



## အမျိုးသမီးများအဖွဲ့ချုပ် (ပြန်ဟန်ငံ) WOMEN'S LEAGUE OF BURMA

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### **Burma Summit: Justice Issues**

#### **Women's League of Burma**

Women's League of Burma (WLB) was established on December 9, 1999 with the aim of increasing the participation of women in the struggle for democracy and human rights, promoting women's participation in the national peace and reconciliation process, and enhancing the role of the women of Burma at the national and international level.

WLB is made up of 13 women's organizations representing women from different ethnic, religious, and cultural backgrounds. Collectively, WLB works for the advancement of the status of women and a peaceful, just federal democratic union of Burma.

#### **Justice Issues in Burma/ Myanmar**

There is no justice for survivors of sexual and gender-based violence across Burma/ Myanmar. The military junta has issued arrest warrants against most WLB member organizations' staff members, posing significant challenges to the staff's ability to respond to and support survivors of sexual and gender-based violence. The WLB member organizations had its office raided, followed by numerous attacks by the Phyu Saw Htee on their office and staff members. Many staff members were arrested and are now imprisoned, including caseworkers, a coordinator, and a lawyer.

The constant threat of arrest at security checkpoints and night curfews has made it difficult for staff to travel to survivors after they have raised a complaint. In some areas, military informants are everywhere, making it dangerous for survivors to seek medical care at hospitals or clinics. Safe houses and temporary accommodations for survivors are difficult to secure as landlords have become fearful of raids by the military Junta.

In some areas, military troops are stationed at the court, making it very dangerous for WHRD to accompany survivors to a court or file complaints. Keeping case documents on their person poses a significant danger to WHRD.

There are many issues preventing survivors' access to the court system. In some places, the courts are reopening, but no cases have been ordered or rulings made. Due to the delay in court procedure, it is difficult for the women to continue the trial process. Due to the ongoing fighting, it becomes more challenging for survivors to travel from the village to the court; therefore, some survivors stop the process halfway or close the case with compensation.

Many of the rape cases in the Sagaing Region are perpetrated by the military junta and there is no legal recourse for the survivors or victims. In these cases, the community dares not discuss the case. Bribery is rife among the judiciary and police, and perpetrators often go unpunished. The police only open a case when the whole village and surrounding community urge it. In some areas, survivors face additional risks to their safety because the prison releases the perpetrators before the court order.

Due to the complete breakdown of the justice system, sexual and gender-based violence is often settled at the community level using traditional customary law. According to customary law, a survivor of sexual abuse is compensated with a chicken, and the perpetrator is required to clean the village and do road construction. Traditional customary law does not recognize domestic violence as a crime and the community leader will ask the husband to sign a pledge and ask the couple to get back together. This practice places women in significant danger of further domestic violence and intimate partner homicide.

Many women experience sexual violence when they cross the border into Thailand. Complaints are made to the Thai courts, but it is impossible to report rape cases and receive any justice when the rape is committed by military junta's soldiers.

## **Recommendations**

WLB makes the following recommendations to the international community:

- Provide targeted, long-term and specific resources to women's groups to support service delivery and the gender equality movement.
- Fully and unequivocally support all efforts to ensure justice for survivors, including by:
  - referring the situation to the International Criminal Court;
  - instituting a special or regional accountability mechanism;
  - supporting and intervening in international accountability efforts, such as those already underway at the International Court of Justice and the International Criminal Court; and
  - initiating domestic proceedings via universal jurisdiction.
- Protect those fighting for democracy and justice, especially women, and develop a comprehensive protection plan in accordance with WPS mandates to provide a safe haven for CRSV survivors, WHRDs and women peacebuilders; ensure that any resolution to the crisis includes the meaningful participation of women and has a clear mandate for justice and accountability for CRSV survivors.

- Establish a Task Force on Myanmar and conduct an exceptional inquiry into the situation of women and girls in Myanmar, as the CEDAW Committee has done for Afghanistan and for Myanmar in 2019.

## **Conclusion**

Conflict is gendered, women experience conflict in different ways that reinforce existing inequalities and patriarchal oppression. The support of the international community to bring perpetrators to justice is essential for the wellbeing of survivors and the future of gender equality in Burma/ Myanmar.