

### Sexual and Gender-based violence

More than 100 civilians were killed in an airstrike launched by the Myanmar military on 11 April 2023.<sup>1</sup> The attack targeted a village as people gathered for a local celebration, and according to Women's Peace Network, the majority of casualties were women, children and the elderly.<sup>2</sup> This comes as further evidence of the systematic use of sexual violence by the Tatmadaw comes to light. Human rights defender May Sabe Phyu claims the military continues to use rape as part of its attacks against opposition groups, while the National Unity Government (NUG) says at least 122 women have been sexually assaulted since the start of the coup, and at least 3,125 women detained.<sup>3</sup> Those detained are often subject to torture, including of a sexualised nature. These figures may be underestimated, with other human rights groups putting the numbers at more than 4000 arrested, with 400 women killed, or more.<sup>4</sup>

The military's actions have specific impacts on women, who are often close to civilian infrastructure that the Tatmadaw targets, and who are often forced to flee, becoming internally displaced or asylum seekers in neighbouring countries. This situation leaves them further vulnerable to sexual and gender based violence, trafficking, poverty and retraumatisation.<sup>5</sup>

Burmese women continue to be at the forefront of resistance against the Tatmadaw, both armed resistance but also in information collection, fundraising and humanitarian assistance.<sup>6</sup> The Rohingya population continues to suffer the after-effects of the 2017 genocide, and ongoing persecution in Rakhine state, such as restrictions on freedom of movement, increasing security checkpoints, arrest, detentions, and extortion.<sup>7</sup> The gendered effects on women include the risk of sexual violence and trafficking, a lack of education or economic opportunities, and the absence of justice or reparations.

Gender inequality and gender-based discrimination and violence continues to plague other parts of the region, though some progress is being made in terms of legislation and government policy. During Indonesia's Universal Periodic Review outcome, for example, the majority of recommendations related to the promotion and protection of gender equality and the rights of women and children.<sup>8</sup> Indonesia pointed to legal frameworks and supported 205 of 269 recommendations, and speakers noted its initiatives on combatting violence against women and children, such as the establishment of regional technical units on the protection of women and children and the Criminal Code 2022 which exempts abortion on the grounds of rape. However, targeting of human rights defenders and civil society actors was raised. In addition, Indonesia suggested that the concept of Indigenous peoples "did not apply to Indonesian society," and claimed that there were "no internationally accepted laws, rules, norms or principles" relating to lesbian, gay, bisexual, transgender, intersex and queer groups.

The treatment of women and the LGBTQ+ community in Malaysia has also been problematic, with increasing bigotry among the government and security sectors. Some participants in the 2023 Women's March, for instance, were later questioned by authorities.<sup>9</sup>

In the Pacific too, particularly in Melanesian countries, people from the LGBTQ+ communities face a lack of social acceptance and restrictive legislation.<sup>10</sup> In the Solomon Islands, LGBTQ+ people are unable to be visible or to advocate for their rights, due to social and religious backlash, while in Fiji, although homosexuality has been decriminalised, discrimination and social stigma remain. Anti-LGBTQ+ laws exist in the Solomon Islands, Papua New Guinea, Tonga, Kiribati, Samoa, Tuvalu and the Cook Islands.<sup>11</sup>

Also in Fiji, violence against women continues to be rife, with 94 percent of victims of serious sexual crimes being women and girls.<sup>12</sup> Extremely high rates of child sexual abuse are also found in Fiji, with

children constituting 74 percent of all reported sexual violence cases.<sup>13</sup> The Fiji Women's Rights Movement has highlighted gaps in the criminal justice system including the discounts given by the courts for being a "first offender" where the perpetrator committed multiple sexual offences. In addition, domestic violence restraining orders were only issued for 32 percent of all the rape cases heard in court.<sup>14</sup>

Steps being taken by the Fiji government include the roll out of the Fiji Women's Economic Empowerment Plan (2023-2028), the Fiji National Action Plan to prevent Violence against all Women and Girls (2023-2028), and a policy focus on women's economic empowerment and leadership, reproductive health rights, employment, climate change, technology and better collection of gender data and statistics.<sup>15</sup>

### Recommendations

The Tatmadaw in Myanmar should:

- Immediately cease the practice of using sexual and gender based violence as a form of torture against detainees, and as a tactic of persecution against women activists, and those from ethnic and religious minorities.
- Immediately cease the targeting of civilian infrastructure, which may constitute a war crime and a crime against humanity.

The UN and regional bodies should:

- In line with the ASEAN Regional Plan of Action on Women, Peace and Security, and the Five-Point Consensus, take urgent and serious action on the situation in Myanmar to protect women from the high risk of sexual and gender based violence, and hold perpetrators accountable.
- Support pro-democracy movement and work towards the protection of human rights in Myanmar by supporting civil society organisations, human rights defenders, Burmese youth and women.
- Support Rohingya women with education and economic opportunities, and work towards effective settlement of refugee women in host communities and out of the camp system in a timely manner.
- Progress investigations into the genocide of the Rohingya, which included systematic targeting of women with sexual violence, in order to hold accountable the perpetrators of these atrocities.
- Continue to support programs in the Asia Pacific to reduce violence against women and promote gender equality.

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<sup>1</sup> Dr. Ewelina U. Ochab, Myanmar Military Kills More Than 100 People In A Single Attack, Forbes, 12 April 2023, <https://www.forbes.com/sites/ewelinaochab/2023/04/12/myanmar-military-kills-more-than-100-people-in-a-single-attack/?sh=7f3347523393>

<sup>2</sup> Women's Peace Network, Statement on the Burmese military's recent airstrikes in Sagaing Region, 12 April 2023, [https://mcusercontent.com/6819ae24e30bd9a9db0322d69/files/24a5978a-5668-3b80-d81c-b1d91e8212a9/4\\_12\\_Statement\\_on\\_airstrikes.pdf](https://mcusercontent.com/6819ae24e30bd9a9db0322d69/files/24a5978a-5668-3b80-d81c-b1d91e8212a9/4_12_Statement_on_airstrikes.pdf)

<sup>3</sup> Ingyin Naing, Women Seen Targeted by Myanmar Forces With 'Rape and Other Violence', VOA, 2 April 2023, <https://www.voanews.com/a/women-seen-targeted-by-myanmar-forces-with-rape-other-violence/7033057.html>

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<sup>4</sup> Ibid.

<sup>5</sup> Women's Peace Network statement, 12 April 2023.

<sup>6</sup> VOA, 2 April 2023

<sup>7</sup> Wai Wai Nu and Naomi Kikoler, One Year after US Genocide Determination, Rohingya Community Remains at Risk, USHMM, 29 March 2023, <https://www.ushmm.org/genocide-prevention/blog/one-year-after-us-genocide-determination-rohingya-community-remains-at-risk>

<sup>8</sup> Human Rights Council Adopts Universal Periodic Review Outcomes of Indonesia, Algeria and the United Kingdom, 27 March 2023, <https://www.ohchr.org/en/news/2023/03/human-rights-council-adopts-universal-periodic-review-outcomes-indonesia-algeria-and>

<sup>9</sup> Robin Vochelet, In Malaysia, Conservative Forces and Police Crackdowns Are Putting LGBTQ Lives at Risk, The Diplomat, 17 April 2023, <https://thediplomat.com/2023/04/in-malaysia-conservative-forces-and-police-crackdowns-are-putting-lgbtq-lives-at-risk/>

<sup>10</sup> Dubravka Voloder, Queer Pacific Islanders call for greater acceptance, self-love and decriminalisation during Sydney WorldPride, ABC, 5 March 2023, <https://www.abc.net.au/news/2023-03-05/queer-pasifika-activists-speak-out-during-world-pride/102040892>

<sup>11</sup> Ibid.

<sup>12</sup> Rashika Kumar, 74% of all reported sexual violence cases are against children - Fiji Country Gender Assessment, Fiji Village, 29 March 2023, <https://www.fijivillage.com/news/74-of-all-reported-sexual-violence-cases-are-against-children---Fiji-Country-Gender-Assessment-frx548/>

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> <https://www.fijivillage.com/news/74-of-all-reported-sexual-violence-cases-are-against-children---Fiji-Country-Gender-Assessment-frx548/>; see also: Wata Shaw, Tabuya: Equality is basis of just society, Fiji Times, 18 April 2023, <https://www.fijitimes.com/tabuya-equality-is-basis-of-just-society/>