

Myanmar

Violations	International Data 2022	Outcome of the research (2022-first months 2023)
Killing and maiming	521 (149 killing and 372 maiming)	490 (140 killing and 350 maiming)
Recruitment and use	268 (247 boys and 21 girls)	260
Sexual violence	3	1.407 (in 2017)
Abduction	286	280
Attack on schools and hospitals	105 (78 on schools and 27 on hospitals) 115 (use of schools) 7 (use of hospitals)	105 (78 on schools and 27 on hospital)
Denial of humanitarian access	77 incidents	70 incidents

Challenges met during the research

Typology	Challenges	Comment
Quantitative	Data collection	Access to data is extremely challenging due to the fact that there is no national database and the reluctance of national/ international organisations/stakeholders in the field to share information.

Qualitative	Cross reference and verification of data	Obtaining testimony on the situation of children in armed conflict in Myanmar presents several challenges. Firstly, there is restricted access to conflict-affected areas, hindering direct engagement with affected communities and the gathering of firsthand testimonies. Security risks in these volatile regions further complicate efforts to conduct interviews or collect testimonies from children and their families. Moreover, individuals in conflict-affected areas may fear reprisals from military forces or armed groups if they speak out about human rights abuses or violations experienced by children, which can deter them from providing testimony or sharing their experiences openly. The government's strict control over information and media in Myanmar contributes to a censorship environment, making it challenging for journalists and researchers to report on sensitive issues related to armed conflict and its impact on children. Additionally, the lack of transparency and accountability regarding human rights abuses in conflict-affected areas complicates efforts to gather testimonies and document the situation of children.
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1. Country Analysis

The British East India Company seized control of the administration of Myanmar (also known as Burma until 1989) after three Anglo-Burmese Wars in the 19th century, and the country became a British colony. On 4 January 1948, Myanmar declared independence under the terms of the Burma Independence Act 1947.²³

1.1. Conflict

Myanmar's post-independence history has been characterised by unrest and conflict. The *coup d'état* in 1962 resulted in a military dictatorship under the Burma Socialist Programme Party. Student and worker unrest had erupted periodically throughout the 1980s, but the intensity of the protests in the summer of 1988 made it seem as if the country were on the verge of revolution. On 18 September 1988 the armed forces, led by Gen. Saw Maung, seized control of the government. The military moved to suppress the demonstrations, and thousands of unarmed protesters were killed. Martial law was imposed over most of the country, and constitutional government was replaced by a new military body called the State Law and Order Restoration Council (SLORC). Saw Maung became chairman of the SLORC as well as prime minister. In May 1990 Myanmar held its first multiparty elections in 30 years. The National League for Democracy (led by Aung San Suu Kyi) won 81% of the seats in the government but the military junta refused to recognise the results continued to rule the country as the State Law and Order Restoration Council. Aung San Suu Kyi was also

placed under house arrest. Throughout the 1990s, the military solidified its political and economic hold of the country. In 1993 the SLORC appointed a new National Convention to formulate a constitution that would give the military control of the reorganized state, but by 1996 the convention had failed to complete its task. It did not convene again until 2004 and then met intermittently for nearly four more years before producing a draft constitution. The military itself more than doubled in troop strength between 1988 and 2000; moreover, the SLORC initiated a variety of cease-fires with most ethnic insurgent groups, thus giving the government greater control over peripheral areas while increasing border trade. In 1997 the military revamped the organizational structure of its ruling body and changed its name from the SLORC to the State Peace and Development Council (SPDC). The United States invoked economic sanctions against Myanmar in 1997 and restricted contact between the two countries. The European Union (EU) subsequently restricted trade and interaction with the SPDC, and the United Nations continued to condemn human rights violations and forced-labour practices in Myanmar. When in September 2007 the monastic community staged a large-scale demonstration calling for democratic reforms, the harsh response from the military drew widespread international criticism. In the wake of this unrest, the National Convention finally approved a draft of a new constitution in early 2008 that was to be put to a public referendum in May 2008. The military was instrumental in developing the constitution which ensured that 25% of parliamentary seats was held by the military automatically and veto powers of the military to amend the constitution. Moreover, the military was to handle crucial ministries such as of border control, interior, and defence. The document was to take effect after the election of a new bicameral legislature, named the Assembly of the Union, which eventually was scheduled for November 2010. In preparation for

23 For this section, see also: Aung-Thwin, M. et al., (2024). Myanmar. Encyclopedia Britannica. <https://www.britannica.com/place/Myanmar>.

the parliamentary elections, a series of election reform laws were enacted in March 2010. One of them officially annulled the results of the 1990 election, while two others stipulated that persons married to foreign nationals or convicted of crimes were barred from participating in the election. The effect of these latter two laws was to disqualify Aung San Suu Kyi, who was married to a British citizen and in 2009 had been convicted of violating the terms of her house arrest (an uninvited intruder had entered her compound in Yangon) and sentenced to an additional 18 months of house arrest. In addition, political parties were required to re-register, or they would be disbanded. Since this would obligate the NLD to accept the annulment of the 1990 election as well as to expel Aung San Suu Kyi and other party leaders from its ranks, the party chose not to register and thus was forced to dissolve in May. Some three dozen parties did register for the elections, including the Union Solidarity and Development Party (USDP) and the National Unity Party (NUP). The result of the polling, held in early November, was an expected overwhelming victory for USDP and NUP candidates. However, many opposition parties claimed voter fraud by the government. Aung San Suu Kyi was released from house arrest six days after the election and continued her opposition to military rule. Following the elections, the Constitution entered into force on 21 January 2011. Another round of elections in 2015 saw the NLD winning the majority and Aung San Suu Kyi took on the position of State Counsellor (head of government) in 2016. During that period Myanmar re-established foreign relations with the EU and the United States which removed sanctions. In November 2020 Aung San Suu Kyi party won the elections. In February 2021 she was arrested when the military seized power. The State Administrative Council, headed by the commander in chief of the armed forces, was formed to handle the functions of government during the state of emergency. Articles 417 and 418

of the Constitution were invoked and Myanmar was in effect under martial law for a period of one year. However, with General Min subsequently becoming prime minister, the state of emergency was extended to August 2023.

1.2. Post-conflict situation

The country remains riven by ethnic strife among its myriad ethnic groups and has one of the world's longest-running ongoing civil war spread across the country.

Ethnicity and conflict are inextricably linked in Myanmar, creating a vicious cycle of violence that continues to escalate. The state's inability to address ethnic minority grievances or provide adequate security to communities has created a literal arms race among minority groups. As a result, the country now has scores of powerful non-state armed groups around most of its periphery. Today, there are scores of powerful armed entities in Myanmar's periphery that identify themselves primarily by their ethnicity rather than their political or ideological goals. These includes some 20 ethnic armed groups that have political as well as military wings and hundreds, possibly thousands if armed militias that range from small village defence forces to entities with thousands of fighters. Twenty-three Border Guard Forces, made up of ex-insurgents or militias from ethnic communities, who have been brought more formally under Tatmadaw control and operate in areas close to Myanmar's international borders (International Crisis Group, 2020).

Myanmar has long suffered from instability, factional violence, corruption, poor infrastructure, as well as a long history of colonial exploitation with little regard to human development. Myanmar is one of the least developed countries; as of 2021, according to the Human Development Index, it ranks 149 out of 191 countries in

terms of human development, the lowest in Southeast Asia. Since 2021, more than 600,000 people were displaced across Myanmar due to the surge in violence post-coup, with more than 3 million people in dire need of humanitarian assistance (Refugees International, 2021).

Since the *coup* in 2021, a new trend has emerged, whereby the junta has targeted children from families and communities perceived to be supporting the anti-junta resistance movement. This has precipitated a vicious cycle, where children have decided to join resistance groups and take up arms against the junta. No less concerning is the increase in the number of children detained for political reasons. The Myanmar military has ramped up air/ drone attacks, targeting communities that are perceived as supporting any entity opposing military rule. These attacks have only intensified in frequency in 2023. Children invariably number among the victims of such attacks (Moe, 2023).

In accordance with a 2023 report, one in four people – including five million children – are currently in need of humanitarian assistance; 33,000 children are at risk of death from preventable causes; 12 million children are missing or falling behind in their education; 250,000 children are internally displaced (World Vision, 2023).

The situation of women is also concerning. In 2022, a joint study by UN Women and UNDP in Myanmar, found nearly one in three women no longer feel safe within their own neighbourhood or village during daylight hours. This stands in stark contrast to 2019 when only 3.5 percent of women reported feeling unsafe during the day. One in five women reported seeing violent behaviour against a woman or girl in their neighbourhood since the COVID-19 pandemic began. The UN Secretary-General's Report on Conflict-Related Sexual Violence and recent reports from the Independent Investigative Mechanism for Myanmar and the UN

Office of the High Commissioner for Human Rights point to increased conflict-related sexual violence across the country since February 2021. And local women's rights organizations report that domestic and intimate partner violence has increased in the wake of the multiple crises affecting Myanmar (UN Women, 2023).

In recent years, Myanmar has gained international attention because of the Rohingya crisis. The Rohingya in Myanmar are often described as the most persecuted minority in the world. In the former Burma, the Rohingya were considered illegal immigrants and have been denied citizenship for decades. Since the end of August 2017, more than 700,000 Rohingya from Rakhine State have fled to neighbouring Bangladesh (Beperl, 2018).

1.3. Social, cultural and religious aspects

Most of the Burmese population belong to the Bamar ethnic group (also known as Burman or Myanmar people). This group is traditionally Buddhist and has dominated the country's political sphere, particularly since the end of the British colonial era. However, while roughly 68% of the population belongs to this dominant ethnicity, the remaining third of the country contains over 130 ethnic groups and sub-groups that each have their own dialect and specific beliefs. As such, any generalisation of Burmese culture that correlates it with the Bamar majority runs the risk of misrepresenting many diverse customs and traditions that are practised by minorities, many of whom are indigenous. The different ethnicities are generally geographically distinguished. The cultural mainstream of Myanmar has become deeply associated with the traditions of the Bamar ethnic majority and influenced by teachings of the Buddhist religion. This standard of behaviour and national identity is commonly referred to as '*bama hsan-jin*' – translating as 'Burmeseness'. It describes cultural principles

centred on knowledge of the Burmese language (*Bama Batha*) and Theravāda Buddhism. Consideration of other people's feelings is essential in Myanmar. The Burmese are very empathetic people and tend to assume a personal approach to everything. For instance, criticism is often taken to heart. Such emotional investment means the Burmese rarely seek objective analysis into personal situations; the advice of an elderly family member or monk is usually preferred over that of a counsellor. Furthermore, people are expected to respond empathetically in difficult circumstances. To console someone by being very stoic and logical about the situation (e.g. pointing out that an issue is temporary) could be seen as insensitive. The Burmese are constantly mindful of whether their actions could offend, embarrass or inconvenience other people. This is related to the concept of '*ah-nar-de*' (or *anade*) – the feeling of not having the heart to say or do something that might affect another person's feelings. *Ah-nar-de* represents the unwillingness of many Burmese to assert themselves or interfere with other people's affairs. This concept underpins the expectations of social etiquette and interaction. As an example, if someone asked you to perform a favour that was becoming excessive, there would be a feeling that the person lacked *ah-nar-de* because they did not care or were unaware of how it was inconveniencing you. The respectful and compliant character of the Burmese often leads them to be quite accepting of the differences in power and status throughout society. There is also quite a noticeable social divide between the educated urban elites and those living in rural areas. Apart from an obvious differentiation of wealth, there are often different family practices and attitudes between these two groups. Myanmar has had a history of multi-ethnic tolerance and interchange. However, the era of colonialism emphasised ethnic differences that led to tensions between the Bamar majority and indigenous minorities. Ultimately a strong political rhetoric arose in the mid-20th cen-

ture. It asserted that the ethnic Bamar majority represented the national identity and culture of Myanmar. The Burmese are generally peace-seeking, passive people. Nevertheless, there is a lot of unresolved resentment and distrust that has developed over years of conflict.

Religion is an essential aspect of life in Myanmar and central to conceptions of personal identity. Religion has become a source of deep friction in Myanmar. Religious minority populations experienced arrest and detention, restrictions on religious practice and various forms of discrimination. Currently, intolerance towards a small Muslim minority – the Rohingya – is especially violent and inhumane. Rohingya Muslims are subjected to physical abuse, torture, extrajudicial killing, summary execution, arbitrary arrest and detention. Government policy restricts their religious practice, marriage, travel and access to education, and prevents their employment in the social services. The Rohingyas are also denied citizenship, meaning anti-discrimination laws do not apply to them.

Family is extremely important to life in Myanmar. However, it's important to recognise that the Burmese notion of 'family' extends well beyond the nuclear family. As an example, there is no such thing as a "cousin" in Burmese culture. Cousins are understood and referred to as one's brothers and sisters. Men and women are usually called "uncle" and "aunty" no matter the relation. A great deal of importance is attached to extended-family relationships. Burmese families are also very close-knit. In Myanmar, families are perceived to have a collective reputation or face. In this way, the act of an individual can impact the perception of the entire family by others and the interests of the family supersede those of the individual. One's behaviour is often immediately correlated to their upbringing in Myanmar. It is said that "bad language from bad mother, bad body-language from bad father". As such, people

are careful not to damage their family and parent's reputations. Burmese women have generally enjoyed a high social and economic status, relative to neighbouring traditional cultures. A sense of equality is encouraged between husband and wife, and women have had equal access to education, inheritance rights and property rights in divorce. However, there is some variation among ethnic minorities. For example, customarily, Chin women cannot inherit family property.

While women enjoy equal rights in most areas, they are generally expected to perform the domestic chores for men in addition to any day job. Many fulfil the role as cleaner, cook, and child minder as well as an income earner. Women are expected to be unobtrusive and reserved. Buddhist practices also reinforce women's subordinate status in the society. Under Buddhist teaching, they are unable to enter some parts of monasteries or touch monks. This comes down to the idea of '*hpon*' in Buddhism that delegates men more spiritual potential, and thus status. Though '*hpon*' directly translates to "power", it has a more intricate meaning that seeks to explain the varying ethnic, socioeconomic and gender differences in society. It is believed that only men possess *hpon*. For example, the Burmese word for monk '*hpongyi*' supports the view that men alone have the qualities required to be a monk.

2. Level of adequacy to international law

Myanmar has thus far failed to ratify most human rights treaties. It ratified the Geneva Conventions and a limited number of international treaties:

- International Covenant on Economic, Social and Cultural Rights (CESCR);

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- Convention on the Rights of the Child (CRC) and its Optional Protocol on the involvement of children in armed conflict and on the sale of children child prostitution and child pornography (CRC-OP-AC and CRC-OP-SC);
- Convention on the Rights of Persons with Disabilities (CRPD) (UN Treaty Body Database, 2023).

Myanmar has a record of serious violations of human rights with the military resorting to brutal campaigns against any perceived opponent; use of indiscriminate air artillery strikes on villages and populated areas burning of villages, executions and killings, torture, arbitrary detentions, enforced disappearances, forced displacement, denial of humanitarian access, and persecution (UN-HCHR, 2023).

Myanmar is not Party to the Rome Statute of the International Criminal Court (ICC). However, on 14 November 2019, Pre-Trial Chamber III authorised the ICC Prosecutor to proceed with an investigation for the alleged crimes within the Court's jurisdiction in the Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar. See, in this regard, *supra* under "Bangladesh". Myanmar did not develop a National Action Plan in accordance with UNSC Resolution 1325.

3. National legislation

Myanmar's legal system is based on the English common law tradition, influenced heavily by the manner of reception and codification of that tradition in British India in the 19th and early 20th century.

The 2008 Constitution (Constitution of the Republic of the Union of Myanmar, 2008) provides for separation and distribution of powers between the executive, legislative and judicial branches, the establishment of judicial and quasi-judicial bodies for Constitutional review and the creation of devolved government structures. It also provides for fundamental rights and the rule of law, although many of those provisions are couched in caveats and qualifiers. The Constitution codifies immunity for acts committed by the former military regime and its officials in the execution of their duties, including for past human rights violations; affords the military effective veto power over any Constitutional amendments by reserving for military personnel large numbers of seats in legislative bodies; and provides for exclusive military jurisdiction over members of the military. Existing laws, regulations, orders, directives and procedures remain in force insofar as they are not contrary to the Constitution and until and unless they are repealed by Parliament or government. As Myanmar's representatives at its Universal Periodic Review before the UN Human Rights Council conceded, much of the previously applicable law may not be in accord with the new Constitution. Several existing laws and provisions, many dating from the period of the military dictatorship, also contravene international human rights law and standards.

Today, ethnicity remains at the heart of conceptions of citizenship and its legal basis under the 1982 Citizenship Law. This law maintains the designation of "indigenous races" from the 1948 law (again without any enumeration) but is more restrictive by introducing three tiers of citizenship affording different entitlements – citizen by birth or descent, associate citizen and naturalised citizen. Only members of ethnic groups present in Myanmar prior to 1823 are eligible for citizenship by birth. There has never been a transparent process – or seemingly any meaningful process at

all – by which the post-independence state decided which groups met the criteria for being indigenous and which did not. After the 1982 law reinforced the primacy of indigeneity, government leaders started speaking of "135 national races". The resulting list is an odd mixture of ethnic groups, languages, clans, village names, outright errors (such as the same group appearing twice with different spellings) and exclusions (such as the Panthay and the Rohingya) (International Crisis Group, 2020); (Harvard Divinity School, 2020). The law does not recognize Rohingya as one of Myanmar's official ethnic groups and effectively renders them stateless. As a result of this the Rohingya community is subject to discrimination, violence, persecution, displacement and forced migration.

Concerning children, in 2019, Myanmar has finally enacted a law to protect the rights of children. Consistent with the United Nations Convention on the Rights of the Child, which Myanmar has ratified, the law defines a child as anyone younger than 18 and provides all children born in Myanmar have the right to birth registration. This is important, but other shortcomings were not addressed, such as the right for all children to a nationality and not be stateless. The children of parents Myanmar does not recognize as citizens, notably Rohingya Muslims, or who face discriminatory application of the law, such as Kaman Muslims or women trafficked to China, are denied Myanmar citizenship. Without citizenship, children have difficulty entering school, obtaining health care, and traveling inside the country as well as abroad. Those born in Myanmar often will be stateless, which international law tries to prevent.

The law appropriately sets 18 as the minimum age of marriage, regardless of gender. Child marriage is hard to track in Myanmar, but the organization Girls Not Brides estimates 16% of girls are married before they turn 18. The law also sets the minimum age

of employment at 14 years and forbids children from doing dangerous forms of labour. But the Ministry of Labor, Immigration and Population still needs to finalize a hazardous jobs list. The International Labour Organization estimates a million children are employed in underage and often dangerous work in Myanmar. The new law raises the age of criminal liability from the ridiculously low 7 years to 10 years. Even with the change, Myanmar is one of the lowest age of criminal responsibility for children of any country in the Association of Southeast Asian Nations (ASEAN). The UN Committee on the Rights of the Child has called on governments to set the minimum age of criminal responsibility at 12 or higher (Human Rights Watch, 2019).

Concerning women, the Constitution includes the guarantee of equal rights and equal legal protection to all persons and does not discriminate based on gender. However, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW Committee) has expressed concern about women's rights in Myanmar because Myanmar's active participation in advocating for women's rights has translated to a belief that there is gender equality in the country. But the 2008 Constitution of Myanmar contains references to women mostly as mother which reinforces the stereotype of a woman's role being that of a mother and caretaker in need of protection (Htun; Jensenius, 2020). The current lack of measures to achieve gender equality in both domestic legislation and the Constitution is of concern to the Committee on the Elimination of Discrimination against Women (UN Women, 1979). Sexual assault within communities as well as rape by the military as a weapon of war have been reported. Additionally trafficking of women, especially in the border regions, as well as domestic violence and forced sex in marriage are ongoing problems. Within individual families women express concern about the limited role opportunities besides that of servants and child-

care provides. Despite legal frameworks, women hold a limited decision-making power within the family.

While no NAP has been developed in Myanmar, a 10-year National Strategic Plan for the Advancement of Women (NSPAW) was adopted in 2013 and included a 'women and emergencies' category. Additionally, action plans at state level were developed in various states, including Kayin, Mon and Kayah, advancing the WPS agenda by state governments and multiple stakeholders including women civil society organizations (UN Women, 2023). The plan includes 12 key priority areas, including to strengthen systems, structures and practices to promote, protect and fulfil the rights of the girl child. Phase II of the Plan has been drafted for 2013-2032. The priority areas include livelihoods, education, health, violence against women, economics, decision-making, implementation mechanisms, human rights, media, environment, girls' issues, and armed conflict. However, the recent data do not show improvement in the condition of women (UNDP, 2022).

4. Judicial system

Judicial independence is provided for in the law, but not respected in practice. In particular, the degree of control exercised by the executive over the appointment process and the lack of transparency over criteria for selection and promotion, insufficient security of tenure, executive control over the budget and insufficient pay and training are inconsistent with international standards.

Lawyers lack a self-governing professional body that can defend the profession's integrity and professional interests. Although their independence has increased substantially since 2011, on-going challenges remain, such as interference in politically sensitive

and criminal cases. Structural problems such as the poor state of legal education have yet to be addressed.

The Constitution establishes three types of courts: civilian courts, courts-martial, and the Constitutional Tribunal. Civilian courts are organized in four levels: 1) the Supreme Court of the Union; 2) 14 State and Region High Courts; 3) 67 District Courts and Courts of Self-Administered Divisions and Zones; and 4) 324 Township Courts. The Constitution also foresees the establishment of “other Courts constituted by law”.

Courts-Martial (i.e. military courts) adjudicate cases involving Defence Services personnel. Indeed, the Constitution provides that the Defence Services have the right to independently administer and adjudicate all affairs of the armed forces.

The Constitutional Tribunal is empowered to interpret the provisions of the Constitution, to vet whether laws or measures taken by executive authorities are in conformity with the Constitution, and to resolve disputes between the numerous federal sub-entities.

The Constitution exhaustively sets out a list of the officials (persons) and organizations that have the right to submit matters for interpretation, either directly or subject to further caveats. The first category on the list includes among others the President, the Chief Justice and the Speakers of the Pyidaungsu, Pyithu and Amyotha Hluttaws; the second category includes among others the Chief Ministers of the Regions and States and the Speakers of the Region or State Hluttaw. The Constitutional Tribunal does not have jurisdiction to consider complaints by individual citizens about alleged violations of their Constitutional rights.

Village chiefs (or “headmen”) also exercise certain quasi-judicial powers of investigation, arrest and punishment, under the law. First regularized by statute under British rule in 1907,

these local arrangements were altered by the Ward or Village Tract Administration Act 2012, which provides for the election by secret ballot of all village level officials (ICJ, Myanmar 2014).

5. Crimes against and affecting children: quantitative and qualitative results

Children continue to suffer due to widespread and deepening conflict in Myanmar. The situation further deteriorated in 2022, with increased fighting taking place nationwide between the Myanmar Armed Forces, ethnic armed organizations and more than 600 local defence groups. Around 17.6 million people - almost one third of the population - need humanitarian assistance. Access of children to essential services as health care, nutrition, water, sanitation and hygiene and education is severely constrained. These interrelated challenges are threatening children's survival, development and well-being.

The number of children and their families displaced by the conflict has increased by 60 % since December 2021 to more than 1.4 million people, including the 330,400 who had been living in protracted displacement even prior to the coup that took place in February 2021. Communities in the Sagaing region are the hardest hit, with nearly 612,400 people displaced as of October 2022. The resurgence of fighting in Rakhine State between government armed forces and a large ethnic armed organization has imperilled the situation of the nearly 220,000 people living in protracted displacement there.

There are also extremely vulnerable non-displaced people, including 417,000 stateless Rohingyas, along with communities affected by conflict, insecurity and rising poverty in rural areas and cities.

Cross-border movements are fluid and bidirectional. Those who fled to Thailand and then returned to Myanmar remain displaced within the country because they have not returned to places of origin.

Grave violations of child rights have increased in 2022 compared with 2021: for example, the number of children killed and maimed between January and September 2022 more than doubled compared with 2021, largely due to indiscriminate use of heavy weapons, airstrikes, and explosive ordnance. There has also been an eightfold increase in the number of abductions in 2022. Attacks on schools and hospitals have continued at alarming levels, while recruitment and use of children by all armed actors remains of serious concern. Millions of children and adolescents are deprived of the right to education because their safe access to education has been disrupted. The ongoing conflict has undermined the delivery of child health services, including routine immunization and the response to severe wasting. This has led to a regression in child health outcomes in the country. The disruption in child immunization services also creates longer-term risks of increased disease prevalence.

Access of conflict-affected populations to services and delivery of humanitarian assistance has been further constrained by restrictions imposed on movement of both people and goods. Camp closures and forced return and relocation remain key protection concerns for displaced people. The safety and protection of humanitarian and front-line workers has also become a serious concern, as they are increasingly targeted by parties to the conflict and subject to arbitrary arrests and detentions (UNICEF, 2023).

The latest report by the UN Secretary-General on children and armed conflict (A/77/895-S/2023/363) dated June 2023 (UNGA SG, 2023) includes the following data: 1,226 grave violations against 939 children (601 boys, 225 girls, 113 sex unknown). In addition, 39 violations against 39 children that had occurred in previous years were verified in 2022.

5.1. Recruitment and use of Children

The recruitment and use of 235 children (215 boys, 20 girls), as young as age 12, attributed to the Myanmar armed forces (112), the border guard forces (35), the Kachin Independence Army (KIA) (49), the People's Defence Forces/local defence groups (18), the Myanmar National Democratic Alliance Army (MNDAA) (7), the Shan State Progressive Party (SSPP)/Shan State Army (SSA) (7), the Chin National Front (2), the Karen National Liberation Army (2), the Democratic Karen Benevolent Army (DKBA) (2) and the Ta'ang National Liberation Army (TNLA) (1), mostly in Rakhine, Kachin and Kayin states and regions, was verified. In addition, the United Nations verified in 2022 the recruitment and use of 33 children that had occurred in previous years (32 boys, 1 girl) by the Myanmar armed forces (26), the People's Defence Forces/local defence groups (6) and KIA (1). The detention of 129 children (115 boys, 14 girl) by the Myanmar armed forces for their alleged association with armed groups was verified.

5.2. Killing and maiming

The killing (149) and maiming (372) of 521 children (342 boys, 175 girls, 4 sex unknown), some as young as a few months old, by the Myanmar armed forces and other security forces (377), the People's Defence Forces/local defence groups (9), Pyu Saw Htee (1), TNLA (1) and unidentified perpetrators (133), including those resulting from explosive ordnance (87) and crossfire (33), were verified, mostly in Sagaing, Shan, Kayin, Kayah, Rakhine, Chin, Mon, Yangon, Magway and Kachin states and regions. In addition, the maiming of 5 children (4 boys, 1 girl) by the People's Defence Forces/local defence groups (2), unidentified perpetrators (2) and the Myanmar armed forces (1) in 2021 was verified in 2022.

The rape of 2 girls by TNLA (1) and unidentified perpetrators (1) was verified. In addition, the United Nations verified in 2022 the rape of one girl by a Myanmar armed forces-aligned militia that had occurred in previous years.

5.3. Sexual violence

Since 2015 there is a significant increase in rape cases with over 682 reported cases in 2015, 1,100 cases in 2016 and 1,405 cases in 2017 (Ministry of Home Affairs, 2018). The brutal fact the statistics reveal is that each day every four girls are being raped and half of them are inflicted on young girls aged under 16. In most cases, perpetrators are found to be biological fathers and brothers of victims and neighbours including people who know victims well in sexual harassment cases. However, most girls opt to stay silent for fear of stigma and victim-blaming. Indeed, girls who experienced sexual assault are disrespected and discriminated in the community instead of being treated as victims and providing community support.

5.4. Attacks on schools and hospitals

105 attacks on schools (78) and hospitals (27), attributed to the Myanmar armed forces (66), unidentified perpetrators (26), the People's Defence Forces/local defence groups (12) and the Karenni National People's Liberation Front (1), mostly in Sagaing, Kayah and Kayah states and regions were verified. The military use of 115 schools and 7 hospitals by the Myanmar armed forces, including with aligned militias (118), the Arakan Army (3) and the People's Defence Forces/local defence groups (1) was verified. The abduction of 286 children (134 boys, 43 girls, 109 sex unknown), some as young as a few months old, by the Myanmar armed forces (206),

KIA (40), TNLA (24), MNDAA (7), Pyu Saw Htee (3), SSPP/SSA (2), DKBA (2), the People's Defence Forces/local defence groups (1) and unidentified perpetrators (1) was verified. Soldiers have occupied schools while children were present, putting their lives in jeopardy and raising concerns that children are being used as human shields or being held as hostages. On 27 February 2022, Myanmar military soldiers detained more than 100 children, most aged three to six, at a monastery school in Yinmabin Township, Sagaing Region. The students were held by the soldiers for approximately 36 hours, while the soldiers battled opposition armed groups in the area. In a similar incident in April 2021, soldiers reportedly occupied the Yangon Education Center for the Blind and restricted the movement of about 50 disabled students and 30 staff and relatives for over one week (Human Rights Council, 2022). Fighting near schools has increased safety concerns and interrupted study.

5.5. Denial of humanitarian assistance

A total of 77 incidents of denial of humanitarian access by the Myanmar armed forces (61), unidentified perpetrators (7), the Myanmar armed forces and the Myanmar Police Force (4), the People's Defence Forces/local defence groups (3), the Arakan Army (1) and Pa-O National Army (1) were verified, mostly in Shan, Chin, Sagaing and Kayah states and regions. Humanitarian access has worsened owing to administrative and physical impediments to the movement of aid, increased arrests and violence against humanitarian workers, and high insecurity.

5.6. Other forms of abuse

In his 2022 report (Human Rights Council, 2022), the United Nations (UN) Special Rapporteur on human rights in Myanmar

highlighted that as many as 382 children have been killed since the February 2021 coup and more than 1,400 children arbitrarily arrested, while hundreds remain in detention where they may be to torture and/or sexual violence. Some of said children are under the age of 10. They are held in various locations, including police detention centres, youth rehabilitation centres, and prisons. Children are often placed in prison cells with their family members and other adults when they are arrested together. However, children who are arrested without family members are often kept in police stations or sent to rehabilitation centres. Many children have been detained without access to lawyers or family members. Many of the children detained by the junta were arrested merely for their participation in peaceful protest activities. The junta has also arrested and detained hundreds of Rohingya children for violating discriminatory restrictions on their freedom of movement that violate international human rights law. Since the coup, junta administrators in Rakhine State have issued orders extending the need to get pre-approval for travel for those without citizenship or National Verification Cards (NVCs). These requirements directly impact the Rohingya, many of whom do not have citizenship documents. A new trend is the detention of children as hostages was aimed at pressuring parents to yield to arrest and/ or interrogation. Displacement, security risks, financial difficulties, and other hardships have increased stress levels for parents and caretakers, leading to increased physical violence and corporal punishment against children. Displacement, the lack of access to schools, and dangers outside the home have upended daily routines and increased the amount of time families, relatives, and neighbours spend confined together in homes, shelters, and hiding places, further increasing opportunities for abuse. Children, as well as organizations working with children, have reported an increase in physical abuse of children by caretakers and others. The Myanmar military has a long and

well-documented history of perpetrating rape and sexual violence against civilian populations, with women and girls being particularly at risk (Human Rights Council, 2019). In Myanmar, school is mandatory until 14 and - as per the Child Rights Law - no child under 14 years is legally permitted to work. Hazardous work is also prohibited for anyone under 18-years-old. Yet data 1.1 million children in Myanmar is trapped in child labour – (53% are boys and 47% are girls - yet, 90% of girls aged 5-11 spend at least one hour a week on household tasks, compared to 34% of boys) – deprived of their childhood, health and education (ILO, 2023).

Children from poor families are the principal victims of this problematic. In effect, many of them are obliged to find work in order to support the needs of their families. Often, they are forced to work in mines, on construction sites, or as domestic help. These forms of work are dangerous for their health and has a negative effect on both their physical and psychological development. Sexual violence continues to be widespread, despite being under-reported. 16% of girls in Myanmar are married before the age of 18 and 2% are married before the age of 15. 5% of boys in Myanmar are married before the age of 18.

6. Conclusions and Recommendations

Considering the current situation in the country, it is difficult to formulate recommendations since the humanitarian crisis is certainly a priority. However, the international community should ensure the compliance of Myanmar with its international human rights obligations, in particular concerning the protection of children and women. The international community should also support humanitarian assistance programmes for the benefit of children as a priority.

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