



ASIA JUSTICE COALITION SUBMISSION TO THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

1. In response to a [call for input](#) by the Office of the High Commissioner for Human Rights, the Asia Justice Coalition (Coalition)¹ provides its observations on the impact on the human rights of children and youth due to continuing and extensive arms transfers² to Myanmar. This input covers the increase in both international arms transfers to Myanmar and the use of child soldiers in Myanmar, as well as the consequent impact on the enjoyment of human rights of children and youth³ in Myanmar.
2. Arms transfers facilitate the commission of serious violations of international humanitarian law and international human rights law, in particular in the current context in Myanmar. The proliferation of arms also contributes to the rise of recruitment of child soldiers with an increase in conflict and the ready availability of arms. The submission further shows the direct and indirect impact of the arms supply on the enjoyment of both civil and political, as well as economic, social, and cultural rights by children and youth.

¹ This submission shall be attributed to the Asia Justice Coalition secretariat; its contents may not necessarily reflect the position of a specific Member and/or all Members of this Coalition.

² Human Rights Council (HRC), [‘Report of the Office of the United Nations High Commissioner for Human Rights: Impact of arms transfers on the enjoyment of human rights’](#) UN Doc A/HRC/35/8 p 2. “Arms transfer” generally covers the export, import, sale, lease or loan of arms from the jurisdiction and/or control of one State to that of another.

³ United Nations Security Council (UNSC), [‘Resolution on Youth, Peace, and Security’](#) (9 December 2015) UN Doc S/RES/2250(2015). “[Y]outh is defined...as persons of the age of 18-29 years old”.

A. ARMS TRANSFER & MYANMAR

3. Since the coup in Myanmar on 1 February 2021, the Myanmar military (Tatmadaw) has committed widespread and systematic human rights abuses across the country.⁴ The Myanmar military has consolidated its power through armed force, with a brutal crackdown against peaceful protesters nationwide who were demanding restoration of the civilian government and an end to the state of emergency. Since then, at least 1,779 people including women and children have been killed, with 13,326 arbitrarily arrested.⁵
4. The means and methods of attacks directed at civilians by the Myanmar military have become harsher with each passing day. The regular arms supply to Myanmar has emboldened the military junta and enabled them to commit atrocities with impunity. The indiscriminate killing of civilians by the Myanmar military using aerial attacks including shelling and bombardments employing fighter jets, combat helicopters, bombs, and rockets has intensified the conflict in Myanmar.⁶ The use of internationally acquired armoured personnel carriers has secured the presence of the military across Myanmar.⁷ There has been an increase in the attacks against civilians and civilians objects using heavy artillery and mortars which have heightened civilian casualties.
5. According to the Independent Investigative Mechanism on Myanmar (IIMM), preliminary evidence collected since the coup shows both widespread and systematic attacks amounting to crimes against humanity, and military attacks on civilians that may also qualify as war crimes.⁸ Similar preliminary conclusions were drawn by the

⁴ [‘Statement of Nicholas Koumjian, Head of the Independent Investigative Mechanism for Myanmar \(IIMM\), on the anniversary of the military’s seizure of power in Myanmar’](#) (IIMM, 1 February 2022), “[r]eports received over the last year suggest that well over a thousand individuals have been killed in circumstances that may qualify as crimes against humanity or war crimes. The security forces have detained thousands of civilians in circumstances that include credible allegations of arbitrary detention, torture, sexual violence and even killings while in detention.”

⁵ [‘Daily Briefing in Relation to the Military Coup’](#) (Assistance Association for Political Prisoners (Burma), 21 April 2022).

⁶ HRC, [‘Conference room paper of the Special Rapporteur on the situation of human rights in Myanmar: Enabling Atrocities: UN Member States’ Arms Transfers to the Myanmar Military](#) (22 February 2022) UN Doc A/HRC/49/CRP.1 paras 2, 40-42.

⁷ Ibid.

⁸ [‘Myanmar: Systematic attack on civilians, rights mechanism reveals’](#) (UN, 5 November 2021).

UN Special Rapporteur on the Situation of Human Rights in Myanmar Tom Andrews⁹ and the UN High Commissioner for Human Rights.¹⁰

6. Since the usurpation of power, the Myanmar military has carried out indiscriminate attacks against civilians through internationally acquired arms and armaments.¹¹ The continued control of power through armed force has been largely possible only because of the uninterrupted supply of arms to Myanmar.
7. The Human Rights Council resolution 47/17 on which the present call for input is based, in para. 3, calls upon the Member States to “refrain from transferring arms when they assess, in accordance with applicable domestic laws, regulations and procedures and international obligations and commitments, that there is a clear risk that such arms might be used to commit or facilitate serious violations or abuses of international human rights law or serious violations of international humanitarian law”.¹² In line with para 3 of the resolution, the movement of arms and armaments in violation of international humanitarian and human rights law should be put to an end. The supply of arms that could facilitate the commission of atrocity crimes and serious human rights violations would be considered ‘illicit’. The Disarmament Commission’s Guidelines for international arms transfers in the context of General Assembly resolution 46/36 H provides for a broad definition of “illicit arms trafficking” to include arms transfers that have been outlawed by international law and relevant national laws.¹³ An arms supply from one State to another with the knowledge that such arms are used or would certainly be used to commit “internationally wrongful acts” could be construed as “aid or assistance in the commission of an internationally wrongful act” and attract State responsibility under international law.¹⁴ For the purposes of the International Law

⁹ HRC, ‘[Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews](#)’ (16 March 2022) UN Doc A/HRC/49/76 para 10.

¹⁰ ‘[Myanmar: UN report urges immediate, concerted effort by international community to stem violence, hold military accountable](#)’ (OHCHR, 15 March 2022).

¹¹ HRC, ‘[Conference room paper of the Special Rapporteur on the situation of human rights in Myanmar: Enabling Atrocities: UN Member States’ Arms Transfers to the Myanmar Military](#)’ (22 February 2022) UN Doc A/HRC/49/CRP.1 para 2.

¹² HRC, ‘[Resolution on the impact of arms transfers on human rights](#)’ (26 July 2021) UN Doc A/HRC/RES/47/17.

¹³ HRC, ‘[Report of the United Nations High Commissioner for Human Rights: Impact of arms transfers on human rights](#)’ (19 June 2020) UN Doc A/HRC/44/29 para 9.

¹⁴ International Law Commission (ILC), Draft Articles on Responsibility of States for Internationally Wrongful Acts (November 2001) Supplement No. 10 UN Doc A/56/10 art 16.

Commission's Draft Articles on State Responsibility, "internationally wrongful acts" include genocide, crimes against humanity, and war crimes.¹⁵

8. The transfer of arms and ammunition into Myanmar has contributed significantly to the protracted nature of the conflict in the country. Myanmar and most UN Member States transferring arms and armaments to Myanmar are parties to the Geneva Conventions. Such transfer runs foul of the obligation to "respect and ensure respect for the present Convention in all circumstances" under Common Article 1 of the Conventions. *All circumstances* include situations where the transferring state is under an obligation to refrain from making a transfer where there is an expectation (facts or past patterns) that such weapons would be deployed to violate the Conventions, even if such weapons have the potential of being used lawfully.¹⁶ Similarly, while Myanmar is not a party to it, the 2013 Arms Trade Treaty prohibits any arms transfer if it would further the commission of genocide, crimes against humanity, and grave breaches of the Geneva Conventions of 1949.¹⁷ If not prohibited, Member States are obligated to undertake a risk assessment and refrain from making an arms transfer if it "could be used to commit or facilitate a serious violation of international humanitarian law or international human rights law".¹⁸ If such a transfer takes place despite serious possibilities of gender-based violence or serious acts of violence against women and children, it would be considered 'illicit' under the Arms Trade Treaty.¹⁹

9. Since the coup, protesters in Myanmar have urged the international community to uphold its Responsibility to Protect them from genocide, war crimes, and crimes against humanity. The UN Security Council has manifestly failed to take timely, decisive action to prevent atrocities or protect the population from ongoing crimes against humanity. Imposing a global arms embargo is a clear way for the UN Security Council to protect the people of Myanmar from mass atrocity crimes by blocking the Tatmadaw's access to arms.

¹⁵ ILC, Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries (November 2001) Supplement No. 10 UN Doc A/56/10, commentary (2) to art. 15, p 62.

¹⁶ International Committee of the Red Cross (ICRC), Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (12 August 1949), Commentary of 2016, art 1, para. 153 and 168.

¹⁷ Arms Trade Treaty (adopted 2 April 2013, came into force 24 December 2014) 3013 UNTS 269 art 6(3) (ATT).

¹⁸ ATT art 7.

¹⁹ ATT art 7(4).

10. In 2021, the General Assembly adopted Resolution 75/287 calling for Member States to prevent the flow of arms into Myanmar.²⁰ The resolution has failed to make an impact. While the resolution was passed in the General Assembly without any real opposition²¹, the effectiveness of the non-binding resolution depends on the willingness of each UN Member State to comply with it. The UN Security Council has failed to limit or halt the continuing military offensive against civilians in Myanmar. The failure to consider, let alone pass a comprehensive arms embargo under Chapter VII of the UN Charter has bolstered the confidence of the military junta.
11. In the light of the inaction by the UN Security Council, forty-four Member States have imposed or extended their arms ban on Myanmar.²² For example, the EU had an embargo on Myanmar covering arms, ammunition, and military equipment since the early 1990s and extended it to cover equipment that might be used for “internal repression or terrorism”. In response to the 2017 widespread, systematic grave human rights violations in Rakhine State, the EU reconfirmed its arms embargo and extended the restrictive measures to dual-use goods and monitoring communications equipment that might be used for internal repression and prohibiting military training and cooperation.²³ Ten countries support the EU arms embargo against Myanmar.²⁴ Similarly, in 2021, the Republic of Korea suspended new exchanges and cooperation in the field of defence and security with Myanmar and placed a military export ban with strict control over dual-use goods.²⁵ But, despite such attempts, arms transfers to Myanmar continue and facilitate attacks against civilians, in violation of international law.

²⁰ United Nations General Assembly (UNGA), [Resolution on the situation in Myanmar](#) (25 June 2021) UN Doc A/RES/75/287.

²¹ Ibid. The resolution was adopted with 119 in favour, 1 against, and 36 abstentions.

²² HRC, ‘[Conference room paper of the Special Rapporteur on the situation of human rights in Myanmar: Enabling Atrocities: UN Member States’ Arms Transfers to the Myanmar Military](#) (22 February 2022) UN Doc A/HRC/49/CRP.1 para. 24.

²³ [EU arms embargo on Myanmar \(Burma\)](#)’ (Stockholm International Peace Research Institute) The arms embargo is in force till 30 April 2022.

²⁴ Council of European Union, ‘[Declaration by the High Representative on behalf of the EU on the alignment of certain countries concerning restrictive measures against Myanmar/Burma](#)’ (24 May 2018). Albania, Armenia, Bosnia and Herzegovina, Iceland, Liechtenstein, Moldova, Montenegro, North Macedonia, Norway, and Turkey.

²⁵ [Korean Government's Measures on Situation in Myanmar](#) (Ministry of Foreign Affairs, Republic of Korea, 12 March 2021).

12. In February-March 2022, the US, EU, Canada, and the UK imposed a fresh series of sanctions on arms dealers and companies in Myanmar.²⁶ However, private arms brokers function with impunity with no prosecution for breaches of sanctions.²⁷ Similarly, there has been a steady increase in “third-country transfers” of goods and technology to circumvent these arms embargoes.²⁸ These transfers are illicit in nature as they violate national and international law. The transfer of France manufactured ATR 72-600 series civilian transport aircraft and two Airbus AS 365N2 Dauphin 2 to Myanmar are examples of such transfers.²⁹
13. The February 2022 paper “*Enabling Atrocities: UN Member States’ Arms Transfers to the Myanmar Military*” by the UN Special Rapporteur on Myanmar highlighted arms transfers since 1 February 2021 that have a direct nexus with attacks on civilians.³⁰ It also covers arms transfers since the widespread and systematic human rights abuses and atrocity crimes against the Rohingya in 2017.³¹ According to the paper, the Myanmar military has made use of internationally purchased jet aircraft, attack helicopters, armored vehicles, light and heavy artillery, missiles, and rockets that can be used to target ground targets, artillery shells, and small arms, to attack civilians.

²⁶ [‘One Year Later: What Has Been Done To Stop The Myanmar Military's Atrocity Crimes?’](#) (*Justice for Myanmar*, 9 March 2022).

²⁷ [‘Myanmar military brokers procuring from EU, despite arms embargo’](#) (*Justice for Myanmar*, 14 March 2022).

²⁸ HRC, [‘Conference room paper of the Special Rapporteur on the situation of human rights in Myanmar: Enabling Atrocities: UN Member States’ Arms Transfers to the Myanmar Military](#) (22 February 2022) UN Doc A/HRC/49/CRP.1 paras 131-134.

²⁹ *Ibid.*

³⁰ HRC, [‘Conference room paper of the Special Rapporteur on the situation of human rights in Myanmar: Enabling Atrocities: UN Member States’ Arms Transfers to the Myanmar Military](#) (22 February 2022) UN Doc A/HRC/49/CRP.1 paras 9-10.

³¹ *Ibid.*

14. The UN Special Rapporteur, in his 2022 paper, names the Russian Federation³², China³³, and Serbia³⁴ as the three countries that authorized the sale of weapons to Myanmar with full knowledge of it being used to target civilians since the military coup. The paper also documents the transfer of weapons by other States (Pakistan³⁵, Belarus³⁶, Ukraine³⁷, and Israel³⁸, South Korea³⁹) before the coup but not since the coup. Lastly, it takes note of arms sales by India⁴⁰ before the coup and one transfer in 2021 that has the potential to be used against civilians but has not been used yet.

B. NEXUS BETWEEN ARMS TRANSFER AND CHILD SOLDIERS IN MYANMAR

³² HRC, ‘[Conference room paper of the Special Rapporteur on the situation of human rights in Myanmar: Enabling Atrocities: UN Member States’ Arms Transfers to the Myanmar Military](#) (22 February 2022) UN Doc A/HRC/49/CRP.1 pp 16-19. Jet fighters, to armored vehicles, surface-to-air missiles, and mobile defense systems. Six Yak-130 fighter jets (2018-2019); 75 long-range missiles for Myanmar Air Force’s Yak-130 fighter jets (2017-2019); Six engines for JF-17 combat aircraft (2018-2019); 2018 agreement to deliver six Sukhoi Su-30MK fighter jets; 2019 agreement for BDRM-2MS armored reconnaissance vehicles; an undisclosed number of radar stations, Pantsir-S1 self-propelled short-range air-defense (SHORAD) systems, and Orlan-10E multirole unmanned aerial systems (UASs); six additional Yak-130s jet in 2021.

³³ HRC, ‘[Conference room paper of the Special Rapporteur on the situation of human rights in Myanmar: Enabling Atrocities: UN Member States’ Arms Transfers to the Myanmar Military](#) (22 February 2022) UN Doc A/HRC/49/CRP.1 pp 14-16. Fighter jets, missiles, and related ammunitions. Six JF-17M fighter planes and its missiles since 2018; a ballistic missile system; Four K-8 jet fighters and four Y-12 planes in December 2021.

³⁴ HRC, ‘[Conference room paper of the Special Rapporteur on the situation of human rights in Myanmar: Enabling Atrocities: UN Member States’ Arms Transfers to the Myanmar Military](#) (22 February 2022) UN Doc A/HRC/49/CRP.1 pp 19-20. Three 105mm howitzer turrets for use atop armored vehicles, such as a tank turret (2019); export licenses granted in 2020-2021 to sell thousands of rockets (57mm and 80mm) and artillery shells (105mm, 122mm, and 155mm) to the Myanmar military.

³⁵ HRC, ‘[Conference room paper of the Special Rapporteur on the situation of human rights in Myanmar: Enabling Atrocities: UN Member States’ Arms Transfers to the Myanmar Military](#) (22 February 2022) UN Doc A/HRC/49/CRP.1 pp 22-23. JF-17 jointly produced with China. UNSR pp 22-23; possible transfer of air to ground missiles for the JF-17 fighter jets as well as 60 mm and 81 mm mortars, M-79 grenade launchers, and heavy machine guns.

³⁶ HRC, ‘[Conference room paper of the Special Rapporteur on the situation of human rights in Myanmar: Enabling Atrocities: UN Member States’ Arms Transfers to the Myanmar Military](#) (22 February 2022) UN Doc A/HRC/49/CRP.1 pp 23-24. Two Mi-24P/Mi-35P combat helicopters (2019); plans to produce BTR-4 armored personnel carriers and MMT-40 light tanks using 2S1U propelled howitzers.

³⁷ HRC, ‘[Conference room paper of the Special Rapporteur on the situation of human rights in Myanmar: Enabling Atrocities: UN Member States’ Arms Transfers to the Myanmar Military](#) (22 February 2022) UN Doc A/HRC/49/CRP.1 para 99. 164 kilograms of aircraft parts (2021), turbojet engine equipment (2021), mechanical parts to private air force supplier (2021).

³⁸ HRC, ‘[Conference room paper of the Special Rapporteur on the situation of human rights in Myanmar: Enabling Atrocities: UN Member States’ Arms Transfers to the Myanmar Military](#) (22 February 2022) UN Doc A/HRC/49/CRP.1 pp 26-27. Attack frigates; Two of the six Super Dvokra Mk III (2015).

³⁹ HRC, ‘[Conference room paper of the Special Rapporteur on the situation of human rights in Myanmar: Enabling Atrocities: UN Member States’ Arms Transfers to the Myanmar Military](#) (22 February 2022) UN Doc A/HRC/49/CRP.1 pp 27-28. UMS *Moattama* (2019).

⁴⁰ HRC, ‘[Conference room paper of the Special Rapporteur on the situation of human rights in Myanmar: Enabling Atrocities: UN Member States’ Arms Transfers to the Myanmar Military](#) (22 February 2022) UN Doc A/HRC/49/CRP.1 pp 20-21. Jet trainer aircraft and a remote-controlled weapons/air defense station. Six second-hand HJT-16 Kiran-1 jet trainer (2018); a remote-controlled (RCWS)/air defense weapon (2021).

15. The use and recruitment of children as soldiers by the Myanmar military violates international law. Diversions of arms and their illicit transfer have a multifaceted impact on human rights, and they may contribute to the recruitment of children and their use in armed hostilities.⁴¹ Arms transfers exacerbate conflicts and favour an environment for the recruitment of children due to easy access and availability of arms. Reportedly, children have been made to undergo training and join the military in Myanmar.⁴² While doing so, some have been killed as well as used as human shields. The statistics also reflect the increased use of child soldiers by ethnic armed groups.⁴³ The use of child soldiers puts children at a greater risk of harm and violates international law.
16. While United Nations and Tatmadaw signed a joint action plan on the non-recruitment of children in 2012⁴⁴, the recruitment and use of child soldiers remain overwhelmingly high in Myanmar, especially in the Rakhine region.⁴⁵ Out of 790 child soldiers in Myanmar in 2020 – 2021, 726 were recruited and used by Tatmadaw.⁴⁶ The clashes between Tatmadaw and armed groups resulted in the killing and maiming of 216 children.⁴⁷ From 2018 – 2020, 635 children were recruited and used in Myanmar. Tatmadaw recruited and used 555 children i.e., 57 in 2018, 197 in 2019, and 301 in the first half of 2020.⁴⁸
17. Contrary to the international obligations under the Worst Forms of Child Labour Convention, 1999 (No. 182), the Convention on the Rights of the Child and its Optional Protocol to the Convention on the Rights of the Child regarding the use of minors in armed conflict, children are often engaged by Tatmadaw for both military and non-military purposes, exposing them to harm and death.⁴⁹ These children are often perceived to be members of armed groups like the Arakan Army and remain caught

⁴¹ [‘Strong link between child soldiers and small arms trade, UN experts say’](#) (UN, 15 July 2008).

⁴² [‘Myanmar Regime Makes Military Training Compulsory for Soldiers’ Children](#) (*The Irrawaddy*, 7 December 2021).

⁴³ UNGA, [‘Report of the Secretary-General: Children and armed conflict’](#) (6 May 2021) UN Doc A/75/873–S/2021/437 para 120.

⁴⁴ [‘UN and Myanmar sign plan to prevent child recruitment in armed forces’](#) (UN, 27 June 2012).

⁴⁵ UNGA, [‘Report of the Secretary-General: Children and armed conflict’](#) (6 May 2021) UN Doc A/75/873–S/2021/437 para 120.

⁴⁶ [‘Myanmar’](#) (Office of the Special Representative of the Secretary-General for Children and Armed Conflict).

⁴⁷ UNGA, [‘Report of the Secretary-General: Children and armed conflict’](#) (6 May 2021) UN Doc A/75/873–S/2021/437 para 122.

⁴⁸ United Nations Security Council (UNSC), [‘Report of the Secretary-General: Children and armed conflict in Myanmar’](#) (17 December 2020) UN Doc S/2020/1243 para 26.

⁴⁹ UNGA, [‘Report of the Secretary-General: Children and armed conflict’](#) (6 May 2021) UN Doc A/75/873–S/2021/437 para 120.

between the parties to the conflict.⁵⁰ The Myanmar military has detained children purported to be members of non-state armed groups for months altogether as a reprisal.⁵¹ In violation of international law, the military has also abducted children and forcibly used them as human shields and guides.⁵²

C. HUMAN RIGHTS VIOLATIONS AGAINST CHILDREN AND YOUTH

18. Myanmar is not a State Party to the International Covenant on Civil and Political Rights. However, Myanmar ratified the Convention on the Elimination of All Forms of Discrimination against Women on 22 July 1997, the International Covenant on Economic, Social and Cultural Rights on 6 October 2017, the Convention on the Rights of the Child on 15 July 1991, both optional protocols to the CRC on 16 January 2012 and 27 September 2019, the Convention on the Right of Persons with Disabilities, and International Labour Organization's Worst Forms of Child Labour Convention, 1999 (No. 182). Myanmar has an international obligation to respect, protect, and fulfil human rights under international instruments by which it is bound as a State Party. Myanmar is also bound by norms that have attained the status of customary international law and *jus cogens*.
19. There has been an increase in human rights violations since the February coup of 2021 by the Tatmadaw. As compared to 2020, the country faced over a 620% increase in the attacks against civilians by the Myanmar military.⁵³ Since the military coup, children have suffered greatly. Children have been attacked as a part of the junta's widespread and systematic abuses and have been victims of targeted attacks by the military. The military junta's indiscriminate attacks and airstrikes have already claimed the lives of more than 100 children (at least 90 boys and 15 girls) according to the UN.⁵⁴ The arms transfers have had a direct impact on the continuous violence and attacks perpetrated

⁵⁰ UNSC, ['Report of the Secretary-General: Children and armed conflict in Myanmar'](#) (17 December 2020) UN Doc S/2020/1243 paras 37-38.

⁵¹ UNGA, ['Report of the Secretary-General: Children and armed conflict'](#) (6 May 2021) UN Doc A/75/873-S/2021/437 para 121. Tatmadaw detained 8 children (7 boys, 1 girl) for 10 months.

⁵² UNGA, ['Report of the Secretary-General: Children and armed conflict'](#) (6 May 2021) UN Doc A/75/873-S/2021/437 para 126.

⁵³ ['Myanmar: Continued resistance against the military coup'](#) (*Armed Conflict Location & Event Data Project*, 2022).

⁵⁴ HRC, ['Report of the United Nations High Commissioner for Human Rights: Situation of human rights in Myanmar since 1 February 2021'](#) (15 March 2022) UN Doc A/HRC/49/72 para 19.

by the military junta against civilians at large and have resulted in the deaths of hundreds including children and youth. The uninterrupted supply of arms into Myanmar has had an impact on the human rights of children. This section will provide a summary of both the direct and indirect effects of arms transfers on children and youth.

I. Right to Life

20. The anti-coup protests saw participation from thousands of children and youth as a part of the ‘Spring Revolution’. However, the protests were met with excessive and lethal force by the Myanmar military. Children were shot at point-blank range even when they were playing on the streets or in their houses.⁵⁵ According to the Armed Conflict Location & Event Data Project (ACLED), Myanmar was the deadliest country in the world for demonstrators in 2021.⁵⁶ Globally, Myanmar had 60% of all the people killed in 2021 by state forces.
21. The situation of human rights in Myanmar is getting worse. Two incidents are illustrative and highlight the direct impact on children. The 24 December 2021 massacre at Hpruso Township, Kaya State by the military junta killed and burnt 35 people including four children and international aid workers.⁵⁷ In the same month, on 7 December, five teenagers were reportedly killed in Sagaing Region.⁵⁸ The widespread and systematic human rights abuses against children reflect Myanmar’s scant regard for its international legal obligations.
22. Similar brutalities were witnessed in ethnic regions of Chin and Kayah States and Sagaing and Magway Regions. An intense aerial bombardment campaign was launched along with systematic use of arson by the military and indiscriminate shelling destroyed homes, schools, and religious buildings without distinction. The airstrikes in heavily populated civilian areas failed to make a distinction and have killed dozens of

⁵⁵ [‘Myanmar: No Safe Place for Children’](#) (*Progressive Voice*, 8 April 2022).

⁵⁶ [‘Deadly Demonstrations: Fatalities From State Engagement On The Rise’](#) (*Armed Conflict Location & Event Data Project*, 21 October 2021).

⁵⁷ HRC, [‘Report of the United Nations High Commissioner for Human Rights: Situation of human rights in Myanmar since 1 February 2021’](#) (15 March 2022) UN Doc A/HRC/49/72 para 28.

⁵⁸ HRC, [‘Report of the United Nations High Commissioner for Human Rights: Situation of human rights in Myanmar since 1 February 2021’](#) (15 March 2022) UN Doc A/HRC/49/72 para 27.

children.⁵⁹ Such airstrikes and attacks are not new, having been used previously against the Rohingya in 2016 and 2017.⁶⁰

23. The intensified clashes between the Tatmadaw and armed groups continue. In 2021, 19 children were killed and over 50 injured from landmines and explosive remnants of war (ERW).⁶¹ The excessive artillery fire, explosives, and mortars have instilled deep fear amongst children, who are effectively under siege.⁶² The Tatmadaw has attacked schools and hospitals and used them as a ‘base’ for military purposes contrary to international laws.⁶³ Over 200 attacks on schools and school personnel have been documented in 2021.⁶⁴

24. The military junta’s amendment of national laws to restrict the freedom of movement and assembly has had a disproportionate impact on children. In addition, since 2021, the Myanmar military has abducted and detained more than 240 children and used them as ‘ransom’.⁶⁵ This tactic is often employed when the military fails to locate their targets and forces the parents or relatives of the children to come ‘over ground’ and arrest them thereafter. According to UNICEF, more than 1,000 children were arbitrarily detained by the Myanmar military and those who were released would suffer in the long term due to the negative consequences of such an ordeal on their mental health and well-being.⁶⁶ Myanmar military has been committing rampant abuse and torture of civilians in custody and consequently, at least 16 children have died while detained.⁶⁷ The

⁵⁹ [‘At least four children killed during escalation of conflict in Myanmar’](#) (UN, 11 January 2022); [‘Nowhere is safe’ - two children among six killed as junta bombs camps sheltering civilians in Karenni’](#) (Myanmar Now, 17 January 2022).

⁶⁰ [‘Myanmar: Indiscriminate airstrikes kill civilians as Rakhine conflict worsens’](#) (Amnesty International, 8 July 2020).

⁶¹ UN Office for the Coordination of Humanitarian Affairs (OCHA), [‘Myanmar Humanitarian Update No. 16’](#) (19 March 2022).

⁶² [‘An entire generation at risk’: Myanmar’s children traumatised after a year of violence’](#) (Frontier Myanmar, 7 April 2022).

⁶³ [‘Myanmar Military Regime’s Forces Establish Bases at Civilian Schools, Universities, and Hospitals’](#) (The Irrawaddy, 8 March 2021); HRC, [‘Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews’](#) (16 March 2022) UN Doc A/HRC/49/76 para 72; HRC, [‘Report of the United Nations High Commissioner for Human Rights: Situation of human rights in Myanmar since 1 February 2021’](#) (15 March 2022) UN Doc A/HRC/49/72 para 41.

⁶⁴ Ibid.

⁶⁵ HRC, [‘Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews’](#) (16 March 2022) UN Doc A/HRC/49/76 para 50.

⁶⁶ [‘Children in Myanmar: A generation in peril’](#) (United Nations Children’s Fund).

⁶⁷ HRC, [‘Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews’](#) (16 March 2022) UN Doc A/HRC/49/76 para 57.

military courts run by the Tatmadaw have arbitrarily convicted and sentenced over 110 people — including two children — to death.⁶⁸

II. Economic, Social, and Cultural Rights

25. More than 1,600 civilians including 100 children have been killed and more than 10,000 are under detention.⁶⁹ According to UN OCHA, more than 51,9500 people have been internally displaced within Myanmar since the military coup. Thousands of civilians have fled to neighbouring countries, like Thailand, India, and Bangladesh to seek refuge. According to Save the Children, over 15,000 children have been displaced in Myanmar in just the past year alone. Such displacement incontrovertibly has a greater impact on children, on account of separation from their schools, homes, and friends. Parents fear sending children to junta-run schools for either political or safety reasons and consequently, school enrolment percentages have fallen by 70-75% in Myanmar.⁷⁰ Moreover, 12 million children have been estimated to remain out of school due to the COVID-19 pandemic.⁷¹ Further, internal displacement puts children at a greater risk of trafficking, recruitment into military or armed groups, and physical and sexual abuse.⁷² Amongst the internally displaced, Rohingya remain the most vulnerable. Restrictions on their freedom of movement and access to education and public healthcare facilities place them at a greater risk. The lives of Rohingya children in Bangladeshi refugee camps are increasingly curtailed, with restrictions on freedom of movement, access to education, and the threat of forcible transfer to flood-prone islands of Bhasan Char.⁷³

26. The widespread internal displacement has been further compounded by the humanitarian crises in the country due to the ongoing COVID-19 pandemic, with rampant inflation, poverty, the collapse of public services, and the deliberate blocking

⁶⁸ HRC, ['Report of the United Nations High Commissioner for Human Rights: Situation of human rights in Myanmar since 1 February 2021'](#) (15 March 2022) UN Doc A/HRC/49/72 para 41.

⁶⁹ HRC, ['Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews'](#) (16 March 2022) UN Doc A/HRC/49/76 paras 2 and 68.

⁷⁰ ['An entire generation at risk': Myanmar's children traumatised after a year of violence'](#) (*Frontier Myanmar*, 7 April 2022).

⁷¹ HRC, ['Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews'](#) (16 March 2022) UN Doc A/HRC/49/76 para 71.

⁷² ['Violence intensifies in Myanmar as at least 150,000 children forced from their homes in the year since military coup'](#) (*Save the Children*, 26 January 2022).

⁷³ ['Bangladesh: New Restrictions on Rohingya Camps'](#) (*Human Rights Watch*, 4 April 2022).

of international humanitarian aid.⁷⁴ The 2021 December report by UN OCHA warned the international community regarding the plight of more than 5 million children in Myanmar who require life-saving humanitarian aid to survive 2022. For context, about 37% (14.4 million) of the population of Myanmar are under the age of 18, and 5 million of them require international assistance and support to live their life with dignity.⁷⁵ The fuelling of arms transfers into Myanmar is sustaining this dire situation controlled by the military junta, and it will have devastating effects on this generation of children and youth in the country.

D. RECOMMENDATIONS

27. We recommend the following actions be undertaken by UN Member States:

- i. Immediately halt the sale or transfer of weapons and dual-use technology to Myanmar.
- ii. Urgently impose targeted sanctions against individuals and entities involved in the import and export of arms to Myanmar including Myanmar-based individuals and entities that serve as intermediaries in the weapons trade.
- iii. Immediately adopt a UN Security Council resolution under Chapter VII of the UN Charter imposing a comprehensive arms embargo outlawing the sale or transfer of direct and indirect supply of weapons, ammunition, military vehicles, and equipment, as well as financial and technical military assistance.
- iv. Put pressure on the Myanmar military to immediately end all violations of international law against children and youth including killing, torture, abduction and arbitrary detention, sexual violence, the release of detained children and quash wrongful convictions.
- v. End recruitment and use of children and ensure their systematic identification, swift release, and safe socio-economic reintegration.

⁷⁴ [‘Urgent Call for Action: One Year Into Myanmar Coup, Growing Impunity & International Indifference’](#) (*Asia Justice Coalition*, 1 February 2022).

⁷⁵ [‘Myanmar: More than 5 million children could need life-saving aid to survive’](#) (*Save the Children*, 2 December 2021).

- vi. Extend humanitarian protection to all individuals including children and youth crossing the international border and respect their freedom of movement, livelihood, and education.
- vii. Put pressure on the Tatmadaw to facilitate safe, rapid, and unimpeded humanitarian access to children and youth.