



## Update on women, peace and security in Myanmar 4 March 2022<sup>1</sup>

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The Informal Expert Group of the Security Council on Women, Peace and Security discussed the situation in Myanmar in June 2019 ([S/2019/591](#)). This update summarizes relevant developments since then.

### Developments in the Security Council

In a presidential statement issued following the declaration of the state of emergency imposed by the military in February 2021, the Security Council expressed its deep concern at developments in Myanmar and condemned violence against peaceful protestors, including against women, youth, and children. Since then, the Security Council has only issued press statements. In their most recent one, issued one year after the military takeover, the members of the Security Council reiterated deep concern at the continued violence across Myanmar and at the dramatic increase in humanitarian need, particularly among women, children, and vulnerable groups.

Only one woman from civil society in Myanmar has briefed the Security Council since the IEG meeting in June 2019, during a thematic debate on sexual violence in conflict in July 2020. **Ms Khin Ohmar** highlighted the military's long history of using rape as a weapon of war against ethnic communities and urged Council members to refer the situation in Myanmar to the International Criminal Court (ICC) or to create an ad hoc International Tribunal to fully investigate crimes suffered by the Rohingya and other ethnic communities beyond the ICC's limited investigations. She also called on the Council to make a concerted effort to ensure that Myanmar complies with the Provisional Measures ordered by the International Court of Justice (ICJ).<sup>2</sup> The Council has not held open meetings on Myanmar since the military takeover, only closed consultations, private meetings, and Arria Formula meetings. In the latest Arria Formula meeting, held in July 2021, the Council heard from Susanna Hla Hla Soe, Minister for Women at the National Unity Government, an alliance of ousted politicians and activists.

### Women's participation in the protests and the political process

Women in all their diversity are **at the forefront of the demonstrations in opposition to the military's takeover**. They continue to play a key role in the Civil Disobedience Movement (CDM), which was initiated by women civil servants and women labor unions. Youth and women-led civil society organizations and LGBTIQ+ organizations were the first to organize themselves and develop public platforms and advocacy messages in response to the coup. Two of the three emblematic leaders of the peaceful protest movement during the first months of the coup were women and 60 per cent of the social media content on the coup was produced by women. Over the past months, many women's "strike" groups have been formed throughout the country and are leading frequent demonstrations in their areas. The Women Alliance Burma, formed on 6 September 2021, serves as an umbrella organization to coordinate peaceful protests by women's groups and promote women's leadership with a view to playing a role in a future democratic Myanmar. Women human rights defenders across organizations in and out of country

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<sup>1</sup> This background note, including the recommendations at the end of this document, is prepared by UN Women as the secretariat of the Informal Expert Group on Women, Peace and Security, in consultation with other UN entities.

<sup>2</sup> Her full statement can be accessed here: [https://www.womenpeacesecurity.org/wp-content/uploads/NGOWG\\_UNSC\\_OpenDebate\\_Statement\\_Ohmar\\_07-2020\\_EN-full.pdf](https://www.womenpeacesecurity.org/wp-content/uploads/NGOWG_UNSC_OpenDebate_Statement_Ohmar_07-2020_EN-full.pdf).

have created a new Women Action Coalition aiming to coordinate advocacy on gender equality, women's rights, and women, peace and security around the coup, working closely with the Women's League of Burma and various online movements and campaigns (e.g., #Sisters2Sisters), which have become powerful tools for outreach and mobilization and are reaching millions.

Women's leading role in the protests and the strike movement reflects **profound changes of social norms** that had been happening mostly under the radar amongst the country's youth. In stark contrast to the conservative gender norms that have been particularly promoted by the Tatmadaw, women started being recognized and represented in the iconography of the democratic resistance as leaders on an equal footing with men, if not as the main leaders of the resistance. Women and women-led civil society organizations further turned gender stereotypes on their heads to challenge the security forces, for example when using their sarong as flags, hanging garment on clothing lines across streets, or using used sanitary pads to slow down security forces. Young men, for their part, demonstrated while wearing women's clothes as a sign of both solidarity with the women and defiance to the old norms. Women's organizations see the crisis as a battle for the future of gender equality and women's rights in the country.

Even before the protests over the last year, women's civil society organizations had launched initiatives to promote women's political leadership and to change gender stereotypes and perceptions. In the November 2020 elections, the share of women candidates rose from 13 per cent in 2013 to 16 per cent, and 17 per cent of participants at the Fourth Union Peace Conference were women.

This positive trend in women's political representation came to a halt with the military takeover. **Women's representation in the governance structure set up by the military is extremely low** with only 3 women among the 62 members (4.8 per cent) of the Cabinet of the State Administrative Council (SAC) Provisional Government announced on 1 August 2021. Of the 29 SAC-appointed Union Ministers only two are women (Union Minister of Legal Affairs and Union Attorney General, and Union Minister of Ministry of Social Welfare, Relief and Resettlement) and only one of the 30 Union Deputy Ministers is a woman (Deputy Minister for Ministry of Planning and Finance). On the **regional level**, women's representation is even lower with only one woman among the 130 State and Regional level ministers (0.7 per cent) that have so far been appointed by the SAC.

By contrast, women and women's issues are **much more prominent in the shadow National Unity Government** (NUG) where 9 out of the 36 ministers (25 per cent) are women and several of them being current or former women's rights activists, the youngest of them 26 years old. The NUG also includes the country's first openly gay member of cabinet and established for the first time in Myanmar's history a Ministry for Women, Youth and Children's Affairs (MOWYCA). During its first 100 days, the MOWYCA's activities included the provision of monetary assistance to women political prisoners in Yangon and Shan state, the distribution of medicines and maternal care kits in Chin, Kayah and Karen state, and the provision of support to women human rights defenders (WHRD) in need of shelters and relocation. The **Federal Democracy Charter**, which lays out the vision for a Federal Democratic Union and the Interim Constitutional Arrangements identifies women's civil society organizations as a key constituency of the Charter and gender equality as one of the three key values for the Federal Union. It further plans for the creation of an independent Anti-Gender Based Violence Commission. However, there are only two women among the 16 members of the Constitutional Drafting Committee that was formed in May 2021.

### **Violence against women leaders, protesters, and women's civil society organizations**

Security forces are **targeting women leaders, protesters, and women's civil society organizations to punish them for their activism**. Women protesters have been arrested, killed, tortured, raped and taken hostage. The first victim murdered by the junta was a 19-year-old woman who was shot in the head at a peaceful demonstration in Nay Pyi Taw on 9 February 2021. Since then, more than 100 women lost their

lives in the protests according to the Assistance Association for Political Prisoners (AAPP). Civil society organizations reported the case of a young woman who had been detained by soldiers in her home and was later found dead with a gunshot in her head after she had raised money in support of the CDM. On international women's day, as a response to the women's march held in Yangon, the security forces surrounded hundreds of protesters, blocking them from leaving and arresting 57 people, the majority of them women. On 10 March, security forces arrested an estimated 100 young women in North Okkapala in Yangon, and video footage indicates that these arrests were violent and included incidents of sexual harassment and insults. Overall women account for about a quarter of the persons arrested for their affiliation or role in the protests (1,753 out of 6,921 arrested persons as of 30 September 2021). Among them are several prominent women civil society leaders and women journalists, including Thin Thin Aung, the founder of Mizzima News Agency and the Women's League of Burma, and Myo Myo Aye, a protest leader and director of the Solidarity Trade Union of Myanmar. Civil society organizations report that once behind bars, female detainees are being subjected to sexual assault, torture, physical and verbal abuse, and intimidation. There are also reports that women have been forced to exchange sex for removing their names from the warrant list. Furthermore, security forces are systematically arresting family members of people against whom they have issued arrest warrants, or they are trying to arrest and cannot find them. In September 2021, OHCHR reported that at least 93 family members had been taken into custody for that reason. Several female students involved in the protests, charged with incitement by courts, have also received lengthy prison sentences. Most women activists have also faced hate speech, threats, and disinformation campaigns on social media, in a deliberate effort to exclude them public spaces and debates.

**Women's civil society organizations have been severely impacted** in their operations by the military takeover. A UN Women assessment from April 2021 and covering 30 women-led civil society organizations across the country found that 52 per cent of them had to stop their work due to security issues, loss of legal registration, loss of funding due to the suspension of development aid, and limited access to cash due to the banking crisis and SAC controls over banking transactions. The police also raided and ransacked the offices of several women's right organizations trying to arrest their leaders.

### **Conflict-related violence and other forms of violence against women**

Shortly after the last IEG meeting on Myanmar, in August 2019, the **Independent International Fact-Finding Mission on Myanmar (IIFFM)** published a **report that specifically focused on sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts**. The Mission found "that sexual and gender-based violence was a hallmark of the Tatmadaw's operations in northern Myanmar and in Rakhine" and that these violations "were used with the intent to intimidate, terrorize and punish the civilian population and as a tactic of war." It considered that these violations amount to war crimes, crimes against humanity and acts of genocide. The Mission also found that a direct nexus between the lack of gender equality and the prevalence of sexual and gender-based violence (SGBV).

In stark contrast, in its final report published in January 2020, though only the executive summary and the recommendations were made public, the **Independent Commission of Enquiry**, established by the NLD-led Government of Myanmar, dismissed allegations of sexual violence against the security forces. Civil society organizations had raised doubts with regards to the Commission's independence and impartiality.

Since then, the situation has worsened. The intensification of armed conflict and spread of the fighting to new territories **increased the exposure of women and girls to the risk of conflict-related sexual violence (CRSV)**. Some of the same military divisions that have been implicated in acts of gender-based violence in ethnic minority states have been deployed to cities to suppress protests. **Rohingya and other ethnic minorities**, in particular the women and girls, continue to be at high risk of sexual violence, notably in the context of the protracted conflict between the Tatmadaw and the Arakan Army. Risk of forced marriage and pregnancy, sexual exploitation, detention and forced labor are common among women and girls living

in camps for internally displaced persons and in conflict-affected areas. Furthermore, severe poverty has pushed many women and girls into dangerous situations, including human trafficking. In his 2021 report on conflict-related sexual violence, the Secretary-General noted that reports indicate that ethnic armed organizations in Rakhine, Chin and Shan States, as well as the Tatmadaw, committed sexual violence in 2020 and lists the Tatmadaw as a party “credibly suspected of committing or being responsible for patterns of rape or other forms of sexual violence.” The 2021 report of the Secretary-General on children and armed conflict also listed the Tatmadaw for rape and other forms of sexual violence against children. Information from the ground indicates that these trends have continued to worsen through 2021, following the military takeover, and the Women’s League of Burma has documented new cases of conflict-related sexual violence.

Following the signature of the 2018 **joint communiqué on prevention and response to CRSV** by the Government and the United Nations, a national committee on combating CRSV was developed. However, a national plan to implement the communiqué was formulated unilaterally by the Government and disseminated in November 2021, without United Nations engagement or adhering to a survivor-centered approach.

**Recent months have witnessed an increase in armed incidents**, including stronger resistance from the anti-coup movement. There has also been increasing violence against civilians who are perceived as being associated with the SAC, including women ward administrators, women believed to be informants, and others. There are also reports of an **increasing number of women and girls joining armed resistance groups**, and the creation of an all-female militia of the People’s Defence Force (PDF) in late 2021.

Extended quarantine, curfews and other movement restriction measures, combined with fear, tension and stress related to COVID-19, have led to **increased risks of GBV and intimate partner violence**. Calls to GBV hotlines have increased threefold since March 2020. Survivors of SGBV and their families continue to face **significant barriers in reporting violence and accessing services** due to significant trust deficits in the legal system, language barriers for ethnic minority communities, stigma, and fear of being subjected to criminal defamation laws if cases involve members of the military. These challenges are particularly acute in rural areas, where cases are usually settled through compensation payments, if at all. Due to prevailing social norms, women also report that they are effectively held responsible by authority figures when reporting gender-based violence. Women access informal justice systems more frequently than formal justice systems: less than five percent of reported cases seek formal justice system responses.

Myanmar does not have an effective national framework for protecting women’s rights and upholding gender equality. The adoption of the **draft law on the prevention of violence against women**, developed in 2013, is still pending and women’s activists criticize that it falls short of international standards as set out in CEDAW and that women have not been meaningfully consulted during the drafting process. The SAC has announced that they will enact this draft law soon.

### **Accountability**

Despite the well documented sexual violence in Myanmar, **impunity prevails**. This is especially true for the military which is shielded from accountability through constitutional immunity and a lack of civilian oversight of the military. The military takeover has led to a **breakdown in trust in the police and the justice system, which is dominated by the military**. Even before the current crisis, women leaders deplored the prevailing impunity on the domestic level and that in the few cases where convictions happened, they were rarely for sexual violence. In her briefing to the Security Council, Khin Ohmar recounted the case of two Kachin schoolteachers who, in 2015, were tortured, raped and murdered in northern Shan State. She told Council members that investigations against the primary suspect, a commanding officer in a local Myanmar military contingent, were blocked by the highest levels of government.

On the international level, the Human Rights Council established the **Independent Investigative Mechanism for Myanmar (IIMM)** in September 2018, which became operational in August 2019. Investigating SGBV crimes is a declared priority for the Mechanism. In its 2021 report, the Mechanism noted that its preliminary analysis of collected information concerning events in Myanmar since the military coup indicates that crimes against humanity falling within the Mechanism's mandate, including sexual violence, have likely been committed. Myanmar continues to deny the IIMM access to its territory.

On 20 January 2020, in the proceedings on the request for the indication of provisional measures submitted by the Gambia, the **International Court of Justice** ordered Myanmar to take all measures within its power to prevent the commission of all acts of genocide. In its order, the Court noted that the reports of the IIFFM indicated that the Rohingya in Myanmar have been subjected to acts which can affect their right of existence as a protected group under the Genocide Convention, including widespread rape and other forms of sexual violence. During the hearings, the Gambia had given detailed accounts of sexual violence against Rohingya civilians, citing findings of the IIFFM, while Myanmar did not fully address the issue of SGBV. The latest round of hearings on this case took place in The Hague in the last week of February 2022.

On 14 November 2019, Pre-Trial Chamber III of the **International Criminal Court** authorized the Office of the Prosecutor to open investigations in the situation in Bangladesh/Myanmar. As only Bangladesh but not Myanmar is a State Party to the Rome Statute, the Court's jurisdiction is limited to crimes that at least in part took place on the territory of Bangladesh. For the Court to have full jurisdiction over crimes committed in Myanmar, the situation would need to be referred by the Security Council.

### **Humanitarian issues and women's socioeconomic situation**

As of 31 January 2022, insecurity and increased fighting have led to the **displacement** of an estimated 441,500 people across Myanmar fleeing from clashes and insecurity since 1 February 2021. This is in addition to the 370,400 people living in protracted displacement before February 2021, bringing the total number over 800,000 displaced. Across IDP settings, women and girls face heightened risks of GBV, including intimate partner violence, exploitation and abuse, trafficking, and risks of negative coping mechanisms. Women are often forced to give birth in unsafe settings while on the move which puts them and their children at risk.

Across humanitarian settings, women's and girl's **access to health services** (including prevention and treatment for COVID-19, sexual and reproductive health services, mental health and psychosocial support and GBV services) **is limited**. The COVID-19 crisis and the military coup further disrupted GBV prevention and response programmes and services for survivors due to several factors: the near collapse of the public health system, disrupted operations of women-led civil society organizations, economic pressures, as well as movement restrictions due to COVID-19. These barriers are compounded by pre-existing social norms, which affect access to family planning, for example. In Rakhine, unsafe abortions are a key cause of maternal mortality and is reportedly responsible for 15 percent of all maternal deaths, compared to the national average of ten percent. Restrictions of freedom of movement in Rakhine State significantly impede access to healthcare, including GBV services.

Additionally, in Myanmar women are 28 per cent less likely to own mobile phones than men, and rural and poor households are not likely to have access to phones at all, which makes it difficult for them to report incidents of violence via phone or access services remotely. The situation has been worsened by the regular internet shutdowns and blackouts, and overall restrictions of internet access. There have also been reports of women being detained by the junta for attempting to deliver medical supplies for internally displaced people in the Magway region.

With 75 per cent of the health workforce being female, women have been **at the forefront of the national response to the COVID-19 pandemic**. However, the pandemic and the military coup dramatically **exacerbated pre-existing socio-economic inequalities** in Myanmar. In the garment sector, where women make up 86 per cent of the workforce, around 200,000 jobs were lost in 2020 due to the COVID-19 pandemic and there are estimates that another 250,000 garment workers lost their job in the first half of 2021. In the tourism and hospitality sectors, the ILO estimates that 65,000 jobs were lost, of which women account for more than 60 per cent. An August 2021 survey shows that 48 per cent of firms owned by women were temporarily closed, compared to 45 per cent of firms owned by men. In addition, firms owned by women experienced a sharper rise in cash flow problems and are more dependent on family and friends for loans to make up for these problems. The lack of economic opportunities, gaps in protection mechanisms, and large-scale displacement are fueling sexual exploitation and trafficking.

Women were also disproportionately impacted by **job loss in the public sector** but for different reasons. Sources indicate that up to 80 per cent of the more than 30,000 public servants that have been suspended or dismissed for their participation in the CDM are women who, as a consequence, lost their source of income and were often forcibly evicted from their public housing units.

The closure of **schools** due to the pandemic and the security situation has also impacted girls disproportionately. While some schools are trying to reopen, many girls of secondary school-age have already dropped out to look for jobs or have been married off, and may not return to their education.

**Land is distributed very unequally** between men and women in Myanmar, with men holding 95 per cent of land titles. Additionally, female-headed households have significantly less access to agricultural land compared male-headed households. Ethnic minority women's land rights are particularly impacted by policies of ethnic exclusion and discrimination. These issues have negatively affected women's access to finance, credit, and their ability to build livelihoods.

Despite all these challenges, **women's groups are playing an important role in the response to the crisis** and in supporting vulnerable populations. Many communities rely heavily on them, especially due to the absence of government services or the lack of trust in them.

Humanitarian actors from the UN, civil society, or bilateral and multilateral donors continue to promote commitments on gender equality in humanitarian action, but there is still a significant deficit in women's meaningful representation, participation, and leadership in humanitarian assistance. Even when women are involved in the Camp Coordination and Camp Management (CCCM) committees, they are often not engaged in key decision-making positions, and remain in junior or administrative positions. **Women's limited involvement in village and camp level decision-making** has been identified as resulting in key protection gaps as well as overall gaps in effective and accountable camp management and local community decision-making.

### **Recommendations**

The Security Council should hold an open meeting and invite women from Myanmar civil society to brief. In addition, if the Security Council proposes the adoption of a resolution or presidential statement, this is language that could be considered:

- *Recognizes the leading role of women in the peaceful protests following the military takeover, and the essential contribution of women's civil society organizations in relief and recovery efforts, and calls for women's full, equal, and meaningful participation in all aspects of the political process.*

- *Strongly condemns the violence against peaceful protesters, including women and girls, and calls for the immediate release of all those that have been arrested because of their affiliation or role in the protests, including women human rights defenders.*
- *Calls for immediate and unhindered access for independent monitors to the territory of Myanmar, including for the Independent Investigative Mechanism for Myanmar.*
- *Calls for the lifting of movement restrictions affecting the Rohingya and safe and unimpeded humanitarian access to all people in need, with due attention to the differentiated needs of women and girls.*
- *Calls for the full implementation of the 2018 joint communiqué and the deployment of women's protection advisers, in line with Security Council resolution 2467 (2019), to enhance collective efforts to address conflict-related sexual violence and hold perpetrators accountable.*

In addition, Council members could:

- Provide long-term flexible funding to women-led civil society organizations, especially at the local level.
- Consistently call out and condemn attacks against women human rights defenders and express solidarity and support.
- Engage meaningfully with women's civil society organizations in all discussions about ways to enhance accountability and advance international justice.
- Support the Special Envoy's efforts to engage systematically with women from civil society, in and outside the country, and to collaborate with ASEAN and the United Nations on advancing women, peace and security.
- Urge ASEAN to prioritize women's meaningful participation in all diplomatic efforts to end the crisis, and consult widely on its WPS platform.