



SECURITY COUNCIL INFORMAL EXPERTS GROUP ON WOMEN, PEACE AND SECURITY

MYANMAR

June 4th 2019

Security Council Resolution 2242 (2015):

*OP 5. Recognizes the ongoing need for greater integration of resolution 1325 (2000) in its own work in alignment with resolution 2122 (2013), including the need to address challenges linked to the **provision of specific** information and recommendations on the gender dimensions of situations on the Council's agenda, to inform and help strengthen the Council's decisions, and therefore in addition to elements set out in resolution 2122 (2013), and in accordance with established practice and procedure: (a) Expresses its intention to convene meetings of relevant Security Council experts as part of an Informal Experts Group on Women, Peace and Security to facilitate a more systematic approach to Women, Peace and Security within its own work and enable greater oversight and coordination of implementation efforts.*

Security Council Resolution 2467 (2019):

OP 4. Recognizes the work of the Informal Experts Group on Women, Peace and Security, as expressed in resolution 2242, and expresses its intention to consider its information, analysis, and recommendations, acknowledging UN Women's important role in this regard, and emphasizes that sexual violence in armed conflict and post-conflict situations and all other aspects of the Women, Peace and Security agenda should continue to be addressed in this forum.

RECOMMENDATIONS

Considerations for a decision of the Security Council

The Security Council should adopt a new resolution or presidential statement and include the following language:

Urges the national authorities and ethnic armed organizations to ensure women's meaningful participation, including in decision-making roles, in national peace conferences, bilateral negotiations, and the monitoring of the existing nation-wide ceasefire agreement.

Requests the governments of Myanmar and Bangladesh and their international partners to guarantee and report on refugee and displaced women's access to information about all potential solutions, including safe and voluntary repatriation, resettlement, or local integration to make free and informed decisions by themselves when solutions become available. This information and consultations should address women's particular rights, priorities, risks, and protection concerns, and support the creation of conditions conducive to voluntary, safe, dignified, and sustainable repatriation of refugees, including women, to their place of origin or choosing. The criteria by which the conditions are deemed safe for voluntary return should include specifically whether appropriate services will be in place to ensure that refugee and displaced women and girls are safe and supported.

Requests that the national authorities of Myanmar facilitate unimpeded access for humanitarian aid organizations across the territories affected by conflict, including organizations assisting sexual violence survivors and providing sexual and reproductive health care.

Calls upon the government of Myanmar to cease discriminatory practices and review laws and regulations that discriminate against or disadvantage women and girls from ethnic minorities, including the Rohingya.

Encourages the international community to support civil society organizations throughout Myanmar and in the states affected by conflict to build peace and reconcile communities, de-escalate intercommunal conflicts, counter disinformation and hate speech, promote social cohesion, report on human rights violations, provide services to survivors of gender-based violence, accelerate reconstruction efforts, or support women's participation and representation in decision-making, including in the upcoming elections. Urges the government of Myanmar to facilitate and enable the work of these organizations.

Taking note of the findings of the UN Fact Finding Mission, urges the Myanmar government to cooperate fully with the Independent and Impartial Mechanism set up by the Human Rights Council, the Office of the Prosecutor of the International Criminal Court, and the Special Rapporteur on Myanmar and reiterates the need for the prompt investigation and prosecution of security personnel, including senior officials, for serious international crimes, including conflict-related sexual violence.

Reminds the governments of Myanmar and Bangladesh and their international partners to ensure the availability of sexual and reproductive health services, including obstetric, prenatal and postnatal care, contraceptive information and services, emergency contraception, HIV/AIDS post-exposure prophylaxis, safe abortion, maternal health care support, psychosocial counseling, and mitigation measures to prevent child and forced marriages and conflict-related trafficking, in line with Security Council resolution 2331.

Welcomes the efforts by the government of Bangladesh to develop a National Action Plan on Women, Peace and Security, and encourages the inclusion of commitments to making comprehensive health services, access to education, and livelihood opportunities available to Rohingya women and girls.

Welcomes the signing of a joint communiqué between the government of Myanmar and the UN to prevent and address conflict-related sexual violence and calls for its full and swift implementation in close coordination with the Special Representative of the Secretary-General on sexual violence in conflict and the UN country team.

Recalls resolution 2467 (2019) and the importance that all efforts to document and investigate sexual violence in conflict and post-conflict situations must take into account the specific needs of survivors, be well-coordinated, respect the safety, confidentiality and informed consent of survivors, and not put them further at risk.

Calls for the implementation of the Rakhine Advisory Commission recommendations, including those relating to women's economic empowerment and health, access to humanitarian aid, freedom of movement, and citizenship.

Further requests the timely deployment of a senior Women Protection Adviser to the Office of UN Resident and Humanitarian Coordinator in Myanmar, pursuant to resolution 2467 (2019) and to advise UN senior leadership on the implementation of the operational provisions of this resolution and other Security Council resolutions on sexual violence in conflict, including the establishment of monitoring, analysis and reporting arrangements on conflict-related sexual violence for Myanmar.

Other recommendations for the IEG and the Security Council

Whether through the Informal Experts Group, in meetings of the full Council, or in a follow-up visit to Myanmar or Bangladesh, Council members should ask:

- What is the current status and political will to implement the recommendations of the CEDAW Committee on Myanmar, including from the recent exceptional review, and the gender-related recommendations of the Rakhine Advisory Commission, such as the establishment of a Women's Affairs Department in Rakhine, the promotion of women's participation in local decision-making, inter-communal dialogues, and the security sector?
- What is currently being done to ensure that the documentation of sexual and gender-based violence crimes in Myanmar and Bangladesh is well coordinated and complies with relevant international standards?
- What is the current status of the draft Prevention and Protection of Violence Against Women in Myanmar and will civil society or the UN be consulted before it is tabled in Parliament?
- What initiatives are being undertaken to monitor, denounce, and counter hate speech targeting women and girls in conflict-affected communities in Myanmar?
- What additional information is there about the implementation of the Joint Communiqué on conflict-related sexual violence, including the timeframe, the ministries involved, the appointment of representative members, and monitoring benchmarks? What is the progress on Myanmar's draft implementation plan for this Joint Communiqué, and is it being prepared in consultation with the United Nations and civil society organizations in Myanmar?
- How are women involved in the planning and implementation of development and economic plans in conflict-affected areas, including Rakhine State? How are gender equality and women's rights issues being addressed by the government-led Union Enterprise for Humanitarian Assistance, Recovery, and Development, which is the main vehicle to facilitate safe, voluntary return of refugees, provide humanitarian assistance to IDPs in Rakhine, and implement durable solutions?
- What is being done to ensure women's access to justice, in conjunction with national and international accountability options?
- What does the UN know about the impact on women and girls of recent conflict dynamics in crisis-affected states, whether the increased role of the Arakan Army in Rakhine, the drug epidemic in Shan State, trafficking in persons, and the sectarian and communal violence and land disputes?
- How is the Joint Peace Fund implementing its aim to devote 15 percent of its resources to activities that address women's needs, equality, and empowerment, and to mainstream gender in the design of all the projects it funds?

In addition, Council Members should apply their political and diplomatic influence, as well as their financial resources, to provide a path for justice for the women and girls affected by the conflict, scale up the services supporting women and girls in refugee camps including access to formal education, skills development and livelihood opportunities, and their multi-year investment on women's civil society organizations, and put women's leadership at the center of humanitarian efforts and conversations about repatriation, resettlement, or other options.

The United Kingdom, as the penholder on Myanmar in the Security Council, and the co-chairs of the IEG, should share the outcome of this meeting with relevant stakeholders in regional organizations, including ASEAN, the European Union, and the Organization of Islamic Cooperation, key donors, and civil society, and explore opportunities for joint advocacy vis-à-vis the government of Myanmar on some of the issues raised in this meeting.

BACKGROUND INFORMATION

Recent developments in the Security Council

In the only decision adopted by the Security Council on Myanmar in the last decade, a **presidential statement issued in November 2017**, the Security Council expressed grave concern over reports of human rights violations and abuses in Rakhine State, including the killing of men, women, and children, and sexual violence, stressed the importance of undertaking transparent investigations into allegations of sexual violence and holding to account all those responsible for such acts, and called on the government to respect human rights, including the human rights of women, to implement measures in line with resolution 2106 (2013) to prevent and respond to incidents of sexual violence, and to work with the Special Representative on Sexual Violence in Conflict. The Council also urged the governments of Myanmar and Bangladesh, the United Nations, and other humanitarian partners to “pay special attention to the specific needs of women and girls in all assessments, planning, and delivery of humanitarian assistance, and to ensure the availability of specialized medical and psychosocial services for survivors of sexual violence.”

In 2018, the Security Council visited Bangladesh and Myanmar and met with refugee women in the camps, including survivors of sexual violence, and raised questions about the protection of women and reproductive health services in the camps. Ms. Pramila Patten, Special Representative of the Secretary-General on Sexual Violence in Conflict, has also briefed the Security Council after visiting Myanmar in December 2017 and February 2019.

During the annual debate on conflict-related sexual violence in 2018, and **for the first time ever, the Security Council invited a Rohingya woman from civil society to speak**. Ms. Razia Sultana presented her own research of sexual violence committed by Myanmar’s Security Forces (*Tatmadaw*, Border Guard and police) in 17 villages in Rakhine State, out of 350 attacked and burned since August 2017, and remarked that “the scale and breadth provide strong evidence that rape was systematically planned and used as a weapon against my people” and that “the pattern of mutilation of women’s private parts after rape suggests a specific directive to instill terror among Rohingya people and destroy their very means of reproduction.” She also expressed concerns about the increase in trafficking of young women and girls in the camps in Bangladesh, called for support to young Rohingya women who want to play a role in coordinating humanitarian assistance in the camps, reiterated the recommendations of the Advisory Commission on Rakhine State to restore the citizenship, freedom of movement, and equal rights before the law of the Rohingya, asked the Security Council to refer the situation in Myanmar to the International Criminal Court, and criticized the international community: “It is hypocritical to condemn the human rights violations and express horror at the new violence, while then also selling arms to Myanmar and seeking explorative licenses to mine its natural resources (...). The international community, especially the Security Council, has failed us. This latest crisis should have been prevented if the warning signs since 2012 had not been ignored.”

Women’s participation and representation in decision-making

Women’s participation in the formal peace process has been very limited and has not reached the 30 percent of minimum representation proposed in the negotiations for the Nationwide Ceasefire Agreement of 2015 (NCA) and included in the Framework for Political Dialogue of 2016. Instead, women made up 6 percent of negotiators for the NCA, and their participation has gradually increased from 7 percent in first Union Peace Conference in January 2016 to 20 percent in the second 21st Century Panglong Conference in May 2017. Neither the Joint Monitoring Committee set up for the NCA nor other coordination mechanisms established for the peace process have included women in any significant way. For example, in the Union Peace Dialogue Joint Committee there are only 3 women out of 48 members. However,

women have played an important peacebuilding role through informal channels, including by negotiating with the ethnic armed organizations.

Women's representation in politics is also very low. Military rule from 1962 to 2011 all but banished women from positions of authority, and the military itself had not women in leadership roles. Currently, the Constitution reserves 25 percent of legislative seats for the military and entirely places the Defence Services outside of the control and chain of command of an elected, civilian body or official, including the President. The general elections in 2015 doubled women's representation in parliament, but only from 6 to 12 percent approximately. The 2015 elections saw the highest percentage of female candidates (13 percent) in any general elections since independence. By-elections in 2017 and 2018 slowed down this trend and featured very few women candidates. At the local level, for example, the 2012 Ward or Village Tract Administration Law requires that its administrators be heads of households that have received "fair levels of education" and have "sufficient means for a living." As a result of these factors, plus entrenched gender inequality and regressive gender stereotypes, only 0.25 percent of ward and village tract administrators are women. In Rakhine, there were no female parliamentarians elected to the Rakhine State Parliament in 2015 and no female ward or village tract administrators. In recent months, following work undertaken in partnership between the UN and the Ministry of Social Welfare, Relief and Resettlement, two women were elected for the first time to be part of camp management structures in Rakhine.

Although women are better represented in the **civil service**, women hold only **1.5 percent of senior leadership positions**. Female political leaders often cite not only social, cultural, and logistical barriers to participation, but note that they are subjected to online and personal harassment to a higher degree than their male counterparts. **Facebook**, with record numbers of coverage and effectively the main channel of communications in Myanmar, has been accused of failing to prevent widespread **false news, hate speech, and online harassment, much of it related to gender issues**, and has only recently taken down hundreds of accounts. **In late 2020, Myanmar will hold a general election** for more than 1,100 seats in Union, state, and region legislative bodies, and the **Union Election Commission** had seven commissioners until March of this year, all of them men, and all but one of them Bamar Buddhists. In March, the UEC added eight new members and once again, all the new members are men and seven of eight are Bamar Buddhists, for a total of **15 men and no women**.

Women are much better represented in civil society, which includes an active women's movement. Organizations and networks like the Women's League of Burma, Alliance for Gender Inclusion in the Peace Process, the Gender Equality Network, the Women's Organization Network and other national organizations are able to lobby legislators and mobilize women-led peace forums to a certain extent. However, local and national organizations operating in conflict-affected states are mainly focused on service delivery and face numerous challenges, from lack of formal registration to freedom of movement and increased surveillance by security forces. These local organizations rarely have the capacity or space to engage in governance and peace-related processes.

The Annan-led **Rakhine Advisory Commission** made several references to gender equality issues, such as the challenges faced by women workers -and particularly Muslim women- in Rakhine State (barriers to access loans, credit, or inheritance, lack of opportunities in the manufacturing sector, lower pay in all sectors, lower education levels, restrictions of movement), the pressure to migrate to seek economic opportunities, and the higher child mortality rate in Rakhine, with only 19 percent of women giving birth in professional health facilities, compared to 37 percent nationally. But most of its gender-related recommendations had to do with women's engagement in politics and decision-making at all levels, and this is also reflected in the findings of the report. The Commission stated that:

Women's political representation and civic participation remains weak across all communities. No female parliamentarians were elected to the Rakhine State Parliament in 2015, and only three

were elected from Rakhine State constituencies to the Union Parliament in Naypyitaw. There are currently no female administrators (i.e. Village Tract, Township or District Administrators) in the state, though women do sometimes hold more junior civil service positions. Some women-focused civil society groups – including the Rakhine Women’s Union and the Rakhine Women’s Network – have sought to address gaps in women’s empowerment, and increasingly managed to nurture a public discourse on women rights. However, while demonstrating some degree of influence, for instance to intervene on behalf of victims in high-profile rape cases, these organizations seem to have little impact on policymaking.

Myanmar currently ranks 145th of 188 countries on the Gender Inequality Index. To name some **examples of gender inequalities**, women’s **labor force participation** is 35 points lower than men’s (50 percent compared to 85 percent), and many women migrate or are trafficked into other countries in the region, particularly as domestic workers and brides. While most women work in the agriculture sector, **men own 95 percent of land titles**, and this particularly affects the land rights of women from ethnic minorities. Myanmar’s first **National Strategic Plan for the Advancement of Women (2013-2022)** aims to “promote and protect the human rights of women throughout Myanmar.” Recently, four **technical working groups** coordinate its implementation: participation, violence against women, gender mainstreaming, and **women, peace and security**. Myanmar’s Sustainable Development Plan (2018-2030) includes gender equality and the empowerment of women as a crosscutting issue.

While Myanmar does not have a **national action plan on women, peace and security**, some of the elements that would be included in such an action plan are already contained in other normative instruments, including the National Strategic Plan for the Advancement of Women, the Nationwide Ceasefire, and the Joint Communiqué on Conflict-Related Sexual Violence. The Ministry of Social Welfare, Relief and Resettlement has shown a high interest in the Women, Peace and Security agenda and has requested the support of the United Nations in this regard, including about the possibility of developing an action plan. Development partners in country have expressed skepticism about the wisdom of investing on a national action plan on 1325, considering the need to focus on implementation of existing commitments and concerns about the possibility of ensuring inclusiveness in its development. There are ongoing efforts to “localize” 1325, in partnership with the Ministry of Social Welfare, Relief and Resettlement, by integrating women, peace and security commitments into local development plans in several states in the South-East (Mon, Kayah, Kayin). Currently, **the country lacks an effective legal and policy framework addressing violence against women**, a key focus of the advocacy efforts of women’s organizations in Myanmar, and efforts to change this have been underway for a few years.

Conflict-related sexual violence

Widespread and systematic sexual violence in Myanmar has been reported on by the international fact-finding mission mandated by the Human Rights Council, as well as by other UN officials, including the Special Representative of the Secretary-General on Sexual Violence in Conflict, who has conducted several visits to Bangladesh and Myanmar since late 2017, and the SRSG on Children and Armed Conflict. The Assistant-Secretary-General for Human Rights described it as a “frenzy of sexual violence.” Several human rights organizations and NGOs have consistently reported on long-standing patterns of sexual violence committed by the military, with impunity, against ethnic groups since 2002.

As noted in the annual report of the Secretary-General on conflict-related sexual violence, presented to the Security Council in April 2019, the forms of sexual violence consistently recounted by survivors include rape, gang rape by multiple members of Myanmar’s security forces, forced public nudity and humiliation, and sexual slavery in military captivity. These acts occurred in the context of collective persecution, the burning of villages, the torture, mutilation, and killing of civilians, and a wider pattern of ethnically and religiously motivated violence. The UN has previously verified information that sexual

violence was committed as part of security “clearance” operations in October 2016 and August 2017, and there are indications that the threat and use of sexual violence was one of the drivers of the forced displacement on a massive scale in the northern part of Rakhine State. Sexual violence was used to humiliate, terrorize and collectively punish the Rohingya community, as a calculated tool to force them to flee their homelands and prevent their return, linked with an inflammatory narrative alleging that high fertility rates among the Rohingya community represent an existential threat to the majority population. **The Myanmar Armed Forces (Tatmadaw) are listed in the annex of the Secretary-General’s report on conflict-related sexual violence since 2018.**

In August 2018, the international **fact-finding mission** on Myanmar presented its report to the Human Rights Council, which then established an **Independent Investigative Mechanism for Myanmar** to consolidate and analyze evidence of serious international crimes committed in Myanmar since 2011 and prepare files for criminal prosecution. In 2018, the government established a commission of enquiry - chaired by the Philippines’ representative to the CEDAW Committee in her personal capacity- and signed a **joint communiqué with the SRSG on Sexual Violence in Conflict on behalf of the United Nations**, requiring the Myanmar Armed Forces to issue clear orders prohibiting sexual violence and to ensure timely investigations of alleged abuses and accountability for violations. The SRSG, also on behalf of the United Nations, had previously signed a **framework of cooperation with the government of Bangladesh** to address the issues affecting the Rohingya refugees, and especially their vulnerability to child marriage, trafficking, and sexual abuse and exploitation in the camps.

The following are **excerpts from SRSG Patten’s briefing to the Security Council** after her first visit to Cox’s Bazar:

Every woman or girl I spoke with reported having either endured or witnessed sexual violence. (...). One survivor described being held in captivity by members of the Myanmar Armed Forces (the Tatmadaw) for 45 days, during which time she was reportedly raped over and over again. Several survivors still bore visible scars, bruises, burns and bite marks, attesting to their ordeal. One woman showed me how she can no longer see out of her left eye, which was bitten by a soldier during a vicious sexual assault (...) Women and girls recounted how, upon the arrival of soldiers in their village, they were forced to strip naked and threatened with rape in front of their husbands and fathers while their homes were set ablaze. They related how, in some cases, village leaders were compelled to sign documents stating that they had set fire to their own homes, in order to save the women of their community from rape. I met a number of profoundly traumatized women who related how their daughters were allegedly raped inside their home and left to perish when the houses were torched. Some witnesses reported women and girls being tied to either a rock or a tree before multiple soldiers literally raped them to death (...). Some women recounted how soldiers drowned babies in the village well. A few women told me how their own babies were allegedly thrown in the fire as they were dragged away by soldiers and gang-raped (...). All of the women I spoke with said they wanted to see the perpetrators punished. They all – without exception – demanded justice. Some expressed a desire to return home, provided they would be granted citizenship and equal rights. Others said they had nothing left to return to but ashes. When discussing repatriation with a group of survivors, an elderly woman told me: “You will sign our death sentence if you send us back to Myanmar.

In March 2019, SRSG Patten briefed the Security Council on her visits to Myanmar and Bangladesh in February. The purpose of the visits was to engage the governments on the development of implementation plans for the commitments outlined in the joint communiqué and framework of cooperation signed by the two governments respectively. Following the visit of the SRSG-SVC to Myanmar, a Government committee was formed in March to work jointly with the UN Country Team and civil society on the

development of an implementation plan. The committee is composed of 19 members and is chaired by the Minister of the Ministry of Social Welfare, Relief and Resettlement, with the Deputy Minister of Interior and Deputy Minister of Defence as vice-chairs. To date, however, the committee has not consulted with the UN Country Team on the implementation plan.

UN humanitarian reports indicate that **more than six thousand incidents of gender-based violence**, including but not limited to sexual violence, were reported to different organizations between late August 2017 and late March 2018. In one week of October 2017, for example, 306 cases of gender-based were reported and 96 percent required emergency medical services. There are now a total of **85 safe entry points for GBV case management in the refugee camps, including 52 safe spaces for women and girls, but this only amounts to 39 percent of the coverage that is required as a minimum.**

There are **concerns about the unparalleled pace and scale of documentation** and survivor interviews by media, academics, volunteers, students, and other visitors to the camp, some of which are duplicative and for purposes beyond accountability, often falling short of minimum ethical standards and lacking the required understanding of a “do no harm” and a survivor-centered approach.

Over the course of its mandate, the **UN fact finding mission** was supported by four experts on sexual and gender-based violence from the joint roster managed by UN Women and Justice Rapid Response. Its official report, published on August 27th, established that sexual and gender-based violence has been a hallmark of Tatmadaw operations in Kachin, Shan, and Rakhine states since 2011, and they amount to war crimes and crimes against humanity. Apart from the Tatmadaw, the fact-finding mission also found evidence of acts committed by the ethnic armed organizations, and in particular the Arakan Rohingya Salvation Army, that may amount to war crimes. Other actors identified as perpetrators include the police force in Rakhine State, the Border Guard Police, and various local authorities, militias, militant “civilian” groups, and Buddhist monks. It also recommended that the Tatmadaw be investigated for the crime of genocide, named six key suspected perpetrators, including the commander-in-chief and five other military officials, and noted that the civilian authorities bore responsibility too, including state counselor Daw Aung San Suu Kyi. It also recommended an inquiry into the UN’s failure to implement a human rights-driven response to the crisis in Myanmar. This inquiry is currently underway, led by Gert Rosenthal, the former Permanent Representative of Guatemala to the United Nations.

These reports have been met with blanket denials by the Myanmar government. The Chairman of the Rakhine Investigation into the October 2016 attacks stated in an interview that it was impossible that soldiers raped Rohingya women because they “are very dirty.” The Myanmar Times was pressured to fire a journalist in November 2016 for her reporting on sexual violence committed by Security Forces in Rakhine state, following the Presidential spokesperson publicly criticizing the journalist and echoing calls for police investigation into her “biased” reporting. She experienced aggressive threats on social media, hostile visitors to her home, and had to flee the country for a few weeks. In September 2017, Colonel Phone Tint, the Rakhine border security minister, made the following derogatory comment: “Look at those women who are making these claims – would anyone want to rape them?”. When the Security Council visited Myanmar in 2018, Aung San Suu Kyi pledged that the government would investigate if credible allegations were provided, and the Commander-in-Chief vowed “harsh action.” In February 2019, Myanmar submitted an **Exceptional Report to the CEDAW Committee on the situation in Rakhine State**. The report notes that “despite repeated accusations that Myanmar Security Forces committed a campaign of rape and violence against Muslim women and girls residing in Rakhine State, there is no evidence to support these wild claims.”

Since 2012, the government has set up eight ad-hoc commissions and boards with regards to the situation in Rakhine State. In early 2017, the Myanmar government obtained permission from Bangladesh

to visit Cox's Bazaar and investigate the claims of refugees who had fled persecution in Rakhine state over the previous months. The investigation mission -which included generals- did not meet basic minimum standards, and interviews were conducted in open areas, with no screens or confidentiality, and several instances of re-traumatization. **Myanmar lacks domestic legislation on international crimes**, rendering its court system unable to prosecute potential crimes against humanity, war crimes, or genocide, **and the constitution protects the military from prosecution** by granting guarantees of immunity, exclusive jurisdiction in military courts, and the ability of the Commander-in-Chief to overturn any decision unilaterally. Furthermore, the Penal Code, enacted in 1861, contains an outdated definition of rape and sexual violence, and does not prohibit or punish the rape of women by their husbands unless the victim is less than 15 years old. In addition to a Constitutional grant of immunity to governmental actors for any crimes, the President can also grant amnesties "in accord with the recommendations of the National Defense and Security Council," where military appointees hold a majority.

In 2018, the Office of the Prosecutor ("OTP") of the International Criminal Court asked the Court's Pre-Trial Chamber to determine whether the Court has jurisdiction over crimes against the Rohingya that continued from Myanmar to Bangladesh, including deportations, since unlike Myanmar, Bangladesh is party to the Rome Statute. The Pre-Trial Chamber granted jurisdiction and the OTP has opened a preliminary investigation. Meanwhile, the Organization of Islamic Cooperation has approved of a plan to bring a case for violations of the Genocide Convention by the state of Myanmar to the **International Court of Justice**.

Other protection issues and humanitarian concerns

Gender issues are closely linked to the ethnic dimension of Myanmar's multiple conflicts. For example, the MaBaTha Buddhist extremist movement mobilized to lobby for the swift passage of four "race and religion" bills, which includes the Buddhist Women Special Marriage Law, (2015) restricting interfaith marriages between Buddhist women and non-Buddhist men, and the Population Control Healthcare Bill (2015), imposing birth-spacing requirements on women, partly fueled by fear of demographic growth among Muslims in Myanmar. The 2014 Mandalay riots and violence were a result of false online reports that Muslim teashop owners had raped a Buddhist woman. Furthermore, the citizenship and nationality issues at the center of the discrimination of the Rohingya and the multiple conflicts with other ethnic groups affect women disproportionately and limit their freedom of movement. Almost a third of the population does not have adequate **identity and civil documentation**, and 54 percent of these are female.

Crisis-affected women and girls, who make up more than half of those displaced by conflict in Rakhine, Kachin, and Shan states, are furthermore exposed to various forms of human rights violations and protection risks, including human trafficking. Women and girls are overrepresented among the displaced population and they face **barriers to accessing relief, services, information, income-generating activities, community participation and decision-making at all levels**. The government of Myanmar has been taking steps in the development of a national strategy for the closure of IDP camps. However, these camps should not be closed prematurely, and any camp closures should be sustainable and respect the rights of IDPs to return to their place of origin or choosing.

There are major **unmet needs** for women in refugee and IDP camps, including access to water, sanitation, non-food items, education, nutrition, shelter, health, and livelihoods. The issues of inequality are compounded in conflict-affected areas, especially for women and girls from ethnic minority communities who already face challenges regarding citizenship, restricted mobility, literacy and language barriers, and further discriminatory laws and policies. **Access restrictions** have severely hampered the delivery of legal, medical and psychosocial services to these areas. Even prior to the escalation of the conflict in recent years, the Rohingya needed permission to travel outside their own villages, or to marry, and many are restricted to living in IDP camps, segregated from the local Buddhist population. The UN estimated

that there was one physician per 75,000 persons in the Rohingya township of Buthidaung and one physician per 83,000 persons in the Rohingya township of Maungdaw, whereas Sittwe, the Buddhist-majority capital of Rakhine had one physician for every 681 persons. Furthermore, the Rohingya in Rakhine are subjected to potential harassment and bribes in checkpoints throughout the state that limit their freedom of movement and decrease their odds of seeking healthcare. Rakhine has the lowest labor force participation rates for women in all of Myanmar (38.1 percent)

Rohingya women and girls who managed to flee to **Bangladesh** face additional risks, including child and forced marriage, sexual exploitation, and trafficking. For example, a 2015 gender analysis study, which included a focused group discussion and key informant interviews among the 3,000 Rohingya refugees who were then living in Cox's Bazar's official refugee camps, revealed that 94 per cent of women respondents reported that they did not make decisions about their current marriage, and that 45 per cent were married as children. In the same study, 53 percent of Rohingya women and men surveyed in the camps believed that women should not be allowed to leave the house, and 42 percent of surveyed women reported spending an average of 21 to 24 hours a day inside their house.

The increased pressure on services and resources has had an **impact on the women in the host community too**, including that they need to go further afield for firewood and water and public services are strained. In the camps, **women tend to avoid reporting gender-based violence to camp officials, who are predominantly men**, including the CICs (there are no women Camp-in-Charge). Access to the One Stop Crisis center in Cox's Bazar, health services outside of the camps, police stations, or the courts requires a letter from a CIC granting permission first. Limitations imposed by the government of Bangladesh on refugees' access to education and livelihoods have a significant impact on women. A report by Plan International indicated that adolescent Rohingya refugee girls face "prison-like" conditions in the camps in Bangladesh, including limits on freedom of movement, access to education, hygiene and sufficient nutrition, among other basic human necessities. According to UNFPA, some 120,000 among the refugees are women of reproductive age and 24,000 are either pregnant or breastfeeding.