

No More Denial:

Children Affected by Armed Conflict in Myanmar (Burma)

In the midst of Myanmar's enduring political and socioeconomic turmoil, thousands of children also experience the devastating consequences of protracted armed conflict in parts of the country.

For decades Myanmar Armed Forces and associated armed groups have engaged in low-level armed conflict with opposing non-state armed groups (NSAGs) in parts of Kayin (Karen), Kayah (Karenni), Shan, Mon and Chin States. Even in so-called 'ceasefire areas,' some NSAGs have retained their arms and in some cases acting as proxy forces of the State Peace and Development Council (SPDC), wreaking havoc on children and their communities.

The high occurrence and brutality of reported human and child rights violations makes it impossible to deny that Myanmar Armed Forces and NSAGs commit grave violations against children in Myanmar's armed conflict. The SPDC must no longer deny these children access to sufficient and lifesaving humanitarian assistance. Finally, the UN Security Council and the international community must not deny the urgency of protecting children from violence, maltreatment and abuse in Myanmar's ongoing armed conflict.

No More Denial: Violations against Children in Armed Conflict

Children living in Myanmar's conflict zones are often caught in indiscriminate shelling and attacks against villages. As a result of the high demand for new recruits, children as young as nine constantly face the threat

of forced or coerced recruitment by security forces and civilians, even in public places such as bus or train stations and markets. In fact, the recruitment and use of children has turned into a profitable business for soldiers, civilian brokers and the police, who receive money or food from recruiters for each new recruit. Myanmar Armed Forces have also allegedly committed grave acts of sexual violence, including rape, against women and girls from ethnic minorities. Furthermore, Myanmar Armed Forces have occupied educational facilities for military purposes, recruited teachers and students for forced labor and planted landmines close to schools or on the paths to schools. In international fora the SPDC has presented such human rights violations and the diversion of public resources to the military sector as necessary measures to fight armed groups opposed to a unified state.

NSAGs, particularly those associated with the SPDC, have also committed violations against children and other civilians, including child recruitment, extrajudicial killings, rape and extortion. Most NSAGs have reportedly recruited and used children in their armed groups, albeit on a much lower scale than the Myanmar Armed Forces.



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Photo: © UNICEF/NYHQ2006 - 1869/Robert Few



Photo: Watchlist



Photo: Ann Richard and Gordon Brown/International Rescue Committee

In addition to these violations, various other violations such as forced displacement, abductions, forced labor and trafficking continue to be committed by Myanmar Armed Forces and NSAGs against children and their families in areas of Myanmar.

Despite ample evidence, widespread impunity and non-accountability leaves perpetrators unpunished and deprives victims of their right to justice and fair remedy. Even in highly publicized rape cases, perpetrators are generally not brought to justice. On the contrary, in some cases survivors have themselves been threatened or punished for speaking out. Similarly, penalties for underage recruitment are weak. In 21 cases of recruitment verified by the UN between September 2007 and December 2008, punishments included official reprimands, monetary fines and, in one instance, loss of one year of military seniority. As a result of these weak penalties, local commanders often choose to commit the crime of child recruitment rather than fail to meet recruitment quotas imposed on them, which carry harsher penalties. In general, impunity combined with a lack of adequate medical, legal and psychosocial assistance discourages survivors and their families from reporting violations and seeking assistance or redress.

No More Denial: Humanitarian Assistance

International organizations are not allowed to access the active conflict zones and some ceasefire areas in the East due to restrictions imposed by the SPDC. As a result, children and their families living in these areas face military attacks, landmine injuries and widespread epidemics without sufficient and lifesaving humanitarian assistance. In active conflict zones children are rarely immunized against common diseases. Similar to situations in D.R. Congo and Afghanistan, approximately one in five children in the eastern conflict areas dies before reaching the age of five

years primarily due to treatable diseases. Moreover, poor or nonexistent prenatal and postnatal care makes giving birth extremely risky for both mother and child in Myanmar, particularly in the conflict-affected areas.

Despite pressing humanitarian needs, many donors have refrained from providing funding to Myanmar, questioning the effectiveness of their assistance given the limited operational space for humanitarian organizations. Official Development Assistance (ODA) to Myanmar is the lowest per capita worldwide among the least developed countries, according to the Organization for Economic Cooperation and Development (OECD). Some international organizations that operate in Myanmar argue that low funding levels prevents them from taking advantage of the limited access that the SPDC grants and prevents them from pressing for greater access. While sustained and increased assistance is definitely needed for organizations operating in Myanmar and from across the neighboring borders, it is important that assistance is committed with assurances that minimum standards will be met and independent monitoring permitted.

No More Denial: Urgent Actions Needed

In accordance with UN Security Council Resolution 1612 (2005), a UN-led Task Force on Monitoring and Reporting in Myanmar was established in June 2007 to monitor and report on six grave violations against children in armed conflict using information from the UN in collaboration with NGOs. In support of these in-country efforts the Thailand-based Working Group on Children Affected by Armed Conflict, feeds information to the Task Force in Myanmar, effectively acting as its counterpart. Since that time, the Task Force in Myanmar has achieved the release of a number of children from the Myanmar Armed Forces and initiated dialogue with SPDC authorities and, with the support of the Task Force in Thailand, with two NSAGs on action

plans to end the recruitment and use of children in armed forces and groups. At the same time, the 2007 Secretary-General's report on children and armed conflict in Myanmar noted that there are also serious challenges that prevent the Monitoring and Reporting Mechanism (MRM) from fully functioning in Myanmar.

Among other issues, the Task Forces in Myanmar and Thailand are unable to fully engage with NSAGs and are constrained in their ability to monitor and verify violations in conflict areas due to restrictions imposed by the respective authorities. Moreover, the Task Forces have not collaborated effectively with NGOs, and the Task Force in Thailand has cited its inability to verify NGO information due to access restrictions. The effective protection of victims and complainants also remains a recurring challenge for the Task Force in Myanmar as persons have been harassed, sanctioned or arrested by the SPDC, in violation of agreements between the International Labour Organization (ILO) and SPDC, for filing a complaint to the ILO on child recruitment.

Moreover, actions taken by the UN Security Council demonstrate an unwillingness to fully admit to the grave situation of children affected by Myanmar's armed conflict. Instead of calling for sanctions for one of the persistent perpetrators of child recruitment named by the UN Secretary-General for over five years, the 2008 Security Council Working Group on Children and Armed Conflict conclusions on Myanmar did not even acknowledge that the Myanmar Armed Forces recruit and use children, despite ample, reliable evidence received from the UN and other sources.



Photo: Karen Human Rights Group



Photo: Anne Richard/International Rescue Committee

Urgent Recommendations

The following are key recommendations from Watchlist's report:

1. Take effective measures to prevent violations against children in armed conflict and end impunity

- **The SPDC and NSAGs** should immediately cease all new recruitment of children, immediately release all children currently in military services and give those recruited before age 18 the option to leave. In this process they should closely coordinate with the relevant UN Country Team in Myanmar and/or Thailand to release children to their families or interim care centers.
- **The SPDC and NSAGs** should work with the UN Country Teams in Myanmar and Thailand to devise action plans that are in line with international standards for halting the recruitment and use of children. This includes unrestricted access for humanitarian personnel to military installations to identify children and support their release, reintegration and rehabilitation.
- **The SPDC and NSAGs** should prosecute personnel accused of child recruitment, rape, killing and other serious crimes and subject those found guilty to the full penalties prescribed by national law.
- With support from UNICEF, **the SPDC** should immediately develop appropriate reintegration policies and programs for children released from armed forces and groups. Children currently held in detention for desertion must be immediately released and transferred either to their families, alternative caregivers or appropriate child welfare service providers.
- **The UN Security Council** should call on the SPDC and relevant NSAGs to immediately end all recruitment of children into their armed forces, to immediately release all children from their forces; and to set a specific deadline for bringing their action plan into compliance with international standards. If tangible progress is not achieved within the specified time frame the Security Council should impose targeted measures, in line with Resolutions 1539 and 1612.

- **The UN Security Council Working Group on Children and Armed Conflict** should review the situation in Myanmar immediately and issue strong conclusions utilizing the full capacity of its toolkit.

- **The MRM Task Forces in Myanmar and Thailand** should use every available channel to engage in direct dialogue with parties to Myanmar's armed conflict, including NSAGs, for the purpose of developing action plans to end violations against children.

- The Association of Southeast Asian Nations (**ASEAN**) should make the promotion and protection of the rights of the child a priority of ASEAN's policy and take effective measures to ensure that all ASEAN members protect children from the effects of armed conflict, to end the use of children in armies and armed groups and to end impunity.

- **Governments hosting refugees from Myanmar** should allow the UN and international NGOs (INGOs) to engage in dialogue with parties to Myanmar's armed conflict, including NSAGs, for the purpose of developing action plans to end violations against children.

2. Provide humanitarian access and programs to assist survivors of violence

- **The SPDC and NSAGs** should provide humanitarian actors with unrestricted and secure access to all areas of Myanmar and guarantee all civilians safe, unimpeded and sustained access to humanitarian assistance.
- **The SPDC** should significantly increase the proportion of the national budget allocated to the realization of children's rights, making social services to assist children in areas under government control and ceasefire areas a priority.
- **The SPDC, ASEAN and the UN** should continue to fully support the Tripartite Core Group (TCG) mechanism as an effective model to address critical humanitarian concerns and expand it beyond areas affected by Cyclone Nargis, including conflict-affected areas.

The Watchlist on Children and Armed Conflict strives to end violations against children in armed conflicts and to guarantee their rights. As a global network, Watchlist builds partnerships among local, national and international nongovernmental organizations, enhancing mutual capacities and strengths. Working together, we strategically collect and disseminate information on violations against children in conflicts in order to influence key decision-makers to create and implement programs and policies that effectively protect children.

Watchlist works within the framework of the provisions adopted in Security Council Resolutions 1261, 1314, 1379, 1460, 1539 and 1612, the principles of the Convention on the Rights of the Child and its protocols and other internationally adopted human rights and humanitarian standards.

General supervision of Watchlist is provided by a Steering Committee of international nongovernmental organizations known for their work with children and human rights. The views presented in this report do not represent the views of any one organization in the network or the Steering Committee.

No More Denial calls upon all armed forces and groups in Myanmar to immediately halt all violations against children, comply strictly with all international commitments and uphold international human rights and humanitarian law, with particular attention to the Convention on the Rights of the Child and the Optional Protocol on the Involvement of Children and Armed Conflict. Additionally, all actors must take immediate action to protect children in Myanmar from further abuse and to find ways to assist and support those who have suffered the consequences of decades of armed conflict.



Photo: International Rescue Committee

- **UNICEF** should increase its field presence and capacity along the Thai-Myanmar border to oversee protection programs and coordinate efforts to ensure implementation of the MRM.
 - **The humanitarian community** should increase collaborative efforts among local and international aid organizations inside Myanmar and working across the borders to address the pressing needs of children affected by armed conflict in Myanmar. Services should be provided with a view to strengthening the capacities of local communities and civil society.
 - **The humanitarian community** should ensure monitoring of aid delivery and on-the-ground presence of aid organizations when conducting campaigns to ensure that aid is delivered in line with humanitarian standards.
 - **Donors**, while maintaining prohibitions on direct budgetary support for the SPDC, should substantially increase aid to support programs in Myanmar and those operating from across the borders that protect and assist children in the conflict-affected areas or from these areas. Any assistance given to Myanmar should strictly follow Sphere standards and take into account the ongoing armed conflict and human rights violations and the widespread concerns about government accountability, transparency and civil society participation.
 - **Governments hosting refugees from Myanmar** should accede to the UN Refugee Convention and recognize the primacy of the principle of the best interests of the child in all asylum or immigration decisions, procedures, practices or legislative measures affecting children. At a minimum, all host countries should ensure that the basic needs of refugee children are met.
 - **Governments hosting refugees from Myanmar** should support the UN and NGOs in developing and strengthening protection and support mechanisms for children affected by armed conflict from Myanmar, particularly former child soldiers and survivors of rape and other forms of sexual violence.
 - **Other governments** should influence the Myanmar authorities to lift blockages and allow aid, expertise and materials to reach all civilians in need of humanitarian aid in Myanmar.
- 3. Strengthen monitoring and reporting on all violations committed against children affected by armed conflict**
- **The SPDC and NSAGs** should support the MRM and fully cooperate with the Task Force in Myanmar or, as relevant, the Task Force in Thailand on its implementation; they should welcome international teams for fact-finding missions and dialogue for protection and promotion of child rights.
 - **The UN Security Council** should request the Secretary-General to provide information on all grave acts against children, reflecting the breadth and depth of documented cases, in close collaboration with Burmese local organizations and networks.
 - **The MRM Task Forces in Myanmar and Thailand** should clarify their respective roles and responsibilities in monitoring, reporting and following up on cases. This will require urgent efforts by both Task Forces to ensure full functionality with dedicated leadership from the UN Resident Coordinator.
 - **The MRM Task Forces in Myanmar and Thailand** should cooperate with Burmese NGOs with years of experience in monitoring and reporting on violations of children's rights, especially in areas where the UN does not have an active presence. This would include strengthening their technical and financial capacities and working in close partnership with them to ensure that the information submitted to the UN follows UN reporting standards.
 - **The ILO** should strengthen its complaints mechanism on forced labor and child recruitment to ensure the confidentiality and protection of victims, witnesses and complainants and that all reporting and complaints are handled with concrete follow-up actions. This also includes raising public awareness of the existence and workings of the mechanism, using the media and other communication channels.
 - **The UN Country Teams and NGO partners** should actively engage with the MRM by facilitating complaints to the Task Force in Myanmar or, as relevant, to the Task Force in Thailand and provide relevant information to them.
 - **The humanitarian community** should reinforce the child protection capacity of the UN Country Teams in Myanmar and Thailand with additional personnel focused on monitoring, reporting and advocacy.
 - **Donors** should provide adequate funding to strengthen the efforts of the UN Country Teams, INGOs and local groups in Myanmar and Thailand to monitor, report on and respond to violations against children affected by Myanmar's armed conflict and to facilitate their increased coordination and collaboration.