



# Security Council

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## Children and armed conflict in Myanmar

### Report of the Secretary-General

#### *Summary*

The present report, submitted pursuant to Security Council resolution [1612 \(2005\)](#) and subsequent resolutions on children and armed conflict, is the sixth report on children and armed conflict in Myanmar submitted by the Secretary-General. It contains information on the six grave violations against children and, more broadly, on the situation of children affected by armed conflict during the period from 1 September 2018 to 30 June 2020.

The report provides an overview of the trends of grave violations committed against children in Myanmar and highlights progress made in ending and preventing these violations, including through the implementation of a joint action plan by the Myanmar Armed Forces (Tatmadaw), and dialogue with other parties to conflict.

The report also contains a series of recommendations to strengthen action for the protection of children affected by armed conflict in Myanmar.



## I. Introduction

1. The present report, submitted pursuant to Security Council resolution [1612 \(2005\)](#) and subsequent resolutions, is the sixth report on children and armed conflict in Myanmar, and covers the period from 1 September 2018 to 30 June 2020. It describes trends and patterns of grave violations against children since the fifth report on children and armed conflict in Myanmar ([S/2018/956](#)) and outlines the progress and challenges since the adoption of the conclusions by the Security Council Working Group on Children and Armed Conflict in August 2019 ([S/AC.51/2019/2](#)). The violations presented therein were verified by the United Nations country task force on monitoring and reporting in Myanmar, co-chaired by the resident coordinator and the United Nations Children's Fund (UNICEF). Where possible, parties to conflict responsible for grave violations are identified, including the eight parties listed in the annexes of the Secretary-General's report on children and armed conflict ([A/74/845-S/2020/525](#)).

2. The report provides an overview of political and security developments, focuses on trends of grave violations committed against children in Myanmar and highlights progress made in ending and preventing these violations since the previous report. Although the monitoring and reporting of these violations continued through the coronavirus disease (COVID-19) pandemic, the ability to verify information was often hampered by a lack of security or access restrictions. Therefore, the information contained herein may not represent the full scale of violations committed in Myanmar during the reporting period.

## II. Overview of the political and security situation

### A. Overview of political developments

3. Peace talks involving the Government, the Tatmadaw and signatories of the Nationwide Ceasefire Agreement resulted in the adoption of principles to move the peace process forward.<sup>1</sup> However, patterns of violations committed against children and armed violence have continuously been reported by the country task force throughout the country, including violations by parties to the Agreement.

4. Ahead of Myanmar's general elections scheduled for 8 November 2020, a few instances of electoral violence occurred as supporters of different parties clashed and campaign materials were damaged. The COVID-19 pandemic impacted the work of the election administration, observers, and the media, while political parties and candidates had to move from offline voter outreach to online campaigning.

### B. Overview of security developments

5. Intensified armed clashes continued between the Tatmadaw and armed groups, especially in Rakhine, Chin and Shan States. Rakhine remained excluded from a national unilateral ceasefire declared by the Tatmadaw in December 2018, which has been extended. In March 2020, the Government designated the Arakan Army as a terrorist organization, diminishing prospects for a ceasefire. On 9 May 2020, following the appeal by the Secretary-General for a global ceasefire, the Tatmadaw announced the reinstatement of a ceasefire for four months, which excluded areas in which groups designated as terrorists by the Government were active. On 26 June

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<sup>1</sup> For more information, see the reports on the situation of human rights of Rohingya Muslims and other minorities in Myanmar ([A/75/295](#)) and the situation of human rights in Myanmar ([A/74/311](#)).

2020, the Tatmadaw launched a new operation in Rathedaung township against the Arakan Army, which led to population displacement, including children.

#### *Rakhine and Chin States*

6. Fighting between the Tatmadaw and the Arakan Army in Rakhine State and southern Chin State intensified over the reporting period, since the last quarter of 2018 when the fighting broke out. In March 2020, attacks by both parties against civilian targets, including schools, involving artillery and airstrikes increased, including in populated areas. All of this led to a spike in civilian casualties, including children, during the reporting period and which slightly decreased in spring 2020.

7. By the end of June 2020, 77,253 people remained displaced in 181 sites across Rakhine and Chin States.<sup>2</sup> An additional 130,000 people, of whom the vast majority were stateless Rohingya and 54 per cent were children,<sup>3</sup> were confined in displacement sites in the central part of Rakhine State, due to extensive restrictions on their movement which also affected non-displaced stateless persons across Rakhine. Internally displaced persons and stateless persons had limited freedom of movement and access to health care, exacerbating vulnerabilities in the context of the COVID-19 pandemic. Humanitarian access has long been a major challenge and has been exacerbated by additional restrictions placed as a result of this fighting.

#### *Kachin and Shan States*

8. In 2019, three members of the Northern Alliance, namely the Ta'ang National Liberation Army (TNLA), the Myanmar National Democratic Alliance Army (MNDAA) and the Arakan Army, united under the name Three Brotherhood Alliance. The fourth member of the Northern Alliance, the Kachin Independence Army (KIA), is not a part of the Three Brotherhood Alliance. Despite unilateral ceasefires declared and extended several times by both the Tatmadaw and the Three Brotherhood Alliance, fighting between them intensified in 2019. Frequent clashes between the Tatmadaw and the Ta'ang National Liberation Army, and between the Tatmadaw and the Myanmar National Democracy Alliance Army were reported in northern Shan State. Several clashes also took place between the Tatmadaw and the Restoration Council of Shan State/Shan State Army-South (RCSS/SSA-S), the Tatmadaw and the Shan State Progressive Party/Shan State Army-North (SSPP-SSA), and the Tatmadaw and the Kachin Independence Army in northern Shan State. Fighting between armed groups was frequent. The situation made access difficult for humanitarian operations, including due to governmental restrictions, while leading to the displacement of thousands of civilians in Shan State. As at the end June 2020, 9,743 civilians, including children, have been displaced in northern Shan State since 2011.

9. Except for a few skirmishes, the situation in Kachin State remained calm. No new displacements were reported, however 95,499 civilians remained displaced within Kachin State since 2011, and humanitarian access was a major challenge during the reporting period.

#### *Other States*

10. A number of clashes were reported between the Tatmadaw and the Karen National Liberation Army (KNLA) in Kayah State. In February 2019, the Tatmadaw launched an operation against the National Socialist Council of Nagaland Khaplang (NSCN-K), taking over its main base and arresting leaders of the group in Sagaing region.

<sup>2</sup> Figures from the Rakhine State government and humanitarian organizations in Chin State.

<sup>3</sup> Figures from the global camp coordination and camp management cluster.

## C. Update on parties to the conflict

11. Over 20 armed groups operate in Myanmar with various levels of autonomy vis-à-vis the Government and territorial control. The armed groups are complex in their structure and alliances between groups can shift rapidly. Ten of them are signatories to the 2015 Nationwide Ceasefire Agreement, which reduced the number of clashes between these groups and the Tatmadaw, and not all of the other armed organizations engaged actively in fighting during the reporting period.

### 1. Updates on parties to the conflict listed as perpetrators of grave violations<sup>4</sup>

#### *Tatmadaw Kyi and integrated border guard forces*

12. The Myanmar Armed Forces consist of the Tatmadaw Kyi (Tatmadaw), the Navy (Tatmadaw Yay) and the Air Force (Tatmadaw Lay). The Tatmadaw represents the largest branch. Auxiliary forces supporting the Tatmadaw include the border guard forces and the people's militia. The border guard forces were created by the Government in 2009 and incorporates former armed groups into the Tatmadaw.

13. The Tatmadaw was listed in the annexes of the last report of the Secretary-General on children and armed conflict ([A/74/845-S/2020/525](#)) for two violations: killing and maiming of children and rape and other forms of sexual violence against children (since 2018). In that same report, the Tatmadaw was delisted for recruitment and use of children. The delisting followed continued implementation of the Joint Action Plan between the Tatmadaw and the United Nations (signed in 2012), the creation of an interministerial task force to end recruitment, the approval of a new Child Act criminalizing the six grave violations against children, the significant continued decrease in cases of recruitment, ongoing disciplinary measures applied by the Tatmadaw and an agreement to continue to trace and release cases identified in previous years.

#### *Democratic Karen Benevolent Army*

14. The Democratic Karen Benevolent Army (DKBA), a signatory to the National Ceasefire Agreement, continued to be active in Kayin State. The Democratic Karen Benevolent Army is listed for recruitment and use of children. DKBA representatives met with the country task force several times in 2019 and 2020, and with the Special Representative for Children and Armed Conflict in January 2020 to express interest in an action plan with the United Nations. The signing of a joint action plan was delayed as a result of the COVID-19 outbreak.

#### *Karen National Union/Karen National Liberation Army Peace Council*

15. The Karen National Union/Karen National Liberation Army Peace Council (KNU/KNLA-PC), a signatory to the National Ceasefire Agreement, continued to be active in Kayin State. The group is listed for the recruitment and use of children. The Karen National Union/Karen National Liberation Army Peace Council met with the country task force several times in 2019 and 2020, and with the Special Representative in January 2020 and announced its intention to sign an action plan with the United Nations to end and prevent child recruitment and use. The signing of the joint action plan was delayed due to the COVID-19 outbreak.

<sup>4</sup> For more information on parties to the conflict, please refer to [S/2017/1099](#) and [S/2020/525](#).

*Karen National Liberation Army*

16. The Karen National Liberation Army, signatory to the National Ceasefire Agreement, is active in Kayin and Mon States, and in Tanintharyi and Bago regions. The group is listed for the recruitment and use of children. It has a policy establishing 18 as the minimum age for recruitment. The Karen National Liberation Army met with the country task force in 2019 and 2020, and with the Special Representative in January 2020.

*Kachin Independence Organization/Kachin Independence Army*

17. The Kachin Independence Organization/Kachin Independence Army (KIA), one of the largest armed groups in Myanmar, is not a signatory to the National Ceasefire Agreement and is considered an unlawful entity by the Government under the Unlawful Associations Act of 1908. The group is listed for recruitment and use of children. Despite a significant decrease in fighting since the end of 2018, the Kachin Independence Organization/Kachin Independence Army continued to fight against the Tatmadaw in Kachin State and Shan State. The Kachin Independence Organization/Kachin Independence Army has consistently and actively engaged with the country task force and has released children who were then handed over to child protection partners.

*Karenni Army*

18. The Karenni Army (KA) is active in Kayah State and is not a signatory to the National Ceasefire Agreement. The group is listed for recruitment and use of children. The signature of a joint action plan has been at an impasse since February 2016 owing to the Government's unwillingness for the country task force to sign a joint action plan with any non-signatories to the Agreement.

*Shan State Army-South*

19. The Shan State Army-South, a signatory to the National Ceasefire Agreement, operates in Shan State. It clashed with the Tatmadaw several times during the reporting period. The group is listed for child recruitment and use. The group has engaged with the country task force since September 2018.

*United Wa State Army*

20. The United Wa State Army (UWSA), non-signatory to the National Ceasefire Agreement, is the armed wing of the United Wa State Party (UWSP). Located in the Wa Special Region of northern Shan State, UWSP administers six townships of the Wa Self-Administered Division as set out under the 2008 Constitution. The military wing is the largest armed group in Myanmar and is listed for child recruitment and use. It signed a bilateral ceasefire agreement with the Government in September 2011. There is no dialogue with the country task force.

## **2. Parties to the conflict not listed as perpetrators of grave violations against children**

*Border Guard Police*

21. The Border Guard Police is part of Myanmar's police force responsible for border security. It operates in northern Rakhine State and is particularly active along the Bangladesh-Myanmar border.

*Arakan Army*

22. The Arakan Army, founded in 2009, is the armed wing of the United League of Arakan and has been fighting with the Tatmadaw in a large-scale conflict in Rakhine

and Chin States since late 2018. The Arakan Army is a member of the Northern Alliance, along with the Kachin Independence Army, the Myanmar National Democracy Alliance Army and the Ta'ang National Liberation Army, and of the Three Brotherhood Alliance with the same groups, except the Kachin Independence Army. The Arakan Army is also considered part of the Nationwide Ceasefire Coordination Team by other armed groups, but the Government does not recognize its claim to membership, nor does it consider it an ethnic armed organization. On 23 March 2020, the Government declared the Arakan Army a terrorist organization under the Anti-Terrorism Law (2014) and an unlawful group under the Unlawful Associations Act (1908). The Arakan Army troops have increased exponentially since 2018. Despite challenges, some allegations of grave violations in areas under its control have been verified.

#### *Ta'ang National Liberation Army*

23. Still active in northern Shan State, the Ta'ang National Liberation Army has not signed any ceasefire agreements with the Government. It is a member of the Northern Alliance, and of the Three Brotherhood Alliance with the Arakan Army and the Myanmar National Democracy Alliance Army since 2019 and has frequently clashed with the Tatmadaw.

#### *Myanmar National Democratic Alliance Army*

24. The Myanmar National Democratic Alliance Army (MNDAA), a member of the Northern Alliance, is a member of the Three Brotherhood Alliance and has been fighting frequently the Tatmadaw during the reporting period.

### **III. Grave violations against children**

25. Some 994 grave violations were verified against 974 children, some as young as 6 months old (845 boys, 123 girls, 6 sex unknown). Violations occurred in the last quarter of 2018 (80), in 2019 (425) and in the first half of 2020 (469) and were attributed to Government forces (681), armed groups (67) and unidentified armed elements (246). Some 78 per cent of violations took place in Rakhine State. The recruitment and use, including elevated levels of use, and killing and maiming of children were the predominant violations verified by the country task force, with alarming increases since the end of 2019 resulting from intensified armed clashes between the Tatmadaw and armed groups, notably the Arakan Army in Rakhine State. Monitoring and reporting of violations continued, albeit hampered by insecurity or access restrictions.

#### **A. Recruitment and use**

26. The country task force verified the recruitment and use of 635 children (624 boys, 11 girls) with 64 in the last quarter of 2018, 238 in 2019, and 313 in the first half of 2020. In addition, 20 recruitments took place prior to the reporting period; 14 of these children were used until the end of 2019 and 6 until the end of the first half of 2020. A total of 587 children were verified as recruited (32) and used (555) by Government forces (the Tatmadaw (583) and the Border Guard Police (4)), and 48 children by armed groups, (the Kachin Independence Army (44), the UWSA (2), the Shan State Progressive Party/Shan State Army-North (1) and the Karen National Liberation Army (1)). The violation predominantly affected boys and occurred mostly in Rakhine State where children were used for ad hoc non-combat use for period of time ranging from hours to two weeks, putting them at risk.

*Recruitment and use by the Tatmadaw*

27. As relates to recruitment, the country task force verified that 12 boys, with ages ranging from 15 to 17 years-old, were recruited by the Tatmadaw for periods from three days to over one year, 3 in the last quarter of 2018, 8 in 2019, 1 in the first half of 2020. Children were recruited in Yangon (10), Shan State (1) and the Ayeyarwady region (1). All 12 children were released. Three of them were discharged by the Tatmadaw outside the framework of the Joint Action Plan on recruitment and use of children with the United Nations, hampering the country task force capacity to support their reintegration.

28. In addition, the country task force verified the recruitment of 20 boys by the Tatmadaw between 2006 and 2017, who remained within Tatmadaw ranks until their separation in 2019 (14) and in the first half of 2020 (6). They were recruited in Yangon, Mandalay, Ayeyarwady (4 each), Magway (2) regions, Nay Pyi Taw Union Territory (2), Bago region (2), Mon and Shan States (1 each). Further, six children suspected to have been recruited in 2019 were also verified by the country task force as underage recruits based on age documentation. However, the age verification by the Tatmadaw, as included in the Joint Action Plan is pending. As a result, the children were still within the Tatmadaw ranks at the time of writing.

29. Methods of recruitment included offering false civilian jobs to children, when instead, they would be taken to a Tatmadaw recruitment centre and discharged after payment from their families. In some incidents, the Tatmadaw falsified age verification documents and confiscated children's valid identity cards, or threatened families at their home to withdraw their demand for their child to be discharged.

30. The country task force verified the use of 555 children (554 boys, 1 girl) by the Tatmadaw (551) and the Border Guard Police (4), including 57 boys in the last quarter of 2018, 197 children (including 1 girl) in 2019 and 301 boys in the first half of 2020. Most verified incidents of use took place in Rakhine State, Buthidaung township, except for two boys used in Kachin and Shan States (1 each). The children, aged 12 to 17, were used for periods up to two weeks alongside adults, in support functions such as military camp maintenance, digging trenches, building fences, carrying bricks, and harvesting rice for the Tatmadaw.

31. All cases verified since early 2019 (494) took place in Buthidaung township, northern Rakhine State. For instance, on 1 January 2020, the Tatmadaw used 15 boys aged from 12 to 17 years old and 15 adults from a village in Buthidaung township to clear bushes in their compound. The same villagers had to provide one bamboo each, worth over \$2 each, for the fencing of the regiment compound on the same day. No payment was made for either the labour or the bamboo. The protection of children during and after being used is of serious concern, as they may be targeted for being associated with a party to the conflict, even outside of hostilities. The children may be perceived as associated with the party beyond the time of use.

32. In 2019, 18 disciplinary actions were reportedly taken by the Tatmadaw, while reportedly none were taken in 2020. One child was successfully discharged in July 2020 and the Tatmadaw expressed its commitment to take disciplinary action against the perpetrator following advocacy efforts by the country task force.

33. In addition, the country task force received allegations of the use of 745 children (742 boys, 3 girls) by the Tatmadaw (730) and the Border Guard Police (15) in Rakhine (744) and Kachin (1) States. The unverified incidents mainly involved battalion maintenance and cleaning work, verification by the country task force is ongoing.

*Recruitment and use by armed groups*

34. The country task force verified the recruitment and use of 48 children (38 boys, 10 girls) by the Kachin Independence Army (44), the United Wa State Army (2), the Shan State Progressive Party/Shan State Army-North (SSPP/SSA) (1) and the Karen National Liberation Army (1), in Kachin (41), Shan (6) and Mon (1) States. Four boys were recruited and used in the last quarter of 2018, 33 children (25 boys, 8 girls) in 2019 and 11 (9 boys, 2 girls) in the first half of 2020. For instance, on 3 February 2020, a 17-year-old girl was recruited by Kachin Independence Army in Waingmaw Township, Kachin State. A man offered her a job, which she accepted, but the girl was misled and recruited to a Kachin Independence Army regiment instead. She was released on 12 March 2020 following advocacy efforts by the country task force. Of the 44 children recruited and used by the Kachin Independence Army, 36 were released following advocacy efforts by the country task force.

35. In addition, the country task force documented the alleged recruitment and use of 18 children by the Arakan Army (8), the Chin National Front/Chin National Army (CNF/A) (5), the Kachin Independence Army (4) and the Ta'ang National Liberation Army (1). The verification was hampered by access restrictions.

36. While verified cases of recruitment and use by armed groups remained low, it is likely that they are significantly underreported due to the lack of access of the country task force to non-government-controlled areas, security concerns by communities to report cases in those areas, as well as allegiance of the population to particular groups. For instance, no child recruitment and use by the Arakan Army could be verified, although several unverified reports alleged the presence of children in its ranks, as well as its attempted recruitment of children.

**Detention for alleged association with armed groups or on national security grounds**

37. The country task force verified the detention of 20 children (19 boys, one girl), aged between 15 and 17 years old, for their alleged association with the Arakan Army (18) in Rakhine State and the Ta'ang National Liberation Army (2) in Shan State. The majority was arrested by the Tatmadaw before being handed over to the Myanmar Police. Charges filed against two children were dropped, while the rest were released on bail while awaiting trial.

38. The country task force advocated with the Tatmadaw regarding the detention of two children for their alleged association with the Ta'ang National Liberation Army. The Tatmadaw indicated that they had been transferred to police custody. The children were in military detention for three months, before being transferred to the police and to a civilian court on 11 February 2020. They were released on bail in May 2020.

**B. Killing and maiming**

39. The country task force verified the killing (87) and maiming (233) of 320 children, some as young as 6 months old (211 boys, 103 girls, 6 sex unknown). A total of 13 child casualties occurred during the last quarter of 2018, 161 in 2019, and 146 in the first half of 2020. Child casualties were attributed to Government forces (79) (the Tatmadaw (78) and the Navy (1)) unidentified armed elements (111) and the Ta'ang National Liberation Army (1). In addition, 129 child casualties resulted from fighting between the Tatmadaw and armed groups, including 105 casualties caused by crossfire in the fighting between the Tatmadaw and the Arakan Army, as well as crossfire between armed groups. The killing and maiming of children occurred in Rakhine (209), Shan (66), Chin (30), Kachin (8), Kayin (4), Kayah (1), Mandalay (1)



and Magway (1) States and regions. In one case, on 6 December 2019, an 8-year-old boy was shot by unidentified armed elements in front of his school in Kyauktaw Township, Rakhine State. The child, who was wearing his school uniform, was hit by several bullets and died on the spot. In another example, on 10 December 2019, a 2-year-old boy was killed during crossfire between the Tatmadaw and the Arakan Army in Paletwa Township, Chin State while the child and his family were travelling by boat on the Kaladan river. An artillery shell dropped and exploded as the boat arrived at the jetty, resulting in the death of the boy and six adults.

40. Of the 111 unattributed child casualties, 107 resulted from landmines and explosive remnants of war, representing 34 per cent of the total number of casualties. Other causes were crossfire (25 per cent), artillery shells (19 per cent), airstrikes (13 per cent) and shootings (9 per cent). Of note, the tactics used by parties to the conflict and their related impact on civilians, including children, shifted over the reporting period. The number of children affected by landmines and explosive remnants of war decreased from 74 per cent in 2018 to 27 per cent in the first half of 2020, while artillery shelling, crossfire and airstrikes increased.

41. In the last quarter of 2019 and the first half of 2020, there was an unprecedented escalation of conflict between the Tatmadaw and the Arakan Army in Rakhine state, and Paletwa Township in southern Chin State, leading to an alarming increase in child casualties, compared with past reporting periods. In the first quarter of 2020, the country task force verified a threefold increase of children killed and maimed compared to the last quarter of 2019. Children were affected by airstrikes carried out by the Tatmadaw in populated areas, resulting in at least 24 children killed (8) and maimed (16). On 15 March 2020, an airstrike killed eight children and injured 12 other children in two villages in Paletwa Township, Chin State. In another example, one artillery shell landing on a school in session in Rakhine State in February 2020 maimed at least 17 children. A significant number of unverified child casualties as a result of landmines, explosive remnants of war and crossfire were also received and verification by the country task force is ongoing.

### **C. Rape and other forms of sexual violence**

42. The country task force verified the rape of two girls aged 14 and 10 years old. Both incidents occurred in 2019 but were verified in 2020 in Kayin (1) and Mon (1) States and were attributed to the Tatmadaw (1) and the Karen National Liberation Army (1). In December 2019, a 10-year-old girl was raped three times by a Tatmadaw sergeant, who was the girl's neighbour. The case was reported to the police and the perpetrator was taken by his regiment from police custody to go through the Tatmadaw internal disciplinary tribunal. The country task force has advocated with the Ministry of Defence for a proper criminal procedure. Investigation by the Tatmadaw is reportedly underway, but no further information was received by the country task force. The case has also been raised at parliament. The Department of Social Welfare coordinated support for the survivor.

43. It is believed that these low figures underrepresent the scale of rape and other forms of sexual violence against children, owing to restrictions of movement for the country task force and survivors, to the stigma associated with sexual violence, impunity and other barriers making it difficult to report incidents.

### **D. Attacks on schools and hospitals**

44. The country task force verified 20 attacks on schools (18), hospital (1), and related protected persons (1), including 12 attacks in 2019 and 8 attacks in the first

half of 2020, in Rakhine (13), Shan (3), Chin (3) and Kachin (1) States. These attacks were attributed to the Tatmadaw (12), unidentified armed elements (4), Arakan Army (2) and to fighting between the Tatmadaw and the Arakan Army (2).

*Attacks on schools and protected persons*

45. The country task force verified 19 attacks on schools (18), and on related protected persons (1), in Rakhine (12), Shan (3), Chin (3) and Kachin (1) States, attributed to the Tatmadaw (11), unidentified armed elements (4), the Arakan Army (2), and to fighting between the Tatmadaw and the Arakan Army (2). The attacks resulted from artillery shelling (7), crossfire (4), looting (3), airstrikes (2), shootings (2) and explosion (1). On 13 November 2019, a teacher and a school bus driver sustained injuries when the school bus they were in was hit by an explosion during fighting between the Tatmadaw and the Ta'ang National Liberation Army in Kutkai Township, Shan State.

46. Attacks against schools significantly rose with the intensification of conflict between the Tatmadaw and the Arakan Army at the beginning of 2019. Twelve incidents occurred in 2019 and seven in the first half of 2020, including two schools destroyed by airstrikes. In one case, on 13 February 2020, a school was hit by an artillery shell fired during fighting between the Arakan Army and the Tatmadaw in Buthidaung Township, Rakhine State. Some 21 school children (13 boys, 8 girls) aged 5 to 10 years-old were injured and the roof of the school was damaged. The impact of attacks on schools on children's access to education is a serious concern.

47. In addition, the country task force documented one alleged attack on school personnel by the Tatmadaw in Kachin State in 2018, and another alleged attack on a school in Shan State during shelling between the Tatmadaw and the Restoration Council of Shan State/Shan State Army-South in 2020, for which verification was ongoing at the time of writing.

*Military use of schools*

48. The country task force verified 71 incidents of use of schools by the military, all attributed to the Government forces: the Tatmadaw (56), Border Guard Police (8), and a combined force of the Tatmadaw and Border Guard Police (7). Incidents took place in Rakhine (64) and Shan States (7). Twelve military uses were verified in the last quarter of 2018, 51 in 2019 and 8 in the first half of 2020. In one case, on 2 November 2018, Tatmadaw personnel stayed for four nights at a school in Maungdaw Township, northern Rakhine State and left the village on 6 November. The teachers and students had difficulties carrying out usual activities while the Tatmadaw occupied classrooms, due to security concerns.

49. In addition, the country task force documented 10 alleged incidents of military use of schools by the Tatmadaw in 2019 in Rakhine (8) and Shan (2) States, for which verification was ongoing at the time of writing.

50. Incidents of military use of schools have doubled in 2019 compared to the previous year. The overwhelming majority of incidents were verified in Rakhine State, with schools used as accommodation during Tatmadaw and/or BGP patrols. Instances of schools being used to detain and interrogate people were also reported. More than half of the military uses of schools lasted for one overnight stay, while approximately 10 per cent lasted over a week. The military use of schools raises serious concerns regarding the protection of children and protected persons' as it has the effect of turning the facilities into military targets. For instance, on 2 May 2020, a Tatmadaw military column set up weapons in front of the elementary school in a village in Minbya township and started firing in the direction of nearby mountains. They then stayed in the school for approximately three weeks.

*Attacks on hospitals and on protected persons*

51. The country task force verified one attack on a hospital in Rakhine State in the first half of 2020, attributed to the Tatmadaw. On 13 March 2020, a hospital in a village in Mrauk-U Township, Rakhine State, was hit by shooting as the Tatmadaw fired indiscriminately along the road after their vehicle hit a landmine near the village. An adult patient was injured inside the hospital and medical material was damaged. The hospital personnel and patients were transferred to another hospital in Mrauk-U township.

**E. Abduction**

52. The country task force verified the abduction of 17 children (10 boys, 7 girls), aged 4 to 17, by armed groups (15) (Ta'ang National Liberation Army (8), the Myanmar National Democracy Alliance Army (3), Kachin Independence Army (2), the Restoration Council of Shan State/Shan State Army-South (1) and Arakan Army (1)) and the Tatmadaw (2). Abductions were verified in Shan (13), Kachin (2) and Rakhine (2) States. Three children were abducted in the last quarter of 2018, 12 in 2019 and two in the first half of 2020. On 28 October 2018, two 16-year-old boys were abducted by the Ta'ang National Liberation Army, while they were talking over the phone sitting on a motorcycle in Kutkai Township, northern Shan State. The boys were taken to a Ta'ang National Liberation Army camp, where they were beaten up and kept for two days. They were released on 30 October 2018 following advocacy from the parents and village leaders.

53. In addition, the country task force documented the alleged abduction of nine children in Kachin, Shan and Rakhine States, for which verification is ongoing.

54. The abductions targeted both girls and boys. Numbers remained low and the violation is believed to be underreported in some areas controlled by armed groups due to access challenges. The country task force could not ascertain the motive behind most abductions, although they were reportedly mainly for the purpose of recruitment or intelligence gathering.

**F. Denial of humanitarian access**

55. The country task force did not verify specific incidents of denial of humanitarian access to children. However, humanitarian access, especially in Rakhine, Shan, Kachin States and southern areas of Chin State, continued to deteriorate drastically due to armed confrontations, insecurity, including due to landmines and explosive remnants of war, inconsistent and strict governmental travel authorizations and poor road infrastructure. The threat posed by the COVID-19 pandemic, including in camps for internally displaced persons and displacement sites and in other conflict-affected or vulnerable communities, represented another serious challenge. Humanitarian agencies reported that many challenges, including related to the COVID-19 pandemic preventive measures and limitations to engage with affected communities, disrupted and/or delayed humanitarian operations in conflict-affected areas. Challenges included the closure of local markets, the disruption of business supply chains, shutdown of mobile Internet services, which hampered communication with communities, restrictions on gatherings as well as on movements and visits to camps and displacement sites. This was compounded by the temporary suspension of international and domestic flights, except for humanitarian relief and cargo flights. Access to areas controlled by armed groups in Kachin was further curtailed with temporary and irregular closures of the border with China.

56. In Rakhine State, restrictions imposed on movements of humanitarian and development organizations remained in place in seven townships affected by conflict since January 2019, with one more township added to this list in January 2020. Thousands of people who were previously directly or indirectly benefiting from humanitarian and livelihood assistance in rural areas received very limited services and support. Further, a shutdown of mobile Internet data by the Government in multiple townships on 21 June 2019, was lifted in four townships in September 2019 but reinstated in February 2020, and in Maungdaw township on 2 May 2020 but remained in place in seven other townships in Rakhine and one township in Chin State until 2 August 2020. These restrictions further limited the capacity to communicate with and provide assistance to conflict-affected population.

#### **IV. Progress and challenges in ending and preventing grave violations against children**

##### *Legal framework*

57. The Government enacted the Child Rights Law on 24 July 2019, which criminalizes the six grave violations against children, and contains a dedicated chapter on children and armed conflict. In February 2020, with support from the International Labour Organization (ILO), the Government established a National Complaint Mechanism to eliminate forced labour, which prohibits the recruitment and use of children. The Government also ratified the Minimum Age Convention, 1973 (No. 138) in June 2020, which is one of the eight fundamental ILO Conventions,<sup>5</sup> and will enter into force on 8 June 2021. The ratifications, coupled with the enactment of the Child Rights Law, demonstrates the Government's commitment to align its national policies and regulatory frameworks with international standards and provides Myanmar with a legal framework to protect children affected by armed conflict.

58. The Government is a signatory to the Paris Principles and ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in September 2019, with several reservations in particular with regard to the minimum age of joining military academies and military vocational training courses. These reservations mean that children can still be enrolled from the age of 16 years in military academies and military vocational training programs. While the declaration by the Government upon the ratification of the Optional Protocol clarifies that such enrolment has to be voluntary with a written consent from the parents and legitimate proof of age, it does not specify that the children enrolled in such programs cannot take direct part in hostilities. In addition, before they reach 18, some children continue to be requested to commit to long-term compulsory bonds to the military (up to 15 years) in some military academies and training programmes.

##### *Update on the implementation of the Joint Action Plan on recruitment and use of children*

59. The number of children recruited by the Tatmadaw remained low throughout the reporting period, which resulted from progress made in the implementation of the joint action plan such as the centralization of recruitment procedures and the establishment of safeguards to prevent child recruitment. The presence of such institutional arrangements to deter child recruitment influenced the decreasing trend.

<sup>5</sup> In 1955, Myanmar ratified Convention 29 on Forced Labour, which also describes the recruitment and use of children against their will as forced labour, particularly in countries that compulsory recruitment is not required by law. In 2013 Myanmar also ratified Convention 182, which describes the use of children in armed conflict as one of the worst forms of child labour.

The capacity of the Government to identify recruitment of children, such as age verification procedures, led to the identification and release of children in some cases.

60. Unlike recruitment, the use of children by the Tatmadaw witnessed a major spike during the reporting period, in particular as of October 2019, with almost the entire caseload verified in one single township, Buthidaung, in Rakhine State. In May 2020, the Tatmadaw committed to issue a directive on the prohibition of use of children and a reminder on the non-recruitment and use of children by Government forces. Previous military directives prohibiting recruitment and use of children were reissued in July and August 2020.

61. As of June 2020, age verification confirmation was still ongoing for 145 of the suspected minors identified previously as having been recruited by the Tatmadaw. Some cases have been pending for up to five years and most suspected minors were still in their battalions, except for 41 who were absent without leave. The Special Representative and the country task force proposed concrete measures to expedite the review of this remaining caseload. This process is ongoing although six suspected minors for whom the benefit of the doubt was applied since the documentation to prove their age is missing, have been released. It is important that the principles of the best interests of the child and the benefit of the doubt are incorporated in the Tatmadaw rules and regulations to ensure the sustainability of existing systems for the identification, verification and release of children, in particular given the slow pace of internal age verification by the Tatmadaw. The country task force is continuing to work with the Tatmadaw in this regard.

62. Five case review meetings were held between the country task force and the Committee for the Prevention of Military Recruitment of Underage Children as part of the implementation of the Joint Action Plan. In addition, the Office of the Special Representative, the country task force and the Committee for the Prevention of Military Recruitment of Underage Children met in August 2019 to accelerate the implementation of the remaining activities to expedite the Joint Action Plan. The country task force and the above-mentioned Committee met again in August, after which action points and priority activities were identified to address the remaining gaps. However, collaboration and continued work with the Committee slowed down significantly towards the end of 2019 and was only revitalized in May 2020. On 29 May 2020, a virtual meeting with the Committee, led by the Tatmadaw at a Major-General level restored the collaboration and a way forward was identified on key remaining issues.

63. Following sustained advocacy efforts by the Special Representative and the country task force, the Ministry of Defence updated the list of disciplinary actions taken against military personnel for their involvement in child recruitment in January 2020. The Tatmadaw reported that 18 military personnel were imposed with disciplinary measures in 2019, bringing the total of military personnel sanctioned for failing to adhere to recruitment procedures since the signature of the Joint Action Plan in 2012 to 466 military personnel, including 106 officers and 360 non-commissioned officers. However, the link between specific cases and the exact sanctions remains unclear in the information shared with the country task force by the Tatmadaw and engagement continues in this regard.

64. To follow-up on an initial training delivered in December 2018 for Tatmadaw personnel and members of the Committee for the Prevention of Military Recruitment of Underage Children, the Office of the Special Representative and the country task force conducted a training of trainers session on the six grave violations for the Tatmadaw focal points for the implementation of the Joint Action Plan, in May 2019 in Nay Pyi Taw. This was a significant milestone in broadening the scope of engagement of the United Nations with the Tatmadaw beyond the Joint Action Plan

on recruitment and use. This training incorporated prevention of all six grave violations over and above recruitment and use. The objective of the 2018 training, which was repeated in November 2019, was for the Tatmadaw to incorporate the prevention of the six grave violations in their revised training curriculum.

65. In January 2019, the Interministerial Committee for Preventing Grave Violations against Children in Armed Conflict was established by Presidential Order and held its first meeting on 21 January 2019. The Committee unilaterally drafted and endorsed a national action plan to end killing and maiming of children, as well as rape and other forms of sexual violence against children. After the entering into force of the new Child Act criminalizing the six grave violations in July 2019, the national action plan on ending and preventing killing and maiming and sexual violence was shared with the country task force, who was invited to support and contribute to its implementation. However, the unilateral nature of the action plan raised questions over the role for the country task force to monitor compliance and verify violations. Of concern, there was no reference to accountability measures for violations that had occurred in 2017. Advocacy efforts by the United Nations on signing a joint action plan have been ongoing and meetings have taken place between the Interministerial Committee and the country task force in this regard.

#### *Dialogue with armed groups*

66. The country task force engaged with all listed armed groups except the United Wa State Army. The Special Representative, along with the co-chairs of the country task force met with senior representatives from the Karen National Liberation Army, Democratic Karen Benevolent Army and the Karen National Union/Karen National Liberation Army Peace Council in January 2020 to accelerate the signing of joint action plans to end and prevent the recruitment and use of children. This followed the active engagement of the country task force with those groups in late 2019. Following meetings with the Karen National Union/Karen National Liberation Army Peace Council and the Democratic Karen Benevolent Army leadership in March 2020, both groups expressed their firm commitment to sign joint action plans. The signing ceremonies were however delayed due to COVID-19-related restrictions and are expected to take place at a later stage. The signing ceremony with the Democratic Karen Benevolent Army took place on 20 November 2020 and was witnessed by the Special Representative. In addition, informal communication on the issue of child recruitment and use, including through efficient and sustained collaboration on the release of children, took place with the Kachin Independence Army.

#### *Other advocacy efforts*

67. The Special Representative visited Myanmar in January 2020 to give a renewed impetus to the implementation of the Joint Action Plan on recruitment and use of children with the Tatmadaw. She also urged the Government to sign a joint action plan with the country task force to end and prevent the killing and maiming and sexual violence against children. She further called upon armed groups that she met to sign and implement joint action plans on child recruitment and use.

68. As mentioned earlier in the present report, access remained a key constraint to monitor and report on grave violations against children, and to the delivery of humanitarian assistance to children and other people in need. Despite repeated advocacy efforts during and since the Special Representative's visit, access to requested conflict-affected areas of Rakhine, Shan, Chin and Kachin States, has not yet been granted.

69. The issuance of Citizenship Scrutiny Cards to children and young people released from the Tatmadaw has not been systematic which has hampered their swift

and successful reintegration. The Special Representative and the country task force have called for the systematic issuance of the Citizenship Scrutiny Cards and for high-level interministerial collaboration on the issue, as it was prior to 2018.

70. Since March 2020, there have been particular concerns over increasing reports of children arrested and charged under the Counter-Terrorism Law of 2014 for alleged association with the Arakan Army, which is included in the list of terrorist entities established by the Government.

71. In 2020, the country task force intensified its advocacy with the Ministries of Education, Defence and Social Welfare, Relief and Resettlement to endorse the Safe Schools Declaration. The Government informed that interministerial discussions on this issue were ongoing.

## V. Release and reintegration of children

72. A total of 59 children and young people<sup>6</sup> were released by the Tatmadaw in the reporting period. On 31 March 2019, the Tatmadaw released seven children and 25 young people recruited under the age of 18 during an official discharge ceremony. In an unprecedented progress, the Tatmadaw discharged another six young people under the benefit of the doubt principle because their age could not be definitively determined. Another three children recruited in 2019 were released unilaterally. Unilateral releases of children are not encouraged as they may jeopardize their adequate reintegration, including civil documentation which cannot be prepared and guaranteed prior to their release. Another 18 children and young people were released in January 2020 outside the framework of the Joint Action Plan, which delayed the delivery of the full reintegration package.

73. The Kachin Independence Army released 25 children (17 boys, 8 girls) from their ranks during the reporting period. The group has been notably proactive in its collaboration with the country task force for the release and reintegration of children associated with the group. The group has also repeatedly expressed its willingness to sign a joint action plan to end and prevent child recruitment and use. A collaboration was initiated to secure the safe and effective socioeconomic reintegration of children released in areas under Kachin Independence Army control. However, the lack of access to Kachin Independence Army-controlled areas and its status as an illegal entity under the Unlawful Association Act represented challenges for the reintegration of children formerly associated with the group.

74. The United Nations and its partners continued to support the Government through the Interministerial Working Group on Reintegration to ensure access to socioeconomic reintegration for all released children. All children formerly associated with the Tatmadaw and released within the framework of the Joint Action Plan benefited from psychosocial and medical support. In addition, since the signature of the Joint Action Plan in 2012, at least 738 discharged children and young people, including the 59 ones released during the reporting period, enrolled in socioeconomic reintegration activities, comprising education, vocational training and income-generating activities. Furthermore, since 2018, the Ministry of Social Welfare, Relief and Resettlement has allocated a budget for the reintegration of children formerly associated with the Tatmadaw, which was doubled in 2020. The Ministry has provided support to reintegrate children with \$15,000 provided to 38 children in 2018, and \$10,000 provided to 26 other children as of 31 June 2020.

<sup>6</sup> Recruited when they were under 18 years old.

75. Victims and survivors of maiming or sexual violence have been referred to appropriate multi-sectoral integrated services of the national case management system, supported by the United Nations, non-governmental organizations and other partners. The implementation of the joint communiqué signed by the Government and the United Nations in December 2018 to eradicate conflict-related sexual violence, could significantly enhance the collective efforts to end and sustainably prevent the violation.

76. The Mine Risk Working Group, also represented at the State level, has included participants from the Tatmadaw, along with members armed groups such as the Karen National Liberation Army, the Democratic Karen Benevolent Army, the Karen National Union/Karen National Liberation Army Peace Council, and joint ceasefire monitoring committee members. This forum presents the opportunity to advocate and engage for child protection and the peace process.

## **VI. Observations and recommendations**

77. I condemn the grave violations committed against children, especially in Rakhine State, and call upon all parties to conflict in Myanmar to respect their obligations under international law and to put in place measures to end and prevent violations against children.

78. I call upon all parties to the conflict to allow and facilitate unimpeded access for humanitarian assistance to all civilians in need, including children. I also call upon parties to conflict to facilitate unfettered access for the United Nations to areas of concern, for the monitoring and reporting of grave violations against children and to engage with the relevant parties to end and prevent such violations, and adequately meet the needs of all children in conflict-affected areas.

79. I congratulate the Government on the adoption of the Child Rights Law in July 2019, the ratification in September 2019 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and the ratification of the Minimum Age Convention, 1973 (No. 138), and urge the implementation of the Child Rights Law, including accountability for perpetrators of grave violations.

80. I am concerned by the use of children by the Tatmadaw, including ad hoc non-combat use, in Buthidaung Township, Rakhine State. While I condemn such practice, I am encouraged by the commitment by the Tatmadaw to issue a military directive against the use of children in Buthidaung Township. I call upon the Tatmadaw and the Government to take all possible measures to ensure the swift and full application of the directive and the dissemination of its content among military personnel.

81. I urge the Tatmadaw to work with the country task force and the Special Representative to consolidate the sustainability of the mechanism to end the recruitment and use of children, to systematically identify children in their ranks, secure their swift release, collaborate with relevant ministries to ensure their safe socio-economic reintegration, and hold accountable those responsible.

82. I am concerned by the increase in killing and maiming caused by crossfire, airstrikes and artillery shelling as well as landmines, explosive remnants of war and improvised explosive devices and attacks on schools. I urge the Government to sign a joint action plan with the United Nations to prevent the killing and maiming of children and rape and other forms of sexual violence against children. I also encourage the Government to sign the Safe Schools Declaration and the Convention



on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

83. I am concerned by the increasing numbers of children being arrested and charged under the Counter-Terrorism Law of 2014 for alleged association with the Arakan Army and under the Unlawful Association Act for association with other non-State actors. Children associated with armed groups should be treated primarily as victims, detained only as a last resort and promptly referred to reintegration programs.

84. I urge the Government to enable the United Nations to exercise its mandate to sign and implement joint action plans with all listed parties regardless of their status in the peace process.

85. I am concerned by the recruitment and use of children by armed groups. Nevertheless, I welcome the commitment by the Democratic Karen Benevolent Army and the Karen National Union/Karen National Liberation Army Peace Council to sign joint action plans with the United Nations to end and prevent the recruitment and use of children. I welcome the release of 25 children by the Kachin Independence Army and its engagement on this issue.

86. I am encouraged by the engagement with the United Nations of all other listed armed groups, except for the United Wa State Army.

87. I encourage the international donor community to provide financial resources to support the work of the United Nations in monitoring and reporting, engage with all listed parties with a view to ending and preventing grave violations against children, and ensure that children separated from parties to conflict receive appropriate reintegration services.

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