

## Sexual and gender-based violence

### Myanmar

Further evidence has come to light in recent months of the widespread use of SGBV against ethnic communities in Myanmar, in particular, against the Rohingya community. The case has been documented in depth in the August 2019 report of the Independent International Fact Finding Mission on Myanmar (IFFM), “Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts.” The report asserts that the systematic use of sexual violence by the military (Tatmadaw) amounted to crimes against humanity and genocide, stating that the “sexual violence perpetrated against Rohingya women and girls in Rakhine state on and after 25 August 2017 was an indicator of the Tatmadaw’s genocidal intent to destroy the Rohingya people in whole or in part.”<sup>i</sup>

The pattern of SGBV included gang-rape, attacks on pregnant women and babies, rape in the presence of family members, and mutilation. Many survivors have severe and permanent physical injuries as well as psychological trauma, intensified by the strong stigma of rape in Rohingya culture. The IFFM also found that SGBV was committed against men and boys, such as sexual humiliation, rape in detention, forced nudity, and genital mutilation and torture. Attacks on transgender women have been reported, as well as against women and girls with disabilities.<sup>ii</sup>

SGBV has been committed by a range of actors but predominantly and systematically by the Tatmadaw. Myanmar government denial further contributes to a culture where SGBV is accepted and where accountability is limited. No high ranking officers have faced justice for sexual violence; impunity is the norm. Providing the broader context are serious gaps in Myanmar law.<sup>iii</sup> The definition of rape in the Penal Code does not meet international standards and provisions relating to trafficking are limited. Gender discrimination exists in every sphere of life. Among women, low literacy, child marriage, denial of the right to own land, and gendered poverty are all underlying factors in vulnerability to SGBV. The targeting of ethnic minorities has also left many households without male members, increasing the need for women to find work and sometimes requiring them to travel long distances through unsafe areas.

In its final report, submitted to the UN Human Rights Council in September 2019, the IFFM reiterated its findings about the Tatmadaw’s use of sexual violence.<sup>iv</sup> Minorities in Myanmar continue to be at risk of SGBV, for instance in Kachin and Shan states.<sup>v</sup> The UN Human Rights Council has raised concerns about incommunicado detention and torture of ethnic men and boys in northern Rakhine and Chin.<sup>vi</sup>

Women constitute the majority of refugees seeking safety in Bangladesh, according to the UN High Commissioner for Refugees,<sup>vii</sup> and they continue to face danger in the refugee camps. Women raised a range of concerns as part of an IOM Needs and Population Monitoring project aimed to ensure gender-sensitive humanitarian aid, including shelters damaged during the rainy season, and the proximity of classrooms to home.<sup>viii</sup> Further, human trafficking is a major concern, with Rohingya women and girls being recruited from camps for ‘domestic work’ and instead sold into the sex trade.<sup>ix</sup>

### The Philippines

The UN Office for the Coordination of Humanitarian Affairs released a report in September 2019 on the situation in Mindanao,<sup>x</sup> which highlighted the vulnerability of communities displaced by monsoonal weather and armed conflict between the government and non-state forces. Prolonged displacement, accompanied by high risk of kidnapping in some areas, and poor sanitation and water

supply, can disproportionately affect women and children, especially in temporary shelters where security is low.

Meanwhile, child marriage continues to perpetuate a cycle of “gendered poverty” in the Philippines, which unlike its regional neighbours Republic of Korea, Indonesia and India, has not managed to reduce the rates of women who marry between 15 and 19 years of age, according to a report by UNFPA Asia-Pacific Regional Office.<sup>xi</sup> According to the report, this is particularly the case in Mindanao, where The Code of Muslim Personal Laws has set the age of marriage at 15 years for boys and 12 for girls, and where longstanding conflict and displacement means that child marriage is a common response to economic instability, fear of violence, and concepts of honour. Poor maternal and infant health outcomes are frequent consequences.

### Papua New Guinea

Recent outbreaks of violence in Papua New Guinea have had gendered consequences. In July 2019, a massacre of civilians was committed in Hela province, with several men killed along with two pregnant women and children.<sup>xii</sup> Causes included underlying family conflicts and land disputes, and illegal arms trading which can disrupt traditional dispute resolution.

An analysis published by the Lowy Institute suggested that “gendered socio-economic and political structures make women and their dependents particularly vulnerable to violence when conflict-related insecurity is on the rise.”<sup>xiii</sup> For example, due to gendered social expectations of women, women tend to consider family responsibilities such as gathering materials prior to leaving, which can mean they flee less quickly than men. A lack of police presence in the area has also been identified as a contributing factor to the recent outbreak, however a risk of gendered violence by state forces also exists.

### China

Reports and footage of gender-based violence against China’s Uighur population have emerged amid growing awareness of China’s mass detention of Muslims in the Xinjiang region in “re-education” camps. In September 2019, footage emerged of Uighur men awaiting train transfer from one city in Xinjiang to another. The men appear to be blindfolded, hands tied behind their backs and their heads shaved.<sup>xiv</sup> Many members of the Uighur community say they have been separated from their relatives and children.<sup>xv</sup> Forced sterilisation of Uighur women has also been alleged, as well as forced abortion and sexual torture.<sup>xvi</sup> Such measures, which prevent or limit the ability of the Uighur community to reproduce, are an indicator of escalating atrocity crimes and potential genocidal intent.

## **Recommendations**

### The government of Myanmar should:

1. Take immediate steps to fulfil its legal obligations by ending atrocity crimes including SGBV against ethnic populations and preventing their recurrence.
2. Ensure the full and prompt investigation and prosecution of sexual and gender-based violence, including as crimes under international law.
3. Implement the recommendations of the FFM.
4. Ensure official orders are given to Tatmadaw officers prohibiting sexual violence and mandate training for officers.
5. Provide adequate and sensitive medical and psychological treatment for survivors of SGBV.
6. Review legislation and the Penal Code to ensure that SGBV is adequately covered under Myanmar law and that victims have legal recourse.

7. Ensure Myanmar human rights law applies to citizens, ethnic minorities and other populations within Myanmar territory.
8. Develop formal agreements with neighbouring countries to prevent trafficking of women and children from Myanmar.
9. Cooperate with international investigations into the treatment of the Rohingya community.

The government of the Philippines should:

1. Prioritize the protection of women and girls in areas where ISIS-linked groups and non-state actors are active and develop policies to support particularly marginalised groups of women.
2. Ensure the adequacy of humanitarian conditions including water supply and sanitation for those displaced by conflict and severe weather in Mindanao.
3. Take action including education campaigns to reduce the rates of child marriage.

The government of Papua New Guinea should:

1. Take action to prevent further escalation of violence and address its root causes including land disputes.
2. Review and evaluate regulations governing the supply and use of firearms.
3. Ensure a consistent and adequate police presence to prevent and quickly respond to any escalation.
4. Strengthen norms against violence and security governance across the country.
5. Incorporate gender-awareness and sensitivity into government policy and practice.

The Chinese Government should:

1. Immediately cease human rights violations against the Uighur population, including the use of SGBV, and biological crimes such as forced sterilisation and abortion.
2. Immediately cease the forced separation of families and release those Uighurs detained in camps.

The international community should:

1. Continue to support efforts to raise awareness of SGBV and to hold perpetrators accountable.
2. Pursue an international legal process to hold Myanmar accountable for its crimes against ethnic minorities, including sexual and gender-based violence, and genocide against the Rohingya population.
3. Exert diplomatic influence on the Myanmar government to fulfil its obligations to prevent atrocity crimes, protect vulnerable populations and dismantle the culture of impunity for SGBV.
4. Support humanitarian aid for Rohingyas in refugee camps in Bangladesh, including health care and psychological support for survivors of sexual violence, and improve the safety conditions in the camps.
5. Increase the number of humanitarian visas available and ensure timely processing of refugee applications from survivors of SGBV in Myanmar.
6. Investigate and raise awareness of the persecution of Uighurs in China and urge the Chinese Government to respect the human rights of all its citizens.
7. Support Papua New Guinea to strengthen its security governance.

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