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Courage amid crisis: gendered impacts of the coup and the pursuit of gender equality in Myanmar**Special Rapporteur on the situation of human rights in Myanmar*****Summary***

The 1 February 2021 military coup precipitated an unprecedented human rights and humanitarian crisis in Myanmar. Armed conflict, displacement, economic collapse, hunger, and the junta's gross human rights violations threaten the lives and well-being of people in every corner of the country. Women, girls, and LGBT people are severely and uniquely impacted by this crisis, yet these impacts are all too often obscured and ignored by the international community.

This conference room paper seeks to shed light on the gendered impacts of the coup and the Myanmar military junta's gross human rights violations. It has been made possible by the guidance, testimony, and insights of those who are working courageously and tenaciously to address these challenges. They have made it clear that while women and LGBT people have suffered enormously, they are playing a critical role as human rights defenders and leaders in the resistance movement.

The threat of sexual and gender-based violence is a dark shadow that follows women, girls, and LGBT people throughout Myanmar. Junta forces have committed widespread rape and other forms of sexual violence, often characterized by the utmost cruelty and dehumanization. Members of resistance forces have also been responsible for abuses against women, girls, and LGBT people. Accountability for sexual and gender-based violence is extremely rare, and survivors struggle to access the support they need. Displacement, financial distress, and the lack of access to education and health care have caused many women and girls to adopt negative coping strategies, increasing their vulnerability to violence, human trafficking, early or forced marriage, and sexual exploitation. Rohingya women, girls, and LGBT people face heightened risks rooted in the systematic denial of citizenship and basic human rights.

The Special Rapporteur urges the international community to significantly increase support for women, girls, and LGBT people in Myanmar and work to ensure accountability for crimes committed against them. He calls on opposition leaders to more fully recognize

the significant untapped value that women and LGBT people offer the resistance movement, including by providing greater opportunities to serve in leadership positions.

Despite the devastating impact of the coup, women, girls, and LGBT are seizing the opportunity to build a peaceful and democratic future for their country and to dismantle the discriminatory and patriarchal hierarchies that have long kept them from fully enjoying their rights. They are leading protests, playing a central role in local humanitarian relief efforts, taking key positions within the revolutionary movement and helping to develop policies and institutions that will protect and promote the rights to equality and non-discrimination. They deserve nothing less than the full support of the international community.

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I. Introduction

1. Women and LGBT people are at the forefront of a revolution in Myanmar that is committed to ending decades of political domination and rampant human rights violations by the military. They are seizing the opportunity to build a peaceful and democratic future for their country and dismantle the discriminatory and patriarchal hierarchies that have long kept them from fully enjoying their rights.
2. The 1 February 2021 military coup precipitated an unprecedented human rights and humanitarian crisis in Myanmar. Armed conflict, displacement, economic collapse, hunger, and the junta's gross human rights violations threaten the lives and wellbeing of people in every corner of the country. Women, girls, and lesbian, gay, bisexual, transgender, and other gender-diverse (LGBT) people are severely and uniquely impacted. Conflict and the disintegration of the rule of law have exacerbated the vulnerabilities of these historically marginalized populations. The junta, or State Administration Council (SAC), is targeting women and LGBT people with gendered and sexualized forms of violence. After the people of Myanmar defeat the military dictatorship and end their nightmare, they will need time and support to heal the deep scars left by the 2021 coup and the SAC's reign of terror.
3. The threat of sexual and gender-based violence is a dark shadow that follows women, girls, and LGBT people throughout Myanmar. The Myanmar military and SAC allied forces have committed rape and other forms of sexual violence in conflict zones, at checkpoints, and in places of detention. The widespread nature of sexual violence in the post-coup period reflects historical patterns stretching back decades. Cruelty and dehumanization have long been a hallmark of sexual crimes perpetrated by SAC forces, with reports of gang rapes, rape with objects, the rape of pregnant women and children, and victims being burned alive. SAC forces have weaponized the gender identity or sexual orientation of LGBT people in hypersexualized forms of torture and harassment. Resistance forces have also been responsible for acts of sexual and gender-based violence.
4. Violence within homes and communities is one of the greatest concerns of women, girls, and LGBT people in Myanmar. Domestic violence has risen dramatically since the coup, driven by displacement, altered living situations, economic stresses, and the abuse of drugs and alcohol. Many LGBT people have been separated from regular support networks and fear discrimination or even violence by family, neighbors, and community members.
5. Survivors of sexual and gender-based violence have always struggled to secure justice in Myanmar, but post-coup conditions have rendered accountability nearly impossible. The SAC's control of law enforcement and the judiciary entrenches impunity for the perpetrators of sexual violence. Survivors face threats and the risk of retaliation for reporting sexual crimes, including those committed by resistance forces. Local organizations' efforts to support victims are hampered by limited capacity and funding.
6. Human rights violations against women and LGBT political prisoners are often directly linked to their gender or sexual orientations. Female political prisoners regularly experience sexual harassment and sexually explicit questioning during interrogation, and have been raped, mutilated, groped, and deliberately beaten on their breasts and hips. LGBT people, and especially those who are transgender, have experienced extremely cruel and dehumanizing treatment.
7. The SAC has systematically targeted women and LGBT human rights defenders and taken steps to eradicate the organizations and networks promoting gender equality and LGBT rights. Harassment and the constant risk of arrest and violence have forced many advocates into hiding or exile. Women and LGBT activists have also faced vicious gendered online attacks, including threats of violence, doxxing, and sexualized harassment. The risks facing

organizations and activists have severely diminished their capacity to support vulnerable populations.

8. The economic, social, and cultural rights of women, girls, and LGBT people have deteriorated precipitously in the years since the coup. Women have been particularly vulnerable to job loss in the weak post-coup economy and have disproportionately shouldered the burdens of families facing displacement and limited access to food and other necessities. In the face of these challenges, women and girls are increasingly adopting negative coping strategies, including restricting food consumption, taking out loans, and pursuing risky livelihood opportunities. The increasingly desperate conditions for many women and girls have increased their vulnerability to violence, trafficking, early or forced marriage, and sexual exploitation.

9. Women, girls, and LGBT people have struggled to access appropriate health care since the coup. Maternal, sexual, and reproductive health care, in particular, have been severely disrupted. Conflict, deprivation, and human rights violations have left many women, girls, and LGBT people struggling to overcome trauma and serious mental health challenges, with little to no access to psychological care.

10. Rohingya women, girls, and LGBT people face a unique set of challenges rooted in the systematic denial of citizenship and basic human rights. Conservative beliefs within the Rohingya community have also left Rohingya women and girls isolated and vulnerable to exploitation and violence. Since the coup, increased restrictions on movement and humanitarian aid have made a horrible situation even worse. Escalating armed conflict in Rakhine State has raised concerns about a repeat of the mass sexual violence that occurred in 2017 and other waves of violence against the Rohingya. In Bangladesh, Rohingya women and girls face similar concerns, compounded by severe deprivation and a spiraling security situation in refugee camps. The conditions in Myanmar and Bangladesh are pushing many Rohingya to risk their lives at sea or take dangerous overland journeys to seek safety and shelter elsewhere in the region. Rohingya women and girls making these trips are vulnerable to sexual violence, exploitation by traffickers, and early or forced marriage, among other risks.

11. The damage done to the rights of women, girls, and LGBT people over the past three years has been immense. However, women and gender diverse people are assuming leadership positions within the revolutionary movement, seizing a historic opportunity to challenge patriarchal beliefs and power structures. They have been at the forefront of efforts to topple the SAC and build a federal, democratic Myanmar, leading public protests and civil disobedience actions. Women and LGBT people have joined armed resistance groups, breaking barriers and challenging traditional norms. Women-led civil society organizations have been the backbone of local humanitarian relief efforts.

12. The courage, resilience, and tenacity of women and LGBT people is making a critical difference to the revolutionary movement, underscoring their place as key participants in discussions about the future of Myanmar. They are actively engaged in revolutionary political structures and are advocating for reforms to protect women's and LGBT rights, refusing to be silenced or to allow gender issues to be sidelined in favor of other political priorities. A woman human rights defender said:

Nowadays women are involved in two fights, not only against dictatorship but also against the patriarchy and male domination.

13. Too often, Myanmar's courageous women and LGBT leaders have been left to carry on this fight without the support they need and deserve from the international community. The UN Security Council has refused to refer the situation in Myanmar to the International Criminal Court, helping to entrench impunity for sexual violence and other serious international crimes. UN agencies, humanitarian organizations, and donors have failed to

fully support humanitarian relief for the Rohingya or to ensure that aid reaches the most vulnerable, including displaced women, girls, and LGBT people. Worse still, some governments and private companies continue to arm and legitimize the SAC and facilitate its access to the international banking system.

14. The United Nations, governments, humanitarian organizations, and donors must do more to support women, girls, and LGBT people in Myanmar. They must isolate the SAC, help hold the perpetrators of sexual violence to account, provide much needed humanitarian support to those with the greatest needs, including women, girls and LGBT people, and support the institutions and leaders that are laying the foundation for a peaceful and democratic Myanmar founded on the principles of equality and non-discrimination.

II. Methodology and terminology

15. The Special Rapporteur has prepared this conference room paper in accordance with his mandate as established by the Human Rights Council in Resolution 55/20. That resolution specifies that the Special Rapporteur should monitor the situation of human rights in Myanmar and make recommendations on additional steps necessary to address the ongoing crisis, including through thematic reports and conference room papers.¹

16. In this conference room paper, the acronym LGBT refers to not only lesbian, gay, bisexual and transgender persons, but also to the diverse identities and orientations by which people identify.

17. To prepare this conference room paper, the Special Rapporteur sought input from States, UN agencies, international organizations, civil society organizations, human rights networks, academics, and gender experts. He additionally carried out open-source research and reviewed reporting from Myanmar civil society, journalists, and international organizations.

18. In November 2023, the Special Rapporteur published a call for submissions on the gendered impacts of the coup and conflict in Myanmar.² The Special Rapporteur also held meetings and consultations with various resistance groups, civil society groups, political representatives, and activists to discuss critical issues relating to gender and sexual orientation. Whenever possible, the Special Rapporteur seeks to use his mandate to allow the people of Myanmar to speak for themselves and share their perspective on the human rights situation in Myanmar. He strongly believes in the importance of listening to and understanding these perspectives and grounding his reporting and recommendations in the experiences of local actors and people impacted by human rights issues on the ground.

19. In line with the principles of do-no harm, and to avoid re-traumatization, the Special Rapporteur reviewed testimony collected by trusted local partners that work closely with communities to document human rights violations against women, girls, and LGBT persons. Some of that testimony has been included in this report.

20. The Special Rapporteur extends his deep appreciation to all those who offered their time and provided information for this report. The Special Rapporteur is also grateful for the National Unity Government's engagement as he prepared this report, including by providing

¹ Human Rights Council Resolution 55/20, Situation of human rights in Myanmar, UN Doc.

A/HRC/55/20, 4 April 2024,

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FRES%2F55%2F20&Language=E&DeviceType=Desktop&LangRequested=False>.

² Special Rapporteur on the situation of human rights in Myanmar, Call for submissions: The gendered impacts of the coup and conflict in Myanmar, 22 December 2023, <https://www.ohchr.org/en/calls-for-input/2023/call-submissions-gendered-impacts-coup-and-conflict-myanmar-also-available>.

information on the resolution of cases involving alleged human rights violations by resistance forces.

21. Many of the organizations and individuals who shared information with the Special Rapporteur requested confidentiality because of security concerns. In many cases, the Special Rapporteur withheld source information and redacted identifying details from testimony to address those concerns.

22. This paper focuses specifically on the period following the 1 February 2021 coup, though the Special Rapporteur acknowledges that human rights issues related to gender and sexual orientation are not a new phenomenon in Myanmar. Many of the patterns and trends described are the result of decades of military and state-sponsored violence and discrimination on the basis of gender and sexual orientation. Due to the broad scope of the topic, the Special Rapporteur focuses particularly on the gendered impacts on vulnerable populations who are invisible, who tend to receive less attention before the international community, and who have specific and unique concerns, including women, girls, and LGBT people. He acknowledges that there are also gendered dimensions of the crisis in Myanmar that uniquely impact men.

23. The Special Rapporteur recognizes and seeks to emphasize that human rights issues related to gender and sexual orientation can be heightened as a result of intersecting forms of discrimination based on ethnicity, citizenship, geography, age, disability, education, income, and other factors. While the Special Rapporteur highlights various examples of intersecting discrimination and violence, this paper is not a comprehensive accounting of the myriad ways in which women, girls, and LGBT people are uniquely affected by the coup and conflict.

24. This paper largely focuses on the situation of those inside of Myanmar as well as highlighting the situation of Rohingya who are inside and outside of Myanmar. It also considers gendered protection risks that extend across borders. The Special Rapporteur will continue to look for opportunities to report on gender-based human rights issues facing Myanmar people outside of the country, including Myanmar's refugees and exiles in neighboring countries.

III. International legal framework

A. International human rights law

25. Myanmar acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1997.³ Under CEDAW, States parties agree to use all appropriate means to eliminate discrimination against women, including by embodying equality in their national constitutions and legislation, adopting anti-discrimination legislation, establishing legal protection of women's rights on equal basis with men, and eliminating discrimination in law and institutions. CEDAW requires States parties to ensure women enjoy equal rights in employment, political participation and representation, voting, public association, marriage, education, economic and social life, and access to health care. States parties must act to prevent the trafficking of women and child marriage.

26. CEDAW prohibits sexual and gender-based violence against women and girls as a form of discrimination.⁴ States parties must prevent sexual and gender-based violence by

³ Convention on the Elimination of All Forms of Discrimination against Women, 3 September 1981, <https://www.ohchr.org/sites/default/files/cedaw.pdf>.

⁴ Committee on the Elimination of Discrimination against Women, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, UN Doc. CEDAW/C/GC/35, para. 1.

public authorities and must also investigate, prosecute, apply appropriate legal or disciplinary sanctions, and provide reparations when sexual and gender-based violence occurs.⁵ They must also take all appropriate measures to prevent and remedy sexual and gender-based violence by non-State actors.⁶

27. The Committee on the Elimination of Discrimination against Women has emphasized that intersectionality is fundamental to understanding the scope of States parties' obligations under CEDAW, stating that discrimination against women based on sex and gender is linked to other factors, including age, sexual orientation, and gender identity.⁷ The Committee has also elaborated on the obligations of States parties in situations of armed conflict, noting that although non-State actors cannot become parties to the Convention, "under certain circumstances, in particular where an armed group with an identifiable political structure exercises significant control over territory and population, non-State actors are obliged to respect international human rights."⁸ The Committee specifically urged non-state actors, including armed groups, to respect women's rights and commit themselves to abiding by codes of conduct on human rights and the prohibition of gender-based violence.⁹

28. Avenues to enforce Myanmar's compliance with the Convention are limited. When acceding to CEDAW, Myanmar issued a reservation for Article 29, CEDAW's arbitration and judicial enforcement clause, stating that it does not consider itself bound by the provision. Additionally, Myanmar has not ratified CEDAW's Optional Protocol.¹⁰ As such, individuals or groups in Myanmar cannot lodge complaints with the CEDAW Committee for inquiry and resolution. The CEDAW Committee, along with other treaty bodies, continues to be unable to initiate a review on Myanmar's compliance with CEDAW because the General Assembly's Credential Committee has not formally recognized a government to represent Myanmar. If Myanmar had ratified the Optional Protocol, the Committee would have at least been able to receive complaints from non-State individuals and groups. Historically, Myanmar has failed to submit regular reports to CEDAW, though women's groups and third-party groups have submitted shadow reports to CEDAW on the state of women's rights and women in conflict in the country. In 2019, the Committee reviewed a report submitted by Myanmar on the situation of Rohingya women and girls under the exceptional reporting procedure.¹¹

29. Myanmar acceded to the Convention on the Rights of the Child in 1991, less than a year after its entry into force.¹² The Convention imposes binding obligations on States parties to uphold the civil, political, economic, social, and cultural rights of children without

⁵ Ibid., para. 23.

⁶ Ibid., para 24(b).

⁷ Committee on the Elimination of Discrimination against Women, General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, UN Doc. CEDAW/C/2010/47/GC.2, 19 October 2010, <https://www2.ohchr.org/english/bodies/cedaw/docs/cedaw-c-2010-47-gc2.pdf>, para. 18.

⁸ Committee on the Elimination of Discrimination against Women, General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, UN Doc. CEDAW/C/GC/30, 1 November 2013, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FGC%2F30&Lang=en, para 16.

⁹ Ibid., para. 18.

¹⁰ Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, UN Doc. A/RES/54/4, 15 October 1999, https://www.ohchr.org/sites/default/files/2021-08/OP_CEDAW_en.pdf.

¹¹ Committee on the Elimination of Discrimination against Women, Concluding observations on the report of Myanmar submitted under the exceptional reporting procedure, UN Doc. CEDAW/C/MMR/CO/EP/1, 18 March 2019.

¹² Convention on the Rights of the Child, 2 September 1990, <https://www.ohchr.org/sites/default/files/crc.pdf>.

discrimination of any kind, including on this basis of sex and sexual orientation.¹³ States parties are obligated to protect children from sexual abuse, trafficking, and other forms of exploitation.¹⁴ In 2012, Myanmar acceded to the Optional Protocol on the sale of children, child prostitution and child pornography, which requires states parties to prohibit and take measures to proactively prevent these abuses.

30. Myanmar is also a State party to the International Covenant on Economic, Social, and Cultural Rights and the Convention on the Rights of Persons with Disabilities. Both of these treaties guarantee rights to women, girls, and LGBT people without discrimination, including on the basis of sex, sexual orientation, and gender expression.¹⁵ Myanmar is not a party to several foundational human rights treaties, including the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention for the Protection of All Persons from Enforced Disappearance, and the International Convention on the Elimination of All Forms of Racial Discrimination. However, many of the rights enshrined in these treaties, including the right to non-discrimination, are also protected by customary international law and thus are binding upon Myanmar.

B. International humanitarian law and international criminal law

31. Conflict between the Myanmar military and resistance groups in many parts of the country constitutes non-international armed conflict and is therefore subject to customary international humanitarian law and Common Article 3 of the Geneva Conventions.¹⁶ Both customary international humanitarian law and Common Article 3 prohibit rape and other forms of sexual violence.¹⁷

¹³ Convention on the Rights of the Child, article 2(1) (“States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”); Committee on the Rights of the Child, General Comment No. 4: Adolescent health and development in the context of the Convention on the Rights of the Child, CRC/GC/2003/4, 1 July 2003, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FGC%2F2003%2F4&Lang=en, para. 6 (“These grounds also cover adolescents’ sexual orientation and health status.”).

¹⁴ Convention on the Rights of the Child, articles 19(1), 34, and 35.

¹⁵ International Covenant on Economic, Social and Cultural Rights, 3 January 1976, <https://www.ohchr.org/sites/default/files/cescr.pdf>, article 2(2); Committee on Economic, Social and Cultural Rights, General Comment No. 20, Non-discrimination in economic, social and cultural rights, UN Doc. E/C.12/GC/20, 2 July 2009, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FGC%2F20&Lang=en, para. 32 (“‘Other status’ as recognized in article 2, paragraph 2, includes sexual orientation.”); Convention on the Rights of Persons with Disabilities, 12 December 2006, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>, article 5(2); Committee on the Rights of Persons with Disabilities, General comment No. 6 (2018) on equality and nondiscrimination, UN Doc. CRPD/C/GC/6, 26 April 2018, para. 21 (“Protection against “discrimination on all grounds” means that all possible grounds of discrimination and their intersections must be taken into account. Possible grounds include … sex; pregnancy and maternity/paternity … gender expression; sex…”).

¹⁶ Myanmar ratified the four Geneva Conventions in 1992.

¹⁷ International Committee of the Red Cross, Customary International Humanitarian Law, Rules, Rule 93. Rape and Other forms of Sexual Violence, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule93>. Article 3 common to the four Geneva Conventions prohibits “violence to life and

32. Under international criminal law, rape and other forms of sexual violence may constitute war crimes when committed in the context of a non-international armed conflict.¹⁸ In the context of a widespread or systematic attack against a civilian population, rape and other forms of sexual violence may constitute crimes against humanity. The SAC's attacks on civilians—in conflict zones, in places of detention, and during violent crackdowns on peaceful protesters—have been both widespread and systematic.

33. While Myanmar has not ratified the Rome Statute of the International Criminal Court, the National Unity Government lodged a declaration with the Court in 2021 under Article 12(3) of the Rome Statute accepting its jurisdiction over crimes committed in Myanmar since July 2002. The Prosecutor has confirmed receipt of the declaration but has neither commented on its validity nor opened an investigation into alleged crimes committed entirely within Myanmar.

34. Under Article 14, ICC member states may request that the Prosecutor initiate an investigation of crimes committed in Myanmar during this period.¹⁹ The Prosecutor must issue a decision on the request. If the request is denied, Member States may appeal to the Court.

C. Women, peace, and security agenda

35. In 2000, the UN Security Council (UNSC) adopted resolution 1325 on women, peace, and security.²⁰ The resolution called for increased representation of women in mechanisms to prevent, manage, and resolve conflict. It further called on all actors involved in conflicts and peace processes “to adopt a gender perspective,” paying special attention to the needs of women and girls and to fully respect international law applicable to the rights of women and girls, including international humanitarian law and international criminal law. The resolution called on all parties to protect women and girls from gender-based violence and all other forms of violence in armed conflict. The resolution emphasized States' responsibility to prosecute those responsible for serious international crimes, including those relating to sexual and other violence, and the need to exclude these crimes from amnesty provisions.

36. The initial mandate established by resolution 1325 has expanded into a broader framework for protection of women and girls. Since 2000, a total of ten women, peace, and security resolutions have been adopted. These resolutions demand that all parties to armed conflicts completely cease sexual violence and take appropriate measures—such as military discipline, command responsibility, and troop education—to protect women and girls from such violence. The Security Council has urged the United Nations sanctions committees to apply targeted sanctions against parties that perpetrate and direct sexual violence in armed

person,” which includes “cruel treatment and torture” and “outrages upon personal dignity, in particular humiliating and degrading treatment.” These violations encompass rape and sexual violence.

¹⁸ Rome Statute of the International Criminal Court, Article 8(c).

¹⁹ In his recent report to the Human Rights Council, the Special Rapporteur urged States parties to the International Criminal Court to refer the situation in Myanmar to the ICC Prosecutor under Article 14 Rome Statute, and action that would compel the Prosecutor to make a decision on the validity of the National Unity Government's Article 12(3) declaration. Special Rapporteur on the situation of human rights in Myanmar, “Situation of human rights in Myanmar,” UN Doc. A/HRC/55/65, 14 March 2024, paras. 112 and 122(a).

²⁰ United Nations Security Council, Resolution 1325 (2000), S/RES/1325 (2000), 31 October 2000, <https://documents.un.org/doc/undoc/gen/n00/720/18/pdf/n0072018.pdf?token=Xcfef94gy7AoryNN7&fe=true>.

conflict.²¹ The Council has also called upon regional bodies to develop and implement policies to support women and girls in armed conflict and upon UN Member States to strengthen access to justice for women in conflict and post-conflict situations, including through investigation and prosecution.²²

37. As Security Council resolutions, the women, peace, and security resolutions are binding on all UN Member States, including Myanmar. Under conditions that followed the SAC's illegal coup, UN Women's role in advancing the agenda in Myanmar is obviously constrained.²³

IV. Background

A. Gender hierarchy and patriarchal norms

38. In Myanmar, as in many countries, gender inequities and discrimination are rooted in socio-cultural traditions and belief systems that valorize patriarchal power.

39. Beliefs about the superiority of men in Myanmar are often grounded in the concept of *hpon*, which can be translated as “glory,” “power,” or “holiness.” It is believed that only men can possess *hpon*, bestowing them with an innate and spiritual superiority to women who are widely understood to be unable to possess *hpon* or to possess smaller amounts than men.²⁴ Although the concept of *hpon* is conceptualized in Myanmar Buddhist terms, beliefs in men’s innate spiritual authority is often embedded in the belief systems of non-Buddhist and non-Bamar ethnic communities as well, thus illustrating the prevalence of entrenched negative stereotypes of women across Myanmar.

40. This discriminatory hierarchy also impacts LGBT communities. It is traditionally believed that engaging in same-sex sexual relations reduces a man’s *hpon*. Some also believe that men born with feminine traits or mannerisms are experiencing karmic retribution for sins they committed in past lives. These ideas rationalize the notion that men with differing sexual orientations, gender identity, and expression have less social status than other men and are therefore deserving of discrimination.²⁵ Individuals with identifying physical traits and

²¹ United Nations Security Council, Resolution 2106 (2013), UN Doc. S/RES/2106 (2013), 24 June 2013, <https://documents.un.org/doc/undoc/gen/n13/372/15/pdf/n1337215.pdf?token=LqvJxarX02aATYrs0q&fe=true>; United Nations, Security Council Adopts Text Urging Targeted Sanctions against Perpetrators of Sexual Violence during Armed Conflict, SC/11043, 24 June 2013, <https://press.un.org/en/2013/sc11043.doc.htm>.

²² United Nations Security Council, Resolution 2467 (2019), UN Doc. S/RES/2467 (2019), 23 April 2019, <https://documents.un.org/doc/undoc/gen/n19/118/28/pdf/n1911828.pdf?token=G3btbieOOZezqDMSeL&fe=true>.

²³ UN Women, A guide to UN Security Resolution 1325 and the Women, Peace and Security agenda in Myanmar, 31 October 2023, <https://asiapacific.unwomen.org/en/stories/news/2023/10/the-women-peace-and-security-agenda-in-myanmar>.

²⁴ There are some interpretations that women can possess *hpon*, but in lesser quantities than men. See also, Stephanie Spaid Miedema, San Shwe, Aye Thiri Kyaw, “Social Inequalities, Empowerment, and Women’s Transitions into Abusive Marriages: A Case Study from Myanmar,” *Gender & Society*, 11 April 2016, <https://www.jstor.org/stable/24756221>.

²⁵ Lynette J. Chua and David Gilbert, “Sexual Orientation and Gender Identity Minorities in Transition: LGBT Rights and Activism in Myanmar,” *Human Rights Quarterly*, 2015, The Johns Hopkins University Press, https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/2015-00-00-Sexual_Orientation_and_Gender_Identity_Minorities-in-Transition-en-red.pdf.

mannerisms outside of traditional gender norms, particularly transgender individuals, are often targeted for abuse and harassment.²⁶

41. Traditional notions regarding women's spiritual subordination and inferiority to men are compounded by certain beliefs that female bodies are intrinsically impure, as manifested by menstruation and childbirth, and are thus hazardous to men's *hpón*. It is expected that women protect and sustain men's *hpón*, including by ensuring they do not "pollute" or diminish men's *hpón* with their behavior or bodies.²⁷ For instance, traditionally, women are expected to wash and hang their garments separately from men's garments; a woman should only sleep on the left side of her husband as *hpón* resides on his right side; wives often walk behind their husbands in public. These beliefs that women's bodies are impure and a threat to men's power appear to be pervasive across dominant religious and cultural traditions in Myanmar. Women have been restricted from entering spaces in places of worship and holy sites, prevented from touching religious objects while menstruating, and prevented from holding high religious positions.

42. These discriminatory beliefs directly influence pervasive gendered roles and patriarchal hierarchies in Myanmar society. There is a famous Myanmar proverb that says, '*The husband is God, the son is master.*'²⁸ Men are believed to be naturally endowed with glory and power, granting them the role of household head, primary breadwinner, and leaders in their communities. Women are often confined to the household as mothers and wives, constraining their ability to enter leadership roles outside the domestic sphere and leaving them dependent on and deferential to men in their day-to-day lives.²⁹ Women are often expected to embody *yin kyae hmu*, which translates to "politeness" or "gentleness," rather than show assertiveness or leadership ability. Women are often seen as wives, mothers, and daughters in need of male protection. Many women are given the burden and responsibility of maintaining and protecting cultural lineage through their role in reproduction. They are often reproached if they are considered to be failing to preserve their family's cultural lineage. Such hierarchies and cultural norms have long contributed to gendered issues in Myanmar, including the prevalence of domestic violence, forced marriage, and other forms of sexual and gender-based violence.

43. Gender norms affect children as well, particularly as they near puberty. Girls start performing gendered roles in the household at an early age, including by taking care of children and household chores. Even at a young age, these familial expectations cause girls to be more disadvantaged than their male siblings. Girls are expected to be obedient to parents and to be the caregivers of aging parents and other relatives as they grow older. Sons often receive preference over daughters. Education for boys is generally prioritized, particularly in households with financial challenges, further cementing girls' restricted role within the household and precluding opportunities for mobility. In some ethnic customary practices, women and girls do not have the right to own land in cases of divorce. In cases of a deceased

²⁶ Colors Rainbow, "Facing 377: Discrimination and Human Rights Abuses against Transgender, Gay and Bisexual Men in Myanmar," <https://www.colorsrainbow.org/wp-content/uploads/2020/07/Facing-377-English.pdf>.

²⁷ Jane M. Ferguson, "Gender and Social Change in Myanmar," *Journal of Burma Studies*, June 2023, https://www.academia.edu/100484424/Gender_and_Social_Change_in_Myanmar.

²⁸ Gender Equality Network, "Raising the Curtain: Cultural Norms, Social Practices and Gender Equality in Myanmar," November 2015, https://www.genmyanmar.org/research_and_publications?year=2015.

²⁹ Women's League of Burma, "Long Way to Go: Continuing Violations of Human Rights and Discrimination Against Ethnic Women in Burma," July 2016, https://www.womenofburma.org/sites/default/files/2018-06/2016-July_CEDAW_Long%20Way%20To%20Go%20-%20English.pdf.

husband, sons or other males in the family are given titles to the deceased's land over the wife and daughters.

44. Women are regarded as “bearers” and “protectors” of culture and are chastised if their behavior and dress are perceived as aberrations from cultural norms. Women’s decency and chastity are considered key values against which their worthiness is assessed, and there is an expectation that these should be reflected in women’s modest dress and appearance. Whereas it is expected that men will have sexual experiences outside of marriage, women who transgress these social norms are condemned, even in cases of rape. Women who lose their virginity outside of marriage are described as *apyoyay pyat*, meaning spoiled, ruined or damaged, yet there is no equivalent term for men.³⁰ At times, customary practices derived from concepts of women’s sexuality and chastity result in punishments of the women. For instance, female survivors of rape are sometimes forced to marry their rapists to preserve their own reputation and dignity. Women who become pregnant outside of marriage are often forced to bow down to elders and ask for forgiveness, or, in some cases, are expelled from their village.³¹ The measure of a woman’s worthiness against socially constructed ideas of decency and chastity creates a mentality that blames the victim and contributes to fears of reporting sexual violence by survivors and their families.

45. The current environment for women’s and LGBT rights has been further shaped by decades of military rule, which have fostered a culture of militarization and hyper-masculinity. Previous military regimes severely under-invested in health and education, instead prioritizing the defense sector. As a result, women have struggled to access public services and have suffered from high maternal and infant mortality rates, among other challenges.³² Women have long been excluded from positions of power and have not received equal economic and educational opportunities as men. In the 2023 Social Institutions and Gender Index, Myanmar was classified as having a “high” level of gender discrimination.³³

B. Inadequate domestic laws and protections

46. Gender discrimination and impunity for sexual and gender-based crimes has been preserved and sustained through codification in formal law and practices in Myanmar and by the absence of laws that protect people from discrimination, inequality, and violence on the basis of their gender and sexual orientation.

47. The 2008 Constitution lacks a substantial guarantee of equality and provides that certain jobs are “suitable for men only.”³⁴ The Constitution further severely limits opportunities to hold military personnel or government officials accountable for crimes against women, girls, and LGBT persons. The military is granted “the right to independently administer and adjudicate all affairs of the armed forces,” preventing civilian oversight of justice mechanisms for soldiers.³⁵ The Constitution’s Article 445 shields members of past military regimes from accountability for “any act done in the execution of their respective duties,”³⁶ and may extend to subsequent governments depending on the interpretation of the

³⁰ Brenda Belak, *Gathering Strength: Women from Burma on their Rights*, 2002.

³¹ Gender Equality Network, “Raising the Curtain”; Women’s League of Burma, “Long Way to Go.”

³² UN Women and UNDP, “Regressing Gender Equality in Myanmar: Women living under the pandemic and military rule,” 7 March 2022, <https://www.undp.org/myanmar/publications/regressing-gender-equality-myanmar-women-living-under-pandemic-and-military-rule>.

³³ OECD, “SIGI 2023 Global Report: Gender Equality in Times of Crisis,” 18 July 2023, https://www.oecd-ilibrary.org/development/sigi-2023-global-report_4607b7c7-en.

³⁴ Myanmar Constitution, Article 352.

³⁵ Myanmar Constitution, Article 20b.

³⁶ Myanmar Constitution, Article 445.

article's ambiguous language.³⁷ The Independent International Fact-Finding Mission on Myanmar and the Independent Investigative Mission for Myanmar have found that military personnel have enjoyed a longstanding and pervasive climate of impunity for their crimes, including sexual and gender-based violence.³⁸

48. There are limited protections related to sexual and gender-based violence in Myanmar domestic law. The Penal Code prohibits rape and other forms of sexual assault, but the definition of rape is vague and fails to meet international standards. The Penal Code does not criminalize rape in marriage. It prohibits the trafficking of women into Myanmar for the purposes of sexual exploitation, but the provision only applies to women under the age of 21.

49. A package of four discriminatory “race and religion” laws backed by extreme Buddhist nationalist groups was passed in 2015. These laws targeted minority groups, and particularly Muslim populations, but also severely restricted the rights of women.³⁹ The Population Control Healthcare Bill allows local authorities to implement a “birth spacing” policy with a 36-month interval between children in areas of high population growth, infringing on women’s right to privacy and to choose when to have children.⁴⁰ The Buddhist Women’s Special Marriage Bill regulates the marriage of Buddhist women to men of other religions. It requires women under 20 to obtain parental consent to marry a non-Buddhist and permits a couple’s application for marriage to be publicly displayed for 14 days and for any objections to the marriage to be heard in a local court. The law also prohibits the non-Buddhist husband from “destroy[ing] or damag[ing] or defil[ing] the place of worship... with the intention to insult the Buddhism... [and] insult the religious faith of the Myanmar Buddhist woman in words, writing, distinct posture, gesture or manner.”⁴¹ There is no similar provision for the wife or other interfaith marriages. The law reinforces gender stereotypes of the vulnerability of Buddhist women and discriminatory stereotypes of non-Buddhist men.

³⁷ International Center for Transitional Justice, “Impunity Prolonged: Burma and its 2008 Constitution,” p. 37, <https://www.ictj.org/sites/default/files/ICTJ-Myanmar-Impunity-Constitution-2009-English.pdf>; International Center for Transitional Justice, Submission to the Universal Periodic Review of the UN Human Rights Council, 2 July 2010, p. 3, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session10/MM/ICTJ_InternationalCenterforTransitionalJustice_eng.pdf; Congressional Research Service, Burma Military Blocks Constitutional Amendments, 30 March 2020, <https://crsreports.congress.gov/product/pdf/IF/IF11481>.

³⁸ The Independent International Fact-Finding Mission on Myanmar, Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts, UN Doc. A/HRC/42/CRP.4, 22 August 2019, https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/sexualviolence/A_HRC_CRP_4.pdf; Independent Investigative Mechanism for Myanmar, Efforts to Investigate and Punish Sexual and Gender-Based Crimes Committed Against Rohingya: Evidence Analysis, 27 March 2024, https://iimm.un.org/wp-content/uploads/2024/03/SGBC-Report_EN.pdf.

³⁹ See, UN Special Procedures, Communication to the Government of Myanmar, 11 May 2015, MMR 5/2015, <https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=20241>; Amnesty International and International Commission of Jurists, “Myanmar: Parliament must reject discriminatory ‘race and religion’ laws,” 3 March 2015, <https://www.amnesty.org/en/documents/asa16/1107/2015/en/>.

⁴⁰ Population Control Healthcare Law, The Pyidaungsu Hluttaw Law 28/2015, <http://www.asianlii.org/mm/legis/laws/pchl2015h592.pdf>; Human Rights Watch, “Burma: Reject Discriminatory Population Bill,” 16 May 2015, <https://www.hrw.org/news/2015/05/16/burma-reject-discriminatory-population-bill>.

⁴¹ The Myanmar Buddhist Women’s Special Marriage Law, Pyidaungsu Hluttaw Law No. 50, 2015, <https://www.mlis.gov.mm/mLsView.do;jsessionid=FB6E3259445757BAA9A6058533382027?lawordSn=9593>.

50. Myanmar also lacks fundamental legal protections for LGBT people. Section 377 of the Penal Code, inherited from British rule in Myanmar, criminalizes consensual same-sex sexual conduct, characterized as “carnal intercourse against the order of nature,” with a penalty of up to 10 years’ imprisonment.⁴² Other colonial era laws, including the Police Act, provide security authorities with broad and arbitrary power to police LGBT communities in the evenings and at night under the guise of the “prevention and detection of crime.” Article 348 of the 2008 Constitution prohibits discrimination against any citizen based on “race, birth, religion, official position, status, culture, sex and wealth” but does not include sexual orientation or gender identity as a protected category. Myanmar lacks anti-discrimination legislation and recognition of sex change. The criminalization of LGBT communities put them at great risk of harassment, arrest, and imprisonment at the hands of security forces.

C. Progress on the rights of women, girls, and LGBT people prior to the military coup

51. During the decade of relative political openness leading up to the 2021 military coup, civil society and political advocacy organizations had unprecedented opportunities to advocate directly to the government. Although women continued to face widespread discrimination and challenges in meaningful political participation, advocates for gender equality helped spur legislative and policy reforms and shift public perceptions regarding women’s rights and political inclusion.

52. Prior to the coup, the Myanmar government was in the process of developing and implementing important policies related to gender issues. The National Strategic Plan for the Advancement of Women aimed to advance gender equality in line with the twelve priority areas of the 1995 Beijing Platform for Action, including commitments to improve women’s economic opportunities, healthcare access and health outcomes, and equal political participation and leadership. The military coup effectively ended progress towards the implementation of these policies.⁴³

53. A draft Prevention of Violence against Women Law was being considered by Parliament at the time of the coup, with women’s groups and human rights activists advocating to bring the draft into line with international standards.⁴⁴ Its passage would have

⁴² The Denmark-Myanmar Programme on Rule of Law and Human Rights and the International Commission of Jurists, “In the shadows: Systemic injustice based on sexual orientation and gender identity/expression in Myanmar,” 8 November 2019, <https://www.icj.org/wp-content/uploads/2019/11/Myanmar-In-The-Shadows-Advocacy-Report-2019-ENG.pdf>.

⁴³ Myanmar Ministry of Social Welfare, Relief and Resettlement, United Nations, and the Asian Development Bank, “Gender Equality and Women’s Rights in Myanmar: A Situation Analysis,” 2016, https://www.adb.org/sites/default/files/institutional-document/199701/gender-equality-womens-rights-myanmar_0.pdf; Nathalie Ebead and Atsuko Hirakawa, “Inclusion and Gender Equality in Post-Coup Myanmar: Strategies for Constitutional and Democratic Reform,” International IDEA, May 2022, https://www.idea.int/sites/default/files/publications/inclusion-and-gender-equality-in-post-coup-myanmar-CAWE4_0.pdf.

⁴⁴ Global Justice Center, “Myanmar’s Proposed Prevention Of Violence Against Women Law – A Failure to Meet International Human Rights Standards,” 13 August 2020, https://wordpress-537312-2488108.cloudwaysapps.com/temp-uploads/2020/07/20200710_MyanmarPOVAIlawAnalysis.pdf; The Independent International Fact-Finding Mission on Myanmar, Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts, UN Doc. A/HRC/42/CRP.4, 22 August 2019, https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/sexualviolence/A_HRC_CRP_4.pdf; Committee on the Elimination of Discrimination against Women, Consideration of reports submitted by States parties under article 18 of the Convention: Myanmar, 2 March 2015, <https://www.refworld.org/reference/statepartiesrep/cedaw/2016/en/110822>.

been a significant step forward in reforming the criminal system to address gender-based violence. The coup halted consideration of the law.

54. In 2019, Parliament passed a new Child Rights Law, which prohibited all forms of violence against children. The law defines a child consistently with the Convention on the Rights of the Child as anyone under the age of 18 and sets the minimum age of marriage at 18 years of age and the minimum age for employment at 14. The Child Rights Law also establishes protections for children impacted by forms of sexual violence such as sexual exploitation, child prostitution, and child pornography. It further extends protections to children who are victims of sexual violence in armed conflict and requires relevant government ministries, armed forces, and armed groups to ensure the prosecution of perpetrators responsible for such crimes.⁴⁵ The political and humanitarian situation in the aftermath of the coup has precluded the enforcement and implementation of this law, and children have proved to be among the most vulnerable to the junta's attacks. Military and junta officials have routinely disregarded legal protections for children, including those provided by the Child Rights Law, since the coup.⁴⁶

55. Improvements in women's political representation were highlighted by the 2020 elections. One in every six candidates running for parliamentary seats were women, resulting in the largest number of female members of parliament elected to public office in Myanmar's history.⁴⁷ The proportion of female representatives elected in 2020 rose to 16 percent in the Pyidaungsu Hluttaw and 18 percent in the fourteen State and Region Hluttaws.⁴⁸

V. Sexual and gender-based violence

56. Widespread sexual and gender-based violence continues to be one of the foremost concerns of women, girls, and LGBT people in Myanmar. The Myanmar military and other SAC forces have continued longstanding patterns of sexual violence, especially against women and gender and sexual minorities. But as conflict escalates and spreads to new areas, reports of conflict-related sexual violence perpetrated by individuals in resistance forces have emerged. Domestic violence has risen dramatically since the coup and is now one of the most pervasive forms of gender-based violence impacting women and girls in Myanmar. As described in further detail in latter sections of this report, other forms of sexual and gender-based violence, including online abuse, trafficking, sexual exploitation, and early and forced marriage, have increased dramatically because of the collapse of the rule of law and the adoption of negative coping strategies.⁴⁹

⁴⁵ Child Rights Law, Chapter XVII, <https://www.mlis.gov.mm/mLsView.do;jsessionid=F7B374A1A9DEC2DEF52D28C813D3F36C?la=word&Sn=18398>.

⁴⁶ Special Rapporteur on the situation of human rights in Myanmar, "Losing a Generation: How the military junta is attacking Myanmar's children and stealing their future," 13 June 2022, UN Doc. A/HRC/CRP.1, <https://www.ohchr.org/en/documents/thematic-reports/ahrc50crp1-conference-room-paper-special-rapporteur-losing-generation>.

⁴⁷ Jenny Hedstrom, Elisabeth Olivius, and Kay Soe, "Women in Myanmar: Change and Continuity," *Myanmar Politics, Economy and Society*, p. 228.

⁴⁸ Myanmar Women Parliamentarians Network (MWPN) and Creative Home, "Costs of being a Woman in Politics: Experiences of Myanmar's Women Politicians in the Post-Coup Resistance," March 2024; Enlightened Myanmar Research Foundation (EMReF), "Gender and Political Participation in Myanmar," October 2020, https://www.emref.org/sites/emref.org/files/publication-docs/gender_and_political_in_myanmarenglish_online.pdf.

⁴⁹ The United Nations defines sexual and gender-based violence (SGBV) as "violence directed towards, or disproportionately affecting, someone because of their gender or sex." There are multiple forms that SGBV can take, including "acts or omissions intended or likely to cause or result in death or

57. Cases of sexual and gender-based violence are grossly under-reported in Myanmar. Women's and LGBT organizations face enormous obstacles when documenting gender-based crimes, including military checkpoints, transportation restrictions, telecommunications blockages, and the risk of airstrikes or other military attacks. Many women and LGBT human rights defenders have been displaced themselves. Resistance forces have at times placed restrictions on civil society organizations and limited travel into areas they control, further impeding efforts to document sexual and gender-based violence. Threats of retaliation, including collective punishment against family members, and fears of criticism or social ostracism prevent some survivors from reporting cases of sexual violence. The absence of a functioning judiciary, the collapse of the rule of law, and a dearth of support services deprive survivors of legal recourse and protection and ensure perpetrators enjoy impunity for their crimes.

A. Widespread sexual violence by SAC forces

58. Since the coup, SAC forces have perpetrated widespread sexual and gender-based violence, repeating patterns of abuse dating back decades. Acts of sexual violence have taken place in conflict zones, displacement settings, and places of detention. While men have been targeted, women and LGBT people have been especially vulnerable to these crimes.

59. Human rights organizations, Myanmar civil society, and UN investigators have extensively documented the Myanmar military's responsibility for widespread sexual violence over many decades. In 2018, the UN Independent International Fact-Finding Mission on Myanmar reported that sexual violence was a "hallmark" of the Myanmar armed forces' and affiliated security forces' military operations against ethnic minorities.⁵⁰ The Fact-Finding Mission found evidence that "rape and other forms of sexual violence were part of a deliberate strategy to intimidate, terrorize, and punish a civilian population, and were used as a tactic of war" against the Rohingya and ethnic groups in northern Myanmar. It also found that sexual violence was a "recurring feature" of operations against ethnic groups in Kachin and Shan States between 2011 and 2018, consistent with historical patterns of abuse in ethnic areas for decades prior.⁵¹

60. Since the coup, it is clear that the Myanmar military has continued to perpetrate widespread sexual violence in conflict areas. Some of the most horrific reports of sexual and gender-based violence and atrocities are emerging from these areas. The Independent Investigative Mechanism for Myanmar (IIMM) has collected "substantial evidence" of sexual and gender-based violence since the coup and reported that conflicts have "severely impacted" women, children, and members of the LGBT community in Myanmar.⁵² In 2023,

physical, sexual, psychological or economic harm or suffering, threats of such acts, harassment, coercion and arbitrary deprivation of liberty." This includes but is not limited to rape, sexual harassment, domestic violence, trafficking, violence against LGBT persons, emotional or psychological violence, early and forced marriage.

⁵⁰ The Independent International Fact-Finding Mission on Myanmar, Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar, UN Doc. A/HRC/39/CRP.2, 17 September 2018, https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_CRP.2.pdf.

⁵¹ The Independent International Fact-Finding Mission on Myanmar, Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts, UN Doc. A/HRC/42/CRP.4, 22 August 2019, https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/sexualviolence/A_HRC_CRP_4.pdf.

⁵² The Independent Investigative Mechanism for Myanmar, Bulletin Issue 09, October 2023, <https://iimm.un.org/wp-content/uploads/2023/10/2023-October-Bulletin-EN.pdf>; The Independent Investigative Mechanism for Myanmar, Report of the Independent Investigative Mechanism for

the Mechanism reported that it had collected significant evidence of sexual violence at detention facilities, finding also that sexual and gender-based crimes were being committed with “the highest levels of cruelty and harm to the victims, including rape with objects, other forms of humiliation, mutilation, gang or serial rape and sexual enslavement.”⁵³

61. The UN Secretary-General additionally highlighted conditions in Myanmar in his 2023 report to the Security Council regarding conflict-related sexual violence. The Secretary-General stated that sexual violence, including the threat and use of rape and gang rape, was being used “as part of the repertoire of political violence to intimidate and punish opponents, their family members, and women human rights defenders.” He additionally highlighted soldiers’ and prison officers’ use of sexual violence in detention, the commission of rape against women who are unable to flee during military assaults, and evidence of sexual violence against women who have been subject to extrajudicial executions.⁵⁴

62. The expansion of conflict to new areas has exacerbated the vulnerability of women and girls to sexual violence. Whereas previous patterns of sexual violence have primarily impacted ethnic minority populations, since the coup military forces, soldiers, and members of affiliated militias have additionally assaulted women and girls in predominantly Bamar areas, including Sagaing and Magway Regions.

63. The Special Rapporteur continues to receive disturbing reports of SAC soldiers carrying out horrific acts of sexual violence during their assaults or raids of civilian villages. In some cases, these incidents occur when soldiers invade homes under the pretext of conducting household checks to search for resistance actors. Military forces have also committed acts of sexual violence after kidnapping and taking women to their camps.

64. Reports of rape and gang rapes, including of pregnant women and adolescent girls, are common. In some cases, women have been raped multiple times. Soldiers have reportedly raped women in front of their fathers, husbands, and other family members. Women’s organizations report that in many documented cases, military personnel were under the influence of alcohol. Victims’ corpses have been found with items inserted into their genitals. The Special Rapporteur has received numerous reports of rape victims being burned alive or their bodies burned after they were killed. The bodies of some women who have been extrajudicially killed have shown signs of sexual violence. The “Ogre Column,” a military unit operating in southern Sagaing Region, has become known for its brutal crimes and violence, which has included beheading, maiming, mutilation, and rape of women.

65. Local human rights organizations report that sexual violence also occurs at SAC-controlled checkpoints across the country. Military soldiers search and inspect those passing through checkpoints and sometimes arbitrarily detain people. Women who are detained at these checkpoints have reported being victims of rape and sexual assault. Women have also reported other forms of abuse at checkpoints, including invasive body searches, sexually explicit intimidation, and other verbal abuse.

66. The Special Rapporteur also continues to receive reports of targeted sexual violence and abuse against LGBT people by SAC forces, driven by deep homophobic and transphobic mentalities. Their gender identity or sexual orientation is weaponized to inflict

Myanmar, UN Doc. A/HRC/51/4, 12 July 2022, <https://iimm.un.org/wp-content/uploads/2022/08/A-HRC-51-4-E.pdf>.

⁵³ The Independent Investigative Mechanism for Myanmar, Report of the Independent Investigative Mechanism for Myanmar, UN Doc. A/HRC/54/19, 30 June 2023, <https://iimm.un.org/wp-content/uploads/2023/08/G2312500-1.pdf>.

⁵⁴ United Nations Security Council, Conflict-related sexual violence: Report of the Secretary-General, UN Doc. S/2023/413, 22 June 2023, <https://documents.un.org/doc/undoc/gen/n23/127/81/pdf/n2312781.pdf?token=vFPRJ31aCcScpv7S4u&fe=true>.

hypersexualized forms of rape, torture, harassment, and other forms of sexual abuse. For example, gay men have been anally raped and transgender women's breasts have been a focus of ridicule and torture.

67. The junta has committed widespread sexual violence during arrest, interrogation, and detention. Women and LGBT people are especially vulnerable to this type of violence. Women report beatings targeting their breasts and hips as well as groping during body searches. Threats of rape and other sexual violence are common. Some interrogators use sexually explicit or abusive questions, including questions about their sex lives and relationships with other activists. The sexualized questioning of women detainees is grounded in traditional cultural norms in which a woman's value is assessed in relation to her chastity and is intended to shame and degrade the detainee.

68. Sexual violence against LGBT people has been especially pervasive in detention settings. One LGBT activist reported how soldiers kick detainees in their genital areas, stating that this tactic was used "so that [they] don't forget [their] original 'gender.'" Rights groups reported that transgender women are placed in male cells and that there have been cases where prison guards force other prisoners to rape gay men. In one case, a transgender woman arrested for organizing support to PDF members and protestors was stripped and tortured for 12 hours. Security forces burned her breasts with cigarettes, beat her genitals with batons, put paper clips on her nipples, beat and interrogated her at gunpoint, asked her sexually explicit questions, threatened her with scissors, and threatened to drown her. These specific tactics are reportedly not uncommon in the treatment of transgender women who are in detention.

69. A transgender man committed suicide in March 2023 after he was forced to strip and endured verbal and physical abuse in detention. In another case, a gay man who participated in peaceful protests recounted how soldiers tortured and humiliated him and his friends due to their sexuality, including stripping the men, mimicking sex with them, hitting them on the buttocks, and rubbing their genitals against the detainees' heads. A gay male political prisoner said:

They asked us if we wanted to have sex with them; they appeared to have lost their senses from alcohol. They did anything they wanted to us—they rode on our shoulders like we were toys. They made us feel shame about our bodies. They banged our heads with their guns so many times that I had a lot of wounds. My buttocks became so purple that I couldn't even sit and my calves were so swollen I couldn't walk for days.⁵⁵

70. The Special Rapporteur has received information that newer female recruits into the junta's armed forces have reportedly experienced physical and sexual abuse from higher-ranking officials, causing some to flee from military training. These risks extend to women who have been forcibly conscripted by the SAC.

B. Growing incidence of sexual violence by resistance forces

71. The Special Rapporteur has received alarming reports of sexual violence perpetrated by members of resistance forces, including ethnic resistance organizations and peoples' defense forces. The incidence of these cases appears to have increased since the launch of opposition offensives in northern Shan State, Rakhine State, Kayah State, and Kachin State, which have increased the scope of conflict and displacement in Myanmar. Local organizations and analysts suggest that such cases are generally committed by opportunistic

⁵⁵ Testimony shared with the Special Rapporteur by an LGBT organization.

individuals rather than reflecting the policies or culture of resistance groups, but nevertheless represent a significant and growing threat to women and girls.

72. Members of opposition armed groups have allegedly committed gang rape, rape followed by execution, and the rape of children. On 30 August 2022, four resistance soldiers under the command of a National Unity Government-linked local defense team in Chaung-U Township, Sagaing Region allegedly carried out an extrajudicial execution of seven civilians accused of being junta informants. The victims included five minors under the age of 18. Three of the four female victims were raped by the armed actors before being killed. Two of the victims were 15 years old. In a 4 May 2023 statement, the National Unity Government acknowledged that the seven victims were “unlawfully killed” and said that its ministries would take legal action but did not mention the alleged sexual violence.⁵⁶ In April and May 2023, eight members of a local Peoples’ Security Force in Saw Township, Magway Region reportedly raped a woman who had been detained for theft in a National Unity Government-affiliated jail multiple times. Sources indicate that the local administrative head provided the woman with US\$200 as “compensation” for her experience. The National Unity Government confirmed both cases and stated that they would be handled by a local civil court.

73. In April 2024, media outlets reported about allegations of three instances of sexual abuse and misconduct perpetrated by local authorities against female prisoners being held at a local prison under National Unity Government control in Kantbalu Township, Sagaing Region. Media reports indicate that two judges at the local township court filed a complaint with the National Unity Government’s Correctional Department in July 2023, requesting that it investigate the allegations of sexual violence. The National Unity Government told the Special Rapporteur that an investigation conducted in October 2023 found that the alleged violations had not occurred, but other violations had taken place.

74. The Special Rapporteur has received other credible reports of sexual violence perpetrated by members of opposition groups, including ethnic resistance organizations. Reports include allegations of gang rape, rape followed by murder, the rape of women accused of being military informants, the rape of a disabled woman, and the demand for sexual favors in exchange for the release of male relatives.

75. Women and LGBT people in armed resistance forces are at heightened risk of sexual and gender-based violence, particularly sexual harassment. Women who have received military training with people’s defense forces have told the Special Rapporteur of a pervasive culture of sexual harassment, including by commanding officers. One woman remarked that limited education and training on human rights obligations has contributed to sexual and gender-based violence within opposition armed groups. She said, “The NUG policy and Code of Conduct is not a reality on the ground. ... We have so many young people from different backgrounds. Sometimes there are violations because they don’t have awareness and sometimes don’t know the norms and standards.”

76. Incidents of sexual violence by resistance groups are severely underreported. Survivors who report cases have been criticized for undermining the revolution. Human rights defenders and local organizations conducting documentation and advocacy about sexual violence by the armed resistance have been accused of diverting attention away from the SAC’s abuses. Several women activists emphasized to the Special Rapporteur their concern that historic cycles of chauvinistic, patriarchal violence were being recreated and

⁵⁶ National Unity Government, “Joint Statement on action taken against illegal acts of some members of the Village People’s Defence Force Chuang Oo Township, Sagaing Division,” 4 May 2023, https://m.facebook.com/story.php?story_fbid=pfbid0KnxmCbekev69zQq95i4kVfiGZJ5HyBkJjoWAUzxMBSNXmBEX9CcHwWyPXNLCAjUl&id=100069164732959&mibextid=Nif5oz.

perpetuated within resistance groups due to entrenched patriarchal values in both Bamar and non-Bamar ethnic areas. One local analyst told the Special Rapporteur:

Everyone is collecting information about human rights violations committed by the military. ... But if it's our side, it's a whole different thing. Basically, no one really wants to talk about it. Human rights defenders know that this is wrong also, but how do we approach this because ... we have to rely on the same groups for our safety and security.

C. Violence within the home and community

77. Intimate partner violence, also known as domestic violence, has risen dramatically in the post-coup period and is likely the most pervasive form of gender-based violence against women in Myanmar. Women's organizations and human rights defenders have often told the Special Rapporteur that intimate partner violence is among the greatest concerns of women in Myanmar over the past few years. Calls to helplines from women who have experienced domestic violence have risen since 2021.

78. Women's League of Burma (WLB) member organizations have documented scores of cases of domestic violence, almost all of which were committed by spouses or ex-spouses. These cases included hitting, punching, slapping, threatening, kicking, hitting with objects, and verbal abuse. The organization also documented multiple cases of disturbing physical violence, including rape and severe beating resulting in paralysis. Three-quarters of women surveyed by Women Advocacy Coalition-Myanmar reported gender-based violence, including domestic violence, in their areas.

79. This increase in violence by family members has been driven by multiple and compounding factors that have caused escalated tension and stress within households. These include economic distress, the rising cost of food and basic necessities, displacement, and the impact of armed conflict. Job loss and financial problems can lead to men feeling inadequate in fulfilling their socially prescribed role as financial breadwinners, resulting in increased reliance on substances to deal with depression and anxiety. Many perpetrators of domestic violence are reported to be under the influence of drugs or alcohol. Organizations have reported cases of domestic partners acting out violently against their wives if they cannot provide money for their husband to buy drugs. Conditions of social isolation created by the conflict can also weaken usual restraints of behavior.

80. A Rohingya woman from Pauktaw shared her experience:

Due to increasing prices of food items and lack of job opportunities, many households feel stressed about it, and we often hear of domestic violence among couples. Men are very aggressive as they are not able to provide food and only have a small income. Everyday, petty crime rate is increasing such as robbery and theft cases, and we do not feel safe to go outside of our shelters. There is no security and safety for us.⁵⁷

81. Vulnerability to domestic violence is heightened in displacement settings as families face extreme stressors related to the looming threat of conflict and desperate need for basic necessities. Some women have expressed that they face the threat of violence from partners who return after fighting with resistance forces. One woman said:

I have not had more than four hours of sleep [any] night. I don't feel physically and psychologically safe. I have to endure my husband's drunkenness and violence too. I can't eat either. My daughters are all grown up so I am constantly worried that their

⁵⁷ Testimony shared with the Special Rapporteur by a Rohingya rights researcher.

*father might do something indecent to them. I am worried when my daughters go to school too.*⁵⁸

82. As described in further detail in the “Displacement and access to humanitarian aid” section below, displaced LGBT people are also vulnerable to violence from families and community members. They are isolated from their trusted support networks, and LGBT organizations lack the resources and access necessary to support them.

D. Limited avenues for justice and redress

83. Justice for survivors of sexual and gender-based violence has long been an uphill battle in Myanmar,⁵⁹ but the current conditions render accountability nearly impossible, given the SAC’s control of the judiciary and the collapse of the rule of law. Survivors who report violence rarely receive adequate justice or protection from future violence. The lack of accountability for sexual and gender-based violence exacerbates impunity for perpetrators, normalizing future cycles of horrific abuse.

84. Since the coup, the SAC has subordinated the judiciary to its will, weaponizing courts to oppress and jail political opponents rather than advance justice. The lack of a functioning judicial system has foreclosed the possibility of holding military soldiers accountable for their crimes, including in cases of sexual and gender-based violence. Survivors of sexual and gender-based violence, especially conflict-related sexual violence, almost never seek out the formal justice system. In a recent survey of 130 women living in Yangon conducted by a civil society organization, the majority did not engage a formal justice mechanism in sexual and gender-based violence cases. Survivors of domestic violence similarly do not generally seek out formal mechanisms, preferring instead to settle cases through traditional or local justice pathways. In areas with active conflict and fighting, access to courts and lawyers is logically impossible. In areas without fighting, the justice system reportedly moves slowly and requires enormous time and monetary investments by survivors. Women generally have little knowledge of legal protections available for sexual and gender-based violence.

85. When military soldiers commit acts of sexual violence, the barriers to justice are especially high. Perpetrators have threatened to harm or kill survivors or families if they report crimes. The military retains direct influence on civilian courts and has the constitutional authority to resolve military justice issues independently. It continues to deny responsibility for atrocity crimes and abuses and regularly fails to investigate or take action against alleged perpetrators, contributing to the widespread nature of sexual violence and leaving survivors with no alternative means of redress.

86. According to reports received by the Special Rapporteur, in some areas, local administrations affiliated with the National Unity Government handle cases of gender-based violence committed by civilians. When resistance fighters are the alleged perpetrators, cases are sometimes handled by judicial processes set up by resistance forces themselves. Civil society organizations have reported a lack of proper procedures and weak legal protection of survivors and victims in these proceedings. Where there is redress, it is often in the form of monetary compensation to survivors for the harm committed rather than punitive justice, contributing to the survivors’ increased reluctance to report the cases. For instance, in Monywa, Sagaing Region, about one-third of reported cases are allegedly addressed through monetary compensation. Some women’s groups have been told by political leaders in the resistance movement that resolving cases related to sexual abuse is not a priority at present

⁵⁸ Testimony shared with the Special Rapporteur by a women’s rights organization.

⁵⁹ See, for example, Independent Investigative Mission for Myanmar, “Efforts to investigate and punish sexual and gender-based crimes committed against the Rohingya: Evidence Analysis,” 27 March 2024, https://iimm.un.org/wp-content/uploads/2024/03/SGBC-Report_EN.pdf.

and gender-based violence will be addressed after the revolution succeeds. A female activist said:

All of us need to transform and change among and within ourselves. Just defeating the SAC is not enough. I would like to see [that] the perpetrators are properly, appropriately, and severely punished for the crimes they commit until victims [and] survivors are satisfied with it. If the persons ... are found to be guilty, bold decisions are needed to punish the guilty accordingly and effectively. If not, if those perpetrators take the cover of being revolutionary fighters or hide behind the revolution so that they won't get punished for what they did, we could say we are not successful in changing the political system.⁶⁰

87. With the absence of formal legal mechanisms, traditional and informal justice mechanisms are applied to sexual and gender-based violence cases across the country, including in ethnic areas. These processes rarely provide an adequate outcome for the survivor. Informal justice mechanisms often involve mediation by a third party, such as village leaders, community elders, or ethnic revolutionary organization leaders, who are usually men. Oftentimes those involved in the resolution of cases have little awareness or sensitivity to issues relating to gender and sexual orientation.

88. The remedies provided by traditional mechanisms are often grossly inadequate. In some cases that are resolved through community elders, alleged perpetrators have merely been ordered to apologize to the survivor. In other cases, perpetrators have been required to pay compensation to the survivor's family, perform symbolic cleaning services, or sign a pledge committing to refrain from further violence. In some cases, local leaders have reportedly taken a portion of the survivor's compensation through these practices. Customary practices sometimes involve brokering or forcing marriage between the survivor and perpetrator.

89. In cases involving an armed resistance fighter, the perpetrator's superior officers often determine punishment, which can reportedly range from extremely lenient to a death sentence. Often, survivors are not involved in the resolution. Some survivors and families have been ordered not to report cases that have been addressed by ethnic resistance organizations or community elders. A representative from an ethnic women's organization told the Special Rapporteur:

Even before the coup, women were victims of gender-based violence. After the coup, the situation has become worse than before. There is no court, no judge, and no lawyer. So if we have any sexual violence cases, we do not know where to go or where to report. We only have traditional customs ... any sexual violence case has to be resolved in a traditional custom way. When we use our own traditional custom, leaders are male dominated, almost all cases are done by compensation.

90. In some ethnic areas, ethnic resistance organizations and state consultative councils are developing justice mechanisms that can more formally address sexual and gender-based violence cases. For example, the Ta'ang Political Consultative Council is reportedly developing a special action plan to address sexual and gender-based violence in Ta'ang areas. In Karen State, some cases are resolved through the Karen National Union's judiciary system, in coordination with the Karen Women's Organization and Karen Legal Assistance Center. Across ethnic areas, local groups report that township and village administrators often link survivors with women's organizations for further support.

91. Regardless of some efforts to improve the system, the current lack of viable justice pathways sends the message to survivors that they are not a priority and their experiences are unimportant. This compounds discrimination based on social and cultural norms that

⁶⁰ Testimony shared with the Special Rapporteur by a women's rights organization.

contribute to survivors' reluctance to report their experiences, including a sense of shame and fear of stigma related to the expectation of women's abstinence before marriage. This has led some survivors to socially isolate and some families to withdraw their daughters from school and restrict their activities outdoors. A local analyst described the importance of ending impunity for sexual and gender-based violence:

We are talking about an end to impunity. It's not enjoyed only by the Burma military, it is widespread, it is enjoyed by all the people in power including ethnic resistance organizations and people's defense forces. We can end it by systematically prosecuting the perpetrators. If we want to end sexual and gender-based violence, we need to have a proper system of making them accountable for their actions. Otherwise, it will not end, it will continue to happen. It's about deterring...if you did this, you will be punished. Right now, the message is, if you did this, you will most likely not be punished. So, what will prevent perpetrators from committing this crime over again? What will protect civilians if there is no system of accountability?

E. Dwindling services and support for survivors

92. There is a complete absence of formal assistance for survivors of sexual and gender-based violence following the coup, and international programs are severely constrained by lack of access and resources. Civil society groups have courageously stepped forward to support survivors with nowhere else to turn. Networks of local women's and LGBT organizations have supported survivors and their families with financial aid, legal support, nutrition assistance, and other basic needs and have provided access to safehouses, psychological counseling, and medical treatments, both before and after the coup.

93. However, amid rising demand for services, civil society groups have reported decreasing capacity due to a host of challenges, including military scrutiny and surveillance, funding shortfalls, and the displacement of survivors and service providers themselves.

94. Telecommunications and internet restrictions have reduced the ability of organizations to spread awareness about gender-based violence, provide protection services, and follow up with survivors. Conflict and the collapse of the public health system make it difficult for survivors to access clinical care and specialized services for gender-based violence. In conflict areas, safehouses must relocate frequently to ensure the safety of survivors. Many safehouses permanently closed due to displacement and fighting. Hotlines face major logistical challenges and are often inaccessible to survivors in rural areas due to limited connectivity. Women's rights organizations increasingly rely on local focal points or contacts to provide services as they struggle to overcome transportation restrictions. The SAC's implementation of a new Organization Registration Law in 2022 further strained the ability of civil society organizations to assist survivors.

95. Local human rights groups that have documented sexual violence cases in conflict settings experience a high risk of retribution from armed actors. Their ability to carry out documentation is further hindered by checkpoints managed by the military, ethnic resistance organizations, and other armed actors. To mitigate risk, they may delete data from their devices and cannot carry evidence. Human rights advocates documenting cases report feeling helplessness and guilt as their efforts to record cases often cannot guarantee justice or protection for survivors. Some groups that document gender-based violence cases in resistance areas report that they have been suspected of being informants for the military. Despite the challenging environment and dwindling resources, these groups have shown a remarkable ability to continue their work and advocate on behalf of victims and survivors.

VI. Political attacks on women, girls, and LGBT persons

A. Arrest and imprisonment

96. In its ruthless oppression of the people of Myanmar, the SAC has arrested more than 26,000 people on political grounds, of whom more than 20,000 remain detained.⁶¹ Nearly 4,000 of these political prisoners are women or girls. Female and LGBT political prisoners include students, journalists, human rights defenders, civil society representatives, politicians, and celebrities.

97. As described in the Special Rapporteur's reports, political prisoners regularly suffer threats, violence, and torture during their arrest, interrogation, and imprisonment.⁶² Defendants have little or no access to legal representation, are systematically denied the right to a fair trial, and are often handed lengthy prison sentences. Women and LGBT political prisoners additionally experience human rights violations that are linked to their gender and sexual orientation.

98. In the wake of the coup, the SAC aggressively amended Myanmar's legal code to restrict fundamental rights and suppress political opposition. Soon after the coup, the military suspended portions of the Law Protecting the Privacy and Security of Citizens (2017), removing basic protections against arbitrary arrest and warrantless searches. It also changed the Penal Code to criminalize criticism of the military and the coup as well as participation in civil disobedience actions.⁶³ In October 2022, the SAC enacted the Organization Registration Law, which introduced new criminal penalties for establishing or working with unregistered organizations.⁶⁴ While these legal changes are gender-neutral in theory, their application has exposed thousands of women to arbitrary searches and arrest due to their high representation in civil society and humanitarian organizations as well as in public demonstrations and the civil disobedience movement. LGBT groups have also reported that their communities' open and proud participation in protests following the coup made them targets of the SAC's security forces.

99. Women face an added layer of risk of arrest by SAC forces on account of their roles as wives and mothers. Women have been arrested solely because of the involvement of their male relatives in resistance activities. The SAC has imprisoned children with the aim of forcing their mothers to submit to arrest or confess to crimes.

100. Women and LGBT people are especially vulnerable to violence, and in particular sexual violence, while in the custody of SAC security forces. Gendered forms of abuse appear to be most acute during interrogation. Tactics used by security forces aim to humiliate and degrade detainees on the basis of their gender and sexual orientation. Female prisoners have reported being raped, mutilated, groped, and deliberately beaten on their breasts and hips. Women detainees regularly experience sexual harassment and rampant verbal and psychological abuse. Male interrogators reportedly use the absence of female officials to stoke fear in women prisoners. Some interrogators use threats of rape and abuse, and others

⁶¹ Assistance Association for Political Prisoners, "Daily Briefing in Relation to the Military Coup," 25 June 2024, <https://aappb.org/?p=28497>.

⁶² See, for example, Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, UN Doc. A/HRC/55/65, 14 March 2024.

⁶³ Human Rights Watch, "Myanmar: Post-Coup Legal Changes Erode Human Rights," 2 March 2021, <https://www.hrw.org/news/2021/03/02/myanmar-post-coup-legal-changes-erode-human-rights>.

⁶⁴ United Nations Human Rights Office for South-East Asia, "Myanmar: UN Human Rights Office deeply concerned by new NGO law," 28 November 2022, <https://bangkok.ohchr.org/ngo-law-myanmar/>.

ask sexually explicit questions that invade women’s privacy, including questions about their sexual history.

101. LGBT people, particularly individuals who are visibly transgender, have been subject to some of the most cruel and inhumane forms of violence while in the custody of SAC security forces. They also experience abuse from other detainees. The Special Rapporteur received a report that a transgender man committed suicide after being forced to strip naked and shower in front of other men during interrogation in Yangon.

102. Women detainees reported that their situation marginally improved in prison compared to interrogation because of the presence of female prison staff and reestablishing contact with their families. However, some female detainees have also experienced beatings and other forms of violence in prisons, often at the hands of male prison staff. According to credible reports, a young woman believed to be dead or dying was dragged around the women’s ward in Insein prison visibly bleeding from her sexual organs. Other women detainees interpreted this as an attempt to intimidate and instill fear in them.

103. Female prisoners face routine harassment by prison guards, especially during invasive security checks, including mass strip searches, under the guise of search for contraband.

104. Prison conditions and limited access to medical care expose women and LGBT people to heightened and sometimes fatal health risks. They have little to no access to sexual and reproductive healthcare, including HIV/AIDS treatment. Women are often denied requests for basic hygiene products and sanitary napkins for menstruation. A civil society representative informed the Special Rapporteur that some LGBT people have been denied antiretroviral medication and told by prison guards, “There is no way you will get it because you will die anyway.” The Special Rapporteur has also received reports that prison staff have withheld food and other basic necessities from LGBT people in some cases.

105. Prison facilities themselves offer little to no privacy, which exposes women and gender diverse people to a higher risk of abuse and violence from prison staff and other prisoners. The lack of privacy in women’s prison facilities is so great that former political prisoners have suggested that military officials arrange prison facilities to make women feel more vulnerable. For example, the Special Rapporteur has received information that there are prisons where the toilets in the women’s dorm are visible from the men’s dorm, with some toilet stalls even lacking walls or doors. Former prisoners have also reported cases in which women have been attacked by male prison staff while taking a shower in the bathing area.

B. Targeting women and LGBT human rights defenders and civil society

106. The junta has systematically targeted individuals and organizations that have courageously continued their work to promote human rights and democracy despite the grave risks involved. In advocating for gender equality and documenting human rights violations, women and LGBT human rights defenders have defied patriarchal norms, making them especially vulnerable to attacks from the SAC and other pro-military sources.

107. Like other human rights defenders, advocates for gender equality have been hunted down by the military junta. They have been arrested and detained without cause, abused and tortured during interrogation, tried behind closed doors, and arbitrarily sentenced to lengthy prison terms. Some have been the victims of extrajudicial killings and gender-based violence. Those who have avoided arrest face pervasive surveillance and harassment, including threats of arbitrary arrest, which are often gendered in nature. The Special Rapporteur has received reports that undercover military intelligence officers have broken into the homes of women human rights defenders and detained their family members.

108. Civil society organizations and rights groups supporting women and LGBT people have been forced to close their offices due to security threats, including office raids and

violence in their communities. Women's and LGBT organizations have been forced to abandon their offices and move their operations underground due to arrests of leaders, threats to their staff, and other operational security risks. LGBT activists face additional risks because many individuals have not disclosed their gender identity or sexual orientation to their families and communities and fear exposure.

109. Ethnic and religious minority activists and civil society members face intersectional risks that extend beyond their gender identity and sexual orientation. For years, the military has targeted women human rights defenders from ethnic and religious minority groups who speak out about human rights violations against their communities. The military junta continues to use these tactics under the current regime. Wai Wai Nu, a Rohingya woman and founder of Women's Peace Network, was forced into exile abroad prior to the coup due to the risks posed by continuing her activism in Myanmar. After the coup, the military junta reportedly issued a warrant for her arrest and interrogated family members still in Rakhine State. She has received information that since fleeing Myanmar, her uncle was shot to death in Rakhine State allegedly by the Burmese military, possibly as retribution for her activism. Her organization's offices have been raided by security forces, and staff who are living in Myanmar have been intimidated by military intelligence officers.

110. The SAC's enactment of the Organization Registration Law in 2022 has increased risks for women human rights defenders and organizations working on behalf of women, girls, and LGBT people. Activists and civil society members that are unregistered face the risk of fines, asset confiscation, detention, searches of offices and homes, and harassment by security forces. The law has made it difficult to receive funds and increased surveillance of their financial and administrative operations.

111. The constant risk of harassment, arrest, and violence has caused many women and LGBT activists to flee their communities. Many individuals and organizations have reestablished their operations in rural areas or border regions controlled by opposition groups. Others have continued their work in exile abroad. Many individuals and organizations have relocated multiple times or find themselves constantly on the move. Some organizations have opened smaller, temporary offices that provide flexibility in conflict-affected areas with high rates of fighting and displacement. Many women and LGBT human rights defenders have taken steps to preserve their anonymity, working from home and adopting pseudonyms. The SAC's telecommunications restrictions and surveillance infrastructure greatly hinder the work of these organizations and activists, who have become increasing reliant on internet access and messaging platforms.

112. These threats and challenges have impacted the ability of women's and LGBT organizations to support communities on the ground. Many organizations have had to close safehouses for victims of sexual and gender-based violence, reduce the number of clinics offering sexual and reproductive healthcare, and cease or adapt on-the-ground trainings and programs due to evolving security concerns. Many women and LGBT human rights defenders are themselves refugees or displaced persons and struggle to manage work responsibilities while taking care of the needs of their families in new and difficult environments.

113. Despite these challenges, these organizations and activists remain as committed as ever, finding creative workarounds to the SAC's tactics and building diverse local networks to support on-the-ground operations. Many women's and LGBT organizations have started or greatly expanded efforts to provide humanitarian aid to displaced and vulnerable communities. Others have stepped up their documentation of human rights violations or increased support for federal democratic governance-building initiatives. Groups report that their ability to scale their operations is dependent on financial and technical support from donors and international actors.

C. Gendered online attacks and harassment

114. Targeted attacks also extend to the online sphere. Since the coup, women and LGBT activists have regularly been targeted with violent threats, sexualized harassment, and the release of personal information. Much of this activity has occurred on Telegram, which, since the coup, has emerged as the favored platform for military operatives and supporters. A quantitative study of 1.6 million Telegram posts by Myanmar Witness found that the prevalence of politically motivated, online abuse of Myanmar women was five times greater at the end of 2022 than prior to the coup.⁶⁵

115. Telegram and other social media platforms are regularly used to “doxx” individuals tied to the resistance movement, meaning publishing personal information such as addresses, phone numbers, or the identity of family members. Pro-military accounts often encourage followers to widely share the information and call for investigations of the targeted individuals, sometimes leading to their arrest. Accounts, many of which have male-presenting profiles, have also urged followers to physically attack targeted individuals for alleged alignment with pro-democracy activities. In some cases, pro-military accounts appear to be coordinating with or controlled by SAC authorities.

116. Women human rights defenders and pro-democracy actors have also been subject to sexualized harassment including through the release of sexually explicit images and sexualized and discriminatory rhetoric meant to discredit them publicly. Online posts have described women supporters of the pro-democracy movement as morally corrupt or promiscuous, alleged sexual relationships with opposition fighters and foreigners, and stated that women are pregnant out of wedlock due to their alleged promiscuity and associations with opposition groups.

117. Women have also been attacked online on the basis of their ethnicity, religion, and sexual orientation as well as their perceived attitudes towards Muslims, including Rohingya. Some Telegram accounts have promoted narratives around the sexual relations of targeted women and Muslim men as way to tap into discriminatory rhetoric, shame targets, and incite anger. These narratives are grounded in anti-Muslim, ultranationalist propaganda and reinforce cultural gender norms and expectations of women.

118. The Special Rapporteur has spoken with civil society actors, including women and members of Myanmar’s LGBT community, who have been personally impacted by online attacks, including by having their homes arbitrarily searched by junta authorities and their families threatened. Some have gone into hiding because of a fear of violence or arrest or have fled abroad or to areas controlled by resistance actors. Many women have censored themselves in public discussions and retreated from public life after being harassed online.

119. In March 2023, the Special Rapporteur wrote to Telegram concerning the use of its platform to spread violent, threatening, and sexualized content targeting women pro-democracy activists, human rights defenders, and others.⁶⁶ Telegram did not respond to the letter and has yet to systematically address the problem.

⁶⁵ Myanmar Witness, “Digital Battlegrounds: Politically Motivated Abuse of Myanmar Women Online,” January 2023, <https://www.myanmarwitness.org/reports/digital-battlegrounds>.

⁶⁶ The Special Rapporteur on the situation of human rights in Myanmar, Joint letter to Telegram, AL OTH 12/2023, 9 March 2023, <https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=27891>.

VII. The economic, social, and cultural rights of women, girls, and LGBT persons

120. The military coup, the brutality and oppression that followed, and the collapse of state institutions, have severely impacted the economic, social, and cultural rights of people in Myanmar. Gender and sexual orientation significantly exacerbate the impact of these deteriorating conditions. In light of these circumstances, women, girls, and LGBT people are also increasingly vulnerable to a range of gendered risks, including trafficking, exploitation, and early or forced marriage.

A. Loss of economic independence and livelihood opportunities

121. The economic growth and reduced poverty rates in the decade after Myanmar's political opening have been reversed by the compounding effects of the COVID-19 pandemic and the military coup. According to the World Bank, at the end of 2023 the economy was 10 percent smaller than it was in 2019.⁶⁷ Currently, employment rates are collapsing, inflation is surging, and labor conditions are deteriorating. Economic backsliding has been particularly devastating for women in Myanmar, who have suffered wage losses, reductions in livelihood opportunities, and increases in unpaid care responsibilities since the coup. This points to a high likelihood of longer-term setbacks to women's economic well-being and independence.

122. Women in Myanmar are facing a growing gender gap with regards to employment rates and labor force participation since the military coup. According to the International Labour Organization, women's employment rate declined by 11 percent between 2017 and 2022, double the drop experienced by men over the same period.⁶⁸ Sectors that employ high numbers of women, such as the garment industry, tourism, and hospitality, have experienced some of the greatest economic disruptions since the coup. Several global fashion brands have stopped sourcing from Myanmar garment factories in light of the coup, leading to a loss of jobs for women. Movement restrictions and security concerns have also contributed to a sharp increase in the unemployment rate of women.

123. Women who have retained formal employment face deteriorating labor conditions and gendered human rights violations. Female factory workers often experience wage reduction and theft, inhumane working conditions, and forced and often unpaid overtime. Inadequate labor laws and the lack of enforcement of existing protections following the coup mean that women are experiencing gender-based violence and harassment in their workplace with virtual impunity. Women face widespread discrimination and are sometimes fired without cause. With an almost complete absence of rule of law, workers have little means to challenge workplace conditions and rights violations.

124. Armed conflict, displacement, the collapse of formal education, and other post-coup challenges have forced many women to take on more unpaid forms of work, including household work and caring for children and elderly relatives. This trend has exacerbated existing gendered divisions of labor within the home. With more duties at home, women have fewer opportunities for paid work and increasingly experience "time poverty." Rural women and those living in households with children are particularly impacted. An ethnic Karen woman who was displaced from her village told the Special Rapporteur:

⁶⁷ The World Bank, Myanmar Economic Monitor, December 2023, <https://documents1.worldbank.org/curated/en/099121123082084971/pdf/P5006631739fd70a01a66c1e15bf7b34917.pdf>, p. 38.

⁶⁸ International Labor Organization, "Myanmar: Labour market update 2023," July 2023, https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-yangon/documents/briefingnote/wcms_888644.pdf, p. 5.

After [my] husband was killed by the airstrike [I] have to struggle a lot because [my] children are so young. [I] cannot conduct my livelihood activities, so it is very difficult for my family to survive... [I am] able to get through this situation because of church and other support from villagers.

B. Displacement and access to humanitarian aid

125. More than 2.8 million people have been displaced by armed conflict and the SAC's human rights violations since the coup.⁶⁹ Women, girls, and LGBT people are uniquely impacted by displacement. They face deteriorating living conditions in increasingly militarized contexts, scant livelihood opportunities, vulnerability to violence, and other gendered protection risks.

126. The privacy and physical security of women, girls, and LGBT persons are often compromised in places of refuge, including camps, monasteries, nunneries, and forests. These settings often have poor lighting and lack private areas and separate sanitation facilities. In some locations, displaced people are completely exposed when using the toilet or taking a shower. This has exacerbated distress and insecurity for women and girls, especially those who also have a disability. Women, girls, and LGBT people often have to sleep in crowded shared rooms or out in the open, leaving them vulnerable to abuse. The lack of privacy and security compounds safety risks for children and adolescent girls in particular and adds to the burden on women concerned about the safety of their children.

127. Organizations working with displaced populations told the Special Rapporteur that sexual violence, harassment, and early marriage are among the main concerns for girls in displacement settings. Displacement is a risk factor for all forms of gender-based violence, driven by the lack of privacy, complex power dynamics between host communities and displaced persons, and victimization at checkpoints, among other factors. Incidents of gender-based violence occur both within displacement camps and while people are on the move, including when they return to their villages to collect items or check on their homes. Many displaced women also fear that their children will become victims of human trafficking.

128. The limited supply of sanitary products and clothing available to women and girls present further challenges. Many displaced women and girls lack enough clean underwear. In displacement settings with limited water, undergarments must be reused without being washed, leading to hygiene and health problems for women. Women sometimes face mockery or harassment from men when they do not wear a bra.

129. LGBT organizations have reported concerns that the lack of safe spaces for gender and sexual minorities amid displacement puts them at serious risk of being victims of violence from family or community members. Pervasive discrimination creates an additional layer of vulnerability. These communities report experiencing violence based on their identify and feel that they have been rendered invisible in displacement settings, where they find it difficult to communicate their needs and concerns to camp management. Many LGBT people feel compelled to hide their gender identity and sexual orientation to the extent possible due to the loss of trusted community and privacy during displacement. However, this option is not available to people with visible traits associated with their sexuality or gender identity, especially transgender people, who often experience heightened discrimination in displacement settings due to their appearance.

⁶⁹ UNHCR, Myanmar Emergency Overview Map: Number of people displaced since Feb 2021 and remain displaced (As of 10 Jun 2024), 11 June 2024, <https://reliefweb.int/map/myanmar/myanmar-emergency-overview-map-number-people-displaced-feb-2021-and-remain-displaced-10-jun-2024>.

130. Displacement also changes gender roles within families that experience separation, deaths, or the destruction of homes and villages. Both women and men are forced to adopt new roles and responsibilities for which they are unaccustomed and ill-prepared. The death, detention, and long-term absence of men involved in armed conflict has shifted dynamics within homes, leading to a rise in female-headed households. Women often face gendered challenges or discrimination in their new roles. For example, cultural practices may inhibit women's ability to register land or inherit property.

131. There is an enormous gap between the needs of vulnerable communities and the amount of humanitarian assistance reaching those populations. Displaced people throughout the country are facing severe shortages of basic necessities like food, water, and medical supplies, with a particular impact on women, girls, and LGBT people. The UN estimates that 18.6 million people across Myanmar will require humanitarian assistance in 2024. The majority of those in need, 52 percent, are women and girls.⁷⁰ Pregnant women are particularly vulnerable, as they lack access to necessary treatment, medicine, and equipment.

132. Gender and sexual minorities are among those most impacted by the humanitarian crisis but do not receive sufficient humanitarian support due to entrenched discrimination and historic marginalization. Anecdotal reports suggest that these populations have sometimes been deprioritized in the distribution of limited humanitarian aid.

C. Gendered nutrition and health challenges

133. Women, girls, and LGBT people face numerous challenges in securing adequate, nutritious food and accessing healthcare. Sexual and reproductive health has been particularly impacted. Shortfalls in humanitarian aid and the obstruction of aid deliveries by the SAC have severely limited access to goods and services that can address gender-specific health concerns, especially in conflict-affected and ethnic minority regions.

134. Displacement, economic decline, inflation, and the loss of livelihoods, among other factors, have left many families unable to afford sufficient food for their household or access diverse diets. Women and girls often reduce the quantity or quality of their food intake during times of crisis to make up for household food insecurity. Given pervasive and persistent gender norms, women tend to sacrifice to soften impacts on their families, such as by skipping meals, only eating porridge, prioritizing feeding their children first, and eating only after other family members have eaten. Limiting consumption is especially pervasive among lower income women, married women, and women with lower levels of education.

135. Limited access to food increases women's and girls' vulnerability, including by increasing the likelihood they engage in negative coping strategies or remain in situations where they are vulnerable to abuse. In conflict settings, women and girls face grave risks if they travel outside their village or displacement site to search for food. Cutting back on food consumption renders women vulnerable to macro and micronutrient deficiency, particularly during their reproductive years. Poor diets during pregnancy can cause anemia, pre-eclampsia, hemorrhage, and death. It can also lead to stillbirth, low birthweight for infants, and wasting and development delays for children. Breastfeeding mothers face additional challenges in replenishing nutrients and meeting their dietary needs.

136. The lack of adequate clinical facilities, equipment, test kits, and medicine has severely set back maternal care and maternal health for pregnant and breastfeeding women and their babies. Doctors and nurses working in conflict-impacted areas and displacement camps told the Special Rapporteur that antenatal and postnatal care has deteriorated significantly since

⁷⁰ UN OCHA, Myanmar Humanitarian Needs and Response Plan 2024, December 2023, <https://www.unocha.org/publications/report/myanmar/myanmar-humanitarian-needs-and-response-plan-2024-december-2023-enmy>, p. 10.

the coup, with higher levels of maternal and infant mortality. Some of the most common complications experienced by pregnant women and new mothers are hemorrhages, miscarriage, pregnancy-induced hypertension, and anemia. Even in areas where maternal and birth services are available, women are often unable to afford medical costs associated with giving birth due to economic difficulties and the collapse of the public health system following the coup.

137. Many of these complications are driven by the food crisis and severe malnutrition, which has made it extremely difficult for expecting and new mothers to get adequate levels of nutrition.

138. The lack of test kits—including for Hepatitis B and C and hemoglobin—further complicate care for pregnant women. Displaced and conflict-affected women also reportedly suffer extremely high rates of pregnancy-induced anxiety and perinatal depression but struggle to access mental health services and counseling. A Karen woman who was displaced from her village and had recently given birth told the Special Rapporteur about the health challenges she has faced as a new mother:

I recently delivered my baby and I was in a fragile situation. [I] could not even pick up a blanket, it was a shock. I only have four clothes for my newborn baby... I went to displaced camp but [it] didn't have enough aid, not enough medicine, or food supply... The water is not clean. I had a kidney stone and my urine was also infected. When I had my period, I had excessive bleeding, but I did not have a pad to use, so it got infected. My baby is a newborn, but I can't get vaccines or any medicine. We have some basic medicine that we brought, but this is the only medicine that we have.

139. The majority of pregnant women in conflict-affected areas are giving birth in non-clinical settings, including their homes, IDP camps, and hiding places such as caves or the jungle, raising the chances of additional complications and maternal or infant death during labor and delivery. Some pregnant women decide not to travel to a hospital or clinic due to fear of encountering conflict or airstrikes on the way. According to anecdotal reports received by the Special Rapporteur, in Karen State up to 70 percent of mothers are giving birth in non-clinical settings. If complications arise, midwives and local nurses sometimes try to rush women to the nearest clinic or hospital, but must contend with checkpoints, poor road quality, and other transportation and security challenges. Some women have reportedly died while being transported to a hospital or clinic.

140. Many women do not wish to have children while displaced or in conflict settings but have little or no access to contraception or family planning services. The SAC has reportedly blocked contraceptives at checkpoints, preventing them from being delivered to displaced populations and opposition-controlled areas. In some liberated areas, health professionals have set up mobile clinics that provide contraceptives, but cultural stigmas around sexual health and poor sexual education still hinder women's access to family planning. These factors are reportedly contributing to a rise in unwanted pregnancies, unsafe abortions, child abandonment, and the spread of sexually transmitted diseases and infections.

141. In urban areas, clinics run by NGOs are providing contraceptives, but costs and long waiting lists prevent some women from accessing these services. The price of contraceptives has skyrocketed since the coup. Women's organizations have told the Special Rapporteur that extremely limited organizational funding and a lack of dedicated funding streams for sexual and reproductive healthcare mean that they must prioritize providing basic needs such as food and water over family planning services.

142. The Special Rapporteur has received reports that women are increasingly relying on unsafe abortions to end unwanted pregnancies, with credible reports indicating that cases have at least doubled in some areas. Abortion is illegal in Myanmar, except in cases where the life of the mother is at risk, meaning that many abortions are performed in informal

settings or by untrained persons. Limited access to health professionals and clinical care, especially in conflict areas, is further escalating the dangers associated with abortions and limiting options for post-abortion care. Movement restrictions, check points, and the threat of armed conflict prevents referrals to hospitals for complex cases.

143. Since the coup, there has been a marked decrease in the availability and accessibility of treatments for sexually transmitted diseases and infections, including preventative and antiretroviral therapies for HIV. Even in urban areas where treatments are available in limited quantities, patients are unable to receive bulk amounts and must instead queue in long lines every month. Some patients must travel long distances to receive antiretroviral therapy at a clinic where they are registered, putting them at risk while traveling. Patients have also reportedly been forced to pay bribes at public health institutions run by the SAC to receive their HIV-related treatments. Some have faced discrimination and verbal abuse from health professionals when seeking treatment. Some transgender women reportedly are only able to access shorter duration therapy compared to other groups, suggesting the prevalence of discrimination within healthcare settings. People who are visibly transgender also face difficulty when crossing checkpoints in order to access healthcare.

D. Weakened access to education

144. Since the coup, Myanmar's children and young adults have struggled to access educational opportunities. Millions of children are currently out of school because of the collapse of the formal education system, displacement, and armed conflict, with SAC forces regularly attacking schools in opposition-controlled areas.⁷¹ Many parents can no longer afford to pay school fees. Adolescent girls are the mostly likely to be out of school.

145. With few educational opportunities and families struggling to make ends meet, many girls seek employment. A woman from Namkhan township in northern Shan State said:

Parents can't afford the additional tuition fees for their children. Because of these reasons, children quit school...most adolescent girls seek their job opportunity in the border area, such as Muse and Laukkai township, to work as waiters and domestic help.⁷²

146. The educational crisis has severe impacts for all children, but its gendered impacts on girls include increased risk of early marriage and negative coping mechanisms that increase vulnerability to trafficking, unsafe migration, exploitation, and abuse. In the long-term, low school attendance rates for girls will further exacerbate existing gender inequality within the workforce. On a societal level, a lack of educated women in Myanmar's workforce will hamper productivity and harm the country's economic growth.⁷³

147. These impacts are even more pronounced for ethnic minorities that have long faced structural barriers to education. In Rakhine State, widespread discrimination against the Rohingya has restricted the community's access to formal education. Some public schools do not admit Rohingya children, some schools separate Rohingya children from their peers, and schools are often located far from Rohingya villages. Rohingya girls face an added layer of gender discrimination that complicates their education access. Local customs generally do not allow Rohingya girls to study under a male teacher, yet there is a massive deficit in Rohingya female teachers in Myanmar. As a result, Rohingya girls and women face soaring

⁷¹ According to credible reports received by the Special Rapporteur, an estimated 5.5 million children are currently out of school in Myanmar.

⁷² Testimony shared with the Special Rapporteur by a humanitarian organization.

⁷³ The World Bank, "Missed Opportunities: The High Cost of Not Educating Girls," July 2018, <https://documents1.worldbank.org/curated/en/775261531234655903/pdf/128171-replacement-HighCostOfNotEducatingGirls-Web.pdf>.

illiteracy rates compared to the rest of the country and are often relegated to household work and chores. In the context of the escalating conflict engulfing Rakhine State, Rohingya girls' inability to access formal education puts them at higher risk of underage marriage or being trafficked, often for the purpose of marriage, to other countries.

E. Negative coping mechanisms and protection concerns

148. Women often adopt negative coping mechanisms to help their families survive, including by cutting down their food intake, reducing purchases of household items, using personal savings, and borrowing money from relatives. According to research conducted by UNDP and UN Women in Myanmar in late 2021, six out of ten loans taken out to deal with economic hardships were in the name of a woman.⁷⁴ Increased unemployment of men additionally puts more pressure on women to find livelihood opportunities and exposes women to increased risk of domestic violence due to heightened stress and tension within the home.

149. Economic difficulties and unemployment are pushing more women and adolescent girls, especially those living in conflict-affected areas, into unsafe and informal work, including rice planting and harvesting, sex work, and work in mines and casinos. These livelihood pathways also are putting women at higher risk of human rights violations, including wage exploitation, trafficking, forced labor, and sexual abuse. Women in northern and eastern Myanmar, including Kachin, Shan, Karen, and Karen states, have increasingly crossed borders to find work opportunities, exacerbating their vulnerability to unsafe migration, trafficking, and discrimination due to lack of immigration status.

150. A member of an ethnic women's organization shared her concerns about the economic impacts on women and girls' safety and security with the Special Rapporteur:

[Since the coup,] women have lost their right to work. Most people used to farm. Others had small businesses. Since 2021, most people are not able to work—living in [the] forest or displaced, landmines in their village, constant bombing, military stationed in house and town. Because of all this, the consequence is that people cannot work. There is heightened domestic violence, sexual violence, and drug issues. Parents are sending [their] children to work in foreign countries. There is smuggling and human trafficking.

151. Civil society and human rights organizations have highlighted the issue of women and girls in desperate economic situations becoming more vulnerable to sexual exploitation since the coup. Risk of exploitation is especially acute for ethnic women and displaced women. Widespread male unemployment contributes to the problem. Many men are seeking work in China or Thailand, leading to family separation and increased risks of sexual exploitation for women who are on their own.

152. The Special Rapporteur has received credible reports that young women are becoming increasingly vulnerable to sex trafficking. In Rakhine State, local leaders and organizations report they have seen an increase in the trafficking of young Rakhine women to China to become wives. This pattern has been evident since the COVID-19 pandemic but has been exacerbated by the political and economic conditions in Rakhine State following the coup and resumption of local conflict. In Northern Shan State, there are reports that an online dating platform operating via WeChat called “Date Girl” has become a vehicle for trafficking young women. The overwhelming majority of women being trafficked through Date Girl are between the ages of 15 and 22.

⁷⁴ UNDP and UN Women, “Regressing Gender Equality in Myanmar: Women living under the pandemic and military rule,” 7 March 2022, p. 11.

153. Women's rights organizations have also reported that they are tracking increasing reports of the trafficking of women and girls following the SAC's recent enactment of the 2010 People's Military Service Law, which facilitates military conscription. The law makes all men aged 18-35 and women aged 18-27 who are citizens eligible to be conscripted. "Professional" men and women are eligible for conscription up to the ages of 45 and 35, respectively. Rights organizations warned that the law would trigger a mass exodus, with the Thai embassy in Yangon seeing waves of visa applications shortly after the SAC's announcement. Women are using dangerous channels to flee the country amid fears of conscription, putting them at high risk of trafficking and other forms of exploitation. Conscription exemptions for married women also raise the risk of early and forced marriage for girls and women.

154. As families deal with loss of financial resources, strained access to education for girls, and fear for their daughters' safety in militarized areas, there have been reports that early or forced marriages have been on the rise across all states and regions. A women's activist told the Special Rapporteur:

Many parents cannot send their daughters to go abroad to work officially due to money. Now they want their daughters to get married at a young age because it's the only hope for their daughter to not join the army or get taken away. If these young women are trying to get married at a young age what will happen because they do not have preparation for marriage at young age and there will be more gender-based violence issues as a result.

155. Adolescent girls in conflict and displacement settings are particularly vulnerable to early marriages, contributing to negative sexual and reproductive health outcomes, increased risk of gender-based violence, and disrupted education. Given the worsening economic situation, parents sometimes see early marriage as a way to reduce the number of dependents in their household. Reports suggest that rising insecurity, displacement, school closures, and violence may be correlated to an increase of the practice.

F. Mental health concerns

156. The multitude of threats to women, girls, and LGBT people—as well as their families—have contributed to a mounting psychological and mental health crisis. Women's organizations told the Special Rapporteur that conflict, displacement, and deprivation are placing a huge burden on women and girls, who are suffering from anxiety, stress, depression, PTSD, and suicidal ideation.

157. Mental health concerns are especially severe for women and girls who have been displaced from their homes or otherwise impacted by armed conflict. Many grapple with the near constant fear of military attacks as well as sexual violence by SAC forces. They also must contend with sexual harassment and the risk of other forms of gender-based violence within their communities. Mothers worry about their children, including the risk that they will be trafficked. Women also feel heightened stress resulting from increasing household responsibilities as male relatives join armed groups, face forced conscription, or are killed in conflict. Household stress caused by displacement and economic uncertainty has led to a notable rise in verbal and physical abuse by spouses, creating an unstable and unsafe home environment for many women and impacting their mental wellbeing.

158. A displaced Karen woman told the Special Rapporteur about how she lives in constant fear and anxiety:

We have no safe place in city, village, or forest. I cannot sleep well at night. We can live without eating, but we have several sleepless nights. We want to sleep peacefully

... Nobody can sleep. [There are] arbitrary arrests all the time. No one can sleep peace and sound.

159. A Kachin woman echoed these feelings:

*I am traumatized and fearful all the time. Every time I hear the jet sounds, I don't know what to do or where to go most of the time because I am constantly worried about safety and wonder if we can ever be in a safe place. I thought to myself, "Will there ever be a place that will be safe for us? Will we always be fearing for our lives?*⁷⁵

160. Displaced LGBT people have often been separated from their communities and networks of support. Due to impacts of the conflict in urban areas, LGBT-focused organizations previously based in urban areas are often unable to provide services. LGBT individuals must also contend with anti-LGBT sentiment, discrimination, and stigma in increasingly tense settings, resulting in high rates of depression, anxiety, and suicide. Many LGBT people feel compelled to hide their sexuality or identity in these settings, exacerbating their psychological distress.

161. Mental health services in Myanmar were extremely limited prior to the coup. Conflict and displacement have further threatened access to services, including for survivors of conflict-related sexual violence or gender-based violence within homes and communities. In Myanmar, there is very little mental health support tailored specifically to the needs of LGBT people.

VIII. Heightened vulnerabilities of Rohingya communities

162. The deep vulnerability of Rohingya women, girls, and LGBT people is rooted in the systematic denial of citizenship and extreme discrimination against the Rohingya. Since the coup, increased restrictions on access to humanitarian aid, employment, and movement have compounded the effects of decades of persecution and state-sponsored violence against Rohingya communities. Rohingya refugee women and LGBT people in Bangladesh and elsewhere face enormous risks relating to their lack of legal status and position in society.

163. The 1982 Citizenship Law arbitrarily denies Rohingya their right to a nationality and has facilitated persecution and discrimination. The Rohingya have suffered multiple waves of state-sponsored violence and mass displacement in Myanmar, including military-led genocidal attacks in 2017 that drove over 700,000 Rohingya refugees into Bangladesh.

164. The estimated 600,000 Rohingya who remain in Myanmar suffer under an apartheid regime enforced by the military. They face rigid segregation, severe restrictions on movement and access to education, healthcare, and employment, arbitrary arrest and detention, confinement to squalid IDP camps, and vulnerability to violence from armed actors and civilians. Since the coup, the already repressive environment for Rohingya in Myanmar has worsened. The SAC has imposed new movement restrictions on Rohingya in Rakhine State and systematically blocked humanitarian aid deliveries and organizational access, cutting off Rohingya communities from life-saving aid. Rohingya also face a rapidly deteriorating security situation, as they are increasingly caught in the crossfire of fighting between the SAC and Arakan Army. Since May 2024, thousands of Rohingya living in northern Rakhine State have been displaced from their homes with serious concerns about their safety, security, and access to food and shelter.

165. Discrimination, insecurity, and conflict have exacerbated existing gender-based burdens and risks for Rohingya women and girls. Patriarchal and misogynistic beliefs and practices within the Rohingya community have had a devastating impact on the rights of

⁷⁵ Testimony shared with the Special Rapporteur by a human rights organization.

women and girls. Rohingya girls are more likely to drop out of school early or never be enrolled due to cultural norms within the Rohingya community, fears about girls' safety at and on the way to school, gender discrimination in schools, and financial costs. The lack of educational opportunities for girls has contributed to low literacy and knowledge of Burmese language among Rohingya women. Rohingya women have few employment opportunities, further entrenching them in potentially harmful situations where they might be exposed to gender-based violence or unsafe migration and coping mechanisms. Lack of education and income also reinforce power dynamics within their households, impairing women's ability to make important personal decisions about marriage and migration.⁷⁶

166. Traditional beliefs and community customs within the Rohingya community emphasize the need to protect women within marriage and the household, leaving them with limited access to the public sphere. These issues have long contributed to high rates of early and forced marriage, domestic violence, and trafficking, and other forms of gender-based violence impacting Rohingya women and girls.

167. The military junta's obstruction of humanitarian aid to Rohingya communities since the coup, including displacement camps in Rakhine State, has had and outsized impact on women. Local civil society groups told the Special Rapporteur that pregnant women have had little to no access to maternal care, medication, and nutrition after Cyclone Mocha because of the SAC's aid restrictions. The devastation to Rohingya camp infrastructure in Rakhine State as a result of the cyclone, and denial of humanitarian support additionally left women even more vulnerable to domestic violence due to stress and suffering within their households. Rohingya women, like women in other conflict settings in Myanmar, often take on additional burdens when food and other basic necessities are limited. In one IDP camp in Sittwe, researchers have found that mothers and elderly women are the most likely to forgo food within the household.⁷⁷

168. Discrimination and administrative processes often pose unique challenges for Rohingya women. They often must pay exorbitant amounts to SAC officials in order to obtain birth certificates for their children, and some women have been extorted in the process. Rohingya women have also faced discrimination as they attempt to access healthcare services at the few clinics and hospitals that take Rohingya patients. Some have reported verbal abuse from nurses, including abuse related to their use of a hijab or niqab. Rohingya women and girls are less likely than Rohingya men to hold identity documents, further limiting their mobility and access to employment, healthcare, and education under the SAC's web of restrictions and travel checkpoints.

169. The re-escalation of conflict between the Arakan Army and the SAC has put Rohingya women at heightened risk of sexual and gender-based violence. Military soldiers and some ethnic Rakhine civilians committed sexual violence on a widespread and systematic basis against Rohingya women and girls during their genocidal campaign in 2017. The Fact-Finding Mission found evidence that "rape and other forms of sexual violence were part of a deliberate strategy to intimidate, terrorise and punish a civilian population, and were used as a tactic of war" against the Rohingya and ethnic groups in northern Myanmar. Their findings extended to the transgender Rohingya community, who are doubly victimized for being

⁷⁶ The Institute on Statelessness and Inclusion, "Dangerous Journeys Through Myanmar: Insecurities and Immobilities for Rohingya and Muslim Women in Post-Coup Myanmar," March 2022, https://files.institutesi.org/Rohingya_Women_in_Post-Coup_Myanmar.pdf; Women's Peace Network, "'We are targeted for being Rohingya in Myanmar and everywhere': The situation of Rohingya since February 1, 2021," March 2023, https://mcusercontent.com/6819ae24e30bd9a9db0322d69/files/26c68fcf-6c35-707b-d7eb-caa3e98a0840/_Report_We_are_targeted_for_being_Rohingya_in_Myanmar_and_everywhere_.pdf

⁷⁷ The Institute on Statelessness and Inclusion, "Dangerous Journeys Through Myanmar," p. 9.

Rohingya and being transgender.⁷⁸ Rohingya women and LGBT people are now fearful of sexual violence by the Arakan Army as well as from Rohingya militant groups.

170. In January 2024, a Rohingya woman in Buthidaung said:

Since the armed fighting between SAC and AA, we were more concerned about security. We do not want to go outside alone and do not feel safe. There are also movements of ARSA and other Rohingya armed groups ... in Maungdaw and Buthidaung Township... SAC, ULA/AA members and ALP members committed rapes and sexual harassment on Rohingya women too, so we did not feel safe.⁷⁹

171. Conditions in refugee camps in Cox's Bazar and Bhasan Char are increasingly desperate due to inadequate levels of humanitarian funding, rising criminal activity and violence, and a severely restricted environment for education, employment, and empowerment, particularly for Rohingya women and girls. Overcrowded living conditions in the camps have dissolved privacy for women and heightened their vulnerability to violence. Rohingya women sometimes fear for their safety to the extent that they ask male family members to accompany them when going to the restroom at night. The increasing activities of Rohingya armed groups in the camps, including reported forced recruitment, has created a climate of widespread fear with important gendered impacts. With many men and boys fleeing for safety and in hiding, women and girls remain alone, putting them at increased risk of sexual violence. Women and girls are also fearful of moving outside their shelters, impacting their access to basic services.

172. Rohingya women human rights defenders and humanitarian volunteers in Bangladesh have faced physical and verbal harassment, threats, extortion, and kidnapping because of their work outside the home often as a result of discriminatory and patriarchal attitudes in Rohingya society. Women have been threatened and harassed by men in the community for working to improve or support Rohingya girl's education. Rohingya women human rights defenders report that they are sometimes restricted from participating in or speaking during important meetings and events in the camps.

173. Family members of Rohingya women who push back against gendered roles and expectations in the camps have also been targeted for abuse and violence solely due to their familial association. A human rights organization has documented attacks perpetrated by the Arakan Rohingya Salvation Army (ARSA) in Cox's Bazar against three Rohingya women, including one transgender woman, because of their gender identity and active participation in work outside the home. A Rohingya female humanitarian worker in the camps recounted the threats she faced:

ARSA threatened to detain me and kidnap me and my mother. If I go out of sight [to an NGO]. ... [T]hey will kidnap my family. ... ARSA also said that we are Muslims, and as Muslims, females cannot go outside the camp for education and jobs. If any girls do any jobs outside the camp ... they are going to bed with men, [they said].⁸⁰

174. Inadequate nutrition in the camps, exacerbated by cuts to food rations, are endangering the health of vulnerable Rohingya, especially pregnant women and girls. While there are

⁷⁸ The Independent International Fact-Finding Mission on Myanmar, Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar, UN Doc. A/HRC/39/CRP.2, https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_CRP.2.pdf; The Independent International Fact-Finding Mission on Myanmar, Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts, UN Doc. A/HRC/42/CRP.4, https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/sexualviolence/A_HRC_CRP_4.pdf.

⁷⁹ Testimony shared with the Special Rapporteur by a Rohingya rights researcher.

⁸⁰ Testimony shared with the Special Rapporteur by a human rights organization.

maternal health services available, many women are fearful to seek medical attention when needed, which can compound health issues, particularly when pregnant. Women's health is also impacted by inconsistent and insufficient access to safe drinking water and inadequate hygiene infrastructure within camps, including a lack of reliable access to latrines and proper waste treatment. Women continue to lack access to comprehensive care inside camps, including mental health support to help deal with trauma related to the military's genocidal campaign in 2017.⁸¹ While there is some maternal and reproductive care, services are not always sufficient, with limited possibilities for cesarian delivery in the camps, for example. It remains difficult to seek supplementary care when required outside of the camp due to movement restrictions and complex bureaucratic procedures. Access to education in the camps is of concern for all Rohingya children, but particularly girls who customarily receive less schooling than boys.

175. Severe deprivation, mounting financial pressures, and security threats, including the threat of sexual violence, are likely causing an increase in early and forced marriage of Rohingya girls in Myanmar and Bangladesh. The perceived risk of sexual violence is also contributing to the rise in early marriage.

176. Due to deteriorating conditions and security concerns in Myanmar and Bangladesh, many Rohingya have decided to risk their lives at sea or take dangerous overland journeys to seek safety and shelter in Malaysia, Indonesia, Thailand, India, or elsewhere. In recent years, Rohingya women and children have made up the majority of those making these journeys in the hands of smugglers and traffickers.⁸² Many Rohingya women and girls make these risky journeys to reunite with a husband or family or for the purpose of arranged marriage to a man in another location.

177. Rohingya women and girls undertaking these journeys are vulnerable to trafficking schemes that put them at high risk of early and forced marriage, commercial sex work, sexual slavery, domestic servitude, debt-bondage, forced and child labor, unsafe and unregulated work, and wage theft schemes. During the journeys and in destination countries, women and girls are also at risk of arrest and detention, extortion from brokers, inadequate access to basic necessities, and sexual and gender-based violence. Rape and sexual violence against Rohingya women and girls on boats at sea or during land voyages have also occurred.⁸³ Some women and young girls have arrived pregnant in their destination country. The Special Rapporteur has received credible reports that some Rohingya women and girls have been given pills to prevent them from becoming pregnant while on board of boats. Twenty Rohingya girls who were detained at a correctional center in Yangon after being caught on a smuggling route were reportedly forced to strip their clothes in a public area and then kneel on stones.⁸⁴ Young girls that have reportedly arrived in Malaysia to arranged marriages with abusive or older men often have no means of recourse.

178. Rohingya women and girls who successfully reach other destinations face a myriad of challenges and uncertainties. None of the major destination countries for Rohingya,

⁸¹ Legal Action Worldwide, “‘Every Day, I remember They Destroyed My Life’: Long-Term Physical and Psychosocial Consequences of Genocidal Sexual and Gender-Based Violence the Myanmar Military Committed against the Rohingya in its 2017 ‘Clearance Operations’,” November 2023, <https://www.legalactionworldwide.org/wp-content/uploads/LAW-SGBV-Report.pdf>.

⁸² UNHCR, Rohingya Refugee Maritime Situation, <https://data.unhcr.org/en/situations/myanmar#powerbi>.

⁸³ Special Rapporteur on the situation of human rights in Myanmar, End of Mission Statement: Indonesia, 21 June 2023, <https://bangkok.ohchr.org/wp-content/uploads/2023/06/ENG-21.06.2023-UNSR-Myanmar-EoM-Statement-FINAL.pdf>.

⁸⁴ The Institute on Statelessness and Inclusion, “Surviving Statelessness and Trafficking: A Rohingya Case Study of Intersections and Protection Gaps,” June 2023, p. 16, https://files.institutesi.org/Surviving_Statelessness_and_Trafficking_a_Rohingya_Case_Study.pdf.

including India, Thailand, Malaysia, and Indonesia, have acceded to the 1951 Refugee Convention and Protocol. Though some countries have ratified the Palermo Protocol and other international instruments related to human trafficking, host countries lack adequate screening mechanisms to identify trafficking victims and provide protection services, increasing the likelihood of detention or re-trafficking.

179. In many settings, Rohingya women are detained, sometimes indefinitely, and often lack access to refugee registration. Detention conditions often lack privacy, sanitation, and basic necessities. There are also reports of some host destinations enforcing family separation. Detained Rohingya women report limited access to health care that meets their maternal, reproductive, and sexual health needs. Women also lack access to psychological and mental health care that helps address compounding mental health concerns and trauma from violence. Rohingya women frequently report high levels of domestic and interpersonal violence in new settings due to instability and stress levels but lack avenues for protection support or other services.

IX. Gender equality and inclusion within Myanmar's resistance movement

A. On the frontlines of the resistance

180. For over three years, the people of Myanmar have courageously protested and resisted the Myanmar military's illegal overthrow of the elected government on 1 February 2021 and its subsequent oppression and gross human rights violations. This broad-based movement, known as the Spring Revolution, is the most inclusive in Myanmar's history, with participation and leadership of people from diverse gender, sexual, ethnic, religious, geographic, and socio-economic backgrounds. From the very beginning, a young generation of women and LGBT people have been at the forefront of the resistance, connecting their demands for the end of military rule with their demands for gender equality and an end to discrimination. A female politician and revolutionary activist encapsulated the unique and unprecedented moment in the country's history:

Women's situation in Burma is totally different from the past. In the past... the oppression was very high in the system, religion, environment, community, and by women themselves too. They were very oppressed systematically...Women did not dare to speak out. Women cannot be silenced anymore. It is a very obvious thing.

181. Women have led or participated in non-violent forms of resistance like protests, strikes, and boycotts. They have played a key role in delivering humanitarian assistance. Women have undergone military training, enlisted in armed groups, and supported military operations. While the Spring Revolution has seen unprecedented leadership and visible participation from women and gender diverse people, these communities still experience gender discrimination and other challenges within the resistance movement.

182. In the immediate aftermath of the military coup, women organized and led protests, boycotts, and other forms of civil disobedience. On 2 February 2021, female doctors and nurses were among a group in the Ministry of Health that refused to serve under the military junta and walked out of their workplaces in an act of civil disobedience. Public resistance against the junta swelled and spread across the country, including boycotts and civil disobedience impacting the civil service, factories, and the private sector. In the months after the coup, up to 70 or 80 percent of civil disobedience movement participants may have been

women.⁸⁵ Female labor leaders and women working in garment factories helped organize demonstrations against the junta.

183. Women were highly visible leaders on the frontlines of the non-violent resistance, with estimates that women comprised the majority of protestors. These women included both female activists and ordinary people studying or working in a range of professions. Young women initiated and led street protests opposing the military regime.⁸⁶ Mya Thwe Thwe Khine, a twenty-year old woman, became a martyr for the revolution after becoming the first protestor to be killed by the military's forces at a peaceful protest in Naypyitaw.

184. The non-violent resistance movement also included unprecedented, visible participation from a young generation of LGBT people. Members of Myanmar's LGBT community marched openly in peaceful protests in the days following the coup, carrying rainbow protest posters and wearing clothing that celebrated diversity. On 19 February 2021, 1,500 LGBT people reportedly marched seven kilometers to Sule Square in downtown Yangon.⁸⁷

185. While many of the women and gender diverse people on the frontlines of the non-violent movement came from urban and middle- and upper-class backgrounds, demonstrations and civil disobedience actions included diverse and intersectional participation across geographic, ethnic, religious, and socio-economic lines. Female garment factory workers were among the first to join public protests following the coup. The broad-based participation bridged class and ethnic divides and helped cement a clear rebuke of both military rule and a discriminatory culture embedded in patriarchal ideals. The movement's intersectionality and inclusivity has been historic for Myanmar.

186. Both women and the LGBT community spotlighted historic gender stereotypes and discriminatory beliefs in their demonstrations against the military, challenging both the coup and harmful gender norms perpetuated by the historically male-dominated and patriarchal military junta. One female activist told the Special Rapporteur:

Being women in Burma, we need to fight for several things, for country freedom, for patriarchy, for gender-based violence, for a lot of things...[It is] very difficult but if we don't work, who will work? So we need to be strong and we will continue working until we get what needs to happen.

187. Women's outspoken demands and very presence at protests challenged gender norms that emphasize women's place in the home and need of protection. They used posters and chants such as, "No to dictatorship, no to patriarchy." The LGBT Alliance–Myanmar, a strike committee formed by LGBT groups from Mandalay, Yangon, Monywa, Kalay, Kyaukse, Dawei, and Yinmabin townships, similarly centered their community's queer identities in public demonstrations.

188. In early March 2021, female protestors in Yangon began hanging *htamein*—undergarments and sarongs worn by Myanmar women—high across roads. In doing so, they flaunted a superstition held by many in Myanmar that a man's masculine power, or *hpon*, diminishes if they pass below or come into contact with women's undergarments or clothes worn on the lower half of the body. On 8 March, International Women's Day, protesters across the country held a "Htamein Revolution," hanging *htamein* and attaching the garments

⁸⁵ Rajeev Bhattacharyya, "The Women of Myanmar's Spring Revolution," *The Diplomat*, 1 September 2023, <https://thediplomat.com/2023/08/the-women-of-myanmars-spring-revolution/>.

⁸⁶ International Crisis Group, "Breaking Gender and Age Barriers amid Myanmar's Spring Revolution," 16 February 2023, <https://www.crisisgroup.org/asia/south-east-asia/myanmar/b174-breaking-gender-and-age-barriers-amid-myanmars-spring-revolution>.

⁸⁷ Grace Poore, "2021 Myanmar Crisis: Implications for LGBTQ People," Outright International, 2 March 2021, <https://outrightinternational.org/insights/2021-myanmar-crisis-implications-lgbtq-people>.

to sticks for use as flags. Protestors also hung bras, women's undergarments, and sanitary pads in the streets and used these items in other ways for protest, including by affixing stained red sanitary pads to photos of the coup leader Min Aung Hlaing. Some male protestors demonstrated their opposition to the patriarchal belief by freely passing under the *htamein* barricades attached to ropes above their heads. Others wrapped *htamein* around their heads and posted photos on social media.

189. In many instances, military forces reportedly refused to pass under the barricades, stopping to take down and, in some cases, burn the *htamein*. Protesters reportedly evaded arrest when security forces refused to pass under clotheslines of garments.⁸⁸ On 9 March 2021, the junta-run Myanmar News Agency announced that SAC authorities would take action against those who take part in the practice, claiming that "people hanging women's clothes and sanitary products on the road while they are protesting...such doings are deliberate acts to disrespect monks and tarnish Sasana," the teachings of Buddha.⁸⁹ In a speech recorded in the junta-run media outlet, Min Aung Hlaing derided protesters' "indecent clothing" as being "contrary to Myanmar culture."⁹⁰

190. After the coup, women played a significant role in breaking down the military's control of its soldiers' access to information, while facilitating defections. Wives of soldiers started sharing information about military atrocities with their husbands, some of whom were not aware of the military's widespread violence against peaceful protestors. Ma Su Thit, whose husband had been a captain in the army, started an organization called Spouses of People's Soldiers, which supported women married to soldiers, encouraging them to urge their husbands to defect while helping to provide safe passage and assistance for defectors and their families.

191. Despite their courage, the hypervisibility of women and LGBT people and their flaunting of discriminatory beliefs and practices as a demonstration tactic increased security risks for these communities. The LGBT community's fierce, proud, and open participation in protests made them targets of security forces. Many subsequently took on less visible roles within the movement due to the fear of retaliation. Women and LGBT people at times also faced pushback from other protestors. Male protestors have reportedly made misogynistic comments towards female protestors and in some cases even threatened sexual violence. Some demonstrators held placards that compared Min Aung Hlaing to women's genitals. Human rights groups have reported that some protestors shouted exclusionary and homophobic sentiments towards LGBT protestors.

192. In defiance of traditional gender norms, thousands of women have joined armed resistance groups and undergone combat training since the coup. They have joined newly established people's defense forces and existing ethnic resistance organizations, some of which have trained and included women in their ranks for decades prior to the military takeover in 2021. Women who have joined revolutionary groups were previously university students, teachers, doctors, nurses, and farmers, among other professions. Most never imagined the possibility of training for combat but were moved to take up arms after they personally experienced the impacts of the coup, conflict, and displacement.

⁸⁸ "With htamein barricades and flags, protesters launch a revolution within a revolution," *Frontier Myanmar*, 10 March 2021, <https://www.frontiermyanmar.net/en/with-htamein-barricades-and-flags-protesters-launch-a-revolution-within-a-revolution/>.

⁸⁹ Myanmar News Agency, "Actions to be taken when people attempt to tarnish Sasana," *Global New Light of Myanmar*, 9 March 2021, <https://www.gnlm.com.mm/actions-to-be-taken-when-people-attempt-to-tarnish-sasana/>.

⁹⁰ Hannah Beech, "'She Is a Hero': In Myanmar's Protests, Women Are on the Front Lines," *New York Times*, 14 March 2021, <https://www.nytimes.com/2021/03/04/world/asia/myanmar-protests-women.html>.

193. In some cases, women formed all female armed groups. Women have also trained and fought alongside men, subverting gender stereotypes that women are too weak or timid to fight. In some armed groups, women have ascended to leadership positions.

194. LGBT people have also joined armed resistance groups and in some cases are leading units.

195. Women and LGBT people are also supporting armed groups in other, less visible ways. They are providing medical treatment to frontline fighters, raising funds for armed groups, providing instruction to soldiers on federalism and international humanitarian law, and performing a variety of duties in camps.

196. Women report a range of challenges related to their involvement with armed groups. Women who have undergone the same military training as their male peers report being denied combat roles on the frontlines, and often feel limited to supportive or administrative roles that reinforce gender norms. One woman fighter based in Magway told the Special Rapporteur about the challenges she and other peers have experienced due to entrenched gender discrimination she experienced:

To get a certain position we have to try two times harder than men. Only after that do they notice us. Another is the traditional culture norms, the way people look at women. They always tell us, “We’re going to the frontline, you women stay at the camp and cook for us. Don’t get involved.” [This] has a psychological impact on us and really affects our morals. A lot of women, when they make a mistake and there’s no one to support them … get upset and think about leaving the resistance. We try to continue to be part of the revolution in one form or another but a lot of women after they experience this, they don’t have the mental energy to leave their group and join a different [group] and work with men. Many women are thinking of leaving the revolution due to these kinds of challenges.

197. Women have reported instances of physical and verbal sexual harassment from male counterparts, suggesting that patriarchal norms continue to pervade the culture even in revolutionary settings.

B. Backbone of humanitarian relief efforts

198. Women have been playing a central role in addressing the needs of displaced and vulnerable communities, powering the delivery of humanitarian aid and emergency relief in areas that are gravely impacted by conflict. UN agencies and international organizations have increasingly struggled to reach populations with the greatest need because of armed conflict and SAC-imposed access restrictions. Women-led civil society networks have stepped up, providing life-saving aid and services to populations beyond the reach of international humanitarian programs. They have taken charge of logistics and bureaucratic processes to ensure that food, medicine, and care is reaching displaced communities, activists in exile and hiding, and other conflict-affected groups. Since the coup, many women’s rights organizations have expanded their mandates beyond political advocacy and human rights documentation to include broad service provision, reflecting the mounting needs of women, children, and their families.

199. Ethnic women’s organizations, in particular, have played a prominent role in aid delivery, building on decades of experience supporting populations impacted by the military’s violence and persecution. In Southeast Myanmar, the Karen Women’s Organization (KWO) is working with Karen humanitarian aid groups to fundraise and provide assistance to hundreds of thousands of displaced people. In neighboring Karen state, Karen National Women’s Organization (KnWO) and Kayan Women’s Organization

(KyWO) are collaborating with civil society partners to deliver emergency relief despite the risks of ruthless airstrikes and shelling from the military junta.

200. Women activists from Kachin State are working tirelessly to provide assistance to displaced populations in addition to programs that combat human trafficking and collect information on human rights violations. In Shan State, the Ta’ang Women’s Organization (TWO) is working collaboratively with other Ta’ang civil society groups to organize the provision of humanitarian aid to populations affected by armed conflict in the wake of Operation 1027.

201. These organizations are coordinating daily with armed resistance groups and administrative bodies to respond to mounting humanitarian needs.

202. While the situation in Rakhine State remains dire, Rohingya women, notably those in exile, are increasingly playing important leadership roles in women-led organizations and humanitarian relief efforts. For example, despite the risks and challenges for women in Bangladesh, Rohingya women activists and humanitarian workers have shown immense courage in their advocacy for Rohingya women’s rights and in their on-the-ground work to foster resilience and women’s empowerment. They have provided psychosocial services, trainings on sexual and gender-based violence, and education for women about their legal rights.

203. LGBT organizations have also reported expanding their work to include the provision of humanitarian aid. These organizations often rely on trusted local partners in conflict settings to distribute emergency relief and cash assistance, alongside other specific services for the LGBT community such as legal aid support and relocation assistance. In many cases, LGBT organizations work together and coordinate with women’s groups.

C. Participation and leadership in political institutions

204. The revolutionary movement has opened new opportunities for women and LGBT people to participate and lead in politics and policymaking. Interim federal political structures reflect historic levels of diversity in their composition and leadership. A younger generation of political activists, infused with democratic values and committed to overturning the old political order, are redefining governance in Myanmar. They are driving a shift away from a centrally governed state to bottom-up federalism with broad autonomy for sub-national units. More participatory forms of governance are opening space for diverse groups to contribute to reform and state-building efforts. Women, in particular, are playing a key role in establishing interim governance structures and have been demanding a greater say in political processes.⁹¹

205. Across revolutionary settings, there is a widespread vocal commitment to gender equality and inclusion in governance and decision-making. Indeed, resistance-led political structures are far more inclusive and diverse than the SAC, previous military dictatorship, and the NLD-led civilian government. However, most opposition political structures

⁹¹ Shortly after the coup, democratically elected representatives from the 2020 elections formed the Committee Representing Pyidaungsu Hluttaw (CRPH) to serve as a legislative body and proceeded to abolish the 2008 Constitution. In March 2021, ethnic armed organizations, civil society organizations, strike committees, political parties and the CRPH formed the National Unity Consultative Council (NUCC) to serve as an inclusive platform for dialogue and policy making for the interim period and for a future federal democratic Myanmar. In April 2021, the National Unity Government (NUG) was formed by the CRPH and the NUCC as an executive body to implement its laws and policies. In parallel to the NUCC and NUG, ethnic minority groups have started creating their own local governance structures steered by state and regional consultative councils.

continue to be male-dominated, limiting the participation and leadership of women and LGBT people.

206. The National Unity Government has established a Ministry of Women, Youths and Children Affairs and a Ministry of Human Rights, the first of its kind in Myanmar's history, headed by Myanmar's first minister who openly identifies as LGBT. However, at the time of writing, there are only 3 female ministers and 3 female deputy ministers in the National Unity Government's Ministerial Cabinet, compared with 14 male ministers and 14 male deputy ministers.⁹²

207. The Committee Representing Pyidaungsu Hluttaw (CRPH) is comprised of parliamentarians elected in the 2020 elections, in which women candidates won 16 percent of parliamentary seats.⁹³ Women hold only three of 20 leadership positions in the CRPH.⁹⁴

208. The underrepresentation of women in political institutions stands in sharp contrast to their active participation, commitment, and sacrifices in the broader resistance movement. A female activist told the Special Rapporteur:

Women are on the frontline doing humanitarian assistance, trying to raise their voices not only about women's situation but also for the whole movement and the federal democratic union. In general, within the resistance groups, I feel like there is more recognition and acknowledgement about what women can do and their leadership. But when we look at the higher level, even at the NUG, I feel like there is a lack of recognition of the role of women in the political movement...they say they understand on paper the importance of gender equality but still lack recognition and acknowledgment from those higher up like in NUG and some ethnic institutions as well.

209. The leadership of ethnic resistance organizations, which incorporate civilian institutions operating alongside military authorities, have historically been male dominated. The persistence and resilience of ethnic women has helped carve out greater influence with ethnic resistance organizations in the post-coup period, but most still have little to no representation of women in leadership positions. The Karen National Union (KNU) elected only one woman to serve on the 11-member KNU Central Executive Committee in 2023. Other ethnic resistance organizations, such as the Kachin Independence Organization/Army, reportedly include no women in leadership roles.

210. Newly established consultative councils and interim governance structures have prioritized women's participation to a greater extent than institutions with roots in the pre-coup period. These institutions are playing an important role in laying the foundation for a federal, democratic Myanmar, raising hopes for greater equality and representation in future political structures.

211. The National Unity Consultative Council (NUCC), a policy-making body bringing together a wide range of actors committed to a federal, democratic Myanmar includes three women's organizations and many other civil society groups among its 30 institutional members. Women were 34 percent of the delegates at the Second People's Assembly convened by the NUCC in April 2024. The Karen Interim Executive Council (IEC), formed as a provisional government for Kayah (Karen) State in June 2023, is comprised of Kareni

⁹² National Unity Government, "Heads of National Unity Government of the Republic of the Union of Myanmar appointed in accordance with the Federal Democracy Charter," <https://nugmyanmar.org/ministries/> (accessed 11 June 2024).

⁹³ Nathalie Ebead and Atsuko Hirakawa, "Inclusion and Gender Equality in Post-Coup Myanmar," International IDEA, May 2022, https://www.idea.int/sites/default/files/publications/inclusion-and-gender-equality-in-post-coup-myanmar-CAWE4_0.pdf.

⁹⁴ Committee Representing Pyidaungsu Hluttaw, Secretary Board Composition, accessed 11 June 2024, <https://crphmyanmar.org/structure/>.

armed groups, political party members, legislative committees, and youth, women, and civil society organizations. It is led by seven members, two of whom are women at the time of writing. Zue Padonmar, who was previously a Joint General Secretary of the Burmese Women's Union, serves as the IEC first secretary.

212. Seven of the 17 representatives of the Ta'ang Political Consultative Council are women. Ta'ang women serving on the Council told the Special Rapporteur they feel they have meaningful participation and decision-making power within the Council. The Council has agreed to establish a ministry dedicated to women's and gender issues and adopt a quota system that would require women's representation of 30 percent or more at all levels of governance, two proposals advanced by women representatives. There are also six women on the 15-member Ta'ang State Constitution Drafting Committee, which will play a critical role in deciding future political arrangements in Ta'ang areas.

213. Activists have also shared that, in some areas, women's representation in local village and township administrations has greatly expanded, especially as men have left positions to join armed resistance groups. In Karen State, a local political leader estimates that nearly all local administrations are being led by women.

214. Even where there have been improvements in representation, women face barriers in participating meaningfully in decision-making processes due to gender stereotypes and cultural norms. Across resistance governance bodies, sources have repeatedly shared concerns about the "tokenization" of female political appointees to fill gender quotas, noting that women tend to hold little actual influence and decision-making authority. Women are often assigned to work on "soft" issues traditionally perceived as suitable for women, including education, health, humanitarian support, and women and children's affairs. They are sometimes tasked with office management, administrative, and financial tasks. Decision-making power often lies with departments that control arms and finances, yet women face significant hurdles in stepping into these spaces, which are traditionally male-dominated. Women leaders in governance bodies report a lack of resources directed to women-led initiatives.

215. One Karen female political leader said that even though the Karen Interim Executive Council has a policy requiring 30 percent female representation, women's participation was marginal at the top levels of decision-making in practice. She recounted what happened when she raised the relegation of women to lesser roles:

We had arguments about this problem and some men got really angry with that. They feel that in this revolutionary period, we need to be 'clever' and women can't be in every place.

216. Both men and women who are familiar with the NUCC have spoken of discrimination against women who participate in the body, including through the de-prioritization of gender issues that are often considered by some to be less important to the revolution. In particular, Council members have reported that issues related to gender-based violence have been neglected.

217. Representatives in the Ta'ang Political Consultative Council expressed similar concerns about the lack of political will to implement new and promising policies, such as the agreed quota system and the establishment of a ministry dedicated to women's issues. One representative said:

Every member has the right to say and express their opinion. But sometimes we have difficulties. For women issues, they don't listen to us and say this is not the time right now, this time is for revolution... we have important things to do so let us do later.

218. In Chin State, women involved in the Interim Chin National Consultative Council have reported that though there is positive discussion about the importance of women's

participation in Chin political structures within Council meetings, there appears to be little political will and agreement when it comes to integrating gender considerations into the political road map and policies. Women hold only one of 12 seats on the Council.

219. Women leaders cite family responsibility and childcare as key barriers to political participation and leadership. The number of responsibilities women often balance hinders their progression to senior level positions. One female political representative in a state-level council said that she was offered a senior leadership position but turned it down due to her caregiving responsibilities for children and relatives. Her husband had taken a leading role in an armed group, leaving her with the responsibility of care for their family. She described her decision:

I was proposed to take a leadership role but I know that I will not be able to lead that position because I need to take care of my children. There are so many women like me, in my same situation. Even though we have the capacity to lead people, there are so many challenges around us.

220. Women's representation and meaningful participation in political processes is also hindered by security concerns. In a study conducted by the Myanmar Parliamentary Women's Network, all 30 women politicians interviewed reported physical security concerns, including concerns about sexual violence. 93 percent reported sexual harassment and 83 percent reported gender discrimination as challenges to their participation in political life.⁹⁵

D. Emerging policies and reforms

221. While carrying out military, economic, and political campaigns to topple the SAC, revolutionary forces are simultaneously beginning to lay the groundwork for a future democratic and rights-respecting Myanmar. As part of these efforts, many resistance groups and revolutionary institutions are adopting policies and legal frameworks that significantly expand gender equality and justice. Actions taken by resistance institutions are not only promoting gender equality and justice within the revolutionary movement but are also seeking to embed gender considerations in future constitutions, laws, and policies. This momentum is the result of women and LGBT activists and human rights defenders raising their voices, ensuring their demands are heard, and being willing to criticize allies in the resistance.

222. Full and equal rights and non-discrimination on the basis of gender and sexual orientation have been embedded into foundational documents guiding the revolutionary movement. The revised Federal Democracy Charter (FDC), approved in March 2022, includes broad human rights protections and prohibits discrimination on the basis of ethnicity, race, religion, gender, sexual orientation, and disability. It establishes independent commissions on human rights and anti-discrimination, gender-based violence and domestic violence, transitional justice and reconciliation, minority rights, women rights, child rights, the rights of the differently abled, youth affairs, and gender equality.⁹⁶ The Federal Democracy Charter also establishes a quota system requiring at least 30 percent representation of women in “different levels of decision-making mechanisms.”⁹⁷ The inclusion of these provisions, many of which were not in the original Charter approved a year

⁹⁵ Myanmar Women Parliamentarians Network (MWPN) and Creative Home, “Costs of being a Woman in Politics: Experiences of Myanmar’s Women Politicians in the Post-Coup Resistance,” March 2024, p. 18-21.

⁹⁶ Federal Democracy Charter, Part 1, Chapter 4, Section 3, Independent Commissions.

⁹⁷ Federal Democracy Charter, Part 1, Chapter 4, Section 3, Special Rights Measures.

earlier, is due in large part to the advocacy of women's groups and other civil society organizations within the NUCC.

223. Interim bodies are actively establishing foundational gender policies that will help to ensure the promotion and protection of key rights in a future Myanmar. The NUCC's Joint Coordination Committee on Gender Policy has been developing a women, peace, and security policy in collaboration with the National Unity Government's Ministry of Women, Youth, and Children Affairs and women's organizations. Though the policy remains to be passed by the NUCC and implemented by the National Unity Government at the time of writing, it represents a critical and promising opportunity to advance gender equality and justice in Myanmar. An NUCC member involved in the development of the policy noted that although implementation will be challenging, having a policy helps guarantee the protection of women and girls and "recognizes their role as change makers rather than passive victims."

224. The NUCC's Joint Coordination Committee on Gender Policy also developed a gender equality position paper, which has been approved by the NUCC and details its core commitments on gender issues.⁹⁸ The position paper includes a commitment for all NUCC member organizations to incorporate policies and guidelines to ensure women's representation and empowerment. An NUCC member said that the Coordination Committee's next step is to review each of the National Unity Government's ministries' internal policies to ensure they are gender inclusive.

225. Efforts to develop policy protections for women and vulnerable groups also appear to be growing among some ethnic resistance organizations and interim governance institutions. A Women Leadership and Political Participation committee, comprised of representatives from some NCA-signatory ethnic resistance organizations has developed a women, peace, and security framework. Some ethnic resistance organizations have reportedly expressed interest in developing their own women, peace, and security frameworks. As described in the previous section, emerging regional and state governance structures such as the Karen Interim Executive Committee and the Ta'ang Political Consultative Council have developed quota systems concerning the participation of women.

226. Resistance groups have taken important steps toward protection and justice for survivors of sexual and gender-based violence. The National Unity Government's Military Code of Conduct prohibits discrimination on the basis of gender and sexual orientation. A March 2024 update to the Code of Conduct strengthens existing prohibitions against sexual and gender-based violence, including by prohibiting transactional sex acts and explicitly extending its protections to LGBT people. It also requires resistance forces under the National Unity Government's control to apply international humanitarian law and international human rights law.⁹⁹

227. Ethnic resistance organizations have reportedly expressed interest in developing common guidelines and standards concerning gender-based violence in areas under their control. Some are also reportedly providing support to survivors of conflict-related sexual violence.

⁹⁸ The position paper details seven core commitments of the NUCC on gender issues, including to end all forms of discrimination; address gender-based violence; implement a women, peace, and security agenda; ensure women's representation and participation; integrate gender mainstreaming and gender responsive budgeting; provide humanitarian assistance; and implement mechanisms that advance women's empowerment and gender equality.

⁹⁹ National Unity Government, Military Code of Conduct for People's Defence Force, November 2021, <https://www.facebook.com/NUGmyanmar/posts/227866216100684/>; National Unity Government, Military Code of Conduct for People's Defence Forces, March 2024, <https://www.facebook.com/photo?fbid=729583349344891&set=pcb.729583549344871>.

228. In December 2023, the NUCC approved a Transitional Justice Policy that could provide a foundation for ensuring justice and accountability for gross human rights violations, including sexual and gender-based violence. The policy prioritizes the documentation of human rights violations, the establishment of justice mechanisms in line with international standards, reparations for victims, institutional reform, and reform of the judiciary.¹⁰⁰

229. Women human rights defenders are concerned that, although male political leaders may endorse gender inclusive policies on paper, challenges will arise when it comes time to implement them. One woman leader said, “They understand and accept in their heads and brains, but their hearts have not yet accepted that their hands are slow to implement.” She suggested that international actors could help address this challenge by providing funding and technical assistance to opposition leaders and institutions and encouraging them to develop strategies and budgets for policy implementation. She said:

We're happy with this progress compared to five to seven years ago, but my concern is we don't only want it on a piece of paper. Right now, we can't do much, but we can monitor and advocate. When the time comes, we need to be well equipped to implement [these policies]. Many of us are happy but what next?

X. Conclusion and recommendations

“We're thinking about transformation, system change, attitude change. We have been brought up in a patriarchal society so change will not be quick. We have to be persistent. Persistence is key for us. We cannot give up.”

-Women's human rights defender

230. The February 2021 military coup and three years of SAC violence and oppression have spelled disaster for women, girls, and LGBT people in Myanmar. Junta forces have perpetrated widespread sexual and gender-based violence. Armed conflict, displacement, and economic collapse have undermined the health, independence, and security of women, girls, and LGBT people. Domestic violence, trafficking, early or forced marriage, and sexual exploitation are on the rise. Political prisoners face gendered abuse and hypersexualized forms of torture. Political progress toward gender equality has halted and reversed.

231. Despite this unfolding tragedy, women and LGBT leaders have begun to lay the foundation for a democratic Myanmar rooted in principles of equality and non-discrimination. Their leadership on the frontlines of the revolution and the provision of humanitarian aid is challenging gender norms and historic discrimination. They are demanding a place at the table in discussions about Myanmar's future and insisting on reforms to protect the rights of vulnerable and marginalized communities.

232. Still, there is much work to be done. Armed resistance forces, local governance structures, and key revolutionary institutions remain dominated by men, and women and LGBT people struggle to make their voices heard. Ethnic women, including Rohingya women and girls, face acute barriers to full and meaningful inclusion. Sexual and gender-based violence remain pervasive, including within communities and areas controlled by opposition groups. Survivors rarely receive adequate support, and perpetrators are almost never held accountable.

233. The international community must do more to support women, girls, and LGBT people in Myanmar. States must act to isolate the SAC and ensure accountability for serious international crimes, including widespread sexual violence. UN agencies, humanitarian

¹⁰⁰ National Unity Consultative Council, Transitional Justice Policy, 4 December 2023.

organizations, and donors must ensure that humanitarian aid reaches the most vulnerable communities, including those that have historically faced discrimination and violence. Funding and technical support must bolster the efforts of women and LGBT advocates and allies to frame policies and build institutions that embody principles of equality and non-discrimination.

234. In order to deprive the Myanmar military of its ability to oppress women, girls, and LGBT people, the Special Rapporteur reiterates his calls on the UN Security Council to pass a resolution that (i) refers the situation in Myanmar to the International Criminal Court, (ii) imposes targeted economic sanctions on the SAC, its leaders, and its sources of revenue, and (iii) imposes a comprehensive arms embargo on Myanmar, including on transfers of jet fuel and other dual-use technologies to the military.

235. The Special Rapporteur calls on the State Administration Council:

- Dissolve itself; release all political detainees, including women and LGBT political prisoners; allow a legitimate government reflecting the will of the people to be formed; and cooperate with international accountability mechanisms
- Give clear and unequivocal orders to security forces to stop their attacks on civilians, end all forms of torture and ill-treatment, including sexual and gender-based violence, and refrain from other human rights violations and violations of international humanitarian law; and
- Stop blocking the delivery of humanitarian aid—including medical, nutritional, and educational support—to vulnerable populations, including displaced women, girls, and LGBT people.

236. The Special Rapporteur recommends that States:

- Refer the situation in Myanmar to the Prosecutor of the International Criminal Court under Article 14 of the Rome Statute, requesting an investigation into alleged crimes, including sexual and gender-based violence, that have been committed against the people of Myanmar, including women, girls and LGBT people; and
- Support efforts to hold perpetrators of atrocity crimes, including sexual and gender-based violence and other crimes against women and LGBT people, accountable in impartial and independent courts, including the International Criminal Court and national courts in countries with universal jurisdiction laws.

237. The Special Rapporteur recommends that States, UN agencies, international humanitarian organizations, and international donors:

- Recognize the National Unity Government as the legitimate representative of the people of Myanmar
- Provide the National Unity Government, National Unity Consultative Council, ethnic resistance organizations, local governance structures, and Myanmar civil society leaders with financial, technical, and diplomatic support to promote the rights of women, girls, and LGBT people
- Ensure a proportional response to humanitarian needs in Myanmar that prioritizes reaching displaced and vulnerable populations, especially women, girls, and LGBT people, by prioritizing robust funding for local women's and LGBT organizations that are best placed to meet the needs of affected communities and possess the expertise, knowledge, trust, and networks to provide effective assistance
- Enable the delivery of cross-border and cross-line aid to internally displaced persons, while avoiding legitimizing the SAC to the greatest extent possible

- Ensure programs are developed in partnership with local women's and LGBT groups to ensure program design and activities respond appropriately to the local context and the particular needs of these populations
- Partner with and support local actors to enable telecommunications access and strengthen digital security measures, particularly in areas highly impacted by conflict
- Provide comprehensive support for:
 - Protection and assistance programs that provide support for survivors of sexual and gender-based violence, including medical support, psychological support, legal assistance, and safe houses for victims and at-risk individuals
 - Protection and assistance programs for women and LGBT human rights defenders, including relocation support
 - Sexual and reproductive health care and programming
 - Mental health needs, including through trainings of local counselors
 - Women's livelihoods, including by improving access to markets, resources, mentorship, skills training, and education
 - Documentation of sexual and gender-based violence and other violations of the rights of women, girls, and LGBT people, including by supporting best practices and secure data storage systems for local civil society organizations
 - The political participation of women and LGBT political leaders, including by providing technical assistance, skills training, and staff support and by covering travel costs for women and their children
 - In-person cross exchanges between diverse women and LGBT organizations to support coordination, information exchange, learning, and relationship and organizational strengthening in support of gender justice; and
 - Gender-transformative and survivor-centered transitional justice policies and processes by opposition governance actors and local civil society groups.
- Require that funds be allocated to gender-specific budget lines in grants for governance programs in Myanmar
- Work with local actors to reform donor compliance and reporting policies in light of current conditions in Myanmar, including by:
 - Enabling funding and other support to unregistered organizations
 - Adopting flexible procurement and reporting requirements, including by reducing requirements to retain documentation that could increase the vulnerability of funding recipients and partners; and
 - Allowing the transfer of funds outside Myanmar's formal banking system; and
 - Fully fund the Rohingya Humanitarian Crisis Joint Response Plan.

238. The Special Rapporteur recommends that all armed groups, including people's defense forces, ethnic resistance organizations, and militias, immediately:

- Order their members to comply fully with international human rights law and international humanitarian law
- Establish clear standards prohibiting all forms of sexual and gender-based violence and discrimination based on gender or sexual orientation and ensure proper training of all members on such standards; and

- Facilitate humanitarian access for the delivery of aid and ensure access to all regions, regardless of which groups are dominant in the area; and
- Ensure accountability for all perpetrators of sexual and gender-based violence and other human rights violations against women, children, and LGBT people.

239. The Special Rapporteur recommends that the National Unity Government, the National Unity Consultative Council, ethnic resistance organizations, and regional, state, and local governance bodies:

- Seize the present unprecedented opportunity to enshrine the rights of women, girls, and LGBT people in policies, laws, and transitional processes that will shape the future of Myanmar, with the leadership of women and LGBT leaders and in consultation with rights groups
- Ensure women and LGBT leaders of all ethnic groups, including Rohingya, are included and empowered in all political discussions related to the resolution of the present crisis and Myanmar's future
- Enact meaningful policies ensuring the political participation of women and LGBT people in all levels of decision-making, including in departments and committees where women are underrepresented
- Urgently undertake necessary reforms and available measures to protect all people from sexual and gender-based violence and advance accountability for perpetrators of such violence, including those in armed groups, by:
 - Developing and enforcing laws and policies that prohibit sexual and gender-based violence
 - Ensuring that reports of alleged sexual and gender-based violence in territories under the resistance's control are addressed through credible investigations, fair trials, and appropriate penalties, such as imprisonment and dismissal
 - Providing armed resistance groups with mandatory, in-depth training on sexual and gender-based violence
 - Providing local village administrators, security personnel, and justice actors with training on gender-sensitivity and sexual and gender-based violence
 - Establishing clear, accessible, safe, and survivor-centric mechanisms to report incidents of sexual and gender-based violence to the appropriate authorities for investigation, prosecution, redress, and reparations
 - Creating an enabling and gender-sensitive climate for victims to report incidents of sexual and gender-based violence to local authorities, including by empowering local women's and LGBT groups, providing legal support to victims, and supporting community education and awareness-raising about gendered violence; and
 - Ensuring all actions are taken through a survivor-centered approach, including by prioritizing their long-term support through access to medical care and mental healthcare;
- Develop policies and processes that encourage women and LGBT people's active participation in addressing gender-based violations and gendered consequences of human rights violations; and
- Develop gender transformative and survivor-centered transitional justice policies and processes that address the unique impacts of human rights violations on women, girls

and LGBT people and facilitate broad and equal participation by historically marginalized and vulnerable groups.

240. The Special Rapporteur recommends that a future democratic government of Myanmar:

- Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
 - Ratify key international human rights treaties including the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the Convention for the Protection of All Persons from Enforced Disappearance, and the International Convention on the Elimination of All Forms of Racial Discrimination
 - Ratify the Rome Statute of the International Criminal Court; and
 - Repeal or reform in line with international human rights standards all laws that restrict the rights of women, girls, and LGBT people, including the 1982 Citizenship Law, the 2015 “race and religion” laws, and relevant provisions of the Myanmar Penal Code.
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