

Chin National Front's perspective on Child Protection in Armed Conflict

In situations of armed conflict, children are especially vulnerable and are most often the first victims of forced recruitment. Regardless of how they are recruited, child soldiers are victims whose participation in conflict has serious implications for their physical and emotional well-being. In Burma, the majority of people, including children, live in villages and most of them are uneducated, deprived of access to health care, leisure opportunities and mental and physical development. Children continue to be victims of random as well as premeditated violence perpetrated by the individuals who employ them, both the State and non-State armed actors. In order to prevent such atrocities and abuses against children, and let them freely enjoy their right to basic human rights and fundamental freedoms, the Chin National Front (CNF) has developed its Deed of Commitment on Protection of Child Soldiers in Armed Conflict in March, 2009.

Below is the Deed of Commitment.

Deed of Commitment

We, representatives of the Chin National Front/Army:

Condemn the use and the recruitment of child soldiers;

Affirm that the term child, consistent with the UN Convention on the Rights of the Child, is defined as a person below 18 years of age;

Agree that a "child soldier" is defined as: "any person under 18 who is part of any kind of regular or irregular armed force/group in any capacity, carrying or not carrying arms; including but not limited to cooks, porters, messengers, and those accompanying such groups, other than purely as a family member; it includes girls recruited for sexual purposes and forced marriages".

Recognize the importance of cooperation among, and the active participation of, various stakeholders in the community, including families, children and youth, in improving the lives and well-being of children in Burma and in its border areas;

Concerned by the harmful and widespread impact of armed conflict on children and on its long-term consequences on the development and security of communities and families we work with;

Affirm and uphold the following human rights instruments for the protection of children associated with armed groups and forces: the Optional Protocol [to the Convention on the Rights of the Child] on the involvement of children in armed conflict which states that armed

groups should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years; International Labour Organization Convention NO. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Form of Child Labour which prohibits forced or compulsory recruitment of children for use in armed conflict; and the Rome Statute of the International Criminal Court, which categorizes the conscription, enlistment or use in hostilities of children under the age of 15 as war crimes in both international and non-international armed conflict;

Recognize the adoption of Security Council Resolution 1612 (2005) and previous Security Council resolutions on children and armed conflict and the need to comply with the international norms contained therein;

We hereby declare our commitment and adherence to the principles of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and shall take the necessary and immediate actions, as follows:

- 1) We will not recruit or use in any circumstances, “voluntary” or by force, any person under the age of 18 years;
- 2) We will undertake all feasible measures, including the adoption and strict enforcement of rules and codes of conduct of our members, to prevent the recruitment, involvement or use of children as soldiers within CNF/CNA;
- 3) We will permit the monitoring, by independent third parties agreed upon, of our commitment and adherence to the principles of the Optional Protocol and compliance with the provisions thereof and will seriously address their findings and recommendations;
- 4) We will undertake to make the principles and provisions of the Optional Protocol widely known and promoted by appropriate means, within our own organizations and communities we work with;
- 5) We will undertake all feasible measures to ensure that children within our jurisdiction/protection recruited or used in hostilities are demobilized or released from service as stated in the United Nations Security Council Resolution 1612;
- 6) We will also facilitate the provision of appropriate assistance by United Nations agencies, international development organizations and NGOs, for the physical and psychological well-being and social reintegration of demobilized or released children within CNA;
- 7) We will cooperate and regularly consult with other international and non-governmental organizations in the implementation of the principles of the Optional Protocol and other aforementioned human rights instruments, including in the prevention of any activity that leads to the recruitment and use of children in armed conflict;
- 8) We will develop a time-bound plan of action together with various stakeholders to specify the objectives and specific measures to implement the Deed of Commitment.

In fact, the above Deed of Commitment is not a new standard for CNF/CNA, it is rather consolidated from various laws and norms enacted by CNF/CNA before the Deed of Commitment was developed in 2009.

When it comes to the definition of the age of the child, CNF had long debated as well as taken into account Chin culture and customs. In the Chin people's concept, soldiering is defined as hard work and only those who are mature are recruited. Before the British annexed Chinland, there was tribal war among the Chin people and when they went to war, soldiers were only mature men, and women never joined in the war. They stayed behind to provide rations and other items or to look after domestic work including farming. Children were not allowed to join in the tribal war. In accordance with the Chin people's custom, there was no explicit definition of age of who could join the tribal war, but CNF itself defines 18 years and above as mature to join in the war. This definition has been adopted before the Convention on Rights of Child was declared officially.

When the aforesaid Deed of Commitment was developed by CNF, the following instruments were taken into account and incorporated as much as possible;

- Optional Protocol of Convention on the Rights of the Child on involvement of children in armed conflict which states that armed groups should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years;
- International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for Elimination of the Worst Forms of Child Labour which prohibits forced to compulsory recruitment of children for use in armed conflict;
- The Rome Statute of the International Criminal Court, which categorizes the conscription, enlistment or use in hostilities of children under the age of 15 as war crimes in both international and non-international armed conflicts;
- Security Council resolution 1612 (2005) and Previous Security Council resolutions on children and armed conflict;
- CNF's military "Code of Conduct" which was developed in 1995 based on the Geneva Conventions and its Protocols

Challenges

In order to implement the Deed of Commitment, there are three perspectives. The first one is how to implement this commitment within the organization. CNF needs to educate its members, particularly members of Chin National Army, on the basic concept of the commitment and ensure that each and every member strictly follows it. Secondly, it also needs to let the Chin people know about the commitment as well as related international instruments in order to stop recruitment of child soldiers by any armed groups including the State. This awareness shall also help to stop their children who are under 18 years to voluntarily enlist in any armed groups including the State. In this regard, CNF has already issued an order not to recruit children (under 18 years old) as soldiers and disseminated it among the commanders. Issuing an order is not enough, but it still needs to explain systematically why the order is issued (rationale), how to check their age, how to systematically deny someone under 18 years old who would like to join or release him, etc.

Thirdly, the Burmese Army has also made a commitment not to recruit child soldiers but in practice, they don't follow their commitment. CNF requests and suggests to international organizations including NGOs who commit to stopping the use of child soldiers in armed conflict or hostilities to provide technical and financial resources for full implementation of the Deed of Commitment.

As mentioned in the Deed of Commitment, CNF commits and welcomes the cooperation of international organizations including UN agencies and NGOs for implementation. So far no UN agencies or NGOs have made contact with CNF in this regard. For monitoring of the implementation of the Deed of Commitment, no party has yet expressed interest or contacted CNF either. Therefore, the time-bound plan of action and the implementation are not developed yet since we need expert advice on this. So far, there is no one who is under 18 years in CNA, therefore there is no problem. However, if someone under 18 year old joins CNA, it is easy to fulfill the demobilization but when it comes to the physical and psychological well-being and social reintegration of demobilized or released children, we do need external assistance. This is also the case if someone is either released by the Burmese Army, or when they are surrendered to or captured by CAN. They don't like to go back to neither village or the Burmese army, and stays within our jurisdiction; we also need external help in implementation of reintegration.