



**JOINT COMMUNIQUE
OF THE REPUBLIC OF THE UNION OF MYANMAR AND THE
UNITED NATIONS ON PREVENTION AND RESPONSE TO
CONFLICT-RELATED SEXUAL VIOLENCE**

7 December 2018

This Joint Communique is issued pursuant to the visit of the United Nations Special Representative of the Secretary-General on Sexual Violence in Conflict to Myanmar from 14 to 16 December 2017. The visit was undertaken at the invitation of the Government of the Republic of the Union of Myanmar, and conducted in the framework of United Nations Security Council resolutions 1820 (2008), 1888 (2009), 1960 (2010) and 2106 (2013) on sexual violence in conflict.

During the visit, the Special Representative met with the State Counsellor and other senior officials in Naypyidaw and Yangon, including the Minister for Office of the Union Government and National Security Adviser; Minister for Home Affairs; and Minister for Social Welfare, Relief and Resettlement and President of Myanmar Women's Affairs Federation. The Special Representative and her team also undertook a technical working group meeting with the Inspector-General of the Defense Services and members of the investigation team of the Armed Forces of Myanmar responsible for investigation conducted from 13 October to 7 November 2017 in Maungdaw, Buthidaung and Rathedaung townships in northern part of Rakhine State in response to allegations of grave human rights violations, including sexual violence against civilians by Myanmar security forces. The Inspector-General of the Defense Services detailed the parameters, scope and methodology of the investigation and its findings.

During the visit, the Special Representative expressed concern regarding allegations of widespread and systematic patterns of sexual violence allegedly committed by elements of Myanmar Security Forces, Border Guard Police and Rakhine Buddhist militias.

Government officials emphasized that all forms of sexual violence are strictly prohibited under the Codes of Conduct and Rules of Engagement of Myanmar Security Forces, and expressed the commitment that all credible reports will be rigorously investigated and perpetrators held to account. It was also noted that Myanmar's 2015 Nation-wide Ceasefire agreement prohibits conflict-related sexual violence.

The Special Representative stressed the requirement of the United Nations Security Council in operational paragraph 10 of resolution 2106, that all parties to conflict:

"...make and implement specific time-bound commitments to combat sexual violence, which should include, inter alia, issuance of clear orders through chains

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of command prohibiting sexual violence and accountability for breaching these orders, the prohibition of sexual violence in Codes of Conduct, military and police field manuals or equivalent and to make and implement specific commitments on timely investigation of alleged abuses; and further calls upon all relevant parties to armed conflict to cooperate in the framework of such commitments, with appropriate United Nations mission personnel who monitor their implementation, and calls upon the parties to designate, as appropriate, a high-level representative responsible for ensuring implementation of such commitments”

In addition to the implementation of the measures outlined under resolution 2106 as noted above, during the course of the consultations between the Special Representative and senior officials of the Government a number of other issues were discussed as priority areas for cooperation. These include the following preventive measures inter-alia:

1. Supporting legal reforms strengthen the overall rule of law response to sexual violence;
2. Training and capacity building of justice and security sector actors (including Tatmadaw, Military Police, Border Guards Police and Myanmar Police Forces) particularly on investigation and prosecution of sexual violence; and on International Humanitarian Law including the Protection of Civilians;
3. Ensuring effective access to strengthen service delivery for survivors of sexual violence, including medical, psychosocial, legal and livelihood support particularly in conflict areas;
4. Negotiating that the prevention of sexual violence is reflected in specific provisions of any peace and/or repatriation agreements, including those related to security arrangements, transitional justice mechanisms;
5. Ensuring that perpetrators of sexual violence crimes are excluded from amnesty;
6. Putting in place risk mitigation measures against conflict-related trafficking for the purposes of sexual exploitation/violence, including awareness raising of Border Guard Police and immigration officials, in line with Security Council resolution 2331 (2016).

The United Nations, through the Office of the Special Representative on Sexual Violence in Conflict; the Team of Experts on the Rule of Law and Sexual Violence in Conflict established pursuant to resolution 1888; the inter-agency network United Nations Action Against Sexual Violence in Conflict; and, the United Nations Country Team in Myanmar, will continue to support efforts of the Government to develop an action plan in accordance with the priorities expressed by this Joint Communiqué.



The Government of the Republic of the Union of Myanmar has appointed the following senior civilian representative and a senior representative of Myanmar Armed Forces as high-level focal points to coordinate and lead the Government's efforts and work with the Special Representative on Sexual Violence in Conflict and other relevant United Nations entities in enacting an implementation plan on the basis of this Joint Communique.

- Yin Yin Kyi (Ms.)
Assistant Secretary
Ministry of Defense

- Naw Tha Wah (Ms.)
Director
Department of Social Welfare
Ministry of Social Welfare, Relief and Resettlement

The international community and donors are encouraged to provide technical support to the Government of the Republic of the Union of Myanmar towards the implementation of this Joint Communique.

A blue ink signature of Pramila Patten, consisting of a large, stylized 'P' followed by the name 'Patten' in a cursive script.

Pramila Patten
Under-Secretary-General and
Special Representative of the
Secretary-General
on Sexual Violence in Conflict

A blue ink signature of Hau Do Suan, consisting of a stylized 'H' followed by the name 'Do Suan' in a cursive script.

Hau Do Suan
Permanent Representative of the
Republic of the Union of Myanmar to the
United Nations in New York