

PROTECTION OF CHILD SOLDIER'S RIGHTS IN ARMED CONFLICTS IN  
MYANMAR

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นิ นี วิน : การคุ้มครองสิทธิของทหารเด็กในความขัดแย้งกันด้วยอาวุธในประเทศพม่า (PROTECTION OF CHILD SOLDIER'S RIGHTS IN ARMED CONFLICTS IN MYANMAR) อ.ที่ปริกษาวิทยานิพนธ์หลัก: สุภาวดี จันทวานิช, หน้า.

งานวิจัยฉบับนี้มุ่งสำรวจเหตุผลว่าเหตุใดรัฐภาคีจึงเผชิญกับความท้าทายที่จะเคารพและปกป้องสิทธิของทหารเด็กในประเทศพม่า นอกจากนี้ยังระบุสาเหตุของคัดเลือกเด็กเพื่อเป็นทหารทั้งที่ยังไม่บรรลุนิติภาวะ, การละเมิดสิทธิเด็กและเน้นย้ำว่าผู้มีหน้าที่เคารพสิทธิ(Duty Bearer)ควรดำเนินการคุ้มครองสิทธิเด็กอย่างไรสุดท้ายงานวิจัยฉบับนี้วิเคราะห์ถึงความท้าทายในการดำเนินการปลดอาวุธ (Disarmament), การปลดประจำการ (Demobilization) และกระบวนการบูรณาการคืนสู่สังคมเดิม (Reintegration) เพื่อให้บริการทางเศรษฐกิจและสังคมสำหรับทหารเด็กในประเทศพม่า งานวิจัยฉบับนี้ใช้วิธีวิจัยเชิงคุณภาพด้วยวิธีการสัมภาษณ์ผู้ให้ข้อมูลหลักและการสัมภาษณ์เชิงลึกกับผู้ที่มีส่วนเกี่ยวข้องกับระดับต่างๆ และทหารเด็กพร้อมทั้งวิธีการทบทวนและการวิจัยบนพื้นฐานของข้อมูลทุติยภูมิที่มีอยู่

ผลการวิจัยชี้ให้เห็นว่าความขัดแย้งทางชาติพันธุ์, การขาดโอกาสในการศึกษา, ความยากจนและการว่างงานเป็นสาเหตุของการทำให้เด็กเข้าสู่การเป็นทหารจากกรณีศึกษาส่วนใหญ่พบว่าเด็กได้ถูกคัดเลือกเป็นทหารตอนอายุ 15 ปีวิธีการคัดเลือกครอบคลุมทั้งการใช้กำลังหรือการบีบบังคับ, การสมัครใจเนื่องด้วยอัตลักษณ์ชาติพันธุ์, การชักชวนหรือการดึงดูดด้วยแรงจูงใจจากการบังคับใช้กฎหมายและจากนายหน้าทหารเด็กในกองทัพต้องเผชิญกับการละเมิดต่างๆ ตั้งแต่ตอนที่ได้รับมอบหมายให้รับในแนวหน้า, การทำงานหนักในสนามรบ, การได้รับยกเว้นการลงโทษจากการกระทำผิดและการได้รับบาดเจ็บอย่างรุนแรงจากการต่อสู้ หลังจากการถูกคัดเลือกเป็นทหารทหารเด็กส่วนใหญ่จากกองทัพแห่งชาติพม่า (Tatmadaw) ได้รับเงิน 500 เหรียญสหรัฐเพื่อคืนสู่สังคมเดิมเมื่อเปรียบเทียบกับสิ่งที่พวกเขาต้องเผชิญกับ *อนุสัญญาว่าด้วยสิทธิเด็ก* ในข้อ 4, 19, 24, 27, 28, 32, 35, 36, 37, 38 และ 39 บ่งชี้ได้ว่าสิทธิของเด็กเหล่านั้นถูกละเมิด โดยเฉพาะอย่างยิ่งในมาตรา 38 ที่กล่าวว่า "เด็กอายุต่ำกว่า 15 ปีไม่ควรถูกบังคับหรือได้รับคัดเลือกให้เข้าร่วมในสงคราม หรือเข้าร่วมกองกำลังติดอาวุธ" (*อนุสัญญาว่าด้วยสิทธิเด็ก*, 1989) ในกรณีนี้รัฐบาลพม่ารวมทั้งกระทรวงกลาโหม, กระทรวงสวัสดิการสังคม, กองทัพอากาศ, ภาคนิรโทษกรรม, ผู้ปกครองและชุมชนคือผู้ที่มีหน้าที่เคารพสิทธิหรือผู้ที่ควรคุ้มครองเด็กงานวิจัยฉบับนี้ค้นพบว่าบทบาทและความรับผิดชอบของผู้มีหน้าที่เคารพสิทธิมีข้อจำกัดเนื่องมาจากกลไกการคุ้มครองเด็กยังไม่เข้มแข็งและความท้าทายในการดำเนินการปลดอาวุธ, การปลดประจำการและกระบวนการบูรณาการคืนสู่สังคมเดิมที่จะทำให้เกิดโอกาสที่ดีกว่าทางเศรษฐกิจและสังคมสำหรับอดีตทหารเด็กผู้ซึ่งกลับเข้าสู่การมีชีวิตแบบพลเมืองทั่วไป

จุฬาลงกรณ์มหาวิทยาลัย  
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# # 5681212024 : MAJOR INTERNATIONAL DEVELOPMENT STUDIES

KEYWORDS: CHILD SOLDIERS, ETHNIC ARMED CONFLICTS, CHILD RIGHTS, DUTY BEARERS, DISARMENMENT, DEMOBILIZATION, REINTEGRATION

NI NI WIN: PROTECTION OF CHILD SOLDIER'S RIGHTS IN ARMED CONFLICTS IN MYANMAR. ADVISOR: PROF. SUPANG CHANTAVANICH, Ph.D., pp.

This research explores the reasons why the State Party faces challenges in respecting and protecting the rights of child soldiers in Myanmar. It also identifies the root causes of underage recruitment and its violation of child rights, and emphasizes the actions duty bearers should take to protect children's rights. Finally, it analyzes the challenges of implementing disarmament, demobilization and reintegration programs to provide economic and social services for child soldiers. The methodology of research is a qualitative approach of key informants and in-depth interviews with a concerned range of key stakeholders and child soldiers with review and research based on available secondary data.

Research findings indicate that ethnic armed conflict, lack of education opportunities, poverty, and unemployment are root causes that draw children to become child soldiers. Most cases examined were recruited into the army at age 15. Recruitment methods include force or coercion, voluntary recruitment for their ethnic identity, and persuasion or attraction with incentives by law enforcers and civilian brokers. In the army, child soldiers experienced various violations, ranging from being assigned to the front line of battle, hard work in the battle field, impunity, and severe injury by fighting. After recruitment, most of those from Myanmar's National Army, Tatmadaw, received USD 500 for reintegration.

When comparing what they have experienced against Articles 4, 19, 24, 27, 28, 32, 35, 36, 37, 38 and 39 to the Convention on the Rights of the Child (CRC), many of the rights were violated, especially Article 38 which indicates that "children under 15 should not be forced or recruited to take part in a war or join the armed force" (CRC, 1989). Duty bearers, who are supposed to protect children in this case, are the Myanmar Government (including the Ministry of Defense and Ministry of Social Welfare) and the Kachin Independence Army, civil society organizations, parents, and community. It was found that duty bearers exercised limited roles and responsibilities on the child soldier issue due to weak child protection mechanisms in place and challenges in implementing disarmament, demobilization and reintegration programs to improve socio-economic opportunities for ex-child soldiers transitioning from military to civilian lives.

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Student's Signature .....

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## LIST OF ACRONYMS

UDHR	Universal Declaration of Human Rights
UNCRC	United Nations Convention on the Rights of the Child
DDR	Disarmament, Demobilization and Reintegration
KIA	Kachin Independent Army
KIO	Kachin Independent Organization
BGF	Border Guard Forces
DSW	Department of Social Welfare
MoD	Ministry of Defense
MoE	Ministry of Education
MoH	Ministry of Health
MoHA	Ministry of Home Affairs
UNICEF	United Nations Children's Fund
ILO	International Labour Organization
INGO	International Non-Governmental Organization
NGO	Non-Governmental Organization
CBO	Community-Based Organization
CTFMR	Country Task Force on Monitoring and Reporting
IDP	Internally Displaced Person
CRC	Child Rights Committee
NRCR	National Child Rights Committee
TCRC	Township Child Rights Committee
UXO	Unexploded Ordnance
DKBA	Democratic Karen Buddhist Army
SSA	Shan State Army
BBF	Border Burmese Forces
MPs	Members of Parliament
UPR	Universal Period Review

# CHAPTER I

## INTRODUCTION

### 1.1 Background

Nowadays, children face systemic protection threats that come from family, community, and societal levels, and that are rooted in social, economic and political inequality. Particularly, children are targeted and caught by perpetrators to be used as child soldiers in the midst of armed conflict. Children have been traumatized by exploitation, torture and abuse of armed conflict. They have been unprotected and denied the opportunity to develop physically, intellectually, spiritually and socially by the effects of civil war within countries. This has consequently affected children, some of which engage in a cycle of societal violence. If we are to consider living in relatively peaceful world, this cycle of violence, which has been happening to children, must be broken. Thus, the duty bearer's role and responsibility of child rights protection is a crucial factor to end any form of violence, abuses, exploitation and neglects against children. Thus, child protection is important as it direct actions towards both preventing and responding to the violation of child rights. It is also essential that duty bearers, the state or government, and family are the primary actors while civil society, private sector, institutions, and community, are the secondary actors who should take their responsibility and accountability to fulfill child rights.

Burma, renamed Myanmar, is a "least developed country," one of the poorest and most ethnically diverse in South-East Asia with an estimated population of 51.41 million<sup>1</sup>. Myanmar is believed to have a highest number of child soldiers in Asia or even in the world (Jacob, 2013). The children of Myanmar are especially vulnerable to the effects of extreme poverty, human rights abuses of the junta, and the atrocities of armed conflict. A worsening economy and the lack of accessible social services mean that children in Myanmar face a multitude of protection risks such as trafficking, exploitative and harmful labour, including recruitment into armed forces with physical violence and sexual abuse, and neglect or lack of appropriate care.

With few educational or economic opportunities, the army represents a feasible choice for children in Myanmar, especially for children who come from urban poor communities, who live in the streets in slum areas, and who live in armed conflict areas. Therefore, due to economic deterioration, a culture of militarization and impunity and a systematic weakening of fundamental human rights are the main problems of child recruitment. In addition, increased militarization and armed conflict between military and ethnic groups have led to a general worsening of the human rights situation in the country, where children are involuntarily recruited into military forces to fight against their own people under the security concerns. In some cases, ethnic minority children are accepted into non-state armed force groups to fight for their federal state.

Nowadays the number of child soldiers is estimated over 300,000 internationally.<sup>2</sup> In Myanmar, there are believed to be 50,000 child soldiers<sup>3</sup> within the Myanmar Tatmadaw (hereafter Tatmadaw) and its insurgence groups for the last 10 years, however no one knows exactly how many and one can only guess based on anonymous sources. Myanmar is not involved in any outside conflicts, only armed conflict with the Kachin ethnic armed forces group, the Kachin Independence Army (hereafter KIA) from June 2011 to August 2014 while other ethnic armed groups have been in ceasefire agreement during peace negotiation processes (Lut, 2013). However, recently there has been fighting between Tatmadaw and two insurgence groups, Southern Shan State Army (SSA) and Democratic Karen Burma Army (DKBA), which started in September 2014.

In Myanmar, like other parts of the world, child soldiers mostly come from poor and marginalized sectors of the armed conflict situation. It is evident that poorer children from rural areas and also from slum areas are recruited<sup>4</sup>. Nevertheless, the lack of sufficient supports to high numbers of internally displaced persons creates an increase in the amount of child soldiers. Hence, the ethnic armed conflict is one of the main reasons for on-going underage recruitment in Myanmar. For that reason, the

international community and human rights watch groups are pressuring against continuous underage recruitment and its child soldiers problem in Myanmar.

## **1.2 Problem Statement**

In many countries, the UN Security Council has urged governments to develop action plans to ease child recruitment and for the UN to assist them to build the capacity of national security forces to address child rights violations. The action plans aim to provide screening of troops to prevent underage recruitment, the appointment of military focal points and the establishment of monitoring compliance for those who violated their rights especially for children in armed conflict situations. Thus, the Government of Myanmar signed a Joint Action Plan (JAP) with the United Nations on 27 June 2012 to end the recruitment and use of child soldiers in the Tamadaw and Border Guard Forces<sup>5</sup> (hereafter BGFs) before December 2013 (Child Soldiers International, 2012).

Particularly in Myanmar, due to the pressure of international communities and efforts of international organizations and UN bodies after the bi-election, over hundreds of child soldiers have been discharged after JAP (Myanmar, 2 Aug 2014). However, 770 cases were verified as under-aged recruitment from April 2009 to December 2012 (CAAC, 2013), although there has been the release of a few hundred child soldiers. It is believed that an increasing amount of cases have continued from 2012 to date. Due to JAP, ILO<sup>6</sup> and UN<sup>7</sup> agencies and many international and local child-focused organizations are trying to put into place systematic demobilization and reintegration programs with the cooperation and coordination of all stakeholders. But it has unfortunately taken no significant actions to address the issue of a systemic demobilization and reintegration process. Recently, ILO, UNICEF, and other UN agencies reported on the experiences and after-effects of child soldiering like demobilization and reintegration for those victims when they go back to normal life.

Therefore, Government of Myanmar is trying to put in place a Disarmament, Demobilization, and Reintegration Program intervention, which is funded by UN agencies with the help of international organizations and local organizations in Myanmar. However, the collective efforts to protect and prevent recruiting children into armed forces do not reach all because the Government has challenges in cooperation and collaboration with all stakeholders in order to get the integrated effects. Subsequently, capacity and resources for effective and responsive implementation of child protection mechanisms are still in vain. As a result, child soldiers are lacking a proper and realistic support for their social and economic opportunities in the process of demobilization and reintegration after they have been discharged from military life to civilian life.

For all the above circumstances, the current situation of recruiting children into armed forces under security concern is showing that there is limited situation in taking duty bearer's responsibility and accountability for the protection of child rights in Myanmar. Thus, the Universal Declaration of Human Rights (UDHR, 1948) and United Nations Convention on the Rights of the Child (UNCRC, 1989) assert that force and coercion of children into armed forces is exploitation of their rights and torture. Hence, the presence of child soldiers within a country is a crucial factor in interrupting human development as they are exploited victims of human rights violations.

### **1.3 Research Objectives and Questions**

This study is to determine the challenges of state parties to respect and protect the rights of child soldiers and their lives in accordance with United Nations Convention on the Rights of the Child (CRC). It has been normally assumed that poverty is the key factor contributing to the situation of child soldiers in Myanmar. However, this study will identify the root causes of child soldiers, patterns of recruitment and the consequences of child rights violation can affect the life of child soldiers in their armed force groups, particularly in Tatmadaw and KIA. The study examines the current duty bearers' action to take their responsibility in order to protect child



soldier's rights and limited situation to set up child protection mechanism in Myanmar. Finally, the research will analyze the challenges of implementing DDR program in terms of providing economic and social services for ex-child soldiers in Myanmar.

### **1.3.1. Research Question**

The main research question is; “What are the challenges for the state party in protecting and preventing the violation of child soldiers ‘rights as committed under the ratification of the United Nations convention on the rights of the child (CRC) in Myanmar?”

### **1.3.2 Research Objectives**

- To identify the roots causes of child soldiers, the recruitment patterns and child rights violations in Myanmar
- To examine duty bearers’ actions to take their responsibility and existing child protection mechanisms in Myanmar
- To analyze the challenges of implementing DDR programs for ex-child soldiers in Myanmar.

### **1.4 Significant of Research**

The research aims to reinforce policy for better protection and prevention of child soldiers in Myanmar. It is, then, evidence-based research to advocate for the primary duty bearers, the state party, to integrate efforts in providing services with the synergy effects of primary and secondary duty bearers so that child soldiers can easily be reintegrated. Finally, the research ultimately expects to contribute to the initiative of strengthening national child protection mechanisms for the most marginalized children, the worst form of child labor, particularly, child soldiers with effective coordinated and collaborated approaches by the government, civil society organizations, the communities and children themselves.

## 1.5 Ethical Issue

It is important to pay attention to ethical concerns in conducting field studies and interviews with respondents. All of the respondents were clearly explained the objective of the study. Rights holders, ex-child soldiers were asked in accordance with their agreement to participate and freedoms to express their view and opinion without any hesitation to leave the discussion. Primary and secondary duty bearers, which are all stakeholders' participation in interviews especially with the government officials were, depend on their willingness and feel free to express based on their role for the protection of child rights and the members of civil society organization would be the same. During interview sessions, ex-child soldiers were treated with child-friendly language and respect for their rights and gotten the consent by their parents or guardian. Moreover, inclusion of their personal data such as name, sex and age or photo is only done so with their consent. In addition, all participants were informed of the objective of the research and respected based on fundamental human rights as well as keeping all information and data confidential and anonymous.

## 1.6 Conceptual Framework

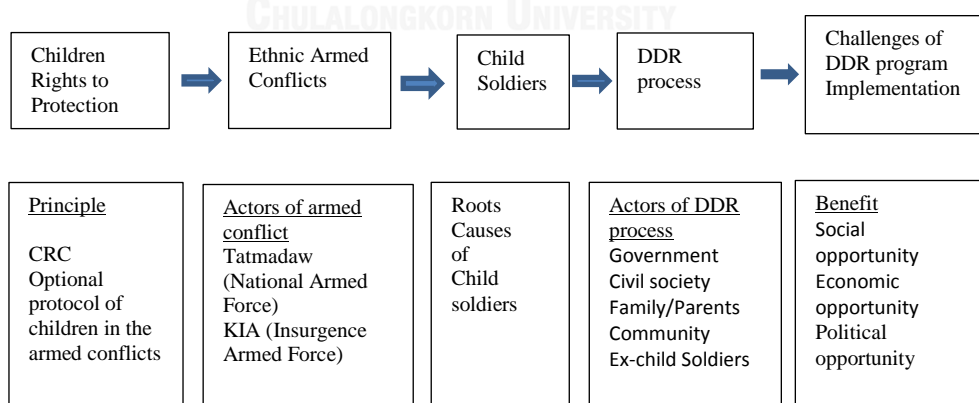


Figure 1 Conceptual Framework

### **1.6.1 Protection of Child Rights**

Article 4 of the UN Convention on the Rights of the Child states that “governments have a responsibility to take all available measures to ensure children’s rights are respected, protected and fulfilled” (UNCRC, 1989a). They have to agree to examine their domestic laws relating to children and assess whether it is reflected in their social services, legal, health and educational systems, and adequate funding to provide these services. Thus, governments are required to take all necessary steps to meet the minimum standards set out in the convention. They must also help families protect their children’s rights and create a space or environment in which children can develop and reach their potential (UNCRC, 1989a).

Thus, child protection issue is concerned with preventing children from harm and responding to any child protection concerns through comprehensive and sustainable action, however it is complex and necessary to link with these efforts with several other approaches. The importance of building a child protection mechanism within a country is to promote, protect and fulfil children’s rights against abuse, neglect, exploitation and violence as mentioned in the 1989 UN Convention on the Rights of the Child (CRC) and other human rights and conventions, including national laws. Therefore, government must build a measureable structure to prevent and respond against children’s rights violations through reorganization of their ultimate responsibility and obligation towards children’s human rights. The system or mechanism also contains a structure and plan that protects children against any form of violence and responds based on their best interest, coordination and cooperation together with different government sectors at all levels, civil society and local community through effective regulation and monitoring of different interventions in line with international standards, like CRC and other conventions or treaties and related optional protocols.

Particularly, in armed conflicts or any emergency situation, it is necessary to balance between longer term goals of system building and short term assistance or

immediate needs in particular areas to protect children within a limited timeframe, access and resource of the current situation through the development of a functioning emergency child protection structure that has been suited into a national child protection system in a longer term. For the protection of children in armed conflict, preventing recruitment that has been occurring in conflicts zone is essential, then, promoting child protection standards and policy through delivering trainings to increase knowledge about humanitarian law and other human rights standards for concerned stakeholders, such as armed force, police and other officers. Another way to protect is through family reunification, building child friendly space and psychosocial supports for children who live in conflict areas or war zones including advocacy with local communities and authorities for child rights protection and raising awareness of underage recruitment in this specific community (Children, 2006).

Particularly in the case of child soldiers, the most relevant Article for the rights of child soldiers in CRC are Article 19, “right to be protected from all forms of violence”, Article 24, “right to health”, Article 27, “right to adequate standard of living”, Article 28, “right to education”, Article 35, “right to protection from abduction, sale and trafficking”, Article 37, “right to protection from torture or other cruel, inhuman or degrading treatment or punishment”, Article 38, “state parties have obligation to take all feasible measure to ensure that persons below the age of fifteen year do not take a direct part in hostilities of armed force”, Article 39, “state parties have obligation to ensure the recovery and reintegration of children who have been subject to violence, with given to the child’s health, respect and dignity of child” (UNCRC, 1989a).

Additionally, the optional protocol, which states, “persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces” (OPCRC, 2000), is a benchmark of key references for implementation. It is a protocol that countries must ratify in order to be legally bound since February 2002. Presently, only the Philippines and Vietnam have ratified it in East Asia and Pacific region while Cambodia and Mongolia are in the process of ratifying it (UNICEF, 2013).

### 1.6.2 Armed Conflict and Ethnic Conflicts

Armed conflict represents “an argument of inconsistency that government and ethnic groups or other groups of people, where there is use of armed force between two parties. An ethnic conflict stands for an armed conflict between ethnic groups. It contrasts with civil war on one hand (where a single nation or ethnic group is fighting among itself) and regular warfare on the other, where two or more sovereign states (which may or may not be nation states) are in conflict”.<sup>8</sup> International humanitarian law distinguishes three types of armed conflict, namely: international armed conflict between two or more opposing States, internationalized armed conflicts which arise when a war occurs between two different parties fighting internally but are supported by two different states<sup>9</sup> and non-international armed conflicts which is between governmental forces and non-governmental armed groups, or between such groups only. In armed conflicts, armies use children as cheap, obedient, and effective battalions. Generally government armies or Non-State-Actor armed forces use children in their troops, for example most national armies use child soldiers in Africa but different in Nepal, the Philippines, or Sri Lanka, opposition groups use child soldiers on a routine basis (Becker, 2004) therefore, recruiting children into armed conflicts is mostly common practiced where the country has armed conflicts because children are easy to manipulate, persuade, are emotional, and more energetic and motivated in fighting.

Particularly in Myanmar with its non-international armed conflict situation or civil war between the people, ethnic groups and existing government, the recruitment of children into armed forces groups is eventually involved in order to build strong security forces at both sides. Most of the children, who live in slum areas with poor economic backgrounds or armed conflicts areas in the remote villages in states, do not possess National Registration Cards (hereafter NRC) to present. Therefore they have been targeted by military personals easily to threaten and arrest directly because they lack identity. On the other hand, ethnic armed groups cannot classify whether the children are underage when they are in a rush to build strong security forces especially in remote villages in the civil war zone. In this circumstance, children in

ethnic armed conflict areas or poor economic or vulnerable backgrounds were recruited into armed forces both voluntary and involuntary in Myanmar.

### **1.6.3 Definition of Child Soldiers**

A child is defined as "a human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier" (UNCRC, 1989a). However in Myanmar child law defined as , "a child means a person who has not attained the age of 16 years" and Youth means "a person who has attained the age of 16 years but has not attained the age of 18 years" (Section 1 (a),(Law, 1993).

A 'child soldier' is defined as "any child – boy or girl – under 18 years of age, who is part of any kind of regular or irregular armed force or armed group in any capacity, including, but not limited to: cooks, porters, messengers, and anyone accompanying such groups other than family members" (Child Soldier International, 2012).

### **1.6.4 Disarmament, Demobilization and Reintegration of Child Soldiers**

Effective peace-building initiatives require a thorough reform of a society's security sector – a process that requires active involvement of military, economic, and political actors. DDR must be a process to be "conceptualized, designed, planned and implemented within a wider recovery and development framework for the country" (IDDRS, 2006b). Generally, the Disarmament, Demobilization, and Reintegration (DDR) process is a key factor to prevent the continuous practice of underage recruitment and protection of children not to join armed forces so that peace negotiation processes can easily broaden up and apply the security mechanism to all populations of the country. In the case of child soldiers, DDR program implementation is "ending a security threat for children from dangerous military life into peaceful civilian life in order to take-off weapons, discharge and reintegrate them" (Knight, 2010). Therefore, the DDR process should focus on long-term oriented approaches to better the life of an ex-child soldier rather than putting it in

place and run quickly. In the last 10 years, DDR programs have been implemented in countries such as Colombia, the Democratic Republic of Congo, Rwanda, Sierra Leone, Somalia, Sudan, and Uganda in Africa and recently Afghanistan, Burundi, Liberia, and Sri Lanka have started in Asia but in some countries like Myanmar, Nepal, and the Philippines, the program are not in existence. In the DDR process, most have yet to be successful because of poor coordination, weak pre-planning and gaps in the implementation stage of DDR programs especially in the reintegration process.

However in the Democratic Republic of Congo (DRC), demobilization process has improved that the increased amount of ex-child soldiers where more than 1,200 children were released from RCD-Goma (rebellion group) and other armed groups in North and South Kivu since 1999 to early 2003. In this process, Save the Children and UNICEF are playing a key role to negotiate and facilitate in dealing with RCD-Goma political leadership, subsequently, a demobilization and rehabilitation program was established and implemented by Save the Children. Then, UNICEF signed an action plan for ending child soldiers with RCD-Goma in December 2001, as a result, increasing the number of demobilized children where 104 child soldiers were released in April 2002 however thousands of remain in RCD-Goma's ranks.<sup>10</sup> In this situation, it is not only affecting the life of child soldiers within RCD-Goma, but also in other armed forces in DRC from their demobilization program implementation (Becker, 2004).

Specifically, for the process of reintegration, creating employment opportunities and accessible market opportunities is a key element of a successful reintegration program, however, most of the countries which have armed conflicts are experiencing a breakdown of the economy, with no linkages between private and public sector investment and low levels of government incomes are ineffective and insufficient to improve reintegration. For example in Liberia, the reintegration program implementation did not contribute to sustainable alternative livelihood opportunities for ex-commandants, thus most of them are still in unemployed and end

up with exploitation of natural resources illegally such as diamond and gold mining areas and rubber plantation within country (Watson, 2009).

Disarmament – the term disarmament is” the abolition and disposal of arms and weapons with the intention of peace and a stable situation within a country” (Knight, 2010).

Demobilization- Demobilization is” the formal discharge of child soldiers from military to be rehabilitated by providing short term assistance” (Knight, 2010).

Reintegration - Reintegration is “the process of sustainable political, social and economic opportunities acquired by ex-child soldiers when they return to their civilian lives in communities at the local level” (Knight, 2010).





## **CHAPTER II**

### **RESEARCH METHOD AND LITERATURE REVIEW**

#### **2.1. Research Methodology**

The research applies a qualitative method using key informant interviews with a range of key stakeholders and children through primary field data collection. In addition, there was documentary review and research based on available secondary data books, academic research, websites and reports (from Government, UN, INGO, NGO and donor agencies, from the CRC and UPR reporting processes, and consultations data with children from NGO and INGO fieldwork) and these were analyzed to inform the qualitative approach.

Field data was collected through in-depth and semi-structured interviews with key informant groups including ex-child soldiers. The research questions were open-ended, and probe questions were used to clarify the information and getting further detail as necessary. Moreover, the questions regarding trauma issues and war-related exposures were worded in a more general way, so as to avoid making ex-child soldiers feel pressured to discuss extremely traumatic events. Social workers from community-based organizations in targeted townships assisted the researcher in note-taking and record-keeping as well as facilitating interviews with ex-child soldiers to avoid immediate risk of harm during the interview and generally ensure child-safeguarding. As the interviews were conducted in Myanmar and Kachin languages, a translation to English was needed.

##### **2.1.1. In-Depth Interview**

The research used in-depth interview methods with 15 ex-child soldiers (11 from Tatmadaw and 4 from KIA) in order to learn about their socio-economic background situations as well as feelings and experiences of being child soldiers. The informants have been chosen based on diverse demographic backgrounds such as

different social status, education, age and gender in wards where there is ex-child soldiers from Tatmadaw have been reintegrated and also the areas of Save the Children's reintegration program intervention (slum areas of Yangon region) within limited situation. On the Tatmadaw side, the interview could not include gender equality because there are no female child soldiers in Tatmadaw. On the KIA side, the researcher could only interview with soldiers who came to visit their relatives at IDP camps through IDP camp committee members. The researcher interviewed 4 soldiers including one female although she had planned to interview 5 soldiers, depending on availability in Laiza, Kachin State. Interviews also explored their expressions and individual points of view about joining armed groups and more in-depth investigation on their access to protection including the challenges and obstacles for this research. Parents and the relatives of ex-child soldiers as well as government officials were included in this interviewing process.

### **2.1.2. Semi-Structured Interview**

Semi-structured interviews were conducted with a total of 29 secondary duty bearers, including 15 civil society organizations (both international and local child-focused organizations) who are implementing DDR programs at community level and donors for the program such as UNICEF and ILO for national level. They also included other working group members and child rights committee members for a wider view of child rights and child protection intervention in Myanmar. Moreover, the researcher planned and interviewed with government officials from concern ministry and members of parliament for children and specific child soldier issues at national level such as representatives from the Department of Social Welfare and Ministry of Defense to capture the duty bearer's opinion and their experience on the process for protection of child soldier's rights in Myanmar. Further, members of community-based organizations, community leaders and family members including parents have been chosen to express their feelings and experiences on child soldiers and DDR program intervention within the community. The key informants were given the opportunity to be open and bring their opinions to the interview. The researcher

prepared the questions and guidelines for this process in advance and allowed them to feel free to discuss based on their expertise in this field in an un-structured manner. The key informants were interviewed as a classification of groups as follow.

### **Duty Bearers (Primary and Secondary)**

- 3 Government officials (DSW, MoD)
- 15 Civil society organizations members
- 6 Parents and family members of ex-child soldiers
- 5 Policymakers such as National Human Rights Commission, Parliamentary members, National, Regional and Township Child Rights Committee Members

### **Rights Holders**

- 11 Ex-Child Soldiers (6 in Hlaing Thar Yar and 5 in Shwe Pyi Thar Townships) in Yangon Region
- 4 Ex-Child Soldiers in Laiza, Kachin State

#### **2.1.4. Research Sites/Location**

The research area is comprised of two townships in Yangon region, Lower Myanmar where there are reintegration program interventions and in Laiza, Myitkyina Township in Kachin state. Research in these areas utilized semi-structured and in-depth interview methods.

- Hlaing Thar Yar Township, Yangon Region
- Shwe Pyi Thar Township, Yangon Region
- Laiza, Myitkyinar Township , Kachin State

### **2.1.5. Data Analysis**

The research comprised of interviews, observations and conversations with 15 ex-child soldiers, rights holders and 29 stakeholders, with duty bearers as key informants. The data was analyzed based on key informant interview results of how children were joined, persuaded and recruited by military officials, civilian brokers or any volunteer basis based on their different family backgrounds and diverse situations against international laws and standards. According to the violation of children's rights within armed force groups, it emphasized the views and opinions of how duty bearers are taking their responsibility as their role to protect and prevent the children in responding child protection issue and whether existing child protection mechanisms have the structure, function, adequate resources and capacity to implement and monitor the violation of child rights and violence against children, especially for the most marginalized children like child soldiers within a community with full application of the CRC and domestic law related to children.

The data was structurally analyzed to determine what Myanmar government faces with regards to obstacles and progress for DDR program implementation, which supports and provides social and economic opportunity for ex-child soldiers in line with principles and guidelines of systematic and sustainable DDR processes of United Nation 's International Disarmament, Demobilization and Reintegration Standard, IDDRS. Finally the research was analyzed to determine the challenges of state party to reinforce the existing national law related with children in protecting and preventing violations of child rights in accordance with international standards.

### **2.1.6. Research Limitation**

In Myanmar because of the nature of the previous military junta government and unstable political situation, the child soldier issue and its primary data sources are still sensitive. It is limited to obtain accurate data and restricted access to other information such as not being allowed to interview children from ethnic armed forces, especially Kachin Independent Organization (KIO), interviews with stakeholders,

particularly with government officials and ethnic armed force group members (KIO). However, addressing the real situation and analyzing the state responsibility to protect, respect, and prevent child soldiers, and taking their accounts on the emphasis of providing specific services for child soldiers are key principles in this study.

## **2.2. Literature Review**

### **2.2.1. Armed Ethnic Conflicts in Myanmar**

According to academic research, armed conflicts take place as a consequence of ethnic conflicts and threaten a country's stability and peace at all levels of individual, local, communal or even international peace. In some situations, ethnic conflict can create armed conflict situations when common interests are not well-distributed between each other. Therefore, ethnic armed conflicts have brought about a significant impact on the safety of the population, which have caused violations of human rights, consequently overwhelming death tolls, reducing economic productivity and causing various problems in the lives of people.

In the Southeast Asia region, "armed separatism, rebellion or terrorism towards the government is the most common character" (Badu, 2011). Since 1975, ethnic conflict has turned into a severe problem and these persistent conflicts represent that government legitimacy is relatively low and problematic in the Southeast Asia region. The characteristic of armed separatism, rebellion or terrorism towards the countries enables the occurrence of ethnic conflicts in this region such as in the cases of South Philippines, Aceh, Sri Lanka and Myanmar. Amongst these ethnic conflicts situation, Timor Leste has achieved independence through the enactment of a referendum in 1999, while in Aceh a peace accord was signed by both the Indonesian government and GAM<sup>11</sup> on 15 August 2005 (Badu, 2011).

However in Myanmar, the ethnic conflict is worsening and has turned into an armed conflict situation. After the 2012 bi-election, the ethnic armed conflict and its conflict transformation process is thought to be improving, though there is no

responsive action to prosecute or punish human rights abuses particularly recruiting children into armed conflict. Therefore, abuses are being continued with impunity within the ethnic armed conflict situation in Myanmar that has been against international standards of fundamental human rights. Children and young people have been impacted in this ethnic armed conflict situation. Children who are living in armed conflicts or war zones cannot access the education, social services or any potential opportunities of their livelihoods to develop their lives positively. Consequently they are enjoying dealing with weapons to get power and influence others in this war zone. Thus, maintaining the capacity, access to security for individuals especially for children in this conflict area is essential. Moreover, children have the right to grow up healthy and happy without suffering trauma as being involved in this ethnic armed conflict situation. In addition, "civil war or ethnic conflict can destroy the social and economic infrastructure and foundation of a society that is necessary for children to develop against any violence" (Wexler, Branski, & Kerem, 2006).

### **2.2.2. An Overview of Recruiting Child Soldier and Violation of Child Rights**

Underage recruitment by armed force groups is happening in the East Asia region including Myanmar and all over the world. The situations of children in armed conflict in Asian countries such as Indonesia, Aceh and the Philippines are clearer than in Myanmar. In the Philippines, legislation prohibits under-aged recruitment and enlistment of children but allows the training of children under the age of 18. But in Indonesian, although the government ratified CRC in 1990 and national law on child protection protects any person under the age of 18 from the effects of armed conflicts, insurgence groups like GAM<sup>12</sup> and TNI<sup>13</sup> used child soldiers in their armed force groups in Aceh (Risser, 2007). Similarity in Myanmar, it is confusing that Myanmar child law defines those who are 16 years old as children and 18 to 25 year olds as youth, however, Myanmar national law prohibits the recruitment of children who are under the age of 18 into armed forces (Child Soldiers International, 2012). At the same time, Myanmar ratified CRC as a principle to protect children and promote their rights, nevertheless the fact that it continues to recruit children into armed conflicts is

contradicting between the principle and practice. The military officers or civilian brokers threaten and arrest children who are vulnerable due to poor family backgrounds or who cannot fight back due to the influence of armed forces within war zone areas, for example the remote villages in Kachin or Southeast Shan States. Therefore, underage recruitment in Myanmar is still a controversial issue and recruiters continue to target children as they cannot protect and defend themselves.

On the other hand, children engaging in armed force groups have a chance to earn more regular income than living as a poor in conflict zones. Specifically, while families mainly depend on men for securing their livelihoods, children are targeted to join armies by the force of ethnic armed force groups under their reason of revolution. Consequently, children were being abused and tortured in their military training or on battle fields, such as being bullied and abused by seniors or discriminated against according to younger age and their inability to defend themselves against adults. Accordingly, as Somasundaram D. says this suffers and experiences will convey as “complete psychological and social wreck” (Somasundaram, 2002) along their lives. Therefore, in Myanmar, children are vulnerable for forced recruitment with threat against that “every children has rights to live with dignity” (Watch, 2007) and they are being tortured not in accordance with “every child has right to protect from any forms of abuse, exploited and neglect”<sup>14</sup> when the military and non-state actors continue to build their security forces. Further, they will feel depression and post-traumatic stress disorder as a consequence of abuses and torture in their military lives (Somasundaram, 2002).

### **2.2.3. Root Causes of Child Soldiers**

Extreme poverty, unemployment problems and social disorder issues are pushing children to join armies. Children from ethnic groups were born into war, living and growing up in situations of civil war and armed violence without hope of liberation from the culture of violence. These children, therefore, accept war as a normal way of life. The power of a weapon can transform them from mere children into adults with power and ‘authority’ to kill. And so, weapons are pulling children

into armed force under the reason of power. Then, holding guns and being a soldier is motivation for them in a severe situation and joining armed forces voluntarily is an only reason to be power influences upon others.

In addition, a complex combination of pull and push factors motivates or coerces children to join armed forces such as peer pressure, manipulation by adults, the promises of substantial financial supports for their families, and hope for further improved opportunities in their lives. Additionally, children from refugee and internal displacement camps are the main target group for recruitment of children through promises of financial rewards and travel aboard involuntary or voluntary as well. Moreover, being child soldiers voluntarily is only opportunity for them to fight for their ethnic groups or federal state.

#### **2.2.4. International Legal Concern and Minimum Age of Child Soldiers**

The 1949 Geneva Conventions were the first international conventions to provide for the protection of children engaging in armed conflict and its additional Protocol I set the minimum age of children joining in armed conflict at age 15. After that, additional Protocol II was applied that children can take part in interstate wars as “comprehensive ban on the use of any person under 15 years of age as a child soldier in all civil wars and insurgencies other than wars of national liberation” (Rosen, 2007). In other words, children under the age of 15 can participate in interstate conflicts and national liberation wars voluntarily but are prohibited to join in intrastate conflicts or civil wars and insurgencies.

After that, the UN Convention on the Rights of the Child, UNCRC, in 1989 defined a child as “being a person under the age of eighteen; however children below the age of 15 were banned to participate in any types of armed conflict” (Francis, 2007). As a result, the 1997 Cape Town Principles and the 1999 African Charter on the Rights and Welfare of the Child, the 1999 International Labour Organisation’s (ILO) Convention on the Worst Forms of Child Labour and the 2000 Optional Protocol to the CRC on the Involvement of Children in Armed Conflict set” the age of



18 as the minimum age of participation in armed conflict and do not recognize any voluntary recruitment under the age of eighteen” (Rosen, 2007).

As we can see from these above international enforcements, children under the age of 18 cannot participate in armed conflict, whether voluntarily or forcibly, and a comprehensive definition of a “child” based strictly on age is applied internationally.

### **2.2.5 Protection and Prevention of Child Rights Situation in Myanmar**

Principally, child protection is a simple way of action to respond the prevention of abuses to children directly or through neglect. Thus the child’s rights to protection is in promoting and protecting of “children’s dignity, physical integrity and respect their individual rights” based on their best interest in accordance with CRC. According to CRC principles, a UN study on violence against children urged that the “state should establish a national child protection system and allocate sufficient funds to undertake a wide range of measures to prevent all forms of violence against children in all settings” (United Nations, May,2013). Thus, the state party is required to build and strengthen child protection mechanisms to tackle the prevention and protection of child rights violations as “the reorganization of children ‘rights to be protected from economic exploitation and from working hazardous or dangerous environment and to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral or social development,” (CRC, 1989) as their role of duty bearers to respect, prevent and protect the rights of children. Building a child protection mechanism also involves working with a wide range of formal and informal bodies not only government but also multilateral agencies, donors, communities, caregivers and families including children themselves in order to increase the effective protection mechanism for children rights to protection. However, the strategies and state’s responsibility of protecting children can vary as they are broadly based on geography, political and social background, religion, wealth, social structure, the cultural context of everyday life. Therefore, by definition, “a child protection system has certain structures, functions, and capacities, among

other components that have been assembled in relation to a set of child protection goals” (Save the Children, 2009; UNICEF 2008).

As an example, in Sierra Leone, Save the Children initiated child welfare committees (CWC) and children’s clubs as community structures to support family tracing and reunification and demobilization and reintegration processes for the children associated with armed force groups from 1999 to 2006 under emergency condition of armed conflicts. It worked and CWC has tried to pass Child Rights Acts in 2007. Therefore, CWC has been recognized, reinforced and legislative their work as a local structure responsible for protecting child rights in community and later on, CWC is working in relation with Ministry of Social Welfare, Gender and Children’s Affair together in order to improve the function of child protection activities by building community’s capacity to strengthen child protection mechanism at community level.

Theoretically, international law and the ILO convention explicitly define the forced or compulsory recruitment of children for use in armed conflict as one of the worst forms of child labor. Principally, Myanmar has laws and policy to protect child rights in line with international convention though there is a little confusion in definition of age (16 is child and between 16-25 is youth in Myanmar Child Law, 1991), but in practice, implementation of child rights protection is limited because many children were recruited into armed force groups in Myanmar. Thus, it is necessary to respond by protecting and preventing them from underage recruitment as duty bearers’ roles and responsibility of child rights protection includes the reinforcement of law and policy related with children through structured, function, skilful, resourceful and effective child protection mechanism is in place in the community.

#### **2.2.6 DRR Process and Its Implementation Effects**

All over the world, a variety of countries had been implementing DDR process as a measure of state security sector reform in order to smooth transition into

democratized nations. The implementations of DDR programs within countries intend to create linkages between military and civil relations hoping for peace and development. The success of DDR programs can lead to hope for genuine peace and development of nations as Nduwimana says, “While disarmament and demobilization represent the point at which a child leaves military life, reintegration represents the process of establishing a civilian life. Thus, reintegration programs are meant to support the child in constructing a new, positive course of development” (NDUWIMANA, 2013). Therefore, DDR represents a part of the peace process and an essential element for peace-building measures. It is very important to begin the implementation of DDR programs while peace negotiations are still on-going as that happening in Myanmar. Thus, in the peace process, peace negotiation is a key factor to encourage further progress and mediate the government to the emphasis of people-centered security than national security and subsequently, DDR follows to create sustainable peace and development of the country. Hence, without a DDR program, peace cannot be sustained and recently discharged soldiers can return to violence if adequate supports and provision of long-term assurance of income generation are absent. Accordingly, a responsive and accountable DDR program implementation is necessary to implement as well as providing a support system encouraging their skills and interests for their survival needs. Particularly, DDR programs can bear the assurance of social and economic security to the child soldiers and their communities in a way of engaging with the opportunity of generating income and livelihood supports (Colin Gleichmann, 2004). In terms of DDR program implementation, disarmament refers to “the reduction or abolition of military forces in a certain country or every war occurrence. It is a process of collection, documentation, control, and disposal of small arms for combatants and also the civilian population”<sup>15</sup>(Nations, 200e). The other two approaches of demobilization and reintegration are counter-dependent on each other.

Demobilization is the formal and controlled discharge of active combatants from armed forces or other armed groups. The demobilization process needs firstly, a respect for engagements and commitment, second, unity of efforts by all stakeholders, third, non-discrimination and fair and equal treatment of ex-child soldiers regardless

of gender and age, fourth, human and community security is centered to ensure the linkage between demobilization and reintegration in order to smooth transition between these two approaches<sup>16</sup> (Nations, 2006). Thus, if there is no systematic demobilization process, there is no sustainable effort to reintegrate the child soldier.

The term reintegration is a process by which ex-child soldiers are in need of civilian status and access to sustainable employment and income. Therefore, it is essentially a social and economic process with an open timeframe, primarily taking place in communities at the local level. The reintegration program must be people center of non-discrimination and equitable treatment to all participants and beneficiaries regardless of age, gender, social status, religion and physical. Then the program must be flexible in any environment or family background and the reintegration assistances are required to be responsible and accountable with transparency. Finally, the reintegration program approach must be inclusive and participatory to get community ownership including no gender bias with integrated approach of well planning for program implementation<sup>17</sup>(Nations, 2014). Furthermore, it is also necessary to inform and aware the demobilization and reintegration process by community and concerned stakeholders so that they can support ex-child soldiers to stand up on their own without any social pressure and discrimination. Otherwise, there is no sustainable reintegration of ex-child soldiers to be able to engage with economic, political, social and cultural opportunities. Then, they might in turn engage with criminal activity and violence once again. Therefore, it is critical to make sure that they can easily access formal and non-formal education, social arrangements or participation, income generation opportunities to improve living conditions in reintegration program support. These are the success factors of the reintegration program strategy and its implementation process. Practically, it is necessary to integrate economically at first, then socially and politically (including culturally) to ensure sustainable peace and development of the country as well as placing humans at the centre of their security concerns (Colin Gleichmann, 2004).

## **CHAPTER III**

### **CHILD SOLDIERS IN MYANMAR: ROOT CAUSES, RECRUITMENT AND CHILD RIGHTS VIOLATION**

This chapter will discuss the study findings which show main reasons or causes that children are joining armies both by force and voluntarily. It will also express the way of recruitment that has been used by Tatmadaw and ethnic armed force groups, specifically KIA. Finally, there is discussion on how children experienced violations in their lives as child soldiers. All names of child soldiers' cases are pseudo names and years mentioned at profile of cases are period of being soldiers within armed force groups.

#### **3.1. Profiles of Cases**

##### **Saung Chan (2013-2013)**

Mg Saung Chan, a 12-year-old boy who lives in armed conflict area of Kachin State, was arrested by Tatmadaw Kyi troops in 2013. He was arrested together with his friend and all of them are below the age of 18 with him being the youngest. He ran away during severe fighting between KIA and Tatmadaw Kyi at night from where they were detained at the front line unit of Tatmadaw Kyi at the same night which he was arrested. He had been injured when he ran across the fighting area at night. KIA rescued and treated him at Yingjiang<sup>18</sup> hospital in China. When he was recovered, he was sent to a KIA officer's home as a domestic helper since he was too young to be a soldier. Although he was doing domestic work, especially looking after the 2-year-old daughter in this KIA officer's home, he could attend school because KIA provides 200000 Kyats (equal to 200 US\$) per year to the host KIA officer for his education. Later, he will have to join KIA although he wants to be a teacher in his village together with his family.

**Tu Mai (2009-2013)**

22-year-old Tu Mai is a mother of a girl and joined KIA at age 15 voluntarily when she dropped out of grade 7 in her village in eastern Shan state in 2009. She joined KIA in hopes of continuing her education there because she heard that KIA education sector supports education for children. In reality, she did not get any education opportunities and was sent to a support unit to sew uniforms for battalions for about 2 years. She was then moved from Shan State to Laiza, Kachin State in 2011 when the armed conflict started. She resigned from KIA last year as she was married and her husband is also a soldier from KIA. In KIA, women can easily leave when they are married or pregnant. She wants to get compensation from KIA since financial compensation is offered depending on the number of years of service. However, she has not received her compensation and does not understand why as no one has explained to her.

**Mar Lu (2008-2014)**

22-year-old male, Mar Lu was forced to join KIA when he was 16 years old in eastern Shan state in 2008. At that time, due to the practice of one soldier per household system, he was asked by his family to join army instead of his brother who already had married with two children. After two years as a soldier in No (7) combat of KIA, he was sent to Laiza in 2011 and most of his time is spent in front line battle units. He has been experienced a fighting in conflicts area including hard work assignment. After that, he asked to move from a battlefield unit to a backward unit such as the uniform sewing units when his wife was almost to give birth in 2013. Now he would like to resign from KIA because of survival issue. The salary which is around 30000 Kyats to 50000 Kyats (equal to 20 to 50 USD) up to the years of services is not enough to support the family. He wants to be a taxi driver between Laiza and Myitkyina but leaving KIA is not easy for men who have served for less than 10 years.

### **Zaw Tu (2011-2014)**

19 years old male, Mg Zaw Tu was forced to join KIA three years ago in the conflict area in Kachin state. When the battles increased between Myanmar Tatmadaw and KIA, there was forced recruitment in his village by KIA. Therefore Mg Zaw Tu, then 16 years old, with one younger brother and 3 younger sisters, had to join the army so that their father could take care of their family. He was assigned to the front line unit since he joined the army in order to help the seniors. He actually engaged with battles after one and half year of services in KIA. Three years' experience and services in KIA is not easy but he has never been severely tortured by seniors even when he was assigned to front line combat units. Most of the seniors do not assign the younger soldiers in severe battlefields; rather, they typically work as guards, helpers and cooks though there is some discrimination according to rank and personal favoritism. Now he is planning to marry and wants to resign from KIA. Because he thinks that working outside will bring more income as the salary of soldier in KIA is not adequate if there is family.

### **Moe Aung (2010-2013)**

19-year-old male, Moe Aung was recruited directly by the military when he was 15 in February 2010 while he was hoping to get passengers in Mandalay Railway station. He had been sent to Kachin state in the conflict area when the civil war started. He was released by Tatmadaw after he injured his head during battle in the first month of 2013. He was sent to Myitkyina Military hospital, then to a 300-bed hospital in Mandalay Nan Dwin under a northern combat unit. Finally, he was handed to Yangon Mingalardon Military Hospital because of a worsening injury that necessitated a brain operation. While he was in Yangon Hospital, he was given a letter of acknowledgement that he had left the hospital by choice and was allowed to go back to Mandalay. At that time, he and his elder brother who assisted while he was in hospital did not have enough money and requested to take train freely. After he returned home, he gradually was unable to move his leg until he could not walk. He contacted a reintegration program and asked for help, but it was not easy for him to

recover after using all provision money which is supported by World Vision Myanmar. Moreover, surgeons in Mandalay were unwilling to operate on him without references or history of his medical care. None of these had been provided, however, when he left Yangon Migalardon Military Hospital. Now the CBOs members and reintegration program staff from international organizations are trying to get a donor to continue his medical care and treatment. He has not received funds to continue his medical care and his parents and sibling are struggling to survive in everyday life.

#### **Myo Zaw Lwin (2010-2014)**

21 year old male, Moe Zaw Lwin was recruited at age 17 in 2010 by civilian brokers near Sule pagoda in the downtown area of Yangon city while he was searching for a job to pay for his mother's health problem. The recruiters made a false age document changed his name to **Moe** Zaw Lwin from **Myo** Zaw Lwin, and other necessary recommendation which is proof to be no criminal record by police officer and who is living truly in this wards or township by ward administrator. He was sent to recruitment units in Mandalay and then sent to No. (10) Military training unit in Ah Yar Taw Township, near Monywa city in Sagaing Region after two or three days in the recruitment unit. He was assigned to the front line unit in Kachin State, near the China border. When he had an accident with his own gun, he was sent to Myitkyina hospital, from which he ran away to Yangon by train. Now he is applying for an official discharge letter through ILO's complaint mechanism with the help of a CBO in Hlaing Thar Yar Township. Currently he is waiting to obtain a provision letter provided by ILO so that he can stay in his community as an ex-child soldier officially before getting official discharge letter from Tatmadaw. Otherwise, ward administrators or local police will inquire with his parents and he is afraid of being sent back to the army again.



**Nyan Phyo Aung (2010-2014)**

21-year-old, male, Nyan Phyo Aung was persuaded by a military officer when he was looking for the job at a railway station in Yangon in 2010. He was brought to Pegu Township and made a night stop at the officer's sister house. The next morning, they went to Mandalay No. (2) Recruitment unit and he couldn't go anywhere from this military unit. Later, he was sent to No. (10) Military training school, Ah Yar Taw Township in Sagaing Region. As soon as he finished military training, he has sent to a combat unit in Moe Mauk Township, Kachin state, then straight to the frontline battlefield. When it came time for his first leave for home, after 4 years in military unit, he did not return to his combat unit and asked for the help of CBO members to follow the ILO complaint mechanism. During his four years in the military, he did not have a chance to contact his home and his parents also could not inquire about him because the military officers and their brokers had changed his identity with false documentations. In his case, the ward administrator also took part in creating false documents stating he is attending grade 5 although he had actually dropped out in grade 2, and gave a recommendation letter stating that he is at the official age of 18. In this case they also changed his birth date to 1992 instead of 1994. Now he is searching for a job as he had been invested all his provision money to form glossary store because his mother and other siblings had pushed him to make this decision. If he has a chance, he would like to gain skills as a carpenter or mason to be able to earn a regular income.

**Aye Naing (2009-2014)**

21-year-old male, Aye Naing was arrested by a corporal at Da Nyin Gone railway station in Inn Sein Township in Yangon in 2009 when he was 16. He was going to his brother, who was working at a construction site in the downtown area for daily wages, to seek a job for him. Three military officers asked him to enter the army first, and when he refused, they asked for his National Registration Card for identity. When he did not present it, they recruited him with the promise that they would give his family one box of oil, one bag of rice and 30000 Kyats (equal to 30 USD),

although they never received this. They sent him to the military recruitment unit in Mandalay. He found many children in this unit and they were beaten and threatened not to run away from this unit. Finally they all were sent to military training school, where he was beaten five times by three military officers because he denied and argued that he could not stay and asked them to send him back home. Then he has sent to a front line unit at Leik Tho, Pegu Region within one month after military training. In his combat unit, he was thinking to escape but he had seen other who had attempted escape beaten and tortured to death. Therefore, he did not dare to run away and kept waiting for an opportunity to leave. When he got leave to go back home, he did not come back to his combat unit. The military officers from his origin unit came and asked his family about him but he did not stay at his house as he is staying in his uncle who is carpenter. Now he is working together with him as a carpenter's assistant with daily wages at 2500 Kyats (equal to 2.5 USD) per day. He is also waiting for an official discharge letter from the military through the help of CBOs in Hlaing Thar Yar Township in Yangon.

#### **Kyaw Ye Aung (21 Years Old)**

21 year old, male, Kyaw Ye Aung who dropped out of school at grade 6 was persuaded by military officer when he was looking for a job at Motorcar broker compound in 2009 at he was 16. The recruiters, the military officers promised he could become a truck driver after working in the motorcar workshop for a while. The job would include on-the-job training for driving skills and receive a steady income. However, he was sent to military units with others at No. (2) Military training school in Tha Pate Kyin Township, Mandalay region. He was assigned to the No. (912) Military Engineering unit after finishing four months of military training where he worked on the road building corridor of Ho Pan- Pan Lon Road with other soldiers, most of whom were under the age of 18. It was too difficult tasks for them on a daily basis and daily rations were inadequate. As a new soldier, he got a starting salary of 15000 Kyats (equal to 15 USD) per month including 7000 Kyats (7 USD) as a bonus for living in this hard situation (in Myanmar, civil servants and military servants receive extra pay when they were assigned to very remote areas). In this road building

site, corrupted seniors were getting money by selling oil from the trucks and sharing this money according to ranks. Therefore, he was able to receive extra monthly income at this road building site and save it. After two years of service in this unit, he was sent to another combat unit, which was sent to battle in Kachin state. He became depressed as a result of receiving inadequate rations in the combat unit, bad weather during the cold and rainy season, and being assigned dangerous tasks such as searching for bombs or preparing bombs. Therefore, when he had a chance to attend training, he escaped and never returned to his origin unit. Now he lives with his elder sister in Hlaing Thar Yar Township and work for daily wages with his brother-in-law. Now he is trying to get a provision letter from the ILO so he can live without fearing arrest. He does not go back to military and being a soldier life again as it was tough and he felt unrest on a daily basis, even though he could save about 200000 Kyats(equal to 200 USD) when he was assigned to the road building site. If he can get an official discharge letter, he wants to get a motorcar driver's license and live as a taxi driver for regular income, though he does not think the provision money will be enough for that.

#### **Hlaing Bwar (2011-2014)**

19-year-old, male, Hlaing Bwar joined Myanmar Tatmadaw involuntary three years ago in 2011. It was a nightmare for him as he was on the way to meet with his father who was living in the downtown area from his home in Shwe Pyi Thar Township as his parents were separated since he was 7. He dropped out of school from grade 7 to help his mother who was selling vegetable in the market near their ward to support his younger brother and two younger sisters to attend school. On the day of his arrest, he went to his father to for a job opportunity. The military officers told him that he could get a good monthly salary in the army and that there are many other income opportunities like that. He was sent to military training school, from which he tried to escape twice, each time ending with him being severely beaten. They tied up him at the front of the school office and all the military officers beat him 7 times as the entered and exited the office. After staying 6 months in the front line unit, he submitted for leave when he was back to the backward unit, but he did not get

leave and was sent to another training instead. Finally, when he was sent to attend training in Mandalay, he decided to escape within the training period. Now he is working as a daily wager in a factory with the recommendation of CBO member. This employment is unofficial and he could become jobless at any time because he cannot present any identity as he is still waiting for an official discharge letter from Myanmar Tatmadaw Kyi. He has decided to invest all of his provision money in his mother's business of selling vegetables because on his mother's request when asked by the program staff.

### **Ye Aung (2007-2013)**

23-year-old, male, Ye Aung was threatened and arrested by a military officer from Migalardon combat unit in 2007, when he was 17, when he was on his way his job as a helper on a construction site. In the recruitment units, there were many children like him and they made a night stop for about 2 days. They all were sent to No. (8) Military training school except for children who were under weight and height. The children who were under weight and height had been sent to the military officer's home in order to complete chores and domestic tasks until they gained sufficient weight and height. He believed he was luckier than others for not being sent to a front line unit as soon as he finished military training. Instead, he was sent for 6 months to attend land mine training and sent to No. (2) Engineer unit, Aung Myay Thar Zan Township in Mandalay. He started to get a salary of 15,000 Kyats (equal to 15 USD) per month. After one year, he got 22,000 Kyats (equal to 22 USD) and then he got 42000 Kyats (equal to 42 USD) before he escaped from military. He also did not come back to his military unit as he was feeling too confined physically and mentally as soldiers after five years in the military even though he was not engaged with severe battle and fighting in the front line. Now he is living as trishaw driver, using provision money from a reintegration program and he makes from 1500 Kyats (equal to 1.5 USD) up to over 3000 Kyats (equal to 3 USD) as daily income. He just married last month as he got his official discharge letter faster than others. He thinks this is because his documents were not falsified when he was forced to join and his combat units are more flexible than other Tatmadaw combat units.

### **Myo Win (2009-2013)**

20-year-old, male, Moe Win was forcibly recruited by a military officer at the age of 16 in 2009 at a railway station in Yangon when he was heading to go to downtown to do a daily paid job. A corporal from the military recruitment unit arrested him accusing him of not carrying identity and sent him to the No (3) military training school in Ye Mae Thin township, Pyinmana region after two days in recruitment units in Mandalay. After four months of military training, he was sent to Moe Hnin Township in Kachin state, and then sent to a front line combat unit within one month. It was a tough time and the daily threat of danger made him anxious. Therefore, he ran away when he was sent to attend training in Myitkyina Township via train. He used his soldier identity to take the train. Now he has submitted his case to the ILO complaint mechanism to be officially discharged. At the moment he is living with the provision letter which is supported by ILO, though it is only valid for three months. Therefore, he is worried he will be arrested by the military and punished for escaping. He has not slept at his home since he returned. Instead, he sleeps at relatives' houses across the city and deals with fear which makes him vulnerable.

### **Kyaw Thu (2008-2013)**

23 years old, male, Kyaw Thu was recruited to be a child soldier when he was at 17 in 2008. He and his parent knew that he would be a soldier when he was recruited, but hoped for the income that had been promised by broker. After he finished military training, he was sent to eastern Shan state for about 3 years, and then he was sent to Kachin state where there is conflict until he was released. He was released by the process of Country Task Force on Monitoring and Reporting for the children from armed force groups and has been reintegrated in Shwe Pyi Thar Township, his place of origin before he joined the army. He was provided 500 USD from the supports of reintegration program and he was used it to open a grocery store for his mom. However, now it is almost shut down and he is searching for a job as he had been before he joined the army. Nevertheless, he will not go back to be a soldier

again as he was afraid of feeling and waking up with fear some nights. He does not want to speak and discuss about his soldier life again because it makes him feel bad.

### **Ah Tar (2010-2013)**

17 years old, male, Ah Tar was arrested of threatening by military without any identity when he was collecting rubbish in the streets at age 13 in 2010. When he was arrested, he was kept for about two months at the home of a military officer as he was too young and under weight and height. Later he was handed to a training school and assigned to front line unit in Kachin state as with others. After 3 years of service in the military, he was released due to the demobilization of CTFMR in 2013. Now he lives in Kyeik Wine boy school under the supervision of Department of Social Welfare and attends on-the-job training as an assistant in a motorcar workshop there. He wants to be a mechanic if he can get a chance to attend a skillful mechanical school as he only attended school until grade 2 when his parents were alive. He does not want return to the street nor the army.

### **Aung Aung (2009-2013)**

21 years old, male, Aung Aung who lived in Hlaing Thar Yar Township in Yangon region was convened by brokers promising a regular paid job at age 16 as his family needed money for his mother's health care in 2009. As with the others, he was sent to a front line unit in a conflict area and engaged with a dangerous and severe situation in his military life. He did not have a chance to come back to his home during 4 years of service in army, even for his mother's funeral. When he did not get a leave for that, he decided to run away from the army in late 2013. Now he is living with his family but still hoping to get a provision letter and job opportunity as he is engaging with random daily wages. He wants to work in aboard through Myeik if he has any identity. Now the problem for him is staying without any identity and he fears arrest and being sent back to the army again.

Table 1 Roots Causes, Recruitment and Child Rights Violation

	Age of Recruited	Age of Enlist	Main Reasons Of Becoming Child Soldiers	Recruitment Method	Violation Experienced
Saung Chan (M)	12	12	Armed conflicts	Forced	Injured during fighting ,discrimination
Tu Mai (F)	15	21	Education	Voluntary	Assigned at backwork
Mar Tu(M)	16	22	Armed conflicts	One child per household	Hard work in battle field
Zaw Tu (M)	16	19	Armed conflicts	Involuntary	Hard work in battle field
Moe Aung (M)	15	19	Finding a job	Forced	Severe Injured by fighting
Myo Zaw Lwin(M)	17	21	Finding a job	Forced	Injured by fighting
Nyan Phyo Aung(M)	17	21	Finding a job	Persuaded with incentive	Assigned at front line battle field
Aye Naing (M)	16	21	Finding a job	Forced	Abused and tortured in training
Kyay Ye Aung(M)	16	21	Finding a job	Persuaded with incentive	Hard work in road construction
Hlaing Bwar(M)	16	19	Finding a job	Forced	Severe abused and tortured
Ye Aung(M)	17	23	Finding a job	Forced	Light work
Myo Win(M)	15	20	Finding a job	Forced	Assigned at front line battle field
Kyay Thu (M)	17	23	Poverty	Persuaded with incentive	Assigned at front line battle field
Ah Tar (M)	13	17	Poverty	Forced	Assigned at front line battle field
Aung Aung(M)	16	21	Poverty	Persuaded with incentive	Assigned at front line battle field

### 3.3. Root Causes of Child Soldiers

There are four main root causes of becoming child soldiers: armed conflict, unemployment, poverty and educational opportunities as stated by all 15 cases. Ethnic identity is also identified for key KIA child soldiers. (See table 3.2)

#### 3.3.1. Armed Conflicts and Unemployment

Children are pushed into armed conflict as they search for jobs in order to obtain regular incomes to support their families. Most of the children were joining the Tatmadaw are due to push factors of poverty and hope for the employment opportunity with regular income.

*“When I was at Yangon railway station to search for a job, one corporal approached me and promised me that there is a job with good pay. Therefore, I went with him together, finally I had known that I was sent to recruitment units in Mandalay instead of getting a job”*

(Kyaw Ye Aung, 21 year old male, ex-child soldier, Shwe Pyi Thar Township, Yangon, interviewed on 17 July 2014)

Thus, according to the cases, 8 out of 11 children who have dropped out from school in slum areas generally direct arrested or indirect persuaded into the army in search of a regular paid job. For example 16 year old male Myo Win, who lives in a slum area, was directly arrested by military officers when he was on the way to find a daily paid job downtown. Thus, most of children in Tatmadaw were recruited involuntary or voluntary because they were seeking income or jobs to support their families. Thus, some children in Tatmadaw come from poor families and live in slum area where it is difficult to survive on a daily basis. In some cases, some parents were not taking care of their children properly, hence, children were joining army under a reason of domestic violence at their home and at the same time they has responsibility for their family’s survival matters.



*“I dropped out school since I was grade 5 as my father is drunk all the time and do not support adequately to family. My mother and my two elder brothers only responsible for all of our five siblings, therefore there is fighting between my brothers and father or my mother and father in my home daily. Thus, I want to work as my brothers to avoid these fighting at home and I hope that it is easier for my family if I have income and support to my mother”*

(Myo Win, 20 year old male, ex-child soldiers, Shwe Pyi Thar Township, Yangon, interviewed on 17 July 2014)

### **3.3.2 Poverty and Unemployment**

One third of the population is poor as Myanmar has a poverty ranking of 149 out of 172 (Jacob, 2014b). Lacking livelihood opportunities because of economic deterioration and youth unemployment by economic mismanagement can make children more vulnerable to recruitment by Tatmadaw, especially those who live in slum area without access to education, absence of healthcare services, lack of knowledge in parenting care and weak child welfare services. Moreover, the children living in the streets in city areas were targeted by recruiters and were easy to persuade or threaten because of their orphaned or homeless situations. This shows that children like “Ah Tar” who is an orphan and living in the streets has a potential increased risk of unlawful recruitment. The children had decisions made by adults without asking their feelings and not even giving an option to choose based on their interests. It is opposed the principle of the article 3 of UNCRC<sup>xix</sup> that the best interest of children must be primary concern in making decision that may affect them (UNCRC, 1989a).

*“One day, the three men approached me and asked me want to stay with good shelter, to have food regularly and regular income or they can easy to arrest me that I ‘m living in the street without any identity. I had been sent to military recruitment unit but I didn’t join army instantly because I just 40 kilogram weight and 5’ inches tall, therefore, I stayed with one of corporal’ family for a while. After that I was handed to military training school”*

(17 years old, Mg Ah Tar, ex-child soldier, 15 July 2014, Hlaing Thar Yar Township, Yangon, interviewed on 15 July 2014)

### 3.3.3. Armed Conflicts, Ethnic Identity and Education Opportunity

In KIA, the effect of civil war between Tatmadaw and KIA, children joined armed forces around the age of 15, during adolescence, both for the survival issue and their ethnic identity issue, as well as with hope for access to education in remote areas of eastern Shan and Kachin state. Hence, 3 out of 4 children from Kachin and eastern Shan state were forced to join KIA for the reason of armed conflicts. Only one female out of four children were joined hoping to continue her secondary education by the support of Kachin Independent Organization's education sector. In reality, she was not attending school and worked instead. Particularly, civil war is coercively pushing those who live under armed conflicts areas of remote villages as "Zaw Tu"; he was coercively recruited by KIA to build their security force. And "Saung Chang" was captured by Tatmadaw together with other children for either forced labour or child soldiers but KIA recused him. Nonetheless, the other children who did not escape were recruited by Tatmadaw side during the severe armed conflicts in Kachin State.

*"Children especially the boys were joining KIA because there is nothing to do here and army is the possible way to generate regular income for them to support their family's needs with their salary is a reason of volunteering. After that there was involuntary or forced the children to join their armed forces by both Tatmadaw and KIA daily in our village since the battles were starting in 2011 under a reason of inadequate security forces and forced labor at them."*

(IDP Camp Committee member, Laiza, Kachin State, interviewed on 21 June 2014)

Therefore, children, especially adolescent boys, who are living in IDP camps, were joining the army because assessing weapon is dragging them into the war front as without chances to continue their secondary school or job to support the family. Moreover, civil war pulls children to feel empowered and confident when they are holding weapons. Therefore, children, especially boys, are altered into commanders,

gradually enjoying the power of influence. They join armed groups as a means of holding weapons as a enhancing their power whereas some want to fight for their ethnic federal states.

*“In KIA, the reasons that our friends joined KIA are to fight for revenge, to influence people by handling guns that they see those who hold gun have more power in our villages. I have a friend who had died his mother because of Tatmadaw’s gun in severe battle in his village. Therefore, he joined KIA at once to fight Tatmadaw for his revenge. Another friend is familiar with guns since his village is in war conflict zone, then he gradually enjoying holding a gun as for increased self- confident of being soldier”*

(Mar Lu, 22 year olds male, KIA soldier, Laiza, Kachin State, interviewed on 22 June 2014)

As a result, the decrease of peacekeeping process and rise of fighting between Tatmadaw and KIA is a factor of continuous recruitment of children into armed conflict especially for those who live in the remote villages of armed conflicts areas. Because of accelerating armed conflicts between Tatmadaw and KIA, 9 out of 11 children in the above cases recruited by Tatmadaw were sent to the front line units in Kachin state as soon as they finished their military training. Similarly, two children, who were recruited from Eastern Shan state of KIA, were moved to Laiza, Kachin when the armed conflict situation was started. Another two children from KIA were recruited involuntary because of speeded armed conflict in 2011.

In addition, the increase of ethnic armed conflict between Tatmadaw and KIA causes many children to be forced to become soldiers particularly ethnic children who live in remote villages under war zone or IDP camps in armed conflicts area, children who are poor and responsible to support their family’s poverty problems, who live in the street (homeless or orphan) and who suffer domestic violence without access to education. Those marginalized children from poor, hard to survive on a daily basis, difficult and vulnerable backgrounds were more exploited as being child soldiers than other children who can access education and have a decent family background even

they are poor. Consequently they are losing their childhoods, and undermining their development. Therefore, as Wexler, Branski, & Kerem, 2006 mentioned that “the civil war and armed conflicts can destroy the development of children against any violence” when there is more emphasis of national security and ethnic identity rather children’s rights to protection.

To conclude, poverty throughout the country, lack of youth unemployment, lack of access to inclusive education and limited provision of basic services and ethnic armed conflicts are the main motivations for an increase in the amount of child soldiers; consequently, this has caused continuous recruiting and the violation of child rights.

### **3.4. Recruitment Patterns of Child Soldiers**

Recruitment patterns include four methods such as use of direct force or involuntary entrance into the army, voluntary entrance due to some reasons, being persuaded with incentives by recruiters, and lastly recruitment according to the principle of one child per household system by insurgence groups (See Table 3.2).

#### **3.4.1. Forced/Involuntary Recruitment**

Normally, children were captured from markets, stations, public cinemas, community farms, and schools into armed forces directly by military officers and brokers before 2012 on the Tatmadaw side. 8 out of 11 children from Tatmadaw were forced and involuntary recruited directly by military officers or civilian brokers. The most common technique used by military recruiters is the threat of arrest, with children from poor families being targeted with the promise of a job or giving money to their parents to support the survival of their families. The reason of forced recruitment by military officers is the quota system of incentives in Tatmadaw. Due to their demands for stronger security forces, Tatmadaw required numerous soldiers for their units. Therefore, the needs of more strong armed forces, and thus more soldiers,

military officers were given the burden to meet a specific monthly quota. This has led to forced and coercive recruitment of children to join their army.

*“When I was waiting the train at Da Nyin Gone Station to go my daily wages work, I was threatened and arrested by military officer. He brought me to Mandalay recruitment centre and leave there. After a week in this recruitment centre, I was send to No. (10) Military training school in Ah Yar Taw Township, Sagaing region. When I was arrived there, there are many children who was arrested or persuaded as the same age as me. Military officers send the children who came from upper Myanmar to lower Myanmar military training school and who came from lower part of country to upper Myanmar military school, it is their strategy that children can difficult to run away during the training or recruiting units”*

(Aye Naing, 21 Years male, old, Ex-Child Soldier, Hlaing Thar Yar Township, Yangon, interviewed on 15 July 2014)

### **3.4.2. Recruitments with Incentives**

There was an incentive among ordinary soldiers that those who were able to find 5 soldiers within 3 months were not assigned to go to the front lines of battle and received 40,000 Kyats (equal to 40 USD) per soldier as incentive. Therefore, soldiers in Tatmadaw who did not want to go front line battle filed tried to recruit children illegally because they were more easily manipulated, lied to, and controlled. So, 3 out of 11 children in above mentioned cases were recruited and persuaded with incentives giving to their parents by civilian brokers or military officers. Actually their parents only got 30000 Kyats for them; the left amount of 100,00Kyats took by the recruiters. (For example, Kyaw Thu, 23 Year olds, male, ex child soldier). These were the persuasive way of recruiting children into army by military officers directly or sometime through civilian brokers in order to fulfil quotas with incentives before 2012. However, the patterns of recruitment changed within Tatmadaw such that forced recruitment directly by military officers in public area became rare after signing the Joint Action Plan (June 2012). Formerly, military officers directly arrested

or persuaded, together with civilian brokers, to sway the children or parents with the incentive of money as 30,000 Kyats (equal to US \$30) per child with a set of rice and a box of oil. More recently, they have changed their way of recruitment, not involving direct arrest or threat to the children or parent but rather using civilian brokers to reach their targets.

*“The incentive is high to 200000 Kyats (Equal to US\$200) per children because of JAP, the military officers are not directly engaged with threatening children to join army, and the civilian brokers are using these ways instead. Then they did false documents with other concern authority such as local police, ward or village administrator so that children have complete documents officially. If needed, they feed the children at their home about 2 or 3 days up to one week depends on child ‘physical fit. Finally they sent and handed to the recruitment unit which is always in contact with them”*

(CBO member, Hlaing Thar Yar Township, Yangon, interviewed on 16 July 2014)

In this sense, the recruiting process is more complicated that there is agreement and bribe between military officers, civilian brokers, local police and ward/township administrators. Brokers create false documents for children in order to meet the standard of official recruitment due to JAP. Therefore, brokers needed to give bribes to local police for the recommendation of child’s age and to clear criminal records and to ward administrators for true addresses of child and household lists which had shown children’s ages. Therefore, there is a network between them to do falsify documentations for recruiting children into armed forces and it is exploiting children upon their labour force. For example, some civilians who have relatives in army become brokers between children, their parents, military officials and law enforcers in this child recruiting process. They persuaded children directly or attracted their parents with incentives to get child soldiers. And they already contacted law enforcers who can make fake documents for children with bribe money and then link with military officials to hand those children over. Mostly civilian brokers are from the same communities as children who had been persuaded or direct threatened. Sometime they are familiar with trafficked children as neighbours living in the same

community or as relatives. Particularly, in the case of “Myo Zaw Lwin”, they changed his name and gave him false documents in order to prevent monitoring of age verification process. Therefore, his parents could not easily inquire about the losing of their son because his documents were under a different name and identity. In that case, children have been trafficked into armed conflict situations and parents faced with no clue to trace is the location of their.

*“When I was at recruitment unit, around 30 out of 50 are children like me and most of us have been changed our name and they let us to read our new name loud so that we can able to remember” and “in my case, police officer involved giving recommendation letter to brokers and military officer ignored how my physical appearance seems to be under the age of 18 as long as my documents were made up as correct”*

(Mg Myo Zaw Lwin, 21 years old male, ex-child soldier, Hlaing Thar Yar Township, Yangon, Interviewed on 15 July 2014)

Apart from these recruitment methods, another way of recruitment with incentives which is coming out after JAP in Tatmadaw is that if a soldier wants to get leave to go back to his native home, his commander allows him on the condition that he recruits two soldiers regardless of age or appearance (with the exception of very young recruits around 12 or 13 years old or those who are too small in physical feature and cannot pass for being of official age). This is a new method of recruitment after JAP implementation since 30 commission officers and 154 non-commission officers have been punished within MoD under the effect of JAP. Thus, military personals are trying to persuade children through civilian brokers or by themselves because children are easy to threat or persuade than adults in order to fulfil their senior’s order. Hence, the recruiting pattern in Tatmadaw is like children were trafficked by perpetrators who have authority and power to influence people such as local authorities and law enforcers. However, in most cases, children or parents are not getting any incentive money, only brokers and the law enforcers can get from military officers who need to fulfill their target amounts of soldiers. As a result, it is apparently children, who are vulnerable to resist the persuasiveness or attack back the

threat, who have already hopeless situations such as street children with very poor family background or problems with domestic violence within their families. They are more at risk to be trafficked by perpetrators as opposed with Article 19 of CRC which mentions that children have rights to be protected from exploitation.

### 3.4.3 One Child per Household System

On the KIA side, according to CAAC report in 2013, they also recruited children into armed force and used child soldiers since the civil war started, in 2011 (CAAC, 2013). In general, there is a one child per family system in KIA. It is mandatory for one person, whether an adult or adolescent child, especially male, to enter KIA from every household of a village. Thus, “Mar Lu” was recruited by this system and the other “Zaw Tu” was forced to join KIA together with adults when the civil war was severe in armed conflicts areas because he lived in the village under the KIA control area at Southern Shan State. Particularly, in the armed conflict situation between Tatmadaw and KIA which started from 2011, there has been more coercive and involuntary recruitment into KIA.

*“When fighting was starting, I was forced to join KIA when I was 16 because my brother has wife and two sons and I’m the only one who should to take responsible in my family and for our Kachin identity”*

(Mar Lu, 22 years old male, soldier from KIA, Laiza, Kachin State, Interview on 22 June 2014).

Another interesting case is that of “Saung Chaung”, who was recruited by KIA and provided with educational support while staying as a domestic helper at a KIA officer’s home. There are many children like “Saung Chaung” within KIA and later they have to automatically join into KIA when they fail their grade or drop out of school for any reason.

*“I have two elder brothers, two elder sisters and two younger sisters in my family, my brother were brought by KIA since last two year ago when they*



*were 16 and 17 years old and other sibling and mother in Myitkyina and father is in China for work. Now if I will fail in school, I have to enter KIA though I want to be school teacher in my village together with family”*

(Mg Saung Chaung, 12 Years Old, potential child soldier who was taken care of by KIA, Laiza, Kachin State, Interviewed on 22 June 2014).

#### **3.4.4. Voluntary Recruitment Due To Some Reasons**

With regards to the gender issue, girls can also join voluntarily if they wish to fight for ethnic security and their revolution for federation in KIA. In such case, one out of four KIA children in above cases, “Tu Mai” was voluntary join KIA as expecting access to education. Actually, girl underage recruitment is happening in some armed groups except the national army (Tatmadaw). It has occurred especially in KIO/KIA although other ethnic armed force groups had experienced girl recruitment into their armed forces previously since the civil war began between Karen National Army and Tatmadaw in 1997. But there is rare forced recruitment of girls into armed force group except they are joining KIA voluntarily.

*“I joined KIA at the age of 15 when I dropped out of grade 7 and was assigned to the unit responsible for sewing uniforms. Two years ago, I left the military because of my marriage and my husband is a soldier from KIA too. There is no big deal for leaving KIA for women as men. All women can leave KIA when they are married because women are unserviceable while they are pregnant in the combat units”* (Ma Tu Mai, 21 years old, ex-child soldier of KIA)

For Tatmadaw side, voluntary entrance into armed force is rare and most are attracted by money or job while some are under direct threat. There are also child soldiers in the ranks of other ethnic armed groups. The United Wa State Army in Shan State recruited one son per family to contribute to war efforts due to the 2007 Secretary-General’s report on children and armed conflict in Myanmar (S/2007/666)<sup>xx</sup> (CAAC, 2013). The United WA State Army also, thereby, accepted boys as young as 12 for non-combatant functions and 15 years for combatants. Furthermore, the DKBA

in Mon State has rules that at least two to six soldiers must be recruited from each village based on village population or a fine is imposed on the village of 600,000 kyats (or US\$500) per household<sup>xxi</sup> (CAAC, 2013). At the moment, there is no longer child recruitment into armed conflict except in Myanmar Tatmadaw and KIA, with some forced recruitment in Shan State Army-South in August 2014 of both adults and one or two under the age of 18 (according to a member of CBOs in Hlaing Thar Yar Township).

In sum, the pattern of recruitment and involvement of people within the recruitment process in Tatmadaw is more complex than insurgence groups like KIA because of corrupted actions by law enforcers. Nevertheless, both sides are forcing children or adult to join their armed force in armed conflicts areas like in the case of “Saung Chang “although KIA officers did not let him to join army at once and to continue his education. However, children in Myanmar especially those who live in the conflict areas have been exploited and manipulated by adults and are unable to secure a living in their native villages with nowhere to escape from these coercive abuses than to become soldiers in armed conflict. Although Myanmar is increased its tier 3 to tier 2 since 2012<sup>xxii</sup>, US Department of State recommended that in its Anti-Trafficking in Person report of 2014, stated that “Myanmar is necessary to increase efforts to investigate and sanction to the government and military perpetrators of internal trafficking offence for conscription of child soldiers”. (TIP Report, 2014) Therefore, children in Myanmar are facing risks and danger of trafficking at both sides either coercive or attracted by job, money and other convincing factors.

### **3.5. Violation of Child Rights**

Violations of child rights varied from light work to severe injury by fighting. Most cases were assigned to work at front line battle field while some did hard work in the battle field. One case was injured by fighting and another severely injured. Abuses, tortures and discriminations were also found. One case was recruited for hard work in road construction instead of fighting (See Table 3.2).

### 3.5.1. Assigned to Work at Front Line Battle Field

In Tatmadaw, children had been assigned hard work, abused and tortured even in training or frontline units or their backward units. In above mentioned cases, only 1 out of 11 child soldiers was assigned light work while others performed hard work front line battle field. The Children in Associated with Armed Conflicts report (2013) pointed out that child soldiers in Tatmadaw are suicide bombers, fight in front rows, point combat in troops, carry heavy weapons, cook, act as helpers for seniors and officers, are assigned as night guards, communicate across dangerous routes and are bullied by seniors to do tasks they do not want to do (CAAC, 2013).

*“I was jump off from the mountain to down as I was so tired of carrying gun and over 35 kilogram of bullets in my backpack. The only desire for me is to relieve from this exhausted moment and though my death is only one chance to escape from this life”.*

(Hlaing Bwar, 19 years old male, ex-child soldier, Tatmadaw, Hlaing Thar Yar Township, Yangon, Interviewed on 15 July 2014)

As in the above mentioned quote, children in Tatmadaw suffer severe mental disorders from being soldiers in the battle field. Their rights are violated since military training to battle field, especially in the front line combat unit, they are tortured by guardians as cooks, helpers and mostly assigned to be guard and point combater as newly recruited soldiers. Food and rations are not adequate for all in front line units, therefore, the younger soldiers receive smaller portions and are left with spoiled food that seniors do not want to eat. Thus, according to the above table, younger children around 15 to 17 years old, being sent to front line military units in severe armed conflict zones for 8 months without changes or replacement troops is like a hell. Similarly in KIA, child soldiers are assigned to do hard work like heavy and dirty work, replacing the duty of seniors when they are out, cooking, helping, acting as bomb collectors (searching for bombs) and sometimes as porters while troops are travelling because children are easy to cheat, manipulate, and more likely to respect orders and be obedient.

*“Most of my time was spent in battle filed since I joined KIA since my age of 16 with severe physical hard work and engaged with danger in daily. It is usual life for the new comers and younger position of soldier in KIA”.*

(Zaw Tu, 19 Years old male, soldier from KIA, Laiza, Kachin State, Interviewed on 22 June 2014).

However in KIA, girls mostly perform supporting roles rather than serve in front line units such as nursing, teaching, midwifery or administrative matters and sewing uniforms, cooking in backyard units or as guards while male soldiers are in battle. Girls can leave their combat units when they marry or can further their education after 4 or 5 years of military experience.

### **3.5.2. Injured, Severely Injuries from Fighting**

As children are being assigned in frontline battle fields on both sides, Tatmadaw and KIA, they had been injured in these battle fields while some are severely injured. Due to the severe and dangerous situation of battles between Tatmadaw and KIA, younger soldiers are more prone to be in danger. Particularly, in Tatmadaw, the military trainings are more geared towards physical fitness rather than military skills and technique. Then, when child soldiers especially the young face severe fighting at front line, they are afraid of being killed or injured. Because most of the time, training consists of assisting and helping with domestic work at a military officer’s home or with a senior’s personal tasks rather than learning about the technical skills. As the case of “Myo Aung”, 19 year old male, ex-child soldier from Tatmadaw, injured severely in his head at front line battle field in Kachin State. After a while of official released from Tatmadaw, he couldn’t walk and move his leg because of the consequent effects of head injury.

*“I had injured my head at fighting in Kachin state, then; send back to military hospital from Myitkyina to Yangon. I did operation and took out of bullet from my head at military hospital in Yangon. After that I was send to my home with the letter of acknowledgement that I agreed to leave hospital with my own desire. I has not been able to move my leg after a while I was back to home.”*

(19 years old, male, Myo Aung, ex-child soldiers, Shwepyithar Township, Yangon, interviewed on 17 July 2014)

Therefore, there are no adequate health care services for child soldiers and sometime they end up with loss of their physical fitness or mental problems.

### **3.5.3. Abuses, Tortures and Discrimination**

Therefore, child soldiers in Myanmar are subjected to intense corporal punishment, and are required to do manual labour or engage in combat either in training or on battlefields. In fact, they experience violations such as brutality during extended stays in detention cells, beatings and other ill-treatment as punishment although Myanmar Child law (1993)<sup>xxiii</sup>, which defines “abuses and torture of children must be penalty for offences ” (Law, 1993). Daily life in a combat unit for child soldier is a tough time in which they deal with feelings of insecurity, bullying, torture and discrimination. Therefore, many soldiers run away from military combat units in Tatmadaw. However, in their escaped life, when child soldiers are arrested from running away, they are sentenced to imprisonment for up to five years with severe punishment or shot, stabbed or beaten to death (Watch, 2007). As a result, ex-child soldiers feel insecurity that every morning they wake up with fear of being arrested and returning to soldier life again. Therefore, they feel stigmatization of being arrested and tortured experiences in their military life to along with their whole life even they received official discharge letters from Tatmadaw.

*“When I was in recruitment unit in Mandalay, someone was trying to escape before the night we handed to military training unit; he was definitely beaten severely as example for others to be afraid to escape. Therefore now I’m afraid to suffer like him if they will arrest me again. This feeling can keep me nowhere to go and feeling insecurity when I see the person who with military uniform”*

(Mg Moe Win, 19 years old male, ex-child soldier from Tatmadaw, Yangon, interviewed on 17 July 2014)

According to the cases, child soldiers were abused in their combat unit both in KIA and Tatmadaw though these are different severity. Thus, the experience of brutal, torture and discrimination can make ex-child soldiers suffer un-trustful, emotional, depression and have less self-confidence, sometime ending up with alcoholic or drug use for the next developmental stages of their lives. In the case of child rights violations, child soldiers in Tatmadaw seem to deeply engage with physical torture and mental ill-treatment in their combat units, military training centers, even in the recruitment units than KIA. Because KIA has practices and customs of brotherhood, so, seniors are not severely brutal to younger ones though there are some abuses, favoritism and discrimination among them. Nevertheless, it is a “lesser of two evils”<sup>xxiv</sup> situation that the consequence of being child soldier in Tatmadaw is a greater threats than KIA either being soldier life in KIA is risk as well.

#### **3.5.4. Comparison of Child Soldiers between Tatmadaw and KIA**

As a result, in comparison of the root causes, recruitment patterns and violation of child soldiers’ rights between Tatmadaw and KIA, unlawful recruitment of children into armed conflicts makes children, especially those living in ethnic armed conflict situations, to be more vulnerable to forced and involuntary recruitment. Specifically, in the matter of root causes, livelihood opportunities for daily survival needs, jobs, education and other medical costs and social distress are still a reason to join the army voluntarily or involuntary in Tatmadaw. But the increase of civil war made children who live in conflict areas join armed forces

(especially KIA) in a way of their willingness to engage with weapons to motivate them while some were coerced to be soldiers in order to contribute to strong security forces and in need of labor force on both sides. Specifically in the lives of children who live in IDP camps in Kachin State, who have been more exposed to the effects of this civil war and have fewer opportunities to develop either their skills or abilities or continue their education. Although the roots causes of being child soldiers are not very identical on both sides, the children who live in ethnic armed conflict situations are more vulnerable and at higher risk of becoming child soldiers. Therefore, armed conflict can hinder children to access their education, to sharpen their skills and capabilities and to engage with security in their daily life.

When comparing recruitment patterns of both sides, those being recruited by Tatmadaw rarely being forcefully recruited by direct threat of military officers at the public places since JAP, though this is still happening in armed conflict areas in the Kachin state. On the other hand, all recruitments are not forced at KIA, some join voluntarily because of their ethnic identity when the civil war is accelerated between KIA and Tatmadaw. In this situation, they couldn't identify and classify the age of soldiers who joined KIA voluntary and they accepted all to build their strong security force no matter what the age is. At another side, military officers are recruiting children by indirect contact through civilian brokers, law enforcers, and sometimes incentives through parents or relatives. It is more risky and dangerous condition for children to be trafficked by civilian brokers due to increased amounts of incentive. Therefore, recruitment patterns in Tatmadaw are more manifest to engage with risks and danger with the involvement of perpetrators those who are manipulating internal child trafficking through the conscripting of children into armed forces or others such as forced labor, particularly the children from slum area of Yangon and Mandalay region. However, both sides are coercive and exploit children for being soldiers under the reason of federal states and national security.

In the case of child rights violation, child soldiers in Tatmadaw are more explicit in experiencing for violence because of high volumes of soldiers who lack knowledge of fundamental human rights and practices of orderly seniors to juniors enables more torture situations for children who are newly recruited. For example

*“When I was in Kachin war zone, mostly, we were assigned for danger or dirty tasks or sometime our senior used our friends who are Kachin ethnic soldiers as human shields while we are fighting with KIA.”* (Myo Zaw Lwin, 21 Years old male, ex-child soldier from Tatmadaw, Hlaing Thar Yar Township, Yangon, Interviewed on 15 July 2014)

Furthermore, limited situations as the low rate of salary and deeply corrupted actions at all levels make children in Tatmadaw face more unsafe environments. Thus, child rights violations of child soldiers in their armed forces are significantly opposed with the international standards and national law. Especially for Tatmadaw, however, Myanmar child law already prohibited “abuses or tortures of any physical or mental”, there is violence of children in their training units and front line battle units are common practices.

### **3.5.5. Re-conceptualizing Child Soldiers**

The concept of child soldiers is “a person under 18 years of age, who is or who has been recruited or used in any kind of regular or irregular armed force or armed group in any capacity, including, but not limited to children, boys and girls, used as fighter, cooks, porters, messengers, and anyone accompanying such groups other than family members. And it does not refer to a child who is taking or has taken in direct part in hostilities” (Child Soldier International, 2012). However, in this study of 15 cases, we found that there are discrepancies among cases with regards to their recruitment method, experience of child rights violations and the benefits they enjoy from being child soldiers, are leading to the question of whether the definition of child soldiers is adequately inclusive. The actual situation of child soldiers in their military life is questionable to be consistent with the principle that, not needing to be forcibly recruited, however most of children had been forcibly recruited around the age of 15 years and two children of total 15 cases were recruited at ages 12 and 13. It may not be the part of any kind of regular or irregular armed force but one of child soldier has been assigned for road construction in eastern Shan state. It is already the identification of male and female functions in armed force and raise gender awareness



such as girls were only assigned to backyard combat units. Nevertheless, abuse, tortures and discrimination were only found in one case amongst 15 cases of this study. However, force and coercive recruitment is ongoing and children are still vulnerable to engage the risk of underage recruitment in Myanmar.



## CHAPTER IV

### PROTECTION OF CHILD SOLDIERS

This chapter will analyze on how duty bearers are taking on their responsibilities to protect children. It is especially a conversation of the role of duty bearers to prevent and protect the lives of children associated in armed conflicts situations. As an adult role of fulfilling protection of child rights, this study also describes the current implementation of DDR programs in Myanmar.

Table 2 Protection of Child Rights in Myanmar

Associated Rights for Child Soldiers in CRC	The most violated rights for Child Soldiers	Responsibility	Roles of Duty Bearer and their action respond actively						Consequences	Gaps	Results
			MoD	DSW	KIA	Civil society	Parents/ family	Community/ local authority			
Article 4, Protection of Rights		Government has a responsibility to take all available measures to make sure children's rights are respected, protected and fulfil.	Primary No	Primary YES but need more emphasis	Primary YES but need to sign treaties or convention	Secondary YES but need to be more collaborative	Primary YES but more priority on survival needs	Secondary NO	Children are easy to engage with danger, physically or mentally	Lack of child protection mechanism	Limited child protection services
Article 19, Protection from all forms of violence	✓	Government has responsibility to ensure that children are cared for and protect them from all forms of violence abuse and neglect	Primary NO	Primary NO	Primary NO	Secondary NO	Primary NO	Secondary NO		Weak justice system Lack of Awareness at concern officials	On-going domestic violence
Article 24, Rights to health and health services	✓	Government has responsible to fulfil the right to good quality health care The government should take all measures possible to make sure	Primary NO	Primary YES but need adequate support	Primary YES but required to be adequate	Secondary YES, but required more advocacy	Primary NO	Secondary NO	Child soldiers who are at the front line battle field cannot access adequate health care, most	No free primary health care services and lack of health services and staffs in the	Marginalized children can't easy to access the rights to health

										enforcers and military officers.	approach and strategies for human trafficking in investigation, prosecution etc.	Children are more vulnerable to be exploited.
Article 36, Other forms of exploitation	√	Government is responsible for the children who have been neglected, abused or exploited	Primary/NO	Primary YES but limited resource and capacity	Primary NO	Secondary YES but required a more bottom-up approach	Secondary NO Limited awareness and knowledge	Secondary NO Limited awareness and knowledge	Secondary NO Limited awareness and knowledge	Continues Child underage recruitment	Community awareness of the justice system of child trafficking to prevent children from exploitation	Recruiting children as soldier in armed conflicts is common practices in slum, rural and ethnic armed conflicts areas.
Article 37, Detention and punishment	√	Government responsibility is protects children to make sure that no one is allowed to punish them in a cruel or harmful way and even children who break the law should not be treated cruelly.	Primary NO	Primary NO	Primary NO	Secondary YES but limited situation	Secondary NO Corporal punishment is rooted as traditional practices.	Secondary NO Punishment is common way to nurturing children in community.	child soldiers in Myanmar have been engaged with severe punishment and detained	Required clear information or public awareness of prosecution of unlawful recruitment	Children, especially child soldiers are at high risk to be abused or tortured	
		that children are not abducted, sold or trafficked.								end up with malaria	rural area	
Article 27, Right to adequate standard of living	√	Government is responsible to help families and guardians who cannot afford to provide this, particularly with regard to food, clothing and housing that children have the right to a standard of living that is good enough to meet their physical and mental needs.	Primary NO	Primary NO	Primary NO	Secondary /NO	Primary NO	Secondary NO	Child soldiers are living under unhealthy, mal-nutrient food with accessing unclean water even backyard sides or frontline units	Lack of any social welfare services for children	Most children in Myanmar cannot access the decent living	
Article 28, Rights to education	√	Governments must ensure that children have access to the right to a primary education, which should be free and high value	Primary NO	Primary YES but require to be inclusive	Primary YES but not inclusive	Primary YES but not enough	Secondary/ YES but difficult economic background	Secondary NO	Children were joining army without chances to develop their skills	Lack of schools in rural area, mostly in armed conflicts areas	Marginalized children can't access either primary or high value education.	
Article 32, Child Labor	√	The government is responsible to protect children from work that is dangerous or might harm their health or their education	Primary NO	Primary YES but just stand	Primary NO	Secondary YES but just started	Secondary NO	Secondary NO	Force labour of children is common in armed conflicts areas	No minimum age setting up for children who is working	Marginalized children are working in danger and risky working environment is common.	
Article 35, Right to abduction, sale and trafficking	√	Government is responsible to protect children from any activity that takes advantage of them or could harm their welfare and development.	Primary NO	Primary YES but still in vain	Primary NO	Primary YES but limited	Secondary /NO	Secondary NO	Recruiting children into armed force is one of internal trafficking among brokers, law	Although Anti-Trafficking enacted, required more comprehensive	Myanmar is the most risky for trafficking children internal or large-scale and	

Article 38, War and armed conflicts	√	Governments must protect and care for children affected by war. Children under 15 should not be forced or recruited to take part in a war or join the armed forces. The Convention's Optional Protocol raising the age for direct participation in armed conflict to 18 and banning on compulsory recruitment for children under 18.	Primary NO	Primary NO	Primary NO	Secondary NO but just started to advocate	Secondary NO	Secondary NO	Law and KIA are using children even at the age of 12 or 13 in their armed forces	Required to be consistent between Myanmar Child Law and Military Law. Law related with child required to meet the international standard	Underage recruitment is a common factor within country
Article 39, Rehabilitation of child victims	√	Government is responsible that children should receive special help to physically and psychologically recover and reintegrate into society with the help of UN and international organizations.	Primary YES but so called members CTFMR	Primary YES but limited situation	Primary NO	Primary YES but limited situation	Secondary YES but limited knowledge and information	Secondary YES but limited knowledge and information.	Ex-child soldiers are limited to access vocational skills, alternative livelihood opportunities, and access rights to identity.	Lack of well-planned, systematic coordination and collaboration within all stakeholders.	Reintegration support is inadequate and not realistic, services provision for ex-child soldiers to be sustainable in their civilian life.

## 4.2. An Overview of Protecting Child Rights in Myanmar

As primary duty bearers of protecting children throughout the country, the Myanmar government ratified the ILO forced labour convention, 1930 (No. 29) on 4 March 1955 and the United Nations Convention on the Rights of the Child (CRC) in 1991. After that, the "Child Law" was enacted on 14 July 1993, followed by the promulgation of rules of procedure on 21 December 2001. At that time, intending for the provision of implementation that the National Committee on the Rights of the Child was formed on 30 March 1993 and its working committee was established on 17 June 1997. State, Regional, District and Township level committees were also set up for the same purpose. The initial report on the Rights of the Child was submitted to the United Nation Convention on the Rights of the Child, UNCRC, in August 1995, the second report in March 2002 and the 3rd and 4th National Reports were combined and submitted to the UNCRC in April 2009. A fifth National CRC report will be submitted in Feb 2017. The Committee for the Prevention against Recruitment of Minors for Military Service was formed on 5 January 2004.

However, there is no adequate response to child protection problems although some laws related with children exist in Myanmar. For example, the Myanmar Child Law allows corporal punishment by “a parent, teacher, or other person having the right to control the child”; the legal minimum age for marriage for girls is 14 (there is no minimum age for boys); and the age of criminal responsibility is seven” (Law, 1993). In addition, in 1955 Myanmar ratified ILO Convention No. 29 prohibiting forced labour, which encompasses forced conscription of children. Therefore, children seem to be underpinned by these applicable legal frameworks, as well as a child rights approaches ensuring protection and reintegration of children associated with armed forces or armed groups. However, the Myanmar Law related to child soldiers is of high standard but awareness of it is limited both in the public and within the armed forces and it is not being implemented effectively.

Principally, child rights committees at all levels have to initiate the strategy for the protection of child rights and lead monitoring and reporting processes of child rights violations. Nevertheless, while noting that the National Committee on the Rights of the Child (hereafter NCRC), inactive for a long period, the Committee is concerned about its sustainability, its mandate and the resources allocated to its functioning. Furthermore, the Committee is concerned about the lack of collaboration between the different ministries involved in the implementation of activities related to the Convention; the decentralization process, which is not yet in place in all states, divisions and districts; and about the small number of operational bodies established at township level. Actually, there are structures mandated to protect, safeguard and implement the rights of the child – Township Child Rights Committees (hereafter TCRCs) – but they do not function regularly in most places at township level intervention. Only 25 out of over 325 township committees are active and functioning, while there is no township CRC committee in eastern and northern provinces of country (N. R. o. UNCRC, 2012). Therefore, provision of child protection services is limited and undermines in capacity, human resources and adequate budget in Myanmar. Subsequently, there is irresponsive action to prevent underage recruitment and protect the rights of child soldiers by duty bearers (both

primary and secondary) even though protecting children is both a private and a public responsibility.

#### **4.2.1 Existing Child Protection Mechanism in Myanmar**

Every State Party should develop and strengthen a child protection system to prevent and protect all forms of violence against children.(Children, 2006). Thus, the state party should generally form and organize a child protection mechanism to monitor and report any child protection issues such as violence, exploitation, abuse and neglect, alternative care, justice for children, trafficking, child labor, and child separation to analyze with the support of system approach of child right programming accordingly CRC (UNICEF, 2010).

Since the 1990s, the international community first took up the issue of child soldiers in Myanmar and they used a variety of measures that have been taken to create a body of law and policy to end children's involvement in armed conflict. The UN Security Council has dedicated significant time to this issue, condemning the recruitment and use of children, asking for annual reports from the UN Secretary General on progress in their elimination, and listing armed forces and groups still recruiting children and threatening sanctions against them. Since 2005, the Security Council mandated the establishment of country-specific Monitoring and Reporting Mechanisms on the recruitment and use of children including other child rights violations in armed conflicts. Accordingly, Myanmar government has set up two multi-disciplinary mechanisms that have potential to support systems building – Child Rights Committees at township and higher levels and the Anti-Trafficking Task Force (ATTF). Then, the Country Task Force on Monitoring and Reporting (CTFMR) on grave violations, particularly children affected by armed conflict and community level work in Monitoring and Reporting Mechanism (MRM) on such violations at are formed and reported to the UN Secretary General and the Security Council Working Group in 2006. However, the child protection mechanism has been effectively implemented for all marginalized children yet because of inactive child rights committees which are only seemed to be formed mandatory according to the

ratification of CRC. For example, Child Rights Committees at all levels (National, Regional and Township) would also like to avoid and ignore if possible issues related to child soldiers. Normally TCRC supports the other child rape cases or child protection issues such as supporting health and education and other physical violence abuses to children. Those kinds of cases are easily to support and make decision to proceed for prosecution of perpetrators through child protection program intervention within community implemented by INGOs or local NGOs at all level (mostly township, district and regional) than child soldiers' issue.

Consequently, due to the report on State Party Examination of Myanmar Third and Fourth Period report on 16<sup>th</sup> January to 3<sup>rd</sup> February 2012, the CRC committee in Geneva had suggested the possibility of creating a council for children in order to strengthen and activate the protection system and function at all levels and linkages with all stakeholders. Finally, in their recommendation of National CRC report by Geneva CRC committee suggested that the government could seek assistance from international agencies, notably from UNDP and UNICEF, in order to put in place a strategic budgeting process, containing specific resources for child rights programmes, as well as monitoring and reporting mechanisms. Thus, it is necessary to have operative, functional and resourceful child protection mechanism that setting within community in order that regular monitoring and reporting for the protection of all marginalized children and prevention of child rights violation in Myanmar.

Therefore, the government put their efforts towards setting up functional and resourceful mechanism to end underage recruitment and using child soldiers with the help of international organizations and UN country task force. Nevertheless, the current mechanism to protect child recruitment is still struggling because of the limited participation of TCRCs and less power influence of DSW to raise their voice as their role as focal ministry for protecting children within CTFMR as MoD is taking more influential role.

*“We do not present child soldier cases to township child rights committees because they don’t have the authority to address and solve this problem, only flow with ILO complaint mechanism and UNICEF reintegration process can able to find a way it instead”.*

(CBO members, Shwe Pyi Thar Township, Yangon interviewed on 15 July 2014)

#### **4.2.2. CTFMR and Its Implementing Process**

Since 2006, the Country Task Force on Monitoring and Reporting (CTFMR) concerning grave violations of children affected by armed conflict was established which includes the UN Resident Coordinator, UNICEF, UNHCR, WFP, ILO, World Vision and Save the Children in order to put in place an effective child protection mechanism. But it was not sufficient to solve the problem of underage recruitment and child soldiers’ problem. After bi-election, the new government of Myanmar signed Joint Action Plan to end child soldiers’ issues in June 2012 and then ILO’s Worst Form of Child Labour Convention, 1999, (No. 182) on 18 December 2013 as taking its responsibility as the role of duty bearers. Accordingly, the government reactivated a Country Task Force of Monitoring and Reporting on Child Soldiers (CTFMR) led by concerned ministries, Ministry of Defence (MoD) and Department of Social Welfare (DSW) under the Ministry of Social Welfare, Relief and Resettlement, including civil society organizations. In one year term of Joint Action Plan (JAP) includes criminalizing the recruitment and use of children by Tatmadaw and BGFs in order to address the issues a military order to stop and prevent child recruitment which is investigating and prosecuting those who recruit and use children, identification and verification to release all children identified in these armed forces including to access the military camps and bases to verify regularly, integrating age-verification mechanisms in recruitment procedures and providing reintegration programs for the children those who discharged from military as well as raising community awareness to prevent the underage-recruitment across the nation. Yet implementing JAP is effective even a few hundred of child soldiers in Tatmadaw have been released within one year. There is also a problem to extend JAP and now it is



extended to continue the implementation of ending underage recruitment and using children in National army and BGFs without any timeframe.

With their role and responsibility to implement ending underage recruitment, CTFMR is still difficult towards improving outcomes in which monitoring the military units, introducing effective age verification mechanism to be in place and initiating the screening to prevent using child soldier in BGFs ranks. Further, influence from MoD amongst other members can create an obstacle in the implementation process especially for regular monitoring of all military units in using child soldiers and effective age verification processes in order to reduce the practices of age falsification. Further, CTFMR is planning to negotiate with insurgence groups for ending unlawful recruitment and using children in their armed forces according to JAP, but it is not progress as planned in their two and half year term of implementation. Thus, implementing JAP by CTFMR is quite stressed to achieve systematic demobilization process. Yet it has started to initiate the preventative procedure within BGFs and negotiated to end underage recruitment with other insurgence armed force/ groups.

### **4.3. Roles and Responsibility of Stakeholders**

#### **4.3.1. Department of Social Welfare (DSW)**

Generally in Myanmar, Department of Social Welfare (DSW) under the Ministry of Social Welfare, Relief and Resettlement is the focal ministry for taking care of child protection issues. Therefore, the Ministry of Social Welfare is somehow recognising the violations, especially those related to children and their protection issues. In practical there are very limited child protection services and the Department of Social Welfare (DSW) has very few resources, is staffed mostly at a state/division level – not at township and community levels – and has little political power compared to others such as the Ministry of Defence or Ministry of Home Affairs. Consistently, both township and regional level DSW officials/staffs need the capacity and skills to monitor the implementation of child rights in cooperation and

coordination with civil society and community. But the involvement of civil society actors in providing child protection services in collaboration with DSW is still limited in some cases such as the most sensitive issue like child soldiers or child labour.

Nevertheless, Government of Myanmar reviewed and revised the Myanmar Child Law to ensure alignment with CRC with the consultation of all stakeholders on 9 December 2011 because it would be transposed in the new Child Law with reference to marrying, working ages and criminal responsibility of children as well as compulsory education for children. The National Child Rights Committee which is led by Ministry of Social Welfare is making preparations to amend the age of a child from 7 years to 10 years in Section 28 (a) and to amend the age range of a child from 7 to 12 years to 10 to 12 years in Section 28 (b) of the Child Law but the revision of Law is still in pending under the process.

But in the case of child soldiers, involving MoD as members of CTFMR, DSW was influenced and they cannot made strong decision regarding with child soldiers issues against with MoD. Thus, the role of the focal ministry is still weak in power and child rights committees are challenged in implementing CRC and hence, protecting child rights within country is limited although Myanmar Child Law states “implementing and recognizing according to CRC to be a positive outcomes of child protection effort” (Myanmar child law, 1991).

#### **4.3.2. Civil Society Organizations**

Over 40 years of secretive and repressive military rule has also weakened the ability of civil society to address the government’s failures to take their responsibilities in their roles as secondary duty bearers. Particularly, government placed the child issue at low priority and a restricted and under-developed civil society in Myanmar, which is not able to integrate efforts to serve as a watchdog to hold the Government and other duty bearers accountable, are the main reasons why existing child protection mechanisms are not effective and efficient (Jacob, 2014a). The role of civil society is to ensure that all populations in a community have sense of

ownership and continue to decision making processes for good governance locally. Although in Myanmar before the bi-election, the organizations implementing supports and providing services for child soldiers kept low profiles and put those activities under the heading of general child protection not as the most important issue to tackle. A more favorable environment for civil society organizations was expected after the bi-election. The evidence is that civil society can work to focus on children associated with armed conflicts when there is an agreement between UN and Myanmar government bodies to end the recruitment of children into armed conflicts. Nevertheless, it is necessary to consult with or strengthen community-based civil society organization on the ground to take their roles in protecting children's rights. The civil society sector is still deliberate in tackling child soldier issues and organizations cannot take their roles in order to raise the people voice to be achieved better outcomes for the case of child soldiers.

*“Regarding the child soldiers issue, we are taking care of a sensitive situation in dealing with Ministry of Defence within CTFMR and hoping to be better coordinated in the process of demobilizing child soldiers as agree under JAP but the actual condition is still hard to convinced even to extend JAP”*  
(Member of child focused International organization, Yangon).

#### **4.3.3. KIA and Its Responsive Action of Child Protection**

Kachin Independent Organization is aware of CRC and Optional Protocol to the CRC and they have planned to study the Deed of Commitments that has been signed by the Karen National Unit and Karenni Army. Thus, KIA do not have any policy for establishing a minimum age for child recruitment at the moment, but they admitted that there might be child soldiers in their troops but they do not know the exact number of them due to lack of national identity cards and birth registrations of new volunteers (HREIB, 2004). During his visit to attend NCCT<sup>xxv</sup> meeting in Chiang Mai, Thailand, in April-2013, KIA General Gun Maw told the media that they have child soldiers in their troops, but those were being recruited before. Moreover, KIO's policy is to support the education of children who joined KIA at very young age.

Therefore, it can be assumed that the perspective of KIA of allowing children to join their army is building children's capacity and giving opportunity them to train their skills in order to be strong security forces as well as instilling ethnic identity and loyalty.

*“Child soldiers are not a serious concern in KIA and we raise them, feed them, and educate them to stand their own to be Kachin ethnic leader in future. Therefore, there are no volatile child abuses of physical or mental nature in our troops. Moreover, we have child protection and women empowerment committees under the sector of education. The committees are protecting and preventing the child abuses and any torture of child rights violation”*

(Member of KIO, Laiza, Kachin State, interviewed on 23 June 2013).

#### **4.3.4. Local Authority, Community, Parents and Protection of Child Rights**

In the field of child rights to protection, the family and its community have the vital role to protect and prevent violence against children. In the Myanmar context, children are jewels and treasures of the future for the family. Nevertheless, the practices and habit of raising children to be developed somehow favour for children to be spoiled rather to stand their own in order to make the right decisions for a better life. In some ways, the poverty factor of struggling to survive in daily life can limit the knowledge of parents to protect their children and prevent from any forms of abuse. In this circumstance, family members and community member have limited awareness of child rights and protection. In the meantime, children are also in part responsible to support their family in order to survive daily.

On the other sides, the community leaders and local authorities believe ex-child soldiers will create violence within a community. So, community views of ex-child soldiers are to be careful and to suspect danger or violence within their society. Hence, social distraction and discrimination upon ex-child soldiers adherers with the attitude of the community. Subsequently, this affects the implementation of reintegration programs in a community. Only the members of community-based

organizations (hereafter CBOs) are trying to raise awareness of illegal recruitment of children and emphasize their participation in this process. However, the role of CBOs in Myanmar is yet to be strengthened and mostly relies upon financial support of international organizations. Therefore, their movement and activities in some way follow the intended goals and indicators set by international organizations rather than the real needs in line with the nature of local community. It is still required to have sense of ownership and apply the bottom up approach for sustainable development by people in community in their own way.

#### **4.3.5. Other Stakeholders' Involvement in Child Protection**

Protection of children and reinforcement of relevant law to fulfill individual rights is normally recognized as low priority although Myanmar tradition values children as jewels or precious stones for the future. Therefore, the reinforcement of existing Myanmar child law and preventing child rights violations is not a key influencing factor to tackle for all stakeholders. The National Human Rights Commission itself struggles to stand on its own and not deeply participate in the protection of children and child rights violations in armed conflict situation. It is also challenging that parliamentary members do focus on child rights violations and recruitment of children into armed conflict. This delays direct coordination or cooperation within legislative bodies and government bodies. Furthermore, the peace and conflict issue is rarely discussed within parliament because it is only under government mandatory committee and MPs cannot raise their views and opinions about direct involvement in ethnic armed conflict and peace negotiation process.

*“Members of Parliament have been participating in the peace negotiation process in order to reflect the people’s voice before. Later we were not invited in any peace process, we don’t know why but it might be the reason because of our advices that people’s voices and opinion should be involve and reflect for the improvement of peace. We don’t know whether government or non-state actors or Myanmar Peace Centre who is facilitating the peace negotiation process did the decision not to invite us. Moreover, it is little submission of cases regarding with child rights and protection issue in Parliament”.*

(Women member of National Parliament, Nay Pyi Daw, interviewed on 29 June 2014)

As a result, the existing situation of child rights protection is not responsive to CRC Articles 43 to 54 that “government and international organizations should work to ensure children are protected in accordance with their individual rights” (UNCRC, 1989b).

#### **4.4. DDR and Its Program Implementation Process in Myanmar**

The CTFMR and reintegration committee was formed with the intention of implementing a DDR program as a part of the country’s reform process to democratization after signing JAP in 2012. DDR is one of the approaches which is “changing local concepts and understanding of social and gender roles as an essential” (Colin Gleichmann, 2004) to have more conceptualization of integrating children into society. Indeed, the term DDR is a process that contributes to security and stability by disarming combatants, removing them from military structures, and socially and economically integrating them into society. In this DDR process, CTFMR is leading to take responsibility of discharging underage children from Tatmadaw. Civil society members in CTFMR submitted the list of child soldiers in Tatmadaw to CTFMR, then MoD verifies the children who had been recruited under the age 18 in their military units. After that the military is required to disarm all child soldiers and then follow up with plans for discharge to demobilize them.

#### 4.4.1. Disarmament Process

The term disarmament represents “reducing the size of armaments or putting down the weapons of a nation’s military force in order to promote stability and peace”(NDUWIMANA, 2013). However in Myanmar, all ethnic armed force groups are in primary ceasefire situations. They have not agreed to discharge their weapons; therefore, the situation of disarmament is still tense and hard to make a reality. Only disarmament of child soldiers and mine action plans so far exist. For child soldiers, children have to unload their guns once they have listed to discharge in their combat units firstly, then sent back to DSW’s rehabilitation centers in Yangon or Mandalay. Secondly, they are discharge with official discharge letters provided by MoD and go back to their hometowns together with their parents or relatives. In their community, there is a mobile team which is implemented by international organizations like Save the Children or Myanmar Red Cross Society in order to support and provide necessary linkage between demobilization and reintegration; finally, reintegration supports for them.

Regarding the disarmament process in Myanmar, the mine action plan and its implementation processes have started since 2012 but not broadly enough to cover all mine-affected areas. After the new government took power, there has been the potential for humanitarian assistances of land mine and mine action within the country. Specifically, in March 2013, an editorial in the government-owned newspaper New Light of Myanmar called for a ban on mine use. “From now on, a comprehensive plan should be laid down to end the use of landmines and to start the removal of landmines and rehabilitation of mine survivors in the affected areas. So an agreement is required for all active users to cease the use of mines in unison” (The new light of Myanmar, 2013). At this time, UN agencies, INGOs and local CBOs are trying to consider an immediate suspension on new mine use and production and the initiation of mine action activities in areas of government control as well as non-state-actor controlled areas.

Disarmament is the act of reducing, limiting or abolishing weapons by all parties in the conflict. The problem with anti-personnel mines<sup>xxvi</sup> in Myanmar originates from decades of armed conflict, which is still on-going in some parts of the country, for example, Kachin and Rakhine State. Anti-personnel mines are still being used today by the armed forces of the Government of Myanmar (Tatmadaw), and by various non-state-actors, as well as by businessmen and villagers. While the existing data available on landmine victims indicate that Myanmar faces one of the most severe landmine problems in the world today, little is known about the actual extent of the problem, the impact on affected populations, communities' mine action needs and how different actors can become more involved in mine action. To this effect, seniors used younger soldiers as victims while they are setting this landmine in battle fields at both sides.

In Myanmar, ten out of 14 States and Divisions are mine contaminated. (UNHCR Report, 2012) Particularly, the eastern States and Divisions bordering Thailand are contaminated with mines including the areas bordering Bangladesh and China are also mined and have accidents (DCA, 2011). In detail, thirty-four out of 325 townships (10.5%) in Myanmar are affected by landmines (unhcr, 2013a). There are no statistics available as to the population size of each township, so the number of mine-affected people in Myanmar is only based on the data of UN Food and Agriculture Organization (UNFAO) population figures. Over 10% of townships are mine-affected as estimated (DCA, 2011). However, in reality, the figure is probably slightly lower as mine-affected townships described on the Myanmar Information Management Unit (MIMU) map have a smaller population per square kilometre than non-mine affected townships. Other townships with suspected mined areas and mine accidents, including townships in Chin State and Kachin State, are not included in the MIMU map on mine-affected townships. There are 166 suspected dangerous areas and sixteen of these are located in Shan State (all mined areas), and the rest (134 suspected mined areas and 16 suspected UXO areas) are in Karen/Kayin State, in parts of Pegu/Bago Division and Mon State (UNHCR, 2013b).



It was clear to the delegation that the government of Myanmar was strongly aware of the need for mine clearance, but the clearance was unlikely to proceed until the peace process had reached an irreversible stage. It is supposed to be a challenge in disarmament process in country although the government does approve of mine action activities. Particularly, in March 2013, the UN Special Rapporteur on the Situation of Human Rights in Myanmar again urged Myanmar to develop a comprehensive plan to end the use of landmines, establish accurate data on their location to ensure their systematic removal, and rehabilitate victims. On the other hand, UNHCR noted that more than 450,000 refugees and internally displaced people cannot return home because of landmines in northern and south-eastern states of Myanmar. Therefore, there were continued allegations of mine use by the Tatmadaw and by non-state actors in Kachin and Rakhine States. In this circumstance, child soldiers are the first to risk the dangers of land mines in front line battle fields on both sides. After that, there was also continued use of mines into mid-2013 by government controlled Border Guard Forces (BGFs), which consist of former opposition combatants. There were also credible reports of mine use by Nasaka, the Burmese Border Forces (BBF) has delayed the start of survey and clearance operations. Furthermore, the government has not yet approved a landmine law, and non-state armed groups have restricted access to mined areas. For example, if the agency will do a survey or any assessment in NSA-controlled areas, they need not only a Memorandum of Understanding (MOU) or approval from National or Regional government of Myanmar, but also the permission and approval from NSAs. This is a big challenge for those who are implementing mine action activities in NSAs' control areas even under Myanmar's administration areas (325 townships). Additionally, an overall lack of trust in the peace process amongst all groups has made peace agreements difficult to conclude and consequently the process of disarmament is yet to happen even in demining activities in Myanmar but some child soldiers is so far toward the next move to demobilization.

#### 4.4.2. Demobilization Process

Demobilization takes place after child soldiers unload their arms in their military units. The term demobilization refers to discharging children from military life to civilian life with the purpose of registering, counting, monitoring and preparing them to get official discharge letters, and finally helping and supporting them to be reintegrated into their community (Colin Gleichmann, 2004). However in Myanmar, according to CTFMR process, MoD is taking a leading role to verify the information and plans to discharge while DSW is planning to reintegrate children with the help of international organizations. Currently, UNICEF and ILO provide the funds and technical support to demobilize and reintegrate ex-child soldiers while other international organizations like Save the Children is leading and giving sub-grants to other NGOs<sup>xxvii</sup> as implementing bodies.

However, most of the procedure and implementation requires more emphasis and clarity of roles between international organizations in order to reach the realistic needs of ex-child soldiers in the process of demobilization. As an example, there are two discharging processes; the ILO complaint mechanism and CTFMR response mechanism for the children recruited into armed conflicts recently. Even the objectives of the two processes are not identical when ILO intends to end the worst forms of child labour (under ILO convention 182) whereas CTFMR only focuses on discharging child soldiers and the demobilization process. When a child over age 18 escapes from the military, he can follow the ILO complaint mechanism; even if he was recruited before he turned 18. The CTFMR process funded by UNICEF only recommends that the case of child soldiers who escape from the military should be sent back to their military units as agreed under the JAP. After that CTFMR plans to discharge those child soldiers through formal procedures with MoD. In real situations, the ex-child soldiers and their parents are afraid to go back to military unit again. So, most of the cases prefer to apply through the ILO complaint mechanism so that they can get the provision letter which cover children to stay officially for at least 3 months in the provision period. Moreover, fewer numbers have been discharged officially by CTFMR than the child soldiers who ran away from Tatmadaw. It is proved that most

of the above mentioned cases of ex-child soldiers escaped from Tatmadaw and they were waiting for official discharge letters through the ILO complaint mechanism. Therefore, the community somehow can confuse of the two parallel processes to follow although both are members of CTFMR.

Essentially, CTFMR is responsible for monitoring four military recruitment units of Tatmadaw but in practical, access to monitoring these units is irregular and non-systematic (checking over the documents and an interviewing with soldiers). Therefore, the monitoring of military recruitment units with all committee members in order to verify the use of child soldiers has happening regularly and efficiently yet. Because of some postponement and slow implementation due to protocol and bureaucratic procedures between government sectors, which is sending the list of child soldiers across the military combat units within country and long response time on whether the children are still alive and their location. For example, Ministry of Defence denied that the lists of child soldiers, which are provided by civil society organizations, are member organizations of CTFMR, are wrong and most listed are over the age of 18 according to their documents. Therefore, the member organizations of CTFMR asked to do joint age verification on the lists in order to check and confirm whether it is right or wrong. But the joint age verification process is not happening at only one time to be real since signing JAP to date. Subsequently, the process of age verification is challenging due to the falsification of age documents like in Myo Zaw Lwin's case in which military officers or civilian brokers changed his name and made false documents. So, there chance to discharge for those children who had their documents falsified when they were recruited by force or persuasion.

Furthermore, CTFMR is responsible to end underage recruitment in government border guard forces according to JAP. But it has not put in place the preventative mechanisms to implement and screen the procedures within BGFs yet, since 2012 to date. There is nothing to access and increase pressure to initiate steps to verify, demobilize and reintegrate child soldiers in Border Guard Forces (BGF) units though they are also listed as having child soldiers in their ranks.

In particular, there is another limitation to get the National Registration Card (NRC) for the rights to identity of children who had been discharged officially at once. Although UNHCR, a member organization of CTFMR, is trying to support in-kind provision to get the NRC for ex-child soldiers who don't have their identity cards but the process is a dawdling of poor decentralization processes. In this study, all 11 of ex-child soldiers' cases who were discharged officially or escaped from Tatmadaw are waiting to get their NRC so they can officially live without fear of arrest and easily obtain a regular paid job. The NRC should be received during the official discharge; however in reality it takes more time from one week to six months depends on regional and township level immigration officers' individual understanding of illegal child recruitment and child rights. Besides, most of the ex-child soldiers come from slum areas and from families that migrate from one place to another, thus, it is difficult to have any identification to prove citizenship such as household lists, NRC of their parents or school enrolment date etc. In some circumstances, the parents themselves do not have any identification especially if they are homeless.

Therefore, the demobilization process of ex-child soldiers in Myanmar has seemed to move forward and improve because 553 child soldiers have been discharged officially in 8 official discharge events, as stated in the government newspaper (The New Lights of Myanmar and The Mirror) and the public media, the Irrawaddy News<sup>xxviii</sup>, after JAP. Nevertheless, there are some limitations that have been a challenge in the process of demobilization like child rights to identity, as false documents hinders the age verification procedure and BGFs have yet to put in place any preventative procedures. Thus, it is hard to ensure that all children can easily to reintegrate into their normal lives from unsystematic demobilization.

#### **4.4.3. Reintegration Process**

While demobilization represents the point at which a child leaves military life, reintegration represents the process of establishing a civilian life. Principally the reintegration of children tied to their social and economic opportunities, the actual provision afar the practical situation (NDUWIMANA, 2013). In the situation of the

Myanmar reintegration process, a committee for the reintegration of child soldiers was formed, led by Department of Social Welfare with funding by UNICEF in February 2013. ILO, Save the Children, World Vision and other child-focused civil society organizations are members in this committee including other concerned ministries such as Ministry of Labour (MoL), Ministry of Education (MoE), Ministry of Home Affairs (MOHA), and Ministry of Health (MoH). According to UNICEF data, it is believed that over 800 child soldiers were officially discharged in 2008 before start the reintegration program which is officially implement because of JAP in Myanmar. As above mentioned in the demobilization process, Save the Children is also a leading organization of implementing the reintegration program funded by UNICEF, giving sub-grants to local child-focused civil society organizations including Yatana Metta, Myanmar Red Cross Society, and Karuna Myanmar Social Service since 2011. At present, the new project implementation across the country where these three local partner organizations are implementing with mobile movement teams with the help of community based organizations. In this process of program implementation, there are both challenges and progress of socio-economic reintegration processes in accordance with context and culture of local community.

In theory, in order to succeed in reintegration, the key important factor is creating employment opportunities which should be in line with the ex-child soldier's existing skills and capacity or link with their ability to absorb new skills. But in practice, it is challenging because of limited resources and capacity of supports staffs, market breakdown, and short term oriented approach. Currently in Myanmar, the reintegration committee of ex-child soldiers is facilitated and negotiated with Ministry of Education (MoE) and Ministry of Labor (MoL) in order to continue the education of ex-child soldiers and get an opportunity for the vocational skills training. But adhering the social attitude and behaviour that the headmasters and teachers were not willing to accept the ex-child soldiers worrying that the other children would turn to violence. Although Ministry of Labor is helping those ex-child soldiers to attend vocational skills training, it actually benefit to ex-child soldiers who live near the government training schools are existing because there is only 5 vocational skill trainings which is run by government and no vocational skills provision by other

stakeholders, such as private sector, civil society. Again, limited resources and no linkage with public and private sector have made it difficult to access vocational skills and trainings and it has subsequently blocked ex-child soldiers to find a job easily. However, recently ILO's reintegration program is trying to link with business sector so that ex-child soldier can access employment opportunities with on the job skills training. Hence, social attitudes are another challenge in this aspect that most of the employers do not want to give jobs to ex-child soldiers.

In the reintegration program, the organizations are providing 500,000 Kyats (equals to 500 USD) to ex-child soldiers who have been discharged in order to access alternative livelihood opportunities, skills to develop their capacity and any kind of work to start on own in accordance with existing skills and availability within their local contexts. Practically, most of the parents are not willing let their children to use provision money to attend vocational skills training rather they want a job for instant income. None out of 11 ex-child soldiers' cases from Tatmadaw are continuing their education rather they are seeking a job. In some cases, some were influenced by parents of relative's decision to use the provision money for their immediate livelihood support. Although ex-child soldiers might want to attend skills training for long term career basis, their family want them to do job or any income generation activity in order to earn money quickly. Therefore, all of ex-child soldiers' cases end up with jobless situations after 4 or 5 months of reintegration. (See all 11 ex-child soldiers' cases from Tatmadaw side)

*“The effort of reintegration projects is far away from the actual condition that most of demobilized child soldiers were needed for employment and livelihood opportunities than education. As an example of my experience is that a demobilized child from Shan State was facilitated to attend vocational training where there is only one government school in Mon State. All of his provision money had been used for transportation charges and other lump sum costs of training and he doesn't have any job to survive. In this case, we still have not yet to solve rather link him with any job potential within limited market situation in his town”* (Staff from Kaurna Myanmar Social Services, Yangon)

Limited knowledge and awareness of children rights to protection by local authorities and law enforcers are monitoring and supervising the program staffs when they are providing reintegration supports to ex-child soldiers in community. No matter what the humanitarian or development focus, local authority is still concerning the term “Military” or “soldiers” and reluctant to cooperate with humanitarian or development activities or the implementing of civil society organizations.

Another short term project which is only oriented towards work done rather than achieving toward impact and goals can slow the implementation down at ground level, for example only 3 visits to the ex-child soldier within one year project duration. It should to take more time to meet and discuss with ex-child soldiers what and how they would like to build their skills to survive and which is the best option for them in accordance with their existing skills, capacity, accessibility within available context and nature of their social environment including family background. However, the social workers or development workers have not been trained to facilitate the subject of economic literacy; they were only trained to provide humanitarian support and raising awareness activities. Therefore, ex-child soldiers are pushed to choose within proposed options rather than the facilitating the best interests of ex-child soldiers in order to stand upon their own for long term sustainability. Thus most of them are doing farming; opening grocery stores, trishaw rental business, and motorcycle carry after short term reintegration. It is likely rushed to get a solution at both sides that one would like to complete their work plan and one would like to get money fast. Consequently, most are becoming jobless and in search for daily wages, similar to the same condition as before they joined the military.

Moreover, in the case of Moe Aung in Mandalay, the health care services are severely weakened within country even in city area and it is evident that the reintegration program cannot link with other social services in practice. In addition, because of the worsening economy, parents are relying on short term basis rather than long term for the aid support 500000 Kyats (equal to US\$ 500) per child to reintegrate from military life to their civilian lives. It is becoming a social mistreatment by

parents who let their children join the army and then they inform ILO or UNICEF that their child was recruited as a child soldier in order to get the money. Therefore, the reintegration support and provision are still far from the real needs of social and economic opportunity and sometime beyond the objective and end with side effects. In addition, communities are not well informed and know how the long term benefits for ex-child soldiers by the provision and supports of reintegration process. Because people in communities have been influenced and adhered with the struggling to survive their daily life, consequently, it affects weak participation by community to support sustainable reintegration in society.





## **CHAPTER 5**

### **CONCLUSION, DISCUSSION AND RECOMMENDATION**

This chapter will discuss the root causes of child soldier's effects on child rights violation as well as the changing pattern of recruitment before and after JAP in Myanmar. It will be a discussion of how primary and secondary duty bearers are taking their responsibilities and account to grant on the protection and prevention of children into armed conflicts issues and fulfilment of child rights. The chapter will also discuss both challenges and obstacles in the process of DDR in Myanmar.

#### **5.1. Conclusion**

Internationally, Myanmar had been listed as having a high number of child soldiers, predicting almost 70,000 are under the age of 18 both in national armed forces (Tatmadaw) and insurgence groups. It is still mysterious and questionable how many child soldiers are exactly at both sides and it is apparent that Tatmadaw has used children in its armed force units whereas Karen National Army also has used forced labor or soldiers who are under the age of 18 within the last 10 years ago (CAAC report, 2013, Myanmar Human Right Watch reports, 2009, and the UNCRC report, 2012). It can be said that the poverty factor is contributing to the problem of child soldiers and it consequently affect the absence of youth unemployment opportunity. Then, poor and marginalized children in Myanmar face lack of access to education, health and other social services as well as domestic violence due to lack of parenting care. These factors are root causes of underage recruitment through both direct arrest and indirect entrance of being child soldiers. Nevertheless, it cannot be denied that accelerating ethnic armed conflicts between Tatmadaw and insurgence group, KIA can also mainly be a reason for the children to join armed forces. Because ethnic children who do not have opportunities to earn a living in IDPs camps, lack access to education in ethnic armed conflict areas and sometimes patriotism can be a motivation to join armed force voluntarily. In other way, some are entering army to fight for revenge and some are willing to deal with weapons to have power over

others. Therefore, accelerated militarization is still a direct cause of the problem of recruiting children into armed conflict while poverty, lack of social services, limited knowledge and awareness of child rights and protection at parents and community and youth unemployment are also contributing factors to this unlawful child recruitment.

Therefore, children in Myanmar are vulnerable to recruitment with a variety of ways such as force, voluntary, traditional system of ethnic insurgence groups and attracted with incentive. Persuading children and their parents with incentives is the most risky and dangerous way of recruiting children into armed forces. It also challenges the community by the network of traffickers and the participation of law enforcers in this child recruitment process. Additionally, children's rights are violated their rights in armed forces, front line units, and military training through physical and mental abuses, torture and discrimination. It is common practice that the violation of child rights within armed forces groups especially in Tatmadaw than insurgence group even in the training or battle field against the domestic laws (Military Law and The Myanmar Child Law) and CRC. Therefore, when government and insurgence groups prioritize their political agenda switch out concerning individual's security and fundamental rights, it can create on-going ethnic armed conflict and is followed by continuous recruitment of underage children into their security forces and violate their individual rights. Thus, internal child trafficking, which is the involvement of law enforcers and military officers by the demanding strong security troops can let children engage with risks and dangers of being child soldiers. So, there are problems between the law and its actual implementation for the protection of children and their rights which has been neglected when national security and ethnic identity are centered.

In the meantime, the fully responsive action for the protection of child rights has been absent in child protection mechanisms because of limited resources, lack of skills and capacities of staffs, understaffing at the ground to support the child protection services can delay implementing child rights protection. Further, the role of civil society and other actors' participation is limited in regards to ending child recruitment issues and support child soldiers in getting their rights. It is also in need of

more coordination and cooperation among stakeholders in monitoring and reporting process of child rights and child protection. Therefore, there is rooms to improve in taking responsive action for better prevention and protection of children that state party can able to implement CRC accordingly.

Particularly, in the cases of child soldiers, it is still challenging to improve and move forward the systematic demobilization and sustainable reintegration process on the ground. The difficulties of age verification due to false documents are hindering the release of all underage children within armed forces. Further, nothing has happened with regards to preventative procedures within BGFs after over the two and half year term of JAP signing. This is also a factor of delaying the DDR process as well as ending continuous unlawful recruitment. Hence, signing JAP is just improving in the case of discharged children (exactly 553 children) officially from Tatmadaw even still a lot of child soldiers there. However, the reintegration for ex-child soldiers is still far from being achieved due to limited capacity of project staffs, under-resourced supports to access social provisions such as continued formal and non-formal education (vocational skills), linkages to private sector to access employment opportunities and limited knowledge of community awareness on illegal recruitment including unenthusiastic environments within communities in this program implementation process. Moreover, limited provision of child rights to identity ex-child soldiers in their demobilization process is a part of factors that delay the successful reintegration process that most of the ex-child soldiers live without any identity. It makes them insecure and difficult in other social matters for example, regular paid jobs or marriage. Although the literature suggested that successful reintegration should be first come economically access for combatant's livelihood opportunity, the current situation that hard to linkage with public and private sector coordination due to unwilling private sector involvement can delay for the achievement of reintegration. As a result, ex-child soldiers still struggle to live with their "individual human' dignity, physical integrity and self-respect" in going back to civilian life from military life. Therefore, the state party is challenged to protect the rights of child soldiers and ending the recruitment of children into armed force

towards positive outcomes when Myanmar is trying to build its state security sector in its transition to democratization.

## **5.2. Discussion**

### **5.2.1. The Challenge of Protecting Child Soldier's Rights in Myanmar**

There are many reasons for being child soldiers in Myanmar, but lacks of access to potential markets due to a poor economy, high school drop-out rates especially at the secondary school level because of limited education access and unemployment which have led to inadequate incomes for families in slum areas, are part of contributing to children joining armed force groups. In the above mentioned cases, most of the children especially 12 to 17 years old were recruited while they were seeking jobs to support their families on Tatmadaw side and most of them are dropped out of school. At the same time, 3 out of 4 children in KIA were forced and coerced to join KIA and they also do not have access to education. Then, they all have to take responsibility for their family's survival needs. Besides, deterioration of primary health care systems and lack of social services for child rights can cause children to be more vulnerable to mistreatment and unlawful recruitment through arrest and threat by adults directly or indirectly. Furthermore, other social issues such as family disruption, domestic abuses, careless parenting, and self-motivation that want to deal with power and influence, living and growing in the ethnic armed conflicts, lack of chance to choose other options to develop their skills as teenagers living in IDP camps and wanting to fight back for revenge and ethnic identity can push children to engage with armed conflicts. In this situation, children are more vulnerable to violations of their individual rights, to being exploited in the labor force, to neglect their childhood development, to abuse their physical and mental ill-treatment living as a child soldier.

At that juncture, they suffer trauma and stigmatization by that experience of maltreatment in armed forces throughout their lives even as ex-child soldiers. This has the consequence of under development of human capital investments to promote the country's development without the freedom for children to develop their skills and

capabilities individually. Accordingly, all the risks of being unlawfully recruited, violating their rights and being abused that affect children are needed to bind by law and policy so that perpetrators can be held accountable. For example, conscripting of children and torturing them in military units should execute the prosecution of internal child trafficking under National laws (Child law and Anti-Trafficking in Person Law). Therefore, Child Soldier International argued that national law already prohibits that 18 is the minimum age of recruitment in Myanmar, practically it is ignored and not enforced like the same situation of DRC, Sudan and Yemen (Child Soldier International, 2012). In the meantime, although the child protection mechanism in Myanmar has been designed like mandatory TCRCs structure at every township, though under staffed, but it requires greater efforts to activate its functions and be adequately resourced to address child rights violations for children associated with armed forces. As a result, the increase of ethnic armed conflict makes more exposed the children who live in conflict areas and those who came from slum or urban area with poor economic backgrounds, orphan and or those living in the streets. Children are more vulnerable to being child soldiers without effective child protection mechanisms set up in a certain community. Thus, the dangers of children being used in armed force is continuous without political will and emphasis of resources by the government on safeguarding children from all forms of abuses, tortures and violence in accordance with CRC and existing national laws (Myanmar Child law, Military law and Anti-Trafficking in Person Law). Therefore, as Child Soldier International criticizes that signing JAP is just “a beginning of process that is necessary a significant commitment of resource to get good results” (Child Soldier International, 2012) towards improved outcomes in its reform process in Myanmar.

### **5.2.2. Effects of DDR Program on Ending Underage Recruitment in Myanmar**

However the present situation of duty bearers’ responsive action is still challenged to reinforce the national law and in line with CRC principle of child rights to protect children from any forms of violence and coercion that the responsibility of all types of actors such as executive, legislative, judicial and the armed forces groups as well (Colin Gleichmann, 2004). In the case of child soldiers in Myanmar, it is

necessary to take all appropriate actions to promote physical and psychological recovery and social reintegration of ex-child soldiers from any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment or armed conflicts (UNCRC, 1989). Specifically, the state party is struggling to apply according to Article 39 of UNCRC<sup>xxix</sup> regarding the rehabilitation of child victims by implementing a DDR process, though current DDR programs are required to support the improvement of ex-child soldiers that can leave any destructive experiences in armed conflict. Nevertheless, there is nothing hoped for genuine peace to fully operating disarmament as a current result of peace negotiation process and recent conflicts between Myanmar government in Shan state (eastern part of Shan with Ta Aung and SSA armed force groups) and Karen State (DKBA) in September 2014. This conflict is also stressing that disarmament process to be reality and land mine are still used in ethnic armed conflict areas. Therefore, all efforts in protecting and preventing child soldier's rights are only focused on the process of demobilization and reintegration except uploading weapons of child soldiers who had been discharged.

However, government, UN agencies and international organizations are try to put in place the systematic demobilization process of discharging child soldiers and sending them back to civilian life, the actual process still requires engagement and commitment by all task force members to put in a united effort. Although the current program implementation is limited in establishing and applying standard recruitment procedures especially for the effective age verification process (International, 15 May 2013). It is a problem of military recruitment practices and procedure making continue results of being conscripted or enlisted below official recruitment age. In Myanmar it is the same situation like in Peru, Eritrea and Tajikistan, where underage children are conscripted by armies because of “inefficient bureaucracy and weak verification processes as well as chaotic recruitment” (Child Soldier International, 2012) even by law binding the age of 18 as the minimum age of recruitment. Further, the weaknesses of age verification can affect the process of demobilization for ex-child soldiers that they are required to get their rights to identity at once to easily back to their civilian life. Nevertheless, the false documents of age can delay the process

and take time to make consistent with actual and false documents. Thus, CTFMR require advanced planning to enable smooth and easier to links with demobilization phase to reintegration phase for ex-child soldiers.

According to IDDRS, systematic demobilization is “human and security is centred”(IDDRS, 2006a), therefore, the family members especially parents and ex-child soldier do need to give necessary information and enough time for provision of psychosocial support or counselling not only to ex-child soldiers but also to parents to prepare in advance an increased sense of ownership. However, the discharging process seems to be rushed at present. Irregular monitoring of all Tatmadaw recruitment units and obstacles to accessing monitoring of BGFs shows that there is “requirement of engagement and commitment within CTFMR” (International, 15 May 2013) as their role of implementing JAP. Moreover, without a time frame in the extension of JAP, one can hope for continuing implementation until no child soldiers remain in armed forces. On the other hand, the potential negative effect is that MoD can stop the JAP’s implementation at any time.

These consequences are affecting ex-child soldiers’ ability to be reintegrated in their civilian lives, even though the reform process should represent sustainable peace and stability in building state security without neglecting individual security (Heiduk, 2014). Therefore, it is anticipated that implementing JAP is challenge in the area of systematic pre-planning, more inter-agency collaboration and more prioritizing of human and community security in order to link between national authorities, communities and other stakeholders to ensure a smooth transition between in the process of demobilization and reintegration regarding the fulfilment of child rights in Myanmar (Gotterson, 2013).

Additionally, the reintegration process also needs to plan in advance for livelihoods, education and relevant employment opportunities with a people-centred approach for a better socio-economic reintegration process with long-term sustainability rather than focusing on the short-term. Practically on the ground, ex-child soldiers are missing relevant vocational skills opportunities due to limited

resources and institutions within the country and without opportunities to promote self-employment at the different levels of their technical skills and no chance to continue education due to an un-enabling environment. The challenge of connecting and integrating between the public and private sector for employment opportunity is make inflexible, unaccountable, un-inclusive participation of all stakeholders in reintegration process of ex child soldiers without integrated approach. Moreover, another limited participation by community and unchangeable attitudes and behaviours make ex-child soldiers distracted with social pressure and discrimination. Thus, the current reintegration program implementation has yet to be sustained and the program implementation process is oriented for work done rather than achieving development goals. Thus, although engagement with long-term sustainable opportunities is needed in order to create a fresh and progressive way of development (NDUWIMANA, 2013), it is also necessary to improve strategic plans, with flexible design to suit any community or individual background as well as collective efforts of transparency by concerned duty bearers especially the state party as their primary role of committing to promote the improvement of ex-child soldiers' lives. Thus the state party is required to emphasize DDR process in line with Article 39 that "state party obligation to ensure the rehabilitated and reintegrated of children who has been subjected by violence and abuses" (UNCRC, 1989a) and Article 41 of "provisions of adequate standard of living, health care, free education, legal and social services"(UNCRC, 1989a) for ex-child soldiers in Myanmar.

### **5.2.3. Discrepancies Between National Law and International Standard**

Although international law clearly establishes that forced recruitment of a child soldier violates child's rights, in Myanmar, national law related to child soldiers is high as under the provisions of Directive No 13/73 (1974) of the Myanmar Defence Services and War Office Council, under-18s are not permitted to be recruited into the armed forces and states that "the offense is was punishable by imprisonment of up to six months or a fine, or both" (Section 65, Myanmar Military Law) (Child Soldier International, 2012). The CRC defines "a child is a human being below the age is 18 years old unless the laws of a particularly country set the legal age for adulthood



younger”<sup>xxx</sup>(UNCRC, 1989a) but in the Myanmar child law of 1993, “a child means a person who has not attained the age of 16 years” (Law, 1993), so the definition of a child is inconsistent between international standard and domestic laws. Therefore, in the prosecution process, the perpetrators or the trafficker can excuse according to Myanmar child law if the recruited child is over the age of 16. However, in the case of child soldiers, military officials were only charged under military law but it does not cover civilian brokers because there is a separate court system of military court and civil court in Myanmar. So, no one knows about the prosecution process and charges for military officers for the case of underage recruitment and even MoD announced that there are reprimands and salary deduction for military officials who recruit children into armed forces.

Although Article 28 of CRC outlines that “all children have the right to a free primary education with high level and value” (UNCRC, 1989a), in Myanmar law, Article 20 “(a) every child have opportunities of acquiring education and have the right to acquire free basic primary education” (Law, 1993), nevertheless most of child soldiers are already dropped out and engaged in armed force because they cannot access education with different situations. Children living in slum areas and in poverty cannot afford education costs whereas for children living in armed conflict areas, there is a lack of schools and inadequate teachers.

Similarly, the same with Article 24 of the CRC, “children have the right health care” (UNCRC, 1989a) and Article 19 of Myanmar child law, “(a) Every child has the right to enjoy health facilities provided by the State” (Law, 1993), however some children are joining the army because of debt for chronic medical costs of family members or some especially who live in ethnic areas are lacking primary health care service in their remote villages.

In Myanmar domestic law, there is no specific mention about CRC Article 27 that children have rights to adequate standard of living. But for the Article 32 of “child labour” (UNCRC, 1989a), Myanmar Factories Act, 1951 states that a “child under the age of 13 years is prohibited from working. A child at the ages between 13

and 15 may work for a maximum of four hours a day and shall not be permitted to work night shift between 6 p.m. and 6 a.m. children cannot work two shifts which shall not overlap, and both of which shall not exceed five hours inclusive of intervals and also Sunday is a weekly holiday for child workers and there is no exemptions from these provisions". According to the Shops and Establishments Act, 1951, "the child under the age of 13 years shall not be permitted to work in any shop, commercial establishment, or establishment for public entertainment" while Section 2 of the Oilfield (Labour and Welfare) Act mentioned that "a child is a person below the age of 15, and a minor is defined as a person between the age of 15 and 18 and Section 3 (1) of the Mines Act defines that "a child is a person who has not completed his fifteenth year". On the other hand, in Myanmar child law, Section 24 (a) "every child has (i) right to engage in work in accordance with law and of his own volition; (ii) The right to employment, rest and leisure and other rights prescribed by law" (Law, 1993) and Section 24 (b) and section (65) (a) states that Ministry of Labour has the responsibility to safeguard in accordance with the law to ensure the safety of child employees at their work place and prohibit working in the situation of hazardous and harmful to the child's moral character" (Law, 1993). It is showed that there is required to be consistent to set up the minimum age for the working children in Myanmar. It is also affect to the child soldiers. However, for child soldiers, each party, Tatmadaw and KIA recruited even 12 or 13 year old children into their armed force (See Table 3.2) against CRC Article 36 "children at the age of below 15 should not be forced or recruited into war" (UNCRC, 1989a) and its optional protocol on the involvement of children in armed conflict stated that "banning children under 18 participating and recruiting into armed conflicts directly"(OPCRC, 2000). But Myanmar child law did not state specifically about the minimum age for children in association with armed conflicts though Myanmar military law prohibits the recruitment of children below at the age of 18.

Nevertheless, the child soldiers in Myanmar were violated in their rights and engaged with abuses and violence continuously after they had been recruited despite Article 37 of CRC and national law stating "penalties for offences including the abuses and torture of children". It is not fully conveyed to apply and implement CRC

in protection of children against from all form of violence. Therefore, Myanmar national laws are not fully in compliance with CRC and other international standards for the protection of the rights of child soldiers despite signing JAP for ending child recruitment and using child soldiers in 2012 and ILO 182, the worst forms of child labor, in 2013. It is necessary to update or revise the existing domestic laws in accordance with international standards to be consistent and to more effectively and efficiently improve the protection of all children in the country.

### **5.3. Recommendation**

The current causes that drive children into armed conflict situations and the underage recruitment process does not eventually indicate the positive effects of ending child recruitment into armed conflicts. Additionally, the low priority of child protection issues is prolonging the effects of child soldiers. Furthermore, the long poverty effects, mismanagement of country economic strategy, limited employment opportunity, and insufficient social services of health and education contribute to underage recruitment. Nevertheless, increased militarization is an influence that pushes children into armed conflict situations especially since the civil war started between Tatmadaw and KIA. Therefore, duty bearers need to place greater emphasis on respecting and protecting the rights of child soldiers in accordance with their roles and responsibilities as following.

#### **5.3.1. State (DSW as focal ministry)**

- More policy reinforcement on UNCRC implementation and activation of Child Rights Committees at all level (Township, Regional and National)
- Plan to sign the Optional Protocol of Child Soldiers, 2000 in order to emphasize more legal enforcement for under-aged recruitment
- More strategic focus on resources, increased staffing and more budget allocation for welfare services for children and capacity building plan in order to address child rights and protection

### **5.3.2. Legislative bodies**

- More participation to raise and reflect the people's voice and opinions in peace negotiation processes in order to end armed the conflict situation and reinforcing laws in any circumstances either military or civilian level

### **5.3.3. Kachin Independent Organization/Kachin Independent Army**

- Emphasize international standards and potential to sign of underage recruitment in order to focus on social welfare services for improved lives of soldiers at the ground level at bottom line.

### **5.3.4. Civil Society Organizations**

- Increase staff capacity on economic literacy in order to provide and support effective livelihood opportunities for ex-child soldiers in accordance with their local contexts.
- More emphasis on long-term development goals rather than short-term project work
- Greater cooperation and coordination between implementing bodies and donor agencies in providing sustainable support to the reintegration of ex-child soldiers
- More focus on linkages with private sector and business so that ex-child soldiers can have more employment opportunities.

### **5.3.5. Ministry of Defense**

- Raise awareness of unlawful recruitment and protection of child rights within Tatmadaw for the purpose of capacity building on fundamental human rights to military officers.

- Law enforcement and deep punishment of child rights violations in any situation at recruitment units, military training school and front line or backward combat units.



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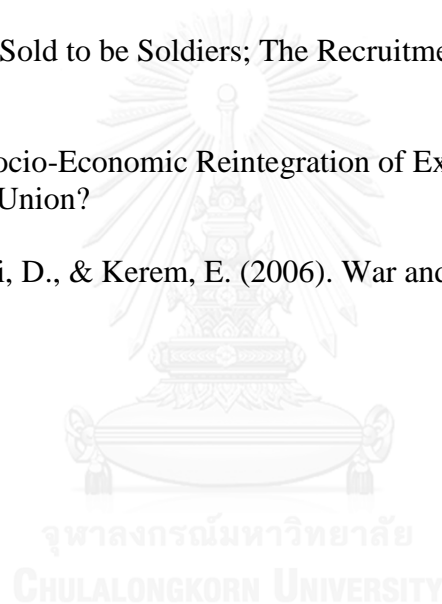
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<sup>1</sup> [http://countryoffice.unfpa.org/myanmar/2014/08/30/10473/unfpa\\_press\\_release\\_myanmar\\_releases\\_p](http://countryoffice.unfpa.org/myanmar/2014/08/30/10473/unfpa_press_release_myanmar_releases_p)

<sup>2</sup> [http://carmelitengo.org/communications/carmeNGO/back\\_issues/vol\\_4.n2.pdf](http://carmelitengo.org/communications/carmeNGO/back_issues/vol_4.n2.pdf)

<sup>3</sup> <http://www.irrawaddy.com/2013/03/18/106cc-into-fighting-the-battle-to-rid-burma-of-its-child-soldiers-3525856/>

<sup>4</sup> <http://www.nrw.org/news/2007/12/05/child-soldiers-problem-myanmar>

<sup>5</sup> [http://en.wikipedia.org/wiki/Caasefires\\_in\\_Burma#Border\\_Guard\\_Forces](http://en.wikipedia.org/wiki/Caasefires_in_Burma#Border_Guard_Forces)

<sup>6</sup> International Labour Organization (<http://www.ilo.org/global/lang-en/index.htm>)

<sup>7</sup> United Nations (UN) every organization,

<sup>8</sup> [https://www.google.co.th/?gws\\_rd=cr,ssl&ei=y9ZRMWNFpPx8gXx0IGwBg#q=definition+of+ethn](https://www.google.co.th/?gws_rd=cr,ssl&ei=y9ZRMWNFpPx8gXx0IGwBg#q=definition+of+ethn)

<sup>9</sup> <http://www.studentpulse.com/articles/508/defining-armed-conflict-in-international-humanitarian-law>

<sup>10</sup> <http://www.nrw.org/news/2004/10/25/children-weapons-war>

<sup>11</sup> The Free Aceh Movement (GAM) in Indonesia, 1976

<sup>12</sup> The Free Aceh Movement (GAM) in Indonesia, 1976.

<sup>13</sup> The Indonesian armed forces (*Tentara Nasional Indonesia*, TNI)

<sup>14</sup> Article 19 of CRC, Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children properly cared for and protected from violence, abuse and neglect by their parents, or anyone else who looks after them. In terms of discipline, the Committee orders to prohibit the reinforcement of national child protection any form of discipline involving violence is unacceptable. There are ways to discipline children that are effective in helping children learn about family and social expectations for their behavior ones that are non-violent, are appropriate to the child's level of development and take the best interests of the child into consideration. In most countries, laws already define what sorts of punishments are considered excessive or abusive. It is up to each government to review these laws in light of the Convention.

<sup>15</sup> <http://www.unddr.org/uploads/documents/IDDRS%204.10%20Disarmament.pdf>

<sup>16</sup> <http://www.unddr.org/uploads/documents/IDDRS%204.20%20Demobilization.pdf>

<sup>17</sup> Master of Arts Programs in International Development Studies at Bangkok University in Thailand in the year 2013 with the financial assistance of Heinrich Böll Stiftung.

<sup>18</sup> [http://en.wikipedia.org/wiki/Yingjiang\\_County](http://en.wikipedia.org/wiki/Yingjiang_County)

<sup>19</sup> United Nation Convention on the Rights of the Child, UNCR, 1989

<sup>20</sup> General Assembly Security Council Report, Myanmar, 2007

<sup>21</sup> Karen Human Rights Group, KHRG Report, 2008

<sup>22</sup> <http://www.rfa.org/english/news/myanmar/trafficking-06192012190525.html/>

<sup>23</sup> [http://www.no-trafficking.org/resources\\_laws\\_myanmar.html](http://www.no-trafficking.org/resources_laws_myanmar.html)

<sup>24</sup> [http://en.wikipedia.org/wiki/Lesser\\_of\\_two\\_evils\\_principle](http://en.wikipedia.org/wiki/Lesser_of_two_evils_principle)

<sup>25</sup> <http://www.mmpeacemonitor.org/stakeholders/myanmar-peace-center/192-ncct>

<sup>26</sup> [http://en.wikipedia.org/wiki/Anti-personnel\\_mine](http://en.wikipedia.org/wiki/Anti-personnel_mine)

<sup>27</sup> Non-Profit Organizations

<sup>28</sup> <http://www.irrawaddy.org/burma/burma-army-releases-80-child-soldiers.html>

<sup>29</sup> States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

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<sup>xxx</sup> [https://www.google.co.th/search?q=definitiion+of+a+child&ie=utf-8&oe=utf-8&rls=org.mozilla:en-US:official&client=firefox-beta&channel=nts&gws\\_rd=cr&ei=-\\_liVNLIDND-ugSHmoGoCw](https://www.google.co.th/search?q=definitiion+of+a+child&ie=utf-8&oe=utf-8&rls=org.mozilla:en-US:official&client=firefox-beta&channel=nts&gws_rd=cr&ei=-_liVNLIDND-ugSHmoGoCw)

