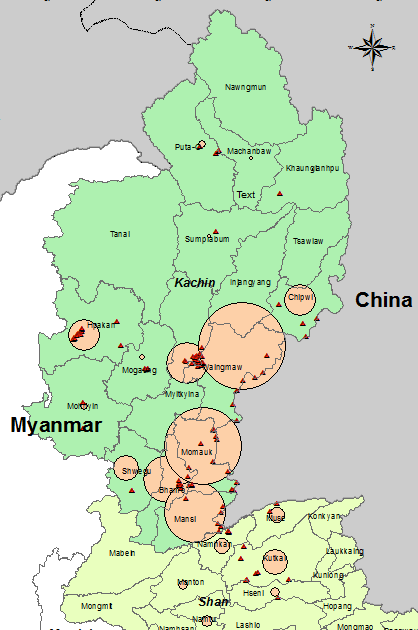
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**PART 2**

**Protection Concerns and Risk Analysis in 2015**

**Kachin and Northern Shan October 2015**



The on-going internal conflict between various ethnic armed groups and the Myanmar Army in Kachin and Northern Shan is one of low-level intensity but it has seen the most serious armed confrontations affecting the country in the past years. Concerns arising from this conflict include continuous displacements of civilians, international humanitarian and human rights law violations, sexual and gender based violence and grave violations against children. Meanwhile, the context of the conflict is characterised by a climate of impunity, lack of access to livelihoods for affected populations rendering them dependent upon humanitarian assistance and serious human trafficking and drug-addiction issues compounded by a breakdown in community structures, social protection mechanisms and a slow urbanization of the internally displaced population, which finds itself in an increasingly protracted situation.

**Summary conclusions**

**Main Identified Threats**



The five highest threats that internally displaced persons (IDPs) face in Kachin and Northern Shan, as identified in the protection analysis

**Forced recruitment and use**



**SGBV**



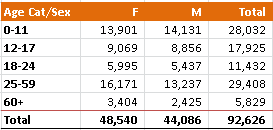
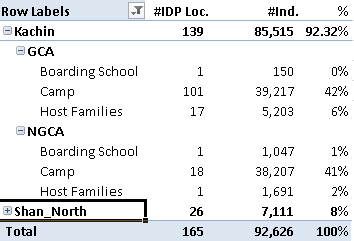
**Lack of documentation**



**Drug use and abuse**



**Lack of humanitarian accessibility**



Contents

[Analysis of the main protection concerns and risks in 2015 3](#_Toc433043020)

[ Internal displacement and multiple displacements 6](#_Toc433043021)

[ International humanitarian law concerns arising from continued clashes 7](#_Toc433043022)

[ Human rights violations, rule of law and impunity 10](#_Toc433043023)

[ Increased militarization in Kachin and Northern Shan 10](#_Toc433043024)

[ Sexual and gender based violence 10](#_Toc433043025)

[ Human trafficking, forced marriage and sex trade 14](#_Toc433043026)

[ Grave violations committed against children 15](#_Toc433043027)

[ Landmines and explosive devices 15](#_Toc433043028)

[ Lack of livelihood opportunities 16](#_Toc433043029)

[ Drug use and abuse 17](#_Toc433043030)

[ Lack of documentation 19](#_Toc433043031)

[ Lack of access to education/inappropriate care/separated children 20](#_Toc433043032)

[ Durable solutions 21](#_Toc433043033)

[What are our information gaps? 22](#_Toc433043034)

[Proposed areas of engagement with other humanitarian, development and government stakeholders as well as with ethnic armed groups and affected communities 23](#_Toc433043035)

[Annex 1 Ethnic armed groups active in Kachin and/or Northern Shan 27](#_Toc433043036)

[Annex 3 List of local humanitarian organisations working on Kachin and Northern Shan IDP relief 30](#_Toc433043037)

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# Analysis of the main protection concerns and risks in 2015

|  |  |  |
| --- | --- | --- |
| **Threats identified by the Protection Sector to be High and Critical[[1]](#footnote-1)** | **No. of areas** | **Areas Detail** |
| **Sexual and gender based violence[[2]](#footnote-2)**  Sexual violence and abuse towards women and girls | **5** | **Northern Shan**  **Kachin – GCA Host**  **Kachin – GCA Camp**  **Kachin – NGCA – Host**  **Kachin – NGCA Camp** |
| **Lack of documentation**  Lack of access to civil documents - this includes birth registration, citizenship document/cards and land property documents | **5** |
| **Drug use and abuse[[3]](#footnote-3)**  Found to be a significant threat to youth in particular | **5** |
| **Forced recruitment of adults**  Threat of forced recruitment due to ongoing conflict | **5** |
| **Recruitment and use of children by armed forces/groups**  Includes the recruitment and use of children for fighting or any other duties | **4** | **Northern Shan**  **Kachin – GCA Host**  **Kachin – NGCA – Host**  **Kachin – NGCA Camp** |
| **Lack of humanitarian service accessibility**  Includes the lack of services as well as lack of information on how to access services | **4** |
| **Threats to life, safety and security**  Harassment, torture, arbitrary arrests, intimidation, physical violence, and killings identified as threats | **3** | **Kachin – GCA Host**  **Kachin – NGCA – Host**  **Kachin – NGCA Camp** |
| **Lack of durable solutions**  Threat of forced return and no recognition of refugee status by Chinese authorities, highlighted for NGCA and Northern Shan areas | **3** | **Northern Shan**  **Kachin – NGCA – Host**  **Kachin – NGCA Camp** |
| **Human trafficking**  Linked to early marriages, domestic servitude, sexual exploitation, prostitution and/or forced labour, facilitated through brokers, relatives and smugglers | **3** |
| **Land rights**  Lack of land rights, land tenure and land grabbing risks | **3** | **Kachin – GCA Host**  **Kachin – GCA Camp**  **Kachin – NGCA – Host** |
| **Lack of livelihood opportunities**  While the protracted situation results in increased pressure on families, this is exacerbated by the lack of livelihoods and job opportunities | **2** | **Northern Shan**  **Kachin – GCA Host** |
| **Landmines and explosive devices**  Identified as threats for NGCA for both camp and host areas | **2** | **Kachin – NGCA – Host**  **Kachin – NGCA Camp** |

**Risk assessment - The graphic shows the risk methodology used to identify the impact of threats in the protection analysis**

**The colour coding provides:**

1. **the likelihood of the threat occurring (rare/unlikely/possible/likely/very likely) and**
2. **the consequence of the threat (insignificant/minor/moderate/major/extreme)**

**These two variables together result in: magnitude of the risk people are exposed to (low/medium/high/critical)**

Figure 1 : Risk assessment

**Very likely** -Expected to occur in most circumstances

**Likely-** Will probably occur in most circumstances

**Possible-** Might occur at some time

**Unlikely-** Not expected to occur

**Rare-** Occurs in exceptional circumstances only

Insignificant

Extreme

Major

Moderate

Minor

**Likelihood/ Consequences**

**Low 8**

**Medium 25**

**High 36**

**Critical 10**

**The below table shows the threats identified as High and Critical using the risk methodology above in the 5 areas assessed.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| IDP Location | Magnitude of Risk and Identified Threats | | | |
| Low | Medium | High | Critical |
| **Northern Shan** | 2 | 5 | 6 Forced recruitment of adults; Recruitment and use of children by armed forces/groups; Lack of livelihood opportunities; Lack of durable solutions; Human trafficking; Lack of documentation | 4  Conflict and clashes; SGBV;  Drug use and abuse;  Lack of humanitarian service accessibility |
| **Kachin –  GCA Host** | 2 | 4 | 9 Forced recruitment of adults; Recruitment and use of children by armed forces/groups; Threat to life, safety and security; Lack of livelihood opportunities; Lack of humanitarian service accessibility; SGBV; Land rights; Drug use and abuse; Lack of documentation | 0 |
| **Kachin –  GCA Camp** | 4 | 8 | 2 Lack of documentation; SGBV | 2 Drug use and abuse; Land rights |
| **Kachin –  NGCA Host** | 0 | 1 | 12 Forced recruitment of adults; Recruitment and use of children by armed forces/groups; Landmines and explosive devices; Lack of durable solutions; Threat to life, safety and security; Lack of humanitarian service accessibility; Lack of access to services; Child protection concerns; SGBV and domestic violence; Drug use and abuse; Land rights; Human trafficking | 1 Lack of documentation |
| **Kachin –  NGCA Camp** | 0 | 7 | 7 Lack of durable solutions; Lack of documentation; SGBV; Human Trafficking; Drug use and abuse; Lack of humanitarian service accessibility; Threat to life, safety and security | 3  Forced recruitment of adults; Recruitment and use of children by armed forces/groups; Landmines and explosive devices |
| **Total Threats** | **8** | **25** | **36** | **10** |

Figure 2 : Most vulnerable groups

**Most Vulnerable groups**

Children

The five highest threats identified in Kachin and Northern Shan and those IDPs identified in the analysis as most vulnerable.

Lack of documentation

Drug use and abuse

Lack of humanitarian assistance/access



Elderly

Lack of documentation

Lack of humanitarian assistance/access



Forced recruitment and use

SGBV

Lack of documentation

Drug use and abuse

Lack of humanitarian assistance/access



Adults

Lack of documentation

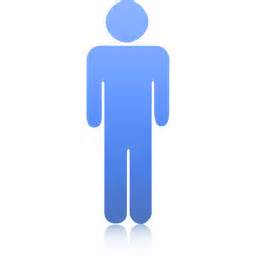
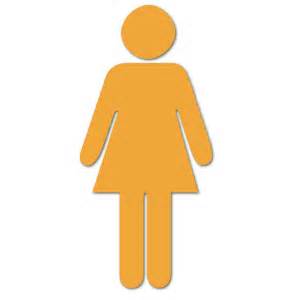
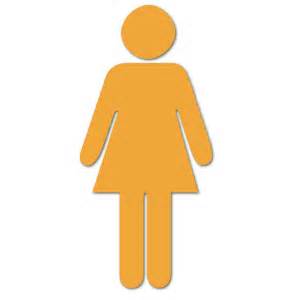
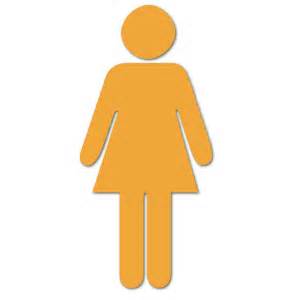
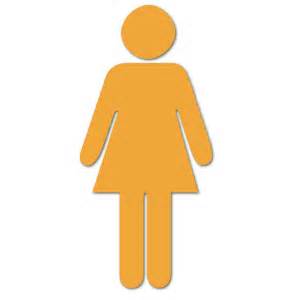
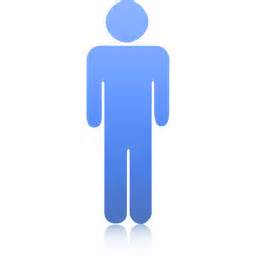
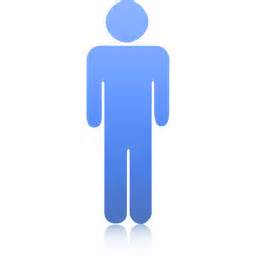
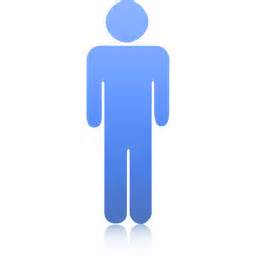
Drug use and abuse

Lack of humanitarian assistance/access

GBV

Lack of documentation

Lack of humanitarian assistance/access



**\* Drug use and abuse - youth were found to be the most vulnerable.**

## Internal displacement and multiple displacements

Internal displacement in Kachin and Northern Shan is characterised by a high rate of secondary displacements.[[4]](#footnote-4) Multiple displacements are caused by fighting close to civilian areas, the threat of armed clashes, the presence of armed elements in or near IDP camps and a general fear of insecurity. The duration of displacement varies as some people return to their place of origin once tensions or clashes subside while others never go back to their villages once they leave. From January to April 2015 alone, several displacements of populations have taken place in Kachin (Hpakant, Tanai, Mogaung and Mansi Townships), within Kokang and in other parts of Northern Shan, particularly from remote areas of Kutkai Township into Kutkai town and from Muse and Mone Baw to Namhkam, Hseni and near Nartee.

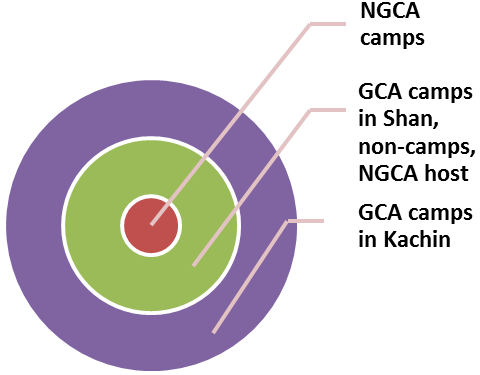
|  |
| --- |
| **Lack of humanitarian accessibility** |
| **Threats:** Limited availability of humanitarian assistance due to restricted access. Lack of service accessibility, including the lack of services, such as health and education, as well as lack of information on how to access services. |
| **Vulnerable individuals:** People in unsafe locations (including villages of origin) due to restrictions on movement by armed actors and/or who decide not to abandon their land or cattle out of fear of losing their property/livelihoods. Rural population, not registered/recorded as IDPs, locations where services are no longer running or available due to the outbreak of hostilities. |
| **Vulnerable due to:** Limited access by humanitarian actors. Limited information and assessments made if little or no presence of NGO/humanitarian community, nor KIO or government affiliated services. |
| **The impact of the threat:** Impunity to commit human rights and IHL violations towards vulnerable communities. Inability to access basic humanitarian supplies/services. Trauma, risk of injury (including as a result of mine incidents), forced recruitment, torture. Lack of livelihood opportunities, may result in negative coping mechanisms or risky behaviors. Lack of access to health and educational facilities resulting in healthcare emergencies or chronic neglect. |
| **Actors:** Government authorities, local NGOs, UN agencies, Tatmadaw, EAGs, militias. |
| **Patterns:** Protracted restrictions or patterns of repeated displacement. Lack of awareness of the utility of international presence and protection monitoring in areas where people are less likely to report violations or investigate cases. As conflict escalates more reticence by the GoM to allow humanitarian agencies’ access. Local partners take more security risks to access insecure areas. Civilian populations take jungle roads to flee as a result of movement restrictions and risk mine injury. |

|  |  |  |
| --- | --- | --- |
| **Lack of humanitarian accessibility** | | |
| **Coping Mechanisms** | **Opportunities** | **Information/**  **Knowledge Gaps** |
| Presence of strong local and religious leaders to mediate access.  Community led responses to conflict threat (temporary displacement).  More rural to urban migration. | Strengthening awareness of rights issues by influential leaders and mediators to build up remote linkages with aid and human rights agencies.  Civic mobilization; support communities to identify their own durable solutions and request a comprehensive assistance package to ensure their return or local integration is sustainable.  Increase emphasis on protection by presence.  Sustaining advocacy with authorities to ensure unrestricted movement (while also taking security precautions).  Increasing contact with influential and key informants in each area.  Building stronger linkages with CBOs working on human rights and share information and results.  Supporting KIO and KSG on the development of sustainable durable solutions strategies and the provision of services to rural communities.  Increasing monitoring presence. | Extent to which local humanitarian workers face harassment by armed groups.  Mapping of extent to which agencies are being held back at check points. |

## International humanitarian law concerns arising from continued clashes[[5]](#footnote-5)

* Lack of distinction between civilians and combatants impacting the civilian population through harassment, arbitrary arrests, detention, and in some cases torture and extra-judicial killings
* Indiscriminate attacks against civilians and lack of distinction between civilian objects and military objectives e.g. jet fighters used in the vicinity of inhabited villages
* Forced recruitment of adults
* Forced labour of civilians for military objectives
* Grave violations against children (*See below*)
* Sexual and gender based violence (*See below*)
* Lack of safe passage, whereby civilians trapped near fighting areas are prevented by parties to the conflict to leave these areas to seek safety, security and material assistance
* Hindered humanitarian access
* Non-respect of the civilian character of IDP areas, which increases the sense of insecurity, particularly for women and girls. There have been reports, for example, of the military staying in IDP camps
* Use of landmines (*See below*)
* Attacks on humanitarian personnel hindering the provision of impartial and neutral humanitarian aid

Figure 3 : Forced recruitment



Forced recruitment of adults and children by location – highest threat in NGCA camps

**Forced recruitment of adults and the recruitment and use of children**

**Threats:** Forced recruitment of adults and recruitment and use of children due to ongoing conflict. Forced labour.

**Vulnerable individuals:** Able-bodied, combat aged men, young men and women for guiding and portering. Children, especially out of school children, and youth (male and female), particularly those consuming drugs and alcohol as it is seen in most communities as a legitimate and adequate disciplinary measure to send “delinquent youth” or “youth with bad habits” to serve with EAGs. IDPs, children separated from their families (e.g. during process of displacement, teenage male IDPs transferring from camps in NGCA to GCA to access education and/or to avoid forced recruitment, IDP children sent to boarding schools in NGCA to access education). Civilians encountering armed groups in areas of conflict. Shan villagers appear to be disproportionally affected as they do not share the same sense of duty to the KIA as ethnic Kachin. Those left behind: housewives, elderly, boys and girls, people with disabilities (physical and mental). People found outside of the camps are at higher risk of forced recruitment.

**Vulnerable due to:** By virtue of displacement. Perception by authorities that all Kachin people are involved in the KIA. Necessity to return to villages of origin in insecure areas to check on property and resources. Proximity of camps to military and EAGs bases and posts. EAGs have HH lists of military aged men in the camps. Once men are called they have a specified time to enlist, if they do not, they are recruited by force. Perception of "duty", "obligation" with the Kachin people's cause and struggle. KIA conducts regular recruitment campaigns, during which family members are conscribed.Lack of strong mechanisms to protect the civilian character of the camps.

**The impact of the threat:** Recruitment and use of children for fighting or any other duties such as cooks, human shields, messengers, guides, spies, sexual exploitation. Forced recruitment for portering, guiding, mine clearing, cooking, etc. Displacement and inhumane treatment (including torture) during forced labour with psychological, physical and economic impacts. Fear, trauma, family separation, injury, disability, death. IDPs in hiding to avoid recruitment. Women curtail activities outside the camps for fear of sexual violence. Loss of main breadwinner, female-headed households face additional hardship to provide for their families.

**Actors:** EAGs, KIA, Tatmadaw, religious leaders, village and township administrators.

**Patterns:** Forced recruitment, although more of a concern in NGCA, is occurring in GCA camps as well around Lwe Je, Mansi, Momauk. The Country Task Force on Monitoring and Reporting on Grave Violations against Children (CTFMR) has documented cases in both NGCAs and GCAs perpetrated by both the armed forces and the ethnic armed groups, however verification is more challenging in NGCAs given lack of presence. Higher risk and pressure on men to enlist during conflict periods. Camp managers usually negotiate for release with EAGs via a recommendation letter that the recruited individual is an IDP and the resident of a particular camps. Lack of distinction between civilians and combatants has resulted in a rise in extra-judicial killings outside of camps.

|  |  |  |
| --- | --- | --- |
| **Forced recruitment of adults and the recruitment and use of children** | | |
| **Coping Mechanisms** | **Opportunities** | **Information/**  **Knowledge Gaps** |
| Some village administrators control access to the household list to prevent recruitment.  Imposition of curfews or restriction people's movement.  Boarding schools as means to prevent recruitment.  Maintaining family members in IDP camps or in hiding with relatives.  Mediation by camp leader.  Camp managers respond to cases of forced recruitment with the KIA.  Clear channel of reporting for cases of recruitment of children by Tatmadaw (existing Joint Action Plan between the UN and the Government since 2012 and Hotline).  Strong religious and local leaders negotiate for release, partiality of leaders may however be an issue.  Village leaders meet armed groups and negotiate/advocate rather than arbitrarily choosing people, village leaders can organize volunteers and can keep track of those. | Increasing dialogue for advocacy between international agencies armed groups at state and national levels.  Establishing a direct line of communication with armed groups (KIA and Tatmadaw).  Strengthening of camp management role, increased presence of Myanmar Police force in engaging with camps, increasing community policing.  Increased involvement of LNGOs/CBOs in forced recruitment prevention, response, monitoring & reporting and awareness raising.  Increasing awareness of the risks of forced recruitment, and rights and entitlements under IHL for IDPs.  Protection by presence can support the community and mitigate the occurrence.  Providing livelihood opportunities (vocational training) to the survivors of forced recruitment.  Creating structures that provide medical, psychosocial and financial support for the injured survivors.  Providing awareness raising sessions in villages.  Involving international and national humanitarian actors operating in the affected areas.  Developing and strengthening of the CTFMR and MRM mechanism may also lead to enhanced protection for adults.  Strengthening camp management to improve measures to maintain the civilian character of the camps (enforcement and revision of camp rules, prominent signage, immediate and confidential reporting of infractions by armed groups).  Identifying when and how to engage with village leaders on supporting mediation.  Increasing access by international agencies to armed actors to stress adherence to IHL.  Developing a mapping of mediators: establish contact with religious and village leaders, work with GAD, village administrators.  Increased international monitoring presence in non-camp areas identified as high risk.  Improving protection monitoring and information sharing between partners. The UN and international agencies should use the information to lobby authorities in a confidential manner.  Increasing advocacy with the KIO by ILO or international agencies to desist from forced labour practices.  Engaging with KIA and the UWSA on developing an Action Plan to stop recruitment and use of children. | Recruitment practices of MA and EAGs.  Scale and extent of the issue. |

## Human rights violations, rule of law and impunity

Many human rights violations continue to be committed, such as ill treatment and torture of civilians, extrajudicial killings, sexual violence, arbitrary arrests and detentions, forced recruitment, recruitment of children into armed forces/armed groups and forced labour.[[6]](#footnote-6) The violations take place in a climate of impunity. Consequently, people live in fear. Human rights violations in Myanmar underline the generational challenges to ethnic reconciliation and human rights progress that lie ahead.[[7]](#footnote-7)

A wide interpretation of article 445 of the Constitution protects the military from the commission of past and present human rights violations. Both the current and previous Special Rapporteurs on the situation of human rights in Myanmar have called for the amendment of the Constitution to be in line with international standards.[[8]](#footnote-8)

The Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, has highlighted the important challenges that remain in establishing respect for the rule of law and the continued failure to hold State authorities accountable for serious violations of international human rights law.[[9]](#footnote-9) In particular, the Special Rapporteur reported concern for a case proceeding in Hpakant Township Court in Kachin and the human rights implications of that case, particularly with regard to the right to equality and an effective remedy under the law, the right to make complaints about acts relating to human rights and to have complaints reviewed. The State also has a duty to ensure the protection of complainants against any reprisal or retaliation as a consequence of their complaint.[[10]](#footnote-10) Information gathered by the Special Rapporteur indicates that it is not uncommon for persons making allegations against the military to be subject to criminal proceedings for defamation or providing false information. However, the Special Rapporteur believes that an immediate step would be to ensure that victims are not penalized for bringing complaints and seeking redress against alleged human rights violations by the Myanmar military.

Furthermore, the Special Rapporteur underlined as a matter of urgency, that the Government should address the on-going impunity for human rights violations committed by security personnel, including in relation to allegations of extrajudicial, summary or arbitrary executions, sexual violence, arbitrary detention, and torture and ill-treatment in detention.

## Increased militarization in Kachin and Northern Shan

Late 2014 saw an escalation in conflict between several ethnic armed groups and the Myanmar Army and a marked increase in troop presence in both states. This is due to numerous factors: the push by the government to achieve a signed, nationwide ceasefire agreement before the end of the year coupled with a desire to do so from a position of military comparative advantage; the onset of the harvest season; the onset of the opium sowing season; the struggle to control mineral resources (in particular jade in the rural mining region of Hpakant) and the deliberations on-going at Union level around constitutional reform. The upsurge of troops has impacted on the sense of personal safety and security of IDPs and other civilians, particularly women and girls. This has resulted in a limitation on their freedom of movement and access to services.

## Sexual and gender based violence

Sexual and gender based violence, while prevalent across Myanmar, is exacerbated in the conflict affected region of Kachin and Northern Shan not only as a result of multiple and protracted displacements leading to increased vulnerability of women and girls and to a breakdown in social protection mechanisms but also as a result of increased militarisation and conflict related sexual violence. [[11]](#footnote-11)

In recognition of the prevalence of conflict related sexual violence, the Secretary General in his report to the Security Council of 2014[[12]](#footnote-12) called on the Government to fully investigate current and historical human rights violations including conflict related sexual violence and to work at providing a comprehensive protection and service response. The Committee on the Elimination of Discrimination against Women has also expressed concern over cases of sexual violence perpetrated by members of the armed forces and urged Myanmar to take immediate steps to put an end to those violations and to prosecute and punish the perpetrators.

Moreover, allegations of serious human rights violations in conflict areas have been received by subsequent Special Rapporteurs on the situation of human rights in Myanmar including a significant number of complaints of sexual violence perpetrated by military officers. Most recently, in March 2015, the current Special Rapporteur on the situation of human rights in Myanmar reported[[13]](#footnote-13) that victims are often reluctant to report their cases for fear of jeopardizing the peace process or out of fear for their own security. It was also reported that when survivors do approach police, there is a reluctance to pursue cases against the military for fear of reprisals. Furthermore, cases take years to pass through the legal system exposing the survivor to further years of trauma. These international reports are supported by the numerous reports of civil society organisations and networks that are operational in the region as well as assessments conducted by humanitarian organisations.

Indeed, the Women’s League of Burma reports that the widespread and systematic nature of rape and sexual violence by Myanmar Army soldiers is a structural pattern indicating that rape is being used as a weapon for oppression and to demoralise ethnic communities. [[14]](#footnote-14) It is argued that sexual violence is a counter insurgency strategy, which is closely linked to aims at controlling resource rich ethnic areas. Widespread impunity for over 100 cases of documented cases of rape and sexual violence contributes to the distrust of government and military commitments to achieving an inclusive peace agreement. [[15]](#footnote-15)

As well as violence committed by the military it must be recognised that the increased militarisation of the region also poses a serious and unrelenting security risk to women. The close location of military and armed group bases near many IDP camps not only encroach upon the civilian nature of the camps[[16]](#footnote-16) but also lead to a heightened sense of fear for women and girls which hampers their freedom of movement and access to basic services (such as health which is critical for pregnant women or for those who have been subjected to gender based violence). Women report cases of sexual harassment at checkpoints and by military and official personnel both from government and ethnic groups. Sexual violence by ethnic groups is considered to be particularly underreported due to considerations for potential political implications in the conflict and ethnic affiliations. When the perpetrator is identified, rape cases are usually solved through mechanisms of traditional justice, for example with reparation marriages that prevent women and girls from reporting, seeking help and support. The traditional justice system legitimizes early marriages. Amongst those affected are young girls being married to adult men following physical assaults/rapes.

In addition to sexual violence against civilian women and girls, reports also highlight cases of sexual violence perpetrated by authorities against those held in detention[[17]](#footnote-17) and sex workers are increasingly vulnerable to police violence both in and out of detention.

Despite the gravity and impact of these violations on women and girls, the most prevalent form of gender-based violence in the region is intimate partner violence. A recent research by the Gender Equality Network reveals that women in Myanmar experience many forms of violence throughout their lives, in different places and by a range of men. Types of violence included sexual assault and harassment, non-partner rape, as well as emotional, economic, physical and sexual intimate partner violence.[[18]](#footnote-18) These finds are necessarily exacerbated in conflict affected regions where approximately 90% of women and girls accessing services in the region, are experiencing and require support for intimate partner violence (IPV).[[19]](#footnote-19) Multiple and protracted displacement has led to breakdowns in family and community structures and routines as well as to increased pressure on families as a result of overcrowding and limited access to livelihoods. In turn this leads to an increase in the incidence and severity of the violence within the home. During focus group discussions, abuse of alcohol and drugs are mentioned by women as contributing factors of domestic violence. Meanwhile, forced and early marriages are reported as a coping mechanism for families in lack of livelihoods and because of the lack of opportunities for girls.

Cultural norms and lack of access to information and quality assistance discourage women to seek help. Quality service provision of case management is still limited in geographical coverage because of limited funding.

|  |
| --- |
| **Sexual and Gender Based Violence** |
| **Threats:** Sexual violence, abuse, harassment, forced marriages, early marriages, illegal marriages, rape, sexual exploitation, intimate partner violence, domestic violence. |
| **Vulnerable individuals:** Women, adolescent girls, children.\* |
| **Vulnerable due to**: Displacement, overcrowding and promiscuity in shelters, proximity of shelters to military camps. Absence of key family members, presence of people in shelters who are not direct relatives. Standard dimensions of NFIs provided (same size blankets, mosquito nets). Lack of livelihoods, broken social fabric and community protection mechanisms, lack of women’s participation in decision-making, presence of ongoing conflict and violence. Increased military presence in an environment of widespread impunity. |
| **The impact of the threat:** Forced marriages, increase in human trafficking, unwanted pregnancies, risky abortion practices. Severe psychological impacts (including mental health consequences and suicide), lack of access to services causing severe health impacts. Loss or forced removal of documentation. Rejection and stigma from community. |
| **Actors:** Men, male relatives, adolescent boys, camp management, authorities, strangers from outside camps, armed actors, host communities. |
| **Patterns:** Protracted ongoing conflict and violence. Customary law and traditions that may generate re-victimization of survivors (forced or early marriage to a perpetrator as an outcome of rape). Survivors are afraid/embarrassed/ashamed of reporting violations, particularly when the perpetrator is a family member. Legal framework and legal procedures do not respect the confidentiality and dignity of survivors, can cause re-victimizing. Traditional justice mechanisms cause women to fear coming forward. |
| \*Boys and men are also exposed to threat although at a smaller scale. |

|  |  |  |
| --- | --- | --- |
| **Sexual and Gender Based Violence** | | |
| **Coping mechanisms** | **Opportunities** | **Information/**  **Knowledge Gaps** |
| Establishment of camp management committees, women's groups and peer-to-peer support groups.  Development of strong and emerging women's rights CBOs that are monitoring violations and providing some assistance to survivors.  Awareness raising sessions ongoing in the camps.  Self-protection mechanisms (i.e. women going in groups to collect firewood outside the camps, etc.)  Women choosing to travel in groups, restricting movements outside camps or villages.  Traditional justice mechanisms.  Recourse to family members, camp leaders, religious and traditional leaders.  Fleeing. | Establishing Women and Girls Centers (counseling, psychosocial support, case management).  Establishing trust between law enforcement and civil society who are the frontline of response for survivors in order to ensure safe referrals.  Providing service providers with quality survivor centered medical care and psychosocial support services to ensure higher coverage.  Supporting the KIO medical facilities to respond effectively to survivors.  Disseminating and updating the existing location-specific referral pathways as well as strengthening the capacity to identify and refer SGBV cases in camps.  Improving health care, training of staff on Clinical Management of Rape (CMR), introduction of Post-Rape kits (also known as PEP kits).  Creating camp rules to condition community led behavior.  Increasing male engagement; sensitization of armed groups and advocacy to stop using sexual violence as a weapon of war.  Increasing the ethical data collection, information sharing and documentation of cases to support advocacy efforts.  Assigning female police officers who are well trained.  Strengthening awareness raising on SGBV, trafficking and prevention activities.  Awareness raising on SGBV to civilians about prevention and access to justice as well as to authorities to sensitize on intervention.  Providing IHL training to armed actors.  Upgrading quality of intervention by local women's CBOs offering prevention and response services.  Providing effective pro bono legal and paralegal aid to survivors in all locations.  Increasing advocacy on the need to abolish the mandatory reporting clause i.e. reporting of SGBV cases to law enforcement authorities prior to accessing medical assistance as they are considered "Police Cases". | Legal/citizenship impact of children born to parents trafficked in China and Myanmar.  Sexual harassment by armed actors, consequences and coping mechanisms.  Sexual violence perpetrated by the KIA and other non-state armed groups.  Cultural barriers to reporting SGBV cases, especially in incest cases.  Data on sexual violence against men and boys.  How traditional mechanisms exactly function in SGBV cases |

## Human trafficking, forced marriage and sex trade

For those in situations of protracted displacement, the lack of access to livelihoods and educational and vocational opportunities leads to increased vulnerability to risky migration practices. Human trafficking for the purpose of domestic servitude, sexual exploitation and forced marriage has been identified as a major threat in both Kachin and Northern Shan States. It affects both IDPs and local communities, and is a growing and common concern in both government and non-government controlled areas. According to Myanmar’s Anti Trafficking in Persons Division, ‘the number of human trafficking cases is increasing month-by month as more efforts are put into detection. From January to April 2015, 45 cases were recorded, up from 19 for the same period in 2014, with most of the cases occurring in Shan State.’[[20]](#footnote-20) Internally displaced women and girls are highly vulnerable to this form of gender-based violence as a result of a breakdown of community structures and an increase in negative coping mechanisms. Women and girls report having heard of human trafficking cases committed by means of fraud or deception from close relatives or family acquaintances.

The pretense of an arranged marriage is a key way in which girls are vulnerable to human trafficking. Many of these arranged marriages happen between members of the Kachin tribes located on both sides along the Myanmar-China border when once married, Myanmar girls are trafficked in China without means of return. Again, family members will generally have been the deceivers. Women and girls who cross the border into China are further vulnerable to trafficking as they often lack proper travel documentation and travel in irregular circumstances. However, it should be noted that women and girls are not the only ones vulnerable to being trafficked – and that boys and men are also at risk of trafficking for labour exploitations. The steady influx from Myanmar into China for work has produced a surplus of willing labourers that now exceeds demand from the local economy. As a result, day rates for labour in the area have declined and populations seeking an income increasingly risk predatory economic exploitation and trafficking[[21]](#footnote-21).

Communities, particularly women and girls, are not aware of how to address human trafficking, by way of response and prevention. There are limited protection mechanisms as a result of multiple displacements and access to justice is limited. The Government has established trafficking task forces, which manage the return of survivors and prosecution of the “brokers”, but successful return of survivors and prosecutions of perpetrators remain limited.[[22]](#footnote-22)

## Grave violations committed against children

The recruitment and use of children by parties to conflict continues to be a concern. Both the MA and non-state armed groups have used children in armed conflict in a variety of roles including as combatants, for administrative tasks, as porters, lookouts and more. Children who have themselves joined the MA pointed to a number of reasons, including extreme poverty, lack of livelihood opportunities or economic alternatives, the desire to join peers or family members, lack of access to education, and problems with family members or relatives. Many children have been deceived into joining the armed forces indicating they were enticed by individual soldiers or by civilian brokers with the promise of jobs and a good salary, and then forced to enlist.

Non-state actors, including the KIA are known to also recruit children. They join, for similar reasons as children joining the Tatmadaw but with an additional motivation being a sense of duty and obligation for the Kachin cause. The KIA is also known to recruit women, raising concerns over the recruitment and use of girls in its ranks. Engagement with non-state armed groups in Myanmar on child protection issues has happened sporadically, for example through sensitisation training provided in January 2014 to members of the KIO and through on-going engagement during cross-line missions with the Kachin Women’s Association, a lead provider with close links to the KIO in Kachin.

With regards to recruitment and use, the Country Task Force on Monitoring and Reporting (CTFMR) has been monitoring Grave Violations against Children since 2007 and as a result 7 Non-State Armed Groups and the Tatmadaw have been named in the annex of the UN SG Report on Children and Armed Conflict for use and recruitment since 2007. While a Joint Action Plan with the Tatmadaw was signed in June 2012 leading to the identification and release of 646 children to date, engagement with Non-State Armed Groups on this topic including KIA/KIO, SSA-S and UWSA has been more limited.

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| In total, the United Nations Secretary General has listed 8 parties to the conflict in Myanmar for the recruitment and use of children. Among them are some that are active in Kachin and Northern Shan including the Kachin Independence Army (KIA), Myanmar Armed Forces (Tatmadaw), the Shan State Army South (SSAS), and the United Wa State Army (UWSA). |

The lack of a formalized engagement of the UN with EAGs on child recruitment and use, limited humanitarian access to high risk areas, especially to non-government controlled areas, and fear of local organisations to report Grave violations due to their exposure and possible repercussions in areas with no or limited presence of humanitarian service providers lead to limited protection response to (former) child recruits as well as limited monitoring and reporting of incidents.

Besides recruitment and use, other grave violations committed against children in the on-going conflict include the killing and maiming of children, abductions, sexual violence, attack on schools and denial of humanitarian access. A high number of children continue to be killed and injured in the course of military operations, including in crossfire and aerial bombardments in Kachin and Northern Shan. The use of landmines, explosive devices and unexploded ordnances also pose a particular threat to children in Myanmar, including in Kachin and Shan. Meanwhile, occupations of schools by both the Tatmadaw and EAGs have been regularly documented in Kachin State.

## Landmines and explosive devices

Landmines, laid by government and ethnic armed groups, explosive devices and unexploded ordnance constitute an obstacle to conflict affected population’s freedom of movement. Displaced populations predominantly face the risk of being harmed by mines/Explosive Remnants of War (ERWs) when they seek services or livelihood opportunities outside of their camp, which as a consequence increases their dependence on external humanitarian assistance.[[23]](#footnote-23) Mine contamination in areas of origin poses the main obstacle to return for most IDP communities in Kachin and Northern Shan. As of May 2015, in the absence of cease fire and peace agreement no official demining is possible in Myanmar and up until today new mines are reportedly being laid in combat zones by different parties to the conflict. In some instances, small-scale demining in targeted areas where children are at particular risk, such as around schools has occurred in the wake of advocacy by the Mine Risk Working Group, which facilitated coordination with MOD and its engineering unit, but these are exceptions to date. Mine Risk Education (MRE) is one tool to alleviate the dangers around mines – the Kachin MRE Working Group has been working on rolling out Mine Risk Education across Kachin State and Northern Shan in both government and non-government controlled areas and is continuously working with Government, international and national humanitarian partners and civil society to raise awareness, prevent the conflict-affected population’s exposure to landmines and explosive remnants and to support mine affected individuals. In 2014, a rapid assessment[[24]](#footnote-24) was conducted in more than 30 IDPs camps in both NGCA and GCAs in Kachin by the Kachin MRE Working Group to better understand attitude and practice around mines and informed the development of relevant tools. As part of this assessment, 83% of respondents confirmed they had heard of explosive devices in/around their place of origin, and 1 in 5 respondents reported to have seen an explosive device. The survey did demonstrate a number of wrong beliefs and unsafe behaviours around mines and explosive devices from both adults and children.

## Lack of livelihood opportunities

Communities living in IDP camps and villages in northern Shan and southern Kachin report that before the conflict their livelihoods were based on agriculture, livestock feeding, seasonal labor and charcoal selling, etc. The conflict caused the loss of their main source of livelihoods, as access to their farmlands is restricted due to the conflict and both IDPs and people living in their villages have been heavily affected.[[25]](#footnote-25) Consequently, most IDPs are dependent on emergency support from humanitarian organizations and the food distributed by local and international agencies. The lack of livelihoods has been identified itself as a threat to IDP communities, a consequence of other threats (e.g. lack of freedom of movement, landmines, etc.) and a cause of vulnerability increasing the impact of other threats. It is one of the areas where support to IDP and host communities could significantly reduce protection risks for affected people.

Figure 4 : Livelihood

**Lack/loss of livelihoods**

**- Lack/loss of livelihoods is threat in itself;**

**- Lack/loss of livelihoods causes vulnerabilities and negative coping mechanisms e.g. SGBV, trafficking, labouring on landmine contaminated land;**

**- Lack/loss of livelihoods is also a consequence of negative coping mechanisms e.g. injuries from mines, drug abuse.**

## Drug use and abuse

Opium has been grown and traded locally for over a hundred years in Kachin. However, renewed conflict is fuelling drug production and exacerbating existent drug abuse in Kachin communities.[[26]](#footnote-26) According to UNODC, farmers grow poppy because of their lack of livelihoods and food insecurity. In areas of conflict and instability like Shan and Kachin States with poor access to markets, there are few employment alternatives to poppy.[[27]](#footnote-27) Kachin’s Women’s Association Thailand (KWAT) report that that there is a policy of allowing local government militia to grow poppy and produce heroin and methamphetamine, in exchange for fighting against the KIA.[[28]](#footnote-28) Due to lack of livelihoods or opportunities, IDPs resort to laboring on poppy cultivation where they are paid inadequately. IDPs are also becoming addicted to opium resulting in women becoming the main family breadwinner having to support their husband’s addiction. Some women have to travel to China to find work, which exposes them to the risk of trafficking. Poverty, exacerbated by the conflict is also driving women to turn to drug dealing.[[29]](#footnote-29) People in Kachin often say that each family counts at least one family member who is a drug-addict. Drug abuse is also reportedly rampant in Palaung minority communities in Northern Shan. Combatting and preventing drug abuse and drug addiction in affected communities is key to the restoration of normalcy within families and within communities. While only men and adolescent boys are accessing services for drug rehabilitation (mostly in faith-based rehab centers that offer treatment), it is not clear whether women and girls are drug users as well. The fact that women and girls are not accessing services is not an indicator that they are not users. There are multiple reasons why women may not be seeking rehabilitation services and this remains an area for future investigation and research.

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| **Drug use and abuse** |
| **Threat:** Drug use and abuse. |
| **Vulnerable individuals:** Adolescent, **youth**, particularly males, men, migrant workers. Girls, particularly if they are out-of-school, friends of addicts, families of drug users. Children of parents who are drug users or abusers are also very vulnerable. IDPs in financial difficulties. |
| **Vulnerable due to:** Restriction of movement resulting in frustration. Protracted displacement resulting in negative coping mechanisms. No vision or hope for the future. No job opportunities, lack of schooling opportunities. Easy availability of substances. IDP women and (in some cases children) with little financial resources are identified and targeted by drug dealers. |
| **The impact of the threat:** Increased violence, insecurity, crime and deterioration of physical safety in camp settings. Increased drug use and addiction, contributing factor to domestic violence, child abuse and neglect. IDPs threatened by dealers to sell drugs. Health risks (HIV,[[30]](#footnote-30) TB, Hepatitis C and others). Potential for arrest/detention/expulsion of household member and/or family from camp. Criminalization and incarceration. Increasing reports of families of drug users/family members cultivating drugs being asked to leave camps. Less poppy production in NGCA. Disposal of syringes both within the IDP community and host community environment. |
| **Actors:** Militia (control of production with links to the MA), local population, IDPs (for livelihoods and use), youth, migrant workers, EAGs, dealers, camp management, local NGOs, police. |

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| **Drug use and abuse** | | |
| **Coping Mechanisms** | **Opportunities** | **Information/**  **Knowledge Gaps** |
| Parents send their children to other regions that have less of a drug problem.  Groups of mothers are patrolling villages and sending drug addicts to the police.  Strong religious and local NGO response to eradicate drug use in camps.  Camp management are patrolling camps and sending addicts to KIO Police.  Strengthening of camp rules. Camp management asking households to follow traditional - religious ways to "apologise" and if this fails to leave the camp.  KIO rehabilitation centers - although there are concerns regarding the relation between rehabilitation center and recruitment into the KIA.  KIO anti-drug campaign, which aims at eradicating the abuse of narcotics (but likely also leads to arbitrary arrest and punishment).  Accessing the MSF clinic.  Establishment of peer support groups.  Local legal aid groups give drug rights awareness raising schemes. | Youth groups and life-skills training as an opportunity to engage children and adolescents at risk into positive coping mechanisms and behaviors.  Developing drug abuse awareness raising in camps and to camp managers.  Expanding drug harm reduction programming.  Identify culturally sensitive harm reduction techniques.  Developing a drug forum for concerned NGOs/CBOs for common prevention strategies.  Intervention with camp management agencies to prevent family separation and eviction of entire households against their wishes.  Supporting by EAGs to eradicate drug use (though hard to gauge their level of involvement in the trade itself).  Anti-narcotic campaigns to be arranged by KIO. | Patters of drug use and abuse, and impact on drug users.  Understanding of drug production and impact on conflict dynamics.  Rehabilitation centers and Anti-Narcotics Committee upon controversial reports on linkage with recruitment.  More information on hotspots (including some of the IDP locations) for drug usage.  Levels of drug use and abuse have not been quantified beyond anecdotal evidence.  Lack of drug rehabilitation centers according to international standards in both GCA and NGCA. |

## Lack of documentation

Civil registration and documentation ensures that persons have proof of their legal identity and that they are recognized before the law. In the context of this protection analysis, lack of civil documentation has been identified has a critical threat as it causes various adverse impacts on the safety and well-being of IDPs in Kachin and Northern Shan. In general, the lack of civil documentation is a major hurdle for people. It can prevent them from enjoying and exercising their legal rights, including freedom of movement, and from accessing services. The lack of personal identification documents (birth, death and marriage certificates) and/or of household registration proof can also affect current or future claims for citizenship and increase risk of statelessness. About 16 per cent of births in Kachin State are still not registered. Unregistered children are not only deprived of their basic right to a legal identity but are also more vulnerable to exploitation.[[31]](#footnote-31)

Figure 5 : Documentation

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| **Lack of documentation** |
| **Threats:** Lack of access to civil documents, including birth registration and certificates, Citizenship Scrutiny Cards (CSC), citizenship documents/cards, marriage certificates, issuance of school transfer certificates, land tenure documents. |
| **Vulnerable individuals:** All IDPs in NGCA (see below absence of civil documentation services). Young children and youth, adults. The high percentage of people without CSC or household lists. |
| **Vulnerable due to:** Upon flight everything is left behind. Absence of civil documentation services in NGCA; issuance and renewal of documents in NGCA is impossible. Awareness of the importance for civil documentation is missing in some remote areas. |
| **The impact of the threat:** Reduces freedom of movement and exposes to harassment at checkpoint by military actors. Limits access to basic services, education and livelihoods. Increases corruption. Impact of threat is both in villages and in camps and represents major challenges for IDPs in NGCA. Hampers ability to travel between GCA and NGCA. Children's education in NGCA is not recognised by the Ministry of Education. Lack of CSC impacts on children’s ability to matriculate into University education in GCA. Facilitates land grabbing, loss of house and property. Limits opportunities for redress and compensation to victims of forced displacement. Meanwhile, possession of documentation issued by KIO (e.g. land documents) is sometimes used as evidence of sympathy with KIO/KIA and may place concerned individuals at risk in GCA. |
| **Actors:** INRD, GAD, village and township administrations, GAD, MA, armed groups, KIO, IDPs. |

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| **Lack of documentation** | | |
| **Coping mechanisms** | **Opportunities** | **Information/**  **Knowledge Gaps** |
| No data. | IDP only housing and registration lists - not to be mixed with the host community allows for less charging of "fees".  Increasing support from camp management agencies to advocate with authorities on swift provision of ID cards.  Continuing support and advocacy with the INRD and GAD to provide documentation in a timely manner.  Developing an effective complaints mechanism for charging of informal fees.  Developing key messages on land rights for IDPs.  Informing IDPs where to access information on their rights and entitlements, particularly for land tenure. | Land certification and land rights policy.  Relation between forced displacement and land grabbing.  Dynamics, trends and patterns.  Extent of related corruption to access services.  Improved understanding civil documentation (NRC, family and household lists). |

## Lack of access to education/inappropriate care/separated children

Access to education is a driving factor for placing children in boarding facilities and is common across Myanmar as a result of limited access to schooling at the village level, especially in remote and conflict-affected areas. In Kachin and Northern Shan, boarding schools and houses have increased as a response to the conflict as many displaced parents from NGCA still want their children to have access to the KIO curriculum, which includes Kachin language, history and culture. Additionally, in unstable areas with high concentrations of armed groups and military movements, it seems that parents send children to boarding houses as a protection coping mechanism. This is also encouraged by authorities, especially in NGCA where IDP children are encouraged to join boarding schools even when families live nearby and local schools exist in the vicinity. Further efforts could be undertaken to minimise family separation and facilitate access of IDP children to local schools.

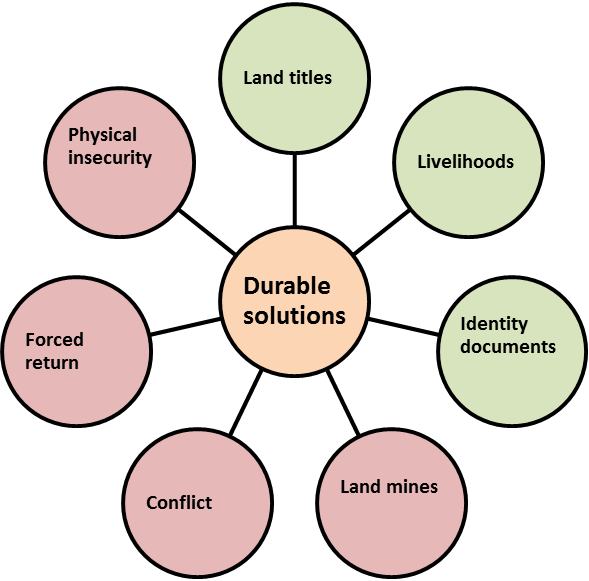
Inter-agency assessments by the Child Protection Sub-Sector across Kachin State have revealed a number of serious protection concerns in regards to boarding schools and houses. Many boarding houses have an insufficient number of supervisors and/or caregivers to meet the needs of all the children being housed and ensure their physical and psychosocial wellbeing. Especially supervision rates at night are either insufficient or non-existent placing children at high risk of abuse. Furthermore some residential care facilities, including boarding houses, are located on or in close proximity to military bases, as well as in proximity of mined areas.

## Durable solutions

The possibility for IDPs to return to their areas of origin in safety and with dignity remains uncertain in many areas. From the perspectives of the displaced, a lasting ‘solution’ to conflict and displacement is contingent not just on reductions of armed clashes but also on the emergence of institutionalised protection predicated on their specific needs.[[32]](#footnote-32) In the past, local authorities have sometimes encouraged IDP communities to return prematurely such as in Loije in October 2014.

Without steps towards a comprehensive political solution that provides for adequate protection of local communities, the space for ending displacement will remain limited, while attempts at reintegration of IDPs in their areas of origin will be continually undermined.[[33]](#footnote-33) Lessons learned from one relocation of IDPs in Kachin State to Pa La Na include the need for: better coordination and involvement of humanitarian and development actors with government authorities from the beginning of the planning process as well as attention to the accessibility of the relocation site and to the sustainability of the recovery process, consultations and clear information sharing with IDPs including women and written information regarding conditions affecting land and property in village of origin and in area of resettlement.[[34]](#footnote-34)

The level of distrust and fear towards Myanmar authorities and Army, especially in remote areas, are likely to be major hurdles in normalization. There is a need for confidence building measures.



**CONDITIONS** for durable solutions

**IMPEDIMENTS** for durable solutions

Figure 6 : Durable Solutions

# What are our information gaps?

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| * Insufficiently analyzed and explored community coping mechanisms * Age and gender disaggregated data on IDPs including data on vulnerable populations including the elderly and pregnant and lactating women at risk * A stakeholder analysis that explores a range of actors that play a role in the conflict or that can provide opportunities for increasing the protection environment * Impacts of the slow urbanization of IDPs * Analysis of power structures and economic and internal and foreigner political interests in the conflict * Poppy cultivation, drug addiction by men, women, boys and girls, drug trafficking and their impact on IDPs and vulnerable groups * Human trafficking, particularly in the context of domestic servitude, labour exploitation – patterns of recruitment and exploitations, coping mechanisms * Parental attitudes towards forced and early marriage, root causes contributing factors and trends * Land tenure and land grabbing issues as a source of increased tensions and increased poverty levels of ethnic groups and the particular impact on women   *Desk research identified the above-mentioned gaps. See all visual graphs for gaps identified in the field.* |

# Proposed areas of engagement with other humanitarian, development and government stakeholders as well as with ethnic armed groups and affected communities

The following areas of engagement could inform current or future strategies and programmatic responses.

| **Potential area of engagement** | **Needed Interventions** | **Proposed partnerships** |
| --- | --- | --- |
| **Lack of humanitarian service accessibility** | Increased services and information received by IDPs on how to access services  Extent to which local humanitarian workers may face harassment by armed groups  Increased efficiency and certainty in the granting travel authorizations by the Government to work in certain areas | OCHA, Clusters and Sectors, IDP communities, local partners, camp committees, religious leaders  HCT and diplomatic bodies to advocate with Myanmar government (at all levels including civil and military authorities, at national, state and township level) and to engage with EAGs |
| **Lack of age and sex disaggregated data** | Increased understanding of populations and of specific protection risks faced by different age/gender groups and how and where to target specific protection programming | CCCM Cluster, IDP communities, camp committees |
| **Lack of data on vulnerable populations including the elderly and pregnant and lactating women at risk** | Increased understanding of populations and of specific protection risks faced by different vulnerable groups and how and where to target specific protection programming | Health Cluster, Ministry of Health  Department of Social Welfare, Ministry of Social Welfare  Disabled People’s Organizations, Women’s Organizations and Networks  CCCM Cluster, HelpAge, other INGOs, local NGOs  IDP communities, camp committees |
| **Livelihoods** | Need for increased livelihood opportunities for both IDPs and host communities | Early Recovery Network  UNDP, FAO, WFP, NGOs and CBOs  Affected communities  Private sector  Mine action agencies  GAD, Planning and Economic Ministry, Settlement of Land and Resources Department, Department of Rural Development, Department of Agriculture and Forestry |
| **Lack of documentation** | Identify the extent to which IDPs and other affected populations lack civil documentation (in relation to citizenship, household or personal situation) is not known | Civil Registry  Department of Immigration and National Registration (INRD), KIO Village Administration  UNHCR  UNICEF |
| **Land tenure** | Increased information/analysis on:  Land certification and land rights policies, in particular in special administrative regions such as Kokang;  Relation between forced displacement and land grabbing  Land rights, return, local integration and settlement elsewhere (relocation) | Ministry of Agriculture and Irrigation  GAD and Village Administration  Department of Resettlement and Relocation  UN-HABITAT, UNDP  Cadastre, Land Records Department  Private businesses including foreign companies  Legal CSOs (Shingnip, Humanity Institute, KLANG, KLG, etc.) |
| **Education** | Need to strengthen efforts to minimize family separation and facilitate access of children to local schools including issuance of school transfer certificates  Need to strengthen efforts to ensure that boarding schools/houses provide a safe environment for children and to prevent neglect, exploitation and abuse of children  Identification of children at risk in boarding schools | Affected communities, parents, teachers, camp committees  State and Township Education Departments, local education authorities  Department of Social Welfare  Boarding schools/houses management  KIO-Education Department  Education Sector, UNICEF  MRCS (for restoring/maintaining family links) |
| **Poppy cultivation, drug addiction by men, women, boys and girls, drug trafficking and their impact on IDPs and vulnerable groups, involvement of military and armed groups** | Health risks (HIV, TB, Hepatitis C and other), disposal of syringes both within the IDP community and host community environment  Need for more information on hotspots for drug usage, especially some of the IDP locations  Need for more livelihoods and youth projects, including life-skills, psychosocial support, etc. to prevent negative coping mechanisms | UNODC, police  Department of Social Welfare  Asian Harm Reduction Network, SARA  KIO  MDM, World Concern Myanmar and other local actors working on drug programmes in development, including faith based organizations  Health Cluster  Ministry of Health  Ministry of Social Welfare |
| **Impacts of the slow urbanization of the IDP population** | Need to build an understanding of their access to services and specific vulnerabilities | State and Township authorities, UNDP, CCCM, Civil society organizations, IDMC, affected communities |
| **International Humanitarian Law and Human Rights** | Need to improve monitoring, documentation and response mechanisms, as well as advocacy | Ministry of Defense, KIO/TAT, ICRC, UNHCR, OHCHR, Special Procedures, Civil Society Organizations, women’s networks, Human Rights Commission of Myanmar, other local human rights organizations and lawyers’ groups such as Humanity Institute, KLG, Shingnip, etc.  International human rights groups |
| **Sexual and Gender based violence** | Need to strengthen the health and legal referral networks in high-risk areas including those areas, which are hard to reach  Need to build an understanding of traditional justice mechanisms and engage with relevant actors and local leaders to promote a survivor centered and rights based approach | Affected communities, camp committees, religious and traditional leaders  Myanmar police, IRRC, UNHCR, UNFPA, UNICEF, INGOs  Health Cluster, CCCM Cluster  UNDP  Civil society organizations, CBOs, women networks  DSW, RRD, Justice Department |
| **Human trafficking** | Strengthen information on patterns of recruitment and exploitations, especially in the context of domestic servitude and labour exploitation, coping mechanisms and parental attitudes towards forced and early marriage  Need to ensure that response services and prevention strategies are in place in high risk areas  Increase cross-border cooperation across Myanmar-China border, no safe migration procedures in place | Affected communities, religious and traditional leaders, camp committees, Myanmar police anti-trafficking unit (ATTF) and Border Liaison Offices (BLO), churches and faith-based organizations, INGOs, Women’s organizations  IOM, UNODC, UNHCR, UNFPA, UNICEF  KIO Foreign Affairs and Immigration Departments  DSW, RRD, Department of Immigration and National Registration (INRD), Labor Law Office, Justice Department |
| **Lack of durable solutions** | Increase consultations, participation and accurate information sharing with affected communities; pressures for premature returns; lack of transparency of the process  Landmine contamination; presence of armed actors/insecurity; lack of political solution  Increase understanding of roles and responsibilities, planning process, minimum conditions, mainly among key duty bearers and affected population  Increase understanding of standards and principles | Affected communities, leaders and representatives, camp committees  Joint Strategy Team  State and township administrations; RRD; Ministry of Security and Border Affairs; Development Department; Ministry of Planning; Ministry of Agriculture and Livestock raising; Ministry of Social Affairs; Na Ta La; DSW; Department of Land Record; Department of Rural Development  UNDP, UNHCR  All Sectors and Clusters  TAT, KIO |

# Annex 1 Ethnic armed groups active in Kachin and/or Northern Shan

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| --- | --- | --- | --- |
| **Name or Organization** | **Founded** | **Active/Control area** | **Strength** |
| **NEW CEASEFIRE GROUPS** | | | |
| Karenni National Progressive Party (KNPP) | 1957 | Loikaw,  Shar Daw, Ho Yar (Pharu So township), Daw Tamagyi (Dee Maw So township) | 600+ |
| National Democratic Alliance Army (NDAA-ESS) | 1989 | Mongla; Kengtung District, Mong Yawng, Mong Hpayak Township, and a section of the Mekong River near the border with China and Laos  (Shan State (East) Special Region- 4) | 4,000+ |
| Shan State Army / Shan State Progress Party (SSA / SSPP) | 1964/1989 | Kehsi Township (Shan State (North) Special Region-3) | 8,000+ |
| Shan State Army / Restoration Council of Shan State (SSA / RCSS) | 1964/1996 | Southern Shan State  Shan Rebel (Southern) | 8,000+ |
| United Wa State Army/ Party (UWSA/P) | 1964/1989 | Phangsang (Special Region 2)  Shan State (North) Special Region-2 | 20,000-25,000 |
| **COMBATANT GROUPS** | | | |
| Kachin Independence Organization/ Army (KIO/A) | 1961 | Laiza | 10,000+ |
| All Burma Students' Democratic Front (ABSDF) | 1988 | Kachin State, bases on the Thai, India and China border | 450+ |
| Arakan Army (Kachin) (AA) | 2008 | Kachin State | 1,500+ fighting alongside the KIA |
| Ta'ang National Liberation Army (TNLA) | 1992 | Namtu, Northern Shan State, especially in Mann Ton, Nann Sam, Mann Pan, Moe Mate, Kyaut Meh | 3,000+ |
| Myanmar National Democratic Alliance Army (MNDAA) | 1989 | Shan state special region 1  Kongyn, Laukkai, Mong Koe | 3,000+ |
| **TRANSFORMED BORDER GUARD FORCES GROUPS** | | | |
| New Democratic Army-Kachin (NDA-K) | 1989 | Kachin State Special Region-1  Pang Wa | <900 |
| Lahu militia group |  | Mong Ton, Mong Hsat |  |
| Mongkoe Lahu militia group | 2010 | Talay, Mong Yu and Mong Yawng |  |
| Lahu Militia Group (East Shan State) | 2010 | Mong Yawng |  |
| Makman Militia (East Shan State) | 2010 | Mong Pyin township, Shan state |  |
| **TRANSFORMED PEOPLE’S MILITIA FORCES GROUPS** | | | |
| Rebellion Resistance Force (RRF) |  | Gwe-htu Village, Lawayang, Wine Maw Township, in Kachin State | <60 |
| Kachin Defense Army (KDA) | 1991 | Shan State (North) Special Region-5  Kaung-Kha, Loi-Khan, Hophyat, Loi Tauk, Manglin Region, Kotkai Township | <200 (claims to have 3000, 900 of which are militia) |
| Shan State Army-North, brigade 3 (SSA-N 3) |  | Sein Kyawt (Hseng Kaew) and Mong-khay area, Thipaw Township | <400 |
| Shan State Army - North brigade 7 (SSA-N 7) |  | Kali, Kun Hein | <400 |
| Shan State Army-South Brigade 758 (SSA-S 758) |  | Narpwe and Wanpan | <850 |
| Palaung State Liberation Party/ Organisation (PSLP/O) | 1976 | Shan State (North) Special Region-7 Mann Ton | <1500 |
| **SPECIAL ARRANGEMENT GROUPS** | | | |
| Wa National Organization/ Army (WNO/A) | 1974 | Homain area, Southern Shan State | <200 |
| Kachin National Organisation (KNO) | 1999 |  | >100 |
| Myanmar National Democracy Alliance Army MNDAA (Kokang) | 1989 | Shan State (North) Special Region-1  China-Myanmar border areas in Shan state | 300 |

Source: Myanmar Peace Monitor at http://www.mmpeacemonitor.org/stakeholders/armed-ethnic-groups

**Annex 2 Myanmar’s Commitments in International Law**

|  |  |
| --- | --- |
| **Myanmar Commitments in International Law** | |
| **Treaty** | **Ratified/ Accession** |
| Core Human Rights Treaties | |
| International Convention on the Elimination of All Forms of Racial Discrimination |  |
| International Covenant on Civil and Political Rights |  |
| International Covenant on Economic, Social and Cultural Rights | X |
| Convention on the Elimination of All Forms of Discrimination against Women | X |
| Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |  |
| Convention on the Rights of the Child | X |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |  |
| International Convention for the Protection of All Persons from Enforced Disappearance |  |
| Convention on the Rights of Persons with Disabilities | X |
| ILO Fundamental Conventions (8 in total) | |
| ILO Worst Forms of Child Labour Convention | X |
| ILO Forced Labour Convention | X |
| ILO Freedom of Association and Protection of the Right to Organise Convention | X |
| Core International Humanitarian Law Conventions | |
| Geneva Conventions I, II, III, IV | X |
| Additional International Conventions | |
| United Nations Convention against Transnational Organized Crime  Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children  Protocol against the Smuggling of Migrants by Land, Sea and Air  Convention on the Prevention and Punishment of the Crime of Genocide  Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) | X  X  X  X  X |

# Annex 3 List of local humanitarian organisations working on Kachin and Northern Shan IDP relief[[35]](#footnote-35)

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| Bridge  Community Health and Development (CHAD)  Htoi Gender  IDPs and Refugees Relief Committee (IRRC)  Kachin Baptist Convention (KBC)  Kachin Development Group (KDG)  Kachin Lawyer Group Kachin Lawyer Group  Kachin Relief and Development Committee (KRDC)  Kachin Women’s Association (KWA)  Kachin Women’s Association Thailand (KWAT)  Kachin Women Peace Network (KWPN)  Kachin Youth Organisation (KYO)  Karuna Myanmar Social Services (KMSS)  Lashio Blood Donation Group  Local KBC Churches  Local Roman Catholic Churches  Metta Development Foundation  Metta Circle Women Group  Myanmar Youth Legal Clinic  Nau Shawng Education Network  Northern Shan Women’s Organisation Network  Pan Kachin Development Society (PKDS)  Relief Action Network for IDP and Refugee (RANIR)  Shait Group and  Shalom Foundation  Ta’aung Womens Organisation  Wanarpha Women Department  Wunpawng Ninghtoi (WPN) |

1. Scores range from 1-5. A score of 5 means that the threat (e.g. SGBV) has been identified as high or critical in all 5 areas assessed. The 5 areas include Northern Shan (excluding Kokang which was not analysed) and camp and non-camp situations in GCA and NGCA in Kachin. [↑](#footnote-ref-1)
2. For the breakdown of the various SGBV threats identified, see SGBV threat analysis. [↑](#footnote-ref-2)
3. For in depth detail, see threat analysis. [↑](#footnote-ref-3)
4. Protection Assessment in Kachin and Northern Shan states, 2012 [↑](#footnote-ref-4)
5. See Protection Sector advocacy on Hpakant and Northern Shan in February and March 2015 [↑](#footnote-ref-5)
6. OHCHR, September 2014. Situation of human rights in Myanmar. (A/69/398) Accessed at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N14/545/25/PDF/N1454525.pdf> [↑](#footnote-ref-6)
7. Human Rights Watch [↑](#footnote-ref-7)
8. A69/398, A/HRC/22/58, A/68/397and A/HRC/25/64) [↑](#footnote-ref-8)
9. Report of the Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee. General Assembly, 23 March 2015. A/HRC/28/72 [↑](#footnote-ref-9)
10. Ibid [↑](#footnote-ref-10)
11. UNFPA Myanmar input to SG Report on conflict related sexual violence, 2014 [↑](#footnote-ref-11)
12. S/2014/181 [↑](#footnote-ref-12)
13. Report of the Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee. General Assembly, 23 March 2015. A/HRC/28/72 [↑](#footnote-ref-13)
14. Women’s League of Burma, Same Patterns, Same Impunity, January 2014; If they had hope they would speak: The on-going use of State sponsored sexual violence in Burma’s ethnic communities, November 2014 and If they had hope they would speak 2014 [↑](#footnote-ref-14)
15. Women’s League of Burma, Same Patterns, Same Impunity, January 2014; If they had hope they would speak: The on-going use of State sponsored sexual violence in Burma’s ethnic communities, November 2014 and If they had hope they would speak 2014 [↑](#footnote-ref-15)
16. UNFPA, DRC, KWA “Interagency GBV and Trafficking Assessment in Northern Shan State” August 2014 [↑](#footnote-ref-16)
17. Fortify Rights, I Thought They Would Kill Me: Ending Wartime Torture in Northern Myanmar, June 2014 [↑](#footnote-ref-17)
18. Gender Equality Network, Behind the Silence: Violence against women and their resilience, Myanmar Research Report, February 2015. [↑](#footnote-ref-18)
19. UNFPA, Internal situation report of women and girls in Kachin and Northern Shan. 2015 [↑](#footnote-ref-19)
20. Increased focus on human trafficking sees case numbers rise, New Light of Myanmar, 12 May 2015 [↑](#footnote-ref-20)
21. Draft Research Paper, Child Solder International (CSI), 2015 [↑](#footnote-ref-21)
22. Source: GBV report – Input to SG report 2014 [↑](#footnote-ref-22)
23. UNICEF, 2014: <http://unicefmyanmar.blogspot.ch/2014/04/mine-action-in-kachin-state.html> [↑](#footnote-ref-23)
24. Knowledge Attitude & Practice Survey: Impact of landmines and other Explosive Remnants of War in Kachin and Northern Shan, UNICEF and DCA, June-Sept. 2014 [↑](#footnote-ref-24)
25. Intersos, Multi-Sectorial Needs Assessment, Southern Kachin and Northern Shan States 2014 [↑](#footnote-ref-25)
26. Silent Offensive – How Burma Army strategies are fuelling the Kachin drug crisis 2014 [↑](#footnote-ref-26)
27. UNODC 2012 <http://www.unodc.org/unodc/en/frontpage/2012/October/long-term-solution-to-poppy-requires-investments-in-peace-rule-of-law-and-alternative-development.html> [↑](#footnote-ref-27)
28. Silent Offensive – How Burma Army strategies are fuelling the Kachin drug crisis 2014 [↑](#footnote-ref-28)
29. Silent Offensive- How Bruma Army Strategies are fuelling the Kachin drug crisis 2014 [↑](#footnote-ref-29)
30. HIV rates in Kachin and Northern Shan are reportedly alarmingly high, especially in mining areas such as Hpakant. [↑](#footnote-ref-30)
31. UNDP – Local Governance Mapping: The state of Local Governance: Trends in Kachin, 2015 [↑](#footnote-ref-31)
32. UNHCR 2014 - Kim Jolliffe Ceasefires and durable solutions in Myanmar: a lessons learned review <http://www.unhcr.org/533927c39.pdf> [↑](#footnote-ref-32)
33. UNHCR 2014 - Ceasefires and durable solutions in Myanmar: a lessons learned review, Kim Jolliffe, <http://www.unhcr.org/533927c39.pdf> [↑](#footnote-ref-33)
34. Monitoring and Sustaining Durable Solutions in Kachin State, The Pa La Na Relocation Report June 2014 [↑](#footnote-ref-34)
35. See also: Reflecting Humanitarian Response – A Kachin IDPs Relief Monitoring Report 2014

    <http://kachinlandnews.com/wp-content/uploads/2014/05/IDP-Relief-Monitoring-Report-2014-1.pdf> [↑](#footnote-ref-35)