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Violence Against Women and Girls & Access to Justice in Myanmar

GENDER ANALYSIS BRIEF
NOVEMBER
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Context: Violence Against Women and Girls in Myanmar

Myanmar has embarked on a journey of transformation that is evident by the robust social, economic, political and technological reform measures it continuously adopts and which continue to deeply impact the lives of its women. Social and cultural norms have historically confined women to the household level with minimal opportunities to access economic security and engage in decision-making. Myanmar acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1997 and adopted the National Strategic Plan for the Advancement of Women (NSPAW 2013-2022) to ensure that the Country's women are empowered and able to fully enjoy their rights by ensuring that enabling systems, structures and practices are created.

However, the existing legal framework does not meet the needs of women vulnerable to, or survivors of violence. Furthermore, little is known of the prevalence and types of violence against women and girls (VAWG) encountered in private

and public spheres as countrywide gender-focused information and sex-disaggregated data is lacking.

Speaking with women in Myanmar reveals that violence is a common occurrence – both inside and outside the home. In order to better understand the nature of violence and the factors that impede the reporting of cases, ActionAid Myanmar conducted a series of studies and surveys in Meikhtilar, Kayah, Kachin, Rambre and Pyapon. As is evident by our findings, VAWG within the family is regarded as a private matter and multi-sectoral initiatives to prevent and eliminate it are few. Furthermore, engaging with men and boys to end violence, through awareness raising and peer-to-peer mentoring, is crucial.





When rape happens in the village, it is usually solved by compensation. The advantage for the woman is to get some money, but the perpetrator can do it again. Limited knowledge of the law in the village means that rape will mostly be solved through compensation - Village Leader, Meikhtilar

Knowledge, Attitude and Practices

A Knowledge, Attitude and Practices (KAP)¹ survey was conducted by ActionAid Myanmar in February 2014 in villages in Pyapon, Kayah, Meikhtilar and Rakhine. In each target area, teams interviewed a cross-section of the community including married, single and divorced women, elders, young men, religious leaders and teachers.

The KAP took a non-traditional approach in gathering communal ideas about violence against women – instead of using the definition of violence used by the Declaration on the Elimination of Violence Against Women, the community was allowed to define violence.

The definition of violence against women, encompasses a broad range of issues that include “physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.² However, during the KAP, the community defined violence as teasing, grabbing/touching, harassment after drinking, beating, scolding/cursing, threat with knife, rape, forced sex within marriage, killing, gossiping, adultery, forced relations, stigmatization and trafficking.

Key points from the KAP study:

- When asked the introductory question “Which instances of inappropriate behaviours against women could be seen in this area?”, teasing, gossiping, beating and harassment after drinking were mentioned either first or second. Hard beatings, stabbings and killings were discussed.

	Myths <i>(Relevance based on responses in KAP survey)</i>
Very Likely	<ul style="list-style-type: none"> • Violence is usually due to alcohol and drugs
Likely	<ul style="list-style-type: none"> • Men have the right to beat their wives
Unlikely	<ul style="list-style-type: none"> • If a woman gets raped, it is her fault because of the way she dresses or acts. • A woman should put up with violence in order to keep her family together
Highly Unlikely	<ul style="list-style-type: none"> • Violence is a family matter and not open to discussion • Sexual harassment is acceptable

- A family’s reputation in the community hinges on a woman’s behaviour. A woman is expected to behave like a “good girl” and not wear clothes that attract men.
- Women are not considered decision-makers in the community.
- Excessive drinking is an emerging issue in the KAP study and respondents often associate abuse with alcohol.

¹ This brief is based on a Knowledge, Attitude and Practices Study conducted in February 2014 and a baseline survey conducted in June 2014 by ActionAid.

² A/RES/48/104 85th plenary meeting 20 December 1993 48/104. Declaration on the Elimination of Violence Against Women.

Type of Violence	Mandatory minimum (set by community)	Male choice of punishment (with %)	Female choice of punishment (with%)
Rape	3 to 7 years imprisonment	Life imprisonment (29.76%)	Life imprisonment (25.98%)
Forced sex within marriage	Report to perpetrator’s family	Scolding (38.05%)	Scolding (28.47%)
Forced sex within relationship	Report to the police	3-7 years imprisonment (29.76%)	3-7 years imprisonment (18.43%)
Trafficking	Life imprisonment	Death sentence (40.49%)	Death sentence (25.98%)

Gender Analysis: Engaging with men to end violence against women and girls

Although the KAP survey captured the different descriptives of gender-based violence, and provided a useful set of categories, a baseline survey – with 1413 respondents of whom 30 percent were men – captured the ‘seriousness’ of violence, and of the extent to which women and men consider different types of violence to be unacceptable.

Proxy questions were designed which asked the responders to select what they felt would be the appropriate action to be taken for different types of sexual, verbal and physical violence – as was defined through the KAP – as a way to ascertain how serious an issues they felt each category of abuse was.

As a measure of strength of belief, responders were also asked whether they had ever taken action on that type of violence/abuse. They were then asked what the current/typical action was for the same list of abuses, as a way of measuring the difference between a perceived ‘ideal’ action and current practice.

Finally, they were asked where they would go for help if such an abuse occurred.

Five key points from the baseline study:

- Discrepancy between the percentage of women and girls who knew where to get assistance in the case of violence and the percentage of community leaders with the same knowledge versus the percentage of actual action taken by either group regarding violence against women and girls was 65.74, 67.49 and 3.11 percent respectively.
- Scolding was the suggested and reported action for teasing and forced sex within marriage. Respondents, however, stated that rape should be reported to the police, and 35.7 percent reported the actual abuse. Additionally, 23.1 percent of respondents suggested 3 to 7 years imprisonment for forced sex within a relationship, but 36 percent stated the actual action was a police report.
- Of the fourteen abuses identified through the KAP, forced sex within the relationship and

trafficking solicited the most severe ‘ideal actions’ – imprisonment and death sentence respectively. The ‘actual action’ in this case was the filing of a police report

- Respondents aged 60 and over wanted more severe actions for abuses than what is actually practiced.
- Data based on marital status show at least 50 percent of unmarried, married, or widow/divorced women agreed that scolding, as a way of punishment for forced sex within marriage, was on par with the actual action taken in the community

One interesting and encouraging development that emerged from the baseline study is the male response to certain cases of violence and their ideas of the appropriate punishment for rape, forced sex within a relationship, and trafficking (see *table on page 2*).

Through ActionAid’s Access to Justice and Preventing Sexual Violence Initiatives, funded by the UN Trust Fund and the UK’s Foreign and Commonwealth Office, ActionAid has trained 20 men to be role models in their communities.

In Rakhine’s Mayut Chain village tract, a participant in ActionAid’s male-to-male engagement program has helped dramatically modify the behaviour and attitudes of, at least, 4 men in his community who, as a result of their encounters with him, have stopped beating their wives, as they were unaware that “beating your wife is not alright”.

As they are deeply embedded in longstanding social and cultural norms, cases of violence are rarely reported to the police. Moreover, community level intervention often perpetuates a culture of impunity, by awarding survivors of violence with monetary compensation, and merely reprimanding perpetrators for “bad behaviour”.

The physical and psychological impact of violence on women is often cyclically compounded. Victims are frequently stigmatized, as their dignity is taken away from them. Women victims of violence are, furthermore, often hard pressed to find men willing to marry them due to the stigmas they bear. Weak laws and numerous bureaucratic hurdles constitute additional impediments to due process and access to justice for survivors.

Working with men to address issues of violence is imperative to successfully challenging and changing the norms that perpetuate this behaviour.

Service Providers: Prevention of and Response to cases of violence

A multi-sectoral, interagency and interdisciplinary coordination, communication and collaboration is imperative to address the causes and impacts of violence. Prevention requires understanding the root causes of violence and the contributing factors; and should aim to systemically reduce or eliminate its occurrence. Response or survivor assistance offers accessible, compassionate, respectful, and confidential services to address the harmful consequences and after-effects related to health, emotional, social and security issues.

Sectors that need to be involved in Prevention and Response include:

Prevention	Response
<ul style="list-style-type: none"> • Policy • Community • Health/Medical • Social Service/Psychosocial • Security • Legal Justice • Economic Empowerment • Education • Information/Media 	<ul style="list-style-type: none"> • Legal and Judicial • Health/Medical • Psychosocial support • Social Services (rehabilitation/safe houses) • Economic Empowerment • Community

Action Points

The National Strategic Plan for the Advancement of Women (NSPAW 2013 – 2022) outlines the need to develop and strengthen systems, structures, legislation, law enforcement, and practices to eliminate all forms of violence against women and girls and to respond to the needs of the vulnerable and affected. Presently, there are few support systems and services (i.e. medical, psychological and legal) available to women and girls who experience violence.

- Legal reform to adopt anti-VAWG legislation is crucial.
- Multi-sectoral policy and research initiatives to understand the nature of VAWG, existing intervention mechanisms and gaps is important.
- Inter-ministry linkages need to be explored and various stakeholders – including those in the private sector – need to be involved in the prevention of and response to VAWG.
- Spending through gender responsive budgeting and the subsequent instituting of services to eliminate VAWG, needs to increase.
- Awareness raising and education efforts by all stakeholders on the unacceptability of VAWG – using information technology and media – need to be amplified.
- Services, including the hiring of more female police officers, that makes it more comfortable for women and girls to report cases of violence, should be established.

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ActionAid Myanmar has trained 60 women paralegals across the Country. Equipped with the basic knowledge of various types of violence and the legal know-how to respond to such cases, paralegals are being trained to adopt appropriate intervention methods to address issues of violence, including the capacity to report cases to legal aid centres and the police.

Daw Wya Thit, a paralegal from Meikhtilar, has been working as a traditional birth attendant for most of her life. Witnessing first-hand the pressures exerted upon women by culture and tradition, she insists that “including men and young boys, and sensitizing them to the fact that beating women is not alright, is very important to ending domestic violence in Myanmar.”

