

SECTION 2: PARTICIPANTS' PAPERS

Juvenile Delinquents and Youthful Offenders in Burma*by U Nyan Lynn****Introduction**

In the Socialist Republic of the Union of Burma, Socialist Society is being launched on the basis of the socialist economic system. In order to achieve the socialist goal, it is necessary that the youths of the country are organized systematically and trained properly.

The character of youth is developed according to the environment. A youth is born essentially good, but his environment may turn him into a delinquent. It is, therefore, important to protect the good as well as to take early steps to help delinquents and to correct youthful offenders.

Extent and Gravity of Juvenile Delinquency**1. Rising Tide of Juvenile Delinquency**

Comparatively speaking, Burma is in a much better position in crime index than other developed countries, but there is a definite upward trend in the volume of crime committed by a young generation especially in the urban areas. This phenomenon can be traced as far back as 1930, when the then British colonial administration had to promulgate the Young Offenders Act which reflected the magnitude of juvenile offences at that time. In the pre-war days, however, the incidence may have been considered not so grave. In the late 1950's, the people, especially of big towns like Rangoon, were amazed to realize that a number of young gangs called "Road Devils" had already been in existence. Unfortunately, the wave of this evil has not been prevented, but growing year after year.

* State Social Welfare Officer, Mon State, Directorate of Social Welfare, Ministry of Social Welfare, Burma.

Statistically, the number of the juvenile offenders sent to the courts was 1,400 in 1960 and 1,548 in 1972. It rose to 1,966 in 1974 and 2,419 in 1975. The incidence of juvenile offences per 100,000 of the population in the juvenile age group, that is from six to 18 years, was 24.1 in 1964, but rose to 30 in 1976.

2. Urban Phenomenon

Juvenile delinquency in Burma is mainly an urban phenomenon. The incidence of juvenile offenders in rural areas is comparatively low. Like in many other developing countries, cities have grown enormously without a concomitant growth of industrialization. There is a general lack of secondary industries to provide wealth for the cities and employment for rural migrants. Rural backwardness has thus been merely transferred to the cities, and the result has been a gross intensification of problems of sanitation, hygiene, housing, education, and social welfare. The rapid growth of urban society and a large number of social problems contribute to the increase of a certain type of crime and delinquency.

Figures of juvenile offenders brought before courts show that the incidence of offences is much greater in the city of Rangoon, which is the largest and the capital of Burma, than in other towns of medium and small size. In 1974, the number of juvenile offenders brought before the People's Courts in Rangoon was 1,553 while the number of those brought before all other courts was 413 only. In 1975, the numbers were 2,032 and 387, respectively.

3. Variation by Sex

Like everywhere else, offences committed by girls are found to be negligible in comparison with those committed by boys in Burma. In 1972, out of the total

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number of 1,594 juvenile offenders brought before courts throughout the country, only 79 were girls. The number of girl offenders was 114 out of 1,966 in 1973, 140 out of 2,419 in 1974, and 103 out of 1,554 in 1975.

The reason for the small number of delinquent girls may be that girls are much more sheltered and cared for than boys. However, girls are more frequently found embroiled in sex crimes. After the break with family they are often exploited for their sex. Some, neglected at home or running away, fall into the hands of procurers. Others are lured away or seduced, and later led to prostitution. A third category, smaller in number, may be taken to prostitution by unscrupulous guardians. Voluntary homes and governmental institutions for delinquent girls frequently report cases where an initial error of a delinquent in allowing herself to be seduced led to unwanted pregnancy, which forced her to resort to drug or illegal abortion or commit infanticide.

4. Special Crime Situation

The crime situation in Burma may be different from other countries. According to the statistics available from the People's Courts of Rangoon, 44.5 per cent of the juvenile offenders brought to the courts over the three-year period from 1973 to 1975 were for offences under the Burma Railway Act. Such offences include travelling by train without ticket and selling tickets and seats illegally in the black market. Since the service of the Burma Railways is poor, trains are always overcrowded and many people have to travel without getting seats. Children tend to travel by train from place to place, without any definite purpose but for enjoyment. In trains they get an opportunity of meeting with delinquents and turning out to be delinquents themselves. Many juvenile delinquents in Rangoon are also taking shelter at railway stations. Though the offences against the Railway Act are trivial in nature, the majority of children convicted under the Act are supposed to have committed some other more serious offences like stealing, pick-pocketing, looting, etc. It is to be noted that the police are not active in the arrest of

young violators of the Burma Railway Act for various reasons such as the lack of suitable detaining facilities for juvenile offenders.

Legislation for the Treatment of Juvenile Offenders

1. Court Procedure

Under the Socialist Administrative System in Burma, committees of people's justices, members of which are elected by the citizens, serve as people's courts. There is such a committee at each level of township, division, and state, and the Central Committee of People's Justices is at the final and highest level. The people's courts at township level consider the cases of juvenile offenders with the technical assistance of judicial officers and legal advisers.

The Children Act of 1955 regulates the treatment of juvenile delinquents, acknowledging that welfare of the children and that of the nation are closely bound together. The primary objects of the law are to guarantee the sound upbringing of juveniles, to make protective disposition necessary for the reformation and social adjustment of delinquents, and to take special measures in criminal proceedings against persons who are harmful to the welfare of juveniles.

In the people's courts, every effort is made to create an appropriate atmosphere for the welfare of children. While the children need to acknowledge and accept the authority of the courts, the atmosphere of the courts should be such that the children feel at ease with a sense of trust that the right thing would be done for them. The primary purposes of the courts are to protect the juvenile offender and to correct his anti-social behaviour.

2. Probation

Probation is defined as the conditional suspension of punishment while the offender is placed under personal supervision of a probation officer and is given individual guidance or treatment. The most important element is that the

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offender is provided with the opportunity to lead a normal life in the community. But the development of probation services in Burma is still in the initial stage and the need for the properly trained personnel seems to be one of the major problems. There are only nine probation officers, six of whom are attached to the Rangoon Divisional Social Welfare Office to attend the people's court. They lack specialized training, and have to deal with pre-trial investigation cases as many as 300 per officer in a year. As a consequence, most of the probation officers' time has to be devoted to case investigation rather than to supervisory treatment. Furthermore, the courts seldom place the juvenile offenders on probation. However, considering the limited financial resources for the establishment of more correctional institutions, the probation service should be expanded as the less expensive mode of treating offenders.

3. Institutional Care

Institutional treatment has been used as a primary method of rehabilitating juvenile offenders over a long period of time and is still generally accepted as an important measure. It is clear that there are certain juvenile offenders who can be treated only in a correctional institution. Such treatment, however, should be integrated in the programme of preventive and treatment services for social adjustment of children. In addition, institutional treatments should be educative, protective, rehabilitative, and productive, rather than punitive.

In Burma there are five institutions, four for boys and one for girls, operated by the government, with a capacity of 450 boys and 100 girls. They are kept at least for six months or until the age of 18. In addition, there is a bigger institution formerly known as Borstal Institution, which admits only boys over the age of 14 years who should not be detained in other institutions because of their unruliness. Children in institutions are basically given academic education, especially of primary level, and vocational training in such trades as carpentry, tailoring, printing, book binding, blacksmithing, cane work, and bamboo work,

but there is no vocational guidance. Religious instructions are imparted according to the background of the juveniles.

An insufficient number of institutions and trained personnel is a serious problem. The need for a separate remand home for untried juveniles is also keenly felt.

4. Aftercare

Release of a juvenile from an institution is granted by the people's court or the principal of the institution. The release is determined by the term of commitment, individual conduct in the institution and social factors including home circumstances. Aftercare service of juvenile does not exist in Burma. But some effort is made, at the time of release, to find suitable employment for juveniles by the authority concerned.

Etiology of Juvenile Delinquency and Preventive Measures

1. Family Life

It is observed that lack of parental control, incompetent parents, broken homes and earning mothers often contribute to juvenile delinquency. The high incidence of crime and delinquency in towns and cities of new industrial growth is related to the disruption of the traditional family system and consequent weakening of family authority and control over individual members. Therefore, improvement of family life has always been considered one of the most effective ways of preventing juvenile delinquency.

Among the various family welfare services in education, housing, child bringing and other matters, a special emphasis is given in Burma to social education of parents and pre-school education of children. Those programmes should be carried out by the Social Welfare Department in cooperation with local community organizations and local maternity and child welfare organizations. At the present time, the maternity and child welfare organizations are working actively and fairly effectively in family welfare. These organizations are staffed and led mainly by many educated

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and respectful ladies of high social status with knowledge in social education and pre-school education. Their work has been widely recognized and appreciated both by the government and by the community.

Social education is directed for the education of parents to improve their competency in recognizing symptoms of maladjustment and to supervise the activities of their children. The care of the child depends to a considerable extent on how the mother is prepared for her responsibilities. Facilities for the education of mothers in personal and social hygiene, health and sanitation, home-craft, family nutrition, family relationship and domestic budgeting need to be developed. The whole programme of social education should be harnessed in the interest of the child and the family.

Provision of primary and secondary education is an important part of government responsibility. However, more important is pre-school education of children which forms the basis of all later educational plans. During the pre-school age the foundation of the entire personality structure is laid. The disadvantaged children whose cognitive abilities have not been fully developed in family are usually unable to meet the challenge of school and to take full advantage of the educational facilities offered at a later stage. Attempts to reduce inequalities in educational opportunities must, therefore, begin early if they are to have any impact. The Social Welfare Department is running some day-care center and pre-primary schools, but they are limited and priority is given to those families both of whose parents are working.

2. Urbanization and Community Life

Although it is difficult to establish a definite causal relationship between urbanization and delinquency, the incidence of crime and delinquency in urban areas is found to be higher than in rural areas in many countries. But industrialization and urbanization are both inevitable and welcome in developing countries, and juvenile delinquency appears to be inescapable prices such

countries must be prepared to pay.

Harmonious and cooperative community life has generally been a feature of Burmese society. But educational, cultural, commercial, and industrial development has changed the character of community life. Cooperative communities gradually have been broken up into various competitive groups. Cities, dominated by Western influences, harbour a highly complex cosmopolitan population with different life styles. The well-to-do, the middle class, the working poor, the destitute and the beggar live together according to their sharply different modes of life. Under the circumstances, the development of self-help organizations seems to offer the major hope of reuniting people. The objective of community organization is to help families and individuals residing in a particular locality to live according to principles of good neighbourliness, cooperation, and profitable social participation. Slum location must be given priority in the development of community organization. In addition, community development policies should take the prevention of juvenile delinquency into account.

In the community development programme, a special effort must be made to provide adequate recreational facilities in the community. Every community should have playgrounds, municipal parks, and community center with a space for indoor recreational, educational, and cultural activities. Communities should take a special interest in the welfare of children and provide special facilities for children in community centers.

Youth can make a useful contribution to the welfare of their neighbourhoods. Their spirit of adventure must be given scope to express itself in activities for community service. Activities within the community develop their potentiality for leadership and shouldering of responsibility. There is also a need for youth counselling services in urban areas to help them solve difficult problems of work, marriage, and family life.

3. School Education and Employment Service

In Burma today, schooling facilities

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are inadequate both in quality and in quantity. Trained teachers are scarce, school buildings are not properly maintained, classes are overcrowded and text materials are in short supply. In many schools, particularly in primary schools, each child is not given individual attention, because the class usually consists of 60 to 70 children. A further negative aspect of education in Burma is the two-shift system operating in many schools, especially in big cities. This system, instituted because of the enormous increase in the number of children enrolled, creates a new problem for children how to use their free time.

Although enrollment has been rising rapidly since the independence, there are still many children who are out of schools. The children enrolled in schools in 1974-1975 occupied 87.5 percent of their population in the relevant age group in primary classes (age 6-11), 19.8 percent in middle classes (age 12-15), and 5.5 percent in higher classes (age 16-17). The government has increased the number of schools from 13,789 to 19,102 and that of teachers from 48,988 to 89,6621 in the last 10 years. This rate of expansion should continue in order to reduce the size of classes and to improve the quality of teaching.

However, the expansion of educational facilities is not sufficient to solve the problem. In this connection, it must be emphasized that the basic objective of school education is to prepare children for their contribution to society. While academic teaching is important, more weight should be given to occupational training and other measures designed for facilitating meaningful employment of children after graduation.

A great number of children who are out of school are out of jobs as well. Like in other developing countries, the question of unemployed youth is clearly one of great proportions. It is difficult and in some cases impossible to supply sufficient job opportunities to the youths, particularly those migrating from rural areas. From among those unemployed are recruited growing armies of stall-holders, pedlars, beggars, and petty thieves.

In Burma, out of 208,886 persons who registered with the Employment Ex-

change Department in 1974-1975, only 35,406 (12%) obtained jobs. It is believed that the proportion of those who registered is small as compared to the actual number of those who are seeking jobs. In nearly every developing country, unemployment is staggeringly high in the younger age group and it is observed even among the educated. One of the reasons is that many young people seek white-collar jobs which give a higher salary as well as higher status in society. This tendency distorts the educational system in placing too much emphasis on examinations and higher schooling and neglecting education in a more fundamental sense. The primary school, for example, is devoted to preparing pupils not for farming or trade, which is the occupation of most of those leaving the school, but for secondary education. The secondary school or junior high school prepares its students for school leaving examination and university entrance.

Moreover, young people face great difficulties in finding employment because those under the age of 18 are not allowed to be registered at the Employment Exchange Department and therefore they do not get the chance to work legally in establishments like offices, departments, shops, factories, etc. Young people, who are out of schools and out of jobs, with nothing to do most of their time, undoubtedly become frustrated and rebellious against the society. Many turn out to be delinquent. If the minimum age of employment were to be reduced from 18 to 16 years, it might be expected that the incidence of the offences committed by this age group will decrease to a considerable extent. According to the government report, over 80 percent of our young people of middle school age are out of schools and they have no opportunity to get wage-paid jobs. It may be true that most of them live in rural areas and work with their parents in farming or other works, but a great number of them are in urban areas where self-employment is scarce. They are more or less exposed to the danger of being delinquent.

In spite of the fact that Burma is primarily an agricultural country, educa-

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tion and training in agriculture are marked by unclear objectives. The vast majority of farmers have not had adequate theoretical and practical training. It is suggested that agricultural service units should be introduced in schools to provide physical facilities for teaching agricultural science at middle and higher

classes of basic education. Model farms should also be established in schools to provide training in needed skills on a scientific basis. They should be available to young people who have dropped out at middle and higher classes and need further training in farm operation for employment.



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