



Security Council

Distr.: General
20 August 2019

Original: English

Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Myanmar

1. At its 75th meeting, held on 20 November 2018, the Security Council Working Group on Children and Armed Conflict examined the fifth report of the Secretary-General on children and armed conflict in Myanmar ([S/2018/956](#)), which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The report was submitted as a follow-up to the fourth report of the Secretary-General on the same topic ([S/2017/1099](#)), which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict at its 69th meeting, held on 22 January 2018. The Permanent Representative of Myanmar to the United Nations also addressed the Working Group.
2. The members of the Working Group welcomed the report of the Secretary-General, submitted in accordance with Security Council resolutions [1612 \(2005\)](#), [1882 \(2009\)](#), [1998 \(2011\)](#), [2068 \(2012\)](#), [2143 \(2014\)](#), [2225 \(2015\)](#) and [2427 \(2018\)](#), and took note of the analysis and recommendations contained therein.
3. The members of the Working Group strongly condemned all violations and abuses that continue to be committed against children in Myanmar and expressed grave concern at the scale and nature of violations and abuses against children in Myanmar, including against children in Rakhine, Kachin and Shan States, by all parties, including the Myanmar military and security forces, in particular against persons belonging to the Rohingya community and other minority ethnic communities, and about the lack of accountability for human rights violations and abuses and other violations of international law. The Working Group expressed appreciation for the progress made in recent years by the Government of Myanmar to end and prevent the recruitment and use of children by the Tatmadaw, and expressed the hope that the completion of the action plan through full compliance with all agreed provisions, would be forthcoming without delay. The members of the Working Group also welcomed the agreement concluded at the third session of the Union Peace Conference (21st-Century Panglong Conference) in July 2018 to “set up and conduct programmes to ensure children’s rights, abide by the United Nations Convention on the Rights of the Child for all-round development of children and eliminate the six grave violations against children”.
4. Further to the 75th meeting, and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolutions



1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014), 2225 (2015) and 2427 (2018), the Working Group agreed to the direct action as set out below.

Public statement by the Chair of the Working Group

5. The Working Group agreed to address the following message to all parties to the armed conflict in Myanmar as described in the report of the Secretary-General, in particular to the Tatmadaw Kyi, including the integrated border guard forces, as well as non-State armed groups, such as the Karen National Liberation Army, the United Wa State Army, the Democratic Karen Benevolent Army, the Kachin Independence Army, the Karenni Army, the Karen National Liberation Army Peace Council and the Shan State Army, through a public statement by its Chair:

To all parties

(a) Strongly condemning all violations and abuses that continue to be committed against children in Myanmar, urging them to immediately end and prevent all violations of applicable international law involving the recruitment and use of children, abduction, killing and maiming, rape and other forms of sexual violence, attacks on schools and hospitals as well as the military use of schools and the denial of humanitarian access and to comply with their obligations under international law, and calling upon the Government of Myanmar to criminalize the six grave violations against children affected by armed conflict;

(b) Expressing deep concern about the continued recruitment and use of children in violation of international law by all parties to the armed conflict, including by non-State armed groups, the continued abductions of children, including for recruitment purposes, as well as the detention of children associated with armed forces and armed groups;

(c) Expressing deep concern at the high number of children killed and maimed, including as a direct or indirect result of actions by the Myanmar military and security forces, of fighting between parties to armed conflict and of attacks against civilian populations, including through the use of anti-personnel landmines, and urging all parties to comply with their obligations under international law, including international humanitarian law, as applicable, in particular the principles of distinction and proportionality and the obligation to take all feasible precautions to avoid and, in any event, minimize harm to civilians and civilian objects;

(d) Calling upon all parties to the armed conflict to allow and facilitate safe, timely and unhindered humanitarian access to children, respect the exclusively humanitarian nature and impartiality of humanitarian aid and respect the work of all United Nations humanitarian agencies and their humanitarian partners, including child protection actors, without distinction;

(e) Calling upon all parties to the armed conflict to comply with applicable international law and to respect the civilian character of schools and hospitals, including their personnel, and to end and prevent deliberate, disproportionate or otherwise indiscriminate attacks or threats of attacks against those institutions and their personnel as well as the military use of schools and hospitals in violation of applicable international law;

(f) Urging all parties to the Nationwide Ceasefire Agreement to fully abide by its provisions relating to the prevention of the six grave violations against children, as well as those actors who are or will be engaged in the peace process to fully comply with the agreement concluded at the third session of the Union Peace Conference (21st-Century Panglong Conference) in July 2018 to “set up and conduct programmes to ensure children’s rights, abide by the United Nations Convention on the Rights of

the Child for all-round development of children and eliminate the six grave violations against children”;

(g) Demanding that all parties to the armed conflict further implement the previous conclusions of the Working Group (S/AC.51/2008/9, S/AC.51/2009/4 and S/AC.51/2013/2);

To the Government of Myanmar

(h) Expressing grave concern over violations and abuses against children in Rakhine, Kachin and Shan States by all parties, including the Myanmar military and security forces, in particular against persons belonging to the Rohingya community as well as other minority ethnic communities, including those violations involving the systematic use of force and intimidation, the killing of children and sexual violence, and including the destruction and burning of homes and property;

(i) Stressing the importance of accountability for all violations and abuses against children in armed conflict and expressing deep concern over the lack of accountability for violations and abuses committed against children by all parties to the armed conflict, and urging the Government of Myanmar to put an end to impunity by ensuring that those responsible for violations and abuses are brought to justice and held accountable without undue delay, including through rigorous, timely, independent and impartial investigation and prosecution;

(j) Strongly urging the Government of Myanmar to take immediate and specific measures to put an end to and prevent the perpetration of rape and other forms of sexual violence against children by members of its military and security forces and stressing the importance of accountability for those responsible for sexual and gender-based violence against children;

(k) Calling on the Government of Myanmar to ensure that no further excessive use of military force occurs and to comply with its other obligations under international law, including international humanitarian law, as applicable, in particular the principles of distinction and proportionality and the obligation to take all feasible precautions to avoid and, in any event, minimize harm to civilians and damage to civilian objects;

(l) Taking note of the establishment of the Interministerial Committee for the Prevention of the Six Grave Violations during Armed Conflict on 7 January 2019 and calling upon the Government of Myanmar to engage with the United Nations in developing, adopting and implementing, without undue delay, comprehensive action plans addressing the killing, maiming and rape and other sexual violence for which the Tatmadaw, including the integrated border forces, are listed in the annual report of the Secretary-General, and in taking measures to prevent all violations against children, including through the issuance and enforcement of military command orders and punitive directives on all six grave violations against children;

(m) Requesting the Government of Myanmar to facilitate safe and unimpeded access by the country task force on monitoring and reporting to other parties in Myanmar listed in annex I to the report of the Secretary-General on children and armed conflict, especially those that signed the Union Accord during the third session of the Union Peace Conference (21st-Century Panglong Conference), in order to expedite the development of action plans by armed groups, in line with Security Council resolution 1612 (2005);

(n) Welcoming the ongoing efforts to address the issue of recruitment and use of children in Myanmar and the progress made in that respect since the most recent conclusions of the Working Group (S/AC.51/2013/2), while expressing concern about new cases of the recruitment and use of children, as reported by the Special

Representative of the Secretary-General for Children and Armed Conflict on 10 June 2019 (S/AC.51/2019/COMM.7);

(o) Welcoming the releases of children from the Tatmadaw, and calling on the Government of Myanmar to take further measures towards the full implementation of the action plan to end and prevent the recruitment and use of children by the Tatmadaw, including the integrated border guard forces, by complying with its international obligations and consistently applying the principles arising from them that are also enshrined in the Joint Action Plan, such as taking into account the best interests of the child as a primary consideration, recognizing that children in contact with the law are to be treated primarily as victims and applying the benefit of the doubt to allow suspected minors whose age cannot be conclusively determined to be treated as children and afforded the necessary protective measures in line with that status, including in relation to their release from the Tatmadaw, and stressing the importance of the fight against impunity for child recruitment and use, including through the criminalization of the recruitment and use of children and the issuance of military command orders prohibiting and sanctioning the recruitment and use of children and other violations against children;

(p) Welcoming that the Government of Myanmar has signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and calling on the Government of Myanmar to consider, as a matter of priority, ratifying the Optional Protocol and adopting without undue delay legislation protecting children's rights that is consistent with international obligations and standards;

(q) Welcoming that the Government of Myanmar has endorsed the outcomes of the 2007 conference held in Paris;

(r) Urging the Government of Myanmar to grant the United Nations agencies and their partners immediate, safe and unhindered access, including humanitarian access, to Rakhine, Kachin and Shan States, as well as other domestic and international non-governmental organizations providing humanitarian assistance;

(s) Welcoming the cooperation between the Government of Myanmar and the Association of Southeast Asian Nations (ASEAN), specifically through the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management, on humanitarian response and the protection of refugees, including children, and facilitating their safe, voluntary and dignified return, and calling upon them to coordinate this with the United Nations;

(t) Encouraging the Government to focus on comprehensive and sustainable reintegration and rehabilitation opportunities for all children affected by armed conflict, including those released from armed groups, irrespective of the status of engagement of the group in the peace process, that are gender- and age-sensitive, including equal access to health care, psychosocial support and education programmes, as well as on raising awareness and working with communities to avoid stigmatization of these children and facilitate their return, while taking into account the specific needs of girls and boys, in order to contribute to the well-being of children and to sustainable peace and security;

(u) Welcoming the efforts of the Government of Myanmar with regard to training on the six grave violations and to sharing knowledge on how to efficiently prevent all six grave violations and enhance the protection of children affected by armed conflict, and inviting the Government to continue these efforts with a view to providing tangible prevention and accountability for violations and abuses against children;

To armed groups

(v) Noting the efforts of the Kachin Independence Army, the Karenni National Progressive Party/Karenni Army, the Democratic Karen Benevolent Army, the Karen National Liberation Army Peace Council and the Shan State Army for their engagement with the United Nations on child protection and their commitment to end and prevent the recruitment and use of children;

(w) Urging all non-State actors to take all necessary action towards the full implementation of their commitments and obligations and to expeditiously develop action plans in line with Security Council resolutions [1539 \(2004\)](#), [1612 \(2005\)](#), [1882 \(2009\)](#), [1998 \(2011\)](#), [2068 \(2012\)](#), [2143 \(2014\)](#), [2225 \(2015\)](#) and [2427 \(2018\)](#).

6. The Working Group agreed to address a message, through a public statement by the Chair of the Working Group, to community and religious leaders:

(a) Emphasizing the important role of community and religious leaders in strengthening the protection of children affected by armed conflict, and in promoting the peaceful coexistence of religious and ethnic groups;

(b) Urging them to publicly condemn and continue to advocate ending and preventing violations and abuses against children, in particular those involving the recruitment and use of children, rape and other forms of sexual violence against children, killing and maiming, abductions, attacks and threats of attacks against schools and hospitals, and denial of humanitarian access, and to engage with the Government, the United Nations and other relevant stakeholders to support the reintegration and rehabilitation of children affected by armed conflict in their communities, including by raising awareness to avoid stigmatization of these children.

Recommendations to the Security Council

7. The Working Group agreed to recommend that the President of the Security Council transmit a letter addressed to the Government of Myanmar:

(a) Expressing grave concern over violations and abuses against children in Rakhine, Kachin and Shan States by all parties, including the Myanmar military and security forces and the non-State armed groups, in particular against persons belonging to the Rohingya community as well as other minority ethnic communities, including those violations involving the systematic use of force and intimidation, the killing of children and sexual violence, and including the destruction and burning of homes and property;

(b) Strongly urging the Government of Myanmar to take immediate and specific measures to put an end to and prevent the perpetration of rape and other forms of sexual violence against children by members of its military and security forces and stressing the importance of accountability for those responsible for sexual and gender-based violence against children;

(c) Urging the Government of Myanmar to ensure that no further excessive use of military force occurs and to comply with its other obligations under international law, including international humanitarian law, as applicable, in particular the principles of distinction and proportionality and the obligation to take all feasible precautions to avoid and, in any event, minimize harm to civilians and damage to civilian objects;

(d) Taking note of the establishment of the Interministerial Committee for the Prevention of the Six Grave Violations during Armed Conflict on 7 January 2019 and calling upon the Government of Myanmar to engage with the United Nations in

developing, adopting and implementing, without undue delay, comprehensive action plans addressing the killing, maiming and rape and other sexual violence for which the Tatmadaw, including the integrated border forces, were listed in the annual report of the Secretary-General on children and armed conflict, and in taking measures to prevent all violations against children, including through the issuance and enforcement of military command orders and punitive directives on all grave violations against children;

(e) Expressing deep concern over the lack of accountability for violations and abuses committed against children by all parties to the armed conflict, and urging the Government of Myanmar to put an end to impunity by ensuring that those responsible for violations and abuses are brought to justice and held accountable without undue delay, including through rigorous, timely, independent and impartial investigation and prosecution;

(f) Welcoming the ongoing efforts to address the issue of recruitment and use of children in Myanmar and the progress made in that respect since the most recent conclusions of the Working Group (S/AC.51/2013/2), while expressing concern about new cases of the recruitment and use of children as reported by the Special Representative of the Secretary-General for Children and Armed Conflict on 10 June 2019 (S/AC.51/2019/COMM.7);

(g) Welcoming that the Government of Myanmar has signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and calling on the Government of Myanmar to consider, as a matter of priority, ratifying the Optional Protocol and adopting without undue delay legislation protecting children's rights that is consistent with international obligations and standards and that will prohibit and criminalize the six grave violations against children;

(h) Welcoming the releases of children from the Tatmadaw, and encouraging the Government of Myanmar to take further measures towards the full implementation of the action plan to end and prevent the recruitment and use of children by the Tatmadaw, including the integrated border guard forces, by complying with its international obligations and consistently applying the principles arising from them that are also enshrined in the action plan, such as taking into account the best interests of the child as a primary consideration, recognizing that children in contact with the law are to be treated primarily as victims and applying the benefit of the doubt to allow suspected minors whose age cannot be conclusively determined to be treated as children and afforded the necessary protective measures in line with that status, including in relation to their release from the Tatmadaw, and urging in this regard that the Government of Myanmar:

(i) Identify, register and discharge all children within the ranks of the Tatmadaw in coordination with the country task force on monitoring and reporting, clear the current backlog of pending cases of suspected minors, including through the systematic application of the benefit of the doubt principle, and ensure that all new recruits to the Tatmadaw are over the age of 18 by strictly applying relevant military directives and strengthening age verification procedures and safeguards at recruitment centres;

(ii) Cease immediately the arrest, harassment and imprisonment of children for desertion and/or attempting to leave the army, as well as for alleged association with armed groups, and ensure their swift and unconditional release;

(iii) Allow access by the country task force on monitoring and reporting to conflict-affected areas to monitor and document all six grave violations;

- (iv) Discourage the reported use of recruitment incentives and civilian brokers that may increase the risk of recruitment of children, and bring to justice perpetrators of violations and abuses against children through the investigation and prosecution of military and civilian individuals responsible for such acts and make public the results of such prosecutions;
- (v) Facilitate safe and unimpeded access by the country task force on monitoring and reporting to other parties in Myanmar listed in annex I to the report of the Secretary-General on children and armed conflict, especially those that signed the Union Accord during the third session of the Union Peace Conference (21st-Century Panglong Conference), in order to expedite the development of action plans by armed groups, in line with Security Council resolution [1612 \(2005\)](#);
- (vi) Continue to raise awareness of the recruitment and use of children among all levels of military personnel, especially the lower and middle ranks, and the civilian population, including through, as appropriate, the dissemination of relevant information on the action plan signed by the Government of Myanmar;
- (i) Encouraging the Government to focus on comprehensive and sustainable reintegration and rehabilitation opportunities for all children affected by armed conflict, including those released from armed groups, irrespective of the status of engagement of the group in the peace process, that are gender- and age-sensitive, including equal access to health care, psychosocial support and education programmes, as well as on raising awareness and working with communities to avoid stigmatization of these children and facilitate their return, while taking into account the specific needs of girls and boys, in order to contribute to the well-being of children and to sustainable peace and security;
- (j) Calling upon the Government to ensure that child protection provisions, including the release and reintegration of children and the prevention of all six grave violations, as well as provisions on the rights, well-being and empowerment of children, are integrated into the peace talks and agreements, and taking into account children's views, where possible, in these processes;
- (k) Welcoming the cooperation between the Government of Myanmar and ASEAN, specifically through the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management, on humanitarian response and the protection of refugees, including children, and facilitating their safe, voluntary and dignified return, and calling upon them to coordinate this with the United Nations;
- (l) Inviting the Government of Myanmar to keep the Working Group on Children and Armed Conflict informed of its efforts to implement the recommendations of the Working Group and the Secretary-General, and welcoming in that respect the letter from the Government of Myanmar to the Chair of the Working Group and the secretariat of the Security Council ([S/AC.51/2019/COMM.4](#)), containing updated information on the efforts of the Government of Myanmar related to children affected by armed conflict.

8. The Working Group agreed to recommend that the President of the Security Council transmit a letter addressed to the Secretary-General:

- (a) Inviting him to ensure that the country task force on monitoring and reporting strengthens, in cooperation with the Government of Myanmar, its monitoring, reporting, prevention and response activities regarding all violations and abuses against children in Myanmar;
- (b) Requesting the Secretary-General to ensure that the country task force on monitoring and reporting in Myanmar continues its engagement with the Government

of Myanmar to develop and implement action plans that address killing and maiming as well as rape and other sexual violence for which the Tatmadaw, including the integrated border guard forces, have been listed in the annex to the annual report of the Secretary-General on children and armed conflict;

(c) Also inviting him to encourage the country task force on monitoring and reporting to prioritize its efforts to reach out to all other parties in Myanmar listed in annex I to the report of the Secretary-General on children and armed conflict with a view to developing action plans to end the recruitment and use of children in violation of applicable international law and to address other violations and abuses against children in Myanmar;

(d) Encouraging him to request the United Nations Children's Fund, the International Labour Organization, the United Nations Development Programme and other relevant United Nations agencies and organs to provide, within their respective mandates and in close cooperation with the Government of Myanmar, further support to the Government of Myanmar to strengthen national institutions, in improving birth registration systems, in reinforcing recruitment procedures, including through the institution of effective age-assessment mechanisms, in providing rehabilitation and reintegration programmes for children formerly associated with armed forces and groups and in bolstering the education system, including in conflict-affected areas;

(e) Encouraging him to request his Special Representative for Children and Armed Conflict to continue her engagement with the Government of Myanmar, to keep engaging with all parties and to plan, if necessary, a follow-up visit to the country.

Direct action by the Working Group

9. The Working Group agreed to send letters from the Chair of the Working Group addressed to the World Bank and other donors:

(a) Requesting that donors provide further funding and assistance to support the strengthening of institutions in Myanmar, the reinforcement of recruitment procedures, including through the establishment of an effective age assessment mechanism, the development of comprehensive rehabilitation and reintegration programmes that are gender- and age-sensitive for children formerly associated with armed forces and groups and the bolstering of the education system, including in conflict-affected areas;

(b) Drawing their attention to the importance of psychological support as well as socioeconomic and community-based reintegration, including educational and poverty alleviation activities, in order to prevent the recruitment and the use of children in armed forces and groups;

(c) Calling upon donors to support timely and appropriate care for child survivors of sexual and gender-based violence through facilitating the provision of services for survivors;

(d) Requesting donors to provide long-term and sustainable funding for mental health and psychosocial programming in humanitarian contexts to ensure that all affected children receive timely and sufficient support, and encouraging the World Bank and donors to integrate mental health and psychosocial services into all humanitarian responses;

(e) Inviting donors to keep the Working Group informed on their funding and assistance efforts, as appropriate.

Annex

Statement of the Counsellor of the Republic of the Union of Myanmar to the United Nations, Tun Lin Swai, before the Security Council Working Group on Children and Armed Conflict

Tuesday, 20 November 2018

Madame Chair,

I thank you for your commendable stewardship of the Working Group on Children and Armed Conflict. I also thank the members of the Working Group on Children and Armed Conflict for their formidable work on this important subject.

We thank SRSR Ms. Gamba for her comprehensive briefing.

Madame Chair,

Myanmar has made significant progress in its efforts to ending and preventing violations and abuses against children since signing of the Joint Action Plan in June 2012.

Since the signing of JAP, more than 877 former under-aged soldiers had been released and reintegrated into communities. CTFMR verified cases of new recruitment have been dramatically decreased from 153 in 2013 to 3 in 2016. The Tatmadaw has further released 67 children in 2017. There has been no report of new recruitment in 2018.

The Government has also taken various steps for prevention of child recruitment and abuse by armed forces. Nation-wide public awareness campaign to end and prevent the recruitment and use of children by the Tatmadaw has been launched since 2013. Moreover, 377 army officers have been given training on JAP. About 20000 members of the military have received training on the prevention of underage recruitment.

The Government of Myanmar has taken important steps to sign or ratify international legal instruments to protect children since the signing of JAP. Myanmar ratified the Worst forms of Child Labour Convention (no 182/1999) in December 2013. The National Child Law (1993) has been revised in conformity with prevailing international norms and soon to be adopted by the Parliament. The new Law is stipulated to be the most comprehensive child law in Myanmar with extensive provisions on the rights of children and prevention from all forms of violence. One whole Chapter (Chapter XVII) is devoted solely on Children and Armed Conflict.

Furthermore, Myanmar has signed the Paris Principles on Children associated with Armed Forces or Armed Groups in February 2017. Myanmar is now in the process of ratifying the Optional Protocol of the CRC. Moreover, the Myanmar Youth Policy adopted in 2017 specifically identifies former child soldiers as one of the 11 categories of vulnerable youth and children who need special attention and protection.

In addition, Myanmar has also signed an agreement with ILO in January this year for the extension of the Supplementary Understanding of the Plan of Action on elimination of forced labour which provides complaint mechanism for underage recruitment for military service.

Madame Chair,

With regard to accountability, actions have been taken against those who transgress the law. A total of 67 military officers and 191 other ranks have so far been

prosecuted for violating recruitment procedures. For the alleged violations mentioned in the Secretary-General's annual report, I would like to reiterate that legal action will be taken where there is sufficient evidence. The Government has recently formed an Independent Commission of Enquiry with two international members. The Commission will investigate all human rights violations following Arakan Rohingya Salvation Army-ARSA terrorist attacks in August 2017.

Madame Chair,

Myanmar welcomes constructive elements in the SG's Annual Report acknowledging the ongoing efforts and progress made by the Myanmar authorities on the implementation of the action plan to end and prevent the recruitment and use of children in armed conflict. However, my delegation regrets that the Tatmadaw has been included in the list of Category A of most severe violation in the new Report.

Madame Chair,

Myanmar has been working closely with the CTFMR. Monthly Joint case review meetings have been held regularly and monitoring access has been granted. We thank all the UN Agencies involved in the CTFMR for their cooperation. I would like to express our sincere appreciations to Ms. Gamba for her spirit of constructive engagement and cooperation. We are now working closely with her office for early completion of the implementation of the Joint Action Plan on recruitment.

In this regard, I wish to inform the Working Group that with a view to raise greater awareness and to accelerate JAP implementation, the Government of Myanmar has now invited the office of the SRSG to conduct a training workshop for security personnel in Myanmar on the Six Grave Violations.

Myanmar believes that sustainable peace is the only way to alleviate the plight of the children in armed conflicts. Peace is essential to sustainable development and perpetuity of democracy and human rights. Therefore, the Government has been holding Union Peace Conference- the 21st Century Panglong to deliberate and strife for achieving a lasting peace, and building a democratic federal union. Elements on the protection of children in armed conflicts have been included in the discussion of the Peace Conference.

Madame Chair,

I would like to conclude by reassuring that Myanmar remains committed to protection and promotion of the rights of children. We shall continue to work closely with the Office of the SRSG and other international partners to end violations against children and build a better future for our children.

I thank you.
