



## Statement of condemnation of the enactment of conscription law by the military junta in Burma/Myanmar

1<sup>st</sup> March 2024

On Saturday, February 10<sup>th</sup> 2024, the Myanmar junta announced the enactment of the [2010 People's Military Service Law](#), requiring all men between the ages of 18 and 35 and women between the ages of 18 and 27 to serve in the Burma Army for 24 months. The law also extends the serving period to 36 months and the age ranges up to 45 and 35, respectively for men and women with technical or professional expertise. The State Administration Council (SAC) announced that it would issue conscription orders to all eligible individuals, summoning up to 60,000 young men and women per year for military service. The Karen Human Rights Group (KHRG) utterly condemns this action and calls international stakeholders to take immediate action to protect civilians in Burma.

In a separate statement issued on Wednesday, February 14<sup>th</sup>, the SAC announced that conscription would not begin until after the 2024 April festival, which marks the country's traditional New Year. Yet, the reality on the ground is different: villagers in Southeast Burma have already reported cases of forced recruitment of civilians by SAC troops. For instance, on February 14<sup>th</sup> 2024, at around 7 am, SAC Light Infantry Battalion (LIB) #401 entered a village in Ler K'Saw Township, Mergui-Tavoy District, to recruit villagers, as reported by locals. Many villagers were able to flee, but those who remained behind were questioned about the whereabouts of others whose names were on a SAC household registration list. One villager was shot in the leg. After this, all villagers fled to the river, to their farm huts or across the border into Thailand, and nearby villages also displaced themselves fearing SAC attacks. A community member explained that villagers are "*feeling hopeless and trapped in a cage with no freedom*".

Even before the enactment of the conscription law by the SAC in February 2024, villagers reported forced recruitment by SAC forces: in January 2024, SAC authorities from the Ministry of Home Affairs held a meeting with SAC-appointed village heads and other village authorities from Day Loh Mu Nu village tract, Htaw Ta Htoo Township, Taw Oo (Toungoo) District, and ordered them to recruit one villager from every ten households to serve as soldiers in the Burma Army, summing up to 120 civilians recruited. All villagers from at least four villages were gathered in the monasteries and taken away with military trucks when their names appeared after drawing lots. The remaining households had to pay money in lieu of recruitment. In other nearby villages, all civilians fled to avoid this fate.<sup>1</sup>

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<sup>1</sup> Unpublished report from Taw Oo District received in January 2024 (#24-42-D1)

## Unlawful acts and breaching of international law

Conscription refers to the compulsory incorporation of individuals for state service into an armed force. Traditionally, state-mandated recruitment has been justified on the grounds of necessity, public safety, and the allegiance between citizens and sovereigns: it is primarily associated with a population taking arms in self-defence to protect and preserve the lives, dignity and future of their community and their country from external threats. The military junta lacks legal authority, public support, and military control of the territory<sup>2</sup> necessary to lawfully govern and pass state laws, including the enactment of the 2010 People's Military Service Law. Internationally, their sovereignty is likewise being contested and/or questioned, exemplified by the refusal by relevant stakeholders to accept SAC representatives in regional and international meetings,<sup>3</sup> and the condemnation of the 2021 coup by the UN Human Rights Council, Security Council, and General Assembly.

In addition, as consistently reported by KHRG, and widely condemned by the international community, the SAC military campaign actively denies the most basic principles of humanity and is therefore fundamentally unjust and unlawful.<sup>4</sup> Conscription in Burma by the SAC means using civilians to further the military junta's criminal policy, thus forcing conscripts to commit atrocity crimes and serious human rights abuses against their own people. Since the enactment of this law, hundreds of young people across the country including Karen State have already fled from their villages and across the border into Thailand, fearing detention and arrest, trying to escape as they do not want to be drafted into military service.<sup>5</sup> The UNHCR handbook states that a person can claim refugee status after deserting or evading military service, where "the type of military action, with which an individual does not wish to be associated, is condemned by the international community as contrary to basic rules of human conduct, punishment for desertion or draft-evasion could [...] in itself be regarded as persecution."<sup>6</sup> This applies to Burma.

Moreover, forcing individuals to kill and commit other acts of violence, to expose themselves to serious risk of injury or death, or to participate in a war to which they may be fundamentally opposed, is inherently likely to cause feelings of humiliation and degradation. The abusive nature of SAC military operations in which conscripts will be forced to participate, and the lack of public support, aggravate these feelings of distress and cause the degree of humiliation and degradation necessary to constitute an 'outrage against personal dignity', contrary to Common Article 3(1)(c) to the four 1949 Geneva Conventions.

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<sup>2</sup> Special Advisory Council for Myanmar (SAC-M), "[SAC-M Briefing Paper: Effective Control in Myanmar](#)", September 2022.

<sup>3</sup> The Irrawaddy, "[Coup Opponent Continues as Myanmar's Ambassador to the United Nations](#)", December 2023; Reuters, "[Conflict-riven Myanmar cedes upcoming ASEAN chair to Philippines](#)", September 2023.

<sup>4</sup> UN General Assembly, "[A/HRC/52/66: Situation of human rights in Myanmar - Report of the Special Rapporteur on the situation of human rights in Myanmar. Thomas H. Andrews](#)", March 2023.

<sup>5</sup> See: BBC, "[Myanmar: Young people attempt to flee ahead of conscription order](#)", February 2024; The Irrawaddy, "[Conscription Law Adds to Concerns Over Forced Migration From Myanmar to Thailand](#)", February 2024.

<sup>6</sup> UNHCR Handbook, page 40, paragraph 171.

## **Calling for urgent and effective international action**

The military authorities of the Burma Army are knowingly breaching international human rights and humanitarian law by forcing the recruitment of civilians to participate in human rights abuses: in the present context, conscription falls within the planning, preparation and execution of elements of war crimes, crimes against humanity and/or genocide. The physical abuse and terror perpetrated by SAC soldiers would be amplified by the outrage against the personal dignity of the civilians conscripted to commit crimes. This harm alone would warrant the prosecution of Senior General Min Aung Hlaing and his subordinates as commanders who enforced conscription to plan, prepare, and execute grave breaches of the Geneva Conventions.

Due to the ongoing civil war and the illegality of the 2021 coup d'état, the military junta has no legitimacy in the country to call for state-mandated recruitment. KHRG is extremely concerned about this further escalation of the conflict and condemns in the strongest terms the egregious gravity of the SAC's policy of recruiting civilians in large numbers to participate in its criminal scheme.

Effective action must be taken by international stakeholders to stop mass atrocities by the military junta, protect civilians in the country, and uphold human rights standards enshrined in relevant international law instruments, including by:

- Refraining from giving any legitimacy to the junta and their laws.
- Refraining from engaging in any form of collaboration with the junta, including military, economic or humanitarian collaboration, that will help them to continue their cruel human rights abuses against civilians.
- Supporting ongoing investigations and trials and seeking additional ways to hold the Burma Army leaders accountable for their vast array of crimes.
- Urging neighbouring countries to ensure that their authorities do not deny entry to people crossing the border seeking refuge; and encouraging them to work with cross-border organisations to develop support and protection services for those seeking refuge.
- Increasing financial support for local organisations working on the ground, and across the border, to assist the civilian population in need.

Media contacts:

Saw Nanda Hsue, KHRG Advocacy Coordinator: [hsue@khrq.org](mailto:hsue@khrq.org)

Naw Paw Lah, KHRG Advocacy Officer: [nawpawlah@khrq.org](mailto:nawpawlah@khrq.org)