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BURMA (MYANMAR): Right to Education Recruitment and Use of Child Soldiers

Submission from Human Rights Watch
to the Committee on the Rights of the Child
October 2003

SUMMARY:

Many children in Burma (Myanmar) are denied their right to education under article 28 of the Convention on the Rights of the Child. Many are out of school because their families cannot afford school fees. Large numbers of children, particularly in ethnic minority areas, are also denied access to education, as armed conflict has resulted in the closure or destruction of many schools. Large numbers of children in these areas have been forcibly displaced by the Burma army, with little or no access to education.

In violation of article 38 of the Convention, forced recruitment of children into Burma's national army is systematic and widespread. Children as young as eleven are forcibly recruited from public places, including marketplaces, bus, ferry, and rail stations, and the street. During training, these children are subject to routine and often brutal beatings and systematic humiliation. Once deployed, they often engage in combat against ethnic armed opposition groups, and are forced to participate in human rights abuses against civilians. They are frequently beaten and abused by their commanders and cheated of their wages. They are refused contact with their families and face severe reprisals if they try to escape.

In violation of article 39, the government makes no programs or assistance available for the recovery and social reintegration of children who have been recruited or used as child soldiers.

INTRODUCTION:

Human Rights Watch is submitting the following information to the Committee on the Rights of the Child for its periodic review of Burma (Myanmar). This submission is based on an in-depth Human Rights Watch investigation on the recruitment and use of child soldiers conducted from February to June of 2002. The investigation included interviews with twenty former child soldiers with the Burma army (known as the Tatmadaw Kyi), and twenty-five current or former soldiers and officers with armed opposition groups. These interviews also sought information regarding children's access to education, in addition to their experiences with military recruitment and service.

Human Rights Watch also interviewed numerous humanitarian and human rights workers, independent Burma analysts, and representatives of the UNHCR. Representatives of the Burma government declined to meet with Human Rights Watch, but responded in writing to two letters requesting information on Burma's recruitment policy and practice.

The complete findings of our investigation were published in a report entitled *My Gun Was as Tall as Me: Child Soldiers in Burma*, which is also being made available to the Committee.

EDUCATION, LEISURE AND CULTURAL ACTIVITIES:

Article 28: Right to Education

The Committee on the Rights of the Child's 1997 Concluding Observations:

In its concluding observations on Burma (Myanmar) (1997), the Committee on the Rights of the Child expressed concern regarding high drop-out and repetition rates in schools. (para 19), and recommended that the government take all appropriate measures to reduce the rates of school drop-out and repetition (para 39).

Human Rights Watch Findings:

Although the government of Burma states in its periodic report to the Committee that "there is no school fee for primary education" (para 214), Human Rights Watch has found that school fees are a significant impediment to children's right to education in Burma.

Many former child soldiers interviewed by Human Rights Watch in 2002 reported that they had left school before being recruited into the army because they could not afford the school fees. Fees for each student range from 15,000 to 20,000 kyat per year¹, an amount that represents anywhere from two to six months' income for an average person. One child reported leaving school at age six and going to sell ice cream because "my parents couldn't pay for me to go to school." Another child reported that he worked in the early mornings and evenings after school to meet the 20,000 kyat fee for school, but then was forced to drop out at age nine, in order to care for his parents.

¹ This is U.S. \$2,500 to \$3,333 at the official rate of six kyat to the dollar or U.S. \$17.65 to \$23.53 at the more commonly used market rate, about 850 kyat to the dollar in mid-2002.

Many families can only afford to send one or two children to school. One boy interviewed by Human Rights Watch indicated that he and a younger brother were able to attend school, but that four other brothers and two sisters were not able to attend because the family couldn't afford the school fees of 15,000 kyat per student.

UNICEF Rangoon informed Human Rights Watch in July of 2002 that only 81 percent of children aged five through nine are enrolled in primary school, and only 55 percent complete kindergarten and the first four grades. It stated that government expenditures on education have declined as a portion of gross domestic product from 0.99 in 1994/95 to 0.3 percent in 1999/2001 and that "over the last decade important numbers of children and young people have been marginally or not at all touched by the education system."²

In ethnic minority areas, hundreds of thousands of people are internally displaced, because of continuing conflict and forced displacement by the Burma army. For example, in January 2001 the army reportedly displaced some 30,000 villagers in Karen State when it burned villages in an offensive against the Karen National Liberation Army. Many children in these areas have no access to education, and many schools have been closed or destroyed. One boy from the Irrawaddy Delta told Human Rights Watch that his school was closed most of the time "because of the war between the Burmese army and the Karen." He reported that he had only attended kindergarten.

Questions for the government of Burma:

- 1) What steps are taken to ensure that all children, particularly poor children and children in ethnic minority areas, enjoy their right to education?

Possible Recommendations to the government of Burma:

- 1) Ensure that all children receive free and compulsory quality primary education.
- 2) Waive school fees and other associated costs of education, including costs for books and uniforms, or develop fee assistance programs for children whose families are unable to afford them.

SPECIAL PROTECTION:

Article 38: The recruitment and participation of children in armed conflict

The Committee on the Rights of the Child's 1997 Concluding Observations:

In its concluding observations on Burma (Myanmar) (1997), the Committee on the Rights of the Child expressed "grave concern" regarding the "numerous reported cases of forced and under-age recruitment of child soldiers." (Para 22) The Committee also strongly recommended that the army of the State party "should absolutely refrain from recruiting under-aged children, in light of existing international human rights and humanitarian standards. All forced recruitment of children should be abolished as well as their involvement in forced labour." (para 42)

² UNICEF Rangoon statement sent to Human Rights Watch by email on July 25, 2002.

Burma's Periodic Report to the Committee on the Rights of the Child, submitted 2002:

In its periodic report, the government of Burma does not address Article 38 at all, nor respond to the Committee's recommendations regarding the recruitment of children. In its comments under article 22 (refugee children), the government states that "there is no problem of refugees" associated with Myanmar, that "there is peace in the country," and that "there are no children in armed conflict."

Human Rights Watch Findings:

Human Rights Watch found widespread forced recruitment of children by Burma's national army. Although exact numbers are impossible to ascertain, the testimony of former child soldiers with Burma's army suggests that 70,000 or more of the Burma army's estimated 350,000 soldiers may be children, including a significant number under the age of fifteen. This is believed to be the largest number of child soldiers of any country in the world.

Children as young as eleven are forcibly recruited from public places, including marketplaces, bus, ferry, and rail stations, and the street. During training, these children are subject to routine and often brutal beatings and systematic humiliation. Once deployed, they often engage in combat against ethnic armed opposition groups, and are forced to participate in human rights abuses against civilians. They are frequently beaten and abused by their commanders and cheated of their wages. They are refused contact with their families and face severe reprisals if they try to escape.

Children are also present in Burma's myriad opposition groups, although in far smaller numbers. Practices vary considerably among the groups. Some accept children who volunteer in order to avenge past abuses against members of their family or community, or because they have been displaced from their homes by fighting. Others forcibly conscript children. Although some groups claim to keep children in non-combat roles, many children participate in armed conflict, sometimes with little or no training.

Recruitment:

The government of Burma insists that all recruitment into its national armed forces is voluntary, and that all recruits are at least age eighteen. However, all but two of the twenty former government soldiers interviewed by Human Rights Watch had been forcibly recruited, and the soldiers' testimony suggested that 35 to 45 percent of all soldiers are recruited before the age eighteen, and that the proportion of new recruits under the age of fifteen may be as high as 15 to 20 percent.

Most former child soldiers described being approached by small groups of non-commissioned officers or soldiers at railway, bus, and ferry stations, marketplaces, festivals, or in the street. The boys are then asked for an identity card. Most young boys do not have one yet and when they cannot produce one, they are threatened with the choice of a long prison term or joining the army. Even if they still refuse to enlist, they are forced to a local army base or recruit holding camp, where they are often beaten, sometimes over a period of several days, until they agree to join. Protests that they are only twelve years old or that they are still in school only result in further beatings. One witness interviewed by Human Rights Watch presented his student card

only to have it torn up in front of him. Whether they eventually agree or not, they are then registered as recruits. When the forms are filled out, the boys usually state their true ages but the recruiting officers almost invariably write on the form that they are eighteen or older.

Recruiters receive incentives based on the number of recruits they can obtain, and tend to prey upon young boys as the easiest targets. Soldiers who bring in new recruits are reportedly paid 1,000 to 10,000 kyat³ in cash and fifteen to fifty kilograms of rice per recruit. In some battalions, soldiers who have already been in the army for over five years can get a discharge if they bring in five new recruits. Some interviewees testified that police and soldiers manning road checkpoints stop public passenger vehicles, pull off the boys and young men and force them to enlist. Some army units call civilians for forced labor, then sell them to the recruit holding camps. Burma's growing population of street children are the targets of frequent roundups, and many of those caught are also taken directly to recruit holding camps.

Human Rights Watch interviewed boys who were taken directly into the Burma army at ages as young as eleven. Boys younger than this are recruited also, but are often detained until they grow slightly larger before becoming soldiers. One boy interviewed was captured at age ten, and was then detained in a cell in an army camp and used as a servant by the officers for three years before being forced into the army.

The *Ye Nyunt* (Brave Sprouts):

Another source of recruits is the *Ye Nyunt* system. *Ye Nyunt*, meaning 'Brave Sprouts', is a system whereby Burma army battalions take in young boys who have been orphaned or displaced, keep them at the battalion base and send them to school. There are probably between fifty and one hundred *Ye Nyunt* camps now at battalion bases throughout Burma, each with fifty to 200 boys. In the past ten years the system has changed, and many young boys are now apparently kidnapped and forced into *Ye Nyunt* camps. Human Rights Watch interviewed one boy who was forced into a *Ye Nyunt* camp of one hundred boys when he was twelve years old. The boys in his camp were aged four to sixteen. Organized like a military company, all were forced to wear military uniforms and those aged seven and up had to participate in military training with weapons. The boys are allowed no contact with their families or the population outside the army base and are regularly beaten, even for crying. If boys are caught trying to escape, the entire group is forced to beat them. There is no apparent way out of a *Ye Nyunt* camp except directly into the army. *Ye Nyunt* boys are taken directly to the army's *Su Saun Yay* recruit holding camps as soon as they are considered physically strong enough, usually between the ages of twelve and sixteen.

In a July 17, 2002 letter to Human Rights Watch from the Permanent Mission of Myanmar to the United Nations (New York), a government representative stated that the *Ye Nyunt* program "is definitely not a military training programme for training child soldiers" and claimed that the program was discontinued in 2000. Human Rights Watch has no confirmation that the program has been terminated.

³ This is U.S.\$166 to \$1,666 at the official rate of six kyat to the dollar or U.S.\$1.17 to \$11.76 at the more commonly used market rate, presently about 850 kyat to the dollar. This is anywhere from one week to three months' income for an average person.

The Su Saun Yay Recruit Holding Camps:

All new recruits to the army pass through recruit holding camps, known as Su Saun Yay. Some spend a week or more at a local Su Saun Yay, which is usually a fenced enclosure within an army base, but eventually nearly every recruit is sent to the central Su Saun Yay camps at Mingaladon (just outside Rangoon) or at Mandalay. At any one time there are 800 to 1,500 boys at Mingaladon and 300 to 500 at Mandalay. The function of the Su Saun Yay camps is to assemble recruits into groups of 250 which can then be sent for military training. Most recruits spend one to two weeks at Mingaladon or Mandalay Su Saun Yay, during which they are used as free labor to maintain the camp or work in the officers' business ventures. Beatings are frequent and no outside contact is allowed. Those who try to escape are beaten and put in the detention block, where they are stripped naked to discourage escape and held in fetid cells so crowded that they cannot lie down. Boys who had been held in these detention blocks told of as many as sixty to one hundred being held at a time, almost all of them under eighteen. Some boys contracted malaria and other diseases in the detention block and later died in the camp clinic.

Training:

From the Su Saun Yay the recruits are sent to one of more than twenty training camps throughout Burma for four to five months of basic military training. The training exercises are difficult for the youngest boys. As a result, they are sometimes beaten more often than older recruits. One boy told of a live fire exercise during his training when three trainees under sixteen years old were accidentally shot dead. Rather than report the deaths, the trainers made the other trainees bury the bodies in the forest and reported that the three boys had escaped. In addition to the military training the recruits also have to do forced labor at the officers' houses, cut and haul logs and firewood, and do sentry duty and other work. The trainees are forbidden to contact their families, who are never notified of their sons' whereabouts. Most of those interviewed said that they cried at night and were sometimes beaten for it. Several boys told Human Rights Watch that others in their group died of illnesses during training.

Many trainees attempt to escape, but for those who are caught the punishments are barbaric. One boy who was fourteen at the time told Human Rights Watch that after being caught escaping he and his fourteen-year-old friend were forced to walk on their knees across sharp gravel and were then beaten and tied up naked in the hot sun all day; a month later his friend died. Others are locked in leg stocks for weeks and tortured with bayonets. The most common punishment, described by several interviewees who trained at different camps, is to force the entire group of 250 trainees to line up and beat the victim one or more times each with a stick. Those who do not hit hard enough are beaten themselves. Witnesses had seen this punishment inflicted on boys as young as twelve. They described how by the end of the beating the young boys were often unconscious, unable to walk and bleeding. In one case, a sixteen-year-old was beaten so badly that he was unconscious with blood all over his face. He was then locked in leg stocks for a week and later died in the camp clinic.

Deployment and Use in Hostilities:

Following training, child soldiers are deployed to battalions throughout the country. In their battalions, child soldiers say they continue to endure beatings by their commanders and are often expected to work on farming, forestry or other projects that provide income for the officers. They

rarely receive the salary or rations to which they are entitled, and are often forced to go to local villages to steal food.

Former child soldiers interviewed by HRW said they were forced to carry out human rights abuses against civilians. They were often ordered to round up villagers, including women and children, for forced labor, and kick and push civilians who are carrying army supplies to make sure they reach the camp on time. Some helped to burn houses. One boy described being beaten for refusing an order to execute a civilian when he was fourteen years old. Two boys witnessed their unit massacre fifteen displaced women and children in Shan State when they were thirteen and fifteen years old.

Most of the former child soldiers interviewed by Human Rights Watch had participated in combat against ethnic armed opposition groups. One was only twelve years old when he found himself in an armed encounter for the first time. Most said they were afraid the first time they participated in combat, and some said they cried or closed their eyes and fired their guns into the air. Many described witnessing other soldiers, including children, killed or wounded.

Questions for the Government of Burma:

- 1) What measures are being taken to ensure that all recruits into the armed forces are at least age eighteen, in compliance with national law?
- 2) What measures are taken against members of the armed forces that recruit children in violation of national law? How many individuals have been sanctioned for recruiting children who are under-age?

Possible Recommendations to the government of Burma:

Human Rights Watch urges the Committee to reiterate its grave concern regarding forced recruitment of child soldiers into Burma's armed forces, as well as the use of children in hostilities. We also suggest that the Committee recommend that the government:

- 1) Immediately end all recruitment of children under the age of eighteen, and demobilize children under the age of eighteen from the armed forces;
- 2) Develop reliable systems to verify the ages of individuals recruited into the armed forces;
- 3) Develop and impose effective and appropriate sanctions against individuals found to be recruiting children under the age of eighteen into the armed forces;
- 4) Eliminate all incentives, including monetary compensation, promotions or discharge, for soldiers who recruit children.

Article 39: Assistance to child victims

The Committee on the Rights of the Child's 1997 Concluding Observations:

The Committee, in paragraph 25 of its concluding observations, stated that "in light of article 39 of the Convention, the Committee is worried about the insufficient measures taken to provide physical and psychological recovery and social reintegration to children victims of any form of neglect, abuse and/or exploitation, particularly victims of armed conflict, sexual exploitation and child labour."

The Committee also recommended that all necessary measures be taken by the government to fully implement article 39, and suggested that the government seek international assistance from appropriate UN bodies, including UNICEF, and from specialized agencies and non-governmental organizations.

Human Rights Watch Findings:

Former child soldiers told Human Rights Watch that it was extremely rare for soldiers to be discharged from the army, even after ten years of service. Many eventually flee the army, unable to bear the continuing isolation from their families, the brutality of their officers, the failure to receive adequate food and pay, and the abuses they are forced to commit against civilians. Despite possible penalties of three to five years in prison or even execution, soldiers report that the desertion rate appears to be increasing, and most deserters say that the majority of their fellow soldiers would flee if they could.

There are no programs operated by the government, UN agencies, or non-governmental organizations to assist former child soldiers in Burma. Child soldiers who escape the Burma army have very few options. If they return home they risk arrest and a jail term followed by conscription back into the army. Their family may also be harassed. Some join opposition armies and continue fighting. Many flee into neighboring countries, where they seek illegal work and are sometimes trafficked into bonded labor.

Questions for the government of Burma:

- 1) What steps are being taken to identify and demobilize children from Burma's armed forces?
- 2) Has the government taken any steps to cooperate with UNICEF or other relevant agencies to establish rehabilitation programs for child soldiers from its armed forces?

Possible Recommendation to the government of Burma:

- 1) Cooperate with UNICEF and international nongovernmental organizations to establish demobilization, rehabilitation and reintegration programs in order to reunify former child soldiers with their families, and facilitate their rehabilitation and social reintegration, including appropriate educational and vocational opportunities.