

## CHECK AGAINST DELIVERY

**Statement by Ms. Khin Ohmar**  
**UN Security Council Open Debate on Sexual Violence in Conflict**  
**17 July 2020**

Mr. President, Excellencies, my civil society colleagues, ladies and gentlemen,

Thank you for the opportunity to speak to you today and deliver this statement on behalf of the NGO Working Group on Women, Peace and Security.

For over 30 years, I have advocated for democracy, human rights, gender equality and peace in my country, Myanmar. I have met with countless survivors of the unspeakable crimes committed by Myanmar's military against minoritized ethnic and religious communities. I stand here today in solidarity with my sisters and brothers still waiting for justice.

Myanmar's military has long used rape as a weapon of war against ethnic communities. The horrific accounts of Rohingya women during the 2016 and 2017 so-called "clearance operations" remain urgent, shocking and unique in their ferocity. They are also representative of the military's pattern of using gender-based violence in their campaigns against other ethnic communities, including the Kachin, Shan, Ta'ang and Rakhine.

These facts are well known. Ethnic women's organizations, international organizations and the UN have all documented the military's systematic and persistent use of rape as a weapon. One of the first comprehensive pieces of documentation of the military's use of rape as a weapon of war was produced nearly 20 years ago by the Shan Women's Action Network, which detailed incidents of sexual violence committed by Myanmar's military against 625 Shan women and girls. Of the rapes that were documented, 61% were gang-rapes and 25% resulted in death. Women were detained and raped repeatedly for months. Conflict in Shan State continues today. Similar findings by Kachin, Karen and Ta'ang women's organizations, as well as by the Women's League of Burma, an umbrella organization composed of 13 ethnic women's groups that I co-founded, corroborate many of these findings. These organizations have unequivocally concluded that sexual violence is part of a deliberate, systematic pattern to target ethnic women and girls.

This fact was confirmed last year by the UN Fact-Finding Mission on Myanmar (FFM), which found that "sexual violence was a hallmark of the Tatmadaw's military operations." The FFM further documented systematic and widespread sexual and gender-based violence against Rohingya women and girls, transgender persons, as well as men and boys, in the three waves of violence that ultimately brutally uprooted over 800,000 Rohingya from their land and homes. The FFM stated that the use of rape and sexual and gender-based violence against the Rohingya, and I quote, "was part of a deliberate, well-planned strategy to intimidate, terrorize and punish a civilian population and force them to flee." It concluded that there were reasonable grounds to believe that these acts, and I quote again, "constituted crimes against humanity, war crimes and underlying acts of genocide accompanied by inferences of genocidal intent."

Despite this well-documented pattern of the use of sexual and gender-based violence and the government signing a Joint Communiqué with the Special Representative of the Secretary-General on Sexual Violence in Conflict in December 2018, Myanmar continues to deny that such crimes are taking place at every opportunity. It rejected allegations of rape as "wild claims" in its report to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) committee in 2019 and ignored sexual violence against the Rohingya entirely at the International Court of Justice (ICJ) hearings in December 2019. Myanmar's Independent

Commission of Enquiry (ICOE) also categorically dismissed rape and sexual violence in its final report in January 2020, furthering the impunity accorded to the military for this crime. As Professor Philippe Sands, a lawyer for the Gambia, told the ICJ last winter, Myanmar's "silence says far more than [its] words."

The FFM also noted that sexual and gender-based violence is being carried out within the broader context of endemic and structural gender inequality and discrimination against women and girls across all levels of society, and that the "net result is a climate of impunity that enables sexual and gender-based violence to continue unabated." This impunity permeates every corner of the domestic legal system and judiciary and is grounded in a Constitution that further entrenches it. Investigations, if they are even begun, are blocked, and witnesses are threatened or even targeted for violence in order to silence them. And when there are convictions, they are exceedingly rare, often not for sexual violence, and the penalties are not commensurate with the gravity of the acts committed.

This was seen in the case of two Kachin schoolteachers who, in 2015, were tortured, raped and murdered in northern Shan State. The primary suspect was a commanding officer in a local Myanmar military contingent; yet at every turn, efforts to seek justice were thwarted. Independent investigations were blocked by the highest levels of government. The Kachin community is still seeking justice.

Civil society has consistently called for addressing the egregious structural gaps in the domestic justice and legal system, without any progress. A law on violence against women that took over seven years to draft, which failed to consult meaningfully with women, particularly from conflict affected communities, and fails to meet Myanmar's international obligations, has only recently been submitted to Parliament to debate. Further, the Myanmar National Human Rights Commission, which falls short of meeting the Paris Principles, has exhibited a lack of will to investigate violations carried out by members of the military.

Mr. President, despite the COVID-19 pandemic and the UN Secretary-General's call for a global ceasefire, the conflict in Myanmar has reached an intensity not seen in decades; as recently as late June, the military announced clearance operations against the ethnic Rakhine and the Arakan Army in western Myanmar. The conflict has resulted in widespread displacement and human rights abuses, including restrictions on access to the internet. The situation of displaced Rohingya, Kaman, Rakhine, Chin and other ethnic communities, which was already dire, has been exacerbated by the restrictions enacted in response to the pandemic. Barriers to accessing sexual and reproductive health care have only grown, compounding the already life-threatening lack of services for survivors of sexual and gender-based violence, and putting such services even further out of reach for women and girls from marginalized ethnic communities.

Serious international crimes continue to be committed throughout Myanmar, but particularly in Rakhine State, by the same perpetrators that committed genocide against the Rohingya. Yet no one is being held to account as the military continues to act with total impunity. As the FFM has repeatedly said, domestic accountability is not possible in Myanmar. Neither does the country have an effective national framework for protecting women's rights or upholding gender equality.

Unless the international community acts now, these human rights abuses will continue, and can have lasting consequences. The lives of thousands of survivors of violence by Myanmar's military and those of their families are potentially forever changed by long-term disabilities from conflict-related wounds. The confiscation of land compounded by patriarchal land-owning practices, government-led development plans and the encroachment of business interests means that women's dispossession risks becoming permanent.

I therefore urge the Security Council to refer the situation in Myanmar to the International Criminal Court (ICC) or to create an ad hoc International Tribunal to more fully investigate the crimes suffered by the Rohingya as well as those against other ethnic communities, beyond the ICC's current, limited investigation. In addition, the international community, including the Security Council, must make a concerted effort to ensure that Myanmar complies with the Provisional Measures ordered by the ICJ. Far more action is needed to ensure that discriminatory laws are repealed, citizenship is restored to the Rohingya and restrictions on freedom of movement and humanitarian access are lifted. These are the necessary pre-conditions for the safe, voluntary and dignified return of the Rohingya.

I commend the brave efforts by the FFM and the former UN Special Rapporteur on Myanmar to draw attention to atrocities against all ethnic and religious communities. However, as the Rosenthal inquiry, which examined the UN's failure to halt atrocities, rightly recognized, it is vital that the UN sees this moment as a key turning point – when such lessons are finally learned – and speaks in a united, decisive and principled voice that prioritizes human rights to ensure that there is never another “systemic failure” such as the one in 2017.

Unfortunately, to date, the recommendations of the Rosenthal report have not resulted in any observable changes from the UN system. In this regard, I urge the UN Special Envoy to resist the government's dangerous nationalist and divisive narrative and not to lend legitimacy to the National Verification Card process that aims to deny the Rohingya's very existence.

Mr. President, I am not the first woman from Myanmar to speak before this Council. My Rohingya sister Razia Sultana addressed you at this very debate in April 2018. In addition, many of my brave ethnic sisters have repeatedly called on the international community to act on behalf of other ethnic communities. The Karen, the Kachin, the Rohingya, the Rakhine and others have all faced great suffering at the hands of the Tatmadaw.

Who is next? Who else must come before you to urge you to hold the Myanmar military to account?

As women human rights defenders and community leaders from different ethnic backgrounds, we will continue to work together for a peaceful, democratic Myanmar. This is a decisive moment in our history, ahead of national elections this year. We urge you to support our efforts for peace, justice and accountability that serves *all* the people of Myanmar.

Thank you.