

**Input for the UPR on Myanmar**  
**Office of the SRSG for Children and Armed Conflict**  
**July 2020**

**Background**

From the year 2016 to June 2020 there was continued clashes between the Tatmadaw and several armed groups as well as among armed groups. These clashes were predominately in Rakhine, Shan, Kachin and Chin States and resulted in the displacement of hundreds of thousands of civilians, approximately half of which are children. In August 2017 the violence in Rakhine State escalated when the Arakan Rohingya Salvation Army attacked police posts in the northern part of the State, triggering a disproportionate response from the Tatmadaw. A situation of lawlessness ensued, resulting in a large spike in grave violations against children. Fighting eased slightly in 2018, before intensifying again in central and northern Rakhine State, and southern Chin State with the emergence of a new conflict between the Arakan Army and the Tatmadaw.

During the period under review, there were 684 verified cases of recruitment and use of children in combat and in support functions, including for camp maintenance, construction and paddy harvesting. Out of these, there were 197 use of children in ad-hoc use in non-combat roles in 2019. Over four fifths of the verified cases were attributed to Government forces (Tatmadaw and Border Guard Police). However, since the signature of the Joint Action Plan on recruitment and use in 2012, considerable results were achieved. The Ministry of Defense confirmed that within the past 4 years, the Tatmadaw punished 65 officers and soldiers (28 officers and 37 soldiers) who were found guilty of recruiting child soldiers. Since 2012, the Tatmadaw discharged 1,006 soldiers found to be 18 years old or younger, and, in July 2019, the Government adopted the Child Rights Law, criminalizing the six grave violations against children. Children continued to be detained on charges of desertion and association with armed groups. Among the armed groups, the most significant perpetrator of child recruitment and use was the Kachin Independence Army (KIA).

The numbers of children killed and maimed and the number of attacks on schools evolved in accordance to the rise and fall in intensity in the conflict, with spikes in 2017 and in 2019/2020. Most incidents occurred in Rakhine, Shan and Kachin States. There were over 550 verified child casualties, predominantly caused by landmines, explosive remnants of war and crossfire incidents. There were approximately twenty verified attacks on schools and hospitals, two thirds of which were attributed to the Tatmadaw, with the remaining third attributed to armed groups, in particular the Arakan Army and the Ta'ang National Liberation Army (TNLA). The military use of schools rose throughout the reporting period particularly in Rakhine State.

There were over 50 verified or documented cases of sexual violence against children in 2017, over 95% of which were committed by the Tatmadaw in Rakhine State. In the other years under review, there were few verified incidents of sexual violence, and no cases were verified in 2018, 2019 nor 2020.

There were over 50 verified cases of children abducted during the reporting period. The main perpetrators were the KIA and the TNLA.

Humanitarian access to displaced people and other civilians in need of assistance in Rakhine, Shan and Kachin States deteriorated throughout the reporting period primarily due to the denial of travel authorizations.

The threat posed by the COVID-19 pandemic, including in conflict-affected areas, represents another key challenge in terms of monitoring and reporting grave violations against children. The United Nations has adopted a number of operational measures to expand its network of monitors and ensure that information can still be gathered through the use of mobile technology. There is particular concern about the limited access of IDPs and stateless persons, including children, to healthcare in the context of the COVID-19 pandemic. According to Government, as of March 2020, in Rakhine State there are close to 65,000 IDPs. In addition, according to OCHA, as of March 2020, in Chin State there are an additional 4,400 IDPs. In central Rakhine State 130,000 people, the vast majority stateless Rohingya, remained confined in displacement sites due to extensive restrictions on movement, which also affect non-displaced stateless persons and children.

In the report of the Secretary-General on children and armed conflict published on 9 June 2020, (A/74/845 - S/2020/525), the Tatmadaw were delisted for the violation of recruitment and use, following a continued significant decrease in recruitment, ongoing prosecutions and an agreement to continue to trace and release cases that were identified in previous years. The delisting with respect to recruitment and use is conditioned on the immediate ending and preventing of the ad hoc use of children in non-combat roles. A continued United Nations monitoring and engagement period of 12 months will ensure the sustainability of all existing measures, including the prevention of use of children, and continued engagement with the Special Representative for children and armed conflict. Any failure in this regard would result in a relisting for the same violation in the next annual report of the Secretary-General on children and armed conflict. The Tatmadaw remain listed for the killing and maiming and sexual violence against children, in annex I, part A of parties that have not put in place measures to improve the protection of children.

## **Recommendations**

- Welcome the adoption by the Government of Myanmar of the Child Rights Law criminalizing the six grave violations against children in July 2019, and the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in September 2019, and urge the Government to ensure their swift implementation.
- Commend the Government and the Tatmadaw for preventing the recruitment and use of children since the signature of the Joint Action plan in 2012, including continuous awareness-raising on the prohibition of joining the Tatmadaw before the age of 18, capacity building activities, accountability and punitive measures for soldiers responsible of child recruitment, and an agreement to issue a command order for the Tatmadaw to avoid child recruitment and use as well as to conduct targeted training on the prevention of the use of children in Buthidaung area of Rakhine State, that notably led to the decision of the Secretary-General to delist the Tatmadaw for this violation.
- Urge the Government and the Tatmadaw to fully engage and collaborate with the United Nations in the 12 coming months to 1) immediately end and sustainably prevent the use of children, including in non-combat and temporary use, 2) swiftly clear the backlog of suspected minors within the Tatmadaw's ranks pending age verification, and 3) consolidate the sustainability of the prevention and response mechanism to end child recruitment and use.

- Urge the Government to adopt joint action plans, as mandated by the Security Council, with the United Nations on sexual violence and killing and maiming of children for which the Tatmadaw are still listed.
- Remind the Government that children associated with armed groups should be considered primarily as victims, detained only as a last resort and for the shortest period of time possible and promptly referred to reintegration services.
- Note with concern the worrying increase in child casualties from airstrikes, landmines, explosive remnants of war and crossfire in Rakhine and Chin States where conflict between the Tatmadaw and the Arakan Army has seen an unprecedented escalation in the beginning of 2020.
- Urge all parties to take all possible measures to ensure civilians in conflict-affected areas are protected, including by demining and marking mine contaminated areas. Encourage the Government to sign the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Convention).
- Note that the escalation in hostilities at the start of 2020 has resulted in increased attacks on schools and hospitals. Urge all parties to protect the civilian character of schools and to refrain from attacking them or using them for military purposes. Encourage the Government to endorse the Safe Schools Declaration.
- Call on the Government to facilitate safe and unimpeded humanitarian access to children in need through simplified travel authorization procedures, especially in the context of COVID-19 where movement restrictions and/or bureaucratic impediments may exacerbates the challenges humanitarian actors face to provide humanitarian assistance to children as well as the United Nations' ability to monitor and verify child protection related matters.
- Call on the Government to support the Secretary-General's call for a worldwide ceasefire as COVID-19 ravages the globe, exacerbating the vulnerabilities of children in armed conflict situations.
- Encourage all parties to include child protection issues in the ongoing peace process and make use of the *Practical guidance for mediators to protect children in situations of armed conflict* developed by the Office of the Special Representative for Children and Armed Conflict (<https://childrenandarmedconflict.un.org/wp-content/uploads/2020/04/Practical-guidance-for-mediators-to-protect-children-in-situations-of-armed-conflict.pdf>).