

Written evidence from the Ministry of Women, Youth and Children Submission (MYA0048)

This submission is made by the Ministry of Women, Youth and Children (MoWYC), the National Unity Government of Myanmar. This submission can be published by the Committee to the public or to any other international inquiry, in order to be supportive for our cause to end the military dictatorship and to build a genuine federal democratic union of Myanmar.

Introduction

1. MoWYC would like to express our heart-felt gratitude to the UK for the leadership on the international stage in response to the coup. We also thank the Foreign Affairs Committee for holding this inquiry.
2. This submission is from the Ministry of Women, Youth and Children (MoWYC) of the National Unity Government of Myanmar (NUG). MoWYC is currently headed by the Minister, H.E. Naw Susanna Hla Hla Soe, a second-term elected member of parliament, and a long-serving devoted women leader working for women, youth and children and ethnic minorities.
3. MoWYC submit this statement of evidence with the purpose of highlighting sexual violence and torture on women who are under arrest and interrogation by the Military Council, which staged the coup on the 1st of February.
4. MoWYC has been carrying out investigations, collecting information and complaints on cases of sexual violence and torture on women committed by all types of security forces under the control and administration of the military council. Some of the facts and information received by the ministry through testimonies by victims and their immediate family members and written documents are described in the following sessions.
5. MoWYC believes that pressure and actions from the international community and leading democratic countries, including the United Kingdom, needs to be steered to a comprehensive plan that calls for, first to stop all crimes against humanity, including sexual violence and torture on women committed by the military council, and then to find a resolution to get the military coup ended and to rebuild Myanmar to a genuine federal democratic country.

Section 1: The Situation in Myanmar

6. The situation in Myanmar today is a crisis created by the military. By May 18, it has been confirmed that 802 civilians, including at least 52 children, have been killed by SAC forces. The true number is likely much higher. Over 4,000 people remain under arrest, and nearly 2,000 others have arrest warrants made against them, and are in hiding. 23 students were sentenced to death in absentia. Over 50,000 people are internally displaced, seeking shelter in ethnic areas controlled by armed groups. Over 1,000 soldiers have defected, and these soldiers are also being sheltered by ethnic armed groups. More than 100,000 teachers and University lecturers have

been sacked from their jobs, because of their opposition to the coup, along with an equal number of medical staff. And yet, more than 120 days since the coup, there are still daily peaceful protests in cities, towns and villages all over Myanmar. The internet blackout and arrests of over 80 media and citizen journalists means that these are often not reported, but they are taking place every single day.

Section 2: Sexual Violence and Torture on Women

7. Sexual violence and torture on women are being committed by security forces under the control of the military council. By May 18, out of 802 confirmed civilian deaths, 136, that is about 17% of the total death, are women, and most of them are young women. About 8 women were shot to death due to the headshots.
8. Some of the women were tortured and tortured to death during interrogation by the police, according to the testimonies made and written documents sent by family members.
9. Some of the women were also brutally raped before they were killed.
10. Almost all women detainees received psychological torture, such as sleep deprivation, isolation, and force to dance, sing, and shouting slogans, etc.
11. The complaint made by a trade union that some young women who involved in protests were threatened and sexually exploited by police.

Section 3: Sexual Violence in Conflict

12. In addition to the above-mentioned crimes, the state military forces committed sexual violence in conflict-affected areas, especially in minority ethnic areas. In March 2017, the United Nations Human Rights Council established the Independent International Fact-Finding Mission on Myanmar (IIFMM) to establish the facts and circumstances of the alleged human rights violations by military and security forces, and abuses, in Myanmar. The mandate of the IIFMM ended in September 2019¹.
13. The IIFMM handed over its evidence to the Independent Investigative Mechanism for Myanmar (IIMM), also mandated by the Human Rights Council and operational since 30 August 2019. The IIMM collects evidence of the most serious international crimes and violations of international law, and prepares files for criminal prosecution.
14. According to the findings of the IIFMM report, the state military (now SAC) forces, committed sexual violence on women, young women, men and members of LGBTQ. They even weaponized rape and other sexual violence during conflicts.
15. In the current context, some weeks after the coup, SAC's forces confronted with some ethnic armed organizations based in the areas mentioned above. During these conflicts, SAC forces have been committing sexual violence, especially on women belonging to minority ethnic groups.

¹ <https://www.ohchr.org/en/hrbodies/hrc/myanmarffm/pages/index.aspx>

Section 4: Violation of International Agreements and Declaration

16. All of these crimes committed by the military, in the past and present, are violations of the Joint Communique between the Government of Myanmar and the United Nations to address conflict-related sexual violence in Myanmar². The Joint Communique is adopted in the framework of United Nations Security Council resolution 2106 (2013), under which Myanmar authorities are required to implement specific time-bound commitments that include the issuance of clear orders through chains of command prohibiting sexual violence and accountability for breaching these orders, as well as timely investigation of alleged abuses.
17. In addition, in June 2014 Myanmar also signed the Declaration of Commitment to End Sexual Violence in Conflict³, which contains a set of practical and political commitments to end the use of rape and sexual violence as a weapon of war, which terrorizes and destroys communities during conflict.
18. On May 19, 2021, Special Advisory Council-Myanmar (SAC-M) issued a statement that states that the military junta continues to wage a campaign of terror against the peoples of Myanmar, and that sexual and gender-based violence remains a brutal strategy employed by the junta to terrorize and punish the civilian population.
19. Former UN Special Rapporteur, Yanghee Lee, founding member of SAC-M said, “The military junta deliberately uses sexual violence to cause extreme physical and mental suffering... It has used this strategy as a weapon of war against Myanmar’s ethnic nationalities for decades. Now the entire population of Myanmar is witnessing the true nature of Min Aung Hlaing’s terrorist junta.”⁴
20. The findings of the investigation carried out by MoWYC supported the statement made by the SAC-M.
21. **Section 5:** Policy options for the UK and others to consider. This requires close coordination with groups on the ground. MoWYC ask for:
 - (i) **Political support.** It is important for the UK and its partners to keep our cause on the international agenda. The risk is the focus will wane despite the suffering continuing on the ground. This only benefits the military and its backers who expect the international focus to shift away from Myanmar. The UK’s role as penholder at the UNSC and Human Rights Council are avenues for the UK to keep Myanmar on the diplomatic agenda.
 - (ii) **International coordination.** We know the UNSC and other forums are divided on how to respond to the crisis. All diplomatic avenues need to be tested. But just because action through the UNSC is blocked it does not mean it is the only vehicle for action. Coordination can be achieved

² <https://www.un.org/sexualviolenceinconflict/press-release/joint-communique-signed-between-the-united-nations-and-the-government-of-myanmar-to-prevent-and-respond-to-conflict-related-sexual-violence-in-myanmar/>

³ <https://www.gov.uk/government/news/113-countries-pledge-action-to-end-sexual-violence-in-conflict-timetoact>

⁴ <https://specialadvisorycouncil.org/2021/05/sac-m-junta-continues-to-use-sexual-and-gender-based-violence-to-terrorise-civilian-population/>

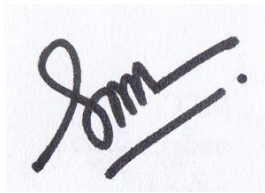
through ad-hoc and more flexible structures. The UK should lead on forming a Contact Group of like-minded states, including from the region, to create the conditions for a conducive political process.

- (iii) **Assertive diplomacy.** More can be done to force a change in the calculations of the Tatmadaw. On sanctions, the UK's unilateral efforts need to be joined with the US, Canada and the EU. Most of the military's economic assets remain in the region. The UK should use its bilateral relations with regional states to cut the military's recourse to finances that enable the bloodshed. Accountability is another policy area where the UK can show leadership on. There needs to be genuine accountability and justice for the crimes of the military, including for its unlawful detention of many protesters. This back dates beyond just the events of 1 February. CSOs need practical support in the collection of evidence for future due process. At the international level, it is important to keep all options on the table and coordinating the various initiatives of the accountability track eg ICC referral, IIMM.
- (iv) **Humanitarian aid.** The needs on the ground are acute and will likely only get worse. This requires a clear international humanitarian response plan to work with CSOs and the NUG on the ground to ensure aid gets to those in most need, and in parallel to protect aid response so it does not play into the military's strategy of seeking international legitimacy. International law is very clear on aid access. Consent from the military is not needed for the delivery of aid, including through cross-border operations.
- (v) **Support for female activists.** The participation of women in Myanmar's future transition process is key to securing a just and durable outcome. Women are already at the forefront of the CDM. The UK as a champion of the women, peace and security agenda on the international stage has the capabilities to support female Burmese political leaders and activists. This support needs to include protection and recourse for many who are victims of sexual based violence at the hands of the military.
- (vi) **The political solution for Myanmar will need to be inclusive from the onset.** This is a collective message across the opposition to the Tatmadaw. The military in the past has sought to divide our communities against each other. We recognize sadly the success of this narrative pushed by the military. This is why it is important to give attention to the broad and inclusive membership of the struggle against the military.

22. Some of us signatories to this submission come from ethnic and religious minorities. We have been at the forefront of the military's atrocities. Our Rohingya community have faced the greatest challenges at the hands of the military, including mass murder, torture and rape. Justice and reconciliation for the Rohingya has to be prioritized in order to ensure an inclusive political process to address the root causes of this crisis. Look forward to commitments of inclusion by the NUG to lead to action on the ground.

Section 6: Inviting Cooperation from the International Community.

23. Recognizing the challenges ahead. The crisis will likely not be resolved in the short term. This is why the UK has an important role to think through a coherent international plan that works with groups on the ground for long term strategy. NUG and groups on the ground must be part of this strategy in regional and global interests to counter the direct attack against democracy and internationally recognized norms.
24. We welcome the opportunity to engage and cooperate further with the Committee and provide direct analysis and assessment from the ground.

A handwritten signature in black ink, appearing to read 'Susanna', with a stylized flourish and a period at the end.

H.E. Susanna Hla Hla Soe

Ministry of Women, Youth and Children

May 2021