seeing child recruitment as an issue. Human Rights Watch found that while some groups, like the Karenni Army and the Karen National Liberation Army, have taken steps to address child recruitment, other groups persist in the practice, including the United Wa State Army, the Democratic Karen Buddhist Army, and the Karenni Nationalities People's Liberation Front. Many are wary of engaging the international community on this issue: for example, the Shan State Army–South, which appears to have taken some measures on its own but is reluctant to allow outside monitoring, and the Kachin Independence Army, which considers accepting children into non-combat roles in the army as a form of foster care for vulnerable children, and prefers to deal with the issue without outside involvement.

Both the Karenni Army and the Karen National Liberation Army have taken measures to try to bring their practices into line with international standards, including the recent signing by both groups of Deeds of Commitment promising to end child recruitment, demobilize children in their forces, and allow outsiders to independently monitor their compliance. Although previous Human Rights Watch research found children present in the Karenni Army, our current investigation found no evidence of recruitment or use of child soldiers by the group.

Based on the evidence gathered for this report, Human Rights Watch recommends that the Karenni Army (KA) be removed from the secretary-general's list of parties to armed conflict in violation of international norms prohibiting the recruitment and use of child soldiers, but that the Democratic Karen Buddhist Army and the Karenni Nationalities People's Liberation Front (KNPLF) should be among groups considered for addition to the list.

The Local and International Response

The United Nations Children's Fund (UNICEF), the International Labour Organization, the International Committee of the Red Cross, the United Nations High Commissioner for Refugees (UNHCR), and some nongovernmental organizations (NGOs), have attempted to address issues related to child soldiers in a variety of ways in recent years. These efforts include case work aimed at securing the release of specific children who have been recruited, and broader preventive initiatives to keep children in school, improve birth registration procedures, raise public awareness, and engage the government, the military, and non-state armed groups on child rights issues.

In some cases, international and local organizations have been able to successfully intervene to have child soldiers released, although their efforts in others are obstructed. Broader initiatives in Burma have met with limited success because they address the issue indirectly. Efforts to register births and keep children in school are undermined by poverty, economic mismanagement, and governmental corruption.

In neighboring countries, local and international NGOs have attempted to improve protection and to reintegrate escaped Tatmadaw child soldiers, who are extremely vulnerable. Although these initiatives have helped some children, they are severely

hindered by governmental restrictions imposed on refugees and the organizations that help them. Tatmadaw deserters dare not return to Burma, may be vulnerable within refugee camps, but are in danger of refoulement if they are living outside of refugee camps. In many cases resettlement to a third country is the most viable solution for former child soldiers, but the Thai government, as host to the largest refugee population from Burma, is now blocking this option for most of them as well.

Other initiatives include teaching child rights to refugees and displaced villagers; establishing accelerated schools for adolescent children who have never had any education, in order to decrease their vulnerability to recruitment; and training officers in non-state armed groups about child rights. These initiatives have been successful in reducing child recruitment in some areas, but they tend to be under-resourced. A greater political will to engage non-state armed groups on this issue, combined with more resources, would probably yield positive results.

II. Recommendations

To the State Peace and Development Council (SPDC)

- Immediately end all recruitment of children under the age of 18, and demobilize children under the age of 18 from the armed forces.
- Offer the option of an honorable discharge to any soldier now over the age of 18 but who was recruited as a child.
- Ensure that all recruits to the military are at least 18 years of age. To this end, enforce the requirement (already stated in recruitment brochures) that all recruits to the military must provide documentary proof that they are 18 years of age or over, and enact a system for monitoring that such documents have been received and verified.
- Implement comprehensive birth registration and ensure that all children have proof of age.
- Develop and impose effective and appropriate sanctions against individuals found to be recruiting children under 18 into the armed forces, and publicize information about these sanctions within the military and publicly. Sanctions including potential conviction and imprisonment must apply to anyone who recruits children for the military, including military recruiters, police, members of groups such as the fire brigades, and civilians in general.
- Eliminate all incentives, including monetary compensation, promotions, or military discharge for soldiers who recruit children.
- Seek international cooperation with relevant agencies in order to verify recruitment practices. As part of this, allow monitoring of recruitment and training centers by independent outside bodies.
- Establish a system for recruits, their families, or concerned parties to inquire whether a particular child has been recruited, and if so to petition for that child's release, without fear of retaliation against the child or the petitioner. This could be set up in conjunction with international organizations or as an independent office, monitored by outside organizations. Publicize this system nationwide.
- Ensure that children and soldiers recruited as children who run away from the armed forces are not treated as deserters or subject to punishment.

Immediately release all children or those recruited as children who are detained or imprisoned for desertion.

- Create a mechanism to assist former child soldiers, including children from the Ye Nyunt, to reunite with their families without fear of state punishment or retaliation.
- Cooperate with international nongovernmental organizations, UNICEF, and UNHCR to reunite former child soldiers with their families, and facilitate their rehabilitation and social reintegration, including appropriate educational and vocational opportunities.
- Sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, and consistent with existing national law, deposit a binding declaration establishing a minimum age of voluntary recruitment of at least 18.
- Ratify the Worst Forms of Child Labour Convention (International Labour Organization Convention No. 182), which defines the forced or compulsory recruitment of children for use in armed conflict as one of the worst forms of child labor.
- Ratify the Rome Statute for the International Criminal Court, which includes the recruitment or use of children under the age of 15 in its definition of war crimes.
- Conduct public education campaigns through the media and elsewhere to inform children and parents of the rights of children, including their right not to be recruited into armed forces or groups, in accordance with the Plan of Action of the Committee for Prevention of Military Recruitment of Underage Children.
- Increase information sharing with international organizations regarding the work of the Committee for Prevention of Military Recruitment of Underage Children, and work with UNICEF to amend the Committee's Plan of Action to reflect international standards, UN Security Council resolutions 1539 and 1612, and the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups.
- In cooperation with the International Committee of the Red Cross, UNICEF, and nongovernmental organizations, conduct trainings in international

humanitarian law and the rights of children for all soldiers, including officers and recruiters.

- Remove restrictions on humanitarian access by international organizations, and cooperate with these organizations in ending all recruitment and use of child soldiers.
- Allow Burmese civil society organizations to report and act on cases of child recruitment without threat of reprisals.
- Ensure that all children have access to free and compulsory quality primary education, and work towards the progressive introduction of free secondary education. Waive school fees and other associated costs of education, including costs for books and uniforms, or develop fee assistance programs for children whose families are unable to afford them.
- Ensure that any educational programs for children run by or in conjunction with the armed forces meet internationally accepted standards of education. Ensure that participation in such programs is voluntary, with the informed consent of the child's parents or guardian, and that students are not members of the armed forces or used for any military activities.
- Ensure that all children enrolled in educational programs run by the armed forces have regular contact, including visits, with their families.
- Ensure that orphans and abandoned children have access to mainstream (non-military) schools, and receive adequate care.
- Ensure that educational opportunities offered to orphans, displaced, or other children are not conditioned on military service either during or after completion.
- Where the government has relations with non-state armed groups (such as "ceasefire groups"), press these groups to comply with international standards relating to the recruitment and use of children as soldiers, and provide or refer them to outside technical support when necessary to help them do so.

As short-term interim measures until all children have been demobilized from the military:

- Ensure that children in the armed forces receive regular leave and are allowed to communicate regularly with their families.
- Immediately end all physical and psychological abuse of child soldiers.

To All Non-state Armed Groups

- Immediately end all recruitment of children under the age of 18 and demobilize children under age 18 from armed groups.
- Offer the option of an honorable discharge to any soldier now over the age of 18 but who was recruited as a child.
- Formalize a commitment to end all child recruitment, demobilize children in the armed forces, and allow outside monitoring, for example, by signing a Deed of Commitment like those already signed by the Karenni Army and Karen National Liberation Army and reproduced in this report.
- Develop and enforce clear policies, if they do not already exist, to prohibit the recruitment of children under the age of 18. Ensure that such policies are widely communicated to members of the armed forces and to civilians within the group's area of influence.
- Develop reliable systems to verify the age of individuals recruited into the armed group, and ensure that all such recruits are at least 18 years old.
- Develop and impose systematic sanctions against individuals found to be recruiting children under 18.
- Ensure that children under age 18 who desert SPDC forces or are captured are not recruited as soldiers into opposition forces.
- Seek international cooperation with relevant agencies in order to independently verify recruitment practices.
- Conduct public education campaigns to inform children and parents within the group's area of influence of the rights of children, including their right not to be recruited into armed forces or groups.
- In cooperation with the International Committee of the Red Cross, UNICEF, and nongovernmental organizations, conduct trainings in international humanitarian law and the rights of children for all soldiers, including officers and recruiters.
- Wherever possible, establish educational programs and vocational training, and encourage children and their families to utilize such opportunities.
- Ensure that educational opportunities offered to orphans, displaced, or other children are not conditioned on military service either during or after completion.

To the Governments of Thailand, Laos, Bangladesh, India, and China

- Notify UNHCR and relevant nongovernmental organizations when children who have deserted SPDC forces or individuals who may have been child soldiers are taken into custody, to allow access and a determination of their status.
- Ensure that such children and individuals receive special protection and that they are not refouled. To this end, rescind and repudiate any refoulement agreement for former child soldiers.

To the Government of Thailand

- Rescind the agreement of the Joint Border Cooperation Committee which specifies that deserters from SPDC forces found on Thai soil will be handed over to Burmese authorities.
- Allow UNHCR, UNICEF, the ICRC, and nongovernmental organizations to establish protection and support mechanisms for former child soldiers both in and outside of existing refugee camps.
- Allow UNHCR, UNICEF, the ICRC, and nongovernmental organizations to conduct workshops and other initiatives on child rights to prevent recruitment of children into armed groups from refugee camps or other locations in Thailand.

To the United Nations High Commissioner for Refugees (UNHCR)

- In refugee status determinations, take into account the special circumstances of children recruited before the age of 18 (even in cases where the applicant is now over the age of 18), including the possibility of extrajudicial execution if they are returned to Burma.
- Fully apply the “UNHCR Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum” and the “UNHCR Guidelines on Protection and Care of Refugee Children,” especially those sections relating to procedures and criteria for refugee status determination for unaccompanied minors.
- Amend the “Handbook on Procedures and Criteria for Determining Refugee Status” to provide guidance on considering the claims of unaccompanied

children, and in particular former child soldiers, that is consistent with other UNHCR policies and guidelines and that fully takes into account the fact that the recruitment of children under the age of 18 is internationally considered to be a human rights violation.

- Investigate cases of deserters, including child deserters, being detained for possible deportation by authorities in Thailand and in Burma's other neighboring countries.
- Provide technical support and material assistance for initiatives aimed at preventing child recruitment and reintegrating former child soldiers in refugee camps and other locations in Burma's neighboring countries.
- Provide technical and material assistance to civil society and non-state armed groups charged with the care and protection of child deserters from any armed force who reach a neighboring country.

To UNICEF

- Continue to advocate with the SPDC for an immediate end to all recruitment of child soldiers and demobilization of those already in the armed forces.
- Work with the SPDC to establish mechanisms to demobilize children from the armed forces, and establish programs to facilitate the rehabilitation and social reintegration of former child soldiers, including appropriate educational and vocational opportunities.
- Help to reunite former child soldiers with their families.
- Reestablish contact with non-state armed groups, including those still in armed conflict with the Tatmadaw, and resume discussions and initiatives with these groups to address the issue of child soldiers.
- Provide technical support and material assistance for initiatives aimed at preventing child recruitment and reintegrating former child soldiers in non-state armed groups as well as the Tatmadaw; this should include support for projects such as "accelerated schools" in refugee camps and related projects in refugee camps, areas controlled by non-state groups, and areas controlled by the state.
- Provide technical and material assistance to civil society and non-state armed groups charged with the care and protection of child deserters from any armed force. Assistance should not be biased in favor of actors linked to or at

peace with the state, as this is a violation of humanitarian neutrality; therefore assistance for disarmament, demobilization, and reintegration programs offered to the SPDC should also be offered in appropriate proportion to non-state groups who are expected to abide by the same standards.

- In line with the above, offer technical assistance to improve birth registration in areas controlled by non-state groups similar to that which is being offered to the SPDC in areas that it controls.

To the Special Representative of the Secretary-General for Children and Armed Conflict

- Continue direct contact with the SPDC and non-state groups and actively monitor whether their commitments are implemented effectively.
- Engage with civil society actors inside and outside Burma, including those outside the UN system, who can help monitor the situation and who can provide advice on ways forward.
- Immediately establish contact with the non-state armed groups on the secretary-general's list of groups using child soldiers, both formally and informally, regarding their compliance with international standards.
- Remove the Karenni Army from the list of armed groups using child soldiers to be included in the secretary-general's next report to the Security Council on children and armed conflict, and consider adding groups for which strong evidence exists that they are significant abusers of child soldiers, including the Democratic Karen Buddhist Army (DKBA) and the Karenni Nationalities People's Liberation Front (KNPLF).

To Member States of the United Nations

- In accordance with Security Council resolution 1379 on children and armed conflict (November 20, 2001), paragraph 9, use all legal, political, diplomatic, financial, and material measures to ensure respect for international norms for the protection of children by parties to armed conflict. In particular, states should unequivocally condemn the recruitment and use of children as soldiers by the SPDC and other armed groups, and withhold any financial,

political, or military support to these forces or groups until they end all child recruitment and release all children in their ranks.

- Use diplomatic and other appropriate means to press the governments of Burma's neighboring countries to protect and not refoule escaped and prospective child soldiers, and to allow civil society initiatives to assist and protect these children.

To the UN Security Council

- In accordance with Security Council resolutions 1539 (paragraph 5) and 1612 (paragraph 9) on children and armed conflict, adopt targeted measures to address the failure of the SPDC to end the recruitment and use of child soldiers. Consider measures recommended by the secretary-general, including the imposition of travel restrictions on leaders, a ban on the supply of small arms, a ban on military assistance, and restriction on the flow of financial resources.

To the International Labour Organization

- From the Rangoon office, continue accepting and pursuing cases of the reported recruitment of child soldiers through the ILO mechanism for reports of forced labor. Where the government refuses to act on a case despite documentary evidence provided by the ILO, press further for action on these cases and raise them with the higher levels of the ILO itself.

To the United Nations Special Rapporteur on the Situation of Human Rights in Myanmar

- Continue to research and report on the recruitment and use of child soldiers by the Burma army and other armed groups, and include relevant findings on this subject whenever presenting information to the General Assembly or the Human Rights Council.

III. Methodology

This report is based on research conducted by Human Rights Watch in border areas of Burma, Thailand and China, between July and September 2007. During the course of the investigation, Human Rights Watch researchers conducted interviews with current and former soldiers, including 20 current or former Tatmadaw soldiers and officers and more than 30 current or former soldiers and officers with armed opposition groups. Interviews were also conducted with more than 12 senior officials of various armed opposition groups or their political parties.

Human Rights Watch also interviewed health workers and other civilians living and/or working in regions of Burma where the Tatmadaw and non-state armed groups are active; representatives of several humanitarian organizations based in Thailand and Burma, including nongovernmental organizations; the United Nations resident coordinator for Burma and other representatives of UN bodies in Burma and Thailand including UNICEF, UNHCR, and the United Nations Development Programme (UNDP); local human rights researchers in the Burma-Thailand border area; independent Burma analysts; and others. SPDC representatives were asked for information by letter and responded in writing, but declined to provide any of the information requested (see Appendix C).

Of the 20 active duty and former Tatmadaw soldiers and officers interviewed, one had served in the navy (recruited at 18) and the remainder were serving or had served in the army. Army personnel included three command-level officers holding the rank of captain or major, one lieutenant, and five non-commissioned officers (four sergeants and one corporal), and ten privates. In total, 12 of the 19 in the army were recruited as children. All of them remained as privates during their entire time in the army except for the longest-serving, who eventually made corporal, and a second who was recruited into the Defense Services Academy at age 16.

Of the 13 former Tatmadaw soldiers who were recruited as children, all but two were recruited between 2000 and 2006. At least three of them escaped the army while

still children, only to be forcibly recruited a second time. Their length of army service ranged from several months to 13 years.

Soldiers interviewed for this report originated from several states and divisions in Burma, and served in army units in Rakhine, Kachin, Shan, Karen, and Mon states, and Pegu, Rangoon, Tenasserim and Sagaing divisions. They underwent training at various military training camps located throughout the country. Most were then posted to infantry and light infantry battalions. Most escaped the army in 2005 and 2006.

The non-state soldiers and officers interviewed are presently serving or have previously served in the Kachin Independence Army, Karen National Liberation Army, Democratic Karen Buddhist Army, Karenni Army, Shan State Army–South, KNU-KNLA Peace Council, and the All-Burma Students’ Democratic Front. Only two, from the KNU-KNLA Peace Council, were judged by Human Rights Watch to be child soldiers. To supplement this information, interviews were conducted with health workers, community leaders, civilian witnesses, and humanitarian workers active in the areas where non-state armed groups operate.

Most interviews lasted between one-and-a-half and three hours, with the assistance of independent translators selected by Human Rights Watch as required. Interviews were conducted in private, and interviewees were assured that their names would not be published. Each interviewee was asked detailed questions regarding their recruitment, training, and deployment, the ages and treatment of fellow soldiers with whom they served, and whatever they knew about policies within the groups they served.

The names of all present and former soldiers quoted in this report have been changed. In some cases officials and spokespersons of armed opposition groups gave permission for their names to be used, and these have been included. Some opposition group and nongovernmental and intergovernmental agency representatives requested that they or their organizations not be identified, in order to protect themselves from reprisals by government and military authorities, so identifying information has been omitted accordingly.

IV. Background

Burma is the largest country in mainland Southeast Asia, lying strategically between India, China, Bangladesh, Laos, and Thailand. Over the past three millennia various peoples have migrated into what is now Burma from other parts of East Asia, creating a diverse ethnic mix. The present population is generally estimated to be approximately 50 million, though no reliable census data exists; this is made up of Burmans and approximately 15 other major ethnicities, each of which has subgroups. While the military junta presently ruling Burma claims that 67 to 70 percent of the population is ethnically Burman, this is based on skewed data from an old census in which anyone with a Burmese-language name was listed as Burman. By contrast, non-Burman groups set the figure at 70 percent non-Burman and 30 percent Burman. Other estimates range between these two extremes.⁷

Enmities between certain ethnic groups go back hundreds of years, dating from the times that Burman, Mon-Khmer, and Rakhine kingdoms fought each other, while more peaceable peoples were driven into remote areas. The end result was a central plain dominated by Burmans, encircled by various non-Burman populations who form the majority in the outlying and more rugged regions of the country. Most of the ethnic groups are concentrated within a particular region, which has been a central factor in the formation of ethnicity-based armed groups, each based in their home region and drawing support from the local population.

In the 19th century the British took over what is now Burma and formed it into a single entity under the Indian colonial administration. The Japanese occupied Burma during the Second World War but were driven out by British Empire forces as the war drew to an end. However, by that time Burmese nationalism was already too strong for the British, who negotiated with Burmese General Aung San and granted Burma independence in 1948. Although Aung San had negotiated agreements with some non-Burman groups, he was assassinated in 1947 and none of those agreements

⁷ For further discussion of this issue see Martin Smith, *Burma: Insurgency and the Politics of Ethnicity* (London: Zed Books, 1999), p. 30. Smith states that the numbers published by the government “appear deliberately to play down ethnic minority numbers.”

was ever honored. Instead, the new Burmese government refused any autonomy to non-Burman ethnic regions. Facing a communist insurgency from the beginning, the government soon found itself also facing an increasing number of armed ethnicity-based resistance groups all over the country, most of which were seeking their own independence.

In 1962 the head of the Burma army, General Ne Win, overthrew the civilian government and established the military rule that has continued to this day. He progressively stepped up the civil war against the dozen or more resistance and insurgent groups he was already facing, and his xenophobic economic policies and repression of the civilian population gradually dragged the country down into poverty. In 1988 civilian anger exploded into mass nationwide peaceful demonstrations led by students and Buddhist monks. The army responded by attacking the crowds with machine-gun fire and bayonets, and as many as 3,000 are estimated to have been killed. The government reformed itself into a military junta, the State Law and Order Restoration Council (SLORC), and imposed martial law, curfews, and other restrictions, while thousands of dissidents fled to the large territories controlled by ethnic and communist armed groups, there to form their own additional political and armed groups. In 1990 the SLORC held an election in most parts of the country, but when the opposition National League for Democracy won a landslide victory the junta refused to concede power.

Since that time restrictions on human rights and freedoms have intensified throughout the country, and human rights abuses have grown much worse especially in the non-Burman regions. In ceasefire areas, human rights violations have decreased as a result of cessation of open warfare and the government's emphasis on infrastructure and aid projects, and its business interests. Nevertheless, human rights violations such as forced labor, land confiscations, and militarization by the Burmese army continue in a culture of impunity.

In 1997 the SLORC changed its name to the State Peace and Development Council (SPDC), but this was not accompanied by any political liberalization. The state military or Tatmadaw, which had fewer than 200,000 men before 1988, announced a program to expand its strength to 500,000, and began much more intensive attacks

throughout the country. This was facilitated by a mutiny in 1989 that caused the dissolution of the Communist Party of Burma, the country's largest opposition armed group. The SLORC was quick to approach the United Wa State Army, which had been formed from the remnants of the communist soldiers, and negotiated a ceasefire with it that still stands. Through the 1990s non-state armed groups found that they could no longer withstand the intensified attacks of the greatly expanded Burma army, and one by one the majority of them also entered into various forms of armistice agreements. These agreements do not address any political aspirations or human rights concerns of the non-state groups, but allow them to retain arms and partial control over small parts of their former areas. They are given freedom to conduct businesses including resource extraction and transportation services, and many of these groups have now become primarily money-making armies using their arms to protect their business interests and extort resources from local populations.

Some groups have continued to fight. Since 1995 the Burma army has been successful in capturing most of the former territories of these armies and in exploiting splits and factionalism within them, to the point where none of the remaining groups without ceasefires any longer controls significant territories and they primarily operate in small guerrilla units. These units harass local Burma army units but seldom leave their home areas. The main groups that are still fighting the Tatmadaw include the Shan State Army – South (SSA-S), the Karen National Liberation Army (KNLA), and the Karenni Army (KA), none of which has more than 5,000 or 6,000 troops. Most of these groups gave up the objective of independence after 1988 and have instead been pursuing the objective of a democratic federal union. At present they are not a military threat to the SPDC's hold on power, but they continue to retain de facto control over some areas and defend some areas of refuge for displaced villagers.

The Burma army's expansion is ongoing, and Burma army camps are in abundance throughout Burma, even in areas far from any armed conflict. Where there is no fighting, the troops work to restrict the activities and movements of the civilian population and make demands on them for forced labor and money. In areas where there is still armed conflict, the army attempts to undermine the opposition by destroying civilian villages and food supplies and retaliating against the local civilian

population every time fighting occurs. Civilians in these areas are routinely forced to work as porters, guides, and unarmed sentries for Burma army units on military operations, and even walk in front of troops in areas suspected of landmine contamination (atrocious demining). Many of them are children, and many are wounded or killed in the process. This direct use of civilian children for military functions has been documented widely by Human Rights Watch and other organizations, and is not covered in detail in this report.

In September 2007 the regime deployed the army to violently repress nationwide peaceful demonstrations led by Buddhist monks. The monks began peaceful processions to protest the hardships brought on the population by a 400 percent fuel price hike imposed by the SPDC on August 15. After violent incidents in which monks were teargassed and some were beaten, the protests grew and processions of monks were joined by thousands of civilians in sites across the country. From September 26 to 28, the Army responded by violently attacking the processions, arresting civilian political activists, and raiding and sacking monasteries at night, during which monks were beaten and many were detained and taken away by soldiers; many have not yet been released, though exact numbers are still unknown. An official statement by the SPDC admitted that almost 3,000 people had been detained.⁸ Official statements have placed the number of peaceful protesters killed at around 10, but other estimates are much higher and many people have disappeared. As a result, anti-military sentiment among the civilian population and the monkhood appears to be at an all-time high. It is probable, though unconfirmed, that child soldiers were among those forced to attack and violently abuse the monks, a spiritual crime almost without equal in Buddhism. In addition, the present popular antipathy toward the armed forces is likely to make it even more difficult to obtain voluntary recruits, so recruitment units may resort to even more forced recruitment of children in order to meet their quotas.

This report updates the information presented in the comprehensive report “‘My Gun Was As Tall As Me’: Child Soldiers in Burma,” published by Human Rights Watch in

⁸ “Burma ‘still hunting protestors’”, *BBC News Online*, October 17, 2007, <http://news.bbc.co.uk/2/hi/asia-pacific/7048230.stm> (accessed October 17, 2007).

2002.⁹ The next chapter examines in detail the recruitment and treatment of child soldiers in the Tatmadaw, followed by an examination of the SPDC's claims and initiatives regarding child soldiers since 2002. Later in the report, several of the non-state armed groups are also examined in detail regarding the same issues. Finally, the report discusses initiatives since 2002 by local and international actors to respond to the recruitment and deployment of child soldiers in Burma, and looks at applicable domestic and international legal standards.

⁹ Human Rights Watch, *"My Gun Was as Tall as Me": Child Soldiers in Burma* (New York: Human Rights Watch, 2002), <http://hrw.org/reports/2002/burma/>.

V. The Tatmadaw: The State Military

The Tatmadaw, Burma's armed forces, is composed of three branches, the Tatmadaw Kyi (Army), the Tatmadaw Lei (Air Force), and Tatmadaw Yei (Navy). The government also relies upon a complex array of paramilitary organizations and militias spread throughout the country to enforce its rule. This report focuses on the army, which is by far the largest branch of the Tatmadaw and which recruits and deploys child soldiers in the greatest numbers.

The Tatmadaw's Staffing Crisis

Following the suppression of nationwide democracy demonstrations in 1988, the ruling military council initiated a dramatic effort to modernize and expand the armed forces. Over the subsequent 19 years, billions of dollars in arms and military goods were procured—defense expenditures in some years came to comprise as much as 50 percent of central government expenditures.¹⁰

To tighten its control over the populace, the Tatmadaw also instituted a dramatic expansion of military regiments and bases throughout the country. Infantry and light infantry battalions tripled in number from 168 to 504.¹¹ The navy and air force also expanded dramatically, although they continued to comprise a much smaller part of the Tatmadaw.

This dramatic expansion of operational units necessitated a dramatic expansion in armed forces personnel. In 1988 the Tatmadaw comprised fewer than 200,000 soldiers.¹² In the 1990s Burma army doctrine prescribed infantry battalion staffing of 750 personnel; this number was subsequently increased to 826. The army's 504 infantry battalions therefore require over 410,000 soldiers to be fully staffed. The army's numerous auxiliary units such as artillery, armored, signals, engineering, and

¹⁰ US Embassy, Rangoon, "Burma: Foreign Economic Trends Report," 1997.

¹¹ Maung Aung Myoe, "The Tatmadaw in Myanmar Since 1988: An Interim Assessment," Working Paper No. 342, Strategic and Defence Studies Centre, Australian National University, November 1999, p. 13; Samuel Blythe, "Army conditions leave Myanmar under strength," *Jane's Defense Weekly*, April 5, 2006.

¹² Maung Aung Myoe, "The Tatmadaw in Myanmar Since 1988: An Interim Assessment," p. 13.

supply battalions require many tens of thousands more personnel. Statements by senior military personnel in the mid-1990s announcing a targeted expansion of the Tatmadaw to 500,000 soldiers reflect these staffing needs.¹³

In practice, however, the Tatmadaw has been challenged to meet these demands for new staff. Service in the armed forces is a dangerous and grueling existence subjecting enlisted men to combat, mistreatment by superior officers, low pay, and poor living conditions. Although military salaries have been adjusted on three occasions since 1988, double-digit inflation has rapidly eroded the purchasing power of army salaries. The minutes of a high-level SPDC meeting in September 2006 reported by *Jane's Defense Weekly* suggest that while reported recruitment rates appeared to rapidly increase between 2005 and 2006, average battalion strength had declined to only 140-150 per battalion, largely because of increasing desertion rates and soldiers going absent without leave.¹⁴ The document reported a loss of 9,497 soldiers during a single four-month period in 2006, many due to desertions. In response, Adjutant General Thein Sein called for the army to recruit 7,000 soldiers per month, four times the actual monthly recruitment rate reported for mid-2005 and double the actual rate reported for mid-2006.¹⁵ The staffing crisis has been exacerbated by the army's continued expansion: in the past five years, for example, the army has established at least seven new artillery divisions and several more armoured divisions.

Human Rights Watch interviews with soldiers who had recently served in the Burma army corroborate these reports. Soldiers consistently reported that battalions typically had 220 to 350 or more men prior to 2002, but that in the past five years staffing levels are more commonly 120 to 220 soldiers in a battalion. Noting that his light infantry battalion in Kayah State had only 150-170 men in 2006 because those who went on leave never returned, Htun Myint added that "I heard that other battalions also have fewer and fewer soldiers because people getting leave don't

¹³ Andrew Selth, *Burma's Armed Forces: Power Without Glory* (Norwalk, CT: EastBridge, 2002), p. 79.

¹⁴ The previous year a similar report indicated that 220 of the army's 504 infantry battalions were each staffed with 200-300 troops while the remaining 284 infantry battalions each had fewer than 200 soldiers. Blythe, "Army conditions leave Myanmar under strength," *Jane's Defense Weekly*.

¹⁵ Ibid.; "Myanmar army document spotlights low morale," *Jane's Defense Weekly*, April 4, 2007.

return, and because new battalions are always being created and the existing battalions have to give some of their soldiers to those battalions.”¹⁶

Former Tatmadaw soldiers also told Human Rights Watch that many infantry battalions are extremely “top-heavy,” with more officers and non-commissioned officers than privates. Some of them said there were 20 to 50 amputees still held in their battalion to keep up the numbers.¹⁷ They also stated that discharges are never granted even after 10 or 20 years of service unless the applicant can bring in three to five new recruits to replace himself. In one extreme case, a former soldier said that in 2004-05 his infantry battalion had 200 soldiers, but of these 50 were amputees and only 20 were privates: “For example, in Column 2 in the frontline we were only four privates out of two companies, so we were always very tired. Column 2 headquarters had 25 soldiers, including officers and other ranks.”¹⁸

Current staffing levels are unknown. In 2002 the SPDC informed Human Rights Watch that the army, navy, and air force numbered 350,000 men.¹⁹ Independent sources cite similar numbers,²⁰ although the SPDC’s statistics may substantially overstate current staffing levels.²¹ The continued creation of new battalions coupled with steady attrition has led to falsified reporting within the army such as under-reporting desertion rates and inflating recruitment figures. What is beyond doubt is that the army is under constant pressure to increase recruiting to fill out new units and offset its high rates of attrition. This results in intense recruitment pressures on officers and units throughout the army and increasing rewards for anyone who can bring in new recruits.

¹⁶ Human Rights Watch interview with Htun Myint, August 2007.

¹⁷ Referred to as EA1 and EA2 soldiers based on the nature of their amputation; most are below-the-knee or above-the-knee single-leg amputations following landmine injuries.

¹⁸ Human Rights Watch interview with Myin Win, August 2007.

¹⁹ Letter to Human Rights Watch from the Permanent Mission of Myanmar to the United Nations, New York, May 8, 2002.

²⁰ See Selth, *Burma’s Armed Forces: Power without Glory*, p. 165. Selth states that by 2000 the Burma Army had reached some 370,000 soldiers. See also International Institute for Strategic Studies, *The Military Balance 2005-2006* (London: Routledge, 2006), p. 291, which states that Burma’s armed forces include 350,000 in the Army, 13,000 in the Navy, 12,000 in the Air Force, and 107,250 paramilitary.

²¹ Blythe, “Army conditions leave Myanmar under strength,” *Jane’s Defense Weekly*.

Recruitment

The high ranking officers realized that recruitment by recruiting offices alone was insufficient, so they issued orders that recruitment should also be done as part of each battalion's operations. We had a quota system: we recruit for our battalion and also for other units like the Regional Command. Our battalion was ordered to recruit 12 people every four months. We couldn't meet this quota, so at every meeting they scolded the battalion officers. To solve the problem, battalion officers pressured their junior officers to recruit.... We set a rule that soldiers who wanted their 30 days' annual leave must guarantee that they will return with at least one recruit. Any soldier who wanted a discharge after 10 years of service had to get four new recruits for the battalion before we would approve his discharge. That's why there is a problem of child soldiers.

—A former battalion commander²²

When we reached Toungoo railway station a lance corporal approached me. He asked for my ID card and I told him I had a pass letter. He said no, an ID card is required, otherwise you'll go to prison. I was afraid so I said, "I'll give you money." He said, "I don't want money." I said, "I'll call my mother and she can vouch for me." He said, "I don't want to see your mother or father and I don't want money. I want you to join the army." I said no but he dragged me to a cell at the police station and told the police, "Detain him for a while" but without any charge. I think they had connections.

—Myin Win, describing being recruited for the second time in 2003, at age 14²³

The Conscription Act of 1959 states that conscription to the Burma army for a period of six months to two years is allowable for men ages 18 to 35 and women ages 18 to

²² Human Rights Watch interview with Maj. Myint Soe, July 2007.

²³ Human Rights Watch interview with Myin Win, August 2007.

27.²⁴ In practice, neither women nor girls are recruited into the armed forces. Despite the Conscription Act, the SPDC maintains that “[t]he Myanmar Tatmadaw (Armed Forces) is an all volunteer army,” and that “the minimum age for recruitment into the armed forces is 18 years.”²⁵

Key Factors in Child Recruitment

After the army’s violent crushing of the 1988 pro-democracy demonstrations, the ensuing program of rapid army expansion was at odds with a dramatic drop in the number of volunteers. Rather than employing the Conscription Act to secure new soldiers, recruiters began using intimidation, coercion, and physical violence to gain new recruits and maintain the appearance of a volunteer army.

According to a former Tatmadaw battalion commander, “Those who volunteered were people who’d failed their school exams, or had financial or family problems.... Volunteers probably account for only 5 percent of recruits, but even among those many don’t want to fight, they just joined because of personal problems.”²⁶ Most of those interviewed by Human Rights Watch were forced to join the army, and made similar estimates that no more than 5 or 10 percent of army recruits are volunteers.

A former Tatmadaw officer who had worked on recruitment matters at the War Office, the Tatmadaw’s command headquarters in Rangoon, told Human Rights Watch that in 1996-1998 the army recruited 10,000-15,000 soldiers per year nationwide. Adjutant General Thein Sein’s order in September 2006—reflecting the Tatmadaw staffing crisis discussed above—to recruit 7,000 soldiers per month, if implemented over the subsequent one-year period, would have resulted in rates of recruitment six times greater than rates in the previous decade.

²⁴ The Conscription Act is Act 7/59 adopted in 1959 and taking effect from 1962; to the knowledge of Human Rights Watch, it was never repealed.

²⁵ Letter to Human Rights Watch from the Permanent Mission of the Union of Myanmar to the United Nations, New York, May 8, 2002. The claim that 18 is the minimum age for recruitment was also stated twice by SLORC/SPDC representatives to the United Nations Committee on the Rights of the Child, at its 358th session in 1997 and 359th session in 1998. See United Nations documents number CRC/C/SR358, note 23, and CRC/C/SR359, para. 19. The SPDC informed Human Rights Watch in writing on July 17, 2002, that under Article 65 of the Defense Services Act, the punishment for recruiting children is a court martial that may hand down a sentence of up to seven years’ imprisonment.

²⁶ Human Rights Watch interview with former battalion commander Maj. Myint Soe, July 2007.

These staffing trends are a major factor behind the army's recruitment of children, as noted by former soldiers who were interviewed for this report. Kyo Myint, who was forced into the army at age 14 in 1992 and remained a soldier until 2005, said his battalion was often in combat and had a high attrition rate so they received 10 to 30 new recruits every six months. Over time he noticed a steady increase in the prevalence of children among new recruits; eventually children comprised more than half of all new recruits arriving at the battalion.²⁷

When asked his opinion on recent SPDC promises to stop recruiting children, a former Tatmadaw battalion commander told Human Rights Watch,

Even if there are orders [to demobilize children], battalion commanders will keep the children but hide them in the battalion compound or battalion farms, but they'll keep them because they don't have enough soldiers. When I was in the army we always felt we had too many officers and not enough soldiers.²⁸

Poverty as a factor in children's vulnerability to recruitment

Prevailing social conditions often work to the advantage of recruiters. Burma's economy suffers from rapid inflation in basic commodity prices, a steadily declining currency, extremely poor infrastructure, and regular shortages in basic needs. Most analysts attribute these problems to economic mismanagement, rampant corruption, and the diversion of much of the country's finances and resources to the support of the military, while very little is spent on social services.²⁹ The World Food Programme reports that 32 percent of children under five are malnourished and lists among the main causes for this the restrictions on the movement of commodities, regional production disparities, and weak infrastructure.³⁰ School fees and expenses for school materials, even at primary level, are more than many families can afford,

²⁷ Human Rights Watch interview with Kyo Myint, July 2007.

²⁸ Human Rights Watch interview with Maj. Myint Soe, July 2007.

²⁹ See, for example, World Bank country data available at web.worldbank.org, which shows public spending on education and health, both well below 1 percent of GDP and declining.

³⁰ World Food Programme web site, http://www.wfp.org/country_brief/indexcountry.asp?country=104 (accessed September 17, 2007).

causing most children to be pulled out of school before completion so that they can work to support their family.³¹

This social and economic environment leads many children to leave their families, either because they feel like a burden on their parents or due to family fights or their involvement in petty crime activity. Out of school and looking for work, children are alone, exposed, and vulnerable to recruiters. Lacking knowledge about the law and their right not to be conscripted into the military, many are ill-equipped to resist recruiters' threats and coercion.

Myin Win, who was recruited twice as a child, before finally escaping in 2005, described the first time he was taken into the army at age 11:

I come from a very poor family. My father died when I was very young, and my mother is unemployed. I'm the youngest of 10 brothers and sisters.... I never went to school, and at age seven or nine I started working, tending herds of buffalos and cattle. I was born in 1989, and in 2000 I went to Rangoon to sell some garden produce like ginger. On the way I lost my travel pass from the Ward leader, and at Bago railway station some soldiers came on board and asked everyone for ID cards. I realized I'd lost my recommendation letter, and they took me. The same day they sent me to the Mingaladon *Su Saun Yayin* handcuffs.³²

Recruiter quotas and incentives

The Tatmadaw operates specialized recruitment units throughout the country that are headquartered in Rangoon, Mandalay, Magwe, and Shwebo.³³ These command units oversee smaller detachments that are spread throughout the country. The No. 1 Tatmadaw Recruitment Command based in Da Nyein Gone, for example, has over

³¹ UNICEF reports the nationwide primary school enrolment rate as 84 percent, but by secondary school it is under 40 percent. UNICEF, *The State of the World's Children 2007*, p. 120.

³² Human Rights Watch interview with Myin Win, August 2007. Mingaladon (also known as Da Nyein Gone) *Su Saun Yayin* is Burma's largest processing camp for new recruits.

³³ This is reflected in a 2004 Tatmadaw recruitment brochure.

100 subordinate units located across lower Burma.³⁴ These units are tasked with obtaining recruits directly, as well as collecting recruits obtained by other armed forces units in their areas of jurisdiction. Recruitment detachments, which are often attached to regular Tatmadaw units, act as feeder units that transfer conscripts to one of the four main recruitment holding centers.

In addition to the pressure on recruitment units to fill new battalions and replace soldiers lost through desertion and attrition, the army has assigned recruitment quotas to other army units stationed throughout the country.³⁵ A former sergeant who served as clerk of his battalion in Rakhine state in 2004-05 explained,

The Defense Ministry imposes a quota. Each battalion had to recruit eight new soldiers every four months. For example, if someone requests leave, we'd tell him that if he brings back a new soldier he'll get paid 50,000 kyat,³⁶ no matter how you recruit him. That money is supposed to be for the recruit but really goes to the recruiter, and maybe he only gives the recruit 10,000 of it. Sometimes it came from the battalion budget, sometimes the battalion commander himself had to put in his own money, because if he didn't send 24 recruits a year he'd be summoned by the regional commander and he worried about that. That is why children are recruited. Sometimes we went to the recruiting centers and bought recruits from them.³⁷

Another soldier who worked as a clerk in the headquarters of a military operations command (MOC) in 2004-05 stated that the MOC's 10 subordinate battalions were ordered to recruit soldiers:

Every battalion has to recruit at least two people, so that's 20 from the whole MOC, over a period of one or more months as specified by the

³⁴ Internal Tatmadaw list of recruitment offices in lower Burma (in Burmese), undated.

³⁵ Blythe, "Army conditions leave Myanmar under strength," *Jane's Defense Weekly*.

³⁶ Approximately US\$37 at market exchange rate. This is more than three times the average monthly salary of a private in the army.

³⁷ Human Rights Watch interview with Myo Aung, July 2007.

orders from above. We sent them to the *Su Saun Yay* [recruit gathering center] in Mingaladon. They recruit them in various ways—they tell people they can get money or food, or they catch them in train stations or on the streets at night. When they're really desperate they just grab any beggar or any children they see. Also criminals who have been arrested, they tell them "the case is closed" but then take them to join the military.³⁸

Army battalions and recruiting centers use various methods to reach their recruitment quotas. Commonly one or more non-commissioned officers are assigned to find recruits and are rewarded with cash and food for each recruit they obtain. Soldiers are also required to gain new recruits in order to obtain leave or a service discharge. A former sergeant who served as clerk of his battalion in Rakhine state in 2004-05 condemned the most common methods used: "This way to recruit is illegal, but it's still accepted... [T]here are ways that the recruiting centers get children, for example by approaching them in train stations, asking for their ID and intimidating them, or saying they'll take care of them."³⁹

Battalions may also issue orders to nearby villages to supply them with recruits. According to a health worker from Rakhine state, "Now they have two ways of recruiting: they come to the village and demand a certain number of recruits, or they demand [forced labor] porters and later keep them as recruits. When children go as porters and don't come back, people know they've been forced into the army."⁴⁰ Aung Moe, a former Tatmadaw soldier from Rakhine state, added that in recent years SPDC units in Kyauk Phyu township had imposed recruit quotas on local villages. Recent reports from Kachin state indicate that Burma army battalions based there have ordered village heads and other local authorities, including local fire brigades, to supply recruits, and that illegal teak traders have been forced to obtain recruits if

³⁸ Human Rights Watch interview with Chit Khaing, July 2007.

³⁹ Human Rights Watch interview with Myo Aung, July 2007.

⁴⁰ Human Rights Watch interview with Rakhine state health worker, August 2007. He had his own experience of this in 1999, when soldiers swept his village and tried to take him as a porter, telling him they would make him a soldier afterward; he was 16 at the time.

they want to remain in business.⁴¹ A resident of Kachin state told us that in her town a local government official notified households that on August 3, 2007 a government order had specified that each town quarter must provide two recruits.

Human Rights Watch has also received reports (which we have been unable to confirm) that some non-state armed groups operating in Shan state under ceasefire agreements with the SPDC have received requests from SPDC battalions to obtain recruits from the areas that these groups control.⁴²

The majority of forced recruitment, however, is still done by soldiers either on recruiting duty or seeking incentives from their battalions. As noted by Htun Myint, who served as a child soldier until 2006, “When battalions return from the frontline they change into *mufti* [military jargon for civilian clothing], go to the train and bus stations and catch young people to send to the recruiting center. If they recruit one soldier they can get 30,000 kyat and a sack of rice as reward from the battalion officers. Also, if you want to transfer to another battalion or leave the army you have to get three or four recruits.”⁴³ In 2006 Maung Zaw Oo, 16 at the time, was ordered to accompany his battalion’s recruiting sergeant to Yezagyo town to get recruits. He says they rented a hotel room for five days for 10,000 kyat and the sergeant went to the train station every morning looking for recruits:

The targets are usually bottle and bag collectors. Sergeant Tin Htun would grab a couple of them, take them to a teashop and buy them lots of food, then show them lots of money. Then he’d say, “You need some education. Join the army and they’ll send you to training school and you’ll get more uniforms and clothes than you can even carry, and after training you’ll get one stripe [lance corporal rank] and lots of money.” The sergeant has links with the police. He said there are two types of targets: if they were wearing good clothes, he’d get the police

⁴¹ Human Rights Watch interviews with community members, August and September 2007. See also “Burma Army into forcible recruitment in Kachin State,” Kachin News Group, August 3, 2007; and “Illegal teak traders procure people for Burma Army with money,” Kachin News Group, August 20, 2007.

⁴² In one such case, an “Anti-Insurgent Group” under commander Bo Mone in northern Shan State is alleged to have demanded recruits from villages to comply with a Tatmadaw request, and imposed fines on villages that failed to comply.

⁴³ Human Rights Watch interview with Htun Myint, July 2007.

to ask them for ID cards and threaten them. If they were wearing poor clothes, he'd approach them directly and flash money in front of them. He got four people, one was 60 years old and the others were about 20, scrap collectors. He sold the 60 year old to another recruiter for four-and-a-half bottles [slang for 45,000 kyat]. The other recruiter paid that much because he was a sergeant who's planning to retire from the army so he needs to bring in recruits. Sergeant Tin Htun took the other three back to the battalion and for each recruit he received 20,000 kyat cash, a sack of rice, and a tin of cooking oil.⁴⁴

Htun Myint related an extreme case of a recruiter forcibly enlisting an active duty soldier:

One soldier got leave to visit his family but wasn't sure of the way home. A recruiter in the train station stopped him, offered him food and then tried to recruit him. When he showed his soldier papers the recruiter tore them up and took him to the recruiting center anyway. This happened to someone in our neighboring battalion, I heard it from a senior officer.⁴⁵

Recruiters target public places, including markets and bus stations, looking for unemployed and vulnerable adolescents and young men. Adolescents traveling alone or with other young men by train are particularly vulnerable to recruitment, as train stations have become the favorite hunting grounds of recruiters.

A 16-year-old volunteer recruit, Ko Ko Aung, described the scene on his arrival at Mingaladon *Su Saun Yay* (recruit holding centre) in April 2006:

There were many, and most had been forced to come. They'd been brought by soldiers who filled up their forms, gave them to the officer, and then went to a room to get their money. The police had caught

⁴⁴ Human Rights Watch interview with Maung Zaw Oo, August 2007.

⁴⁵ Human Rights Watch interview with Htun Myint, July 2007.

those people and then called the soldiers from the *Su Saun Yay* who went and brought them back. After filling out my form and getting his money, the *Su Saun Yay* soldier went out to the bus station to catch more people.⁴⁶

A common tactic is to demand to see people's national registration cards (NRC), knowing that most adolescents do not carry them. If the adolescent presents a student identity card, he or she may be told it is an unacceptable form of identification. Typically the recruiter then offers a choice of joining the army, or a long prison term for failure to carry a card. Although minors cannot be legally imprisoned for failing to carry an NRC, many adolescents are unaware of this and can be easily intimidated into believing it.

According to Burmese law, children can get a "temporary" card once they reach age 10, which they can convert to a permanent card at age 18.⁴⁷ Most children interviewed by Human Rights Watch were unaware of this and believed that registration cards are only available to those over 18. Maung Zaw Oo had been aware of the rule but was denied a card when he tried to apply for one: "My aunt and I had gone to register and they said I'm underage so they wouldn't give it. My brother applied when he was about 15 and had to pay 35,000 [kyat] for his, but when I went they said I would have to renew it again anyway when I reach 18 so they said I should just wait until then."⁴⁸ Rather than pay the expensive card issuance fee twice, many families opt to wait until the children reach 18. Even those who have cards at a younger age are unlikely to carry them on a daily basis, because the card is very expensive to replace if it is lost. At present the SPDC is reportedly pressing local officials to ensure that all adults over 18 register for NRC cards, probably in anticipation of a constitutional referendum and census which the SPDC has stated will be held by 2009. This has made it even harder for children under 18 to get cards: with adults prioritized in the queue, minors reportedly have to wait up to several months now to be issued an NRC.

⁴⁶ Human Rights Watch interview with Ko Ko Aung, August 2007.

⁴⁷ Letter to Human Rights Watch from the Permanent Mission of Myanmar to the United Nations, New York, May 8, 2002, reproduced in Human Rights Watch, *"My Gun Was as Tall as Me,"* pp. 209-210.

⁴⁸ Human Rights Watch interview with Maung Zaw Oo, August 2007.

A resident of a town in Kachin state described to Human Rights Watch being notified that anyone found on the streets after 8:30 p.m. would be recruited and would not be released even if they paid a fine or bribe. She reported that some men and boys were conscripted on leaving a cinema at 9 p.m. one night.⁴⁹ Similarly, a community leader from Myitkyina stated that youth leaving a cinema in Alam at 9 p.m. had been arrested by Myitkyina police officers for “lurking in dark places” and offered the choice of a jail term or army enlistment; in at least one case a parent was able to bribe police officials to release her son.⁵⁰ Htun Myint’s recruitment in 2001 took place in similar circumstances:

I was about 11 years old and a student in Fifth Standard. When I was returning from watching videos one night, it was dark and there are no lights along the road to my house. I met two soldiers and they arrested me for “hiding in the dark.” They took me to the local *Su Saun Yay* unit at their army camp and asked me, “Do you want to join the army or go to jail?” I was afraid of jail so I said I’d join the army. They asked about my parents’ names and my family members and they filled in a paper. They asked my age so I told them the truth, but they wrote 18.⁵¹

Human Rights Watch continued to receive accounts of child recruitment as this report went to press in October 2007. One eyewitness told Human Rights Watch that while traveling by train in early September 2007, he saw many new recruits who appeared to be between age 14 and 17 among a group of approximately 140 new recruits being transported on the train from Rangoon to Yemethin, near Mandalay.⁵²

Children as Commodities: The Recruit Market

The officers are corrupt and the battalions have to get recruits, so there’s a business. The battalions bribe the recruiting officers to get

⁴⁹ Human Rights Watch interview with Kachin civilian, August 2007.

⁵⁰ Human Rights Watch interview with a community leader, September 2007.

⁵¹ Human Rights Watch interview with Htun Myint, July 2007.

⁵² Human Rights Watch interviews, September 2007.

recruits for them. These are mostly underage recruits but the recruiting officers fill out the forms for them and say they're 18.

—Than Myint Oo, forcibly recruited twice as a child⁵³

The pressure to obtain recruits, and the money and power incentives available to those who do so, have turned recruits into commodities that are bought and sold with impunity. The former sergeant who served as clerk of his battalion in Rakhine state in 2004-05 said that at that time the going price was 30,000 to 50,000 kyat per recruit, paid to the recruiting center officers so they would credit the recruit toward the battalion's quota.⁵⁴ A battalion commander recounted the following complex transactions:

In 2005 in Mingaladon [a major recruitment holding facility] the price of a new soldier was 25-35,000 kyat, which must be paid [to the recruiting officers] if the battalion couldn't recruit enough itself. Battalions have to find this money to buy recruits.... We buy them from civilian brokers and also from soldier brokers in Mingaladon. We also negotiated with the *Su Saun Yay* units [holding camps for new recruits], because they could reject our recruits if they were underage or underweight, so we had to bribe them. Now the prices are getting higher. It's like a marketplace between the battalions and the *Su Saun Yays*.... The battalions recruit and then receive a receipt from the recruitment unit, and then we've done our job. If we want them back after the training we request that with another form. All types of battalions have these quotas.⁵⁵

Myin Win, who was conscripted in 2000 and again in 2003, said, "Recruiters never release their victims easily. If they fail when they approach one *Su Saun Yay* then they'll take you to another, and there's lots of bribery, so most approaches to *Su Saun Yays* are successful."⁵⁶

⁵³ Human Rights Watch interview with Than Myint Oo, August 2007.

⁵⁴ Human Rights Watch interview with Myo Aung, July 2007.

⁵⁵ Human Rights Watch interview with former battalion commander Maj. Myint Soe, July 2007.

⁵⁶ Human Rights Watch interview with Myin Win, August 2007.

The “brokers” mentioned in the above quote from the battalion commander are most commonly civilian businessmen with army and police connections, who have made a lucrative business out of recruiting for the army. When 15-year-old Maung Zaw Oo was forcibly recruited in 2005 with two others, the three of them were sent to three different *Su Saun Yay* centers (at Mingaladon, Mandalay, and Shwebo) hundreds of miles apart, based on the best prices offered for them. His account of this exchange, sounding like a stock transaction, is fairly typical of the recent stories of child recruits:

The corporal sold me, and later I learned that a recruit costs 20,000 kyat, a sack of rice, and a big tin of cooking oil. I learned that I’d been sold by one corporal to another.... He said he’d send me to Shwebo *Su Saun Yay* and then after training he’d see me again in the same battalion, but it was a lie. Actually he’d sold me to Battalion 252. Corporal Tin Oo got 50,000 kyat from Shwebo *Su Saun Yay* just for me. I heard him say, “Give me five bottles [slang for 50,000 kyat].” That same night he left. Before leaving he gave me 1,000 kyat.⁵⁷

Recruitment of the Very Young

Kyo Myint, who served in the Tatmadaw from 1992 to 2005, says that upon recruitment boys are classified not by age but by height and weight, and that during his time in the army the standards grew progressively lower, accepting smaller and weaker (and therefore most probably younger) children who would have been rejected in previous years.

Some boys are forcibly recruited so young that they cannot realistically be made into soldiers. Rather than releasing them, army units retain them until they are sufficiently strong to undergo military training. Though some boys interviewed for this report were taken straight into training and battalions at ages as young as 11, it is also common for boys age nine to 13 to be held back for a few years by army units before being sent for training as soldiers. Previously, the army ran a system of *Ye Nyunt* (“Brave Sprouts”) schools in which young boys received some education

⁵⁷ Human Rights Watch interview with Maung Zaw Oo, August 2007.

mixed with military training, and were subsequently inducted into the army, often between the ages of 14 or 16.⁵⁸

The SPDC claims that it terminated the Ye Nyunt program in 2000, shifting the boys into schools run by the Ministry of Progress for the Border Areas and National Races and Development Affairs.⁵⁹ Human Rights Watch has been unable to obtain any information to conclusively prove or refute this claim, but remains concerned that boys as young as nine are still occasionally kidnapped and detained at army camps for later induction into the army, as described below.⁶⁰

One former child soldier interviewed by Human Rights Watch stated that in 2005 while he was being trained at the Infantry Battalion No. 34 headquarters in Rakhine state he saw about 60 children aged 13 or 14 lodged in a separate barracks in the camp. None attended school. He was told these boys had been “adopted by the army,” that many of them were orphans, and that they would be inducted into the army when they were old enough. Although they wore full uniforms on parade days, they generally only wore partial uniforms to perform their odd jobs around the camp, during which he sometimes saw them being cursed and kicked by soldiers. One of his fellow trainees had been among this group when younger, and told him he had been picked up by the army after both his parents died; he said he now had to become a soldier to repay his debt to the army for adopting him.⁶¹

In another case, Sai Seng was between nine and 11 when he was detained in 1997 or 1998 by soldiers while walking home alone one evening. The soldiers sent him to Lasho the next day against his will and without informing his parents. For the next year he worked as a house servant for a battalion commander, who kicked and abused him and prohibited from contacting his family. He was then sent to school in the battalion camp for four years, where he met “some other children who had been arrested like me. More than 10 of us, all under 14 years old.... They were all staying in

⁵⁸ This program is documented in detail in Human Rights Watch, *“My Gun Was as Tall as Me,”* pp. 39-46.

⁵⁹ Letter to Human Rights Watch from the Permanent Mission of Myanmar to the United Nations, New York, July 17, 2002. Reproduced in Human Rights Watch, *“My Gun Was as Tall as Me,”* pp. 212-213.

⁶⁰ Several interviewees reported that they had heard that Ye Nyunt units still exist but had not seen one, while others believed the program had stopped but had no evidence to support this.

⁶¹ Human Rights Watch interview with Aung Moe, July 2007.

the camp as servants in the houses of the soldiers who had caught them.” After failing his Ninth Standard exams, he was forced to work as an unpaid servant for two more years in the battalion commander’s house before being sent to Mandalay *Su Saun Yay*. In 2005 he was inducted into the army, with 10 or 11 boys under 15, of whom he thought three were age nine or 10.⁶²

The *Su Saun Yay* Recruit Holding Camps

They filled the forms and asked my age, and when I said 16, I was slapped and he said, “You are 18. Answer 18.” He asked me again and I said, “But that’s my true age.” The sergeant asked, “Then why did you enlist in the army?” I said, “Against my will. I was captured.” He said, “Okay, keep your mouth shut then,” and he filled in the form. I just wanted to go back home and I told them, but they refused. I said, “Then please just let me make one phone call,” but they refused that too.

—Maung Zaw Oo, describing the second time he was forced into the army, in 2005⁶³

The military processes both volunteers and forced recruits through *Su Saun Yay* recruit holding camps, which combine a recruiting office with a barracks for holding new recruits until the military’s basic training schools are ready to receive them. Some battalions have small basic *Su Saun Yay* camps within or adjacent to the battalion camp, but these act mainly as temporary sites feeding recruits to the larger *Su Saun Yay* camps at Da Nyein Gone (often referred to as Mingaladon),⁶⁴ near Rangoon; and Nan Dway just outside Mandalay. The vast majority of new recruits pass through one of these two camps. However, one former soldier reports that since 2004 the *Su Saun Yay* at Shwebo (north of Mandalay in Sagaing division) has been expanded and now gathers recruits and sends them directly to training, and that it

⁶² Human Rights Watch interview with Sai Seng, July 2007.

⁶³ Human Rights Watch interview with Maung Zaw Oo, August 2007.

⁶⁴ While this *Su Saun Yay* is actually located in Insein township, it is often referred to as the “Mingaladon” facility. This report continues to use Mingaladon as that is the name used by many informants.

may now be acting as a third main processing point; while another former soldier told Human Rights Watch that the same happened to him from the *Su Saun Yay* at Pyi in Bago division. Tatmadaw recruiting brochures list four main recruiting offices at Rangoon, Mandalay, Magwe, and Shwebo.

On arrival at the *Su Saun Yay* centers recruits are thumb printed, given medical checks, and registered before being held in barracks to await transfer to basic training. Ko Ko Aung, a 16-year-old volunteer recruit, told during initial processing us that at the Mingaladon *Su Saun Yay* in April 2006 he suddenly changed his mind about volunteering and asked to go home, but was told it was too late because he had already been thumb printed.⁶⁵

According to Tatmadaw rules, recruits are supposed to present proof of age to be enlisted.⁶⁶ Only one former soldier interviewed by Human Rights Watch was asked for proof of his age, and he was a 22-year-old volunteer. He said that even as he was producing his documents and enlisting, there were 15 to 20 forced recruits being registered without documents: “About four, five, or six of them were under 18, some even looked 13, 14 or 15.”⁶⁷

The recruiters know that many of those they are registering are under 18 and that this is in direct violation of Tatmadaw regulations, so recruits are threatened and even beaten into saying they are 18, then listed as age 18 even if they still refuse to say so. Even if they do not meet the physical requirements and cannot pass the medical exam, this is ignored. A former battalion commander said, “Recruits with glasses have their glasses taken off, if underweight their weight is increased on the form, if they’re underage they’re recorded as 18.”⁶⁸

⁶⁵ Human Rights Watch interview with Ko Ko Aung, August 2007.

⁶⁶ As indicated in Burmese-language and English-language Tatmadaw recruitment brochures issued circa 2004 and 2006, obtained by Human Rights Watch.

⁶⁷ Human Rights Watch interview with Myo Aung, July 2007.

⁶⁸ Human Rights Watch interview with former battalion commander Maj. Myint Soe, July 2007.

Although Tatmadaw regulations prescribe that recruits must be under the age of 36, two former soldiers testified that there are also groups of recruits in their fifties and sixties:

The elders stayed in a separate barracks and were told their age had to be 25 on their forms. One day at the *Su Saun Yay* the corporal said to them, “You are all 25 years old.” One elder said, “Can I be a bit older than that?” and he said, “No.” Another elder said, “But I’m 60 already,” and the corporal kicked him. At training, out of 250, about 150 were underage and 30 were in their sixties. We had a nickname for their platoon: we called them the “Stand and Watch column.” ... They were unemployed men who were tricked by telling them, “We’ll find you a job and a place for your family,” and some had been arrested while walking home drunk at night.⁶⁹

Former soldiers describe the recruit barracks at Mandalay and Mingaladon as consisting of large rooms about 60 meters (200 feet) long with wooden floors, where 300 or more recruits are squeezed in, sleeping on the wooden floors with no mats or blankets. The Mandalay *Su Saun Yay* holding center reportedly has one such room, and Mingaladon has four located in two large two-storey buildings. The entrances are blocked and the toilets are inside; recruits are only allowed outside to eat and work in the camp compound. *Su Saun Yay* detachments have similar accommodation on a smaller scale.

New recruits are held at the recruitment centers for periods ranging from one day to a month or longer, depending on when a training school is ready to receive them. At the Shwebo *Su Saun Yay* center recruits are sent out to work at the battalion brick kilns and to plant castor bean for biofuel,⁷⁰ but at Mingaladon and Mandalay there is little to do, so they are assigned duties cleaning toilets or gathering and killing bugs. Htun Myint told us, “There were many bedbugs, so the officer said each of us must

⁶⁹ Human Rights Watch interview with Maung Zaw Oo, August 2007.

⁷⁰ In late 2005 the SPDC launched a nationwide program of planting castor and jatropha bean for biofuel to reduce fossil fuel imports. Since that time civilian villages and military units have been ordered to plant large numbers of castor and jatropha bushes. For further details see for example Karen Human Rights Group, “Development by Decree: The politics of poverty and control in Karen State,” April 2007.

find 50 bedbugs each week or we'd be punished. I found enough, but two others who didn't were beaten with a stick. They were 14 or 15 years old."⁷¹ Some are allowed to work outside cleaning the camp compound, but most are confined inside most of the time. Another soldier said, "Sometimes recruits moved around or talked or tried to go outside, and were beaten and kicked for that. They shouted at us when we didn't obey them. Every day each person had to find and kill 30 bugs, and if we couldn't we were beaten. I was beaten, because there were many people there so there weren't enough bugs for everyone."⁷²

In 2003, Than Myint Oo was at the Mandalay *Su Saun Yay* center when there was an inspection by "Majors and captains. They asked my age so I said, 'I'm 14 and I was forced, I don't want to be here.' They said, 'That's impossible' and left. After they left we were made to lay down and were kicked and beaten."⁷³

There are cases where parents realize their son has been recruited and set out to secure his release. At the Mingaladon *Su Saun Yay* center in 2005:

In one case the parents arrived with a student card and said their son was underage, but the recruitment officer sent them away and told them, "Once he joins the army there is no way to go home." It was late afternoon. We were having a bath, and we heard the mother shouting and crying a lot, she was saying their son was just a student. The NCOs [non-commissioned officers] at the gate told the parents they could take the case wherever they wanted, but the army has no procedure to release anyone. We listened for half an hour, but then soldiers arrived with sticks and chased us away. The next day this recruit's sister came with food for the boy, they were allowed to meet and she told him, "Don't worry, we've informed the US embassy and we'll inform the UN." The next day he was separated from us and disappeared.... I

⁷¹ Human Rights Watch interview with Htun Myint, July 2007.

⁷² Human Rights Watch interview with Aung Aung, July 2007.

⁷³ Human Rights Watch interview with Than Myint Oo, August 2007.

heard that some other people paid for their sons to be released, but I don't know for sure.⁷⁴

Some parents arrive later, during training or even at their son's battalion camp. For example, in mid-2006 Ko Ko Aung's parents tried to retrieve him: "They came to the training school and asked for me to be released but they failed. They were told to pay money if they wanted me released—500,000 kyat. They couldn't afford it so they failed."⁷⁵ After being recruited for the second time in 2005 at age 16, Maung Zaw Oo was only able to telephone his aunt to tell her he had been forced into the army when he was leaving training en route to his battalion, and she made the long trip to his battalion camp in northern Burma with his grandmother:

Later my aunt appeared at my battalion and asked them to send me back. She'd come with my grandmother. First they spoke to the caption of the battalion company, and he said, "If you want him then bring me five new recruits." My aunt said, "What if I give money to the battalion?" They said, "Yes, that's possible." I told my aunt, "Don't do this. I don't want five others to face this, it's very bad here. I'll just stay and face it myself." When my aunt had left the captain was angry and said, "Why did you talk like that about the army? Who do you think you are?" He was going to smash me but then he said, "You go with Sergeant Tin Htun to town and recruit some new soldiers," and he said to Sergeant Tin Htun, "Take him to town recruiting."⁷⁶

The state-run daily newspapers *Myanma Alin* and *Kyemon* frequently contain classified ads placed by parents looking for their children. Several Rangoon residents who spoke with Human Rights Watch believed that in many of these cases the children were abducted by recruit brokers or otherwise conscripted into the armed forces. In some cases, well-off families are able to buy their sons out of the army, but these are probably rare exceptions. Aung Moe said that when he was

⁷⁴ Ibid.

⁷⁵ Human Rights Watch interview with Ko Ko Aung, August 2007.

⁷⁶ Human Rights Watch interview with Maung Zaw Oo, August 2007.

trained in 2005 the trainees were not even allowed to write home, and afterward at his battalion their letters were screened by the officers before being sent. When some parents showed up at the battalion in Rakhine state looking for their sons, they were generally told, “He’s away,” and were prevented from meeting their sons.

Training

In the mornings we had to do long and short runs with backpacks. We had to run five miles a week, and do long marches of about 30 miles. I was 11, so I couldn’t keep up but had to do my best, otherwise they whipped me with the strings attached to their whistles.... When we had to run and I couldn’t carry my gun anymore, the older ones tried to help by taking my gun and running along with me.

—Htun Myint, describing his training at age 11⁷⁷

Most recruits are sent for 18 weeks of basic training at one of over 20 training camps located throughout the country. They are trained in groups of 250 referred to as “training companies.” According to the testimonies of former soldiers, when training camps are operating they usually have three to six companies at various stages of training, though they may not always be in operation. When a training camp has an opening for a new company and 250 recruits are available from the various *Su Saun Yay* camps, they are transferred to begin training. This trip can take them halfway across the country, crammed into overcrowded railway carriages with the windows blocked up and guards on the doors, or crowded into the backs of army trucks.

All of the former soldiers interviewed by Human Rights Watch reported the presence of children in their training companies and platoons. Sai Seng, who was trained in 2005, estimated that 14 of the 25 trainees (56 percent) in his training company at Tha Byay Kyin were under 18, while Maung Zaw Oo (a boy recruited twice by age 16), who was trained at Monywa in 2006, estimated the percentage of children at 60 percent. Only one former soldier reported that fewer than 30 percent of the trainees in his

⁷⁷ Human Rights Watch interview with Htun Myint, July 2007.

training company were below age 18.⁷⁸ Maung Zaw Oo had two boys aged 11 or 12 in his company when he first went through training in 2005: “The trainers discussed their future and said, ‘You should stay about one year more in training,’ and they agreed.” There was never any discussion of discharging them.⁷⁹

On arrival, new conscripts are assigned a training company number and divided into four platoons of 60 to 65 trainees, each of which is assigned a barrack, and are issued uniforms, blankets, mosquito nets, and other necessary items. Myin Win, who escaped the army but was re-conscripted and therefore went through training twice, said that in 2000 he was issued all of a recruit’s supplies, including needles, soap, equipment, boots, and slippers, but when he arrived for training again in 2003 he noted a significant decline in supplies and rations:

I realized many items we’d been issued last time weren’t issued this time, like toothpaste, toothbrush, and big and small towels. The first time I got three pairs of underwear, the second time only one. Also the food was worse the second time: In my first training, breakfast included an egg, fried rice, and tea, the second time it was only plain boiled rice. The salary was the same though—3,000 kyat.

He believed the reason provisions were so poor the second time was due to the corruption of the training commanders. He also told us that trainees saw little of their salary: “We had salary of 3,000 kyat but received only 200 kyat. We were told the rest was saved in the bank for us but we never saw any bank account.”⁸⁰ (When a private’s salary was 4,500 kyat per month, trainees were allotted 3,000; now that it is 21,000 kyat per month trainees are supposed to receive 15,000.)

In some cases trainees were allowed to write letters home, though replies never seemed to come so most were skeptical that the letters were ever mailed.

⁷⁸ Myo Aung, trained in 2000 at Bassein, who estimated that 10 of his training company were under 18.

⁷⁹ Human Rights Watch interview with Maung Zaw Oo, August 2007.

⁸⁰ Human Rights Watch interview with Myin Win, August 2007..

The physical aspects of training are particularly difficult for the youngest, like Myin Win who was only 11 years old, four foot three inches tall and weighed 70 pounds when he first did basic training in 2000:

I couldn't do all the training. Even lifting the gun was too hard for me. The G3 [assault rifle] came up to my shoulder. But the trainers were sympathetic and understanding, they favored me and the other youngsters. I think about half were underage but can't guess exactly. In my platoon, about half were my age. The trainers didn't say anything about my age but they were sympathetic. They said to the youngest, "We don't want to train you but it's our duty, we have orders."... I was missing my family and I cried. For some parts of the training we young trainees were allowed to stay in the barracks, but then whenever people lost things we were blamed and punished by the camp authorities—five lashes with a bamboo stick, and I cried then too.⁸¹

Training starts early each morning with exercises, followed by physical and combat training throughout the day. Often in the afternoons trainees provide labor on farms or for the profit-making ventures of the training camp officers. In the evenings they are lectured on military subjects. In the early weeks the daytime training focuses on drill, parade, and discipline, but as the training progresses they practice frontal assaults, hand-to-hand combat, and weapons training. One child soldier reported, "The hardest was hand-to-hand combat. Also run, shout, dive on the ground, carrying guns with full equipment. Sometimes older trainees shouted for permission from the trainers, 'Please allow us to take the youngsters' guns for them.' But some trainers were strict and wouldn't allow it. They said, 'You must be trained properly, it's for your own good.'"⁸²

Another former child soldier said that when the smallest trainees couldn't keep up during assault and combat training they were forced to dig latrines and plant physic nut bushes (a biofuel crop) as punishment. Several complained of being forced to do

⁸¹ Ibid.

⁸² Ibid.

hard training in the hot sun, with one interviewee noting that young boys sometimes collapsed on the parade ground from the heat.⁸³

At night trainees are forced to take turns as sentries and the barracks are also watched by non-commissioned officers, but almost every training company experiences a number of attempted escapes; most of those interviewed for this report knew of escape attempts numbering from two or three to as many as 10 or 15 from a single company during the 18 weeks. Several interviewees commented that it was usually older recruits who attempted escape, because most child soldiers lacked the confidence unless an older recruit escaped with them. Some get away successfully, but many are captured and brought back. When this happens there is a standard punishment that seems common to most of Burma's training schools and has not changed in the last 10 years: the trainee is paraded in front of his entire training company, who are then forced to line up and take turns hitting him hard once or twice with a stick while NCOs or other trainees pin him down and look on. Sai Seng describes his experience of this in 2005, when he was 17:

Only one person was caught. All 249 people had to beat him on the buttocks and the back of his thighs with a green bamboo. I felt pity on my friend so I hit him lightly, and the NCO came and said, "Don't hit like that, hit like this" and hit me, and then made me hit my friend again. Three sections [150 recruits] had already beaten him by then, and he was crying. The NCO was pinning his arms down with his back to me, so I couldn't see his face, he was face down with his legs in the stocks. He was bloody because sometimes the sticks broke when they hit him. After the beating the NCOs carried him to the barracks with his legs still in the stocks, and laid him on the cement floor without a mat. He died that night. His name was Thet Naing Soe, he was 18. After that the NCOs said, "If you run away we'll do the same to you."⁸⁴

⁸³ Human Rights Watch interview with Maung Sein Gyi, July 2007.

⁸⁴ Human Rights Watch interview with Sai Seng, July 2007.

More commonly the recruit does not die but is given treatment, and is then held in wooden leg stocks for about a week before being forced to rejoin the training. Though there are slight variations on this practice (for example, sometimes the beating only involves the 60-65 members of the platoon, and sometimes the recruit is beaten severely by the officers first and his comrades are then forced to hit him two or five times each), it is remarkably consistent between training centers across the country: even the youngest recruits who attempt escape are not exempt. In mid-2006, 16-year-old Ko Ko Aung escaped successfully but was sent back to training by his relatives, who feared arrest:

When I returned I was beaten by the sergeants and the training company commander until I couldn't stand any more, so I was sent to the clinic. Then I was put in the leg stocks for a week. I was never allowed out of the stocks. They put a bedpan beside me for a toilet, and brought my food to me. At the end they told me to stand up but I couldn't, so I was sent to the hospital and was there for two weeks. Then I was confined to barracks until I could follow the training again. I could walk again, but when everyone had to carry backpacks my lower back got really painful, so I could only watch and take notes.⁸⁵

Though the presence of underage recruits at training is usually not discussed by the training officers, 14-year-old Than Myint Oo had an unusual experience during his training in 2002:

During my twelfth week in training there was an inspection, and in my company they did a roll call, and they announced "Everyone under 18 raise your hands." We raised our hands and they took our names. There were 80 or 90 of us. We were happy, we thought we were being released. They gave us some caneballs and footballs and said "Take these, you'll be released soon." But instead we were sent to the forest and slept there for two days. The balls disappeared and we weren't allowed to play, instead we had to stay in small huts and keep silent. It

⁸⁵ Human Rights Watch interview with Ko Ko Aung, August 2007.

was two or three kilometers away, we couldn't see the training camp from there. On the way there we passed some villages and one sergeant said, "Let's take a rest," but another said, "No, we're not allowed." They told the villagers we were practicing long marches. We stayed there for two nights and three days.... Later we went back to the normal training.⁸⁶

The reason for the above incident is unclear, though the authorities have been known to conceal children serving prison sentences for desertion when expecting prison visits by the International Committee of the Red Cross.⁸⁷ Since 2004 the SPDC has allowed UN agency representatives to visit recruitment centers and basic training facilities on five occasions;⁸⁸ it is possible to speculate that this 2002 incident may have been connected to such a visit by a senior government or army official or an outside agency.

Some infantry battalions have begun conducting their own basic training in lieu of sending their recruits to normal training centers. Infantry Battalion No. 34 in Rakhine state is one such battalion. In 2005 Aung Moe was recruited by the battalion and trained there, along with over 100 others including 40 child recruits, at a site a signboard identified as the "No. 3 Training Camp." He said the training only lasted three months but otherwise described a course of basic training like that provided at the major training centers. Afterward they were sent to do road and bridge construction for four months, then returned to the battalion. He only received 120 kyat per month salary and says he was never aware of being issued a soldier number.⁸⁹ Human Rights Watch has also received other reports of soldiers being picked up by battalion recruiters and put in uniform without any formal training.⁹⁰ The extent and rationale of such practices, and whether such soldiers are added to the central army register, remains unclear.

⁸⁶ Human Rights Watch interview with Than Myint Oo, August 2007.

⁸⁷ See below in the section documenting SPDC interaction with the International Committee of the Red Cross.

⁸⁸ See below in the section documenting SPDC interaction with the United Nations Country Team.

⁸⁹ Human Rights Watch interview with Aung Moe, July 2007.

⁹⁰ Human Rights Watch interview with former worker with international organization in Rangoon (name and location of interview withheld), July 2007.

Deployment and Active Duty

I had the name lists. On the lists it says 18, but when I meet them and they speak I know they're younger. In the 10 battalions there were about 80 soldiers under 18—16 or 17 years old. About five or six of those were under 15—they have to stay with their officers. The under-eighteens are used in combat, but not those under 15.

—Chit Khaing, a clerk for a military operations command, overseeing 10 infantry battalions, 2004-05⁹¹

Based on witness accounts and the testimony of former soldiers, the prevalence of child soldiers appears to vary significantly between different Tatmadaw battalions. Two former child soldiers who served as recently as 2006 reported that in newly formed battalions the proportion of soldiers who are under 18 can be as high as 50 to 60 percent of all privates, and 20 to 30 percent of the entire battalion.⁹² Of these, a small percentage are under 15, often used as servants by battalion officers. In addition to children, most battalions have a significant number of soldiers who joined the unit as children but have now passed age 18; some witnesses even report seeing NCOs who are only 17 or 18 years old, although one usually has to serve in the army for several years before being promoted to lance corporal.

Human Rights Watch obtained detailed staffing lists from three infantry battalions and a combined auxiliary regiment. Sources within the battalions confirmed that the list included 30 children, including 10 who were undergoing training, and seven who were under the age of 15.⁹³ In one infantry battalion child soldiers comprised 15 percent of all enlisted men and nearly 5 percent of the entire battalion. In other infantry battalions child soldiers comprised 2.3 percent to 4 percent of staffing.

⁹¹ Human Rights Watch interview with Chit Khaing, July 2007.

⁹² Human Rights Watch interviews with Htun Myint, Maung Sein Gyi, and a Karen civilian health worker with access to an army base southwest of Papun, July and August 2007.

⁹³ Internal staffing lists of army battalions obtained in September 2007.

Human Rights Watch was able to independently verify the presence of all 30 children in these regiments.⁹⁴

Most recruits are told their battalion assignments shortly before their basic training is finished. If recruited by an artillery or air defense battalion they are often assigned back to that unit, but if recruited by infantry or light infantry they are sent to wherever the need is greatest. Anywhere from three to 15 recruits from a training company might be sent to the same battalion, which provides a soldier and possibly a truck to come and pick them up.

In mid-2006 Ko Ko Aung was sent to a light infantry battalion in Papun area of Karen state with seven others, one of whom escaped when their train stopped at Bago. Among the other seven, he said three were his age, 16, and the other four were older. On their arrival:

The deputy battalion commander called us and asked our backgrounds. He told us to answer honestly. When several of us said we were 16 he said nothing, just shook his head and said, “That’s what I’d guessed.” Then he assigned us duties at the battalion. I was a sentry, another was assigned to the office as a clerk, two others to the intelligence unit, and the rest became ordinary soldiers.⁹⁵

New soldiers are initially sent to the battalion headquarters, but if it is a “frontline” battalion and they are assigned to a frontline company, they are soon sent out on normal rotation, which alternates four to five months at the frontline followed by one to two months back at the battalion base. The assignments given to underage soldiers vary by battalion. Kyo Myint stated that in his battalion child soldiers were sent into combat situations like anyone else, and in combat zones each child soldier was usually attached to an adult soldier. Others interviewed by Human Rights Watch

⁹⁴ Care must be taken in extrapolating broader trends on the basis of any sample, as the prevalence of child soldiers may vary regionally, and according to the type and function of the regiment.

⁹⁵ Human Rights Watch interview with Ko Ko Aung, August 2007.

said that although they were only 15 or 16 years old, they were sent into combat zones within a few days to a month after arriving at the battalion.⁹⁶

In some battalions the officers keep the youngest soldiers at the battalion headquarters until they grow older. Myo Aung, a battalion headquarters sergeant-clerk in 2004-05, stated that his “battalion commander would ask the sergeant for a list of those to be sent to the frontline. I had to list the duties of all soldiers, so I always put the soldiers under 18 on the list for the farm or the battalion camp so they wouldn’t have to go to the frontline.”⁹⁷ This is often the case for the very youngest soldiers:

Because I was young [age 11] I had to stay with the battalion commander as a sniper and bodyguard. I did this for one year. Then I did communications training, radio operator. I trained at Taunggyi for two months. I was 12 or 13. Sometimes I was unhappy because I was young and had bad memories, and it was stressful because I was too slow typing Morse code. But that was my job for the rest of the time I was there.⁹⁸

After his communications training, Htun Myint was nevertheless seen as sufficiently experienced to be sent on frontline operations even though he was still only 13. At the frontline, “The NCOs looked down on us radio guys because they thought our job was easy, so the sergeants put heavy loads on my back when I already had to carry heavy radio equipment. They made me carry thick and heavy blankets too.”⁹⁹ Even at the battalion headquarters, conditions can be very hard for children. The following comments by former child soldiers are typical: “I had malaria all the time for a year in Pah Saung when I was 12, because our battalion was new so we had to work erecting camp buildings.”¹⁰⁰ “We had to do ‘fatigue,’ which was planting physic nut and sometimes working on the road. The corporals and lance corporals sometimes beat

⁹⁶ Human Rights Watch interviews with Maung Sein Gyi and Myin Win, July-August 2007.

⁹⁷ Human Rights Watch interview with Myo Aung, July 2007.

⁹⁸ Human Rights Watch interview with Htun Myint, July 2007.

⁹⁹ Ibid.

¹⁰⁰ Ibid.

us for not finishing our ‘fatigue.’ They were supposed to help us but went drinking, and when they returned and saw the work not done they beat us. The more senior officers did this too.”¹⁰¹

Soldiers’ salaries have increased exponentially over the past 10 years in order to spur recruitment; since 2002 a private’s minimum salary has increased from 4,500 kyat per month to 15,000 kyat.¹⁰² Former soldiers, however, report that even these increases are insufficient to keep pace with Burma’s inflation rate, that it is still possible to make more money outside the army, and most importantly that they never see most of this salary because much of it disappears in the form of deductions. Some vaguely-named deductions are simply a form of corruption by battalion officers and may include deductions for “savings” which often cut a soldier’s monthly salary in half. Ko Ko Aung said his salary in late 2006 was 21,000 “but they cut 10,000 every month for ‘savings,’” while Maung Zaw Oo says that in training in early 2006 his salary was 15,000 kyat “But we got only 5,000, and 10,000 went to ‘savings.’ I don’t know which bank, but a government bank”¹⁰³; this is presumably the military-owned Myawaddy or Inwa Bank. However, none of the soldiers interviewed for this report had ever heard of anyone being able to access this money even after being discharged from the army.

Mandated leave and discharges are very difficult to obtain and often carry a requirement of bringing in new recruits. As one soldier commented, “It’s very hard to get leave. You need a reason. My family wrote that my mother was sick and in hospital so I tried to get leave from the commander, but I couldn’t get it.”¹⁰⁴ Another remarked, “There were no discharges granted while I was there. They only discharge those they can’t use anymore, like those who go mad, or get HIV or chronic health problems. If they announced that all who want to leave can quit, only [Senior General] Than Shwe himself would be left.”¹⁰⁵

¹⁰¹ Human Rights Watch interview with Ko Ko Aung, August 2007.

¹⁰² Human Rights Watch interviews with Maung Zaw Oo and Ko Ko Aung, August 2007. See also Human Rights Watch, *“My Gun Was as Tall as Me,”* pp. 79-80.

¹⁰³ Human Rights Watch interviews with Ko Ko Aung and Maung Zaw Oo, August 2007.

¹⁰⁴ Human Rights Watch interview with Htun Myint, July 2007.

¹⁰⁵ Human Rights Watch interview with Myo Aung, July 2007.

As a result morale tends to be very low, particularly among child soldiers. According to a Karen civilian health worker who lives near an army camp:

Many are children! I know because I go to play sports with them, and they think I'm a villager. Many are 17, 18 and 19. Some look pale and weak. They look tired and depressed, maybe they are homesick and thinking about their families, and because they have to stand sentry at night and work in the camp at night. There are about 30 at their camp, and I've met four or five who are under 18. They all seem to be at least 15. Last year two of them about 17 years old went to my aunt's house to pawn a ring and said they needed the money to buy food.¹⁰⁶

Some battalion officers tell their soldiers to minimize contact with the civilian population, and they are sometimes barred from entering villages near their camp; instead, the officers send their orders directly to village leaders, and ordinary soldiers encounter civilians when they are already doing forced labor. In some cases interviewees seem reluctant to say much about their interaction with villagers and other people such as convicts doing forced labor, but there are exceptions. Aung Aung, for example, became a medic while still only 16, and wanted to help local villagers:

I wanted to treat patients but I couldn't because the officers took the medicines and sold them for themselves. One time I took some medicine and treated the villagers in [village name withheld], but when I got back they punished me and put me in a cell, and the officer told me he'd take me to Rangoon and put me in jail. I wasn't allowed to treat villagers. After he told me that, I fled that same night.¹⁰⁷

Combat

I can't remember how old I was the first time in fighting. About 13. That time we walked into a Karenni ambush, and four of our soldiers died. I

¹⁰⁶ Human Rights Watch interview with health worker in Thaton area, August 2007.

¹⁰⁷ Human Rights Watch interview with Aung Aung, July 2007.

was afraid because I was very young so I tried to run back, but [the captain] shouted, “Don’t run back! If you run back I’ll shoot you myself!”

—Aung Zaw, describing his first exposure to combat ¹⁰⁸

Most army soldiers only face combat sporadically in the form of hit-and-run attacks and ambushes by resistance forces. When they encounter combat, most child soldiers say they were frightened and ineffective the first time but gradually became accustomed to it. Aung Aung describes a typical example from when he was 15 years old:

Fighting happened one time with the KNU. It lasted 10 or 15 minutes. When it began I was scared, but then I wasn’t afraid. During the fighting the other boys under 18 were afraid too, and some cried. Some of them ran away and didn’t shoot. The fighting occurred up ahead, and those at the back with us ran away.¹⁰⁹

Maung Zaw Oo described what happened when he was on patrol in 2005, at age 16:

The KNLA ambushed us once with a remote control mine [a claymore fragmentation mine detonated by pulling a wire], but I’d already passed it and they hit a sergeant. Two officers and one sergeant died on the spot. When I first heard the explosion I shook, but after firing some rounds I felt better. I liked looking for mines. I felt if I volunteered to go point I’d be okay, but not if they forced me. My sergeant taught me, “Never take others’ duty or you’ll be injured.” He left me an amulet when he left the army, it’s very powerful.¹¹⁰

Those who acquire bravado through combat experience often lose it again, however, when they see others their age killed and wounded for the first time. Htun Myint told us,

¹⁰⁸ Human Rights Watch interview with Aung Zaw, August 2007.

¹⁰⁹ Human Rights Watch interview with Aung Aung, July 2007.

¹¹⁰ Human Rights Watch interview with Maung Zaw Oo, August 2007.

We were replaced [on sentry duty] by two others, including one new soldier only two months at the battalion—he was my age [14] and had malaria. When we were eating, the Karenni soldiers fired a few shells and then withdrew. By the time we got in position they were already gone. We found the new soldier with malaria—he’d been shot, and we tried to treat him but 30 minutes later he was dead. I felt very sad and unhappy, and when I saw his body I thought, “When will I be shot?”¹¹¹

When Than Myint Oo first experienced combat, “My first feeling was, it’s very different from the movies. Afterward when I was on sentry duty I thought about the value of life, and I was afraid.”¹¹² This was the point when he seriously began thinking about deserting. Similarly, the initial trigger for Sai Seng was when he saw his commander shoot dead several of their own soldiers in the column who had been seriously wounded in an enemy ambush: “When I saw those soldiers being shot I felt scared and pitied them but couldn’t help them. That’s when I started feeling scared and wanting to run away.”¹¹³

Abuses against Civilians

Sai Seng was 17 or 18 and patrolling with a column in Shan state in 2006 when he saw his corporal attempting to rape a village woman, then shooting her in the back when she broke free and tried to run. Sai Seng was a Shan himself, and said, “I wanted to shoot that corporal but I couldn’t, so I suffered a lot, because these were my people. But I was the only Shan there so I couldn’t do anything.”¹¹⁴ The corporal’s sole punishment consisted of being ordered to dig the woman’s grave. This incident became a major factor in Sai Seng’s decision to desert.

Others, however, become accustomed to unthinkingly executing orders. In 2004, when Myin Win was 14, the tactical operations commander ordered Myin Win’s unit to burn down Shan Si Bo village after a landmine explosion southwest of Toungoo

¹¹¹ Human Rights Watch interview with Htun Myint, July 2007.

¹¹² Human Rights Watch interview with Than Myint Oo, August 2007.

¹¹³ Human Rights Watch interview with Sai Seng, July 2007.

¹¹⁴ Ibid.

killed and wounded several soldiers. “I myself torched four or five houses, and many livestock died. Some chickens and pigs burned to death in their pens. Three men villagers we saw there were shot by our battalion, but I’m not sure who did it.” When asked if he would have shot a villager on sight, he replied,

Yes I think so, because we were ordered that if we see anyone we should shoot them. The battalion commander himself said “Shoot everyone you see and burn the village.” He didn’t exclude women and children, whomever we saw we were ordered to shoot. I felt that the villagers had no connection to the explosion, but as a soldier it is impossible to disobey orders.... The orders divided black areas from white areas.¹¹⁵ Bu Sah Kee was black area. We were ordered that if we see anyone, including women and children, then we must approach and catch them and take them to our officers for interrogation. If they try to run, shoot them. Even when they allowed themselves to be caught they were never released. If they agreed to show us the location of a KNLA base they might survive, but otherwise they were probably killed, though I didn’t see that.... In summer we burned down fruit trees—coconut, betel, cardamom. In dry season we tried to burn the rice fields, and in rainy season the battalion was ordered to trample the rice plants.¹¹⁶

While telling this story he showed no remorse, and when asked what he would now say to the villagers whose homes he burned he said he would make no apologies but would be willing to speak to them politely.

Desertion, Imprisonment, and Re-recruitment

Many desert. In all of Burma, I think two of every five soldiers tries to run away from the military at some point. Some flee within Burma,

¹¹⁵ The SPDC and the military divide Burma into “white areas,” which are considered to be under firm government and military control; “brown areas,” where the state is in control but armed opposition is known to be active; and “black areas,” where government control is tenuous at most and armed opposition is active.

¹¹⁶ Human Rights Watch interview with Myin Win, August 2007.

some reach the borders or Thailand. While I was there, the people who deserted outnumbered the new recruits. If we replaced 10 percent of our strength from new recruits, then 20 percent ran away. But officers often lie and say people don't flee. If 30 run away, they only report two of them.

—Chit Khaing, a sergeant who kept records for 10 battalions as a military operations command clerk in 2004-05

With discharges and leave extremely difficult to obtain, most soldiers determined to get out of the army have no option but desertion or suicide. Htun Myint said, “Some kill themselves because they can't stand it any more. Myint Zaw and Soe Aung in 2004, and Nyi Nyi in 2005. They were about 15 years old. They shot themselves when they were on sentry duty.”¹¹⁷ Suicides occur occasionally, but desertion has become extremely common. As noted above, government documents reported a loss of 9,497 soldiers during a single four-month period in 2006, many due to desertions.¹¹⁸

When Myo Aung was a clerk sergeant in his battalion office in 2004-05, he estimates that “at least one person per month” deserted. “Some were caught. They were interrogated by the mother battalion and asked ‘Do you want to continue your duty?’ Most say yes, and then they're held in the battalion lockup for a while. If they say no, we transferred them to other jobs like the police.”¹¹⁹ He said that the latter option was not available to child deserters from his battalion, however, because the police did not want children. In other battalions, deserters are not given such options at all, but are usually locked up and punished for a month or two and then forced to return to duty.¹²⁰ Most former soldiers interviewed for this report estimated that 10 to 30 soldiers deserted their battalion each year. Given present low battalion staffing levels, this may suggest an annual desertion rate of as high as 20 percent, although these accounts are from operational frontline battalions and may not be representative of desertion rates from army battalions not engaged in combat.

¹¹⁷ Human Rights Watch interview with Htun Myint, July 2007.

¹¹⁸ Blythe, “Army conditions leave Myanmar under strength,” *Jane's Defense Weekly*; “Myanmar army document spotlights low morale,” *Jane's Defense Weekly*.

¹¹⁹ Human Rights Watch interview with Myo Aung, July 2007.

¹²⁰ Human Rights Watch interview with Htun Myint, July 2007.

During his time in the army from 1992 to 2005, Kyo Myint says desertion rates from his battalion consistently increased, and he attributes this to the increasing burdens being placed on soldiers, such as heavier duty to compensate for declining battalion strength; corruption and deductions from salary and rations that leave soldiers impoverished and hungry; and the added personal work that soldiers are forced to do for officers, whether on the officers' personal money-making schemes or as recruiters and servants.

Most of those who successfully escape either try to return home, or head to other towns to start a new life anonymously, as their homes are watched and many are recaptured that way. Deserters caught by their own units are usually punished at the battalion camp for a month or more and then returned to duty without the desertion being reported, but if caught later or further afield they are sentenced to prison for six months to a year. A former political prisoner told Human Rights Watch that he saw many child soldiers in prison for desertion. When the International Committee of the Red Cross was about to visit the prison to speak to prisoners in 2003, the prison authorities transferred all of the child deserters—he estimated the number at 25 to 30 at the time—to a juvenile detention center in another city so the ICRC representatives would not see them.¹²¹

Less than a week after deserting and returning home to care for his sick mother, 14-year-old Than Myint Oo was stopped by the police and arrested:

They handed me to military police who beat me and detained me for 14 days in Bago, then sent me back to my battalion. There an officer told me, "Here you have opportunity, we'll train you to drive a truck and do judo and boxing, you'll be a man." I said, "I'm not interested, please just punish me and then let me go home." He said, "Okay, we'll send you to prison for six months but then you'll have to come back and serve the battalion." I was sent to Mandalay Prison for six months. I wasn't 15 yet.¹²²

¹²¹ Human Rights Watch interview with former political prisoner, August 2007.

¹²² Human Rights Watch interview with Than Myint Oo, August 2007.

He reported that at Mandalay Prison those in for desertion are kept separate from criminal prisoners, allowed to wear civilian clothes, and that selected inmates are allowed to go on work details outside the prison. Than Myint Oo took advantage of this to escape from prison, but was later picked up at home again by a recruiting sergeant. “The sergeant said, ‘You’re young so we don’t want to send you to your battalion because they’ll send you to prison and it will be worse, so it will be better if we send you to the *Su Saun Yay* to enlist as a new recruit.’” He agreed, but later begged and pleaded and the sergeant agreed to use him as a servant for a year before re-enlisting him. Others also tell stories of being recaptured by recruiters who would rather enlist them as a new recruit than turn them in for desertion; by doing so the recruiter gets cash incentives and a recruit towards his quota, whereas he gets nothing for turning in a deserter.

Whether returning home or attempting to start a new life elsewhere in Burma, child deserters are as vulnerable as any child to forced recruitment; perhaps more so, because they tend to be without resources, out of school and looking for work, often alone and vulnerable, though they have the advantage of knowing some of the recruiters’ tricks and the truth about army life. When he first deserted at age 11 in 2000, Myin Win was able to stay at home because he had given a false address when he was first recruited. He worked with his mother for three years frying and selling vegetables. He told us, “My mother suggested I should never travel alone until I was fully grown up.” The first time he did so, at 14, he was grabbed at a train station by a recruiter and forcibly re-enlisted. This time they got his real address from his travel pass, so when he deserted for a second time in 2005 he fled to Thailand, no longer daring to return home.¹²³

Three of the child soldiers interviewed for this report had been forcibly recruited a second time (while still children) after deserting the army, getting caught by recruiters and enlisted as new recruits rather than being punished for desertion. When Myin Win went through training for the second time, he noticed that “about 30 in my company [of 250] were there for the second or third time. The trainers could tell this from the way we stood at attention and other things, but they didn’t ask why, they just said, ‘We understand your situation.’” Even though he was still only 14, the

¹²³ Human Rights Watch interview with Myin Win, August 2007.

trainers weren't sympathetic the second time: "They could see it was my second time so I felt they hated me. They threatened me, 'You must do it, you shouldn't fail.'"¹²⁴

Many who desert in conflict areas surrender to non-state armed groups. Some groups operating under ceasefire agreements with the SPDC have agreed to hand Tatmadaw deserters back, but many groups try to help deserters if they can. In most cases there is little they can do except to feed them, give them some civilian clothes and pocket money, and point them in the direction of home. Some deserters express an interest in joining resistance armies, but they are very rarely accepted. In such cases they are often transferred to resistance groups that are not ethnicity-based, such as the All-Burma Students' Democratic Front (ABSDF). The ABSDF does not accept child soldiers in its ranks, so if under 18 they are sent to school, and even those over 18 are only accepted if deemed suitable and if resources allow. An ABSDF representative told Human Rights Watch that they have helped many Tatmadaw child soldiers but that their resources only allow them to care for three or four at a time in each region. In mid-2007 the Karen National Union wanted to send them another group of several child deserters but they had no resources to care for them, so the KNU sent them back into central Burma on their own at great risk.¹²⁵

If deserters opt to look for work in neighboring countries, the armed groups can usually escort them to the border and sometimes help find them a job through their contacts, but are not in a position to provide any protection for them once they cross the border. Restrictions, arrest, and deportation of "illegal" migrant workers in Bangladesh, India, and Thailand have become much stricter over the past five years, making it much more difficult and dangerous for deserters to find work and safety in these countries. In Thailand, international organizations such as UNHCR, UNICEF and the ICRC have faced increasing restrictions which make it difficult or impossible for them to provide even rudimentary protection for former child soldiers who cross the border.¹²⁶ Meanwhile there are still reports of an unwritten agreement by the Thai-Burma Joint Border Cooperation Committee, a forum made up of army, paramilitary, police, immigration, and regional government officials from both sides of the border,

¹²⁴ Ibid.

¹²⁵ Human Rights Watch interview with ABSDF representative, August 2007.

¹²⁶ Human Rights Watch interviews with UNHCR and UNICEF representatives, Thailand, July and August 2007.

that Thai authorities will hand back to Burmese authorities any Tatmadaw deserters caught in Thailand. The Thai government reportedly denies the existence of this agreement, and Human Rights Watch was unable to obtain any firm evidence of its existence, though there have been several reported cases over the past five years of Tatmadaw deserters being forcibly repatriated. Once in a neighboring country and working illegally, former child soldiers must keep a low profile and many conceal their histories, making it doubly difficult for any organizations that might wish to help them.

The Future of Tatmadaw Child Recruitment

Than Myint Oo, who was recruited at 14 and subsequently imprisoned for desertion, described the army as “a huge blind machine” whose “victims are schoolboys who know nothing about being soldiers.” He stated that recruiters “use many tricks and threats too, and these practices should be completely stopped. As for those involved in recruiting, I want to kill them.”¹²⁷ Others also expressed a desire to kill the recruiters for destroying so many adolescent lives. The recruiters, however, are themselves only part of the “huge blind machine.”

The prevalence of child soldiers within the Tatmadaw reflects a culture of impunity and the steady de-professionalization of Burma’s armed forces. Child recruitment will continue as long as the Tatmadaw’s senior generals impose unsustainable recruitment quotas, tolerate and ignore the blatant recruitment of children, and fail to address poor working conditions within the armed forces.

The Government of Burma’s Response to the Recruitment and Use of Child Soldiers

It is necessary for us to always refute the accusations [about the forcible recruitment of child soldiers] systematically [and] always project before the international community the correct efforts being made by the committee and refute baseless accusations.

¹²⁷ Human Rights Watch interview with Than Myint Oo, August 2007.

—Adjutant General Thein Sein, in his concluding speech to the Committee for the Prevention of Military Recruitment of Underage Children, 2005¹²⁸

The government of Burma has publicly affirmed its legal commitment to protect children as evidenced by its ratification of the Convention on the Rights of the Child in August 1991, and its enactment of the Child Law in 1994 and rules of procedure in 2001.¹²⁹ In 1993 the government of Burma formed the National Committee on the Rights of the Child (NCRC) as a main coordination mechanism for the implementation of the Child Law, and subsequently established state, division, district, and township Child Rights Committees. A Monitoring and Evaluation Subcommittee was founded in 1999 to share information and knowledge in Asia-Pacific countries.

The government's "National Plan of Action for Children" identifies child protection as one of its major focal points.¹³⁰ In conjunction with UNICEF, the Burmese government has also conducted child protection workshops at the township level, and implemented a variety of initiatives to prevent the trafficking of children. These include the Anti-Trafficking in Persons Law, and the drafting of a "Five Year Plan of Action to Combat Human Trafficking" both of which include within their purview recruitment of child soldiers.

Despite Burma's stated commitments to protect children and statutory prohibitions against the military recruitment of persons less than 18 years old, Burma has not ratified the ILO Convention 182 on the Worst Forms of Child Labour Convention (No. 182), or the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.

¹²⁸ "Burmese official rejects 'unjust accusations' on recruitment of child soldiers" (in Burmese), MRTV (Myanmar TV), February 3, 2005, 1330 GMT, reproduced in English translation by BBC Monitoring Asia Pacific, February 8, 2005.

¹²⁹ Although the Child Law is a welcome initiative the UN Committee on the Rights of the Child has noted that the Child Law is not in full compliance with the provisions and principles of the Convention and has called for its amendment. 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, CRC/C/15/Add.237, 30 June 2004, pp. 2-3

¹³⁰ "National Plan of Action for Children (2006-2015)," Ministry of Social Welfare, Relief and Resettlement, Rangoon, January 2006, p. 4.

For over a decade, Human Rights Watch and other human rights organizations and international organizations such as the United Nations and the ILO have all made repeated expressions of concern to the government of Burma about its recruitment of child soldiers.¹³¹ Despite extensive documentation about the systematic and widespread use of child soldiers, the government of Burma has continued to ignore, deny, and impugn the credibility of such reports.

In response to a Human Rights Watch 2002 study on child soldiers in Burma, the government of Burma's only public response was a one-page press release from the Ministry of Foreign Affairs, rejecting as baseless Human Rights Watch's findings that the Burma army had recruited large numbers of children. It asserted that enrolment in armed forces was "purely voluntary" and that minimum age regulations were strictly enforced. The statement impugned deserters who had provided Human Rights Watch with testimony for the report as "anti-government elements."¹³²

In November 2003 the UN secretary-general listed the Tatmadaw for recruiting or using children in violation of international standards in his report to the Security Council on children and armed conflict. The report recommended that parties so listed be subject to a range of Security Council sanctions if concrete measures were not taken to end the practice.¹³³ In January 2004 the SPDC formed the Committee for Prevention of Military Recruitment of Underage Children (hereinafter referred to as the Committee).¹³⁴ The formation of the Committee preceded, by just a few days, a Security Council open debate on children and armed conflict at the United Nations in New York.

¹³¹ See for example, UNICEF, "Adult Wars, Child Soldiers"; Coalition to Stop the Use of Child Soldiers, "Child Soldiers 1379 Report," November 2002; International Labour Conference, 96th Session, "Special sitting to examine developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)," Part III, Provisional Record, Geneva, 2007.

¹³² "MOFA issues Press release regarding report of Human Rights Watch", *The New Light of Myanmar*, October 18, 2002

¹³³ Report of the Secretary General on Children in Armed Conflict A/58/546-S/2003/1053 November 10, 2003, p. 19.

¹³⁴ The name of this body varies in official publications and the state-run media. This report adopts the name specified for the body in the "Plan of Action for the Implementation of the Objectives of the Committee for the Prevention of Military Recruitment of Underage Children," October 2004 (hereinafter referred to as "Plan of Action").

Despite the formation of the Committee, the government of Burma maintained its public stance that it did not recruit child soldiers into its armed forces.¹³⁵ In 2004 delegates representing the government acknowledged the formation of the Committee in their oral statement to the Committee on the Rights of the Child. However their report to the Committee on the Rights of the Child evaded any discussion of Article 38 (child recruitment) despite the Committee on the Rights of the Child's expression of "grave concern" following its previous review of Burma. The government of Burma's report similarly failed to elaborate any measures implemented in response to the Committee on the Rights of the Child's recommendations regarding the recruitment of children. In its comments under Article 22 (refugee children), the government went so far as to state that "there is no problem of refugees" associated with Burma, that "there is peace in the country," and that "there are no children in armed conflict."¹³⁶

The Committee for the Prevention of Military Recruitment of Underage Children

Because the government of Burma presents the Committee for the Prevention of Military Recruitment of Underage Children as its primary initiative to prevent the conscription of child soldiers the remainder of this chapter assesses the work of that body.

The Committee's "Plan of Action" (see Appendix A) establishes three objectives: to prevent the forced recruitment of underage children¹³⁷ as soldiers; to protect the interests of underage children; and to ensure faithful adherence to the orders and instructions issued for the protection of underage children.¹³⁸ The Committee's Plan of Action briefly elaborates five types of activities: the demobilization of child soldiers, the reintegration of former child soldiers, public awareness raising, the

¹³⁵ See for example, Statement by Prof. Dr. May May Yi, Advisor for Women's Affairs at the Prime Minister's Office and Leader of the Delegation of Myanmar to the Thirty-Sixth Session of the Committee on the Rights of the Child (Geneva, May 26, 2004).

¹³⁶ 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 CRC/C/70/Add.21, November 5, 2003, p. 54. In fact, at the time the report was written there were over 145,000 Burmese in refugee camps in Thailand.

¹³⁷ The Plan of Action's phrasing is problematic. National law prohibits the recruitment of persons under the age of 18 regardless of whether their decision to join is voluntary. Moreover, the Child Law defines children as all persons who have not attained the age of 16, and youth as persons who have attained the age of 16 years but not yet attained the age of 18 years (chapter 1.2). Thus, in this context, the phrase "underage child" is nonsensical. See Appendix A.

¹³⁸ "Plan of Action," p. 1.

punishment of persons who violate recruitment laws and procedures, and cooperation with international agencies.¹³⁹

The Committee is chaired by the adjutant general of the Tatmadaw, Lt. Gen. Thein Sein, who is also Secretary 2 of the SPDC and one of 12 members of the military council that rules Burma; as adjutant general, Lt. Gen. Thein Sein oversees administrative matters in the armed forces including recruitment. Other senior Ministry of Defense members in the Committee are the vice-chief of armed forces training, the director of the Directorate of Military Strength, and the judge advocate-general. Committee members also include the deputy attorney general and senior ministers from the ministries of home affairs, foreign affairs, labor, and social welfare, relief and resettlement.¹⁴⁰

In July 2004 the SPDC established the Directorate of Military Strength to supervise military recruitment and ensure that minimum age requirements are met.¹⁴¹ The Directorate of Military Strength reportedly oversees all aspects relating to armed forces recruitment, including the supervision of the armed forces recruitment units and recruitment holding centers and their adherence to Tatmadaw recruitment quotas and directives on the minimum standards for recruits. The directorate is headed by Maj. Gen. Ngwe Thein, previously the commander of the 22nd Light Infantry Division.¹⁴² In February 2006, the SPDC also established a Working Committee for the Prevention of Recruiting Child Soldiers, chaired by Maj. Gen. Ngwe Thein. Details about the composition of the working group and its activities have not been publicly reported.

¹³⁹ A task force composed of the ministers for foreign affairs, home affairs, labor, and social welfare relief and resettlement are responsible for implementing these activities. "Plan of Action," p. 2.

¹⁴⁰ "Plan of Action," p. 1. The Foreign Ministry is presumably included to facilitate communication with the United Nations and foreign governments, the Ministry of Home Affairs is the counterpart of the International Committee of the Red Cross, the Ministry of Labor is the counterpart of the International Labour Organization, and the Ministry of Social Welfare, Relief and Resettlement is the counterpart of the UNICEF and the United Nations Development Programme. The Minister of Social Welfare, Relief and Resettlement is also the chair of the National Committee on the Rights of the Child.

¹⁴¹ "Plan of Action," p. 2.

¹⁴² The 22nd Light Infantry Division is based in Hpa-an in Karen State, and has been implicated in numerous human rights violations against civilians in Karen State. Units of the division were also involved in the crackdown on monks and civilian demonstrators in Rangoon in late September 2007.

The inclusion of senior officials from the Ministry of Defense and senior ministers from other key branches of the government within the Committee and its subsidiary organs would appear to enable these bodies to provide substantive redress. However, the Committee has met only seven times over the past three and a half years.¹⁴³

Human Rights Watch's assessment of the Committee's work reveals that it has primarily served a cosmetic public relations function, making little progress in achieving its stated objectives, and failing to substantively address the army's institutionalized and pervasive forcible recruitment of children.

Demobilization

The Plan of Action states that all persons under 18 receiving military training or serving in the armed forces are to be demobilized and returned to their parents or guardians; orphans and those without guardians are to be placed under the care of the Ministry of Social Welfare. The Plan of Action further commits to register and offer a voluntary discharge to all adults in the armed forces who were conscripted before they were 18 years of age.¹⁴⁴

Gauging the extent to which the Committee has demobilized child combatants is complicated by the secrecy in which the Tatmadaw shrouds itself, and its prevarications about the existence of child soldiers among its ranks. As elaborated below, the SPDC has occasionally provided murky reports about the numbers of child soldiers it claims to have demobilized. Elaboration has never been provided and details about specific cases have never been made public.

In a 2005 press conference Adjutant General Thein Sein reported that the Tatmadaw had discharged 213 minors from military service between 2002 and February 2005. These included 85 child soldiers in 2002, 75 in 2003, and 50 in 2004.¹⁴⁵

¹⁴³ The Committee's periodic meetings are briefly reported in the state-run daily newspapers, the latest having been held on September 17, 2007.

¹⁴⁴ "Plan of Action," pp. 2-3.

¹⁴⁵ "Alleged forced recruitment of soldiers especially child conscriptions are based on false information," Information Committee of the State Peace and Development Council, Rangoon, March 16, 2005, http://www.myanmar.com/press_conference/2005/16-3a.html (accessed October 12, 2007).

In 2007 the SPDC reported that “[i]n exactly counting facts and figures, 122 most youngest children, 268 recruits who did not meet with qualification and 177 recruits who failed in medical examination were sent to their parents from 2004 to 2006.”¹⁴⁶ One reading of that statement suggests that a total of 122 minors were discharged. However, the government delegation to the UN Human Rights Council subsequently reiterated these figures, stating that “[b]etween 2004 and 2006, 567 persons were discharged from the armed forces as they *neither* met the minimum age *nor* the designated qualifications [emphasis added].”¹⁴⁷ Although the statement of the government delegation suggests that the Committee has demobilized a far greater number of child soldier recruits than implied by the first report, it also suggests that the Tatmadaw does not prohibit all minors from enrolling in the armed forces, only those who are “most youngest,” or who fail to meet medical or other qualifications. Similarly, the Committee’s September 2006 periodic report reports the discharge of persons who were “underage and unwilling to serve,” suggesting that the government’s official policy may not be to discharge all minors from military service but only those who are unwilling.¹⁴⁸

One reading of these statistics indicates that the SPDC has demobilized a total of 282 child soldiers over the five-year period between 2002 to 2006.¹⁴⁹ From 2002 to 2004, child soldiers were demobilized at an average rate of 80 per year. Since the formation of the Committee, child soldier recruits have been demobilized at an average rate of only 41 per year—that is, at half the rate prior to the formation of the Committee.

These apparent declines in the rate at which the SPDC is demobilizing child soldier recruits might be explained by decreasing incidences of child conscription by

¹⁴⁶ “All the people to guard the country against danger with the strength of national unity and nationalist spirit Myanmar Tatmadaw is formed based on patriotism. No forced recruitment is carried out and all the soldiers join army of their own accord.” Information Sheet, Myanmar Information Committee, Rangoon, No. D- 3936(I), February 2, 2007. The Burmese version of the article is equally unclear.

¹⁴⁷ Statement by Deputy Permanent Representative U Nyunt Swe, the Union of Myanmar and Leader of the Myanmar Observer Delegation at the Fourth Session of the Human Rights Council. (March 23, 2007, Geneva). See also, “Secretary-1 briefs foreign diplomats on activities of Committee for Prevention of Recruiting Child Soldiers” *The New Light of Myanmar*, February 8, 2007.

¹⁴⁸ Periodic Report of the Committee to Prevent the Recruitment of Underage Children, September 2006, p. 1.

¹⁴⁹ That is, 85 in 2002, 75 in 2003, and 122 between 2004 and 2006.

military recruiters. However, Human Rights Watch's research suggests that child soldier recruitment has not appreciably declined. Indeed, Human Rights Watch is concerned that children may even be more vulnerable to forcible recruitment in light of increasing desertions within the Tatmadaw and its intensified recruitment drives.

The low rates of demobilization clearly represent only a small percentage of the total numbers of children who are annually recruited into the Tatmadaw. Former child soldiers interviewed by Human Rights Watch stated that they had personally witnessed numbers of children within the holding centers, training camps, and operational units that were substantially higher than the number of children which the Committee claims to be demobilizing. The Committee's statistics thus provide clear indication that it has failed to impact the Tatmadaw's systematic and widespread practices of conscripting children.

The government's statements about the Committee suggest that it is only demobilizing child soldier recruits, not active duty child soldiers who are already posted to military units, as was apparently the case prior to 2005. In sharp contrast to the SPDC's commitment to demobilize child soldiers, the military, in conjunction with civilian law enforcement officials, has continued to arrest and incarcerate child soldiers for desertion since the formation of the Committee.¹⁵⁰ Despite its commitment in the Plan of Action, there is no indication that the SPDC has granted a right of voluntary discharge to adult Tatmadaw members who were recruited as minors. This commitment should not only result in the release of adult soldiers recruited as children who wish to leave the Tatmadaw, but also should entail granting immunity from sanction for any soldier who was recruited as a child but deserted as an adult.

In all of the cases reviewed by Human Rights Watch, children were released from military service only when a parent or guardian advocated on their behalf. Human

¹⁵⁰ International Labour Conference, 93rd Session, "Special sitting to examine developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)," Provisional Record, Geneva, 2005, 22 Part 3/12.

Rights Watch also received numerous reports that military officials had demanded parents or guardians pay them bribes to secure the release of their children.¹⁵¹

Because the Committee does not appear to discharge child soldiers in the absence of a complaint, and because the ILO and the ICRC have acted only on the basis of complaints by parents or guardians, it seems unlikely that orphans or children without guardians would be demobilized.

Reintegration

According to the Plan of Action, the Ministry of Social Welfare is responsible for returning demobilized child soldiers to their parents and guardians and “making arrangements to give vocational training, other alternative educational options and livelihood supports with special focus on orphans, those without guardians and other vulnerable underage children.”¹⁵² In no case reported to Human Rights Watch were former child soldiers escorted to their parents by the Ministry of Social Welfare, or offered any form of reintegration assistance.¹⁵³ In one case a minor was escorted back to his parents after they made a formal complaint to Senior General Than Shwe.¹⁵⁴

The SPDC claims that it terminated the Ministry of Defense’s *Ye Nyunt* (“Brave Sprouts”) program in 2000, and subsequently transferred all children in that program to Nationalities Youth Development Training Schools.¹⁵⁵ Human Rights Watch has not been able to independently verify the veracity of this claim or meet with any former *Ye Nyunt* child soldiers. The SPDC has not allowed the UN or any other international agency to have access to former *Ye Nyunt* members.¹⁵⁶

¹⁵¹ For example, Human Rights Watch interviews with Ko Ko Aung and Maung Zaw Oo, August 2007.

¹⁵² “Plan of Action,” p. 3.

¹⁵³ In three cases handled by ILO, the SPDC reportedly reimbursed the families for travel costs to come and pick up their discharged sons. Human Rights Watch interview with former ILO liaison officer, August 2007.

¹⁵⁴ Interview with Rangoon based community worker, Rangoon, August 2007.

¹⁵⁵ Letter to Human Rights Watch from the Permanent Mission of Myanmar to the United Nations, New York, July 17, 2002, reproduced in Human Rights Watch, *“My Gun Was as Tall as Me,”* pp. 212-213.

¹⁵⁶ In a letter dated August 22, 2007, Human Rights Watch requested further information on this subject from the Permanent Mission of the Union of Myanmar to the United Nations in New York. See Appendix B. In its September 12, 2007 response, however, the Mission declined to provide the information requested, and instead, quoted at length from UN reports. See Appendix C.

Although Human Rights Watch regards the termination of the Ye Nyunt program as a positive step, it regards the SPDC's response as otherwise wholly inadequate. The Ye Nyunt program placed boys as young as 11 within the custody of army battalions, ostensibly as a means of educating and caring for orphans and children without guardians. A former Ye Nyunt member interviewed by Human Rights Watch in 2002 reported being subjected to harsh military training and discipline, physical abuse, and forced labor. Former Ye Nyunt recruits are clearly children in special need of care. The Nationalities Youth Development Training Schools, which offer little more than free room and board, are clearly not equipped to handle the special needs of children who have been subjected to physical and mental abuse at a young age. Moreover, testimony to Human Rights Watch revealed that in many cases Ye Nyunt were not orphans or parentless but that the military had abducted them. The SPDC, in cooperation with UNICEF and the ICRC, should ensure that all such persons are immediately returned to their families.

Measures for Raising Awareness

The Plan of Action indicates that the Committee will undertake a range of measures to raise public awareness. In reviewing the work of the Committee over the past three-and-a-half years, Human Rights Watch could find very little evidence of government-led awareness raising initiatives either within the armed forces or among the public.

Human Rights Watch collected testimony from four officers, five NCOs, and nine soldiers who had served in the army after the formation of the Committee. None was aware of any serious initiative to prevent child recruitment.

Human Rights Watch interviewed two non-commissioned officers who served as office clerks subsequent to the formation of the Committee. A sergeant who served as an office clerk in a military operations command headquarters from April 2004 to August 2005 stated that he had never heard of the Committee, nor did he recall ever receiving directives that ordered army units to halt the recruitment of children. He stated that even if such a directive had been received "the MOC [Military Operations Command] would continue to do this, because they need more soldiers. They were ordered that they must recruit, and they must obey this order. If he doesn't provide

the requested recruits the commander can be dismissed for failure to obey orders.”¹⁵⁷ A clerk sergeant responsible for administrative matters in an infantry battalion in 2004-05 also stated that he was unaware of any orders to operational army units concerning child conscription.¹⁵⁸

The Plan of Action states that the Committee’s public awareness raising initiatives will include placing “signboards in visible places at recruitment centers stating that entry into the armed forces is voluntary and permissible only after the attainment of 18 years of age.” Even this minimal step does not appear to have been taken. Although Human Rights Watch was not able to verify whether signboards have since been installed at recruitment centers, a 17-year-old who was processed through the Mingaladon recruit holding center in 2005 stated that there were no signs or indications that servicemen must be over age 18, and that at no point was he required to provide proof of his age.¹⁵⁹ Similarly, a 16-year-old boy who was also processed into the army through Mingaladon in April 2006 stated, “I didn’t see anything saying that I had to be 18, only signs with army slogans and office rules.”¹⁶⁰

In any event, the placing of signboards in recruitment centers beyond public view does not qualify as a public awareness raising initiative. Nor are such signboards likely to prevent the conscription of minors already present in recruitment centers. As noted above, the testimony of Tatmadaw soldiers and civilians indicates clearly that army recruiters frequently violate recruitment rules and regulations by coercing underage recruits to join the armed forces and falsifying their ages. In some cases recruiters have even changed the names of underage recruits, presumably to prevent parents or guardians from locating them.¹⁶¹

Tatmadaw recruitment materials disseminated over the past five years in both English and Burmese clearly indicate that the minimum age for enrolment in the Tatmadaw is

¹⁵⁷ Human Rights Watch interview with Chit Khaing, July 2007.

¹⁵⁸ Human Rights Watch interview with Myo Aung, July 2007. He further noted that he would not be aware whether such directives had been issued to training schools and recruitment units because they are administered by a different branch of the army.

¹⁵⁹ Human Rights Watch interview with Than Myint Oo, August 2007.

¹⁶⁰ Human Rights Watch interview with Ko Ko Aung, August 2007.

¹⁶¹ Summaries of child conscription cases in 2004, provided to Human Rights Watch by a community leader.

18, and that documentary evidence of such is required.¹⁶² Recruitment materials produced before the establishment of the Committee do not differ in this regard. These materials are clearly focused on obtaining new recruits rather than preventing the conscription of minors, as evident through the economic inducements that they advertise, and the opportunity to work abroad as a military attaché.

The Plan of Action specifies that the Committee will “disseminate widely” information about the minimum age for military service and the voluntary nature of such “through newspapers, journals, magazines, publications, radio, TV and video-plays” as well as circulating pamphlets, and raising public awareness with village- and ward-level authorities.¹⁶³ Human Rights Watch could find no evidence that the government has taken measures to raise public awareness through any of the media identified in the Plan of Action. None of the Tatmadaw recruitment materials disseminated either before or since the establishment of the Committee indicate that service must be voluntary.¹⁶⁴

Human Rights Watch could find no evidence that the government has publicly disseminated the Committee’s Plan of Action, publicized the existence of any redress mechanism by which citizens can report cases of underage recruitment, or even acknowledged that minors may be subject to forced recruitment. Although the state-run media reported the June 2007 visit of Special Representative of the Secretary-General on Children and Armed Conflict Radhika Coomaraswamy, no mention was made about the purpose of her visit.¹⁶⁵

Leaders of non-state armed groups that cooperate with the SPDC are also unaware of the workings of the Committee. None of the officials of such groups interviewed by Human Rights Watch had ever been told of the workings of the Committee or been engaged by Burmese officials on the legality of using child soldiers. Hkun Thu Rein, secretary of the SNPLO splinter group who cooperated with Burmese military officials

¹⁶² Human Rights Watch reviewed four different Tatmadaw recruitment brochures disseminated over the past five years, as well as a recruitment poster.

¹⁶³ “Plan of Action,” p. 3.

¹⁶⁴ The government of Burma claims that in 1997 the Office of the Adjutant General issued a directive not to practice forced recruitment. 1131/Yay-1(Kha), 5 April 2000, cited in “Report on Forced Labour Development in Myanmar,” Government of the Union of Myanmar, Ministry of Labor, February 2005, Rangoon, p. 45.

¹⁶⁵ “Secretary-1 receives Special Representative of the Secretary-General for Children and Armed Conflict,” *The New Light of Myanmar*, June 28, 2007.

for several years during their ceasefire in Southern Shan State, told Human Rights Watch,

I've heard Kyaw Hsan [the SPDC information minister] say in the media that they [SPDC] have no child soldiers but this is a plain lie. They are using child soldiers. How can people know about this Committee? I've never heard of this Committee.¹⁶⁶

In practice, the principal public awareness raising function of the Committee appears to be focused on disavowing that child soldiers are forcibly recruited to serve in the Tatmadaw.¹⁶⁷ For example, a report in the newspaper *New Light of Myanmar* about the fourth Committee meeting states bluntly that “conspirators are framing the Tatmadaw for the alleged forced recruitment of juvenile soldiers for the front lines, and trying to raise the matter at the UN for the global body to take action against Myanmar. Thus, the committee will have to pay attention to refuting the matter.”¹⁶⁸

Under the auspices of the National Committee on the Rights of the Child, the Ministry of Social Welfare, Relief and Resettlement has reportedly conducted a series of child protection workshops that include educative talks about preventing child recruitment. No details are available about the content of these talks. In 2005, the ILO noted that similar public awareness raising workshops focused on preventing forced labor had “no apparent impact.”¹⁶⁹

The Myanmar Literacy Research Council, a UNICEF partner agency, is also conducting a series of child protection workshops in various parts of the country in collaboration with the Ministry of Social Welfare, Relief and Resettlement. These trainings

¹⁶⁶ Human Rights Watch interview with Hkun Thu Rein, August 2007.

¹⁶⁷ This is further evidenced by the inclusion of the minister for foreign affairs within the Committee.

¹⁶⁸ “Myanmar still facing unjust accusations of child soldiers as only slanders and falsehood reach UN,” *The New Light of Myanmar*.

¹⁶⁹ International Labour Conference, 96th Session, “Special sitting to examine developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention”, 1930 (No. 29), Part III, Provisional Record, Geneva, 2007, p. 12.

reportedly include a discussion about preventing the recruitment of children.¹⁷⁰ Human Rights Watch was able to assess neither the content of these programs nor their effectiveness in preventing and raising awareness about child conscription. However, UNICEF, as well as an international NGO operating inside Burma and a local community group all cited instances in which communities which had received such training were able to successfully intervene in several cases of child recruitment.¹⁷¹ (See additional discussion in Chapter VII, “The International Response.”)

Enforcement of Recruitment Laws and Regulations

The Plan of Action states that the Committee will “take effective action against transgressors if recruitment is not done in accordance with order, instructions, rules and regulations.”¹⁷² In practice, the SPDC has failed to acknowledge the pervasiveness of child conscription, has failed to seriously prosecute perpetrators, and has failed to openly report the details in the few instances in which it apparently has taken disciplinary action. The Committee’s inaction in this regard reinforces the atmosphere of impunity that inhibits society from reporting abusive practices, while emboldening state officials to act extra-legally.

In 2002 the SPDC reported 85 demobilizations and 17 cases of disciplinary action against recruiters; in 2003 this dropped to 75 demobilized and only five disciplined; while for the three-year period between 2004 and 2006 the total number was 122 demobilized (a yearly average of 41) and only six disciplined, all of the latter in the first year (no one was disciplined for recruiting children in 2005 or 2006).¹⁷³ These statistics provide strong indication that the government’s enforcement of its conscription laws and regulations is extremely weak and haphazard, if not perfunctory.

¹⁷⁰ “Measures on the Implementation of Prevention of Military Recruitment of Underage Children by the National Committee on the Rights of the Child.” 2007 (exact date not indicated).

¹⁷¹ Human Rights Watch interviews, Rangoon, August 2007.

¹⁷² “Plan of Action,” p. 3.

¹⁷³ “Alleged forced recruitment of soldiers especially child conscriptions are based on false information,” Information Committee of the State Peace and Development Council, Rangoon, March 16, 2005, <http://www.myanmar Digest.com/press/2005/16-3a.html> (accessed October 14, 2007); “Myanmar’s Five Year National Plan of Action to Combat Human Trafficking (Draft) (2007-2011).” The latter document notes only four cases of disciplinary action taken in 2003.

The government of Burma has not publicly reported any information about the specific crimes that these personnel were charged with or the disciplinary sanctions imposed. In one instance it is known that a case of child conscription reported by the ILO in 2007 prompted a commission of inquiry to investigate the incident; further details are not available.¹⁷⁴ In a separate incident, which may be included in the statistics reported above, a sergeant was demoted to the rank of lance corporal, apparently because the parents of a child he had recruited lodged a complaint.¹⁷⁵ In 2002 the SPDC informed Human Rights Watch that military personnel who recruit children in contravention of the Defense Services Act may be punished under article 65 of that act and, if found guilty of any act or omission “prejudicial to good order and military discipline,” may be convicted by court martial and imprisoned for up to seven years.¹⁷⁶

These few instances in which the Ministry of Defense has imposed disciplinary punishment occur within a broader context of impunity and public disavowals of any problem. Adjutant General Thein Sein, the most senior official in charge of military recruitment, has made repeated public denials that the Tatmadaw engages in the forcible recruitment of children; in at least one instance he attributed instances of child recruitment to minors who lied about their ages.¹⁷⁷ Government-controlled media generate a steady stream of similar propaganda stressing the government’s strict adherence to the law and denouncing reports of child recruitment as false.¹⁷⁸

The atmosphere of impunity cultivated by the military is exemplified in an article on the Committee’s work entitled “Alleged Forced Recruitment of Child Conscriptions are Based

¹⁷⁴ International Labour Conference, 96th Session, “Special sitting to examine developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29),” Geneva, Committee on the Application of Standards, June 2007, C. App./D.5, pp. 2-3.

¹⁷⁵ Human Rights Watch interview with former child soldier Than Myint Oo, August 2007.

¹⁷⁶ Letter to Human Rights Watch from the Permanent Mission of Myanmar to the United Nations, New York, July 17, 2002, reproduced in Human Rights Watch, “*My Gun Was as Tall as Me*,” pp. 212-213.

¹⁷⁷ Information Sheet, No. D- 3773(I), August 23, 2006, Myanmar Information Committee, Rangoon. See also Information Sheet No. D- 3936(I) February 2, 2007, Myanmar Information Committee, Rangoon, which states that “some youngest children, the raw recruits who lied their age (sic.) in the recruitment and those who failed in medical examination were handed over to their parents.”

¹⁷⁸ “Myanmar still facing unjust accusations of child soldiers as only slanders and falsehood reach UN,” *The New Light of Myanmar*. See also, “In Myanmar there are laws, rules, orders and directives that protect the rights of the children,” *The New Light of Myanmar*, October 6, 2004.

on False Information.”¹⁷⁹ After issuing blanket denials of all allegations of forced recruitment of children, the article goes on to note that the few instances in which minors were recruited were “due to inefficiency of recruiting personnel” or were a “mistake.” While noting that action was taken against the responsible parties, no details are provided about who was punished, specifics as to why, or any indication of the punishment they received (whether it was simply a written reprimand, transfer, demotion, a fine, or a jail sentence). In stark contrast, that same article then elaborates actions taken to prosecute four “unscrupulous businessmen” for selling answers to national matriculation exams. The article notes “their greedy acts amount to breaching the education policy of the State and ruining the moral character of the new generation youths.” The article then lists the names and addresses of the individuals accused (a court had not yet found them guilty), the specific crimes they had (allegedly) committed, the statutes under which they would be prosecuted, and the punishments to which they would be subject.¹⁸⁰

The government’s blanket denial that Tatmadaw officials forcibly conscript children is often coupled with assertions that all reports of such are “slanderous accusations” fabricated by neo-colonialist powers like the United States and United Kingdom supported by “alien-reliant national traitors at home and abroad.” Citizens are intoned to “guard the country against such danger with the strength of national unity and nationalist spirit.”¹⁸¹

Characterizing the issue in this manner sends a clear message to Burmese citizens that the government regards its recruitment practices as a matter of national security, and that it is not receptive to receiving complaints by citizens about the wrongs committed by its officials. In several well publicized cases, the government has prosecuted and imprisoned persons it accused of reporting human rights violations to international organizations and dissident political groups.¹⁸² In other instances,

¹⁷⁹“Alleged forced recruitment of soldiers especially child conscriptions are based on false information,” Information Committee of the State Peace and Development Council.

¹⁸⁰Ibid.

¹⁸¹Information Sheet No. D- 3936(I) February 2, 2007, Myanmar Information Committee, Rangoon; “Myanmar still facing unjust accusations of child soldiers as only slanders and falsehood reach UN,” *The New Light of Myanmar*.

¹⁸²International Labour Conference, 93rd Session, “Special sitting to examine developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)” Provisional Record, Geneva, 2005, p. 2.

domestic courts have imprisoned persons for defamation of character after they brought cases against local government officials for human rights violations.¹⁸³ One particularly blatant example of military impunity occurred in March 2007, when four girls between the ages of 14 and 16 years were imprisoned after news services reported that they had been gang-raped by seven army soldiers the previous month in Putao, Kachin state.¹⁸⁴

The military's impunity acts as a significant disincentive for citizens to bring cases of child conscription to the government's attention, and may even inhibit parents from trying to secure the release of their own children. While conducting research for this report, a Human Rights Watch researcher suggested to one community leader that the parents of four children ages 13 and 14 might wish to report their children's conscription to the ILO in order to secure their release. His vehement response was that it was too dangerous to do so, that local authorities would surely punish the parents, and that the ILO and UN would be powerless to then protect the parents. To illustrate this he specifically referred to the Putao rape incident.¹⁸⁵

Government Cooperation with International Agencies

The Plan of Action states that the Committee will cooperate with UNICEF, the UN resident coordinator, and the International Committee of the Red Cross. Such cooperation is regularly extolled in state-run media.¹⁸⁶ In 2006 Adjutant General Thein Sein stated that "due to the co-operation of UNICEF and UNDP under the United Nations, there are very few cases of recruiting minors for military service in the Tatmadaw."¹⁸⁷ In September 2007 the *New Light of Myanmar* even went so far as

¹⁸³ Ibid.

¹⁸⁴ On 2 February, 2007, soldiers brought four girls to the No. 138 Infantry Battalion in Mulashidi, Putao, Kachin state, where they were raped by three military officers and four soldiers. Fearing retribution, the parents did not report the case to the police. Although a local village Administrative Committee ordered compensation of 500,000 kyat to each victim, the army paid a total of only 300,000 kyat to the victims. Two of the younger victims were reportedly sent to juvenile detention facilities, and the other two were detained at the Putao prison; their current situation is unknown. Human Rights Watch interview with a resident of Putao, July 2007.

¹⁸⁵ Human Rights Watch interview with a community leader, July 2007.

¹⁸⁶ See for example, "Secretary-1 briefs foreign diplomats on activities of Committee for Prevention of Recruiting Child Soldiers," *The New Light of Myanmar*, February 8, 2007.

¹⁸⁷ Information Sheet, No. D- 3773(I), Myanmar Information Committee, Rangoon, August 23, 2006.

to report that the government was “working in cooperation with UN agencies to reveal that accusation concerning child soldiers is totally untrue.”¹⁸⁸

In practice, however, the government’s cooperation has generally been perfunctory. In certain disturbing instances the government has deliberately obstructed the work of international agencies. In the three-and-a-half years since its formation the Committee has not participated in constructive dialogue with international organizations on issues related to child conscription, has completely failed to cooperate in reintegrating child soldiers, and its members have undermined the ICRC’s most important protection activities. The Plan of Action also states that the Committee will provide timely information about its work through the Myanmar permanent representative to the United Nations in New York. However, when Human Rights Watch requested information on child soldiers, the permanent mission, in its written reply, declined to answer any of the questions submitted (See Appendices B and C).¹⁸⁹

Despite commitments made in the Plan of Action, the Committee has failed to operate transparently and to engage the United Nations in dialogue on issues related to child conscription and provide it with unhindered access to carry out its work.

According to the UN resident coordinator, the Committee has provided his office with “periodic letters which provide some information on troop demobilization, a letter following Coomaraswamy’s¹⁹⁰ visit on activities against recruitment officers, and we have visited Mandalay and Yangon recruitment centers, but what is missing is a mechanism with regular interaction by which we can ask for clarifications.”¹⁹¹

¹⁸⁸ “Myanmar working in cooperation with UN agencies to reveal that accusation concerning child soldiers is totally untrue, Secretary-1 addresses meeting on the formation of a working committee to adopt a monitoring and reporting mechanism for prevention against recruiting minors into army,” *The New Light of Myanmar*, September 18, 2007.

¹⁸⁹ “Plan of Action,” p. 4.

¹⁹⁰ Radhika Coomaraswamy, the Special Representative of the Secretary-General for Children and Armed Conflict, visited Burma in June of 2007.

¹⁹¹ Human Rights Watch interview with UN Resident Coordinator Charles Petrie, Bangkok, August 30, 2007.

More bluntly, Special Representative Coomaraswamy has stated that the information the Committee has provided to the UN has not allowed it to verify facts and that “a new and more open approach” to the Committee’s work is necessary.¹⁹²

On September 18, 2007, the SPDC announced that the director-general of International Organizations and Economic Department of the Ministry of Foreign Affairs had been designated as the focal point for communication with UN resident agencies; previously the focal point had been the director of the Directorate of Military Strength of the Ministry of Defense.¹⁹³ This shift effectively removes the UN Country Team’s direct line of communication with the Ministry of Defense, and suggests that the SPDC has no intention of substantively engaging the UN to establish a monitoring mechanism in accordance with UN Security Council resolution 1612.

At the request of Radhika Coomaraswamy, the SPDC recently provided to the United Nations an “annotated list” of military personnel whom they claim were disciplined for violating the government’s recruitment policies with regard to minors, as well as a list of children who have been demobilized from the armed forces. UN officials declined to share either of these documents with Human Rights Watch as they considered them confidential and too sensitive. However, a diplomat described the documents as incomplete and inadequate, noting the “annotated lists” provide neither information about why the military personnel were disciplined, nor the punishments imposed; consequently, he suggested, the lists were unclear as to whether the disciplinary measures were imposed for recruiting children, or perhaps might reflect sanctions against military officials for failing to meet their recruitment quotas.¹⁹⁴

The Committee’s periodic reports and the four reports of the National Committee on the Rights of the Child issued in 2007 are similarly lacking in substantive information. One such report, a double-sided one-page document, indicates one instance in which a 15-year-old was discharged from the army and returned to his parents, and

¹⁹² Office of the Special Representative of the Secretary-General for Children and Armed Conflict, “Visit of the Special Representative for Children & Armed Conflict to Myanmar (June 25-29, 2007),” July 2007, p. 6.

¹⁹³ “Myanmar working in cooperation with UN agencies to reveal that accusation concerning child soldiers is totally untrue,” *The New Light of Myanmar*.

¹⁹⁴ Human Rights Watch interview with a Rangoon-based diplomat (name and nationality withheld), September 2007.

provides lists of areas where awareness raising and educational activities have been conducted.¹⁹⁵

Since 2004 the SPDC has allowed UNICEF and UNDP officials and other diplomats to visit army recruitment and basic training facilities on five occasions. One government-issued statement referred to these highly publicized visits as “[a]rrangements ... for enabling those UN agencies to frequently meet newly recruited members at the [recruitment] units.”¹⁹⁶ In interviews with Human Rights Watch, diplomats were quick to discount these orchestrated gatherings as “Potemkin visits” and “showcase events.”¹⁹⁷ Planned well in advance, and under the escort of senior military officials, these short visits offered no opportunity for private or sustained interaction with new recruits, nor any means to verify the Committee’s claims that it strictly enforces its minimum age requirements. As the earlier testimony from Than Myint Oo suggests (see this chapter, section “Training”), authorities may well remove all children from these facilities prior to such visits. The primary value of such visits, according to UN officials, is that they provide rare opportunities to interact with Committee officials, and thus an opportunity for “trust building” that, they hoped, might someday evolve into more substantive future cooperation.

Of broader concern is the SPDC’s continued restriction of the United Nations’ access to conflict-affected areas and to other areas where a ceasefire may be in effect. The Ministry of National Planning and Economic Development coordinates and seeks approval for visits by national staff of UN agencies and projects. In some cases the process results in delays of up to two weeks. Guidelines also specify that national staff may be accompanied on the trip. As noted by the special representative of the secretary-general on children and armed conflict, such restrictions are “clearly

¹⁹⁵ “Measures on the Implementation of Prevention of Military Recruitment of Underage Children by the National Committee on the Rights of the Child.” 2007 (exact date not indicated).

¹⁹⁶ Information Sheet, No. D- 3773(I), Myanmar Information Committee, Rangoon, August 23, 2006; See also, Information Sheet No. D- 3936(I) Myanmar Information Committee, February 2, 2007.

¹⁹⁷ The 2006 US State Department human rights report on Burma notes, “The government invited UNICEF to visit military recruitment centers, but UNICEF declined because it deemed government organized tours to be of little value.” US State Department, Bureau of Democracy, Human Rights, and Labor, “Country Reports on Human Rights Practices – 2006: Burma,” March 6, 2007, <http://www.state.gov/g/drl/rls/hrrpt/2006/78768.htm> (accessed October 9, 2007).

inadequate to the needs for independent monitoring and verification central to the SCR [Security Council resolution] monitoring and reporting practice.”¹⁹⁸

UNICEF

The Plan of Action states that the Committee will ensure cooperation with UNICEF on the reintegration of child soldiers, the raising of awareness on child rights, and the registration of births. In practice the Committee has not allowed UNICEF to provide former child soldiers with reintegration assistance in any form, although UNICEF formally requested to be involved in such. UNICEF’s request for access to minors in prisons is also pending. In one instance, UNICEF was allowed to provide one half-day lecture on the Convention on the Rights of the Child and child protection to recruitment officers from the Directorate of Military Strength.

The most successful area of collaboration has been a series of workshops on child rights and child protection conducted by UNICEF through a partner agency, the Myanmar Literacy Resource Center, in conjunction with the Ministry of Social Welfare, Relief, and Resettlement (see further discussion in Chapter VII).

Statistics reported by UNICEF suggest that birth registration efforts have yielded dramatic progress.¹⁹⁹ However, this success is likely to have only minimal impact in preventing child recruitment, since government officials are known to consistently falsify recruits’ ages, and even to change their identities.

In June 2007 the SPDC agreed to appoint a focal point at the Ministry of Social Welfare to engage directly with UNICEF. The agreement to do so came at the end of the visit of Radhika Coomaraswamy, the special representative of the secretary-

¹⁹⁸ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, “Visit of the Special Representative for Children & Armed Conflict to Myanmar (June 25-29, 2007)”, p. 6.

¹⁹⁹ According to UNICEF, 65 percent of all births between 1999 and 2005 were registered. See http://www.unicef.org/infobycountry/myanmar_statistics.html (accessed October 14, 2007).

The State of the World’s Children 2005 indicates that between 1999 and 2003 only 39 percent of all births were registered. See <http://www.unicef.org/sowc/archive/ENGLISH/The%20State%20of%20the%20World’s%20Children%20202005.pdf> (accessed October 14, 2007).

general on children and armed conflict. Details of the agreement are still being negotiated.²⁰⁰

The International Committee of the Red Cross

The Plan of Action states that the Committee will cooperate with the International Committee of the Red Cross in accordance with existing laws of Myanmar.

The ICRC has intervened on behalf of minors conscripted into the Burmese armed forces, when requested to do so by a parent or guardian of the child.²⁰¹ In accordance with their principle of confidentiality, the ICRC cannot publicly elaborate the number of instances in which it has done so. A person previously imprisoned in Toungoo stated that in 2003 he reported to the ICRC that some 25 to 30 minors who had deserted from the Burma army were imprisoned in his facility. He stated that prison authorities then transferred the minors to the juvenile detention center in Meiktila prior to the ICRC's subsequent visit in order to hide them from the ICRC. He was unaware of what ultimately happened to them.²⁰²

The government's increasing interference in ICRC prison visits from mid-2005, including demands that such visits be supervised by government escorts, ultimately prompted the ICRC to suspend all prison visits in January 2006; the last visit was in December 2005.²⁰³ In a rare public condemnation in March 2007, the ICRC's director of operations reported the closure of field offices in Kengtung and Moulmein because "drastic restrictions" were jeopardizing the ICRC's work.²⁰⁴ In 2007 the ICRC's office in Taunggyi was also closed. In June the ICRC issued a rare public denunciation of the government for "major and repeated violations of international humanitarian law." The statement highlighted the military's use of prisoners as porters, resulting in

²⁰⁰ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "Visit of the Special Representative for Children & Armed Conflict to Myanmar (25-29 June 2007)," p. 5.

²⁰¹ US State Department, Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices – 2006: Burma."

²⁰² Human Rights Watch interview with a former political prisoner, August 2007.

²⁰³ ICRC Annual Report 2006: Myanmar, [http://www.icrc.org/Web/Eng/siteeng.nsf/htmlall/738D24/\\$FILE/icrc_ar_o6_myanmar.pdf?OpenElement](http://www.icrc.org/Web/Eng/siteeng.nsf/htmlall/738D24/$FILE/icrc_ar_o6_myanmar.pdf?OpenElement) (accessed October 14, 2007), p. 187.

²⁰⁴ "Myanmar: No progress in talks, ICRC closes offices," ICRC press release 07/30, March 15, 2007.

exhaustion, malnutrition, degrading treatment, and in some cases murder. The statement also elaborated abuses against civilian populations including “the large-scale destruction of food supplies and of means of production” and noted that the “armed forces have committed numerous acts of violence against people living in these areas, including murder, and subjected them to arbitrary arrest and detention.” The statement further notes that “increasingly severe restrictions imposed on the ICRC by the government have made it impossible for the organization’s staff to move about independently in the affected areas and have hampered the delivery of aid intended for strictly humanitarian, apolitical purposes.”²⁰⁵

The International Labour Organization

Although the Plan of Action does not identify the ILO as an agency with which the government will cooperate on issues related to child conscription, it is nonetheless obligated to do so under its agreements with the ILO’s governing body. The government’s shortcomings in this regard are symptomatic of broader trends in its cooperation with international agencies, and scrutiny of them is useful in identifying potential pitfalls that will confront any future initiative to protect children against military recruitment.

On February 26, 2007, the SPDC and the ILO concluded a Supplementary Understanding by which victims of forced labor may “channel their reports” to the government through the ILO liaison officer.²⁰⁶ Child conscription violates the Forced Labour Convention (No.29) and is therefore encompassed by this agreement. At least two cases of child conscription have reportedly been resolved through the mechanism.²⁰⁷ In the first instance, the adjutant general reportedly instituted a Court

²⁰⁵ “Myanmar: ICRC denounces major and repeated violations of international humanitarian law,” ICRC press release 82/07, June 29, 2007, <http://www.icrc.org/Web/Eng/siteeng.nsf/html/myanmar-news-290607> (accessed October 14, 2007).

²⁰⁶ International Labour Conference, 96th Session, “Special sitting to examine developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)” Provisional Record, 22 Part III, Geneva, 2007, pp. 46-48 (“Supplementary Understanding”).

²⁰⁷ As of June 2007 the ILO Liaison Officer had referred a total of eight cases to the government, including one case of child conscription. See “Observations and information concerning particular countries: Special sitting to examine developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)” International Labour Conference 96th session, Geneva, 2007, Provisional Record 22, Part 3, pp. 17-18. <http://www.ilo.org/public/english/standards/relm/ilc/ilc96/pdf/pr-22-part3.pdf> (accessed October 18, 2007). See also “Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29) Addendum: The functioning of the complaint mechanism established under the ‘Supplementary

of Inquiry against the responsible person(s).²⁰⁸ In the second instance, the minor had reportedly lied to recruiters about his age.²⁰⁹ Both cases resulted in the discharge of the minor and his return to the parents. Additional child soldier cases are reportedly pending.

In meetings with Human Rights Watch, the ILO expressed particular optimism about the government's commitment to act on instances of child recruitment under the Supplementary Understanding.²¹⁰ Although these recent successes are welcome, the Supplementary Understanding should be evaluated in light of the government's broader policies and practices.

In the past the government has made commitments to halt human rights abuses only when it is faced with the threat of substantive international sanction. Its subsequent adherence to such commitments has generally been lax. Notably, the government concluded the Supplementary Agreement only 10 days prior to the convening of the ILO Governing Body which had announced its intention to request an advisory opinion from the International Court of Justice relating to the government of Burma's forced labor practices.²¹¹ The government of Burma was similarly prompted to make public commitments in 1994 when (as noted above) it formed the Committee to Prevent the Recruitment of Underage Children a week prior to a Security Council open debate on children and armed conflict at the United Nations, and in June 2007 when it made a series of commitments to the special representative of the secretary-general for children and armed conflict several months prior to the UN Security Council working group on children and armed conflict's consideration of Burma under Security Council resolution 1612.

Understanding", International Labour Office Governing Body 298th Session, Geneva, March 2007, pp. 2-3. Document GB.298/5/1(Add.2), <http://www.oit.org/public/english/standards/relm/gb/docs/gb298/pdf/gb-5-1-ad2.pdf> (accessed October 17, 2007).

²⁰⁸ Ibid.

²⁰⁹ Human Rights Watch interview with an ILO representative, August 2007.

²¹⁰ Human Rights Watch interview with an ILO representative, August 2007.

²¹¹ International Labour Office Governing Body 298th Session, "Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29) Addendum: The functioning of the complaint mechanism established under the 'Supplementary Understanding'", International Labour Office Governing Body 298th Session, Geneva, March 2007, pp. 2-3. Document GB.298/5/1(Add.2), <http://www.oit.org/public/english/standards/relm/gb/docs/gb298/pdf/gb-5-1-ad2.pdf> (accessed October 17, 2007).

The Supplementary Understanding follows a decade of overt governmental obstruction of the ILO's work. At least six people on three separate occasions were arrested and imprisoned for lodging forced labor complaints to the ILO; in one instance a sentence of life imprisonment was imposed.²¹² Others have been subject to intimidation, interrogation, temporary detention, and threats for having contact with the ILO.²¹³ In at least one instance, persons who independently lodged complaints of forced labor through local courts were given six-month prison sentences after being sued by local officials for defamation of character, despite the government's publicly stated commitments to end forced labor.²¹⁴

The government's past performance in resolving reported cases of child conscription has been equally poor. Of the 15 instances that the ILO reported to the government in 2004 and 2005 (prior to the Supplementary Understanding), only five resulted in the discharge of the minor.²¹⁵ In eight cases, the government asserted that the persons were voluntarily recruited, over age 18, and that the parents had been pressured to file false claims. The government made these claims despite the ILO's presentation of documentary proof of the ages of the children and discrepancies in the Ministry of Defense's documents concerning the dates of recruitment.²¹⁶

The terms of the Supplementary Understanding also impose significant constraints on the ILO that may undermine its work. The ILO is only able to act when an aggrieved party makes a public complaint.²¹⁷ In at least one case, human rights workers' efforts to secure the release of a child soldier from military service reportedly failed because military officials dissuaded parents from making a formal report by offering the parents money and foodstuffs.²¹⁸ More significantly, the

²¹² International Labour Conference, 93rd Session, "Special sitting to examine developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)," Provisional Record, Geneva, 2005, 22 parts 3/28-3/29.

²¹³ *Ibid.*, 22 parts 3/33-3/35.

²¹⁴ *Ibid.*, 22 part 3/33.

²¹⁵ In one case, the person could not be found in the battalion in which he was reported to be serving. Another case apparently remains unresolved. *Ibid.*, 22 parts 3/67-3/70, 3/73.

²¹⁶ Of these eight, the government stated that one was missing from his battalion, and two were in jail for desertion.

²¹⁷ In cases of child conscription a parent or guardian would need to make the complaint.

²¹⁸ Human Rights Watch interview with a Rangoon-based community worker, August 2007.

government's past record of arresting and intimidating complainants is likely to inhibit many from lodging complaints with the ILO for fear that doing so may endanger them.²¹⁹ Although the Supplementary Understanding prohibits "judicial or retaliatory action against complainant(s)," it is unclear that the ILO could protect victims in any meaningful manner if there are acts of retribution, or even whether it would be aware of such unless the victims or their agents were able to bring this to the attention of the ILO.

²¹⁹ Between February and June 2007 the ILO declined to act on two cases of forced labor because the complainants refused to publicly identify themselves. Correspondence shared with Human Rights Watch indicates that in both cases the forced labor incident had impacted an entire village and could have easily been investigated in the absence of a complainant.

VI. Child Soldiers in Non-State Armed Groups

I was watching the video, and he sat and talked to me. He said if I joined I'd be happy and get a salary and uniform. I don't remember his name but he was from KNPLF. I agreed to join. He spoke to many people in the cinema, one by one, 20 or 25 people, adults, women, boys. About six people went with him. The older ones were 16 or 17, the younger ones 11, 12 or 13. I went home but didn't tell my mother, then I went with him.

—Koo Reh, recruited by the Karenni Nationalities People's Liberation Front in 2005 at age 13²²⁰

There are several dozen non-state armed groups in Burma, and each year sees the creation of one or two more. This report does not attempt to present the details of each such group, because of limited space and because any such attempt could not fairly give each group the same degree of attention. Instead, it will look at policy, practice, and trends using examples of various groups to give an indication of how some of these groups recruit, deploy, and treat child soldiers, and what (if any) initiatives they have undertaken to confront the issue. The examples are intended to be illustrative rather than exhaustive: there are probably at least 20 armed groups that are not mentioned below even if they have child soldiers. It is safe to say that most of Burma's non-state armed groups have at least some child soldiers in their ranks, but they differ greatly in how these children are recruited and treated, and in their willingness and efforts to stop using child soldiers. All of them are much smaller in troop strength than the Tatmadaw, and even taken in combination their numbers of child soldiers do not begin to compare with the large numbers of child soldiers in the Tatmadaw. Different groups have been ignoring or confronting the issue in very different ways. Addressing the problem in any single group, however, would require a specific study of conditions within and surrounding that group to a degree that is beyond the depth of analysis possible in this report.

²²⁰ Human Rights Watch interview with Koo Reh, July 2007.

Burma's non-state armed groups vary greatly in size, numbering from a few dozen soldiers to several thousand. Exact numbers are difficult to establish because some groups greatly exaggerate their size, while others treat the information as secret. The United Wa State Army (UWSA) is widely believed to be the largest in fighting strength, with some analysts estimating their troop strength as 20,000 or more.²²¹ No other group is generally believed to field over 10,000 troops; several are likely to fall in the 1,000 to 5,000 range, with many numbering under 1,000.

Prior to 1988 non-state groups controlled a large proportion of Burma's land area, but this has since been greatly reduced by Tatmadaw inroads. Beginning in 1989 with the UWSA, the majority of armed groups have made ceasefire agreements with the state. Under these ceasefires, the non-state groups retain their arms and partial control over territory, but the agreements do not establish any new political structures and in some cases do not even exist in written form. Over 10 groups are still fighting against the Tatmadaw, but of these only the Shan State Army-South (SSA-S), Karen National Liberation Army (KNLA), and Karenni Army (KA) number over 1,000 troops. "Ceasefire groups" and "non-ceasefire groups" alike rely on local civilian populations to a large extent for resources, and most are engaged in business activities, so there are advantages in having more troops who can exert de facto influence over more villages—provided the group has the resources to arm and equip them. Even ceasefire groups want enough troops to defend themselves against rivals, and against the Tatmadaw should the ceasefire break down. Finally, greater troop strength is also used to claim greater legitimacy and rights to inclusion in political negotiations. All of these factors motivate some groups to seek expansion through forced or voluntary recruitment, while others recruit simply to maintain their present strength and position, particularly if prevented from expanding by lack of weapons, ammunition, and equipment.

Non-state groups differ from the Tatmadaw in that they recruit in far smaller numbers. Many child recruits tend to be volunteers, either because their families cannot support them, they want to participate in armed struggle, or because they are seeking to fight back against human rights abuses that have affected their families and villages. Some armed groups impose recruit quotas on villages, and families

²²¹ See, for example, "Tension mounts between Wa and Naypyidaw," *The Irrawaddy*, August 14, 2007.

called upon to supply a recruit often send a child under 18—either to retain the older, more productive family members needed for family survival, or because they have no children over 18. The greatest test of the policy of a non-state group, and where policies against child recruitment often break down in practice, occurs when confronted with underage volunteers who may be homeless orphans, or child recruits sent by a village to fulfill its recruit quota.

After recruitment, it appears that most of these armies treat their soldiers more humanely than the Tatmadaw does, though they do not provide much in the way of salary, and living conditions are often difficult. Some groups deploy child soldiers in combat situations, while others restrict them to office or rear-area duty. Desertion does occur, and many groups say that they do not have the capacity nor the will to pursue or recapture deserters.

Each of the past 10 years has seen the creation of several new non-state armed groups, some by splitting off from existing groups and others newly created. In some cases these are factions breaking away in order to negotiate a ceasefire with the SPDC, while others have broken away from ceasefire groups in order to resume fighting. Either way, new factions or groups usually seek rapid expansion through recruitment in order to protect themselves and gain legitimacy. Without firm policies yet in place, newly established groups are particularly prone to recruiting children. Even long-existing non-state groups have only recently begun seeing child recruitment as an issue, or previously considered childhood to end at a younger age such as 15. Some, including the Karenni Army and the Karen National Liberation Army, have taken extensive measures to try to bring their practices into line with international standards. Others are wary of engaging the international community on this issue, including the Shan State Army-South, which appears to have taken some measures on its own but is reluctant to allow outside monitoring, and the Kachin Independence Army (KIA), which considers accepting children into non-combat roles in the Army as a form of foster care for vulnerable children, and insists that it will continue to deal with the issue without outside involvement. Finally, some groups flatly deny having child soldiers despite clear evidence to the contrary, or demonstrate no concern over the recruitment of children, including the Democratic Karen Buddhist Army (DKBA), the Rebellion

Resistance Force in Kachin State, and the United Wa State Army. These examples and others are discussed in more detail below.²²²

The first examples presented below are the three non-state armed groups that, along with the Tatmadaw, are currently included on the UN secretary-general's list of groups using child soldiers: the United Wa State Army, Karenni Army, and the Karen National Liberation Army. These are followed by several other groups presented as examples, with the larger groups presented first.²²³ Based on the evidence gathered for this report, Human Rights Watch recommends that the Karenni Army (KA) be removed from the secretary-general's list of parties to armed conflict in violation of international norms prohibiting the recruitment and use of child soldiers, and that the Democratic Karen Buddhist Army and the Karenni Nationalities People's Liberation Front (KNPLF) should be among groups considered for addition to the list.

United Wa State Army

The United Wa State Army (UWSA) is probably Burma's largest non-state armed group, with troop numbers often estimated at 20,000.²²⁴ It has operated under a ceasefire with the government since 1989, and is based in two main areas in northeastern and southern Shan state. In 2002 Human Rights Watch interviewed witnesses and a former UWSA soldier who testified that the UWSA requires each family in their areas of operation to provide one son to the army, and that they also conduct recruiting sweeps on villages in which they take boys as young as 12. Young boys are then put through military education and training and become soldiers at a very young age, leading to a high proportion of child soldiers within the UWSA.²²⁵ Since then, occasional witness reports suggest that the situation has changed little if at all, though Human Rights Watch was unable to gather detailed information on the current status of the UWSA for this report. People from southern Shan state recently reported that the SPDC has now ordered UWSA units in southern Shan state to withdraw to the UWSA headquarters area in northeastern Shan state. Instead of

²²² More background on these and other groups can be found in Human Rights Watch, *"My Gun Was as Tall as Me."*

²²³ Not in strictly decreasing order of size, as definite staffing numbers are not available.

²²⁴ See, for example, "Tension mounts between Wa and Naypyidaw," *The Irrawaddy*.

²²⁵ Human Rights Watch, *"My Gun Was as Tall as Me,"* pp 112-117.

moving, the five UWSA bases affected are reportedly strengthening their defenses and reinforcing their troop numbers for a possible confrontation with the Tatmadaw. To support these efforts the UWSA is reportedly recruiting heavily in some areas, which could involve child recruitment.²²⁶

Karenni Army

The Karenni Army (KA) is the armed wing of the Karenni National Progressive Party (KNPP), and operates in eastern Kayah (Karenni) state. Though a ceasefire was agreed in 1995, it was broken by the Tatmadaw in 1996 and armed conflict has continued since then. Gen. Aung Mya, second in command of the KA, told Human Rights Watch that their forces are divided into a full-time professional army now numbering about 600, and a part-time militia also numbering about 600. He noted that ongoing Tatmadaw campaigns are displacing villagers in the Mawchi area of southern Kayah state, causing many displaced villagers to approach the KA wanting to join the militia, which is expanding.²²⁷ According to KNPP spokesman Khu Oo Reh, since 1973 the state constitution as drafted by the KNPP prohibits the recruitment of anyone under age 18: “Our policy is that we don’t recruit anyone under 18, and we don’t conscript anyone. There are only volunteers in the KA. Even the child soldiers you found before were volunteers who joined because their families had suffered and they wanted to retaliate against the Tatmadaw.”²²⁸ “The child soldiers you found before” refers to Human Rights Watch research in 2002, which documented the presence of child soldiers in the KA.²²⁹ Since that time, Khu Oo Reh and Gen. Aung Mya state that the KA has demobilized the child soldiers it had and has taken steps to ensure no further recruitment of children will occur. Following discussions with UNICEF and UNHCR, in April 2007 KNPP and KA leaders jointly signed a Deed of Commitment condemning the recruitment and use of child soldiers and stating, *inter alia*,

²²⁶ Accounts to Human Rights Watch by nongovernmental organisation workers with contacts in the Shan and Wa communities, August 2007. See also “Tension mounts between Wa and Naypyidaw,” *The Irrawaddy*.

²²⁷ Human Rights Watch interview with KA Gen. Aung Mya, July 2007.

²²⁸ Human Rights Watch interview with Khu Oo Reh, July 2007.

²²⁹ See Human Rights Watch, *“My Gun Was as Tall as Me,”* pp. 136-143.

1. We will not recruit or use in any circumstances ‘voluntarily’ or by force, persons under the age of 18 years under any circumstances;
2. We will undertake all feasible measures to prevent such recruitment and use of children as soldiers within the KNPP and KA;
3. We will permit the monitoring, by independent third parties agreed upon, of our commitment and adherence to the principles of the Optional Protocol [on Children and Armed Conflict] and compliance with the provisions thereof; ...²³⁰

When interviewed for this report in late July 2007, Gen. Aung Mya stated, “I just received a message from the front line near Shadaw that 15 children have been sent to the KA by their parents to join because their families couldn’t care for them, but I ordered them not to accept them and to send them back to their parents. We can no longer take children.”²³¹ He reported that there are still two boys age 14 at one KA camp near the Thai border; these two boys attempted to volunteer and were rejected by the KA and sent to school, but have repeatedly run away and reappeared at the KA camp, where they sometimes stay for some time but are not allowed to engage in any military functions. Khu Oo Reh says children who try to join, if they have no other options, are sent to school with material support from the KNPP, but even then they are not pushed to join the KA when they finish school. “Some do, but few. Most end up working in the refugee camp—in the clinics, schools, CBOs [community-based organizations], or studying abroad.”²³² In 1986 the KA first set up school boarding houses in Karenni refugee camps in Thailand to provide an alternative for boys who wanted to join the army. After 2002, resources were short for running these boarding houses and some organizations expressed suspicions that they could be used as recruiting grounds for the KA, so in 2006 responsibility for the one remaining boarding house was taken over by the Karenni Student Development Program (KSDP), a new and independent foundation with outside funding.

Human Rights Watch interviewed witnesses including refugees, community and NGO workers, and health workers in areas where the KA operates, all of whom

²³⁰ Deed of Commitment signed on April 13, 2007, by the chairman of the KNPP and the commander-in-chief of the KA. See Appendix D.

²³¹ Human Rights Watch interview with KA Gen. Aung Mya, July 2007.

²³² Human Rights Watch interview with Khu Oo Reh, July 2007.

corroborated the group's claims that there are no longer child soldiers in the KA. Some noted that the Karenni Army does not hold the attraction for Karenni adolescents in the way that other groups do, such as the SSA-S or the KNLA, because in the current context most Karenni youth are more interested in finding paid work or resettlement to another country. One witness reported that the KA has been shrinking in size and to his knowledge had not held a basic training course for the past two to three years.²³³ Other witnesses reported that most professional KA soldiers are now age 30 and above.

There remains some concern about recruitment to the Karenni militia, because as Gen. Aung Mya noted, villagers are coming forward to volunteer and are being screened only by local officials. The militia is controlled by the KNPP Interior Department "but operate under the same rules and under close watch of the army."²³⁴ General Aung Mya explained, however,

We have informed them [the officers, about the minimum recruiting age], but there is no birth registration so we don't always know. Some lie about their age and we can't be sure. We ask them one by one whether they're really over 18. If we don't believe them we tell them to drop their underwear to check. We also listen to their voice to judge whether they're lying, and look at how strong they are. If there was any doubt, even if we believe them, we keep them at the army camp a month or two and ask their families to come and take them back. We do our best to tell if they're 18, but one problem in our communities is that most people don't know exactly how old they are.²³⁵

The absence of adequate birth registration opens the possibility that even with a strict policy, children could be accepted to the militia or the KA. Moreover, the KNPP and KA have not defined specific disciplinary measures to be taken if their officers are found to have knowingly accepted child recruits. The KNPP and KA could partially remedy these weaknesses by defining such disciplinary measures, and imposing a

²³³ Human Rights Watch interview with Karenni health worker, July 2007.

²³⁴ Human Rights Watch interview with Khu Oo Reh, July 2007.

²³⁵ Human Rights Watch interview with KA Gen. Aung Mya, July 2007.

requirement for volunteers to supply either proof of age or a support letter from parents or village leaders. Meanwhile, organizations such as UNICEF that are currently providing technical and material support to the SPDC to improve birth registration in Burma should extend similar assistance to groups such as the KNPP if their programs are to be balanced in line with the humanitarian principle of neutrality.

In the Deed of Commitment the KNPP and KA declared that they would “facilitate the provision of appropriate assistance by United Nations agencies, international development organizations and NGOs, for the physical and psychological recovery and social reintegration of demobilized or released children within the KNPP and KA.”²³⁶ However, despite their demonstrated willingness to engage Human Rights Watch and other organizations on this issue, no aid has been forthcoming apart from a small amount from local organizations. Just prior to signing the Deed of Commitment in April 2007, the KNPP was notified by the UNICEF Bangkok office that UNICEF would henceforth cease all contact with the KNPP by order of the Thai Government.²³⁷ Though negotiations have been ongoing to remove this restriction, at this writing contact had not resumed. On June 29, 2007, Special Representative of the Secretary-General on Children and Armed Conflict Radhika Coomaraswamy told journalists that she would be contacting the KA and the KNLA “within a month” once modalities for this contact were established; however, as of mid-September the KNPP and KA had received no contact from her office,²³⁸ although her office is responsible for preparing the list of parties recruiting and using child soldiers for the secretary-general’s report to the Security Council on children and armed conflict.

This situation had earlier led Gen. Aung Mya to comment,

People from outside view us the wrong way based only on secondhand information and we have suffered from their accusations for years, so now we welcome anyone to come and see the real situation. We’ve never had a conscription policy. Meanwhile the Tatmadaw does mass

²³⁶ Deed of Commitment, April 13, 2007.

²³⁷ Human Rights Watch interview with KNPP official, July 2007. A UNICEF representative in Bangkok confirmed to Human Rights Watch in August that they had been forced to cut off contact, but would not state for the record where this order had originated.

²³⁸ Human Rights Watch telephone interview with KNPP spokesman Khu Oo Reh, September 16, 2007.

recruitment and nobody says anything, so we're not happy with these UN mechanisms. If you lie they believe you and if you tell the truth they don't.²³⁹

Based on the current absence of evidence of any ongoing recruitment or use of child soldiers by the Karenni Army, Human Rights Watch recommends that the KA be removed from the secretary-general's list.

Karen National Liberation Army

The Karen National Liberation Army (KNLA) continues to be in armed conflict with the SPDC, and has a very extensive area of operations extending from Karen state and Pegu (Bago) division in the north to Tenasserim (Taninthayi) division in the south. Major General Isaac, a senior KNLA officer, estimates its fighting strength to be 3,500 to 4,000 troops, though he says there are about 7,000 listed on the official KNLA register. Regarding recruitment policies, he explained to Human Rights Watch, "It was already decided at our Twelfth Congress in 2000 that the minimum age [for recruitment] should change from 15 to 18."²⁴⁰

In 2002, however, Human Rights Watch found that there were a significant number of child soldiers in the KNLA and probably in its militia wing, the Karen National Defense Organization (KNDO).²⁴¹ As a result of this and of the KNLA's inclusion on the UN secretary-general's list of groups using child soldiers, in 2003 the Karen National Union (KNU, the political organization controlling the KNLA) issued "very clear instructions" to the army not to accept any recruits under 18. Human Rights Watch has obtained Karen-language copies of two subsequent orders sent to brigade and special battalion commanders from KNLA general headquarters in July and December 2006 respectively, both clearly stating that no recruits under 18 should be accepted, with the July order adding that "anyone disobeying this order will face appropriate

²³⁹ Human Rights Watch interview with KA Gen. Aung Mya, July 2007.

²⁴⁰ Human Rights Watch interview with KNLA Major General Isaac, July 2007.

²⁴¹ See Human Rights Watch, *"My Gun Was as Tall as Me,"* pp. 122-131.

action in accordance with army regulations.”²⁴² According to KNU General Secretary Pado Mahn Sha, “If any brigade has even one or two underage soldiers we will take action. We have ordered brigade commanders to watch their battalions and not to allow any underage soldiers, which means under 18.”²⁴³

On March 4, 2007, KNU President Saw Ba Thin Sein signed a Deed of Commitment condemning the recruitment and use of soldiers under 18 and declaring that the KNLA would not do so and would permit outside monitoring to verify compliance; the wording is identical to that quoted above from the Deed of Commitment signed by the Karenni Army.²⁴⁴ Though asserting that officers disobeying orders would be punished in accordance with “Army regulations,” Major General Isaac admits that there are no specific provisions yet in the regulations about disciplining those who accept child recruits. “We have the Army Act, but there is nothing in it about this yet. We just keep sending out reminders [to officers].”²⁴⁵ Recognizing this as a procedural weakness, Major General Isaac promised that at the next KNU congress in 2008 he would recommend adding to the Army Act provisions for punishing child recruiters and methodologies for demobilizing child soldiers.²⁴⁶

In practice the KNLA’s policies on child soldiers are undermined by its conscription policy, which allows one son from each family to be conscripted, provided they have several sons and are not heavily dependent on the son to be conscripted. In recent years this policy has only been sporadically implemented—and not at all in some regions—due to shortages of weapons, ammunition, and resources, but when enforced it often results in children being put forward by families to fill recruiting quotas. A Karen health worker from western Karen state explained that in his area, “In each house, if you have two sons then one has to go. If you only have one son they don’t take him. Starting in 2007 they said they’d do this once every three years. One goes for three years, then if he comes back his brother has to go.” If the boy

²⁴² KNLA General Headquarters written order #GHQ-SEC/DEPT 12/130 to four battalion commanders, July 7, 2006; and KNLA General Headquarters written order # GHQ-SEC/DEPT 12/264 sent to all Brigade and Special Battalion Commanders, December 27, 2006. Both signed by Adjutant General Hla Sein. Translation by Human Rights Watch.

²⁴³ Human Rights Watch interview with Pado Mahn Sha, July 2007.

²⁴⁴ Deed of Commitment signed on March 4, 2007, by the President of the KNU. See Appendix E.

²⁴⁵ Human Rights Watch interview with KNLA Major General Isaac, July 2007.

²⁴⁶ Ibid.

required is under 18, “Then they’ll ask if he’s willing to go or not, but the parents must also be willing. The parents might negotiate to let him finish school first but promise to send him after that.” The interviewee said that the KNLA in his area has far fewer child soldiers than previously, and that officers are now more flexible about conscription: “Now if people say they want to keep going to school and they’re under 18, the KNLA doesn’t force them to join.”²⁴⁷

When children are brought forward to fill recruitment quotas, KNU General Secretary Pado Mahn Sha admits that “some officers still make mistakes.”²⁴⁸ Human Rights Watch learned of several cases of child volunteers being rejected by the KNLA and either returned to their families or sent to schools. However, several independent witnesses told Human Rights Watch that within the past two years they have seen KNLA child soldiers in camps, manning checkpoints, and on operations, particularly in remoter areas of operation far from headquarters, though generally in much smaller numbers than in the past. With such a widespread area of operations and a chain of command weakened by problems of communications and mobility, the KNLA appears to be having difficulty imposing its policies on distant officers, and may be hesitant to alienate those officers by threatening disciplinary procedures.

In the KNDO militia, child soldier policies are even more difficult to monitor. A KNU representative in northern Karen state told Human Rights Watch that there are no longer any child soldiers in the full-time KNLA in his region, but that there are still some children bearing arms in the KNDO because these people are put forward by the villages, recruited by local village tract officials, and rotated every few months or a year. Though his district leaders have warned the village tract officials not to accept children, it still occurs.²⁴⁹

Overall, evidence indicates that the KNU and KNLA have taken action to end the use of child soldiers, and as a result the number of child soldiers among their forces is declining, but the problem is likely to persist until field officers can be better educated and monitored.

²⁴⁷ Human Rights Watch interview with Karen health worker in western Karen state, August 2007.

²⁴⁸ Human Rights Watch interview with Pado Mahn Sha, July 2007.

²⁴⁹ Human Rights Watch telephone interview with KNU district official, August 2007.

Shan State Army – South

The Shan State Army – South (SSA-S) is one of the largest armed groups still fighting the Tatmadaw, under the umbrella of an organization called the Restoration Council of Shan State (RCSS). RCSS/SSA-S officials declare that their regular military strength is 5,000 soldiers, with approximately 5,000 local militia under the control of village heads. The SSA-S previously informed Human Rights Watch that prior to 2001 the group had a policy allowing conscription of able-bodied males ages 16 to 45, but in February 2001 this policy was changed to establish a minimum recruitment age of 18.²⁵⁰ At the RCSS fifth Annual Conference in December 2004, the group released four policy directives, number four of which stated, “The practice of recruiting ‘Child Soldiers’ is not only abusing children rights, but also damaging the future generation and the RCSS policy is against and will do the utmost to stop this practice.”²⁵¹ Since that decision, the SSA-S continued to practice conscription of able-bodied men between 18 and 45.²⁵² Under their “wartime constitution,” which is distributed widely to monks, community leaders, and village heads throughout their area of operations in Shan state, recruiting children is expressly forbidden.

RCSS/SSA-S officials interviewed by Human Rights Watch claimed that background checks are required for all recruits, with affidavits from their village heads and parents. Recruits are instructed to sign a form stating their date of birth, and affirming that they voluntarily join the army (which is oxymoronic in a system of forced recruitment). Rules of war and SSA-S regulations are issued to every recruit, with illiterate men being made to memorize them. These rules include prohibitions on the recruitment of child soldiers.²⁵³ Punishment for recruiting child soldiers can include demotion for NCOs and officers.

In literature and video footage seen by Human Rights Watch, teenage girls and young women are seen wearing SSA-S uniforms and carrying assault weapons during ceremonies. Officials contend that this is just “fashion,” but admit that a program

²⁵⁰ “Shans bow to CRC”, *Shan Herald Agency for News*, February 4, 2001, and Human Rights Watch, *“My Gun Was as Tall as Me,”* p. 118.

²⁵¹ Central Executive Committee RCSS, Statement 1/5, 2004, December 17, 2004.

²⁵² Human Rights Watch interview with SSA-S Maj. Lao Hseng and Maj. Aung Teun, September 2007.

²⁵³ RCSS/SSA-S Soldier Regulation Booklet (in Shan), on file with Human Rights Watch.

called *nang harn* (“brave girls”) does exist to give basic military training (including rudimentary weapons training) for teenage girls. They claim these girls are never used in a combat role, and this program is an adjunct to regular schooling. Likewise, male orphans are not permitted into the regular forces until they turn 18.²⁵⁴

In January 2006 a report appeared in Burma’s state-run media alleging that a group of SSA-S soldiers had surrendered to the Tatmadaw, and provided details including names of several underage soldiers who stated in the report that they had been forcibly conscripted to the SSA-S.²⁵⁵ In September 2006 the SPDC made further allegations of the forced recruitment by the SSA-S of three boys ages 17, 16, and 15 in southern Shan state. RCSS/SSA-S officials interviewed in September 2007 claim that in response to a list of questions provided to them by Human Rights Watch in August they had initiated an inquiry with the chief of staff of the SSA-S, the headman of the village where the incident had allegedly occurred, and the head of the orphanage of the Loi Tai Leng base area. None of those contacted reportedly had heard of the incident, and Human Rights Watch was unable to independently verify these cases.

Witnesses with recent experience in SSA-S areas in various capacities told Human Rights Watch in July and August 2007 that the SSA-S still practices conscription, but that if the SSA-S still has any soldiers under 18 they are probably kept in rear areas away from fighting. They went on to tell of specific cases where boys under 18 had volunteered but were sent to school by the SSA-S at Loi Tai Leng or Loi Kaw Wan base areas instead of being recruited. After completing school at Loi Tai Leng and Loi Kaw Wan, students usually choose between civilian service (such as teaching or health work) and soldiering in the SSA-S. It appears that the SSA-S does not use child soldiers widely, and that it appears serious about its 2004 policy to end the practice. However, given the increased pace of recruitment in its area of operations in southern and eastern Shan state, Human Rights Watch believes that closer monitoring and investigation of the recruitment and use of child soldiers by the SSA-S is warranted.

²⁵⁴ Human Rights Watch interview with SSA-S Maj. Lao Hseng and Maj. Aung Teun, September 2007.

²⁵⁵ At a January 2006 press conference, an SPDC representative stated, “In mobilizing new recruits, SSA charged 500,000 kyats or 600,000 kyats per person for failing to join as new recruits. It mobilized two new recruits from each small village and three new recruits from each big village. They had to mobilize recruits young or old. Thus some recruits of SSA were as young as 15 years.”

RCSS/SSA-S officials we interviewed expressed a desire to cooperate with UN agencies and the office of the special representative of the secretary-general on children and armed conflict. The officials told Human Rights Watch they had never had discussions with international actors on this issue before, and while arguing that their army had no soldier under the age of 18, also agreed to explore the possibility of signing a Deed of Commitment formalizing an agreement not to recruit or use child soldiers.²⁵⁶

Kachin Independence Army

The Kachin Independence Army (KIA) does not give out information on its troop strength, but is thought to have several thousand soldiers under its command. It has observed a ceasefire with the Tatmadaw since 1994, but has continued to recruit since that time. A senior KIA officer told Human Rights Watch that the KIA and its political movement the Kachin Independence Organization (KIO) have no formal policy on child soldiers:

Frankly speaking, in the past the KIO was not aware of international regulations restricting child soldiers so we recruited children. In Kachin culture there are no special rights for children so they didn't know it was wrong to do so. But now since the world is saying that child soldier recruitment and forced labor are human rights violations we have come to realize that it is not right to mobilize child soldiers. But we still have not decided on how to respond to the issue.²⁵⁷

He added, "We have child soldiers but not intentionally. We do not purposely mobilize children. In many cases child soldiers come and ask to join the KIA because they are from poor families. There is no minimum age in the KIA." However, the KIA view of what constitutes a "soldier" differs somewhat from that of other groups. Though accepting children into the army, the KIA apparently sees this as a form of caring for vulnerable children, and does not see anything wrong in this: "In the KIA the child soldiers issue is not considered a serious problem. We have never regarded

²⁵⁶ Human Rights Watch interview with SSA-S Maj. Lao Hseng and Maj. Aung Teun, September 2007.

²⁵⁷ Human Rights Watch interview with senior KIA officer, August 2007.

using child soldiers as a human rights violation. We house child soldiers in the army compound and they are allowed to stay with the officers. They stay as if they are the dependents of the officers and the officers become like a parent to them.”²⁵⁸ Some of these children, while already registered as soldiers, continue to attend school, while others work around base camps. The KIA admits that even in their officer training program there are candidates who are under 18; graduates of Tenth Standard (high school) can enter officer training regardless of age.

According to a KIA soldier who enlisted a long time ago at age 15, the KIA previously operated under a 1972 directive forbidding it from conscripting anyone under age 16, but allowing it to accept volunteers younger than that. However, since 2005 he reports that the KIA has “restricted the mobilization of youth” and created a program to support those who volunteer for the army to continue their education. He estimated that there are about 50 soldiers in the entire KIA who are under 16. He was unsure how many 16- and 17-year-old soldiers there are, but estimated that their number is probably around 250. This does not include children in officer training, and may not include children attending school while registered as KIA soldiers.

The senior KIA officer stated that KIA policy changed four to five years ago, ending conscription and allowing only voluntary recruiting; he qualified this by stating that “in some areas the brigades may still recruit by force in violation of the KIC’s [Kachin Independence Council] policy.” A community leader interviewed by Human Rights Watch said he used to be furious when the KIA would come to his village and recruit children as young as 12, then lead the recruits away with hands tied behind their backs. He noted that things were different this year: “In June ... the KIA second brigade recruited about 80 soldiers. No children were included because they want strong recruits. This year the recruiters did not tie their hands behind their backs.”²⁵⁹ He said some children are still recruited, though in training they are not pressed as hard as the adults, and they are not trained in combat. He thought there were about 10 soldiers ages 13 or 14 in his area, some working at the KIA battalion bases and some attending school.

²⁵⁸ Ibid.

²⁵⁹ Human Rights Watch interview with Kachin community leader, August 2007.

Even if one accepts the KIA's custodial attitude toward many of its child soldiers, caring for them and sending them to schools should be possible without registering them as soldiers and putting them through military training. Other groups such as the KA, KNLA, and SSA-S are known to do so without registering the children involved as soldiers. Regarding those not attending school and working at battalion camps, they are unlikely to see any possible future for themselves outside soldiering, so this treatment denies them their right to choose their own future. Human Rights Watch therefore strongly recommends that all of these children should be demobilized and given the option of continuing in school, with support continued as at present. The senior KIA officer pointed out, however, "When the KIA declared an opium-free state it just created problems. It created a big responsibility for the KIO, hardship for many poor villagers, and no international aid was forthcoming. This was a big lesson for us. So, the KIA will handle the child soldiers issue on our own." This expresses a perception common among non-state groups that the international community demands that they adhere to the same standards expected of states, but refuses them access to any of the necessary material support to do so.

Democratic Karen Buddhist Army

The Democratic Karen Buddhist Army (DKBA) operates in central Karen state, sharing power with the SPDC in some areas and regularly engaging in combat with the KNLA. Official troop strength figures are not available, though it is thought to have several thousand soldiers. The group relies on both voluntary recruitment and local conscription programs to maintain its troop numbers. Though their written orders notifying villages of recruit quotas sometimes specify that recruits should not be children, the group does not reject children if they are sent in fulfillment of those quotas. A junior DKBA officer from the Dawna mountain region told Human Rights Watch,

Some really want to join, but others are conscripted. Each village tract [local administrative group of five to 20 villages] has to send 10 people each time—this can be once a year or more often. People have to go for a year, then they can go home and the DKBA conscripts more. People have to take turns sending a recruit, so some parents send boys under 18. They need to fulfill this obligation. If they don't fulfill it,

the DKBA can make lots of trouble for them. They don't accept crazy or sick people, but if you're normal you have to go whether you're under 18 or over 18. They don't care how old you are.... This policy began in 2006.²⁶⁰

He stated that even if some of the conscripts decide after a year to remain in the DKBA, the village tract must provide 10 more the next year, regardless; because of this, "annual conscription is very hard on the villagers." The officer estimated that 10 percent of DKBA forces are children if all regions are considered, but doubts that there are many under age 15. He believes that the DKBA is gradually increasing in numbers.

A health worker based further west in Karen state told Human Rights Watch, "Last year DKBA soldiers came into my village and I saw many young soldiers about 14 or 15 carrying weapons—[DKBA Colonel] Chit Thu's men, based at Ko Taw Law near Myawaddy." He reported that they recruit in Baw Kyo Leh area of southern Papun district, and that families who do not send a recruit when their turn comes have to pay 200,000 kyat. "They come and say, 'For each person you give the KNU [political organization controlling the KNLA—see above], you must give us one person. The villagers didn't give the recruits, though some probably volunteered and some may have given money.'"²⁶¹

The DKBA officer explained that a one-year tour of duty for a conscript begins with a month of training, followed by frontline duty, and the year ends with a brief refresher training, possibly with the idea that the person can be called back if needed. Child soldiers receive the "same treatment. There's no differentiation between those under 18 and those over 18, they're treated the same. For one year." The officer continued, "If you're lucky you survive, if not you're shot dead.... Most of the conscripts leave after one year, because it's very hard. Then the village tract has to send 10 people again, even if some of the previous conscripts decided to stay. The demand is always the same."²⁶² Given the prevalence of child soldiers within the DKBA and the group's

²⁶⁰ Human Rights Watch interview with DKBA officer, July 2007.

²⁶¹ Human Rights Watch interview with Karen medic in western Karen state, August 2007.

²⁶² Human Rights Watch interview with DKBA officer, July 2007.

apparent disregard for the right of children not to be recruited, the DKBA should be considered for inclusion on the UN secretary-general's list of groups using child soldiers.

Kachin Defense Army

The Kachin Defense Army (KDA) a former breakaway faction of the KIA, has formally surrendered to the SPDC, and is nominally under the government's control as border police. It operates in northern Shan state, and is known to have engaged in active combat against the KNLA and the SSA. Human Rights Watch was only able to interview two witnesses with specific information on the KDA, both independent community workers in the KDA's area of operation.²⁶³ One witness estimated that the KDA has approximately 2,000 troops, divided into two brigades and seven battalions. The group's operating area covers about 200 villages where the majority of the population is Kachin. He stated that the KDA has a recruiting quota requiring each household to provide one member of the family, and that if a household refuses, the soldiers come to the house and collect a recruit by force. If people try to hide, the soldiers threaten the household and conscript someone else from the house. Unlike nearly every other armed force in Burma, the KDA recruits girls in addition to boys. The source was not aware of any age limitations, but believed that child soldiers in the KDA were not normally under age 16.

The KDA also brings in recruits by offering places at a boarding school it operates in Kaung Kha for students from Fifth to Tenth Standard (roughly ages 10 to 17). There are approximately 100 students at this school, all of whom are supported financially by the KDA and must serve the KDA when they graduate or leave school.

One of the community workers said it was difficult to determine the number of child soldiers but he estimated that the numbers may be around 6-7 percent of KDA forces. The other estimated that child soldiers make up about 10 percent of KDA forces.²⁶⁴ These testimonies indicate a need for greater scrutiny of this group, and the group's

²⁶³ Human Rights Watch interviews with community workers from northern Shan state, September 2007, July and August 2007.

²⁶⁴ Ibid.

history of conflict with other armed groups raises concern about the possible use of children in combat roles.

Mon National Liberation Army

The Mon National Liberation Army (MNLA) is the armed wing of the New Mon State Party (NMSP) and has operated under a ceasefire with the Tatmadaw since 1995. It is confined to several non-contiguous areas within Mon state and northern Tenasserim (Taninthayi) division. Senior MNLA officers declined to give information on troop strength, but told Human Rights Watch that since 1971 the MNLA has had written rules restricting the age of soldiers to between 18 and 60. They stated that the MNLA and NMSP still receive some children because they have been orphaned or sent to join by their parents, but insisted that these boys are sent to schools or employed in their offices and cannot become NMSP members until they reach 18. They noted that since the ceasefire the MNLA has seen no need to expand so it has not accepted child volunteers.²⁶⁵

Three health workers from NMSP areas told Human Rights Watch that the MNLA normally accepts recruits and conducts military training twice a year, and that schoolteachers and medics also attend this training. The interviewees had all attended this training within the last four years: one stated that in her session there were 200 trainees including 30 women, all of whom went to the health department, while another reported that of 200 trainees in his session, 170 had been recruited as soldiers. Trainees wear uniforms and use dummy wooden “guns.” It remains unclear whether children working with non-military departments are allowed to take part in this military training. The medics, however, insisted that children are not allowed to become soldiers.²⁶⁶

Though insisting that the MNLA has no child soldiers, one of the senior MNLA officers interviewed admitted that “if you were to visit an MNLA base you would probably see children in MNLA uniforms.” He claimed that boys do this out of pride, but are not soldiers. He offered various explanations for children sighted in uniform on bases or

²⁶⁵ Human Rights Watch interview with two senior MNLA officers, July 2007.

²⁶⁶ Human Rights Watch interview with three Mon health workers, August 2007.

manning MNLA checkpoints, including that boys borrow their fathers' uniforms, that it is easy to buy a military uniform in the market, and that some orphans being cared for by the NMSP are given military uniforms because no other clothing is available.²⁶⁷

It would be unusual for boys'-sized military uniforms to be more easily available than basic civilian clothing, particularly in light of the statements of several other armed groups that they were in fact short of uniforms and could only provide civilian clothing to their soldiers.²⁶⁸ Moreover, if a child is wearing a uniform, manning a checkpoint or performing other military roles, and in some cases bearing arms, he can reasonably be considered a soldier by opposing forces and subject to attack. The concern therefore remains that the MNLA may be allowing children to take on military roles even if not formally registering them as soldiers; if so, this is a problem that needs to be addressed.

Karenni Nationalities People's Liberation Front

The Karenni Nationalities People's Liberation Front (KNPLF) controls much of northern Kayah state near the border with Shan state. No reliable figures are presently available on its troop strength. According to a witness from the area who is affiliated to the KNPLF, the group has an official policy prohibiting soldiers under age 18, and does not accept children because "children are too small, they can't carry military equipment. Some really want to join so they're accepted but kept in rear areas and don't go to the frontline."²⁶⁹ In practice this policy is clearly not observed, because in the first half of 2007 six KNPLF soldiers deserted to the KA, some of them children.

Among these six, Human Rights Watch interviewed Koo Reh, a 15-year-old who was recruited in 2005 at age 13 when he was attending Third Standard at a school in Shadaw. His father was dead, and he was living with his 11-year-old brother and his mother, who supported the family by farming rice. A KNPLF recruiter approached him in a video cinema one evening and convinced him and five other children to join:

²⁶⁷ Human Rights Watch interview with two senior MNLA officers, July 2007.

²⁶⁸ Statements by KNLA and KNPP. For example, Khu Oo Reh of the KNPP stated, "We have no extra uniforms for any person who isn't a soldier. Even for KA men we don't have enough uniforms to give out."

²⁶⁹ Human Rights Watch interview with KNPLF member, August 2007.

Four were kept at the KNPLF camp at Shadaw, and two of us went to Loikaw together with the recruiter, by car to the KNPLF office there. The other boy was 11 or 12. They registered us. They asked, “Did your mother allow you to come here?” and I answered, “You called me to come here.” They asked how old I was and I said 13—they didn’t say anything, just said, “You have to stay here.” There was also another recruit there who was about 13.”²⁷⁰

For the next month the boys were ordered by KNPLF Major Kyaw Soe to work hoeing earth and clearing farmland at his mustard-seed farm near Loikaw, where they were supervised by a KNPLF soldier. Koo Reh was then deployed as a sentry at Shadaw camp and spent time at “frontline” camps at the Shan state border, where he had to patrol as a guide for Tatmadaw columns (he usually had to do this with two other KNPLF soldiers ages 16 to 18). He never received military training.

Another recruit, Eh Reh, joined in 2003 when he was 22; he joined because the recruiters promised to support him to continue his education, a promise that was never kept. “They had other recruits in Shadaw because some young people had been persuaded to join. None of these recruits were forced. There were about 10 recruits. Some were very young and didn’t know anything. Two were 12 years old, seven others were 15 to 17.” He said that later some parents tried to buy back their sons who had been recruited, including his own parents, but that they were refused by the KNPLF.

Three months after joining he received three weeks of military training. He said there were 30 trainees from the KNPLF and the Karenni National Democratic Army (KNDA, also known as “Naga” (“Dragon”) group, another Karenni ceasefire group), and that seven of them were under 18, of whom two were ages 12 or 13—“They were so young they couldn’t even march properly.” Afterwards he was deployed and rotated between the KNPLF base camp at Shadaw and “frontline” camps on the border with Shan state, where they stayed together with Tatmadaw troops. He commanded a KNPLF section with seven soldiers, including two 15-year-olds, and one age 17. He says other KNPLF sections also had child soldiers, but claims that the children were

²⁷⁰ Human Rights Watch interview with Koo Reh, July 2007.

left at camps if any combat was likely to occur.²⁷¹ Both Koo Reh and Eh Reh reported that about five of the 25 soldiers based at the KNPLF's Shadaw camp are under 18, some of them very young.

When confronted with some of the above information, a KNPLF member interviewed by Human Rights Watch insisted that the group does not recruit children but suggested that Maj. Kyaw Soe is known to act as a rogue commander; the interviewee noted that the major had previously been questioned by the leadership because some of his soldiers had deserted. Both of the former soldiers interviewed were indirectly under Kyaw Soe's command and their testimonies suggest that he uses recruitment of young boys to obtain free laborers for his personal farms. However, these two soldiers were deployed to several different KNPLF bases and one underwent a training course, and saw child soldiers making up a significant proportion of the troops in each of these contexts, making it highly unlikely that the KNPLF leadership could be unaware of the significant presence of child soldiers within their forces.

Shan Nationalities People's Liberation Army

The Shan Nationalities People's Liberation Army (SNPLA) is the armed wing of the Shan Nationalities People's Liberation Organization (SNPLO), a small multi-ethnic resistance group based in southern Shan state that entered a ceasefire agreement with the Tatmadaw in 1994. In June 2007 the SNPLO split into three factions, with one small group of approximately 100 members led by Chairman Tee Sawng breaking the ceasefire and marching to the Burma-Thailand border, arriving on June 28. A second faction was forced to surrender its weapons to the SPDC on July 26, while the third faction led by former chairman Tha Kalay remained at their base near Taunggyi in southern Shan state. SNPLO leaders interviewed by Human Rights Watch denied that the group had child soldiers in its ranks even before the breakup. Col. Hkun Thu Rein, secretary of the SNPLO splinter group that reached the Burma-Thai border, stated that the SNPLO did not expand much during the ceasefire period due to restrictions on recruitment under the ceasefire arrangement. The assertion that the SNPLO did not have child soldiers was corroborated by two SNPLO soldiers

²⁷¹ Human Rights Watch interview with Eh Reh, July 2007.

interviewed by Human Rights Watch, both of whom had been members for three to four years, had been recruited when they were in their twenties, and said that there were no children among the approximately 250 soldiers in the pre-breakup SNPLA.²⁷² A 16-year-old with the splinter group claimed to have joined the SNPLA at 14, but under further questioning admitted that he is actually a camp follower who wants to be a soldier but has not been accepted or registered as such, and that he has not engaged in military activities. Other soldiers in the group confirmed that this boy was not a soldier.²⁷³

Rebellion Resistance Force

The SPDC has reportedly been forming and supplying a new paramilitary group based in Putao in Kachin state, referred to variously as the Rebellion Resistance Force, Taung Kyan (“Anti-subversive”), or Adang’s Group (after one of its leaders). It reportedly had 100 troops in 2006, grew to approximately 200 by mid-2007,²⁷⁴ and plans to expand further to 400.²⁷⁵ It is nominally led by Hukwi Pung and Tanggu Dang (a.k.a. Adang), who were formerly with the New Democratic Army-Kachinland, but they report to a Tatmadaw major.

According to a community leader interviewed by Human Rights Watch, this group has many children in its ranks. In each company there are 20 to 30 soldiers including seven to eight enlisted men, and in each platoon there are typically seven soldiers, including three NCOs and three or four privates. He estimated that in the units with which he was familiar, 90 percent of the privates and 20 percent of the NCOs are under age 18. Some companies have been accused of sexual abuse and stealing from nearby villages. Further detailed information on the group’s recruitment and treatment of its child soldiers was not immediately available, but this group is clearly of concern.

²⁷² Human Rights Watch interview with two soldiers from SNPLO, Thailand-Burma border, July 28, 2007.

²⁷³ Human Rights Watch interviews with SNPLA officer and a 16-year-old accompanying the splinter group, August 2007.

²⁷⁴ “Manpower and armaments for RRF in northern Burma,” Kachin News Group, August 27, 2007.

²⁷⁵ Human Rights Watch interview with Kachin community leader, July 2007.

GNU-KNLA Peace Council

The GNU-KNLA Peace Council is a small group that broke away from the KNLA's Seventh Brigade in central Karen State in January 2007 and made peace with the SPDC. The group soon began recruiting to increase its numbers in order to establish control over the Toh Kaw Ko area near the Salween river, where it had established its headquarters. Initially, recruiting concentrated on villages in the Toh Kaw Ko area and on Mae La refugee camp in Thailand, but the group has now reportedly sent recruiting teams as far afield as Toungoo, the Irrawaddy delta, and Karen-populated Insein township on the outskirts of Rangoon.²⁷⁶ KNLA sources claim the group is trying to form eight battalions, and that in Toh Kaw Ko area each village has been ordered to provide three to five recruits or pay the extremely high sum of 20,000 Thai baht in lieu of each recruit.²⁷⁷

According to the Karen Human Rights Group (KHRG), an independent human rights monitoring organization, they were told on May 21 by GNU-KNLA Peace Council (PC) officer Bah Soh Gay that children under 18 were welcome to join the armed group but could leave whenever they wished.²⁷⁸ However, KHRG gathered evidence claiming that nine boys under 18 had been forcibly or coercively recruited and were not allowed to leave afterwards. Human Rights Watch was able to confirm the stories of two of these boys by interviewing them after they escaped.

Thirteen-year-old Saw Toh Say, a refugee at Mae La camp, crossed the border to visit Tee Nuh Hta village a few times after the GNU-KNLA PC controlled it, and was eventually conscripted.

The third time [late February] I went with Saw L. [age 14, full name withheld] and when I arrived there people asked me to stay there. Then they told me to put on a military uniform and forced us to stand sentry. The two of us had to stand sentry every night from 8 p.m. to 10 p.m. They told us to take a gun so I took an AR [a small assault rifle]

²⁷⁶ Human Rights Watch interviews with independent activists in Karen state and with GNU General Secretary Pado Mahn Sha, July 2007.

²⁷⁷ Human Rights Watch interview with KNLA Major General Isaac, July 2007.

²⁷⁸ Karen Human Rights Group, "Child soldiers recruited to support expansion of the GNU-KNLA Peace Council," May 28, 2007.

and Saw L. also took an AR. At the end of sentry duty we gave them to the people who replaced us. They said two truckloads of guns were coming for us. Each of us got two Cambodian camouflage uniforms and 500 baht. My uniform was too big. I had to use a belt. I had to stay there two-and-a-half months. After one night Chit Kwin told me to register my name. Commander Ler Mu registered us. When I registered, I was 12 years old. T. registered as 15 years old, and H. registered his age as eight or nine.²⁷⁹

At Tee Nuh Hta “there were many children, over 30. Some were younger than me and some were older than me.... People ordered them to stand sentry and sometimes gave them training.” He had to stand sentry each night for two to four hours; five soldiers shared three guns. His only training consisted of being given a loaded assault rifle and sent down behind the latrine to fire off practice rounds. He says the AK47 rifle was too heavy for him so he chose an AR (a smaller, lighter weapon) and 120 cartridges. No one told him what battalion he was in. They were warned not to go outside the village because of landmines, but one adult did and hit a tripwire; he was killed and the person with him was wounded. Saw Toh Say says later he asked to go home and commander Ler Mu wouldn’t let him go if his parents didn’t come; later, however, other lower-ranking officers allowed him to leave when his relatives came.

Saw Wah, age 16, says he saw “about 10 or 20” boys younger than himself at KNU-KNLA PC leader Htay Maung’s camp on the Moei riverbank awaiting transfer to Toh Kaw Ko when he was coerced into joining in March. After two or three days there he says he was given a gun and uniform. When he got to Toh Kaw Ko, he saw 40 to 50 recruits under 18, of whom he thought 10 or 20 were under 15. In his “battalion” of 50 troops there were 10 to 20 under 18 and three under 15, some of them volunteers and some forcibly recruited. At Toh Kaw Ko the recruits weren’t doing any fighting, just hanging around, doing sentry duty, and the youngest were put to work making charcoal. A sergeant threatened them that if they went back to the refugee camp, the refugees would “slit their throats” as traitors, so most didn’t dare leave.²⁸⁰

²⁷⁹ Human Rights Watch interview with Saw Toh Say, July 2007.

²⁸⁰ Human Rights Watch interview with Saw Wah, July 2007.

Like many newly formed armed groups, the KNU-KNLA PC appears to want to keep these soldiers to create an appearance of high numbers, in order to obtain more resources from the SPDC and political leverage. With its ongoing attempts to expand its recruiting to other regions, the number of child soldiers is likely to increase, and if the group is deployed to actively fight the KNLA these child soldiers may be deployed in combat roles. Developments in this group should therefore be closely monitored.

VII. The International Response

The United Nations Security Council

Strongly condemns the recruitment and use of child soldiers by parties to armed conflict in violation of international obligations applicable to them. . . .

Expresses its intention to consider imposing targeted and graduated measures, through country-specific resolutions, such as, inter alia, a ban on the export or supply of small arms and light weapons and of other military equipment and on military assistance, against these parties if they refuse to enter into dialogue, fail to develop an action plan or fail to meet the commitments included in their action plan, bearing in mind the Secretary-General's report.

—Security Council resolution 1539 (2004)

Since 1998 the United Nations Security Council has adopted a series of resolutions aimed at stronger enforcement of international standards related to children and armed conflict. In 2001 the Security Council specifically called on member states to “consider appropriate legal, political, diplomatic, financial and material measures, in accordance with the Charter of the UN, in order to ensure that parties to armed conflict respect international norms for the protection of children.”²⁸¹ The Security Council also stated its intention in 2004, 2005, and most recently, in a presidential statement issued on November 28, 2006, to consider sanctions (such as arms embargoes) against groups that persist in recruiting and using child soldiers.²⁸²

²⁸¹ UN Security Council, Resolution 1379 (2001), S/RES/1379(2001), <http://daccessdds.un.org/doc/UNDOC/GEN/No1/651/10/PDF/No165110.pdf> (accessed October 17, 2007), para. 9 b.

²⁸² See UN Security Council, Resolution 1539 (2004), S/RES/1539(2004), <http://daccessdds.un.org/doc/UNDOC/GEN/No4/318/63/PDF/No431863.pdf> (accessed October 17, 2007), para. 5 c; Resolution 1612 (2005), S/RES/1612(2005), <http://daccessdds.un.org/doc/UNDOC/GEN/No5/439/59/PDF/No543959.pdf> (accessed October 17, 2007), para. 9; and the UN Security Council, “Statement by the President of the Security Council,” S/PRST/2006/48, November 28, 2006, <http://daccessdds.un.org/doc/UNDOC/GEN/No6/632/29/PDF/No663229.pdf> (accessed October 17, 2007), para. 4.

The UN secretary-general submits reports to the Security Council on children and armed conflict approximately every year. Since 2002, at the Security Council's request, these reports have included annexes listing specific parties to armed conflict—including both government forces and non-state armed groups—that recruit or use child soldiers in violation of their legal obligations. The annexes focused initially only on a limited number of situations on the Security Council's agenda, but in 2003 a second annex was added to include countries like Burma that were not formally on the Security Council's agenda. In September 2006, by a vote of 10 to 4, with one member abstaining, the Security Council agreed to place the situation in Burma on its formal agenda.²⁸³

In four consecutive reports since 2002, the UN secretary-general has identified Burma's national army, the Tatmadaw Kyi, among the parties that recruit or use children in armed conflict in violation of international law.²⁸⁴ The reports have also listed the Karen National Liberation Army, the Karenni Army, and the United Wa State Army.²⁸⁵ The Security Council has requested that the UN secretary-general submit his next report on children and armed conflict by February 2008.²⁸⁶

In 2005 the Security Council acted to create a working group on children and armed conflict, specifically to consider information regarding violations against children in armed conflict (specifically recruitment and use of child soldiers, killing and maiming of children, rape and other sexual violence, abductions, denial of humanitarian access to children, and attacks against schools and hospitals by parties to armed conflict).²⁸⁷ The working group considers country-specific reports from the UN secretary-general, and makes recommendations to the full Security Council on

²⁸³ "Security Council, in Procedural Action, Votes to Include Human Rights Situation in Myanmar on its Agenda," Security Council SC/8832, United Nations Department of Public Information, September 15, 2006, <http://www.un.org/News/Press/docs/2006/sc8832.doc.htm>

²⁸⁴ See S/2002/1299 (November 26, 2002), S/2003/1053 (October 30, 2003), S/2005/72 (February 9, 2005), and S/2006/826 (October 26, 2006). The 2002 report did not include a separate list of violators in situations not on the Security Council's agenda, but discussed the Tatmadaw's recruitment of children in the body of the report itself.

²⁸⁵ The 2002 and 2003 reports erroneously referred to the "Karenni National Liberation Army," a force that does not exist. The 2003, 2005, and 2006 reports listed the KNLA, the 2005 and 2006 reports listed the Karenni Army, and the 2006 report listed the UWSA. There was no report in 2004.

²⁸⁶ UN Security Council, "Statement by the President of the Security Council," S/PRST/2006/48, November 28, 2006, <http://daccessdds.un.org/doc/UNDOC/GEN/No6/632/29/PDF/No663229.pdf> (accessed October 17, 2007).

²⁸⁷ UN Security Council Resolution 1612, S/RES/1612, (July 26, 2005).

actions that should be taken in response to reported abuses against children. As of September 2007, the working group had met to consider violations against children in nine countries.²⁸⁸ In at least two instances (Democratic Republic of Congo and Cote d'Ivoire), the working group has recommended that sanctions be applied against child recruiters.

The working group is expected to meet in November 2007 to consider violations against children in Burma, based on a report prepared by the UN secretary-general. This will be the first time that Burma has been considered by the working group.

United Nations Country Team

Despite the attention to the issue of child soldiers by the UN Security Council, the United Nations country team has been only minimally involved on child soldier issues. Although this is due in significant part to the SPDC's recalcitrance, the UN country team does not appear to have seriously advocated on behalf of child soldiers, nor has it displayed particular initiative in protecting children against recruitment in the areas where it works. For example, despite the clear requirement to report on child soldier practices in Burma under the monitoring and reporting mechanism created under Security Council resolution 1612, the United Nations country team did not begin to actively collect information until less than six months before the Security Council working group on children and armed conflict was scheduled to consider Burma. Consequently the country team has found itself scrambling to fulfill its reporting requirements. At the time of the June 2007 visit to Burma by special representative of the secretary-general on children and armed conflict (see Chapter V, sub-section "Government Cooperation with International Agencies"), the UN had not yet even informed the United Wa State Army that it had been listed in the secretary-general's report in 2006 as a party that conscripts child soldiers;²⁸⁹ the UWSA expressed surprise that they had been.

The UN country team's strategy for 2003-2007 identifies protection as one of the country team's eight primary goals, under which child protection, and specifically the

²⁸⁸ Burundi, Chad, Cote d'Ivoire, Democratic Republic of Congo, Nepal, Somalia, Sri Lanka, Sudan, and Uganda.

²⁸⁹ S/2006/826 (October 26, 2006).

reintegration of child soldiers, are identified as key components. While identifying child soldiers as a priority, this document appears to understate the scale of the problem particularly with regard to the Tatmadaw, noting “[t]here continues to be no verifiable information on the actual figures of minors associated with military forces and other armed groups ... there continue to be credible reports that a number of the non-state armed groups have minors within their ranks, as does the government military to some degree in spite of the national law.”²⁹⁰ Thus far the UN has played only an indirect role in the demobilization of child soldiers, and has not provided any reintegration assistance to child soldiers.

The UN Office for the Coordination of Humanitarian Affairs identifies the Plan of Action of the Committee for Prevention of Military Recruitment of Underage Children and “visits to government recruitment sites” as two of the UN’s accomplishments, calling them “advances on sensitive issues.”²⁹¹ Although the formation of the Committee and its Plan of Action have given the UN a basis for dialogue and cooperation with the SPDC, UN officials noted shortcomings in the document and stated candidly that the UN had minimal input in the drafting of the Plan of Action. The SRSB has further noted that there are serious shortcomings in the document and recently requested its amendment.²⁹²

UNICEF

Since 2002 UNICEF has worked with the Myanmar Literacy Resource Center and the Department of Social Welfare to conduct training workshops on child rights and child protection. These workshops have been attended by over 9,000 members of child rights committees and community leaders across the country. Beginning in 2004, UNICEF began an additional program to support child rights training and child protection activities by community-based and faith-based organizations. As of September 2007, eight community-based organizations in 37 townships were participating in the program. UNICEF reported that both training initiatives include discussions on the Convention on the Rights of the Child, and the protection of

²⁹⁰ “Strategic Framework for the UN Agencies in Myanmar,” as cited in the Humanitarian Situation April 2007, pp. 3, 31.

²⁹¹ The Humanitarian Situation April 2007, p. 2

²⁹² Office of the Special Representative of the Secretary-General for Children and Armed Conflict, “Visit of the Special Representative for Children & Armed Conflict to Myanmar (June 25-29, 2007),” July 2007, p. 6.

children from various forms of exploitation, including child recruitment. In areas where these trainings have been conducted, UNICEF reported that some child soldier cases have been documented and brought to the attention of UNICEF and to the government for redress.²⁹³

As mentioned previously (see Chapter V, sub-section “Government Cooperation with International Agencies”), UNICEF conducted a half-day training in April 2007 for recruitment officers from the Directorate of Military Strength, covering child protection and international legal obligations regarding children and armed conflict. As of September 2007, the agency was pursuing discussions with the SPDC regarding additional trainings in Rangoon, Mandalay, and Naypyidaw (the new capital).²⁹⁴

ILO

As discussed above, the ILO has taken up complaints of child recruitment with the government in the context of its work on forced labor, and in several instances has been able to secure the release of child soldiers from the Tatmadaw. Additional cases taken up by the ILO were pending as of September 2007. However, as discussed above, government obstruction, including the arrest and intimidation of complainants, and the SPDC’s refusal to accept the ILO’s documentation of such cases, has limited the agency’s ability to act effectively in cases of child recruitment. The ILO’s ability to receive complaints and protect complainants is further constrained by its limited staffing and restricted access. Because the ILO is based exclusively in Rangoon, many persons living in distant or remote areas are unable to travel to Rangoon to lodge complaints due to travel restrictions or simply because the costs of doing so are prohibitive.²⁹⁵ Although the ILO liaison officer is able to travel throughout the country, he must first receive clearance from the government, and may be accompanied by a representative of the government.²⁹⁶

²⁹³ E-mail communication to Human Rights Watch from UNICEF Rangoon, September 20, 2007.

²⁹⁴ Ibid.

²⁹⁵ This is particularly the case in western Rakhine state and areas adjacent to the Thai border. See for example, Karen Human Rights Group, “Commentary: The Limits of the new ILO Mechanism and potential misrepresentation of forced labor in Burma,” KHRG #2007-C1, April 10, 2007, p. 3. The ILO provides no financial support to complainants to help defray their travel expenses to Rangoon.

²⁹⁶ The agreement states in II.7 that a representative “may accompany the liaison officer, assist him/her at his/her request or otherwise be present in the area he/she is visiting in particular for security reasons, the presence should in no way hinder the

Neighboring country and cross-border initiatives

Some of the difficulties faced by Tatmadaw deserters who cross the border into a neighboring country are described above in Chapter V (see section “Desertion, Imprisonment, and Re-recruitment”). Since 2002 several local and international organizations have attempted small programs to alleviate this situation, primarily in Thailand. From 2003 to 2005 UNHCR offices in Thailand provided refugee status determination and direct protection for some child soldiers who had escaped the Tatmadaw, and assisted some of them to obtain resettlement in third countries.²⁹⁷ This ceased for a combination of reasons, including the takeover of refugee status determination by Thai authorities through civilian-military “Provincial Admissions Boards,” and the preference of resettlement receiving countries for civilian refugees. Another important development was the Thai policy that came into effect in 2005 that anyone requesting refugee status must move to a refugee camp. This gave deserters in Thailand two main options: move into a refugee camp and seek refugee status and resettlement, or go underground and survive through illegal labor. For Tatmadaw child deserters, going to a refugee camp is problematic because they may be ostracized by the refugee population, who have fled Tatmadaw abuses and who are usually of a different ethnicity; and because this makes them “visible” to Thai authorities, who they fear will arrest them and hand them back to the Tatmadaw.

Nonetheless, some child deserters found at least temporary refuge in refugee camps, though there were problems of discrimination, ostracism, difficulty settling in, and problems staying in schools, often leading them to depart the camps in the end. There have been no reported cases of Thai authorities arresting and deporting former child soldiers from refugee camps, though this may be partly because they do not advertise their presence. In refugee camps there are referral systems for those with urgent protection needs, and schooling, psychosocial, and recreational programs, but none of these can be targeted at or geared towards former child soldiers. This is partly for their protection, but it also limits the programs’ ability to deal with the severe traumas some former child soldiers have suffered.

performance of his/her functions, nor should the authorities seek to identify or approach the persons he/she has met until such time as he/she has completed his/her task...”

²⁹⁷ The information in this section is drawn from a combination of interviews with former child soldiers and workers with local and international agencies, who generally are not identified due to the sensitivity of the information they gave.

Most former Tatmadaw child soldiers, however, remain outside the refugee camps, where UNHCR and NGO representatives say their situation is increasingly precarious because Thai authorities are progressively clamping down on refugees found outside of refugee camps. One UNHCR representative told Human Rights Watch that it is now extremely difficult for UNHCR to provide any form of protection for people outside refugee camps, while NGO representatives added that it is simultaneously becoming harder for people to gain admission to refugee camps because the Thai Provincial Admissions Boards are now refusing most applicants. Though basic education and psychosocial services are available in the refugee camps, former child soldiers outside the camps have no support systems or services available to them. Some local groups have stepped in to try to fill this need, as they can operate under less scrutiny than UN agencies and international actors. The nature of the problem, however, limits this response to a small scale, and it can only reach a proportion of those who need it. A more durable solution would require a more sympathetic approach from Thai authorities, but this is unlikely due to sensitivity over Thai government relations with Burma.

Greater scope has been possible in initiatives related to child recruitment by non-state armed groups. Some of these have taken the form of awareness raising with children in refugee camps and in conflict zones in Burma regarding child rights, including the right not to be recruited to any army. Some of these programs have been carried out by the Human Rights Education Institute of Burma (HREIB), an independent local organization, and have taken the form of workshops, booklets, and videos. According to HREIB, awareness of the issues involved has been rapidly increasing particularly in refugee camps in Thailand.²⁹⁸ The Catholic Office of Emergency Refugee Relief (COERR) plays a protection role in the refugee camps by monitoring children identified as vulnerable to recruitment and former child soldiers with non-state armed groups. This includes regular visits to every child residing in school boarding houses (and therefore without their parents) in the refugee camps to check on their status and ensure that they are not being pressured to join an armed group.²⁹⁹

²⁹⁸ HREIB email correspondence with Human Rights Watch, August 2007.

²⁹⁹ Human Rights Watch discussions with COERR and Thailand-Burma Border Consortium, July 2007.

In one of the Karenni refugee camps in Thailand, an “accelerated school” project was implemented by Karenni refugees with a small amount of outside funding. This school accepted adolescents who had never attended school for intensive learning, compressing several primary levels into each year to enable them to catch up with their age group without having to sit in classes with small children. For children who had spent much of their lives displaced in Kayah state, this provided an alternative to joining one of the non-state armed groups in their area; while it lasted, it also proved useful to some former Tatmadaw child soldiers. It unfortunately closed in 2006 due to a combination of factors, including the death of the headmaster and the loss of some teachers to resettlement, but UNHCR had already recommended that similar schools be opened in other refugee camps. This now appears unlikely, and local agencies are looking for alternatives such as one-on-one tutoring programs.³⁰⁰ UNICEF representatives in Bangkok told Human Rights Watch, however, that they would not be able to support any such initiatives due to a lack of funds, despite the very low costs involved.³⁰¹

HREIB reports that over the past several years they have worked with officers of non-state armed groups along Burma’s borders with Thailand, China, and India, conducting child rights trainings with junior officers and commanders, advocating that they adopt policies against recruitment and use of child soldiers, offering technical advice, and putting them in contact with international organizations.³⁰² In 2006 UNICEF and UNHCR pursued discussions with the Karenni National Progressive Party (KNPP) and the Karen National Union (KNU) which led in early 2007 to those groups and their armies signing Deeds of Commitment promising to end all recruitment of children, demobilize children in their ranks, and allow outside monitoring of their observance. Unfortunately just as the Deeds were being signed, UNICEF and UNHCR were ordered by the Thai government to have no further contact with the KNU or KNPP, which hinders any further cooperation of non-state armed groups with these agencies.³⁰³ At present negotiations are still underway for permission to resume contact, but this appears to be another facet of increasing Thai

³⁰⁰ Human Rights Watch interviews with KNPP, Jesuit Refugee Service, and UNHCR, July 2007.

³⁰¹ Human Rights Watch interview with UNICEF Bangkok, August 2007.

³⁰² HREIB email correspondence with Human Rights Watch, August 2007.

³⁰³ Human Rights Watch interviews with KNPP and KNU representatives, July 2007.

government restrictions that are making it difficult for local and international agencies to respond to the problems of child soldiers.

VIII. Legal Standards

International humanitarian law (the laws of war) and human rights law prohibit the recruitment and use of children as soldiers. Protocol II to the Geneva Conventions of 1949, which applies during non-international armed conflict, prohibits states and non-state armed groups from recruiting or using children under the age of 15 in armed conflict. This standard is also reflected in the Convention on the Rights of the Child (CRC), which Burma ratified in 1991.³⁰⁴ The prohibition on the recruitment and use of children below the age of 15 is now considered customary international law, and is binding on all parties to armed conflict.

In 2000 the United Nations adopted an Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.³⁰⁵ The Optional Protocol raised the standards set in the Convention on the Rights of the Child by establishing 18 as the minimum age for any conscription or forced recruitment or direct participation in hostilities. The protocol also places obligations upon non-state armed forces. Article 4 states that “armed groups that are distinct from the armed forces of a state should not, under any circumstances, recruit or use in hostilities persons under the age of 18.”

The 1999 Worst Forms of Child Labour Convention (No. 182) obliges states parties to take immediate action to prohibit and eliminate the worst forms of child labor. It defines a child as any person under the age of 18 and includes in its definition of the worst forms of child labor the “forced or compulsory recruitment of children for use in armed conflict.”³⁰⁶

³⁰⁴ Convention on the Rights of the Child (CRC), G.A. res.44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990. The CRC has been ratified by all states except Somalia and the United States. Article 39 of the CRC is based on the 1977 Additional Protocols to the Geneva Conventions. Article 4(3)(c) of Protocol II, which governs non-international armed conflicts, states that “children who have not attained the age of 15 years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities.”

³⁰⁵ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted May 25, 2000, G.A. Res. 54/263, Annex I, 54 U.N. GAOR Supp. (No. 49) at 7, U.N. Doc. A/54/49, Vol. III (2000), entered into force February 12, 2002.

³⁰⁶ ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Worst Forms of Child Labour Convention), adopted June 17, 1999, 38 I.L. M. 1207 (entered into force November 19, 2000), art. 1.

Both the Optional Protocol and the Worst Forms of Child Labour Convention have been ratified by the majority of the world's states, establishing a clear international norm against the forced recruitment of children under age 18 or their use in armed conflict. As of October 2007, 118 states were party to the Optional Protocol, and 165 were party to the Worst Forms of Child Labour Convention. Burma has neither signed nor ratified either treaty.

Despite not being party to the Optional Protocol or the Worst Forms of Child Labour Convention, Burma's national law prohibits the recruitment of any child under age 18 into its armed forces. The Regulation for the Persons Subject to the Defense Services Act establishes 18 as the minimum age for military recruitment.³⁰⁷ The Convention on the Rights of the Child states that none of its provisions should affect laws that are "more conducive to the rights of the child."³⁰⁸ Since Burma's national law prohibits recruitment below age 18 (as opposed to the CRC's age 15), this standard therefore prevails.

Child Recruitment as a War Crime

The recruitment of children under the age of 15 or their use in hostilities is considered a war crime under the Rome Statute of the International Criminal Court (ICC).³⁰⁹ The statute, adopted in July 1998, considers such recruitment a war crime under its jurisdiction whether carried out by members of national armed forces or non-state armed groups.

Even though, as of October 2007, Burma was not a state party to the ICC statute, individuals who are responsible for recruiting children under the age of 15 into armed forces or groups may still be criminally responsible for acts amounting to war crimes under customary international law. In May 2004 the Appeals Chamber of the Special Court for Sierra Leone ruled that the prohibition on recruiting children below age 15 had crystallized as customary international law prior to 1996, and that individuals

³⁰⁷ Letter from the Permanent Mission of the Union of Myanmar to the United Nations, New York, to Human Rights Watch, May 8, 2002.

³⁰⁸ CRC, art. 41.

³⁰⁹ Rome Statute of the International Criminal Court, U.N. Doc. A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, arts. 8(2)(b)(xxvi) and 8(2)(e)(vii).

responsible for recruiting children under the age of 15 bear criminal responsibility for their acts.³¹⁰

International Standards on Demobilization, Reintegration, and Rehabilitation

The Convention on the Rights of the Child obliges states parties to promote the physical and psychological recovery and social reintegration of children who are victims of armed conflict.³¹¹ The Optional Protocol to the Convention specifically obliges states parties to demobilize children within their jurisdiction who have been recruited or used in hostilities, and to provide assistance for their physical and psychological recovery and social reintegration.³¹² The Worst Forms of Child Labour Convention also obliges states to remove children from the worst forms of child labor and assist their reintegration and social reintegration.³¹³

The Paris Principles, international guidelines for protecting children from recruitment and providing assistance to those who have already been involved with armed forces or groups, provide more specific guidance. The Principles state that the release, protection, and reintegration of children unlawfully recruited or used must be sought at all times, without condition; that during release, children should be rapidly separated from adult fighters and handed over to “an appropriate, mandated, independent civilian process”; and that the majority of children should be returned to their family and community or a family and community environment as soon as possible after their release.³¹⁴

³¹⁰ Summary of Decision on Preliminary Motion on Lack of Jurisdiction (Child Recruitment), Prosecutor v. Sam Hing Norman, Appeals Chamber of the Special Court for Sierra Leone, May 31, 2004, Case Number SCSL-2003-14-AR72 (E).

³¹¹ CRC, art. 39.

³¹² Optional Protocol to the Convention on the Rights of the Child, art. 6(3).

³¹³ ILO Convention No. 182, arts. 7a, 7b.

³¹⁴ “The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups” (“The Paris Principles”), January 30, 2007, <http://www.unicef.org/protection/files/ParisPrinciples310107English.pdf> (accessed October 17, 2007), paras. 3.11, 7.21, 7.45.

Acknowledgements

This report was written by a research team led by Kevin Heppner, consultant to the Children's Rights Division of Human Rights Watch. David Mathieson, Burma researcher for the Asia Division of Human Rights Watch also participated in the research for the report.

The report was edited by Jo Becker, advocacy director for the Children's Rights Division; Lois Whitman, director of the Children's Rights Division; Aisling Reidy, senior legal advisor; and Ian Gorvin, consultant to the Program Office of Human Rights Watch.

Production assistance was provided by Kennji Kizuka and Cassandra Mikicic, associates in the Children's Rights Division; Andrea Holley, publications director; Grace Choi, publications specialist; and Fitzroy Hepkins, mail manager.

We wish to thank the current and former soldiers with both the Burma Army and non-state armed groups who agreed to speak to us and shared their experiences. We also thank the many community and humanitarian workers, local human rights researchers, and others who assisted our research.

Finally, we acknowledge with appreciation the support of the Countess Moira Charitable Foundation, the Oak Foundation, the Independence Foundation, and anonymous donors.

Appendices

Appendix A: SPDC Plan of Action regarding child soldiers

Plan of Action For the Implementation of The Objectives of the Committee for the Prevention of Military Recruitment of Under-age Children

Introduction

The Child Law and the Rules of the Child law were promulgated in 1993 and 2001 respectively, to protect the best interests of the children in Myanmar. Moreover, there are orders and directives regarding the prevention of recruitment of children for military services.

The office of the Chairman of the State Peace and Development Council by its letter No. 205/Na Ya Ka Oo)/Ka Sa, dated 5 January 2004, formed the committee for the Prevention of Military Recruitment of Under-age Children.

The Chairman of the Committee is Secretary (2) of the State Peace and Development Council and it includes as its members: the Minister for Home Affairs, the Minister for Foreign Affairs, the Minister for Social Welfare, Relief and resettlement, the Minister for Labour, the Deputy Chief Justice, the Deputy Attorney-General, the Judge Advocate General of the Ministry of Defence, Vice Chief of Armed Force Training of Ministry of Defence, and senior officer of the Ministry of Defence as the Committee's Secretary.

The objectives of the committee are:

1. To prevent the forced recruitment of under-age children as soldiers;
2. To protect the interests of under-age children; and
3. To ensure faithful adherence to the orders and instructions issued for the protection of under-age children.

Plan of Action

The committee at its first meeting decided to draw up a Plan of Action for the realization of the above objectives. A task force composed of the Minister for Foreign Affairs, the Minister for Home Affairs, the Minister for Labour and the Minister for Social Welfare, Relief and Resettlement, was entrusted with the implementation of the Plan of Action.

The Plan of Action is as follows:

Recruitment

Recruitment is done according to the following procedure:

- To examine whether the recruitment is in conformity with orders, instructions, rules and regulations;
- To recruit those who fulfill the requirement; and
- To train the new recruits.

Function of the Directorate of Military Strength

- The Directorate of Military Strength was established on 23 July 2004. The Directorate is to examine systematically whether recruitment conforms to orders, instructions, rules and regulations issued by the Ministry of Defence.
- One of the primary functions of the Directorate is to ensure that anyone whomsoever under 18 years of age is not recruited into the armed forces.

Discharge from military service

- To send back to parents or guardians those found to be under 18 years of age during the training period or while in services.
- To hand over to the Ministry of Social Welfare, Relief and Resettlement those who are orphans and without guardians.
- To register those found to have joined the armed forces while under 18 years of age though at the time of discovery they have completed 18 years of age. They may be asked whether they would like to serve in the armed forces on a voluntary basis. Those who wish to remain in

service may do so in accordance with established rules and regulations. Those who do not wish may be discharged from the armed forces.

Reintegration

- To send back to parents or guardians those found to be under 18 years of age.
- To make arrangements to give vocational training, other alternative educational options and livelihood supports with special focus on orphans, those without guardians and other vulnerable under-age children.
- The Ministry of Social Welfare, Relief and Resettlement is responsible for making above mentioned arrangements.

Measures for public awareness

- To put up signboards in visible places at recruitment centres stating that entry into the armed forces is voluntary and permissible only after the attainment of 18 years of age.
- To disseminate widely through newspapers, journals, magazines, publications, radio, TV and video-plays.
- To circulate pamphlets.
- To disseminate information up to village/ward levels.

Action against Transgressors

To take effective action against transgressors if recruitment is not done in conformity with orders, instructions, rules and regulations.

Cooperation with international organizations

- To co-ordinate Ministries concerned and UNICEF with a view to effecting wider co-operation on matters concerning birth registration.
- To co-ordinate Ministries concerned and UNICEF with a view to effecting co-operation on matters concerning reintegration.
- To co-ordinate on other possible areas of co-operation with UNICEF including awareness training on child rights.

- To provide information, as necessary, on the above-mentioned matters to the UN Resident Co-ordinator.
- To provide timely information through the Myanmar Permanent Representative in New York.
- To cooperate with the International Committee of the Red Cross (ICRC), in accordance with the existing laws of Myanmar.

Reporting

To submit quarterly reports or as instructed by the Committee on progress concerning the implementation of the Plan of Action.

Submission of Recommendations

The Task Force may assess the implementation of the Plan of Action as deemed necessary, and submit recommendations to the Committee.

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300
Email: hrwnyc@hrw.org

CHILDREN'S RIGHTS DIVISION

Lois Whitman, *Executive Director*
Jo Becker, *Advocacy Director*
Michael Bochenek, *Deputy Director*
Zama Coursen-Neff, *Acting Deputy Director*
Clarisa Bencomo, *Researcher*
Elizabeth Calvin, *Advocate*
Juliane Kippenberg, *Researcher*
Simone Troller, *Researcher*
Kennji Kizuka, *Associate*

ADVISORY COMMITTEE

Robert G. Schwartz, *Chair*
Roland Algrant, *Vice-Chair*
Goldie Alfasi-Siffert
Ishmael Beah
Mark Allen Belsey
Rachel Brett
Pam Bruns
Bernardine Dohrn
Lucinda Franks
Judy Gaynor
Alice Henkin
Kathleen Hunt
Eugene Isenberg
Sheila B. Kamerman
Rhoda Karpach
Miriam Lyons
Joy Moser
Elena Nightingale
Valerie Pels
Wendy Smith Meyer
Judith Greenberg Seinfeld
Javier Stauring
Anne Studzinski
Ramona Sunderwirth
Tony Tate
Yodon Thonden
Lisa Woll

HUMAN RIGHTS WATCH

Kenneth Roth, *Executive Director*
Michele Alexander, *Development & Outreach Director*
Carroll Bogert, *Associate Director*
Barbara Guglielmo, *Finance & Administration Director*
Peggy Hicks, *Global Advocacy Director*
Iain Levine, *Program Director*
Andrew Mawson, *Deputy Program Director*
Dinah Pokempner, *General Counsel*
Aisling Reidy, *Senior Legal Advisor*
James Ross, *Legal & Policy Director*
Joe Saunders, *Deputy Program Director*
Jane Olson, *Chair, Board of Directors*

August 22, 2007

H.E. Mr. Kyaw Tint Swe
Ambassador and Permanent Representative
Permanent Mission of Myanmar to the United Nations
10 East 77th Street
New York, NY 10021
Via facsimile

Your Excellency:

Human Rights Watch conducts regular, systematic investigations of human rights abuses in some seventy countries around the world. As part of its ongoing work on children's rights and to update our previous research, Human Rights Watch is currently conducting an investigation related to the recruitment of children as soldiers in Myanmar. Our investigation encompasses recruitment by national armed forces (Tatmadaw) as well as by armed non-state groups.

We plan to publish a report on child recruitment in Myanmar later this year and are gathering information via many different avenues. In order that our information on the Myanmar Tatmadaw is as complete as possible, we request your assistance in forwarding this letter to the appropriate officials in your government, and providing Human Rights Watch with the following information:

- 1) Information on the Myanmar army's recruitment policies and practices. In particular, please provide a list of all recruitment units and their locations, identify recruitment targets or quotas for the previous two years and the units which are responsible for recruitment, and statistics on the total number of individuals nationwide recruited into the army for each year since 2002, broken down by age;
- 2) An elaboration of how recruitment is monitored and what measures are in place to prevent forced conscription or the recruitment of minors in accordance with military rules.
- 3) Details on specific initiatives undertaken since 2004 by the Committee on the Prevention of the Recruitment of Underage Children, including measures taken to educate regional and local commands not to recruit children; measures taken to raise awareness among society about the rights of children generally, and specifically regarding the minimum age for recruitment for military service;
- 4) Information regarding the number of recruiters found to have recruited under-age soldiers in violation of established

HUMAN
RIGHTS
WATCH

www.hrw.org

- policies since 2004, and the disciplinary measures taken in these cases;
- 5) Information regarding the number of children demobilized from the armed forces since 2004, and details regarding any programmes set up for the demobilisation, rehabilitation and reintegration of Tatmadaw child soldiers;
 - 6) Information on any draft articles in the proposed state constitution pertaining to mandatory military service or military recruitment;
 - 7) Information concerning measures that have been taken to release and resettle former child soldiers who were arrested for desertion or other offences, including the names and addresses of persons who have been so assisted;
 - 8) Copies of all recruitment rules, orders and directives issued by the Ministry of Defence, including "Directive for Recruiting new qualified private and other ranks for the Armed Forces" issued by the Office of the Adjutant General, Ministry of Defence, Reference no: 1/131/Yay-1(Kha), dated 5th April 2000, and "Directive: Not to practice forced recruitment for new recruits" issued by the Officer of the Adjutant-General, Ministry of Defence, Reference No: 1/131/Yay-1(Ka), 2 October 1997;
 - 9) A list of all Nationalities Youth Development Training Schools (NYDTS) under the Ministry of Progress of Border Areas and National Races and Development Affairs, statistics on the numbers of previous or current NYDTS students who were previously enrolled in the Ye Nyunt programme, and statistics on the current occupations of the NYDTS graduates including those who have joined the military;
 - 10) Information on any communications between your government and the Royal Thai government regarding dialogue between United Nations agencies in Thailand (specifically UNICEF and UNHCR) and non-state armed groups such as the Karen National Union and Karenni National Progressive Party on the subject of child recruitment to their armies. Specifically, did your government request the Thai government to halt such dialogue? If so, what were the reasons? Will your government consider reversing this policy?

Unfortunately our report must be produced on a short time schedule, so we would very much appreciate your reply on the above requests no later than September 15, 2007.

Thank you very much for your kind assistance.

Sincerely yours,

Jo Becker
Advocacy Director
Children's Rights Division



PERMANENT MISSION OF THE UNION OF MYANMAR
TO THE UNITED NATIONS, NEW YORK

TEL: 744-1271 • FAX: 744-1290
E-MAIL: myanmarmission@verizon.net

10 EAST 77th STREET
NEW YORK, N.Y. 10021

Ms. Jo Becker
Advocacy Director
Children's Right Division
Human Rights Watch
(212) 736-1300

12 September 2007

Dear Ms. Jo Becker,

I refer to your letter of 22 August 2007 addressed to the Permanent Representative of the Union of Myanmar in which you requested information relating to allegations regarding the recruitment of children as soldiers in Myanmar.

In this regard, I recall that, in 2002, you requested similar information and my predecessor, Mr. Nyunt Swe, Counsellor for Public Affairs, had responded by providing detailed information. We are greatly disappointed that none of the facts that were provided to you was reflected in the report. Instead, the facts given to you were relegated to the annex. We have therefore compelled to conclude that any new information provided will also suffer the same treatment.

Your previous report reflects with inaccuracies. Therefore, I would like you at least to include the facts that are presented in the reports of the UN Agencies after their representatives have visited Myanmar.

In this connection, I wish to inform you that Mr. Kul Gautam, Assistant Secretary-General and Deputy Executive Director of UNICEF, and Ms. Radhika Coomaraswamy, Under-Secretary-General and Special Representative of the Secretary-General for Children and Armed Conflict, visited Myanmar in August 2006 and in June 2007, respectively.

Let me quote what UNICEF mentioned in its report, entitled "Annual report of the Executive Director: progress and achievements against the medium-term strategic plan" (E/ICEF/2007/9), to the Executive Board of UNICEF. The report stated that "In Myanmar, UNICEF has obtained a commitment from the Secretary of

the State Peace and Development Council that no one below 18 years of age would be recruited into the Military."

The report of the visit of the Special Representative of the Secretary-General for Children and Armed Conflict to Myanmar contained the following with regard to the Committee for the Prevention of Military Recruitment of Underage Children: -

"The Committee was formed by the Office of the Chairman of the SPDC, by its letter No. 205/Na Ya Ka Oo/Ka Sa, dated 05 January 2004. The Chairman of the Committee is the Secretary-One of the State Peace and Development Council and it includes as its members:

1. Minister for Home Affairs
2. Minister for Foreign Affairs
3. Minister of Social Welfare, Relief and Resettlement
4. Minister of Labour
5. Deputy Chief of Justice
6. Deputy Attorney-General
7. Judge Advocate-General of the Ministry of Defense
8. Vice Chief of Armed Forces Training of the Ministry of Defense
9. Senior Officer of the Ministry of Defense (serving as Committee Secretary)

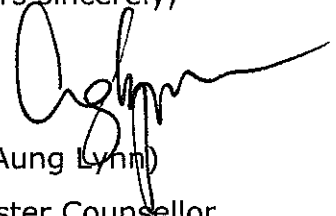
The Objectives of the Committee are to prevent forced recruitment of under-age children as soldiers and to ensure adherence to orders and instructions issued for the protection of under-age children. Under Directive No. 13/73 of the Defense Council of Burma, dated 8 April 1974, a person must have attained the age of 18 years for enlistment into the armed forces of Burma.

The Committee, at its first meeting in 2004, drew up an "action plan" which included the establishment, in July 2004, of a Directorate of Military strength to "...examine systematically whether recruitment conforms to orders, instructions, rules and regulations issued by the Ministry of Defense...one of the primary functions [of which] is to ensure that no one under 18 years of age is recruited into the armed forces". The action plan also deals with the discharge from military service of under-age recruits and their re-integration into their homes. Finally, the action plan addresses measures for public awareness regarding prevention of under-age recruitment at the national and local levels. It is worthwhile to note that the action plan also briefly mentions accountability for under-age recruitment, although measures have not been defined to date. The Directorate of Military strength is

mandated to report quarterly on its activities and to respond to any other reporting requirements the Committee on the Prevention of Underage Recruitment puts forward."

Further information can be found in the report of the Visit of the Special Representative for Children and Armed Conflict to Myanmar which is available at the website of the Office of the Special Representative of the Secretary-General for Children and Armed Conflict.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Aung Lynn', written over the printed name.

(Aung Lynn)

Minister Counsellor

Public Affairs



UNICEF		
Thailand Country Office		
Date: 23/4/07		
NAME	ACTION	INFO
Tomoo		✓
Andrew		
Mark		
Scott		
Amanda		✓
Bastiaan		
Katrin		
Suganya		
Kajorn		
Nattanun		
FILE:		

DEED OF COMMITMENT

We, the representatives of the Karenni National Progressive Party (KNPP) and the Karenni Army (KA):

Affirm the definition of children, stipulated in the Convention on the Rights of the Child, as individuals aged below 18 years old;

Recognize that children without distinction, by reason of their physical and mental vulnerability, need special and appropriate protection, assistance and care;

Affirm that the rights of children require special protection and continuous improvement for their development and education in conditions of peace and security;

Consider that children should be fully prepared to live an individual life in society and are brought up in the spirit of peace, dignity, tolerance, freedom, equality and solidarity, and with the guidance and support of their parents;

Recognize the importance of co-operation for improving the living conditions of children in Myanmar and along the Thai-Myanmar border;

Take due account of the importance of the traditions, and cultural and ethnic values, of each people in Myanmar for the protection and harmonious development of each child;

Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences it has for durable peace, security and development,

Recognize that, in Myanmar and along the borders, there are children living in exceptionally difficult conditions and that such children need special consideration;

Condemn the use and recruitment of children as soldiers;

Agree that a “child soldier” is defined as: “any person under 18 years of age who is or who has been recruited or used by an armed force or group in any capacity, including but not limited to a child used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken an active part in hostilities”

Welcome the adoption of the following legal instruments for the protection of children associated with armed groups and forces: **Optional Protocol on the Involvement of Children in Armed Conflict** which raises the age of possible recruitment of persons into armed forces and their participation in hostilities to eighteen; **International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour** which prohibits forced or compulsory recruitment of children for use in armed conflict; and the **Rome Statute of the International Criminal Court**, which categorizes the conscription, enlistment or use in hostilities of children under the age of 15 as war crimes in both international and non-international armed conflicts;

~~Recognize~~ the adoption of ~~Security Council Resolution 1612 (2005)~~ and previous Security Council resolutions on children and armed conflict and the need to comply with the international norms contained therein;

We hereby declare our commitment and adherence to the principles of Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and shall take the necessary and immediate actions, as follows:

1. We will not recruit or use in any circumstances, "voluntarily" or by force, persons under the age of 18 years under any circumstances;
2. We will undertake all feasible measures to prevent such recruitment and use of children as soldiers within the KNPP and KA;
3. We will permit the monitoring, by independent third parties agreed upon, of our commitment and adherence to the principles of the Optional Protocol and compliance with the provisions thereof;
4. We will undertake to make the principles and provisions of the Optional Protocol widely known and promoted by appropriate means, within our own organizations and communities we work with;
5. We will undertake all feasible measures to ensure that children within our ~~jurisdiction/protection~~ recruited or used in hostilities are demobilized or otherwise released from service, as stated in a comprehensive Plan of Action, developed in close cooperation with the United Nations Country Team, as stated in the United Nations Security Council Resolution 1612;
6. We will also facilitate the provision of appropriate assistance by United Nations agencies, international development organizations and NGOs, for the physical and psychological recovery and social reintegration of demobilized or released children within the KNPP and KA;
7. We will cooperate with other international and non-government organizations in the implementation of the principles of the Optional Protocol, including in the prevention of any activity that leads to the recruitment and use of children in armed conflict.



Signed:

Khu Htae Bu Peh
Chairman
Karenni National Progressive Party



Maj. Gen Bee Htoo
Commander-in-chief
Karenni Army

Date: April 13, 2007



OFFICE OF THE SUPREME HEADQUARTERS
KAREN NATIONAL UNION
KAWTHOOLEI

4, March 2007

DEED OF COMMITMENT

We, the representatives of the Karen National Liberation Army:

Affirm the definition of children, stipulated in the Convention on the Rights of the Child, as individuals aged below 18 years old;

Recognize that children without distinction, by reason of their physical and mental vulnerability, need special and appropriate protection, assistance and care;

Affirm that the rights of children require special protection and continuous improvement for their development and education in conditions of peace and security;

Consider that children should be fully prepared to live an individual life in society and are brought up in the spirit of peace, dignity, tolerance, freedom, equality and solidarity;

Recognize the importance of co-operation for improving the living conditions of children in Myanmar and along the Thai-Myanmar border;

Take due account of the importance of the traditions and cultural values of each people in Myanmar for the protection and harmonious development of each child;

Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences it has for durable peace, security and development;

Recognize that, in Myanmar and along the borders, there are children living in exceptionally difficult conditions, and that such children need special consideration;

Condemn the use and recruitment of children as soldiers;

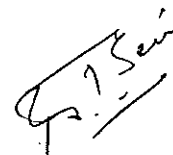
Agree that a "child soldier" is defined as: "any person under 18 years of age who is or who has been recruited or used by an armed force or group in any capacity, including but not limited to a child used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken an active part in hostilities"

Welcome the adoption of the following legal instruments for the protection of children associated with armed groups and forces: **Optional Protocol on the Involvement of Children in Armed Conflict** which raises the age of possible recruitment of persons into armed forces and their participation in hostilities to eighteen; **International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst forms of Child Labour** which prohibits forced or compulsory recruitment of children for use in armed conflict; and the **Rome Statute of the International Criminal Court**, which categorizes the conscription, enlistment or use in hostilities of children under the age of 15 as was crimes in both international and non-international armed conflicts.

Recognize the adoption of Security Council solution 1612 (2005) and previous Security Council resolutions on children and armed conflict and the need to comply with the international norms contained therein;

We hereby declare our commitment and adherence to the Principles Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and shall take the necessary and immediate actions, as follows:

1. We will not recruit or use in any circumstances, "voluntarily" or by force, persons under the age of 18 years under any circumstances;
2. We will undertake all feasible measures to prevent such recruitment and use of children as soldiers within the KNLA;
3. We will permit the monitoring, by independent third parties agreed upon, of our commitment and adherence to the principles of the Optional Protocol and compliance with the provisions thereof;
4. We will undertake to make the principles and provisions of the Optional Protocol widely known and promoted by appropriate means, within our own organizations and communities we work with;
5. We will undertake all feasible measures to ensure that children within our jurisdiction/protection recruited or used in hostilities are demobilized or otherwise released from service, as stated in a comprehensive Plan of Action, developed in close cooperation with the United Nations Country Team, as stated in the United Nations Security Council Resolution 1612;
6. We will also facilitate the provision of appropriate assistance by United Nations agencies, international development organizations and NGOs, for the physical and psychological recovery and social reintegration of demobilized or released children within the KNLA.
7. We will cooperate with other organizations in the implementation of the Optional Protocol, including in the prevention of any activity that leads to the recruitment and use of children in armed conflict.



Saw Ba Thin Sein
President
Karen National Union