

# Burma Briefing

## One Year On From Burma Signing Sexual Violence Declaration: No Steps Taken On Implementation



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### No implementation

One year on from the Burmese government signing the Declaration of Commitment to End Sexual Violence in Conflict, it appears the government has taken no action to implement a single one of the twelve commitments it made.

In fact, rather than implement the declaration, it is actively violating it. Nine out of twelve commitments relate to action which nations should take domestically. The Burmese government is violating all nine of those commitments.

For more than two decades, domestic and international pressure to end the use of sexual violence by the Burmese Army has been resisted by both the previous military dictatorship and the current military-backed government. Given the widespread nature of sexual violence by the Burmese Army, the refusal to act, and now the violation of commitments made in the Declaration, it can only be concluded that the use of rape and sexual violence by the Burmese Army is condoned at the highest level of the government and the military.

### Warnings ignored

When Burma signed the declaration a year ago, Burma Campaign UK expressed concern that President Thein Sein has a record of broken promises on implementing commitments to reform and international agreements. We argued that continued pressure was needed to ensure the government of Burma delivered on the twelve commitments made in the declaration. Women's organisations in Burma and Burma Campaign UK called for a six-month timeframe to implement the declaration.

We stated: "There is a real danger that the government of Burma will allow this Declaration to join the long list of international commitments and treaty obligations which it has signed up to, but failed to implement. There is a need for concerted and co-ordinated international pressure to persuade the government of Burma to end rape and sexual violence by the Burmese Army."

### No effort from the British government

It appears that the British government, which spearheaded the Declaration internationally, took no significant steps to try to persuade the Burmese government to honour its commitments. Their priority instead appears to have been to move closer to the Burmese military, offering a package of training to the Burmese Army costing British taxpayers around a quarter of a million pounds. This training is being provided without being linked in any way to the Burmese Army ending its use of rape and sexual violence.

*[There remains] "a high level of impunity for conflict-related sexual violence perpetrated by State actors"*

**UN Secretary General Ban Ki-moon**  
April 2015.

### Background: The Declaration

On 5th June 2014 the government of Burma signed the Declaration of Commitment to End Sexual Violence in Conflict. The British government had been engaged in high-level lobbying for almost a year to persuade the Burmese government to sign.

Burma was the 150th country to sign the Declaration and join the global initiative to combat sexual

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violence in conflict, which was launched by the British Foreign Secretary William Hague and UN Special Representative on Sexual Violence in Conflict Zainab Bangura in September 2013. The declaration contains practical and political commitments to end impunity, promote accountability, and provide justice and safety for victims of sexual violence in conflicts. It took more than 8 months for the Burmese government to agree to sign the declaration.

Here are the twelve steps from the declaration, which the Burmese government has committed to take action on:

We are determined to:

1. Ensure that sexual violence prevention and response efforts are prioritised and adequately funded from the first phase and throughout all responses to conflict and humanitarian emergencies.
2. Provide better, more timely and comprehensive assistance and care, including health and psychosocial care that addresses the long-term consequences of sexual violence in conflict, to female, male and child victims and their families, including children born as the result of sexual violence.
3. Ensure that all peace, security and conflict mediation processes explicitly recognise the need to prevent, respond to and reduce crimes of sexual violence in conflict and stressed the need to exclude such crimes from amnesty provisions.
4. Promote women's full participation in all political, governance and security structures, as well as all decision-making processes, including peace negotiations, peacebuilding, prevention and accountability efforts, recognising the important contribution that National Action Plans on UN Security Council Resolution 1325 can play in this regard, and ensure that such processes also take into full consideration the needs and rights of women and children.
5. Strengthen UN efforts to address sexual violence in conflict and provide further support to the Special Representative of the Secretary-General on Sexual Violence in Conflict as chair of UN Action against Sexual Violence in Conflict.
6. Strengthen and support the efforts of regional organizations to prevent and respond to sexual violence in conflict in their peacemaking, peacekeeping and peacebuilding initiatives.
7. Support conflict-affected states in strengthening their capacity to prevent and respond to sexual violence in conflict and to develop and implement national security sector and justice reform programmes that take into full consideration the needs and rights of women and children.
8. Support the deployment of national and international expertise at the request of host governments, the UN and other international organisations to build national capacity to hold perpetrators to account and to improve the response and support to victims and their access to justice.
9. Ensure our national military and police doctrine and training is in accordance with international law so as to enable a more effective prevention and response to sexual violence in conflict.
10. Encourage and improve the safe and ethical collection of data and evidence relating to acts of sexual violence committed in conflict, to inform national and international responses.
11. Encourage, support and protect the efforts of civil society organizations, including women's groups and human rights defenders, to improve the monitoring and documentation of cases of sexual violence in conflict without fear of reprisal and empower victims to access justice.
12. Support and encourage the development of the International Protocol on the documentation and investigation of sexual violence in conflict at national, regional and international levels, with a view to its conclusion in 2014.

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## **Six steps towards implementation**

Burma Campaign UK urged the Burmese government to take six practical steps within six months to begin implementing the Declaration. These were:

1. To end impunity and hold perpetrators of sexual violence to account.
2. To support an independent investigation involving international expertise.
3. To amend the 2008 Constitution that condones sexual violence by guaranteeing impunity for sexual crimes.
4. To ensure full women's participation in peace negotiations as well as in political, social and economic development.
5. To repeal repressive laws against women, including making rape in marriage illegal.
6. To allow international support for civil society organisations, including women's organisations such as the Women's League of Burma, for their work in documenting cases of rape and providing support for victims of sexual violence.

No steps were taken by the Burmese government on any of these measures.

## **Impunity for rape continues**

Nine of the twelve commitments relate to actions that the Burmese government has agreed to take domestically. It has not implemented any of these steps. In fact, it is actively violating them.

One example of this is the case of two Kachin teachers raped and killed by the Burmese Army in January 2015.

Two female Kachin teachers, Maran Lu Ra (20 years old) and Tangbau Hkawn Nan Tsin (21 years old) from the Kachin Baptist Convention, were brutally raped and killed by the Burmese Army overnight on 19th/20th January. The attack took place in Kaunghka village, Northern Shan State. This area has been facing increased conflict since

2011, when the Burmese Army broke a 17-year-old ceasefire with the Kachin Independence Army.

No soldiers have been held to account for this crime. The response of the Burmese government was denial, to threaten civil society organisations and individuals who accused the Burmese Army of being involved, to try to shift blame to local people, and to intimidate witnesses. The results of forensic tests and the investigation have not been released, and no-one has been charged or put on trial for the crime. All of these actions by the Burmese government violate the Declaration that it is committed to.

The British government made no comment about the Burmese government violating its commitments in the Declaration, and did not implement its own Preventing Sexual Violence Initiative procedures by sending its own investigatory team.

## **Ending impunity a vital first step**

There is no single step that will end sexual violence by the Burmese Army, but one of the single most effective steps would be to end impunity. If soldiers, or those who command soldiers, know they will go to jail if they commit rape, that would be an effective initial deterrent. Suspected perpetrators of sexual violence should receive a fair trial, in line with international standards, and if found guilty be sentenced. Under international law, when rape and sexual violence is committed in conflict, the commanders of those soldiers committing rape can also be held legally accountable. This accountability should go right to the top and include the head of the army, and the head of state, currently President Thein Sein.

One year on from signing the Declaration of Commitment To End Sexual Violence In Conflict, it is clear that the government of Burma will not implement this Declaration. Nor will it undertake any kind of genuinely impartial investigation, or take action to end impunity.

Therefore, responsibility falls upon the international community to take action to end this violation of international law. The international community should support the establishment of an international investigation into rape and sexual violence in

Burma. As the country taking the lead on this issue internationally, Britain should take the lead in building international support for such an investigation. Britain's current approach to sexual violence in Burma is not consistent with its own Preventing Sexual Violence in Conflict Initiative (PSVI).

**More information:**

Burma Campaign UK media release on Kachin teachers rapes and killed by Burmese Army:  
<http://burmacampaign.org.uk/two-kachin-teachers-brutally-raped-and-killed-by-burmese-army/>

Burma Campaign UK media release on Burma signing the declaration on sexual violence:  
<http://burmacampaign.org.uk/burma-signing-sexual-violence-declaration-should-not-just-be-pr-exercise/>

Signing of Declaration Doesn't Mean End of Sexual Violence in Burma – article by Zoya Phan, Campaigns Manager at Burma Campaign UK, in Huffington Post  
[http://www.huffingtonpost.co.uk/zoya-phan/sexual-violence-burma\\_b\\_5459614.html](http://www.huffingtonpost.co.uk/zoya-phan/sexual-violence-burma_b_5459614.html)

A Declaration of Commitment to End Sexual Violence in Conflict can be downloaded here:  
<https://www.gov.uk/government/publications/a-declaration-of-commitment-to-end-sexual-violence-in-conflict>

Read Burma Campaign UK's Briefing 'Rape and Sexual Violence by the Burmese Army – an ongoing story of abuse' here:  
[http://burmacampaign.org.uk/burma\\_briefing/rape-and-sexual-violence-by-the-burmese-army/](http://burmacampaign.org.uk/burma_briefing/rape-and-sexual-violence-by-the-burmese-army/)

Same Impunity, Same Pattern: report on sexual violence by Women's League of Burma:  
[http://womenofburma.org/wp-content/uploads/2014/01/SameImpunitySamePattern\\_English-final.pdf](http://womenofburma.org/wp-content/uploads/2014/01/SameImpunitySamePattern_English-final.pdf)

Global summit to shine spotlight on sexual violence: Article by Tin Tin Nyo, General Secretary of the Women's League of Burma in the Myanmar Times:  
<http://www.mmmtimes.com/index.php/opinion/10626-global-summit-to-shine-spotlight-on-sexual-violence.html>

New approaches needed to help survivors of rape in Burma: Article by Wahku Shee, Joint General Secretary 1 of the Women's League of Burma, in Democratic Voice of Burma:  
<http://www.dvb.no/news/new-approaches-needed-to-help-survivors-of-rape-in-burma-myanmar/41502>

Myanmar women expect concrete outcomes from Global Summit on Sexual Violence: Article by Moon Nay Li, Coordinator at the Kachin Women's Association Thailand (KWAT), in Mizzima.  
<http://www.mizzima.com/opinion/commentary/item/11420-myanmar-women-expect-concrete-outcomes-from-global-summit-on-sexual-violence>

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[www.burmacampaign.org.uk/burma-briefing](http://www.burmacampaign.org.uk/burma-briefing)

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