



Myanmar:

Children & Security

The Roméo Dallaire Child Soldiers Initiative

Updated as of 5 November 2017

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I. BACKGROUND

Map of Myanmar¹



¹ Central Intelligence Agency, 'Burma', available <https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html> ('CIA Burma') accessed 5 November 2017.



Children in Myanmar – Struggle Within Conflict

Children in Myanmar (formerly Burma) are greatly impacted by natural disasters, food insecurity, armed conflict, inter-communal tensions, statelessness, displacement, trafficking and migration.² Poverty, structural inequality, restrictions on freedom of movement, and discrimination on the basis of gender, ethnicity and religion exacerbate the situation.³

The recent escalation in violence since 25 August 2017 in Rakhine State in western Myanmar continues to have a devastating impact on children. More than 600,000 Rohingya Muslims have fled to Bangladesh through marine routes and land crossing points.⁴ Children and women, including newborn babies and pregnant and lactating women, account for 80 per cent of the new arrivals.⁵ There are also reports of growing numbers of separated and unaccompanied children. Those who have fled since the end of August 2017 join some 300,000 refugees who fled in previous waves of displacement.⁶ According to the United Nations (“UN”), “the speed and scale of the influx made it the world’s fastest growing refugee crisis and a major humanitarian emergency”.⁷ An additional 120,000 civilians are internally displaced within Myanmar.⁸

² See UN OCHA ‘Humanitarian Response Plan September 2017 – February 2018: Rohingya Refugee Crisis’ (October 2017), available https://reliefweb.int/sites/reliefweb.int/files/resources/2017_HRP_Bangladesh_041017_2.pdf (‘2017 Humanitarian Response Plan’) accessed 5 November 2017.

³ See UNICEF, ‘Lives on Hold: Making sure no child is left behind in Myanmar’ (May 2017), available https://www.unicef.org/myanmar/2017-5-23_Myanmar_Child_Alert_FINAL_ENGLISH.pdf (‘Lives on Hold’) accessed 5 November 2017, p. 7.

⁴ UNHCR, ‘Rohingya Emergency’ (28 October 2017), available <http://www.unhcr.org/rohingya-emergency.html> (‘UNHCR Rohingya Emergency’) accessed 5 November 2017.

⁵ UNICEF, ‘Bangladesh Revised Response Plan’ (October 2017), available <https://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Bangladesh%20Revised%20Response%20Plan%20for%20Rohingya%20Crisis%20-%20October%202020....pdf> (‘Bangladesh Revised Response Plan’) accessed 5 November 2017.

⁶ See 2017 Humanitarian Response Plan.

⁷ UNHCR, ‘Joint Statement on the Rohingya Refugee Crisis’ (16 October 2017), available <http://www.unhcr.org/news/press/2017/10/59e4c17e5/joint-statement-rohingya-refugee-crisis.html> 6 November 2017.

⁸ UNHCR Rohingya Emergency.



Thousands of Rohingya remain stranded at the border with Bangladesh⁹ or are waiting for boats to take them to Bangladesh,¹⁰ while others have drowned making the perilous journey.¹¹

Rohingya children arriving in Bangladesh report fleeing grave violations as well as human rights and other abuses. Hundreds of villages have been burned down and parents or relatives have been killed in front of traumatised children.¹² Rape, human trafficking, and “survival sex” have been reported among the violations committed against girls during flight. Many children often arrive in Bangladesh with injuries caused by gunshots, shrapnel, fire and landmines.¹³ Children continue to be recruited and used by the Tatmadaw as well as ethnic armed groups.

The crisis has added a great strain to existing services as well as refugee camps and makeshift camps where conditions are critical and vulnerable to outbreaks of disease.¹⁴ Rohingya children who have been forced to flee are particularly vulnerable and have limited access to shelter, water and sanitation, food, healthcare and other basic services.

Conflict in Myanmar is not limited to Rakhine State. Children in Kachin and Shan have also been displaced as a result of conflict and fighting continues often near camps for internally displaced

⁹ UNHCR, ‘Up to 15,000 refugees stranded near Bangladesh-Myanmar border’ (17 October 2017), available <http://www.unhcr.org/news/briefing/2017/10/59e5c73f4/15000-refugees-stranded-near-bangladesh-myanmar-border.html> accessed 5 November 2017.

¹⁰ UNHCR, ‘“Thousands” of Rohingya waiting to sail to safety in Bangladesh’ (2 November 2017), available <http://www.unhcr.org/news/latest/2017/11/59fb19744/thousands-rohingya-waiting-sail-safety-bangladesh.html> accessed 5 November 2017.

¹¹ See UNHCR, ‘Four Rohingya refugees die as boat capsizes off Bangladesh’ (31 October 2017), available <http://www.unhcr.org/news/latest/2017/10/59f87e754/four-rohingya-refugees-die-boat-capsizes-bangladesh.html> accessed 5 November 2017.

¹² See e.g. Human Rights Watch, ‘Burma: Satellite Data Indicate Burnings in Rakhine State’ (29 August 2017) <https://www.hrw.org/news/2017/08/29/burma-satellite-data-indicate-burnings-rakhine-state> (‘Human Rights Watch Satellite Data’) accessed 5 November 2017.

¹³ See Human Rights Watch, ‘Burma: Landmines Deadly for Fleeing Rohingya’ (23 September 2017), available <https://reliefweb.int/report/myanmar/burma-landmines-deadly-fleeing-rohingya> (‘HRW Burma Landmines’) accessed 5 November 2017; United Nations Human Rights Office of the Commissioner, ‘Mission report of OHCHR Rapid Response Mission to Cox’s Bazar, Bangladesh’ (13-24 September 2017), available <http://www.ohchr.org/Documents/Countries/MM/CXBMissionSummaryFindingsOctober2017.pdf> (‘OHCHR Rapid Response Mission Report’) accessed 5 November 2017, p. 11

¹⁴ Bangladesh 2017 Revised Response Plan, p. 2.



persons or in civilian areas, damaging camps and causing civilians to flee.¹⁵ In 2016, children were killed, maimed, deliberately targeted, and subject to sexual violence.¹⁶ Eight parties to the different conflicts in Myanmar – including government forces – recruit and use children.¹⁷ Authorities continue to arrest and detain children who fled the Tatmadaw or were demobilised by civil society organisations on charges of desertion.¹⁸

The lack of access for humanitarian organisations has significantly reduced the ability of the UN and other organisations to provide much needed humanitarian assistance to children in Rakhine as well as Shan and Kachin States.

II. SECURITY SITUATION

1. Context

Significant political and socio-economic transformations in Myanmar began in 2011, followed by the election of the first civilian-led government since the military seized power in 1962. Nobel Laureate and State Counsellor (and *de facto* leader) Aung San Suu Kyi and President Htin Kyaw took office in March 2016 after their party – the National League for Democracy (“NLD”) – won the country’s election in 2015.¹⁹ The new government “inherited deep-rooted challenges, including constitutional empowerment of the military, repressive legislation, weak rule of law, and a corrupt judiciary”.²⁰ The military, also known as the Tatmadaw, retained considerable power in the government and parliament. It currently holds a quarter of the parliamentary seats, which constitutes an effective veto over any constitutional amendments, and is authorised to assume power in a national state of emergency.²¹

¹⁵ Lives on Hold, p. 10.

¹⁶ United Nations Security Council, ‘Children and Armed Conflict: report of the Secretary-General’, UN Doc. S/2017/821 (24 August 2017) (‘2017 SG Children and Armed Conflict Report’), paras 124-126.

¹⁷ 2017 SG Children and Armed Conflict Report, Annex I.

¹⁸ 2017 TIP Report, p. 108.

¹⁹ See United Nations Human Rights Council, ‘Situation of human rights of Rohingya Muslims and other minorities in Myanmar’ UN Doc. A/HRC/32/18 (28 June 2016) (‘UNHRC June 2016 Report’), para. 7. The election saw some 700,000 ethnic minorities disenfranchised and Muslim candidates disqualified from standing for election.

²⁰ Human Rights Watch 2017 Report, p. 147.

²¹ UNHRC June 2016 Report, para. 6.



It is important to note that Myanmar is one of the most ethnically diverse countries in Asia. Its post-independence history involves complex and contested narratives among ethnic and religious minorities as well as claims to self-determination, greater autonomy and equitable sharing of power and resources.²² Restrictive measures on movement, education, minority languages, and religious freedoms, among others, have greatly impacted Myanmar's ethnic minorities since independence from the United Kingdom in 1948.²³ These factors have largely driven non-international armed conflicts of varying scope and intensity.²⁴

The majority of the population are Buddhist (90 per cent) while four percent are Muslim, four percent are Christian, and under two percent Hindu.²⁵ The law recognises eight major national ethnic groups (Bamar, Chin, Kachin, Kayah, Kayin, Mon, Rakhine and Shan) which are further broken down into 135 recognised “national ethnic groups”.²⁶ Most Christians belong to ethnic minorities, including the Chin, the Kachin and the Kayin. Rohingya are the largest group of Muslims – in addition to Bamar Muslims (who are recognised) as well as “Chinese Muslims” and “Indian Muslims” – but are not included in the list of recognised ethnic groups.²⁷ Rakhine State has been the site of repeated outbreaks of violence between the Buddhist majority (two million) and its Muslim Rohingya (more than one million). The Rohingya claim to self-determination and historic links to Rakhine State are rejected by many Rakhine, viewing the “Rohingya as ‘Bengali’ (‘illegal immigrants’), with no cultural, religious or social ties to Myanmar.²⁸ The situation is exacerbated by poverty, limited access to basic services and livelihood opportunities as well as constraints on freedom of movement and restrictive policies and practices imposed on the large Rohingya Muslim population in the northern part of the state.²⁹ The Kaman Muslims in Rakhine

²² See UNHRC June 2016 Report, para. 2.

²³ See UNHRC June 2016 Report, para. 9.

²⁴ UNHRC June 2016 Report, para. 2.

²⁵ UNHRC June 2016 Report, para. 5.

²⁶ UNHRC June 2016 Report, para. 2.

²⁷ UNHRC June 2016 Report, para. 2.

²⁸ UNHRC June 2016 Report, para. 9.

²⁹ UNHRC June 2016 Report, para. 9.



State, although official recognised, also face entrenched discrimination and other human rights violations.³⁰

In October 2016, attacks on border guard police prompted a large-scale military operation in Rakhine State by the Tatmadaw and resulted in displacements and allegations of violations of human rights, including summary executions, rapes, torture, and burning of villages. On 25 August 2017, armed militants from a Rohingya insurgent group known as the Arakan Rohingya Salvation Army (“ARSA”) reportedly attacked police posts and checkpoints and one military base in the northern part of Myanmar’s Rakhine State, killing 10 police officers, one soldier, and an immigration official.³¹ Since then, the Tatmadaw continues to conduct “clearance operations” across Rakhine State after the Buddhist majority demanded a crackdown on insurgents from the Rohingya Muslim minority.³² The Tatmadaw has reportedly mined the border with Bangladesh. According to a mission report by the UN Office of the High Commissioner for Human Rights, it is believed that landmines were purposely planted by Tatmadaw after 23 August 2017 along the border for the purpose of preventing the Rohingya refugees from returning to Myanmar.³³ Myanmar remains one of the most mined countries in the world, with 159 reported casualties in 2015, and numerous others in 2016.³⁴ One in three victims of landmines is a child.³⁵

In an illustration of the competing narratives which characterise the highly complex situation, both ARSA and the Tatmadaw accuse the other of committing abuses. What is clear is that more than 600,000 Rohingya Muslims have fled to Bangladesh.

³⁰ See UNHRC June 2016 Report, para. 9; UN Human Rights Council, ‘Report of the Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee’ (23 March 2015), UN Doc. A/HRC/28/72, para. 41.

³¹ Center for Strategic & International Studies, ‘Myanmar and its Rohingya Muslim Insurgency’ (7 September 2017), available <https://www.csis.org/analysis/myanmar-and-its-rohingya-muslim-insurgency> (‘CSIS Rohingya Muslim Insurgency’) accessed 5 November 2017; Human Rights Watch Satellite Data.

³² CSIS Rohingya Muslim Insurgency.

³³ OHCHR Rapid Response Mission Report, p. 11; HRW Burma Landmines.

³⁴ United Nations Human Rights Council, ‘Report of the Special Rapporteur on the Situation of Human Rights in Myanmar’, UN Doc. A/HRC/34/67 (14 March 2017), available <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/057/07/PDF/G1705707.pdf?OpenElement> accessed 5 November 2017, para. 63.

³⁵ Lives on Hold, p. 7.



Notwithstanding a nationwide ceasefire agreement signed in 2015 with eight ethnic armed groups, armed conflict also persists in Kachin and northern Shan States. In Kachin State, ongoing tensions between the Tatmadaw and a number of ethnic armed groups have resulted in the displacement of 67,000 women and children living in 142 camps and sites.³⁶ Shan State is equally fragile. For those displaced by current waves of conflict in Kachin and Shan State, this is the second or third displacement, thereby increasing their vulnerability.³⁷ Five out of six of the self-administered areas in Kachin and Shan States suffered the highest incidence of conflict, accounting for 95 per cent of the 1,350 recorded clashes involving the Tatmadaw and ethnic armed groups in 2015 and 2016.³⁸ Sporadic skirmishes have also reportedly broken out in recent years in Chin and Kayin States.³⁹

2. State, Non-State, and International Actors

a) State Actors

Myanmar Security Forces

Myanmar's Armed Forces, or Tatmadaw, consolidated their power in Myanmar after a military coup in 1962.⁴⁰ Since then, they have fought against various ethnic armed groups in a struggle over governance, resource control and ethnic minority rights.⁴¹ Despite the election of civilian leadership in 2015, the Tatmadaw continues to wield significant power over the government and national security.⁴² The Tatmadaw is listed by the UN as persistently committing grave violations against children, including the recruitment and use of children.⁴³

³⁶ Lives on Hold, p. 3.

³⁷ Lives on Hold, p. 6.

³⁸ Lives on Hold, p. 6.

³⁹ UNHRC June 2016 Report, para. 8.

⁴⁰ Amnesty International, 'Myanmar: All the Civilians Suffer: Conflict, Displacement, and abuse in northern Myanmar' (14 June 2017), available <https://www.amnesty.org/en/documents/asa16/6429/2017/en/> accessed 5 November 2017, p. 11 ("AI All Civilians Suffer").

⁴¹ Amnesty International, 'Time to rein in Myanmar's Army and protect civilians trapped in northern conflict' (19 June 2017), available <https://www.amnesty.org/en/latest/news/2017/06/time-to-rein-in-myanmars-army-and-protect-civilians-trapped-in-northern-conflict/> accessed 5 November 2017.

⁴² 2017 Human Rights Watch, p. 147.

⁴³ 2017 SG Children and Armed Conflict Report, paras 124, 126-130, Annex I.



The Tatmadaw is comprised of the army (Tatmadaw Kyi), the air force (Tatmadaw Lay), and the navy (Tatmadaw Ye).⁴⁴ The political and military power is wielded by the army.⁴⁵ Support is often provided to local militias, often referred to as the People's Militia Forces, which actively participate in hostilities against various ethnic armed groups in Rakhine, Shan, and Kachin States alongside the Tatmadaw.⁴⁶ In the latest escalation of violence in Rakhine State, the Tatmadaw has reportedly been operating alongside armed Rakhine Buddhists and is alleged to be responsible for widespread killing, looting, and arson, resulting in the mass destruction of hundreds of villages and the displacement of civilians, including children.⁴⁷ The Tatmadaw are reported to have used landmines and indiscriminately fire mortars and artillery shells into civilian areas and used antipersonnel landmines.⁴⁸

The UN has verified the recruitment and use of children by the Tatmadaw since 2007, including in its most recent report for 2016.⁴⁹ In 2012, the Tatmadaw signed an Action Plan with the UN Country Task Force on Monitoring and Reporting on Grave Violations against Children and since then have released 849 children and young people.⁵⁰

CASE STUDY – Children and Tatmadaw⁵¹

⁴⁴ Human Rights Watch, 'My Gun was as Tall as Me: Child Soldiers in Burma' (October 2002), available <https://www.hrw.org/reports/2002/burma/Burma0902.pdf> ('HRW: Child Soldiers in Burma') accessed 5 November 2017, p. 18.

⁴⁵ HRW: Child Soldiers in Burma', p. 18.

⁴⁶ AI All Civilians Suffer, p. 12.

⁴⁷ Human Rights Watch, 'Myanmar: Global Appeal for UN Action' (28 September 2017), available <https://www.hrw.org/news/2017/09/28/myanmar-global-appeal-un-action> accessed 5 November 2017; United Nations Human Rights Office of the Commissioner, 'Flash Report of OHCHR Mission to Bangladesh: Interviews with Rohingyas Fleeing from Myanmar since 9 October 2016' (3 February 2017), available <http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf> accessed 5 November 2017, p. 12.

⁴⁸ See AI All Civilians Suffer, pp. 8, 9, 43.

⁴⁹ 2017 SG Children and Armed Conflict Report, para. 124; United Nations Security Council, 'Report of the Secretary-General: Children and Armed Conflict in Myanmar', UN Doc. S/2007/666 (16 November 2007), paras 9, 13-14.

⁵⁰ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, 'Myanmar: 849 children and young people released from Tatmadaw since 2012' (23 June 2017), available <https://childrenandarmedconflict.un.org/press-release/myanmar-849-children-and-young-people-released-from-tatmadaw-since-2012/> accessed 5 November 2017.

⁵¹ Story adapted from Mariana Palavra, 'A new life after spending teen years in Myanmar army', UNICEF, https://www.unicef.org/infobycountry/myanmar_96002.html accessed 5 November 2017.



After being encouraged by his friends, Zwe Chit joined Tatmadaw at the age of 16. He soon found life in the army very harsh and restrictive. He was never sent to fight on the front lines. To cope, he began focusing on boxing that was part of his martial arts and defence technique training. After four years in the army, he was demobilised in 2015 after calling a public hotline for reporting on the recruitment and use of children in armed forces. Now 21, Zwe Chit describes his struggle with social skills and reintegrating into society. He lives in a military residence compound with his family. Since his father is still an official with the Tatmadaw, he is looked upon as a deserter and not accepted by the community. Zwe Chit continued boxing after leaving the Tatmadaw and is now one of the best in Kachin, even becoming a light flyweight champion. While currently focused on sports, he wants to open a grocery shop one day.

Border Guard Police Force (BGP)

The Border Guard Police Force (“BGP”) of Myanmar often operate alongside the Tatmadaw.⁵² The BGP is comprised of former ethnic armed groups, including the Karenni National People’s Liberation Front, the Myanmar National Democratic Alliance Army, and the Democratic Karen Benevolent Army.⁵³ The BGP have held in custody children as young as 10 in northern Rakhine State on charges of “unlawful association” in relation to ethnic armed groups.⁵⁴ There are also recent reports of the BGP firing shots and sinking boats carrying children fleeing to Bangladesh.⁵⁵

Myanmar Police Force

The regular police forces of Myanmar often work in tandem with the Tatmadaw.⁵⁶ In Rakhine State, they have been found beating children in villages.⁵⁷ The Special Rapporteur on Human

⁵² February 2017 OHCHR Flash Report, p. 11.

⁵³ United Nations Security Council, ‘Report of the Secretary-General: Children and Armed Conflict in Myanmar’, UN Doc. S/2013/258, (1 May 2013), paras 15, 16, 19.

⁵⁴ 2017 SG Children and Armed Conflict Report, para. 125.

⁵⁵ February 2017 OHCHR Flash Report, p. 18.

⁵⁶ February 2017 OHCHR Flash Report, p. 12.

⁵⁷ February 2017 OHCHR Flash Report, p. 12.



Rights in Myanmar has also expressed concern that at least 13 children were being held by police in Rakhine state in 2017.⁵⁸

b) Non-State Actors

There are a large number of non-state actors active in Myanmar – mostly operating on ethnic lines – of which seven have been listed by the UN Secretary General as “persistent perpetrators” in the recruitment and use of children (*e.g.* the Karen National Liberation Army, Karen National Liberation Army Peace Council, Karenni Army, Shan State Army-South, and the United Wa State).⁵⁹ The following gives a general overview of the key armed groups operating predominantly in Rakhine, Kachin and/or northern Shan States. This section does not, however, set forth all of the actors operating in Myanmar.

The Arakan Rohingya Salvation Army (ARSA)

The Arakan Rohingya Salvation Army (“ARSA”), originally called the Harakah al-Yaqin, is an ethnic armed group which operates in Rakhine state.⁶⁰ It was established in 2013 as an organisation in Saudi Arabia by Ata Ullah as well as committee of some 20 senior leaders.⁶¹ ARSA operates in Rakhine State, it’s stated objective is to represent the Rohingya against state repression and it has “obtained fatwas from clerics in countries with significant Rohingya diaspora to justify its use of violence against the Myanmar armed forces”.⁶² Since 9 October 2016, it is alleged that the ARSA has been responsible for killing more than 20 members of the Myanmar security forces, including during its most recent attack on 25 August 2017, when 12 BGP officers were alleged to have been killed after an attack on a police base.⁶³

⁵⁸ United Nations Office of the High Commissioner of Human Rights, ‘UN Special Rapporteur urges Myanmar to do More to Protect the Rights of all Children’ (15 June 2017), available <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21754&LangID=E> accessed 5 November 2017.

⁵⁹ 2017 SG Children and Armed Conflict Report, Annex I.

⁶⁰ BBC, ‘Myanmar: Who are the Arakan Rohingya Salvation Army?’ (6 September 2017), available at <http://www.bbc.com/news/world-asia-41160679> accessed 5 November 2017; International Crisis Group, ‘Myanmar: A New Muslim Insurgency in Rakhine State’ (15 December 2016) available <https://www.crisisgroup.org/asia/south-east-asia/myanmar/283-myanmar-new-muslim-insurgency-rakhine-state> (‘BBC Who are the Arkan Rohingya Salvation Army’) accessed 5 November 2017.

⁶¹ CSIS Rohingya Muslim Insurgency; BBC Who are the Arkan Rohingya Salvation Army.

⁶² CSIS Rohingya Muslim Insurgency.

⁶³ CSIS Rohingya Muslim Insurgency; BBC Who are the Arkan Rohingya Salvation Army.



Kachin Independence Army (KIA)

The Kachin Independence Army (“KIA”), the military wing of the Kachin Independence Organisation, have for years demanded increased autonomy for the state of Kachin.⁶⁴ Formed in 1961 after Kachin nationalists felt the government was no longer acting in their best interests, the KIA exert their control mostly in the area bordering China, but also conduct operations in northern Shan State.⁶⁵ The KIA’s *de facto* headquarters is located in Laiza, a town along the border with China.⁶⁶

The current conflict between the Tatmadaw and the KIA started in June 2011 after the breakdown of a 17-year ceasefire.⁶⁷ Six years later, the fighting continues throughout Kachin and Northern Shan state.⁶⁸ The UN has verified the KIA as being responsible for the recruitment and use of children in 2015 and 2016, as well as the abduction, maiming and killing of children in 2016.⁶⁹ The UN has also verified the KIA as being jointly responsible with the Tatmadaw for an attack on a school in 2016.⁷⁰ The KIA have also admitted to using IEDs, which indiscriminately affect children.⁷¹

Karen National Liberation Army

The Karen National Liberation Army (“KNLA”), the armed wing of the Karen National Union, was formed shortly after 1949 in Karen state on behalf of ethnic Karens.⁷² The KNLA was weakened when the DKBA split from them and joined the Tatmadaw in fighting against them in 1994.⁷³ The KNLA was engaged in conflict with the Tatmadaw until 2015, when the KNU

⁶⁴ Amnesty International, ‘Myanmar: protect civilians caught Kachin state conflict, investigate attacks’ (15 January 2013), available <https://www.amnesty.org/en/latest/news/2013/01/myanmar-protect-civilians-caught-kachin-state-conflict-investigate-attacks/> (‘AI Myanmar: Protect Civilians in Kachin State’) accessed 5 November 2017.

⁶⁵ AI All Civilians Suffer, pp. 6, 11.

⁶⁶ AI Myanmar: Protect Civilians in Kachin State.

⁶⁷ AI Myanmar: Protect Civilians in Kachin State.

⁶⁸ AI All Civilians Suffer, p. 7.

⁶⁹ 2016 SG Children and Armed Conflict Report, paras 124, 126.

⁷⁰ 2016 SG Children and Armed Conflict Report, para 101; 2017 SG Children and Armed Conflict Report, para. 128.

⁷¹ AI All Civilians Suffer, p. 44.

⁷² HRW: Child Soldiers in Burma, p. 120.

⁷³ HRW: Child Soldiers in Burma, p. 121.



signed the NCA.⁷⁴ The United Nations lists KNLA as a party that commits grave against children.⁷⁵

Arakan Army

The Arakan Army is a Rakhine armed group founded in the late 2000s that was trained by the KIA, and, during the ongoing fighting, has often operated jointly with the TNLA.⁷⁶ The UN has verified one incident of maiming of a child by the Arakan Army in 2016.⁷⁷ The Arakan Army also keeps an outpost and training ground approximately one kilometre away from a camp for internally displaced persons, which puts civilians at risk of indiscriminate attacks from those engaged in conflict with them.⁷⁸

Karen Democratic Benevolent Army

The Democratic Karen Benevolent Army (“DKBA”), the armed wing of the Democratic Karen Buddhist Organization, is a breakaway faction formed in 1994 by former members of the KNLA in Karen State.⁷⁹ Initially, the DKBA fought alongside the Tatmadaw against the KNLA.⁸⁰ A number of DKBA joined the BGP in 2010, and those that did not, loosely allied themselves with the KNLA against the Tatmadaw.⁸¹ The DKBA signed a ceasefire agreement in 2011 and is also signatory to the 2015 NCA.⁸² The United Nations lists DKBA as a party that commits grave violations affecting children in situations of armed conflict.⁸³ Myanmar Democratic Alliance Party

⁷⁴ Geneva Call, ‘Burma/Myanmar: 40 high-ranking officers from the Karen National Liberation Army are trained on child protection’ (25 November 2015), available <https://genevacall.org/burmamyanmar-40-high-ranking-officers-karen-national-liberation-army-trained-child-protection/> accessed 5 November 2017.

⁷⁵ 2017 SG Children and Armed Conflict Report, para. 125, Annex I.

⁷⁶ AI All Civilians Suffer, p. 11.

⁷⁷ 2017 SG Children and Armed Conflict Report, para. 126.

⁷⁸ AI All Civilians Suffer, p. 28.

⁷⁹ HRW: Child Soldiers in Burma, p. 132.

⁸⁰ HRW: Child Soldiers in Burma, p. 121.

⁸¹ United Nations Security Council, ‘Report of the Secretary-General: Children and Armed Conflict in Myanmar’, UN Doc. S/2013/258 (1 May 2013) (‘2013 SG Report Children and Armed Conflict in Myanmar’), para. 19.

⁸² Geneva Call ‘Burma/Myanmar: Geneva Call and Partners Conduct a First Humanitarian Workshop with the Democratic Karen Benevolent Army’ (11 October 2016), available <https://genevacall.org/burmamyanmar-genevacall-partners-conduct-first-humanitarian-workshop-democratic-karen-benevolent-army/> accessed 5 November 2017.

⁸³ 2017 SG Children and Armed Conflict Report, para. 125, Annex I.



The Myanmar National Democratic Alliance Army (“MNDA”), consisting largely of ethnic Chinese fighters, is mostly active in northern Shan state.⁸⁴ An offshoot of the Communist Party of Burma, the MNDA signed a ceasefire agreement in 1989 after several decades of fighting the Tatmadaw.⁸⁵ While some of the MNDA became part of the BGP, the ceasefire ended in 2009 and the MNDA has resumed fighting with the Tatmadaw.⁸⁶ Along with the TNLA, the Arakan Army and the KIA, the MNDA formed the Northern Alliance in 2015 to fight together against the Tatmadaw, after the Government did not permit the group to sign the Nationwide Ceasefire Agreement.⁸⁷

Kayan New Land Party

The Kayan New Land Party (“KNLP”) was established in 1964 to fight for Kayan ethnic rights in Kayah and northern Shan states.⁸⁸ Although a ceasefire agreement with the government was signed in 1994, the KNLP was not one of the parties to the 2015 National Ceasefire Agreement.⁸⁹ In 2016, the UN listed the KNLP as responsible for the abduction, recruitment and use of children.

United Wa State Army

United Wa State Army (“UWSA”), the armed wing of the United Wa State Party, was formed in 1989 after breaking away from the Communist Party of Burma to represent the Wa people of northeastern Shan state.⁹⁰ The UWSA is headquartered in northern Myanmar’s Shan State, but also operates bases in northern Thailand.⁹¹ Although United Wa State Party signed a ceasefire agreement with the Myanmar government in 2011, it was not one of the ethnic armed groups that

⁸⁴ AI All Civilians Suffer, pp. 6, 17.

⁸⁵ AI All Civilians Suffer, p. 11.

⁸⁶ AI All Civilians Suffer, p. 6.

⁸⁷ AI All Civilians Suffer, pp. 12, 13

⁸⁸ Asia Foundation, ‘Ethnic Armed Conflict and Territorial Administration in Myanmar’ (July 2015), available <https://asiafoundation.org/resources/pdfs/ConflictTerritorialAdministrationfullreportENG.pdf> accessed 5 November 2017, p. 19.

⁸⁹ The Irrawaddy, ‘Nationwide Ceasefire is a Forlorn Hope’ (12 October 2017), <https://reliefweb.int/report/myanmar/nationwide-ceasefire-agreement-forlorn-hope> accessed 5 November 2017.

⁹⁰ HRW: Child Soldiers in Burma, p. 112.

⁹¹ Hebert, Murray, ‘Southeast Asia from Scott Circle: Aung San Suu Kyi Sets Out to Find Practical Solutions in Rakhine State and the World Should Help,’ Center for Strategic and International Studies (9 June 2016), available <https://www.csis.org/analysis/southeast-asia-scott-circle-aung-san-suu-kyi-sets-out-find-%E2%80%9Cpractical-solutions%E2%80%9D-rakhine> accessed 5 November 2017.



signed the NCA in 2015.⁹² Since 2015, as one of the largest and strongest ethnic groups operating in Myanmar, UWSA has been heavily involved in organizing meetings between other ethnic armed groups to discuss coordination, team building and territorial disputes between them.⁹³ The UN lists UWSA as a party that commits grave violations affecting children in situations of armed conflict.⁹⁴

Karenni Army

The Karenni Army, the armed wing of the Karenni Nationalities Progressive Party (“KNPP”), was founded in 1957 and has been engaged in conflict with the Tatmadaw in Kayah state for decades.⁹⁵

Ta’ang National Liberation Army

The Ta'ang National Liberation Army (“TNLA”) is the armed wing of the Palaung State Liberation Front.⁹⁶ A primarily Palaung nationalist group, the TNLA has a strong presence in northern Shan State and is involved in fighting both the Tatmadaw and the Shan State Army-South (“SSA-S”).⁹⁷ In 2015 the TNLA were not permitted by the government to sign the NCA and formed the Northern Alliance with the Arakan Army, KIA and MNDAA to fight the Tatmadaw.⁹⁸ Since 2015, Amnesty International has documented several abductions and summary killings by the TNLA.⁹⁹ The United Nations has also verified the killing and maiming of children by the TNLA.¹⁰⁰

⁹² Poling, Gregory, ‘The Status of Myanmar’s Peace Process’, Center for Strategic and International Studies, (18 July 2013), available <https://www.csis.org/analysis/status-myanmar%E2%80%99s-peace-process> accessed 5 November 2017.

⁹³ Sun, Yun, ‘China to Enhance its Role in Myanmar’s Peace Process’, Center for Strategic and International Studies (6 April 2016), available <https://www.csis.org/analysis/pacnet-34-china-enhance-its-role-myanmar%E2%80%99s-peace-process> accessed 5 November 2017.

⁹⁴ 2017 SG Children and Armed Conflict Report, para. 125, Annex I.

⁹⁵ UNHCR, ‘South-East Myanmar Information Management Unit’ (June 2014), available data.unhcr.org/thailand/download.php?id=224 accessed 5 November 2017, p. 4.

⁹⁶ AI All Civilians Suffer, p. 6.

⁹⁷ AI All Civilians Suffer, pp. 6, 11.

⁹⁸ AI All Civilians Suffer, p. 13.

⁹⁹ AI All Civilians Suffer, pp. 37-39.

¹⁰⁰ 2017 SG Children and Armed Conflict Report, para. 126.



Restoration Council of Shan State

The SSA-S, the armed wing of the RCSS, operates in northern Shan State and was formed in 1996 as a breakaway group from the Mong Tai army that had surrendered to the government that year.¹⁰¹ After years of conflict with the Tatmadaw, the RCSS signed the Nationwide Ceasefire in October 2015 but soon after resumed fighting with the TNLA, as both sides contest the other's historical presence in Shan State.¹⁰² Since 2015, AmnResesty International has documented several abductions by the SSA-S.¹⁰³ The United Nations lists the SSA-S as a party that commits grave violations affecting children in situations of armed conflict.¹⁰⁴

c) International and Regional Actors

United Nations

In 1992 the UN Human Rights Council appointed a Special Rapporteur on the situation of human rights in Myanmar.¹⁰⁵ The mandate was extended on 24 March 2017 for one year to allow for continued monitoring of the human rights situation in Myanmar.¹⁰⁶ The Special Rapporteur's visits to Myanmar have become increasingly more challenging in recent years. During the Special Rapporteur's visits in January and July of 2017, the Myanmar government shortened the length of the visits and restricted access to certain parts of Myanmar without prior notice.¹⁰⁷

On 24 March 2017, the UN Human Rights Council authorised an independent fact-finding mission to Myanmar.¹⁰⁸ Its mandate is to establish the facts and circumstances of the alleged

¹⁰¹ HRW: Child Soldiers in Burma, p. 117.

¹⁰² AI All Civilians Suffer, pp. 6, 11, 13.

¹⁰³ AI All Civilians Suffer, pp. 37-39.

¹⁰⁴ 2017 SG Children and Armed Conflict Report, Annex I.

¹⁰⁵ United Nations Press Release, 'End of Mission Statement by Special Rapporteur on the Situation of Human Rights

in Myanmar' (21 July 2017), available <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21900&LangID=E> accessed 5 November 2017.

¹⁰⁶ United Nations Human Rights Council Resolution 34/22, UN Doc. A/HRC/RES/34/22 (3 April 2017) ('UN HRC Resolution 34/22'), para. 27.

¹⁰⁷ United Nations Human Rights Council, 'Report of the Special Rapporteur on the Situation of Human Rights in Myanmar', UN Doc. A/HRC/34/67 (14 March 2017), para. 2; United Nations Press Release, 'End of Mission Statement by Special Rapporteur on the Situation of Human Rights in Myanmar', (21 July 2017), available <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21900&LangID=E> accessed 5 November 2017.

¹⁰⁸ UN HRC Resolution 34/22, para. 11.



human rights violations and abuses by the military and security forces of Myanmar, with a particular focus on Rakhine State since 2011.¹⁰⁹ The Government has refused to grant access to the three-person team.¹¹⁰ The team, however, concluded a visit to Bangladesh on 27 October 2017 which included interviews with Rohingya who have fled Rakhine State. An interim report is expected in March 2018 and a final report in September 2018.¹¹¹

United States

After years of sanctions, U.S. involvement in Myanmar has increased since 2012.¹¹² The initial easing of sanctions in July 2012 allowed for U.S. companies to begin investing in the Myanmar economy.¹¹³ The year 2012 also saw the first U.S. Presidential visit to Myanmar for almost 50 years, the appointment by the U.S. of its first ambassador to the country in 22 years, and the reestablishment by the U.S. of its Agency for International Development (USAID) Mission in Myanmar.¹¹⁴ By October of 2016, most U.S. sanctions against Myanmar had been lifted, President Obama had visited Myanmar twice, and the U.S. had resumed the General System of Preferences trade system with Myanmar.¹¹⁵ The U.S. has also been involved in non-lethal

¹⁰⁹ United Nations Human Rights Office of the High Commissioner, ‘Statement by Mr. Marzuki Darusman, Chairperson of the Independent International Fact-Finding Mission on Myanmar’ (19 September 2017), available <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22099&LangID=E> (‘September 2017 Statement of Independent Fact-Finding Mission’) accessed 5 November 2017.

¹¹⁰ September 2017 Statement of Independent Fact-Finding Mission.

¹¹¹ United Nations Human Rights Office of the High Commissioner, ‘Experts of the Independent International Fact Finding Mission on Myanmar conclude visit to Bangladesh’ (27 October 2017), available <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22320&LangID=E> accessed 5 November 2017.

¹¹² Human Rights Watch, ‘World Report 2013: Events of 2012’, available https://www.hrw.org/sites/default/files/wr2013_web.pdf accessed 5 November 2017 (‘Human Rights Watch 2013 Report’), p. 291.

¹¹³ Human Rights Watch 2013 Report, p. 291.

¹¹⁴ Human Rights Watch 2013 Report, p. 291; U.S. Department of State, ‘U.S. Relations with Burma’ (27 January 2017), available <https://www.state.gov/r/pa/ei/bgn/35910.htm> accessed 5 November 2017; The White House, ‘Remarks by Deputy National Security Advisor Ben Rhodes on Burma Policy at the Center for New American Security’ (18 May 2016), available <https://obamawhitehouse.archives.gov/the-press-office/2016/05/18/remarks-deputy-national-security-advisor-ben-rhodes-burma-policy-center> accessed 5 November 2017.

¹¹⁵ Human Rights Watch 2017 Report, p. 155; White House Press Release, ‘Remarks by President Obama and Daw Aung San Suu Kyi of Burma in Joint Press Conference’ (14 November 2014), available <https://obamawhitehouse.archives.gov/the-press-office/2014/11/14/remarks-president-obama-and-daw-aung-san-su-kyi-burma-joint-press-confe> accessed 5 November 2017; White House Press Release, ‘Remarks by President Obama and President Thein Sein of Myanmar after Bilateral Meeting’ (20 May 2013), available <https://obamawhitehouse.archives.gov/the-press-office/2013/05/20/remarks-president-obama-and-president-thein-sein-myanmar-after-bilateral> accessed 5 November 2017.



military engagement with the Myanmar military forces since 2014, for the stated purpose of encouraging respect for the rule of law within the Tatmadaw.¹¹⁶

European Union

In 2012, the EU suspended sanctions against Myanmar and in 2013 lifted all sanctions except an arms embargo.¹¹⁷ An EU delegation was opened in Myanmar in 2013.¹¹⁸ The EU restored its trade preferences under the Everything But Arms scheme, allowing Myanmar duty free and quota free access to the EU market.¹¹⁹ It has been involved since 1994 in providing humanitarian aid to Myanmar, including most recently in 2017 in response to the crisis in Rakhine state.¹²⁰ The EU has also been very supportive of the democratization process in Myanmar: taking part in a 2013 EU-Myanmar Task Force meeting in Myanmar, acting as one of the international witnesses to the signing of the 2015 NCA and in 2017, field an Election Expert Mission during the by-elections in Myanmar.¹²¹ The EU has also engaged with the Tatmadaw regarding their role in a democratic Myanmar, including visits in Belgium and Myanmar by representatives from both sides in June and November of 2016.¹²²

¹¹⁶ Human Rights Watch 2016 Report, p. 144; Human Rights Watch, 'World Report 2015: Events of 2014,' available https://www.hrw.org/sites/default/files/world_report_download/wr2015_web.pdf accessed 5 November 2017, p. 127; The White House, 'Remarks by Deputy National Security Advisor Ben Rhodes on Burma Policy at the Center for New American Security,' (18 May 2016), available <https://obamawhitehouse.archives.gov/the-press-office/2016/05/18/remarks-deputy-national-security-advisor-ben-rhodes-burma-policy-center> accessed 5 November 2017.

¹¹⁷ European External Actions Service, 'EU-Myanmar Relations', (21 September 2017), available https://eeas.europa.eu/headquarters/headquarters-homepage/4004/eu-myanmar-relations_en ('EEAS EU Myanmar Relations') accessed 5 November 2017.

¹¹⁸ European External Actions Service, 'About the EU Delegation to Myanmar' (12 May 2016), available https://eeas.europa.eu/delegations/myanmar-burma/1568/about-eu-delegation-myanmar_en

¹¹⁹ EEAS EU Myanmar Relations.

¹²⁰ European Commission, 'EU Steps up Humanitarian Assistance in Bangladesh and Myanmar' (12 September 2017), available https://ec.europa.eu/echo/news/eu-steps-humanitarian-assistance-bangladesh-and-myanmar_en accessed 5 November 2017.

¹²¹ EEAS EU Myanmar Relations.

¹²² EEAS EU Myanmar Relations.



Canada

On 23 October 2017, Canada appointed the Honourable Bob Rae to serve as the Prime Minister's Special Envoy to Myanmar.¹²³ The Special Envoy was deployed to address the need to resolve the situation and to advise the Prime Minister on how Canada can best support efforts to respond to the needs of those affected and displaced by the recent violence. Canada's efforts in the region will continue to address both the immediate and long-term political, socio-economic and humanitarian challenges facing the people in Rakhine State and Myanmar. To help address these challenges, Prime Minister Trudeau announced that Canada will provide an additional \$12 million in humanitarian assistance to meet the needs of those affected by the crisis.

China

Sharing a border with Myanmar, China strengthened both its business and military ties with the state in 2016.¹²⁴ Previously, China participated as an observer during the lengthy negotiations leading to the NCA.¹²⁵ China has become increasingly more involved in large-scale development projects within Myanmar.¹²⁶

III. CHILD PROTECTION CONCERNS

1. Recruitment and Use of Children

Government forces and ethnic armed groups recruit and use children in Myanmar.¹²⁷ In 2016, the UN received 489 reports of the recruitment and use of children and verified 127 cases (123 boys, four girls).¹²⁸ While the majority of verified cases were attributed to the Tatmadaw, armed groups

¹²³ Prime Minister of Canada, 'Prime Minister appoints the Honourable Bob Rae as Special Envoy to Myanmar' (23 October 2017), available <https://pm.gc.ca/eng/news/2017/10/23/prime-minister-appoints-honourable-bob-rae-special-envoy-myanmar> accessed 5 November 2017.

¹²⁴ Human Rights Watch 2017 Report, pp. 155, 156.

¹²⁵ United Nations News Centre, 'UN Envoy Lauds Historic Myanmar Ceasefire as Government, Armed Groups Build New Levels of Trust' (31 March 2015), available <http://www.un.org/apps/news/story.asp?NewsID=50465#.Wf9MamhSw2w> accessed 5 November 2017.

¹²⁶ Human Rights Watch 2017 Report, p. 156.

¹²⁷ 2017 Human Rights Watch Report, p. 149.

¹²⁸ 2017 SG Children and Armed Conflict Report, para. 124.



including the KNLP and the KIA,¹²⁹ the Karen National Liberation Army, Karen National Liberation Army Peace Council, Karenni Army, Shan State Army-South, and the United Wa State Army, are reported to recruit and use children.¹³⁰ While the Tatmadaw has allowed monitors to visit camps under their control, it is difficult to ascertain the exact number of children who are associated with ethnic armed groups because of the lack of access to camps.¹³¹ The UN has nonetheless reported concern over the increased recruitment by ethnic armed groups in 2017.¹³² Concern has also been voiced over the lack of access to education and sustainable futures for Muslim children in Myanmar which increases the risk of radicalization.¹³³

Orphaned children, and poor and unaccompanied children found on the streets, in bus and railway stations, at workplaces, ferry terminals, or Buddhist pagodas are specifically targeted for recruitment.¹³⁴ Not all children are forcibly recruited and some enlist due to poverty, family breakdown, lack of economic opportunities, desire to join their peers, or as a way to avoid attending school, among other reasons.¹³⁵ Civilian brokers are still used by the Tatmadaw for recruitment.¹³⁶ These brokers are paid by soldiers to deceive and recruit children.¹³⁷ Ethnic armed groups are also known to abduct children.¹³⁸

¹²⁹ 2017 SG Children and Armed Conflict Report, para. 124.

¹³⁰ 2017 SG Children and Armed Conflict Report, Annex I.

¹³¹ 2016 SG Children and Armed Conflict Report, para. 101.

¹³² General Assembly, 'Report of the Special Rapporteur on the Situation of Human Rights in Myanmar' U.N. Doc. A/72/382 (8 September 2017), para. 50.

¹³³ (See UN OCHA, 'Humanitarian Response Plan September 2017 – February 2018: Rohingya Refugee Crisis' (October 2017), available https://reliefweb.int/sites/reliefweb.int/files/resources/2017_HRP_Bangladesh_041017_2.pdf).

¹³⁴ United Nations Security Council, 'Report of the Secretary-General: Children and Armed Conflict in Myanmar', UN Doc. S/2009/278 (1 June 2009) ('2009 SG Report Children and Armed Conflict in Myanmar'), paras 9, 11; 2013 SG Report Children and Armed Conflict in Myanmar, para. 11.

¹³⁵ United Nations Security Council, 'Report of the Secretary-General: Children and Armed Conflict', U.N. Doc A/69/926-S/2015/409 (June 5, 2015), para. 134; '2013 SG Report Children and Armed Conflict in Myanmar, para 12.

¹³⁶ General Assembly, 'Report of the Special Rapporteur on the Situation of Human Rights in Myanmar' (8 September 2017) U.N. Doc. A/72/382 (8 September 2017) ('September 2017 Special Rapporteur Report Myanmar'), para 50.

¹³⁷ See for e.g. 2017 TIP Report, pp. 105-106; 2009 SG Report Children and Armed Conflict in Myanmar, para 10.

¹³⁸ United Nations Security Council, 'Report of the Secretary-General: Children and Armed Conflict', U.N. Doc A/69/926-S/2015/409 (5 June 2015) ('2015 SG Children in Armed Conflict Report'), para 138.



The UN received reports in 2014 that children were deployed by the Tatmadaw to the front line as combatants and in support roles as porters and scouts.¹³⁹ The KIA also use children as both combatants and in support roles.¹⁴⁰ Some children as young as ten are used as porters.¹⁴¹ The UN received an alleged report of a twelve-year-old boy used as a KIA combatant who was injured in a skirmish with the Tatmadaw in 2014.¹⁴²

The government of Myanmar signed a Joint Action Plan in 2012 listing a number of steps to be undertaken by the government to eliminate the recruitment and use of children.¹⁴³ Since 2012, 849 children and young people have been released by the Tatmadaw.¹⁴⁴ Those released receive reintegration assistance, such as temporary shelter and support from the UN and the Myanmar Department of Social Welfare.¹⁴⁵ In February 2017, the Myanmar government signed the Paris Principles on Children Associated with Armed Forces or Armed Groups, providing guidelines for the disarmament, demobilisation and reintegration of children.¹⁴⁶ The government initially stalled the launch of its public national awareness campaign regarding its commitment to end the use and recruitment of children but relaunched it in May 2017.¹⁴⁷ It actively prevented the UN from engaging with ethnic armed groups for the purpose of signing action plans to end recruitment and use of children.¹⁴⁸ According to the US Department of State, government support to demobilised children remains minimal.¹⁴⁹

¹³⁹ 2015 SG Children in Armed Conflict Report, paras 135, 137.

¹⁴⁰ 2013 SG Report Children and Armed Conflict in Myanmar, para. 21.

¹⁴¹ 2013 SG Report Children and Armed Conflict in Myanmar, para. 20.

¹⁴² 2015 SG Children in Armed Conflict Report, para. 138

¹⁴³ 2016 SG Children in Armed Conflict Report, para. 108; 2013 SG Report Children and Armed Conflict in Myanmar, paras 43, 49.

¹⁴⁴ UNICEF Press Release, '849 Children and Young People Released From Tatmadaw Since 2012' (23 June 2017), available https://www.unicef.org/myanmar/media_26677.html ('23 June 2017 UNICEF Press Release') accessed 5 November 2017.

¹⁴⁵ 2015 SG Children in Armed Conflict Report, para 135; 2013 SG Report Children and Armed Conflict in Myanmar, para. 13.

¹⁴⁶ 23 June 2017 UNICEF Press Release.

¹⁴⁷ See 23 June 2017 UNICEF Press Release.

¹⁴⁸ 2017 TIP Report, pp. 105, 108.

¹⁴⁹ 2017 TIP Report, p. 7.



Members of the Tatmadaw continue to recruit and use children despite “accountability measures” taken against 440 military personnel in 2016, including 86 officers.¹⁵⁰ However, with no reported military personnel being tried in civilian courts, less severe punishments are being administered through internal reviews by the Myanmar Ministry of Defence.¹⁵¹

Children in Myanmar continue to be detained by the Tatmadaw and the BGP. In 2016, the UN documented cases of children being held in military detention for desertion or alleged association with ethnic armed groups, some as young as ten.¹⁵² In 2017, the UN documented a thirteen-year-old boy who died while in detention in February and another child held in detention for allegedly spying on behalf of an ethnic armed group.¹⁵³

2. Trafficking and Child Labour

Myanmar is a source country for trafficking of women, men and children within its borders and abroad.¹⁵⁴ Children in Myanmar are subjected to sex trafficking, domestic servitude, and forced labour – sometimes through debt bondage – in teashops, small businesses, the agriculture sector, small businesses, the construction sector, and begging.¹⁵⁵ Children in Myanmar are also exploited by child sex tourists.¹⁵⁶ Members of the military and government officials also traffic civilians and subject them to forced labour, often using violence as a means of control.¹⁵⁷ Rohingya children are particularly vulnerable to forced labour in Rakhine State perpetrated by government authorities.¹⁵⁸

Children are also trafficked to nearby countries such as Thailand, Indonesia and Malaysia and are subjected to forced labor or sex trafficking.¹⁵⁹ Women and girls who migrate for work to

¹⁵⁰ 2017 SG Children and Armed Conflict Report, para. 131.

¹⁵¹ 2017 TIP Report, pp. 105, 106.

¹⁵² 2017 SG Children and Armed Conflict Report, para. 125.

¹⁵³ 2017 SG Children and Armed Conflict Report, para. 125; September 2017 Special Rapporteur Report Myanmar, para. 50.

¹⁵⁴ 2017 TIP Report, p. 108.

¹⁵⁵ 2017 TIP Report, p. 108.

¹⁵⁶ 2017 TIP Report, p. 108.

¹⁵⁷ 2017 TIP Report, p. 107.

¹⁵⁸ 2017 TIP Report, p. 108.

¹⁵⁹ 2017 TIP Report, p. 108.



Thailand and China, as well as other countries in Asia, the Middle East, and the United States, are subject to sex trafficking. Women are increasingly transported to China and subjected to sex trafficking and domestic servitude through forced marriage to Chinese men.¹⁶⁰

Rohingya children and children from other minority ethnic groups living in Rakhine, Shan, and Kachin States are particularly vulnerable to trafficking.¹⁶¹ The Rakhine are also particularly vulnerable to trafficking.¹⁶² As a result of the huge gap in economic disparity, many Rakhine migrate to Thailand from Myanmar in search of economic opportunities despite abusive conditions and the risk of being trafficked.¹⁶³

Victims frequently decline to cooperate with authorities due to the lack of adequate victim protection or compensation, language barriers, the lengthy and opaque trial process in Myanmar, fear of repercussions from traffickers, and general mistrust of the legal system.¹⁶⁴ Victims are often required to give multiple statements to different officials thereby increasing the likelihood of re-traumatisation.¹⁶⁵ Government authorities reportedly arrest sex trafficking victims for prostitution.¹⁶⁶

3. Sexual and Gender-Based Violence (SGBV)

The process of political reform in Myanmar provided hope for opportunity to advance women's rights and to combat conflict-related sexual violence.¹⁶⁷ Unfortunately, rape and other forms of

¹⁶⁰ 2017 Human Rights Watch Report, pp. 106-107.

¹⁶¹ 2017 TIP Report, pp. 107-108.

¹⁶² Human Rights Watch, 'The Origins of Myanmar Migrant Worker Misery' (14 January 2016), available <https://www.hrw.org/news/2016/01/14/origins-myanmar-migrant-worker-misery> ('HRW: Myanmar Migrant Worker Misery') accessed 5 November 2017.

¹⁶³ HRW: Myanmar Migrant Worker Misery.

¹⁶⁴ 2017 Human Rights Watch Report, p. 107.

¹⁶⁵ 2017 Human Rights Watch Report, p. 107.

¹⁶⁶ 2017 Human Rights Watch Report, p. 108.

¹⁶⁷ See United Nations Security Council, 'Report of the Secretary-General: conflict-related sexual violence', UN Doc. S/2016/361 (20 April 2016) ('2016 SG Sexual Violence Report'), para. 52.



sexual violence persist and with greater risk for women and children in conflict-affected areas, stateless and displaced women and girls, and those who lack identity documents.¹⁶⁸

Rohingya Muslim women and girls in Myanmar are particularly vulnerable to sexual violence allegedly committed by members of the Tatmadaw.¹⁶⁹ Refugee women and girls who have fled the escalating crisis in Rakhine State to Bangladesh since 25 August 2017 have shared “horrific accounts of rape and sexual assault against Rohingya women and girls”.¹⁷⁰ The UN warns that these accounts could be “just the tip of the iceberg”¹⁷¹ and that rape and other forms sexual-based violence committed against women and girls could amount to crimes against humanity.¹⁷²

In 2016, the UN verified two cases of sexual violence by Tatmadaw soldiers against two girls, aged four and nine.¹⁷³ At least seven additional cases of sexual violence were documented against Rohingya girls as young as eleven during military operations in northern Rakhine State in 2016.¹⁷⁴ Out of 100 refugee women and girls who fled during those operations, 50 women and girls interviewed by the Office of the High Commissioner for Human Rights reported being

¹⁶⁸ 2017 Human Rights Watch Report, p. 154; 2017 SG Sexual Violence Report, para. 51; 2016 SG Sexual Violence Report, para. 53.

¹⁶⁹ See UN News Centre, ‘Horrific accounts of sexual violence against Rohingya ‘just tip of the iceberg – UN agency’ (28 September 2017), available <http://www.un.org/apps/news/story.asp?NewsID=57764#.WeiRmhSxph> accessed 5 November 2017; 2017 Human Rights Watch, p. 154; UN Human Rights Office of the High Commissioner, ‘Myanmar Rohingya abuses may be crimes against humanity, UN rights experts warn’ (4 October 2017), available <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22196&LangID=E> accessed 5 November 2017.

¹⁷⁰ UN Population Fund, ‘Sexual violence devastating, humanitarian needs mounting in Rohingya crisis’ (20 October 2017), available <http://www.unfpa.org/news/sexual-violence-devastating-humanitarian-needs-mounting-rohingya-crisis> accessed 5 November 2017; UN News Centre, ‘Horrific accounts of sexual violence against Rohingya ‘just tip of the iceberg – UN agency’ (28 September 2017), available <http://www.un.org/apps/news/story.asp?NewsID=57764#.WeiRmhSxph> (‘UN Population Fund Sexual Violence’) accessed 5 November 2017.

¹⁷¹ UN Population Fund, ‘Sexual violence devastating, humanitarian needs mounting in Rohingya crisis’ (20 October 2017), available <http://www.unfpa.org/news/sexual-violence-devastating-humanitarian-needs-mounting-rohingya-crisis> accessed 5 November 2017; UN Population Fund Sexual Violence.

¹⁷² UN Human Rights Office of the High Commissioner, ‘Myanmar Rohingya abuses may be crimes against humanity,

UN rights experts warn’ (4 October 2017), available <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22196&LangID=E> accessed 5 November 2017.

¹⁷³ 2017 SG Sexual Violence Report, para. 127.

¹⁷⁴ 2017 SG Sexual Violence Report, para. 127.



subject to rape, gang rape, or other forms of sexual violence.¹⁷⁵ These incidents were allegedly “employed systematically to humiliate and terrorize their community”.¹⁷⁶ Some of those interviewed reported being subjected to sexual violence in front of family members or as punishment for their support for “insurgents,” who are typically male family members.¹⁷⁷ Despite allegations of cases of sexual violence perpetrated by the Tatmadaw, few prosecutions have been publicly reported.¹⁷⁸

In 2015, the UN reported sexual violence against women and girls in Kachin and northern Shan States. SGBV in this regard was linked to the collapse of social protection mechanisms as well as the increased presence of armed actors, and military camps in proximity to civilian centres.¹⁷⁹ In 2015, six alleged rapes by members of the Tatmadaw were reported, though the actual number is believed to be much higher.¹⁸⁰

Official numbers on the prevalence of child marriage are unavailable.¹⁸¹ A report from UNHCR, based on interviews with 85 women and girls in Malaysia, India, and Indonesia in 2016, however, revealed that 40% of Rohingya girls who fled violence were married under the age of 18 while 18% were married under the age of 16.¹⁸² One-third of the 85 women and girls interviewed were victims of domestic violence.¹⁸³

¹⁷⁵ 2017 SG Sexual Violence Report, para. 51.

¹⁷⁶ 2017 SG Sexual Violence Report, para. 51.

¹⁷⁷ 2017 SG Sexual Violence Report, para. 51.

¹⁷⁸ 2017 Human Rights Watch Report, p. 154.

¹⁷⁹ 2016 SG Sexual Violence Report, para. 53.

¹⁸⁰ 2016 SG Sexual Violence Report, para. 53.

¹⁸¹ Girls Not Brides, ‘Child Marriages Around the World: Myanmar’, available <https://www.girlsnotbrides.org/child-marriage/myanmar/> accessed 5 November 2017. See also UNICEF, ‘UNICEF Data: Monitoring the Situation of Children and Women’, available <https://data.unicef.org/topic/child-protection/child-marriage/> accessed 5 November 2017.

¹⁸² UNHCR, ‘Mixed Movements in South-East Asia’ (2016), available http://reporting.unhcr.org/sites/default/files/UNHCR%20-%20Mixed%20Movements%20in%20South-East%20Asia%20-%202016%20--%20April%202017_0.pdf (‘UNHCR Mixed Movements’) accessed 5 November 2017, p. 11.

¹⁸³ UNHCR Mixed Movements, p. 12.



Despite the prevalence of SGBV, it remains under-reported for a variety of reasons, including the lack of complaint mechanisms and accountability, deep-rooted discrimination, fear of retaliation, shame and stigma, concern for safety, lack of support, and distrust for the police and the judicial system.¹⁸⁴ Traditional justice mechanisms known as “reparation marriages”, whereby women may be ordered to marry their perpetrators, also serve as a deterrent to reporting.¹⁸⁵ In 2015, only two per cent of survivors sought legal redress and only four per cent accessed health services.¹⁸⁶ A journalist from the *Myanmar Times* was reportedly fired after reporting allegations of rape by government forces in Maungdaw after pressure from the Ministry of Information.¹⁸⁷

The problem is compounded by restrictions on humanitarian access to conflict-affected areas and populations which in turn severely limit access to support services for survivors and the ability of humanitarian actors to obtain accurate numbers.¹⁸⁸

4. Institutional Care

The number of children living in residential care institutions raises serious child protection concerns. Over 20,000 children live in 244 registered residential care facilities in Myanmar as of 2016.¹⁸⁹ However, not included in this number are children living in unregistered institutions, monastic care facilities as well as other faith-based residential facilities. Further, limited information is available on the conditions, situation, or standards applied in institutional care across the country.

¹⁸⁴ 2017 Human Rights Watch Report, p. 154; 2017 SG Conflict-Related Sexual Violence, para. 51; UN Population Fund, ‘Sexual violence devastating, humanitarian needs mounting in Rohingya crisis’ (20 October 2017), available <http://www.unfpa.org/news/sexual-violence-devastating-humanitarian-needs-mounting-rohingya-crisis> accessed 5 November 2017.

¹⁸⁵ 2016 SG Sexual Violence Report, para. 53.

¹⁸⁶ 2016 SG Sexual Violence Report, para. 53.

¹⁸⁷ 2017 Human Rights Watch Report, p. 154.

¹⁸⁸ UN News Centre, ‘Horrible accounts of sexual violence against Rohingya ‘just tip of the iceberg – UN agency’ (28 September 2017), available <http://www.un.org/apps/news/story.asp?NewsID=57764#.WeihRmhSxph> accessed 5 November 2017.

¹⁸⁹ UNICEF, ‘Government and UNICEF take critical step to improve the lives of children living in residential facilities’ (26 September 2017), available https://www.unicef.org/myanmar/media_27058.html accessed 5 November 2017.



On 26 September 2016, the government, with the support of UNICEF, launched its Guidelines on Registration and Support for Voluntary Organisations and the Minimum Standards of Care and Protection for Children (MSC) in Residential Facilities (“Guidelines”).¹⁹⁰ According to UNICEF, the Guidelines stipulate the registration process for residential care institutions, services to be provided to children, minimum standards of quality and minimum training requirements for caregivers. Caregivers are also required to develop specific plans tailored to meet the protection and learning needs of individual children and that functioning systems should be put in place to trace children’s families. Family reintegration is to be handled on a case by case basis.

5. Education

Despite the constitutional guarantee of access to free and compulsory primary education for all children, many children in Myanmar do not enjoy access to education.¹⁹¹ Chronic poverty, discrimination, inequality, and restrictive measures have resulted in very limited access to quality education for a large number of Rohingya children and other ethnic minorities. Eighty-three per cent of children enrolled complete primary school, less than half of those who go on complete middle school, and even fewer continue further with their studies.¹⁹² Half of Myanmar’s children do not complete their education.¹⁹³

UNICEF reports that “the gaps in education affect all communities in Rakhine State, and demonstrate how lack of investment in basic services is holding all children back”.¹⁹⁴ The current crisis has exacerbated the situation for Rohingya children fleeing violence. The vast majority of Rohingya children have been unable to access education since they arrived in Cox’s Bazar in

¹⁹⁰ Better Care Network, ‘Minimum Standards of Care and Protection for Children (MSC) in Residential Facilities (in Myanmar language)’ (26 September 2017), available <http://bettercarenetwork.org/library/the-continuum-of-care/residential-care/minimum-standards-of-care-and-protection-for-children-msc-in-residential-facilities-in-myanmar> accessed 5 November 2017. An English version is still pending.

¹⁹¹ UNICEF, ‘Myanmar: Education’, available <https://www.unicef.org/myanmar/education.html> accessed 5 November 2017.

¹⁹² World Food Programme, ‘WFP Myanmar Country Brief’ (20 September 2017), available https://reliefweb.int/sites/reliefweb.int/files/resources/wfp273246_0.pdf (‘WFP Myanmar Country Brief’) accessed 5 November 2017, p. 2.

¹⁹³ Lives on Hold, p. 7.

¹⁹⁴ Lives on Hold, p. 5.



Bangladesh.¹⁹⁵ Refugee children in Bangladesh are not entitled to enroll in government-accredited schools and cannot sit for primary school certificate exams.¹⁹⁶ Humanitarian partners, such as UNICEF, are providing early and non-formal basic education to Rohingya children aged four to 12 in learning centers across Bangladesh.¹⁹⁷ UNICEF plans to increase the number of children in attendance from 15,000 to 200,000 over the next year.

The situation for children in Shan State is also precarious. UNOCHA describes education in Shan State to be “inadequate at all levels, from early childhood to secondary school, limiting opportunities to access the higher education system and diminishing growth and learning opportunities for the youth”.¹⁹⁸ For children in non-government controlled areas in Shan and Kachin States, the lack of support for education personnel as well as education infrastructure, teachers’ absenteeism in IDP camps, and protracted conflict have led to limited access to learning opportunities.¹⁹⁹ IDP children are at great risk of dropping out of school, which increases their risk of trafficking or labour exploitation.²⁰⁰

Despite the 2015 ceasefire agreement, which included the commitment to avoid using schools, schools continue to be attacked and used as military outposts or encampments”.²⁰¹ In 2016, the UN Secretary General reported two cases of military use of schools by the Tatmadaw in Kachin and Rakhine States and six incidents of attacks on schools. Two of the attacks were verified, one incident attributed to the Tatmadaw and one jointly attributed to the Tatmadaw and the KIA during cross fire, resulting in the injury of one teacher.²⁰²

¹⁹⁵ Revised 2017 Humanitarian Response Plan, p. 9.

¹⁹⁶ Revised 2017 Humanitarian Response Plan, p. 10.

¹⁹⁷ UNICEF, ‘UNICEF setting up hundreds of new learning centres for Rohingya refugee children’ (29 September 2017), available https://www.unicef.org/media/media_100956.html accessed 5 November 2017.

¹⁹⁸ 2017 Humanitarian Response Plan, p. 11.

¹⁹⁹ 2017 Humanitarian Response Plan, p. 11.

²⁰⁰ 2017 Humanitarian Response Plan, p. 44.

²⁰¹ Human Rights Watch, ‘Nationwide Ceasefire Agreement between the Government of the Republic of the Union of Myanmar and Ethnic Armed Organizations’ (15 October 2015), available <https://www.hrw.org/report/2017/03/20/protecting-schools-military-use/law-policy-and-military-doctrine> accessed 5 November 2017.

²⁰² 2017 SG Children and Armed Conflict Report, para. 128.



6. Health and Nutrition

At the end of 2016, an estimated 474,000 people face difficulty in accessing health care services within Myanmar.²⁰³ Conflict-affected children in Kachin, Rakhine, and Shan States as well as unenumerated persons and internally displaced persons in Rakhine State, or those affected by restrictions on their movements are particularly impacted.²⁰⁴ The majority of IDPs in areas beyond Government control rely on humanitarian support and facilities available in China.²⁰⁵ Chronic malnutrition (stunting) impacts one in three children under the age of five in Myanmar.²⁰⁶ Lack of access to safe and nutritious food and undernutrition rates are among the highest in the ASEAN region.²⁰⁷

Many Muslim children, in particular, have difficulties accessing adequate healthcare. Restrictions on access to health care facility and township hospitals continue to be imposed on Rohingya Muslims in Rakhine State. For instance, in the townships of Kyauktaw, Mrauk-U and Minbya which have more than 100 health care facilities, only one is open to accepting Muslim patients.²⁰⁸ Rohingya refugees crossing to Cox's Bazar are arriving with increasing health needs, including treatment for physical injuries including gunshot wounds and burns, prevention and treatment of communicable diseases, antenatal care, emergency obstetric care services, reproductive health, and support in relation to sexual and gender-based violence.²⁰⁹ There is an increasing prevalence of life-threatening severe acute malnutrition for Rohingya children arriving in Bangladesh from Rakhine State.²¹⁰ Primary health clinics in makeshift settlements and refugee camps are under

²⁰³ United Nations and Partners, 'United Nations 2017 Humanitarian Needs Overview: Myanmar Humanitarian Needs Overview' (December 2016), available https://reliefweb.int/sites/reliefweb.int/files/resources/Ref_Doc_Humanitarian_Needs_Overview_HCT_2017.pdf ('2017 Humanitarian Needs Overview') accessed 5 November 2017, p. 20.

²⁰⁴ 2017 Humanitarian Needs Overview, p. 20.

²⁰⁵ Humanitarian Needs Overview, p. 20.

²⁰⁶ WFP Myanmar Country Brief, p. 2.

²⁰⁷ WFP Myanmar Country Brief, p. 2.

²⁰⁸ 2017 Humanitarian Needs Overview, p. 8.

²⁰⁹ Revised 2017 Humanitarian Response Plan, p. 8.

²¹⁰ UN News Center, 'Thousands of Rohingyas cross into Bangladesh overnight; child malnutrition soars in camps – UN' (3 November 2017), available <http://www.un.org/apps/news/story.asp?NewsID=58023#.Wf4TE4gVg2w> accessed 5 November 2017.



severe pressure.²¹¹ There are no existing health facilities for spontaneous settlements.²¹² The situation is worrying since Rohingya children are living in harsh and unsanitary conditions and are therefore prone to outbreaks of disease.²¹³ Suspected cases of measles, acute respiratory tract infections, and high numbers of watery-diarrhoea have been reported.

The UN reports that access constraints for organisations pose a serious health risk for the affected population.²¹⁴ In August 2016, the Tatmadaw reportedly prevented the delivery of medicine to IDP camps in eastern Kachin State.²¹⁵

²¹¹ Revised 2017 Humanitarian Response Plan, p. 8.

²¹² Revised 2017 Humanitarian Response Plan, p. 8.

²¹³ See Bangladesh 2017 Revised Response Plan, pp. 2-3.

²¹⁴ 2017 Humanitarian Needs Overview, p. 20.

²¹⁵ 2017 SG Children and Armed Conflict Report, para. 130.



ANNEX I: LIST OF ABBREVIATIONS

ARSA	Arakan Rohingya Salvation Army
BGP	Border Guard Police Force
DKBP	Democratic Karen Benevolent Army
Guidelines	Guidelines on Registration and Support for Voluntary Organisations and the Minimum Standards of Care and Protection for Children (MSC) in Residential Facilities
IED	Improvised explosive device
KIA	Kachin Independence Army
KNLA	Karen National Liberation Army
KNLP	Kayan New Land Party
KNPP	Karenni Nationalities Progressive Party
KNU	Karen National Union
MDDAA	Myanmar National Democratic
NLD	National League for Democracy
RCSS	Restoration Council of Shan State
SGBV	Sexual and Gender-Based Violence
TNLA	Ta'ang National Liberation Army
UN	United Nations
UNICEF	United Nations Children's Fund
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UWSA	United Wa State Army

ANNEX II: KEY FACTS²¹⁶

Myanmar

Myanmar	
Geography	<p>Climate: tropical monsoon; cloudy, rainy, hot, humid summers (southwest monsoon, June to September); less cloudy, scant rainfall, mild temperatures, lower humidity during winter (northeast monsoon, December to April)</p> <p>Terrain: central lowlands ringed by steep, rugged highlands</p> <p>Border countries: Bangladesh (271 km), China (2,129 km), India (1,468 km), Laos (238 km), Thailand (2,416 km)</p> <p>Coastline: 1,930 km</p>
People	<p>Population: 55,123,814 (2017 est.)</p> <p>Median age: 28.6 years (2016 est.)</p> <p>Languages: Burmese (official)²¹⁷</p> <p>Ethnic groups: Burman (Bamar) 68%, Shan 9%, Karen 7%, Rakhine 4%, Chinese 3%, Indian 2%, Mon 2%, other 5%</p> <p>Religions: Buddhist 87.9%, Christian 6.2%, Muslim 4.3%, Animist 0.8%, Hindu 0.5%, other 0.2%, none 0.1%²¹⁸</p>
Economy	<p>Capital: Rangoon (Yangon)</p> <p>Major urban areas: Rangoon 4.802 million; Mandalay 1.167 million; Nay Pyi Taw 1.03 million (2015 est.)</p> <p>GDP: \$304.7 billion (2016 est.)</p> <p>GDP per capita: \$5,800 (2016 est.)</p>
youth	<p>Population under age of 25: 44.6%</p> <p>Youth dependency ratio: 41.7</p> <p>School life expectancy: 8 years</p> <p>Legal age of conscription: 18</p>

²¹⁶ CIA Burma.

²¹⁷ Minority ethnic groups have their own languages.

²¹⁸ Religion estimate is based on the 2014 national census, including an estimate for the non-enumerated population of Rakhine State, which is assumed to mainly affiliate with the Islamic faith.



Relevant UN Security Council Resolutions

Myanmar (Burma) Recommendation for UN membership – Security Council Resolution 45 (10 April 1948)

Myanmar Child Protection Legislation

National	<ul style="list-style-type: none"> ▪ Constitution of the Republic of the Union of Myanmar (2008) ▪ Child Law (1993) ▪ Defence Services Act, Regulation for the Persons Subject to the Defense Services Act (1959) ▪ Penal Code (1974) ▪ People’s Military Service Law (2010) ▪ Police Act (1945) ▪ Myanmar Maternal and Child Welfare Association Law (1990) ▪ Law Amending Myanmar Maternal and Child Welfare Association Law (1993) ▪ Myanmar National Human Rights Commission Law (2014) ▪ Anti-Trafficking in Persons Act (2005) ▪ Rights of the Persons with Disabilities Law (2015)
International	<ul style="list-style-type: none"> ▪ Convention on the Rights of the Child (ratified 15 July 1991) ▪ Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (ratified 16 January 2012) ▪ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (signed 28 September 2015, not ratified) ▪ Convention on the Rights of Persons with Disabilities (ratified 7 Dec 2011) ▪ Convention on the Elimination of All Forms of Discrimination against Women (ratified 22 July 1997) ▪ Geneva Conventions (ratified 25 August 1992) ▪ ILO Convention on Worst Forms of Child Labour (ratified 18 December 2013) ▪ International Covenant on Economic, Social and Cultural Rights (signed 16 July 2015, not ratified)



ANNEX III: TIMELINE OF NOTABLE EVENTS²¹⁹

1945

Britain liberates Burma from Japanese occupation with help of Burmese nationalists led by Aung San and Rohingya fighters. The Rohingya feel betrayed by what they see as a broken promise by the British of autonomy for Arakan, the home of the Rohingya community.

1948

Tensions increase between the government of newly independent Burma and the Rohingya, with calls to Arakan to join Muslim-majority Pakistan. The government retaliates by ostracising the Rohingya, including the removal of Rohingya civil servants.

1950

Some members of the Rohingya community resist the government, led by armed groups called Mujahids. The insurgency gradually dies down.

1962

General Ne Win and his Burma Socialist Programme Party seize power and take a hard line against the Rohingya.

1977

The junta begin Operation Nagamin, or Dragon King, with the declared aim of screening the population for foreigners and expelling insurgents. More than 200,000 Rohingya flee to Bangladesh, amid allegations of army abuses. The army denies any wrongdoing.

1978

Bangladesh strikes a U.N.-brokered deal with Burma for the repatriation of refugees, under which most Rohingya return.

1982

A new immigration law redefines people who migrate during British rule as illegal immigrants. The government applies this to all Rohingya.

²¹⁹ 'Myanmar Profile – Timeline' (BBC Timeline), available <http://www.bbc.com/news/world-asia-pacific-12992883> accessed 5 November 2017; 'Timeline - A Short History of Myanmar's Rohingya Minority' (Wall Street Journal), available <https://blogs.wsj.com/indiarealtime/2016/12/23/timeline-a-short-history-of-myanmars-rohingya-minority/>, accessed 5 November 2017; 'Timeline: Key Events in Recent Myanmar History' (CNN World Timeline), available <http://www.cnn.com/2010/WORLD/asiapcf/08/13/myanmar.elections.timeline/index.html>, accessed 27 September 2017; 'Aung San Suu Kyi meets senior US diplomat in Burma' (The Guardian), available <https://www.theguardian.com/world/2009/nov/04/suu-kyi-american-official-talks> accessed 5 November 2017; 'Note to correspondents on Myanmar, 29 September 2017' (United Nations Report), available <https://reliefweb.int/report/myanmar/note-correspondents-myanmar-29-september-2017> accessed 5 November 2017.



1990

Opposition National League for Democracy (NLD) wins landslide victory in general election, but the result is ignored by the military, who refuse to give up control of the country.

1991

Aung San Suu Kyi is awarded the Nobel Peace Prize for her commitment to peaceful change. More than 250,000 Rohingya refugees flee forced labour, rape and religious persecution at the hands of the Myanmar army. The army says it is trying to bring order to Rakhine (formerly Arakan).

1992

Than Shwe replaces Saw Maung as State Peace and Development Council chairman, prime minister and defense minister.

1995

Aung San Suu Kyi is released from house arrest after six years.

1996

Aung San Suu Kyi attends first NLD congress since her release; SLORC arrests more than 200 delegates on their way to party congress.

1997

Burma admitted to Association of South East Asian Nations (Asean); SLORC renamed State Peace and Development Council (SPDC).

1998

300 NLD members released from prison; ruling council refuses to comply with NLD deadline for convening of parliament; student demonstrations are broken up.

1999

Aung San Suu Kyi rejects ruling council conditions to visit her British husband, Michael Aris, who dies of cancer in UK.

2000

September: Ruling council lifts restrictions on movements of Aung San Suu Kyi and senior NLD members.

October: Aung San Suu Kyi begins secret talks with ruling council.

2001



Ruling council releases some 200 pro-democracy activists. Government says releases reflect progress in talks with opposition NLD leader Aung San Suu Kyi who remains under house arrest.
February: Burmese army, Shan rebels clash on Thai border.

June: Thai Prime Minister Shinawatra visits, says relations are back on track.

November: Chinese President Jiang Zemin visits, issues statement supporting government, reportedly urges economic reform.

2002

May: Pro-democracy leader Aung San Suu Kyi released after nearly 20 months of house arrest. Later that year, Aung San Suu Kyi is taken into “protective custody” after clashes between her supporters and those of the government.

2003

August: Khin Nyunt becomes prime minister. He proposes to hold convention in 2004 on drafting new constitution as part of “road map” to democracy.

November: Five senior NLD leaders released from house arrest after visit of UN human rights envoy.

2004

January: Government and Karen National Union: most significant ethnic group fighting government and agree to end hostilities.

May: Constitutional convention begins, despite boycott by NLD whose leader Aung San Suu Kyi remains under house arrest. The convention adjourns in July.

October: Khin Nyunt is replaced as prime minister amid reports of a power struggle. He is placed under house arrest.

November: Leading dissidents are freed as part of a release of thousands of prisoners, including Min Ko Naing, who led the 1988 pro-democracy student demonstrations.

2007

January: China and Russia veto a draft US resolution at the UN Security Council urging Myanmar to stop persecuting minority and opposition groups.

April: Myanmar and North Korea restore diplomatic ties.

May: Aung San Suu Kyi's house arrest is extended for another year.

June: In a rare departure from its normally neutral stance, the International Committee of the Red Cross accuses the government of abusing the Myanmar people's civil rights.

August: Wave of public dissent sparked by fuel price hikes. Dozens of activists are arrested.

September: Military government declares 14 years of constitutional talks complete and closes the national convention. Buddhist monks hold a series of anti-government protests. Aung San Suu Kyi is allowed to leave her house to greet monks demonstrating in Rangoon. It is her first public appearance since 2003. UN envoy Ibrahim Gambari meets opposition leader Aung San Suu Kyi.

October: Normality returns to Rangoon amid heavy military presence. Monks are absent, after thousands are reportedly rounded up. After some delay, UN Security Council deplores military crackdown on peaceful protesters.



2008

January: A series of bombing attacks take place in Myanmar's main city of Yangon. State media blame "insurgent destructionists", including ethnic Karen rebels.

April: Government publishes proposed new constitution, which allocates a quarter of seats in parliament to the military and bans opposition leader Aung San Suu Kyi from holding office.

2009

August: Opposition leader Aung San Suu Kyi is convicted of breaching conditions of her house arrest, following an uninvited visit by US Assistant Secretary of State in May. Her initial sentence of three years' imprisonment is commuted to 18 months' house arrest.

October: Aung San Suu Kyi begins talks with Myanmar's military leaders and is allowed to meet Western diplomats.

2010

February: The authorities free NLD vice-chairman Tin Oo. Aung San Suu Kyi's deputy had spent more than a decade in prison or under house arrest.

March: Government announces the passing of election laws which provide for an electoral commission. NLD votes to boycott polls, alleging the electoral commission is hand-picked by the junta. A splinter party, National Democratic Front (NDF), later gains legal status and plans to compete in polls.

October: Government changes country's flag, national anthem and official name.

November: Main military-backed party led by Thein Sein, the Union Solidarity and Development Party (USDP), claims resounding victory in first election for 20 years. Opposition groups allege widespread fraud and the election is widely condemned as a sham. The junta says the election marks the transition from military rule to civilian democracy. A week after the election, Aung San Suu Kyi, who had been prevented from taking part, is released from house arrest.

2011

January: Government authorises Internet connection for Aung San Suu Kyi.

March: Thein Sein is sworn in as president of a new, nominally civilian government.

August: President Thein Sein meets Aung San Suu Kyi in Nay Pyi Taw.

September: President Thein Sein suspends construction of controversial Chinese-funded Myitsone hydroelectric dam, in move seen as showing greater openness to public opinion.

October: Some political prisoners are freed as part of a general amnesty. New labor laws allowing unions are passed.

November: Pro-democracy leader Aung San Suu Kyi says she will stand for election to parliament, as her party rejoins the political process.

December: US Secretary of State Hillary Clinton visits, meets Aung San Suu Kyi and holds talks with President Thein Sein. US offers to improve relations if democratic reforms continue. President Thein Sein signs law allowing peaceful demonstrations for the first time; NLD re-registers as a political party in advance of by-elections for parliament due to be held early in



2012. Myanmar authorities agree truce deal with rebels of Shan ethnic group and orders military to stop operations against ethnic Kachin rebels.

2012

Rioting between Rohingya and Rakhine Buddhists kills more than 100 people, mostly Rohingya. Tens of thousands of people are driven into Bangladesh. Nearly 150,000 are forced into camps in Rakhine.

January: Government signs ceasefire with rebels of Karen ethnic group.

April: NLD candidates sweep the board in parliamentary by-elections, with Aung San Suu Kyi elected. The European Union suspends all non-military sanctions against Myanmar for a year.

May: Manmohan Singh pays first official visit by an Indian prime minister since 1987.

August: President Thein Sein sets up commission to investigate violence between Rakhine Buddhists and Rohingya Muslims in the west. Myanmar abolishes pre-publication media censorship.

September: Moe Thee Zun, the leader of student protests in 1988, returns from exile after Myanmar removed 2,082 people from its blacklist. President Thein Sein tells the BBC he would accept opposition leader Aung San Suu Kyi as president if she were elected.

November: Visiting European Commission Chief offers Myanmar more than \$100m in development aid. Around 90 people are killed in a renewed bout of communal violence between Rakhine Buddhists and Rohingya Muslims. US President Barack Obama visits to offer 'the hand of friendship' in return for more reforms. He urges reconciliation with the Rohingya minority.

2013

January-February: The army surrounds Laiza, the biggest town controlled by Kachin rebels. The government and rebels agree to disengage and start a political dialogue after Chinese-sponsored talks.

March: Rioting between Muslims and Buddhists in Meiktila, south of Mandalay, leaves at least 10 people dead.

April: Four private daily newspapers appear for the first time in almost 50 years as the state monopoly ends.

May: President Thein Sein visits Washington. President Obama praises Myanmar's political and economic progress, but criticises violence against Rohingya Muslims. Six Muslims are jailed over the Meiktila clashes in March. No Buddhists are convicted.

2014

April: At least 22 people are killed in fighting between government troops and ethnic Kachin rebels in the north.

May: US extends sanctions for another year.

October: Parliamentary elections set for October/November 2015. Government announces release of 3,000 prisoners. Burma watchers say most are petty criminals, but include ex-military intelligence officers imprisoned along with former Prime Minister Khin Nyunt, who was freed in 2012.



2015

February: Flare-up in fighting with Kokang separatists in Shan State near the border with China leaves nearly 50 soldiers dead. Government puts Kokang region under temporary martial law. Government withdraws temporary voting rights from Muslim Rohingyas ahead of proposed constitutional referendum, following street protests by Buddhists.

March: A draft ceasefire agreement is signed between the government and 16 rebel groups.

May: Hundreds of Muslim Rohingyas migrants flee by sea in flimsy boats, along with migrants from Bangladesh. UN criticizes failure of south-east Asian states to rescue them.

November: Opposition National League for Democracy, led by Aung San Suu Kyi, wins enough seats in parliamentary elections to form a government.

2016

Rohingya militant group Harakah al-Yaqin attacks border guard posts, killing nine soldiers. The army retaliates. More than 25,000 Rohingya flee Rakhine to Bangladesh, bringing accounts of killing, rape and arson. Aung San Suu Kyi's government denies the atrocities.

March: Htin Kyaw sworn in as president, ushering in a new era as Prime Minister Aung San Suu Kyi's democracy movement takes power after 50 years of military domination.

2017

March: The UN's Human Rights Council decides to set up an investigation into alleged human rights abuses by the army against the Rohingya Muslim minority.

August: Hundreds of thousands of Rohingya Muslims flee from Rakhine state where Rohingya insurgents attacked thirty police stations, triggering a military response. Reports of arson, rape, and other human rights abuses emerge during the military campaign.

September: A spokesman for the UN Secretary-General releases a note urging Myanmar to end military operations, allow unfettered access for humanitarian support, and allow the safe return of refugees to their areas of origin.



ANNEX IV: RECOMMENDED READING

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United Nations Human Rights Council, 'Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict', UN Doc. A/HRC/31/19 (28 December 2015).

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United States Department of State, 'Trafficking in Persons Report' (June 2017).

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