

Report on Violations of Women's Rights by the Military in Myanmar (Burma)

by

Ministry of Human Rights (MOHR) and Ministry of Women, Youths and Children Affairs (MOWYCA)

National Unity Government of Myanmar (NUG)

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1. Context

On 1 February 2021, the Myanmar Armed Forces (Tatmadaw) staged an attempted coup d'état. At September 2021, more than seven months later, the people of Myanmar are confronted with a Human Rights and a humanitarian crisis. In this context, women and girls face multiple and intersecting disadvantage and are disproportionately exposed to human rights violations.

Women are leaders of the Civil Disobedience Movement (CDM), actively participating in pro-democracy and anti-coup protests, as well as rights-based demonstrations. As such, they have been directly targeted by Myanmar security forces. Tragically, the very first CDM fatality was a 19-year-old woman from Mandalay, shot dead in the street. Other women and girls, including those detained in facilities operated by security forces, have been subject to sexual and gender-based violence.

According to the Assistance Association for Political Prisoners (AAPP), at 16 September 2021, at least 1105 persons had been killed by Myanmar security forces since 1 February, while at least 6572 remained detained. Another 1984 had been issued with warrants by the military regime.¹ Women comprise a considerable proportion of these figures.

The military regime continues to employ escalating violence, crackdowns, arbitrary arrest and detention, which has driven many women's rights activists into hiding. Some change their location every three-to-four day to evade security forces, as the regime publishes daily arrest lists and issues warrants.

This short report identifies the types of violations perpetrated by Myanmar security forces against women and girls since the attempted coup. The list is illustrative, not exhaustive, with emblematic examples in the own words of victims and witnesses.

¹ Assistance Association for Political Prisoners, Daily Briefing in Relation to the Military Coup, September 16, 2021. <https://aappb.org/?p=17671>.

2. Deaths and detention of women

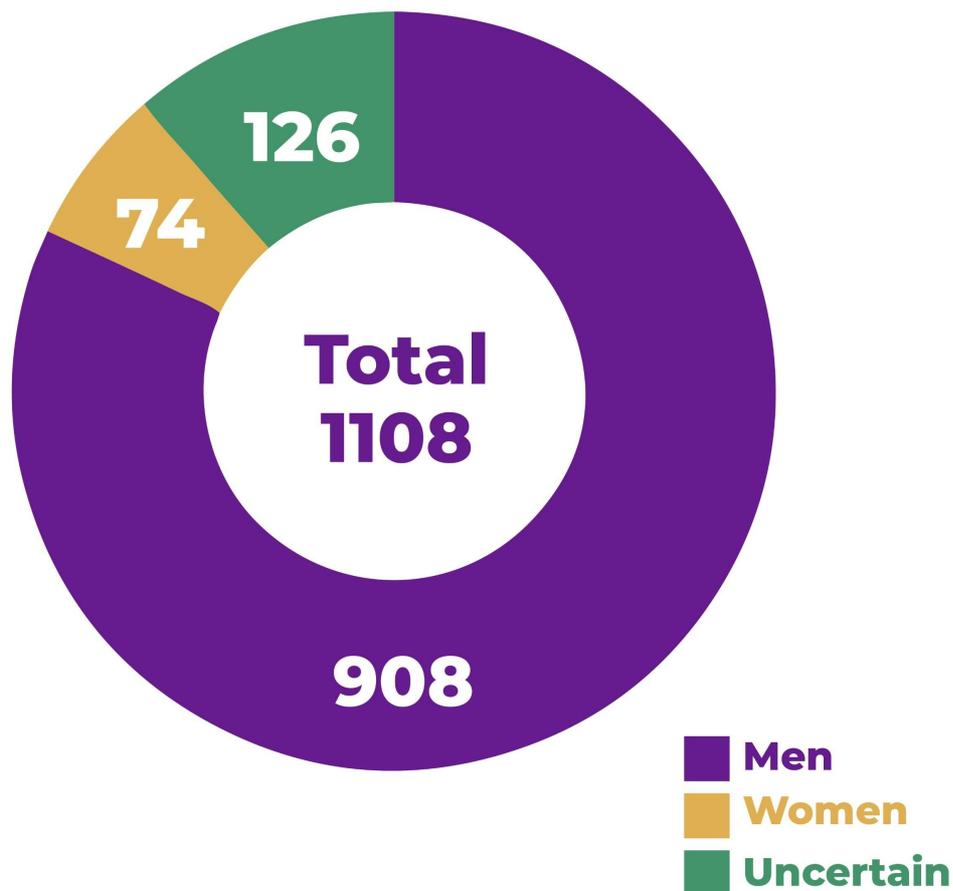
Gathering data on the situation of women's human rights since the attempted coup remains challenging, particularly on account of security risks and the need to protect the identities of women sources directly targeted by security forces.

As of September 2021, women's civil society organizations reported that at least 74 women had been killed by security forces since the attempted coup, and that at least 1223 women and girls remained in detention. These figures likely under-report the real situation.

Fatalities: female, male, and undetermined

as of September 17th

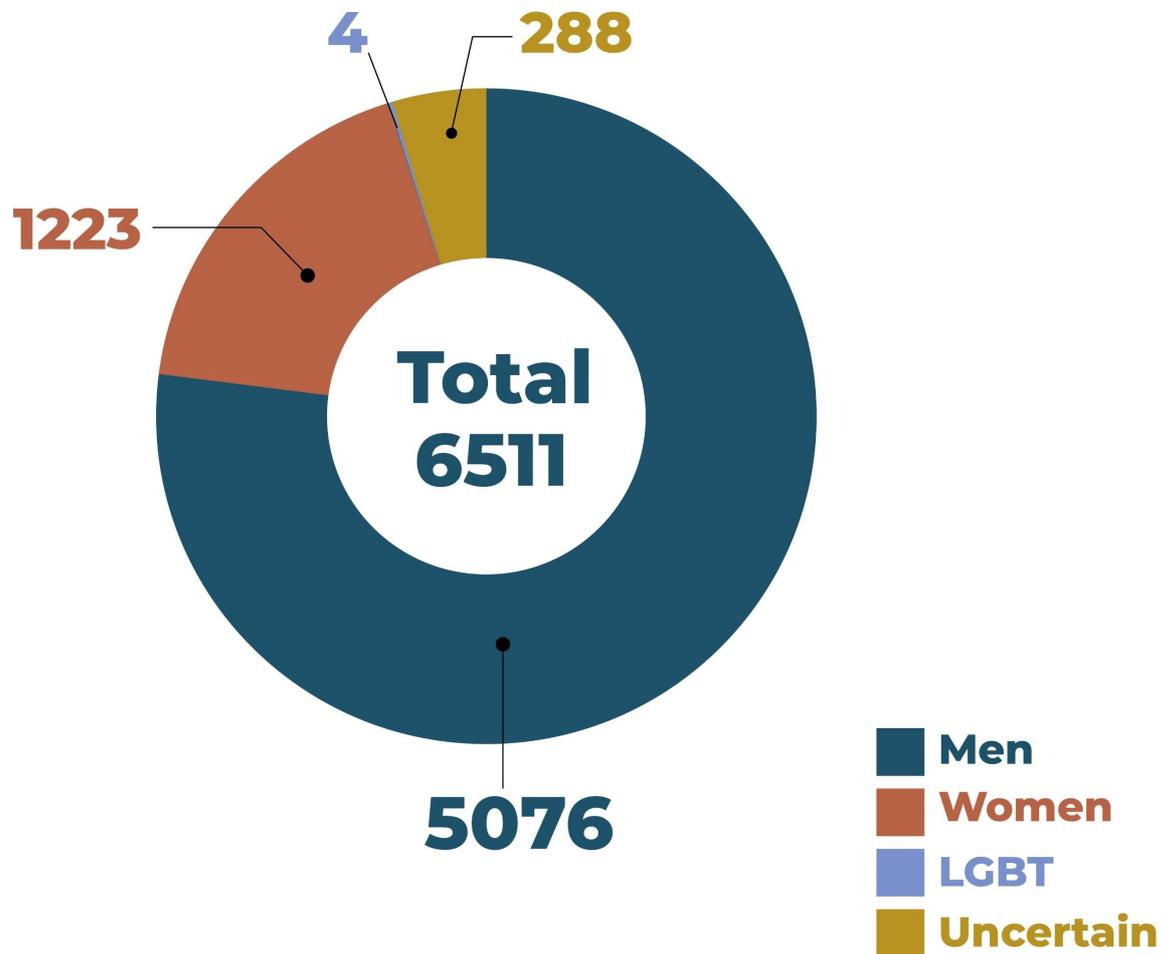
Number of Fatality



Detained: female, male, undetermined, and LGBTIQ

as of September 17th

Persons in Detention



3. Serious violations of human and women's rights

The Ministry of Women, Youth and Children Affairs has conducted multiple interviews with victims and witnesses in compiling its data. It has also consulted with local organizations and examined open-source materials, which provide corroborative information.

Since 1 February 2021, the following categories of violations by Myanmar security forces have been documented against women in girls:

- Killing and maiming, including of pregnant women
- Sexual and gender-based violence, including during military operations and raids, and in facilities operated by security forces
- Torture and mistreatment, including in detention
- Forced abductions, hostage-taking, and the detention of female relatives – including young girls – of persons sought by the military regime
- Denial of access to healthcare and medical treatment, including in detention.

Significantly, these incidents have been reported across Myanmar, including in Sagaing Region, Yangon Region, Irrawaddy Region, Kachin State, Kayah State, and Mandalay Region. Given their widespread and systematic nature, including the direction of attacks by security forces against civilians with knowledge, these actions constitute serious violations of international human rights law and international humanitarian law and could comprise crimes against humanity.

Some emblematic excerpts from interviews are provided below.

"The woman is a mentally ill person and she had not eaten for three or four days, as the villagers had fled. When I asked her about her condition, she said there were many soldiers who raped her

**Anonymous local source
discussing the gang rape of a 50-years-old mentally ill female villager by military soldiers in
Khin Thar Village, Palae Township of Sagaing Region**

"It happened just after the couple passed in front of 58th Infantry Division. They opened fire. The husband escaped but his wife was hit directly in the chest"

**Anonymous local source discussing the killing a 30-years-old civilian woman on the street in
Waingmaw Township, Kachin State**

"Yesterday, a policeman from the Mogok prison contacted me. My eldest daughter is suffering from Covid-19. There is no medicine to take for the outbreak of Covid-19 at Mogok Prison and I only got to know about her suffering when they contacted our family and asked for medicine".

Soe Htay, a pro-federal democratic activist from Mogok currently in hiding. He is a former political prisoner. His wife and two daughters were detained by security forces in an attempt to get him to turn himself in. His youngest daughter is five years old.

"After the military officer beat me and came out of the door of interrogation room, I saw the father of a female detainee who was very angry. He himself saw that his daughter was groped by that interrogator. It was in May and the name of that interrogator was Lieutenant Colonel Thet Lwin Oo, Commander of Battalion 216 under the 11th Infantry Division. The girl is at most 18 years old. Although the interrogation took place at the police station, it was conducted by the military. Now that whole Battalion and whole Division has relocated and is stationed in Chin State."

Anonymous former political prisoner from Maubin Township discussing the assault of an 18-years-old female detainee during interrogation at Maubin police station

"We had no right to say anything about what the military is doing. Even our police uniforms were ripped off by the military, and they pretended to act as police – we just had to sit and watch. They were the ones who arrested and interrogated the girls. During the interrogations, the soldiers were always drunk."

Anonymous police chief from an unidentified local township, discussing the conduct of interrogations by soldiers

"Many young women, especially those arrested, are finding it difficult to express what a hell of sexual abuse it is for them. When we interviewed released girls who had been arrested and interrogated, they feel embarrassed to report their own experiences abused by the military soldiers. The victims themselves felt that it was best for them to remain silent, since power was in the hands of military officers and therefore, it was difficult for these girls to report what these soldiers had done. But we do collect as much information as we can, and it will be sent to the United Nations"

Anonymous female court lawyer who assists female detainees

4. Barriers and challenges for victims in accessing justice

a) Lack of access to legal representation and due process protections

Legal aid lawyers in urban centers such as Yangon and Mandalay continue to provide pro-bono assistance to arbitrarily detained women. Most detained women have been charged with defamation or hate speech under sections 505(a) and (c) of the Penal Code.

In many cases, lawyers have not been able to secure access to detainees, nor have detainees been able to communicate with their families. In addition to raising clear due process concerns, such incommunicado detention presents risks of mistreatment in detention as well as disappearances.

At the same time, the military regime has attempted to dismantle state justice and accountability mechanisms. It has replaced judges, introduced draconian decrees, targeted lawyers, and imposed martial law on select townships. Under these conditions, victims of violations by security forces – including the persons referenced in the excerpts above – have no access to justice or remedy. Furthermore, these measures have fostered a climate of impunity, removing the security forces and the military regime from accountability and facilitating future atrocities.

(b) Denial of access to healthcare, medical treatment and humanitarian assistance

Even before the attempted coup and the COVID-19 crisis, women in Myanmar had long been subject to differential and discriminatory treatment. In a male dominated and patriarchal society ruled by military regimes between 1962 and 2011, women have been underrepresented in and in many cases excluded from political participation and left behind on economic and development opportunities. The impact is felt even more sharply by women and girls in minority and marginalized communities.

The dual impact of the attempted coup and the resurgence of COVID-19 has placed immense pressure on an already fragile healthcare system, depriving women and girls of access to care and treatment for their specific needs, while also increasing their carers burdens within the family. This situation has also had a particular and disproportionate impact on women in detention and on women and girls in areas subject to military offensives. In the case of detention facilities, this includes denial of access to medicine and to hygiene products. Furthermore, women and girls subject to sexual violence, abuse or humiliation in detention are forced to live not only with the trauma, but with societal stigma.

Conclusion

The National Unity Government of Myanmar is taking active steps to document violations and abuses by Myanmar security forces and associated militias, and to provide assistance and recourse to victims and their family members. Furthermore, the Ministry of Human Rights (MOHR) and Ministry of Women, Youths and Children Affairs (MOWYCA) are developing policies, draft laws, programme, and mechanisms to ensure that the rights of women and girls are respected, protected, fulfilled – including through access to justice and reparations, and opportunities for advancement – in line with Myanmar's obligations under the Convention on the Elimination of All Forms of Discrimination against Women.

While this report focuses specifically on the human rights situation of women and girls, the violations identified here are indicative of a widespread and systematic military campaign directed against civilians in the full knowledge of and at the direction of senior military leadership. Other groups, including Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) communities, have been similarly subjected to targeted violence. These actions constitute serious violations of

international human rights law and international humanitarian law and could comprise crimes against humanity.

5. Recommendations to international community

The National Unity Government of Myanmar calls on the international community to:

- ❖ Take clear and immediate steps to support the National Unity Government to stop Tatmadaw atrocities, including by starving the military of weapons, supplies, and revenue

Urgently act on Human Rights Council resolution 46/21,² which called for the immediate and unconditional release of all persons arbitrarily detained, charged or arrested on specious grounds during and in the aftermath of 1 February 2021. This should include the provision of reparations, rehabilitation, and psycho-social support to persons upon their release

- ❖ Consistent with Human Rights Council resolution 47/1, make every effort to 'ensure that all those responsible for crimes relating to violations and abuses of international law throughout Myanmar, including international human rights law, international humanitarian law and international criminal law, are held to account'³
- ❖ Support accountability efforts by the National Unity Government, including by providing it with technical assistance to collect information on alleged violations and abuses, to contribute to the work of the Office of the United Nations High Commissioner for Human Rights, the Independent Investigative Mechanism for Myanmar, and the Special Procedures of the Human Rights Council, and to engage with the International Criminal Court
- ❖ Support the National Unity Government's policies, programs and mechanisms directed at respecting, protecting, fulfilling and advancing the rights of women and girls in Myanmar
- ❖ Strengthen the attention of the Security Council, the General Assembly and the Human Rights Council on the human rights situation in Myanmar, informed by voices of Myanmar women and girls.

² Of 24 March 2021 at operative paragraphs 25, 45, 46 and 51.

³ Preambular paragraph 14.