

Office of the Special Representative for Children and Armed Conflict

Input to the Universal Periodic Review of the Human Rights Council Report on Myanmar

20 July 2010

A. Grave violations against children in armed conflict

(The source of the information below is the Secretary-General's report on Children and Armed Conflict, A/64/742-S/2010/181 pertaining to the reporting period from January to December 2009, unless indicated otherwise).

1. The following parties in Myanmar were listed in the annexes of the Secretary-General's annual report on children and armed conflict for recruitment and use of children:

- (i) Democratic Karen Buddhist Army (DKBA)
- (ii) Karen National Union-Karen National Liberation Army Peace Council
- (iii) Kachin Independence Army (KIA)
- (iv) Karen National Liberation Army (KNLA*): this party has sought to conclude an action plan with the United Nations in line with Security Council resolutions 1539 (2004) and 1612 (2005), but the United Nations has been prevented from doing so by the Government of Myanmar
- (v) Karenni Army (KA)*: this party has sought to conclude an action plan with the United Nations in line with Security Council resolutions 1539 (2004) and 1612 (2005), but the United Nations has been prevented from doing so by the Government of Myanmar
- (vi) Karenni National People's Liberation Front (KNPLF)
- (vii) Myanmar National Democratic Alliance Army
- (viii) Shan State Army-South (SSA-S)
- (ix) Tatmadaw Kyi
- (x) United Wa State Army (UWSA)

2. The United Nations country task force on monitoring and reporting continues to face challenges related to access to Government armed forces (Tatmadaw Kyi) recruitment units, schools and camps in order to carry out its monitoring and verification exercises. The task force also had extremely limited access to non-State armed groups during the reporting period and was unable to establish contact with many of those groups owing to Government restrictions. Therefore, although there have been reports of the recruitment and use of children in all the groups listed in the Secretary-General's previous report (A/63/785-S/2009/158), the United Nations has not been able to fully verify, or in the cases of the Kachin Independence Army (KIA), the Karenni National People's Liberation Front (KNPLF), the Karen National Union-Karen National Liberation Army Peace Council, the Shan State Army-South (SSA-S) and the United Wa State Army (UWSA), to obtain any new information.

3. New information received by ILO indicates that recruitment and use of children by the Tatmadaw Kyi continued between January and December 2009. Reports have been received from Shan state (north) and Ayeyarwaddy division, indicating that the Tatmadaw Kyi is ordering Village Peace and Development Council chairmen to organize mandatory military trainings for village militias known as “Pyithusit”. A trend may be emerging in both those regions, where adult males, who are the primary breadwinners of the family, are unable to attend the military training sessions and are sending their children instead. There are also reports that in some instances in Ayeyarwaddy division, children who have completed the village militia training are being recruited into the Tatmadaw Kyi. The country task force is still attempting to verify those reports.

4. ILO has verified a report that an under age boy who was recruited into the Tatmadaw Kyi and had taken a direct part in hostilities, had been convicted of murdering a colleague and sentenced to death. The sentence has not yet been carried out and the case has been urgently raised by ILO with the Government authorities in respect of his recruitment, his treatment under the law and his future.

5. In Kayin state, information received indicated that the Democratic Karen Buddhist Army (DKBA) had scaled up its recruitment efforts and many children reportedly have been recruited in 2009. The reports also indicated that DKBA was actively recruiting in order to meet the quota of 6,800 soldiers to form border guards under the command of the Tatmadaw Kyi as part of a plan allegedly agreed by the Myanmar Government and some non-State armed groups. Many children, all armed, were seen working for DKBA-run businesses, in particular DKBA-run toll gates. In one of the townships in Kayin state, locals estimate that at least 50 children are working for DKBA in their township alone. The country task force has verified four cases of recruitment of children from 10 to 16 years of age, including one girl, who were used as porters.

6. Reliable information received in March 2009 through the country task force indicated that every household in Myanmar National Democratic Alliance Army (Kokang Army) areas with more than one child has to provide at least one child to the group. According to the reports, both boys and girls, including those under 15 years of age, are recruited and families that have more daughters than sons will, in most cases, send their girls. Some child soldiers have also been witnessed manning the Kokang Army checkpoints during the clashes in Kokang state in August 2009. However, since the defeat of the Kokang Army shortly thereafter, there are indications that the group has disintegrated and it is unclear as to what has happened to the child recruits.

7. On 18 April 2009, the Executive Committee of the Karenni National Progressive Party (KNPP) issued a press release, in addition to a communiqué sent to my Special Representative in February 2009, highlighting the fact that it has invited the United Nations on several occasions to monitor its military bases and areas of operations, has offered open and independent access for compliance verification and has expressed its willingness to have an dialogue with the United Nations. It noted that, in accordance with the Karenni state constitution, article 29 (5), all under age children shall be free from conscription into the Karenni Army and appealed for the group to be removed from the

annexes. On 25 April, the Karen National Union (KNU) issued a similar press release, in addition to calling upon the Government of Myanmar not to limit United Nations access to its areas. The groups also committed to investigate any allegations of child recruitment received. During the reporting period, a boy 14 years of age was confirmed present in KNU as was a boy 17 years of age in KNPP.

8. Villagers and internally displaced persons, including children, in locations along the eastern border areas of Myanmar continue to suffer serious threats to their lives from the effects of the use of anti-personnel mines. Karen National Liberation Army (KNLA), Tatmadaw Kyi and DKBA soldiers have been responsible for laying mines in Karen areas. Two cases of boys 13 years of age, maimed by landmines, were recorded during the reporting period. It is important to note that, owing to the limited scope of data collection and the lack of access to contested and ceasefire areas of the country, there may be more casualties that remain unreported.

9. Since the clashes in Kokang in August and the resulting tension that had spread to Wa state, local district authorities in Wa have prevented access to the north-western area that is close to the border with China because of the scaling-up of the United Wa State Army (UWSA) presence. As a consequence, food-for education programmes, benefiting around 1,450 children from 46 community schools in that area, were suspended.

B. Dialogue and action plans to halt the recruitment and use of children, as called for in Security Council resolutions 1539(2004), 1612 (2005) and 1882 (2009)

10. A draft action plan is under discussion with the Working Committee on the Monitoring and Reporting Mechanism of the Government of Myanmar. On 26 November 2009, the Government agreed to undertake the following steps identified in the draft action plan: to appoint a focal point from the Office of the Chief of Military Affairs Security, in addition to representatives from the Ministry for Foreign Affairs and the Ministry of Social Welfare and Resettlement; to cooperate with the United Nations so as to strengthen birth registration systems that facilitate age verification during recruitments; to provide awareness training on child rights and protection at all military recruitment centres and training schools; to issue directives stipulating disciplinary measures for recruiters and violators to all military divisions on the prohibition of recruitment of minors; to facilitate in-country access on specific requests by the United Nations, in conjunction with states and divisional coordination committees; and to facilitate visits by the United Nations to Government recruitment centres and military sites. **Those positive commitments to the draft action plan should be accelerated and finalized in an urgent manner.**

C. Release of children

11. In Myanmar, according to official reports made available by the Ministry for Foreign Affairs, 87 child soldiers were released through Government mechanisms from January to December 2009. Progress has been made with respect to those reports, as they now include addresses and other contact details of the children, which assist the United Nations in verifying the release and in tracing the families of the children. In addition,

under the International Labour Organization (ILO) Supplementary Understanding complaints mechanism for the elimination of forced labour, a total of 44 under age recruits were verified as discharged and reunited with their families in 2009. The Government working committee on the monitoring and reporting mechanism has also invited the United Nations to witness the discharge of eight children from the basic military training schools, recruitment centres and camps. During the reporting period, UNICEF and child protection partners provided reintegration services to 54 former child soldiers, in support of the Ministry of Social Welfare, Relief and Resettlement.

D. Addressing impunity for perpetrators through investigations, convictions or sanctions of those responsible for grave crimes against children

12. In Myanmar, in response to complaints lodged by ILO on under age recruitment by Tatmadaw Kyi officers, such administrative penalties as serious reprimands, the loss of wages or the loss of seniority have been imposed on 26 soldiers. In addition, a commissioned officer has been dismissed from the military and sentenced to one-year imprisonment, and two privates have been sentenced to imprisonment of up to three months with hard labour by the military courts.

E. Ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

13. Myanmar has not yet signed nor ratified the Optional Protocol.

Attachments:

1. Security Council Working Group Conclusions on Children and Armed Conflict in Myanmar (S/AC.51/2009/4, 28 October 2009)

2. Security Council Working Group Conclusions on Children and Armed Conflict in Myanmar (S/AC.51/2008/8, 25 July 2008)