



Written Submission of
the Women's Advocacy
Coalition Myanmar (WAC-M) &
Women's League of Burma (WLB)
to the United Nations
Human Rights Council on

THE SITUATION OF HUMAN RIGHTS FOR WOMEN AND GIRLS IN BURMA/MYANMAR

12 September 2022

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Women Advocacy Coalition Myanmar (WAC- M)



အမျိုးသမီးများအဖွဲ့ချုပ် (မြန်မာနိုင်ငံ)
Women's League of Burma (WLB)

**Written Submission of the Women's Advocacy Coalition Myanmar (WAC M)¹ &
Women's League of Burma (WLB)²
to the United Nations Human Rights Council on the situation of human rights
for women and girls in Burma/Myanmar
12 September 2022**

This submission outlines the dangerous and rapidly deteriorating on-the-ground situation faced by women and girls following the coup by the Burma/Myanmar military (the military or Tatmadaw) on February 1, 2021. Since the coup, women and girls have faced direct and imminent threats to their health, welfare and safety and have lost hard-won gains in political, social and economic rights. This precarious situation demands immediate attention and action by the United Nations (UN) and the international community at large.

Women and girls face significant and escalating security threats

The military has committed atrocities in ethnic areas for over 70 years. Since the coup, the Tatmadaw and its proxies have expanded these brutal campaigns in ethnic areas, such as Chin and Karenni/Kayah states, and extended their reign of terror to urban and “dry zone” areas dominated by the Bamar majority, such as Sagaing and Magway. Civilians and aid workers have been targeted with systematic and widespread indiscriminate and disproportionate violence, including mass and arbitrary arrests and killings, air raids, artillery strikes, sexual violence and arson.³ These unrelenting attacks fully meet the definition of terror under international and national law and amount to violations of international humanitarian law and human rights laws. The UN has concluded these atrocities amount to crimes against humanity and, potentially, war crimes.

While there has been a massive deterioration of safety and security for all civilians since the coup, women and girls face disproportionate threats and risks from security forces. Women have been victims of escalating sexual violence crimes, with recent qualitative research presenting a troubling snapshot of security force-perpetrated rape, gang rape, sexual assault and sexual harassment,

¹ The Women Advocacy Coalition Myanmar (WAC-M) represents a broad array of women's rights advocates, women peacebuilders, and Women's Rights Organizations/networks in Myanmar. WAC's mission is to abolish all forms of dictatorship and build gender responsive federal democracy in Myanmar.

² The Women's League of Burma (WLB) is an umbrella organization comprising 13 ethnic women's organisations of different ethnic and political backgrounds, established in 1999. Its vision is a federal democratic union of Burma premised on genuine peace, social and political justice and gender and ethnic equality. WLB's mission is to advance the status of women towards a peaceful, just, federal democratic union of Burma.

³ Reliefweb, Myanmar Emergency Update (as of 1 August 2022), Aug. 5 2022, available at <https://reliefweb.int/report/myanmar/myanmar-emergency-update-1-august-2022>.



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including in detention. These cases are only the tip of the iceberg given the low level of reporting, and dovetail with other research demonstrating that security forces have for decades carried out brutal campaigns of violence, including sexual violence, as part of armed conflict in ethnic areas, including massive genocidal clearance operations against the Rohingya.

Women have actively and bravely participated in and led the civil resistance movement, facing great personal risks to put an end to a brutal military junta. An estimated 3,100 women have been arrested and detained since February 1, 2021, with over 2,400 still in custody.⁴ Women have reported widespread violence in detention settings, including sexual abuse, torture and sexual harassment. Female detainees have also been denied medical treatment, including maternal healthcare, and access to potable water.⁵

Currently, there are nine women human rights defenders (WHRD) on death row whose lives are in grave danger given the military junta's recent execution of four democracy activists, the first such executions in 30 years. All WHRDs were convicted after closed trials in a military court that fell far short of international standards.

At a societal level, women have been hit hard by the economic downturn caused by foreign divestment and factory shutdowns. This economic hardship and lack of security resulting from the coup have pushed women and young women to fall victim to trafficking gangs and to agree to slave-like labour conditions or prostitution. Moreover, the level of societal gender-based violence has increased since the coup, as civilians have taken advantage of the violent chaos engulfing the country.

Since the coup, women have lost the economic, social and political gains that they fought for with increasing political activism and participation over the past decade. Women now face massive protection needs to secure their welfare, sustain gender equality progress and support women's leadership. As the UN has noted, women are "starting to see their future disappear" and the UN and international community must act with urgency and purpose.⁶

⁴ BNI Multimedia Group, Women political prisoners at record high under military council (Aug. 31, 2022) available at: <https://www.bnionline.net/en/news/women-political-prisoners-record-high-under-military-council>.

⁵ Radio Free Asia, Guards deny female detainees drinking water after protest in Myanmar's Insein Prison (Jun. 10, 2022) available at: <https://www.rfa.org/english/news/myanmar/insein-06102022190825.html>.

⁶ UN Women & UN Development Programme, *Regressing Gender Equality in Myanmar: Women living under pandemic and military rule* (Mar. 2022) available at: https://www.undp.org/publications/regressing-gender-equality-myanmar-women-living-under-pandemic-and-military-rule?utm_source=EN&utm_medium=GSR&utm_content=US_UNDP_PaidSearch_Brand_English&utm_campaign=CENTRAL&c_src=CENTRAL&c_src2=GSR&gclid=CjwKCAjwsMGYBhAEiWAGUXJae5ZUGd0g-sk4Eq3lr-KT3H-kFYeGIsa8Dy70tatjkAN0De0_ZNSHBoC5kAQAvD_BwE



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Burma/Myanmar's humanitarian crisis has had a devastating impact on women

The military has caused a devastating humanitarian crisis through its Four-Cuts Strategy of cutting off telecommunication, food, money, and intelligence in Karen/Kayin, Karenni/Kayah and Chin states, and the Sagaing and Magway regions. These brutal, scorched earth campaigns include air strikes, military offensives and burning of villages, which has destroyed over 28,000 homes thus far.⁷ As a result, over one million people have been displaced – amounting to one in every ten people.⁸

Civilians have had to travel deep into the jungle on a moment's notice to avoid military attacks. Displaced persons, including women and girls, must deal with health risks, food scarcity, lack of shelter and inadequate medical care, especially during the current rainy season.⁹ Malaria, dengue fever and other waterborne diseases are rampant and poisonous snakes are a scourge. Drought, water shortages and poor water quality have resulted in not being able to meet basic hygienic needs and illness. Dry goods and food items are being depleted and food insecurity is acute. Women face particular health challenges, including a lack of sexual and reproductive health services which has led to an increase in premature births, underweight births and increased infant mortality.¹⁰ This dire situation presents formidable challenges to the health and safety of women and girls and requires targeted assistance, such as women's dignity and delivery kits, lactating mothers' support and sexual and reproductive health assistance, such as birth control and HIV drugs which are no longer available.

Service delivery to those in need, already limited by decades of ethnic strife and chronic underfunding, has completely broken down. Humanitarian aid workers cannot access those in greatest need, and efforts by international and regional agencies to deliver humanitarian aid are woefully inadequate.¹¹ Given this dire situation, brave volunteers from women's groups, civil society organisations, communities, Ethnic Health Organisations (EHOs) and Ethnic Resistance Organizations (EROs) have

⁷ The Irrawaddy, Over 28,000 homes torched by Myanmar junta forces since coup (Aug. 29, 2022) available at: <https://www.irrawaddy.com/news/burma/over-28000-homes-torched-by-myanmar-junta-forces-since-coup.html>.

⁸ The UN Refugee Agency, Myanmar Emergency Overview Map and Statistics, Number of people internally displaced within Myanmar, (as of 08 Aug 2022), available at <https://reporting.unhcr.org/document/3048>.

⁹ Reliefweb, Conflict, food insecurity and pandemic: A triangle of suffering in Myanmar (June 23, 2022) available at <https://reliefweb.int/report/myanmar/conflict-food-insecurity-and-pandemic-triangle-suffering-myanmar>

¹⁰ Emily Fishbein and Nu Nu Lusan, Myanmar women give birth in jungle as military lies in wait: Heavily pregnant women displaced by fighting risk their lives to give birth after being forced from their homes in escalating conflict. (June 2021) available at <https://www.aljazeera.com/news/2021/7/21/myanmar-women-give-birth-in-jungle-as-military-lies-in-wait> and Maggi Quadrini, Myanmar's Coup Has Put Women in Harm's Way, (Sept. 2021) available at <https://thediplomat.com/2021/09/myanmars-couphas-put-women-in-harms-way/>.

¹¹ Karen Human Rights Group (KHRG), Denied and Deprived: Local communities confronting the humanitarian crisis and protection challenges in Southeast Burma (June 2022), available at <https://www.khrg.org/denied-and-deprived-localcommunities-confronting-humanitarian-crisis-and-protection-challenges>.



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stepped in to help despite security risks. The military targets these courageous individuals and groups, leading to regular harassment, arrest and murder.¹²

Current humanitarian aid delivery efforts focus on partnering with the military which is completely illadvised and counterproductive. The military has caused the crisis and is not to be trusted with aid delivery to areas that it is currently attacking. Civilians will not accept humanitarian aid distribution through any military-affiliated channel as they are afraid of backlash and there is a risk that the military will instrumentalize aid. Instead, the international community must build channels for providing humanitarian assistance by collaborating only with, and dramatically increasing support to, women's groups, civil society organisations, communities, EHOs and EROs. In particular, women's groups that have stepped in to fill service gaps have not experienced an increase in funding to support the increased burdens on the ground, highlighting an urgent priority for the international community.¹³

No avenues for justice exist

Ample evidence exists to show that the military and its proxies have for decades committed heinous crimes, including murder, rape and genocide. These crimes have been widespread and systematic, part of a deliberate strategy to intimidate, terrorise and punish local populations. Since the coup, the patterns of abuse and violence seen in ethnic areas have been extended throughout the country, indicating that no group is immune from the security force abuses that ethnic groups have experienced for more than 70 years. The military has long enjoyed impunity for its actions, which has directly contributed to the current crisis.

The coup has further proven the military's disdain for the rule of law and its firmly-held belief in its omnipotence, including its perceived entitlement to commit human rights abuses without consequence. Survivors of security force abuses, including conflict-related sexual violence (CRSV), are unable to access any justice in the current context as the legal system has been eviscerated and no trust exists between civilians and law authorities, which are under the aegis of the military. With no chance of domestic accountability, international and regional justice and accountability mechanism are crucial.

¹² Id. at 6.

¹³ Olivius, Elisabeth, Hedstrom, Jenny & Zin Mar Phyo, Statsvetenskapliga institutionen Policy Brief 2022:1, Women, Peace and Security in Myanmar after the 2021 military coup (2022) available at: <https://www.diva-portal.org/smash/record.jsf?pid=diva2%3A1633147&dswid=6806>.



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The international community has not adequately responded to the crisis

The international community, including the UN Security Council, have a mandate to secure international peace and security as well as to protect women in conflict settings in accordance with multiple directives in the Women, Peace and Security (WPS) Agenda. Yet, the international community has ceded to ASEAN the responsibility for finding a solution to the crisis. ASEAN's efforts have failed, in part due to continued engagement with a recalcitrant military which has repeatedly thumbed its nose at the toothless "Five Point Consensus." This failed strategy has prolonged the crisis and obstructed necessary protections for civilians, including women, who face massive security and humanitarian needs.

The international community must abandon reliance on ASEAN and instead take bold action to resolve this dangerous situation and build trust with the people of Burma/Myanmar. As the 12 July 2022 report of the Independent Investigative Mechanism for Myanmar acknowledged, interactions with civilians "...to build trust and increase confidence in the Mechanism's ability to contribute to international criminal accountability processes are critical...".¹⁴ Yet, trust can never be built as long as the UN, including its in-country teams, international agencies and regional actors work and engage with the military and the military-appointed State Administration Council (SAC).

Recommendations

The international community must collectively raise their voices to secure the human rights, safety and welfare of women and girls in Burma/Myanmar and expeditiously take the following actions:

- Dispatch a well-equipped monitoring and intervention mission to secure the immediate and unconditional cessation of the military's violent terror campaign against the people to prevent further atrocities.
- Impose a comprehensive global arms embargo, with robust monitoring and enforcement mechanisms, to end the direct and indirect supply, sale or transfer of all weapons and other equipment that may be used for training, intelligence and military assistance.
- Impose targeted sanctions against the military and its proxies to effectively cut off financial flows and endeavor to cut off supplies of aviation fuel to the military.
- Support and stand with the people by refusing to engage with the military, its proxies or the SAC and work with the National Unity Government, as the legitimate

¹⁴ UN Human Rights Council, Report of the Independent Investigative Mechanism for Myanmar, A/HRC/51/4 (Jul. 12, 2022) at ¶63.



representative of the people, and other groups working to build a truly democratic federal union.

- Condemn the military for killing civilians and executing human rights defenders in the strongest terms, take effective action to stop further executions and atrocities and secure the immediate release of political prisoners, including human rights defenders and WHRDs.
- Work and collaborate only with local actors, including women's groups, as described above, to provide humanitarian aid and avoid any contact and cooperation with the military or its proxies; mediate with neighboring countries, such as Thailand and India, to open a humanitarian corridor to provide assistance to local aid actors; protect aid workers, including women first responders, from harm and harassment; urgently address country-wide food shortages; streamline aid procedures and delivery to be flexible and user-friendly to eliminate administrative burdens; and find innovative and alternative ways, using existing reliable social networks, to distribute aid outside of military channels.
- Provide targeted, long-term and specific resources to women's groups to support service delivery and the gender equality movement.
- Ensure impartial and independent investigations so that perpetrators are held accountable for their crimes; fully and unequivocally support all efforts to ensure justice, including by: referring the situation to the International Criminal Court; instituting a special or regional accountability mechanism; supporting and intervening in international accountability efforts, such as those already underway at the International Court of Justice and the International Criminal Court; and initiating domestic proceedings via universal jurisdiction.
- Protect those fighting for democracy and justice, especially women, and develop a comprehensive protection plan in accordance with WPS mandates to provide a safe haven for CRSV survivors, WHRDs and women peacebuilders; ensure that any resolution to the crisis includes the meaningful participation of women and has a clear mandate for justice and accountability for CRSV survivors.
- Establish a Task Force on Myanmar and conduct an exceptional inquiry into the situation of women and girls in Myanmar, as the CEDAW Committee has done for Afghanistan and for Myanmar in 2019.